

## LEGISLATIVE BILL 76

Approved by the Governor April 15, 1994

Introduced by Withem, 14; Baack, 47; Schimek, 27; Robinson, 16; Moore, 24

AN ACT relating to elections; to amend sections 2-945.01, 2-2435, 2-2437, 2-2447, 2-3213 to 2-3215, 3-502, 3-611, 3-701, 3-703, 10-702, 11-125, 14-201, 14-201.03, 14-204 to 14-208, 14-217.02, 15-249, 15-301, 16-103, 16-104, 16-217, 16-302.01, 16-305, 16-306, 16-311, 17-103, 17-104, 17-107, 17-108.02, 17-202, 17-203, 17-311, 17-312, 17-602, 17-603, 18-2514, 18-2516, 18-2517, 18-2521, 18-2525, 18-2530, 18-2536, 19-402, 19-404 to 19-407, 19-409, 19-411, 19-415, 19-421, 19-423, 19-433, 19-612, 19-613, 19-613.01, 19-3002, 19-3005, 19-3019, 19-3023, 19-3025, 19-3026, 19-3029, 19-3030, 19-3034, 19-3040, 19-3041, 19-3050, 19-3051, 23-148, 23-150, 23-151, 23-204, 23-222, 23-268, 23-269, 23-1502, 23-1901, 23-3301, 23-3401, 23-3534, 23-3557, 23-3575, 31-735.03, 39-1606, 43-2,112, 43-2,127, 46-112, 46-530, 46-534, 49-204, 49-208 to 49-210, 49-215, 49-218, 49-228, 49-238, 49-1419, 51-202, 70-604.03, 70-604.04, 70-604.08, 70-605, 70-606, 70-611, 70-615, 75-101, 79-323, 79-426.15, 79-426.25, 79-439.01, 79-462, 79-522, 79-601.01, 79-803.11, 79-902.01, 79-1003, and 79-1109, Reissue Revised Statutes of Nebraska, 1943, sections 2-2434, 10-703.01, 14-2102, 14-2103, 14-2152, 18-2528, 23-3201, 29-3913, 49-1461, 60-484, 60-4,144, 70-619, 70-624.04, 77-370.01, 79-322, 79-426.05, 79-426.19, 79-701, 79-802, 79-1103, 79-2203, 79-3820, and 85-103, Revised Statutes Supplement, 1992, and sections 2-953, 23-1201.01, 53-122, 60-4,120, 60-4,130, 60-4,130.02, 60-4,181, 70-610, 79-803.03, 81-1632, 85-1512, and 85-1514, Revised Statutes Supplement, 1993; to adopt the Election Act; to change, transfer, and eliminate provisions relating to elections; to change, eliminate, and provide penalties; to repeal provisions found in Chapter 32 relating to elections; to provide for vacancies in appointive civil offices; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 3-704, 14-201.01, 14-201.04, 15-109, 15-302, 15-313, 16-307, 16-315, 17-107.02, 17-115, 17-203.01, 17-221, 19-408, 19-410, 19-425, 19-614, 19-621, 19-623, 19-624, 19-627, 23-152, 23-157, 23-1312, 23-3208, 23-3309, 23-3537, 32-101 to 32-114, 32-116, 32-117, 32-119 to 32-121, 32-201, 32-202, 32-203 to 32-205, 32-207 to 32-210, 32-211, 32-214 to 32-225, 32-227 to 32-231.01, 32-231.08 to 32-232, 32-264, 32-265, 32-301, 32-304, 32-304.01, 32-305, 32-309, 32-312, 32-315, 32-316, 32-402.01, 32-404 to 32-419, 32-420.01, 32-420.02, 32-422.01, 32-426, 32-428, 32-428.03, 32-428.04, 32-428.07 to 32-430.01, 32-432 to 32-437, 32-439 to 32-444, 32-445.01, 32-448, 32-450.01, 32-452, 32-454, 32-455, 32-457, 32-458, 32-460, 32-461, 32-463, 32-465 to 32-471, 32-473 to 32-478, 32-479.01 to 32-482, 32-490, 32-491, 32-492.01 to 32-493.01, 32-499, 32-499.01, 32-4,102, 32-4,105, 32-4,107, 32-4,108, 32-4,110 to 32-4,112, 32-4,115 to 32-4,125, 32-4,127, 32-4,129, 32-4,130, 32-4,133, 32-4,135 to 32-4,147, 32-4,149, 32-4,151, 32-4,153, 32-4,154, 32-4,156 to 32-4,158, 32-501, 32-502, 32-504, 32-504.01, 32-505 to 32-512, 32-513.01 to 32-516, 32-519 to 32-522, 32-524 to 32-526.02, 32-528 to 32-530.01, 32-532, 32-534, 32-535, 32-542, 32-542.02, 32-542.03, 32-545 to 32-547, 32-549 to 32-552, 32-558, 32-560, 32-561, 32-601, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-707.01 to 32-708, 32-710, 32-711, 32-713 to 32-715, 32-827 to 32-834, 32-836 to 32-844, 32-846 to 32-853, 32-1001, 32-1001.03 to 32-1001.05, 32-1001.17 to 32-1001.22, 32-1001.24 to 32-1001.28, 32-1001.32 to 32-1002, 32-1038, 32-1042 to 32-1056, 32-1201 to 32-1240, 32-1301.01 to 32-1310, 32-1312 to 32-1314, 46-531, 46-532, 46-533, 70-614, 79-465, 79-540, 79-550.01, 79-706, 79-803.10, 79-803.12, 79-1003.03, and 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, sections 23-222.01, 32-210.01, 32-212, 32-303, 32-307, 32-310, 32-403, 32-421.01, 32-424, 32-425, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-485, 32-4,101, 32-4,103, 32-4,104, 32-4,113, 32-4,114, 32-4,132, 32-4,150, 32-4,152, 32-4,155, 32-4,159, 32-503.01, 32-513, 32-517, 32-537, 32-548, 32-556, 32-702, 32-704, 32-704.02, 32-705, 32-706, 32-707, 32-709, 32-712, 32-835, 32-845, 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29 to 32-1001.31, 32-1037, 32-1039, 32-1040,

32-1057 to 32-1059, 32-1401 to 32-1409, and 32-1501 to 32-1503, Revised Statutes Supplement, 1992, and sections 32-226, 32-308, 32-438, 79-464, 79-803.07 to 79-803.09, and 85-1513, Revised Statutes Supplement, 1993.

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

Section 1. Sections 1 to 449 of this act shall be known and may be cited as the Election Act.

Sec. 2. The Election Act shall apply to all elections held in the state unless otherwise specifically provided. The act shall be liberally construed so that the will of the registered voters is not defeated by an informality or a failure to comply with the act with respect to the giving of any notice or the conducting of any election or the certifying of the results of the election.

Sec. 3. For purposes of the Election Act, the definitions found in sections 4 to 20 of this act shall be used.

Sec. 4. Candidate shall mean a registered voter for whom votes may be cast at any election and who, either tacitly or expressly, consents to be considered. Candidate shall not include a candidate for President or Vice-President of the United States.

Sec. 5. Certificate of election shall mean a document issued to a candidate who has been elected to office at an election.

Sec. 6. Certificate of nomination shall mean a document issued to a candidate who receives the requisite number of votes and qualifies to be placed on a general election ballot.

Sec. 7. District shall mean a political subdivision of the state or of a county, city, or village in which all registered voters residing within the district are entitled to participate in the election of any one or more candidates or in the determination by election of any question or proposition.

Sec. 8. Election shall mean any statewide or local primary, special, joint, or general election at which registered voters of the state or the political subdivision holding the election by ballot choose public officials or decide any questions and propositions lawfully submitted to them.

Sec. 9. Elective office shall mean any office which has candidates nominated or elected at the time of a statewide primary election, any office which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election, any office which has candidates elected at the time of a statewide general election, any office which has candidates nominated or elected at a city or village election, and any office created by an act of the Legislature which has candidates elected at an election.

Sec. 10. Elector shall mean a citizen of the United States whose residence is within the state and who is at least eighteen years of age or is seventeen years of age and will attain the age of eighteen years on or before the first Tuesday after the first Monday in November of the then-current calendar year.

Sec. 11. Incumbent shall mean the person whom the canvassers or the courts declare elected to an elective office or who has been appointed to an elective office.

Sec. 12. Oath shall include affirmation.

Sec. 13. Population shall mean the population of the state or any of its political subdivisions as determined by the most recent federal decennial census.

Sec. 14. Precinct shall mean a defined area established by law within which all registered voters cast their votes at one polling place. Precinct may include any ward or other division of territory in any city or village when created and designated by ordinance for election purposes.

Sec. 15. Registered voter shall mean an elector who has a current voter registration record on file with the election commissioner or county clerk in the county of his or her residence.

Sec. 16. Residence shall mean (1) that place in which a person is actually domiciled, which is the residence of an individual or family, with which a person has a settled connection for the determination of his or her civil status or other legal purposes because it is actually or legally his or her permanent and principal home, and to which, whenever he or she is absent, he or she has the intention of returning, (2) the place where a person has his or her family domiciled even if he or she does business in another place, and (3) if a person is homeless, the county in which the person is living. No person serving in the armed forces of the United States shall be deemed to have a residence in Nebraska because of being stationed in Nebraska.

Sec. 17. Sign shall mean to affix a signature.

Sec. 18. Signature shall mean the name of a person written with his

or her own hand or the mark of a person unable to write his or her name if the person's name is written by some other person and the mark is made near the name by the person unable to write his or her name.

Sec. 19. Swear shall include affirm.

Sec. 20. Ward shall mean a compact and contiguous geographic area within a political subdivision created by the political subdivision for election purposes.

Sec. 21. The Secretary of State shall decide disputed points of election law. The decisions shall have the force of law until changed by the courts.

Sec. 22. In addition to any other duties prescribed by law, the Secretary of State shall:

(1) Supervise the conduct of primary and general elections in this state;

(2) Provide training for election commissioners, county clerks, and other election officials in providing for registration of voters and the conduct of elections;

(3) Enforce the Election Act;

(4) With the assistance and advice of the Attorney General, make uniform interpretations of the act;

(5) Provide periodic training for the agencies and their agents and contractors in carrying out their duties under sections 70 to 72 of this act;

(6) Develop and print forms for use as required by sections 70, 72, 82, and 91 of this act;

(7) Contract with the Department of Administrative Services for storage and distribution of the forms;

(8) Require reporting to ensure compliance with sections 70 to 72 of this act; and

(9) Prepare and transmit reports as required by the National Voting Rights Act of 1993, 42 U.S.C. 1973gg et seq.

Sec. 23. In addition to any other powers prescribed by law, the Secretary of State may:

(1) Inspect, with or without the filing of a complaint by any person, and review the practices and procedures of election commissioners, county clerks, their employees, and other election officials in the conduct of primary and general elections and the registration of qualified electors;

(2) Employ such personnel as necessary to efficiently carry out his or her powers and duties as prescribed in the Election Act; and

(3) Enforce the act by injunctive action brought by the Attorney General in the district court for the county in which any violation of the act occurs.

Sec. 24. The Voter Registration Cash Fund is hereby created. The fund shall be used by the Secretary of State to pay for the printing and distribution of forms for voter registration. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 25. The office of the Secretary of State shall be open and available to any election commissioner, county clerk, city or village clerk, and their employees on each primary and general election day during the hours the polls are open for voting.

Sec. 26. (1) The Secretary of State shall publish an official election calendar by December 1 prior to the statewide primary election. Such calendar, to be approved as to form by the Attorney General, shall set forth the various election deadline dates and other pertinent data as determined by the Secretary of State. The official election calendar shall be merely a guideline and shall in no way legally bind the Secretary of State or the Attorney General.

(2) Except as provided in sections 64 and 68 of this act, any filing or other act required to be performed by a specified day shall be performed by 5 p.m. of such day, except that if such day falls upon a Saturday, Sunday, or legal holiday, performance shall be required on the next business day.

Sec. 27. The office of election commissioner shall be created for each county having a population of more than one hundred thousand inhabitants. The election commissioner shall be appointed by the Governor and shall serve for a term of four years or until a successor has been appointed and qualified. In the event of a vacancy, the Governor shall appoint an election commissioner to serve the unexpired portion of the term.

Sec. 28. The election commissioner in counties having a population of more than one hundred thousand inhabitants shall be a registered voter, a resident of such county for at least five years, and of good moral character and approved integrity and capacity. No person who is a candidate for any elective office or is a deputy, clerk, or employee of any person who is a

candidate for any elective office shall be eligible for the office of election commissioner. The election commissioner shall not hold any other elective office and shall not be eligible to any elective office or to become a candidate for an elective office during his or her term of office or within three months after his or her term has expired whether or not he or she served the full term.

Sec. 29. (1) The election commissioner in counties having a population of more than one hundred thousand inhabitants shall appoint a chief deputy election commissioner in the manner provided in section 30 of this act. The chief deputy election commissioner shall be a member of a different political party than the election commissioner and shall be a registered voter in the county and of the party he or she is to represent.

(2) The chief deputy election commissioner shall hold office until the term of the election commissioner expires.

(3) The chief deputy election commissioner shall give bond to the State of Nebraska in the sum of five thousand dollars with security to be approved by the Governor conditioned on the faithful performance of the duties of such office.

(4) The chief deputy election commissioner shall perform duties assigned by the election commissioner. In the absence of the election commissioner, the chief deputy election commissioner shall perform all the duties of the election commissioner consistent with the policies and procedures established by the election commissioner. The chief deputy election commissioner shall also be responsible for carrying out any directions properly made and given by the election commissioner prior to his or her absence.

Sec. 30. The election commissioner in counties having a population of more than one hundred thousand inhabitants shall, within ten days after being appointed or being notified that a vacancy exists in the office of chief deputy election commissioner, notify by registered or certified mail the county chairperson of the political party from which a chief deputy election commissioner is to be appointed that an appointment needs to be made. The county chairperson of the appropriate political party shall call a meeting of a committee comprised of the county chairperson, vice-chairperson, secretary, and treasurer of the political party within ten days after receiving the letter for the purpose of preparing a list of three or more candidates. The list shall be submitted to the election commissioner within five days after the meeting, and the election commissioner shall select a chief deputy election commissioner from the list of names of candidates submitted within ten days after receiving the list.

Sec. 31. The office of election commissioner may be created for each county having a population of not less than twenty thousand nor more than one hundred thousand inhabitants. Such office may be created by resolution of the county board establishing such office, and the election commissioner shall be appointed by the county board. The appointment of a chief deputy election commissioner shall be at the option of the county board. If a chief deputy election commissioner is appointed, he or she shall be a member of a different political party than the election commissioner. The election commissioner and chief deputy election commissioner shall be registered voters, residents of such county for at least five years, and of good moral character and approved integrity and capacity. The election commissioner and chief deputy election commissioner shall serve for terms of four years from the date of their initial appointment or until their successors have been appointed and qualified. The county board shall not appoint any county official who is serving an elected term to the office of election commissioner or chief deputy election commissioner. If a vacancy occurs in either office, the county board shall appoint an election commissioner or chief deputy election commissioner to serve for the unexpired term.

Sec. 32. Each election commissioner shall appoint other deputies, precinct and district inspectors, judges of election, clerks of election, deputy registrars, and peace officers to serve at elections and other assistants necessary for the performance of the duties of his or her office, the registration of voters, and the conduct of elections. Such employees shall be registered voters representing all political parties as nearly as practicable in proportion to the number of votes cast in such county at the immediately preceding general election for the office of Governor or President of the United States by the parties, respectively.

Sec. 33. Before entering upon his or her duties, the election commissioner shall take and subscribe an oath in the form provided in section 11-101.01 and shall give bond in the sum of ten thousand dollars conditioned on the faithful and honest performance of the duties of the office and the care and preservation of the property of the office within thirty days after

appointment as provided in section 11-105. When the election commissioner is appointed by the Governor, the bond shall be given to the State of Nebraska, approved by the Governor, and filed with the Secretary of State. When the election commissioner is appointed by the county board, the bond shall be given to, approved by, and filed with the county board.

Sec. 34. The election commissioner shall be responsible for the enforcement of the Election Act as it relates to his or her office and for the competency, integrity, and conduct of his or her chief deputy election commissioner and all personnel appointed by him or her. The election commissioner or chief deputy election commissioner shall be removed when it appears that (1) he or she has been derelict in the performance of the duties of his or her office, (2) he or she is incompetent, (3) his or her conduct is prejudicial to the public interest, (4) he or she has appointed incompetent, negligent, or corrupt precinct or district inspectors, judges of election, clerks of election, or deputy registrars, (5) a fair and impartial registration of election was not obtained in any district of the county, or (6) the act was not enforced in the county. If the election commissioner is appointed by the Governor, the Governor shall remove the election commissioner or chief deputy election commissioner when either is subject to removal under this section. If the Governor fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the Governor to remove the election commissioner, chief deputy election commissioner, or both. If the election commissioner is appointed by the county board, the county board shall remove the election commissioner or chief deputy election commissioner when either is subject to removal under this section. If the county board fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the county board to remove the election commissioner, chief deputy election commissioner, or both.

Sec. 35. (1) The election commissioner shall adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act in regard to elections and the registration of voters in his or her county which are not inconsistent with the Election Act or the rules and regulations of the Secretary of State. The election commissioner shall have charge of and make provisions for all elections to be held in such county unless otherwise specifically provided.

(2) The election commissioner shall select and appoint the places of registration and the polling place for each precinct and cause the same to be properly equipped and maintained.

Sec. 36. (1) The county board of each county which has an election commissioner pursuant to section 27 or 31 of this act shall provide an office for the election commissioner suitable for the preservation of the records of his or her office and the performance of his or her duties. The expense of providing and furnishing such office shall be the responsibility of the county. All books, documents, papers, records, and election equipment or appurtenances held or used by or under the control of any officer of any such county or any city, village, or political subdivision of the county and relating to or used in the conduct of elections and registration of voters shall, upon request of the election commissioner, be transferred to the care, custody, and control of the election commissioner. The election commissioner shall prepare and file the annual inventory statement with the county board of all county personal property in his or her custody or possession as provided in sections 23-346 to 23-350.

(2) The county shall provide all necessary supplies, materials, equipment, and services for the registration of voters, for the conduct of elections, and for every incidental purpose connected with registration or elections in accordance with the County Purchasing Act. The county shall allow the election commissioner to purchase or acquire any material, equipment, or service needed to meet any emergency or any situation in which the procedures of the County Purchasing Act cannot be implemented in a reasonable amount of time to comply with any registration or election process required by the Election Act. Purchases related to the procurement of ballot paper, the printing of ballots, and contract services for programming and operation of voting machines and vote counting devices shall be subject to the bid procedure in accordance with the County Purchasing Act, except that the election commissioner may waive any bid procedure and purchase ballot paper, order the printing of ballots, and contract for services for programming and operation of voting machines and vote counting devices whenever such bid procedure would in any way interfere with the timely and proper administration

and conduct of an election.

Sec. 37. The election commissioner, the chief deputy election commissioner, and all employees of the office of the election commissioner shall be county employees. The county board shall set the salaries of the election commissioner and chief deputy election commissioner at least sixty days prior to the expiration of the term of office of the election commissioner holding office. The salary shall become effective as soon as such salary may become operative under the Constitution of Nebraska.

In counties having a population of more than two hundred thousand inhabitants, the salary of the election commissioner shall be at least ten thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least nine thousand dollars annually payable in periodic installments out of the county general fund.

In counties having a population of more than one hundred fifty thousand and not more than two hundred thousand inhabitants, the salary of the election commissioner shall be at least seven thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least six thousand dollars annually payable in periodic installments out of the county general fund.

In counties having a population of more than one hundred thousand and not more than one hundred fifty thousand inhabitants, the salary of the election commissioner shall be at least nine thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least eight thousand five hundred dollars annually payable in periodic installments out of the county general fund.

In counties having a population of not more than one hundred thousand inhabitants, the salary of the election commissioner shall be at least six thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least five thousand dollars annually payable in periodic installments out of the county general fund.

Sec. 38. (1) The county clerk shall have the powers and perform the duties assigned to the election commissioner except in those counties which have an election commissioner as provided by section 27 or 31 of this act. The powers and duties assigned to the county clerk in the Election Act relating to the registration of voters and the conduct of elections shall only apply to county clerks in counties without an election commissioner. The county clerk may hire additional personnel to perform the duties assigned under the act.

(2) The county board may establish the position of deputy county clerk for elections. Such deputy shall be appointed by the county clerk and shall not be a member of the same political party as the county clerk, except that any deputy county clerk for elections serving on the operative date of this section shall be allowed to continue in his or her position for as long as he or she holds the position. Under the direction of the county clerk, the deputy shall be primarily responsible for performing the duties imposed on the county clerk by the election laws of this state and shall perform such other duties as may from time to time be assigned to him or her by the county clerk. The deputy shall serve at the pleasure of the county clerk. The county board shall determine the compensation of the deputy.

Sec. 39. The election commissioner and chief deputy election commissioner, once appointed, qualified, bonded, and sworn into office, and the county clerk acting as the election officer, shall not hold a political party office or be a member or officer of a candidate committee for any candidate seeking public office. This section shall not prohibit a county clerk acting as the election officer from participating in his or her own reelection campaign or fundraisers. This section shall not be construed to preclude an election commissioner, a chief deputy election commissioner, or a county clerk from being a delegate to a county, state, or national political party convention.

Sec. 40. Sections 41 to 48 of this act shall apply to counties which have an election commissioner as provided in section 27 or 31 of this act.

Sec. 41. (1) The election commissioner shall appoint precinct and district inspectors, judges of election, and clerks of election to assist the election commissioner in conducting elections on election day. In counties with a population of less than three hundred thousand inhabitants, judges and clerks of election and inspectors shall be appointed at least thirty days prior to the statewide primary election, shall hold office for terms of two

years or until their successors are appointed and qualified for the next statewide primary election, and shall serve at all elections in the county during their terms of office. In counties with a population of three hundred thousand or more inhabitants, judges and clerks of election shall be appointed at least thirty days prior to the first election for which appointments are necessary and shall serve for at least four elections. In counties with a population of three hundred thousand or more inhabitants:

(a) Judges and clerks of election shall be selected at random from a cross section of the population of the county;

(b) All qualified citizens shall have the opportunity to be considered for service;

(c) All qualified citizens shall fulfill their obligation to serve as judges or clerks of election as prescribed by the election commissioner;

(d) No citizen shall be excluded from service as a result of discrimination based upon race, color, religion, sex, national origin, or economic status; and

(e) No citizen shall be excluded from service unless excused by reason of ill health or other good and sufficient reason.

(2) All persons appointed shall be of good repute and character, be able to read and write the English language, and be registered voters in the county. No candidate at an election shall be appointed as a judge or clerk of election or inspector for such election other than a candidate for delegate to a county, state, or national political party convention.

(3) If a vacancy occurs in the office of judge or clerk of election or inspector, the election commissioner shall fill such vacancy in accordance with section 43 of this act. If any judge or clerk of election or inspector fails to appear at the hour appointed for the opening of the polls, the remaining officers shall notify the election commissioner, select a registered voter to serve in place of the absent officer if so directed by the election commissioner, and proceed to conduct the election. If the election commissioner finds that a judge or clerk of election or inspector does not possess all the qualifications prescribed in this section or if any judge or clerk of election or inspector is guilty of neglecting the duties of the office or of any official misconduct, the election commissioner shall remove the person and fill the vacancy.

Sec. 42. Before entering upon his or her duties, each judge of election, clerk of election, and inspector shall take and subscribe an oath and file the same with the election commissioner. The oath need not be taken and signed before a person authorized to administer oaths. If the oath is printed in the poll books of the election, the signing of the poll books by such judges, clerks, and inspectors shall be a complete and sufficient compliance with the requirements of section 11-101.01. The form of the oath shall be as provided in such section.

Sec. 43. (1) For each precinct except as provided in subsection (2) of this section, the election commissioner shall appoint at least two judges and two clerks of election to serve as a receiving board. The election commissioner shall also appoint one precinct inspector for each precinct. The election commissioner may appoint district inspectors to aid the election commissioner in the performance of his or her duties and supervise a group of precincts on election day.

(2) In precincts in which voting machines or punch card voting systems are used, the receiving board shall have at least three members. When more than one voting machine is used, there shall be one additional member for each additional machine. When more than one punch card voting device is used, the election commissioner shall appoint additional members if necessary.

(3) On each receiving board, one judge and one clerk of election shall be registered voters of the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge and one clerk of election shall be registered voters of the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, except that one judge or clerk of election may be a registered voter who is not affiliated with either of such parties. If a third judge is appointed, such judge shall be a registered voter of the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. All precinct and district inspectors shall be divided between all political parties as nearly as practicable in proportion to the number of votes cast in such county at the immediately preceding general election for Governor or for President of the United States by the parties, respectively.

Sec. 44. (1) A counting board shall be appointed in a precinct when

paper ballots are manually counted and the precinct has one hundred or more registered voters. In such a precinct, the election commissioner shall appoint two judges of election, two clerks of election, and a precinct inspector to serve as the counting board at the statewide primary and general elections. When paper ballots are manually counted and the precinct has less than one hundred registered voters, the receiving board shall count the ballots after the polls close.

(2) One judge and one clerk of election appointed pursuant to this section shall be a registered voter of the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge and one clerk of election shall be a registered voter of the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, except that one of the judges or clerks of election may be a registered voter who is not affiliated with either of such political parties. One of the judges of election shall be appointed to assist the precinct or district inspector in bringing the ballot box and other supplies to the election office after the count has been completed.

Sec. 45. (1) The precinct inspector appointed pursuant to section 43 of this act shall be present in the polling place of the precinct during all elections and act as the personal agent and deputy of the election commissioner. The precinct inspector shall enforce the Election Act and see that all proceedings are in accordance with the instructions, rules, regulations, and laws and shall challenge any voter whose name does not appear on the election register or who the precinct inspector believes is impersonating a person whose name appears on the register or is attempting to vote illegally. The precinct inspector shall ensure that the judges and clerks of election comply with the act in the conduct of the election.

(2) A district inspector appointed pursuant to section 43 of this act shall oversee the procedures of a group of polling places and shall act as the personal agent and deputy of the election commissioner. The district inspector shall ensure that the Election Act is uniformly enforced at the polling places assigned to him or her and perform tasks assigned by the election commissioner. The district inspector may perform all of the duties required of a precinct inspector.

Sec. 46. At the discretion of the precinct or district inspector, any clerk of election may perform the duties of a judge of election except the initialing of ballots and any judge of election may perform the duties of a clerk of election. The election commissioner may excuse the two clerks of election from serving at any election, and the judges of election shall perform such duties without additional compensation. The precinct inspector may perform the duties of a judge or clerk of election when authorized by the election commissioner.

Sec. 47. The judges and clerks of election shall receive wages at the minimum rate set in section 48-1203 for each hour of service rendered, except that no judge or clerk of a receiving board shall receive pay for more than fifteen hours of service in precincts having a separate counting board. Precinct and district inspectors shall be paid the wages at such minimum rate plus an additional sixty cents per hour for the hours they serve. Each judge, clerk, and inspector shall sign an affidavit stating the number of hours he or she has worked.

Sec. 48. The election commissioner shall notify each person appointed as a judge or clerk of election, precinct inspector, or district inspector of the appointment by letter. Each appointee shall, at the time fixed in the notice of appointment, report to the office of the election commissioner to complete any informational forms and receive instructions as to his or her duties. Such appointee, if found qualified and unless excused by reason of ill health or other good and sufficient reason, shall serve as a judge or clerk of election or inspector for the term of his or her appointment. The election commissioner shall submit the names of appointees violating this section to the local law enforcement agency for citation pursuant to sections 448 and 449 of this act.

Sec. 49. Sections 50 to 60 of this act shall apply to counties which do not have an election commissioner.

Sec. 50. (1) The precinct committeeman and committeewoman of each political party shall appoint a receiving board consisting of three judges of election and two clerks of election except as provided in subsection (2) of this section and a counting board if required pursuant to section 54 of this act consisting of two judges of election and two clerks of election as provided in subsection (3) of this section. The chairperson of the county central committee of each political party shall send the names of the



appointments to the county clerk at least sixty days before the primary election. If no names are submitted by the chairperson, the county clerk shall appoint judges or clerks of election from the appropriate political party.

(2) In precincts in which voting machines or punch card voting systems are used, the receiving board shall have at least three members. When more than one voting machine is used, there shall be one additional member for each additional machine. When more than one punch card voting device is used, the county clerk shall appoint additional members if necessary.

(3) For each precinct, one judge and one clerk of election shall be appointed from the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, one judge and one clerk shall be appointed from the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge shall be appointed from the political party casting the third highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. If the political party casting the third highest number of votes cast less than ten percent of the total vote cast in the county at the immediately preceding general election, the political party casting the highest number of votes at the immediately preceding general election shall be entitled to two judges and one clerk. If a counting board is required pursuant to section 54 of this act, one judge and one clerk of election shall be appointed to be members of the counting board from the political party casting the highest number of votes for Governor or for President of the United States in the county in the immediately preceding general election and one judge and one clerk of election shall be appointed to be members of the counting board from the political party casting the next highest number of votes.

(4) The county clerk may appoint registered voters to serve in case of a vacancy among any of the judges or clerks of election or in addition to the judges and clerks in any precinct when necessary to meet any situation that requires additional judges and clerks. Such appointees may include registered voters unaffiliated with any political party. Such appointees shall serve at subsequent or special elections as determined by the county clerk.

Sec. 51. Each judge and clerk of election appointed pursuant to section 50 of this act shall (1) be of good repute and character and able to read and write the English language, (2) reside in the precinct in which he or she is to serve unless necessity demands that personnel be appointed from another precinct, (3) be a registered voter, and (4) serve for a term of two years or until judges and clerks of election are appointed for the next primary election. No candidate at an election shall be eligible to serve as a judge or clerk of election at the same election other than a candidate for a delegate to a county, state, or national political party convention.

Sec. 52. (1) Any clerk of election may perform the duties of a judge of election except the initialing of ballots, and any judge of election may perform the duties of a clerk of election. The county clerk may excuse two clerks of election from serving at any election, and the judges of election shall perform such duties without additional compensation.

(2) The county clerk shall designate one of the members of the receiving board as a messenger. The messenger shall receive from the county clerk the ballots and other equipment necessary for holding the election in the precinct for which he or she is a judge or clerk and shall deliver them to the polling place in his or her precinct at least one hour before the time provided by section 251 of this act for opening the polls. The messenger shall return the ballots and other equipment to the county clerk as soon as possible after the votes are counted. In precincts which have a counting board, a messenger shall be designated by the county clerk from the members of the counting board to return the ballots and equipment to the county clerk.

Sec. 53. Judges and clerks of election shall receive wages at the minimum rate set in section 48-1203 for each hour of service rendered, except that in precincts having a counting board, no member of the receiving board shall receive pay for more than fifteen hours of service. Each judge or clerk of election shall sign an affidavit stating the number of hours he or she worked. Each messenger appointed pursuant to section 52 of this act shall receive five dollars plus mileage at the rate provided in section 23-1112.

Sec. 54. A counting board shall be appointed for a precinct when paper ballots are manually counted and more than one hundred votes were cast for Governor or for President of the United States at the immediately preceding general election. As determined by the county clerk, a counting board may be appointed for a precinct when paper ballots are manually counted

and one hundred or less votes were cast for Governor or for President of the United States at the immediately preceding general election, and if no counting board is appointed, the receiving board shall count the ballots after the polls close.

Sec. 55. The county clerk shall, by mail, notify judges and clerks of election of their appointment. The county clerk shall order the members of the receiving board to appear at their respective polling place at least one hour prior to the hour fixed for the opening of the polls and the members of the counting board to appear at their respective polling place on the day and at the hour specified in such order.

Sec. 56. Each judge and clerk of election appointed pursuant to subsection (3) of section 50 of this act shall serve at all elections, except city and village elections, held in the county or precinct during his or her two-year term unless excused. The county clerk shall submit the names of appointees violating this section to the local law enforcement agency for citation pursuant to sections 448 and 449 of this act.

Sec. 57. If any judge or clerk of election fails to appear at the appropriate hour, the remaining judges and clerks shall appoint a registered voter to replace the absent person. The registered voter shall be affiliated with the same political party as the absent person if possible.

Sec. 58. Before entering upon his or her duties, each judge or clerk of election shall sign an oath to be returned to the county clerk after the polls close. The oath need not be taken and signed before a person authorized to administer oaths. If the oath is printed in the poll books of the election, the signing of the poll books shall be complete and sufficient compliance with the requirements of section 11-101.01. The form of the oath shall be as provided in such section.

Sec. 59. All vacancies of judges and clerks of election appointed pursuant to section 50 of this act shall be filled as nearly as possible in the manner in which the original appointments were made. At least fifteen days prior to any election, the county clerk shall review the list of judges and clerks of election in the precincts in which the election is to occur and fill any vacancies. When a judge or clerk of election is a candidate for an office to be voted upon at the election, except for a candidate for a delegate to a county, state, or national political party convention, his or her position as a judge or clerk shall be vacant.

Sec. 60. Any person who is appointed to serve as a judge or clerk of election may, at any time before election day, be excused by the county clerk from serving in such capacity by reason of his or her own sickness, the serious illness of any member of his or her family, or unavoidable absence from the precinct on election day.

Sec. 61. (1) Any person who is appointed in any county to serve as a judge or clerk of election or precinct or district inspector shall not be subject to discharge from employment, loss of pay, loss of overtime pay, loss of sick leave, loss of vacation time, the threat of any such action, or any other form of penalty as a result of his or her absence from employment due to such service if he or she gives reasonable notice to his or her employer of such appointment. Reasonable notice shall be waived for those persons appointed as judges or clerks of election on the day of election to fill vacancies. Any such person shall be excused upon request from any shift work, without loss of pay, for those days he or she is required to serve.

(2) No employer shall subject an employee serving as a judge or clerk of election or precinct or district inspector to coercion, discharge from employment, loss of pay, loss of overtime pay, loss of sick leave, loss of vacation time, the threat of any such action, or any other form of penalty on account of his or her absence from employment by reason of such service, except that an employer may reduce the pay of an employee for each hour of work missed by an amount equal to the hourly compensation other than expenses paid to the employee by the county for such service.

(3) The election commissioner or county clerk shall submit the names of persons violating this section to the local law enforcement agency for citation pursuant to sections 448 and 449 of this act.

(4) The election commissioner or county clerk shall not provide a list of judges or clerks of election or precinct or district inspectors to any committee or to any person.

Sec. 62. The election commissioner, county clerk, chief deputy election commissioners, office personnel of the election commissioner or county clerk, judges of election, precinct or district inspectors, and deputy registrars may administer all oaths required or necessary in the administration of the Election Act.

Sec. 63. The election commissioner or county clerk shall provide for the registration of the electors of the county. He or she shall furnish

and prepare a permanent registration register containing records of registration for applicants who qualify as registered voters. The permanent register shall contain the information required by section 74 of this act. The permanent register shall remain in the office of the election commissioner or county clerk. A duplicate register containing the precinct voter registration register for each precinct shall be provided by the election commissioner or county clerk for the use of judges and clerks of election in their respective precincts on election day. An electronically prepared list of registered voters in a form prescribed by the Secretary of State shall meet the requirements for a duplicate register.

Sec. 64. The office of the election commissioner or county clerk shall remain open during the usual business days of the year for purposes of general registration and revision and for the transaction of the business of the office. Such registration and revision shall be carried on at all times during the regular business hours of the office of the election commissioner or county clerk ending at 6 p.m. on the second Friday preceding any election. The election commissioner or county clerk may, during any of the seven days immediately preceding the deadline for registration, cause his or her office to be open at times in addition to the hours during which it is required by law to be open in order for electors to register to vote.

Sec. 65. In addition to his or her office, the election commissioner or county clerk shall provide a place of registration in each incorporated city or village in the county and in each legislative district in cities of the metropolitan class. The place of registration shall be open not less than one day within the thirty days prior to the statewide primary election and the statewide general election and at such times and during such hours as the election commissioner or county clerk may direct. In lieu of this requirement, an election commissioner or county clerk may establish a permanent place of registration in each incorporated city or village in the county or each legislative district in a city of the metropolitan class by training registered voters to act as deputy registrars. A private residence shall not be used as a permanent place of registration except in incorporated villages.

Sec. 66. The election commissioner or county clerk shall give notice of the times and places of registration by publication in at least one newspaper of general circulation in the county.

Sec. 67. (1) Any registered voter may apply to the election commissioner or county clerk to be appointed as a deputy registrar for the purpose of registering voters. The application form shall be prescribed by the election commissioner, county clerk, or Secretary of State. The deputy registrar shall notify the election commissioner or county clerk of the location and time of proposed voter registration at least seventy-two hours prior to required publication deadlines. The election commissioner or county clerk, at his or her discretion, may approve or disapprove the deputy registrar's plans for voter registration and shall notify the deputy registrar of such decision.

(2) Any person appointed as a deputy registrar shall attend a training session conducted by an election commissioner or county clerk. A person who attends and successfully completes a training session after January 1, 1995, shall be qualified as a deputy registrar for any county in the state and shall receive a certificate verifying successful completion of the training and indicating his or her qualification as a deputy registrar to conduct registration in any county in the state.

(3) Before entering upon his or her duties, the deputy registrar shall take and subscribe to the following oath: You do solemnly swear that you will support the Constitution of the United States and the Constitution of Nebraska and will faithfully and impartially perform the duties of the office of deputy registrar according to law and to the best of your ability.

(4) Deputy registrars trained after January 1, 1995, shall not be required to attend another training session unless the Secretary of State determines that substantial changes have occurred in the voter registration process requiring additional training. The training session may vary in length but shall not exceed four hours. The Secretary of State shall inspect and review all training programs, procedures, and practices to assure that they relate to the position of a deputy registrar and his or her duties.

(5) Any deputy registrar who violates any registration procedure, rule, regulation, or guideline may have his or her status as a deputy registrar revoked by the election commissioner, county clerk, or Secretary of State.

Sec. 68. Deputy registrars shall register voters in teams of at least two deputies, one of whom is not a member of the same political party as the other or others. The deputy registrars shall return the completed

registration forms to the office of the election commissioner or county clerk of the county in which the registrations are to be effective no later than the end of the next business day after the registrations are taken. The election commissioner or county clerk shall mail a confirmation of registration at least five days prior to the next election to each person registered by a deputy registrar. Deputy registrars shall not register voters after 6 p.m. on the third Friday preceding any election. This section shall not apply to registration done by the employees of the election commissioner or county clerk.

Sec. 69. No materials advocating or advertising any political issue, candidate, or party shall be displayed or distributed within fifty feet of any voter registration site. No alcohol shall be served within fifty feet of any voter registration site. The registration procedure shall be conducted in a neutral manner and shall not be connected with anything unrelated to the object of registering electors except as otherwise provided in sections 70 to 72 of this act.

Sec. 70. (1) The Department of Motor Vehicles, with the assistance of the Secretary of State, shall prescribe a voter registration form which may be used to register to vote or change his or her address for voting purposes at the same time an elector applies for an original or renewal motor vehicle operator's license, an original or renewal state identification card, or a replacement or duplicate thereof. The voter registration form shall contain the information required pursuant to section 74 of this act and shall be designed so that it does not require the duplication of information in the application form for the motor vehicle operator's license or state identification card, except that it may require a second signature of the applicant. The department and the Secretary of State shall make the forms available to the county treasurer, the license examiners of the department, and any other person who issues operators' licenses or state identification cards. Registration forms shall be completed at the office of the county treasurer or department by the close of business on the third Friday preceding any election to be registered to vote at such election.

(2) State agency personnel and county treasurers involved in the voter registration process pursuant to this section and section 71 of this act shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

Sec. 71. Upon receipt of a completed voter registration form, a county treasurer, a license examiner of the Department of Motor Vehicles, and any other person who issues motor vehicle operators' licenses or state identification cards shall deliver the completed voter registration portion to the election commissioner or county clerk of the county in which the county treasurer, license examiner, or other person is located not later than ten days after receipt by the county treasurer, license examiner, or other person, except that if the voter registration form is received within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after its original filing date. The election commissioner or county clerk shall, if necessary, forward the form to the election commissioner or county clerk of the county in which the applicant resides within such prescribed time limits. Any information on whether an applicant registers or declines to register and the location of the office at which he or she registers shall be confidential and shall only be used for voter registration purposes.

Sec. 72. (1) The State Department of Education, the Department of Health, the Department of Public Institutions, and the Department of Social Services shall provide the opportunity to register to vote at the time of application, review, or change of address for the following programs, as applicable: (a) The food stamp program; (b) the medicaid program; (c) the WIC program as defined in section 71-2225; (d) the aid to dependent children program; (e) the vocational rehabilitation program; and (f) any other public assistance program or program primarily for the purpose of providing services to persons with disabilities. If the application, review, or change of address is accomplished through an agent or contractor of the department, the agent or contractor shall provide the opportunity to register to vote. Any information on whether an applicant registers or declines to register and the agency at which he or she registers shall be confidential and shall only be used for voter registration purposes.

(2) The department, agent, or contractor shall make the mail-in registration form described in section 82 of this act available at the time of application, review, or change of address and shall provide assistance, if necessary, to the applicant in completing the form. The department shall retain records indicating whether an applicant accepted or declined the opportunity to register to vote.

(3) Department personnel, agents, and contractors involved in the voter registration process pursuant to this section shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

(4) The applicant may return the completed form to the department, agent, or contractor or may personally mail or deliver the form to the election commissioner or county clerk as provided in section 83 of this act. If the applicant returns the completed form to the department, agent, or contractor, the department, agent, or contractor shall deliver the form to the election commissioner or county clerk of the county in which the office of the department, agent, or contractor is located not later than ten days after receipt by the department, agent, or contractor, except that if the form is returned to the department, agent, or contractor within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after the date it is returned. The election commissioner or county clerk shall, if necessary, forward the form to the election commissioner or county clerk of the county in which the applicant resides within such prescribed time limits. Registration forms shall be completed and returned to the department, agency, or contractor by the close of business on the third Friday preceding any election to be registered to vote at such election.

(5) The departments shall adopt and promulgate rules and regulations to ensure compliance with this section.

Sec. 73. Any elector may personally apply to register to vote at (1) the office of the election commissioner or county clerk, (2) a registration site at which a deputy registrar is in attendance, (3) a department listed in section 72 of this act at the time of an application, review, or change of address as provided in such section, or (4) the office of the county treasurer or Department of Motor Vehicles while applying for a motor vehicle operator's license or state identification card as provided in section 70 of this act.

Sec. 74. The office personnel of the election commissioner or county clerk or the deputy registrar shall examine all persons who may personally apply to register to vote as to his or her qualifications, and in the presence of the applicant, the information listed in this section shall be entered in the register.

NAME--the name of the applicant giving the first and last name in full, the middle name in full or the middle initial, and the maiden name of the applicant, if applicable.

RESIDENCE--the name and number of the street, avenue, or other location of the dwelling where the applicant resides if there is a number. If the registrant resides in a hotel, apartment, tenement house, or institution, such additional information shall be included as will give the exact location of such registrant's place of residence. If the registrant lives in an incorporated or unincorporated area not identified by the use of roads, road names, or house numbers, the registrant shall state the section, township, and range of his or her residence and the corporate name of the school district as described in section 79-401 in which he or she is located.

POSTAL ADDRESS--the address at which the applicant receives mail if different from the residence address.

ADDRESS OF LAST REGISTRATION--the name and number of the street, avenue, or other location of the dwelling from which the applicant last registered.

TELEPHONE NUMBERS (optional)--the telephone number of the applicant at work and at home. A designation shall be made at the request of the applicant that the telephone number is an unlisted number, and such designation shall preclude the listing of the applicant's telephone number on any list of voter registrations.

OATH-AFFIRMATION--the word Yes or No following either respectively as the case may be.

DATE OF APPLICATION FOR REGISTRATION--the month, day, and year when applicant presented himself or herself for registration.

PLACE OF BIRTH (optional)--show the state, country, kingdom, empire, or dominion where the applicant was born.

DATE OF BIRTH--show the date of the applicant's birth. The applicant shall be at least eighteen years of age or attain eighteen years of age on or before the first Tuesday after the first Monday in November to have the right to register and vote in any election in the present calendar year.

REGISTRATION TAKEN BY--show the signature of the deputy registrar taking the application.

PARTY AFFILIATION--show the party affiliation of the applicant as Democrat, Republican, Nonpartisan, or Other ..... (Note: If you wish to vote in both partisan and nonpartisan primary elections for state and local

offices, you must indicate a political party affiliation on the registration form. If you register without a political party affiliation (independent), you will receive only the nonpartisan ballots for state and local offices at primary elections. If you register without a political party affiliation, you may vote in partisan primary elections for congressional offices.)

Immediately following the spaces for inserting information as provided in this section, the following statement shall be printed:

To the best of my knowledge and belief, I declare under penalty of election falsification that:

(1) I am at least eighteen years of age or I will be eighteen years of age prior to the first Tuesday following the first Monday of November of this year;

(2) I am a citizen of the United States;

(3) I live in the State of Nebraska at the address provided above;

(4) I have not been convicted of a felony or, if convicted, my civil rights have been restored; and

(5) I have not been officially found to be non compos mentis (mentally incompetent).

Any registrant who signs this form knowing that any of the information in the form is false shall be guilty of a Class IV felony under section 401 of this act of the statutes of Nebraska. The penalty for a Class IV felony is up to five years imprisonment, a fine of up to ten thousand dollars, or both.

APPLICANT'S SIGNATURE--require the applicant to affix his or her signature to the form.

Sec. 75. (1) No person shall be qualified to vote or to register to vote who is non compos mentis or who has been convicted of treason or a felony under the laws of the state or of the United States unless restored to civil rights.

(2) The clerk of any court in which a person is convicted of a felony shall prepare an abstract each month of each final judgment served by the clerk convicting an elector of a felony. The clerk shall file the abstract with the election commissioner or county clerk of the elector's county of residence not later than the tenth day of the month following the month in which the abstract is prepared. The clerk of the court shall notify the election commissioner or county clerk in writing if any such conviction is overturned.

(3) Upon receiving notification from the United States Attorney of a felony conviction of a Nebraska resident in federal court or of the overturning of any such conviction, the Secretary of State shall forward the notice to the election commissioner or county clerk of the county of such person's residence. The election commissioner or county clerk shall remove the name of such person from the permanent registration register upon receipt of notice of conviction.

Sec. 76. (1) Any person going into another territory or state and registering to vote or voting shall lose his or her residence in this state. Any person going into another county of this state and registering to vote or voting shall lose his or her residence in the county where he or she was registered. Any registered voter shall register again if he or she changes his or her residence to a different county or state.

(2) A registered voter who changes his or her name, party affiliation, or residence within the county and has retained legal residence in the county since the date of his or her last registration may change his or her registration to vote by completing an abbreviated transfer of registration form as provided in section 87 of this act. Any registered voter who changes his or her residence within a county may be entitled to vote pursuant to section 258 of this act.

Sec. 77. Upon receiving notice of a change of address pursuant to section 71 or 72 of this act indicating that the person has moved to another county or state, the election commissioner or county clerk shall remove the name of the person from the permanent registration register. Upon receiving notice of a change of name or change of address pursuant to section 71 or 72 of this act indicating that the person has changed his or her name or moved to another residence within the same county, the election commissioner or county clerk shall change the voter registration of the registered voter to the new name or new address and shall send an acknowledgment card to the registered voter indicating that transfer of registration has been completed and the address of the voter's new polling place.

Sec. 78. The election commissioner or county clerk may issue a certificate of registration to any registered voter who requests a certificate verifying that he or she is a registered voter in the county and pays a fee of three dollars. All fees so collected shall be reported to the county board

and remitted to the county treasurer at least once each month.

Sec. 79. Any registered voter whose residence address is not a permissible postal address may designate a postal address for registration records. When the election commissioner or county clerk has reason to believe that the registration residence address of a registered voter is not a permissible postal address, the election commissioner or county clerk shall attempt to determine a proper postal address for the registered voter. If a registered voter has no residence address, his or her residence address shall be deemed to be the office of the election commissioner or county clerk of the county of such voter's residence for purposes of the Election Act.

Sec. 80. Any registered voter whose signature does not appear in the registration records may be required to sign and submit a signature card on a form prescribed by the Secretary of State to be included with the registration records of the registered voter. If the election commissioner or county clerk determines that a current signature of any registered voter is needed or if a registered voter's signature becomes subject to verification and a similar signature is not on file for such voter, the election commissioner or county clerk may request that the registered voter sign and submit a current signature card on a form prescribed by the Secretary of State to be included with the voter's registration records.

Sec. 81. (1) The Secretary of State shall prescribe a registration form which may be used statewide to register to vote. The form shall contain substantially all the information provided in section 74 of this act. The form shall include a mail-in portion which may be designed to be detached from the rest of the form for mail-in registrations. The form shall also include an abbreviated transfer of registration form as described in section 87 of this act. Every election commissioner or county clerk shall accept a registration made on the form prescribed by the Secretary of State.

(2) A statement shall appear in enlarged, capitalized, bold print on the mail-in portion of the form that the form must be postmarked on or before the fourth Tuesday before the election. The mail-in portion shall also contain a statement that the election commissioner or county clerk will, upon receipt of the registration form, send an acknowledgment of registration to the registrant indicating whether the registration form is proper or not and a statement as follows:

NOTE: This application may be delivered to the office of the election commissioner or county clerk by mail, in person, or by personal messenger. Any voter who is unable to sign his or her name may affix his or her mark before two witnesses who are registered voters in this county.

Sec. 82. The only mail-in forms which may be used to register to vote shall be the official registration form prescribed by the Secretary of State or the national mail voter registration application prescribed by the Federal Election Commission. The Secretary of State shall provide such official registration forms to all recruitment offices of the United States Armed Forces. The counties and state agencies listed in section 72 of this act shall purchase such official registration forms from the Secretary of State. The Secretary of State shall remit proceeds from the sale of such forms to the State Treasurer for credit to the Voter Registration Cash Fund.

Sec. 83. Any elector may request voter registration forms in person, by telephone, or by mail from the office of the election commissioner or county clerk. The election commissioner or county clerk shall make registration forms prescribed by the Secretary of State available and may place the forms in public places. The election commissioner or county clerk may require that all unused forms be returned to his or her office and may place reasonable limits on the amount of forms requested. If an elector mails the registration form to the election commissioner or county clerk, the form shall be postmarked on or before the fourth Tuesday before the next election and processed by the election office as a proper registration for the voter to be entitled to vote on the day of the next election. If a postmark is unreadable, the election commissioner or county clerk shall accept the registration if it is received in his or her office at least twenty-five days before the election. If the registration form arrives after the registration deadline, the applicant's form shall not be processed until after the election. Written notice shall be given to any applicant whose registration form failed to meet the registration deadline or was found to be incorrect or incomplete. All postage costs related to returning registration forms to the election commissioner or county clerk shall be paid by the registrant.

Sec. 84. Upon receipt of a complete and correct registration form showing that the registrant is qualified to be a registered voter, the registrant shall be a registered voter and the election commissioner or county clerk shall send, by nonforwardable first-class mail, an acknowledgment of registration to the registrant at the postal address shown on the registration

form. If an acknowledgment of registration is returned as undeliverable, a second nonforwardable first-class mailing shall be attempted. If a registration form is rejected, the registrant shall be promptly notified of the rejection and the specific reason for rejection. If a registration form is a duplicate of a registration already on file, the registrant shall be so notified.

Sec. 85. Registration by mail shall not constitute a valid registration for purposes of signing any type of petition requiring the validation of the signatures of registered voters until the registration form has been received by the election commissioner or county clerk. A signature on a petition shall be considered a valid signature as of the date that the election commissioner or county clerk receives the registration form of the registrant.

Sec. 86. When a person who previously has been registered to vote in another county or state registers to vote in a new county of residence in Nebraska, the election commissioner or county clerk accepting the new registration shall notify the election commissioner, county clerk, or other appropriate election official in the voter's previous county or state that the voter has registered in the new county. The notification shall contain the printed or typewritten name and signature of the registered voter. Upon receiving the notification, the election commissioner or county clerk of the registered voter's previous county shall purge his or her name from the voter registration records.

Sec. 87. (1) An abbreviated transfer of registration form shall contain the information prescribed in subsection (2) of this section. The voter shall date and sign the form. The form shall be delivered or mailed to the office of the election commissioner or county clerk. If the application is delivered, it must physically arrive in such office prior to the regular registration deadline prescribed in section 64 of this act. If the application is mailed, the application must be postmarked by such deadline.

(2) The abbreviated transfer of registration form shall be prescribed by the Secretary of State and shall contain the full name, previous name, party affiliation, present address, and previous address of the registered voter and the effective date of the change of name, party affiliation, or address. The form shall also include space for the registered voter to sign and date the form and the following statement: I have maintained legal residence in the county continuously since the date of my last registration at my previous address shown above.

(3) After verifying the signature on the previous registration of the registered voter, the election commissioner or county clerk shall make the change of name, party affiliation, or address on all pertinent election records. The election commissioner or county clerk shall send an acknowledgment card to the registered voter indicating that the transfer of registration has been completed and shall include the address of the registered voter's new polling place.

Sec. 88. The election commissioner or county clerk shall remove the name of a registered voter from the permanent registration register and cancel the registration of such voter if:

(1) The election commissioner or county clerk has received information that the voter is deceased;

(2) The voter requests in writing that his or her name be removed;

(3) The election commissioner or county clerk has received information that the registrant has moved out of the county pursuant to section 71 or 72 of this act or the National Change of Address program of the United States Postal Service pursuant to section 91 of this act;

(4) The voter has not responded to a confirmation notice sent pursuant to section 91 of this act and has not voted or offered to vote at any election held prior to and including the second statewide federal general election following the mailing of the confirmation notice; or

(5) The voter has become ineligible to vote as provided in section 75 of this act.

Sec. 89. The election commissioner or county clerk may at any time remove from the permanent registration register a voter registration of a deceased person when the election commissioner or county clerk has any supporting information of the death of such voter. The Bureau of Vital Statistics shall provide, at cost, a record of the deaths of residents which occur in each county every three months to the appropriate election commissioner or county clerk.

Sec. 90. (1) The election commissioner or county clerk shall, upon the personal application of any registered voter or whenever informed of any error and after due investigation, correct any error in the permanent registration register. For such purpose, the election commissioner or county



clerk may summon witnesses and compel their attendance to appear at the office of the election commissioner or county clerk to give testimony pertaining to residence, qualifications, or any other facts required to be entered in the permanent registration register. Such testimony shall be transcribed and become a part of his or her records.

(2) If the name of any registered voter of any precinct fails to appear on the precinct list of registered voters through any error of the election commissioner or county clerk, the precinct inspector or judge of election shall enter the correction in the precinct list of registered voters, initial the correction, and authorize the receiving board to issue the proper ballots and receive his or her vote. All corrections shall be entered on the permanent registration register as soon as possible after the election.

Sec. 91. (1) The election commissioner or county clerk shall verify the permanent registration register by using (a) the National Change of Address program of the United States Postal Service and a confirmation notice pursuant to subsection (2) of this section or (b) the biannual mailing of a nonforwardable notice to each registered voter. The Secretary of State shall provide biannual training for the election commissioners and county clerks responsible for maintaining voter registration lists. No name shall be removed from the permanent registration register for the sole reason that such person has not voted for any length of time.

(2) When an election commissioner or county clerk receives information from the National Change of Address program of the United States Postal Service that a registered voter has moved from the address at which he or she is registered to vote, the election commissioner or county clerk shall immediately update the permanent registration register and mail a confirmation notice by forwardable first-class mail. If a nonforwardable notice is returned as undeliverable, the election commissioner or county clerk shall mail a confirmation notice by forwardable first-class mail. The confirmation notice shall include a confirmation letter and a preaddressed, postage-paid confirmation card. The confirmation letter shall contain the following statements:

(a) The election commissioner or county clerk has received information that you have moved to a different residence address from that appearing on the permanent voter registration register;

(b) If you have not moved or you have moved to a new residence within this county, you should return the enclosed confirmation card by the regular registration deadline prescribed in section 64 of this act. If you fail to return the card by the deadline, you will be required to affirm or confirm your address prior to being allowed to vote. If you are required to affirm or confirm your address, it may result in a delay at your polling place; and

(c) If you have moved out of the county, you must reregister to be eligible to vote. This can be accomplished by mail or in person. For further information, contact your local election commissioner or county clerk.

(3) The election commissioner or county clerk shall maintain for a period of not less than two years a record of each confirmation letter indicating the date it was mailed and the person to whom it was mailed.

(4) If the election commissioner or county clerk receives no response and the voter does not offer to vote at any election held prior to and including the second statewide federal general election following the mailing of the confirmation notice, the voter's registration shall be canceled and his or her name shall be deleted from the permanent registration register.

Sec. 92. (1) The permanent registration register shall be a public record. Any person may examine the register at the office of the election commissioner or county clerk but shall not be allowed to make copies of the register.

(2) The election commissioner or county clerk shall make available for purchase a list of registered voters that contains the information required under section 74 of this act and, if requested, a list that only contains registered voters who have voted in an election held more than sixty days prior to the request for the list. The election commissioner or county clerk shall establish the price of the lists at a rate that fairly covers the actual production cost of the lists, not to exceed three cents per name. Lists shall be used solely for purposes related to elections, political activities, voter registration, law enforcement, or jury selection. Lists shall not be used for commercial purposes. Lists shall only be made available under this subsection to:

(a) Courts for jury selection;

(b) Cities and villages;

(c) Governmental agencies;

(d) Candidates or their agents for purposes of campaigning;

(e) Political party committees and other committees which have filed statements of organization with the Nebraska Accountability and Disclosure Commission; and

(f) Incumbent officeholders for reporting to their constituents.

(3) Any person who acquires a list of registered voters under subsection (2) of this section shall take and subscribe to an oath in substantially the following form:

I hereby swear that I am a person authorized by section 92 of this act to acquire a list of registered voters of ..... County, Nebraska, that the lists will be used only for the purposes prescribed in that section and for no other purpose, and that I will not permit the use or copying of such list by persons not authorized by that section to use such list.

I hereby declare under the penalty of election falsification that the statements above are true to the best of my knowledge.

The penalty for election falsification is a Class IV felony.

.....  
(Signature of person acquiring list)

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

.....  
(Name of officer)

.....  
(Official title of officer)

(4) The election commissioner or county clerk shall provide, upon request and free of charge, a complete and current listing of all registered voters and their addresses to the Clerk of the United States District Court for the District of Nebraska. Such list shall be provided no later than December 31 of each even-numbered year.

(5) The election commissioner or county clerk shall provide, upon request and free of charge, a complete and current listing of all registered voters and their addresses to the state party headquarters of each political party and to the county chairperson of each political party. Such list shall be provided no later than thirty-five days prior to the statewide primary and statewide general elections.

Sec. 93. The statewide primary election shall be held on the first Tuesday after the second Monday in May in even-numbered years. The statewide primary election shall be held for the purposes of (1) nominating all candidates to be voted for at the statewide general election except (a) candidates who were unopposed at the primary election and not required to be on the ballot and (b) candidates who petition on the ballot or are nominated by their political party, (2) electing delegates to the county, state, and national political party conventions, if applicable, (3) in each presidential election year, voting on a preference for President of the United States, and (4) electing officers in political subdivisions which hold their general elections at the time of the statewide primary election.

Sec. 94. Any primary election other than a primary election provided for in section 14-204 and section 93 of this act shall be held on Tuesday four weeks before the general election.

Sec. 95. The statewide general election shall be held on the first Tuesday following the first Monday in November in each even-numbered year.

Sec. 96. (1) When any political subdivision holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election held by a political subdivision shall be held as provided in the act unless otherwise provided by sections 19-3001 to 19-3051 or the charter, code, or bylaws of the political subdivision.

(2) No later than December 1 of each odd-numbered year, the election commissioner or county clerk shall give notice to each political subdivision of the filing deadlines for the statewide primary election. No later than January 5 of each even-numbered year, the governing board of each political subdivision which will hold an election in conjunction with a statewide primary election shall certify to the Secretary of State, the election commissioner, or the county clerk the name of the subdivision, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(3) No later than July 5 of each even-numbered year, the governing board of each reclamation district, county under township organization, public power district receiving annual gross revenue of less than forty million dollars, or educational service unit which will hold an election in conjunction with a statewide general election shall certify to the Secretary of State, the election commissioner, or the county clerk the name of the subdivision, the number of officers to be elected, the length of the terms of

office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(4) The Secretary of State shall prescribe the forms to be used for certification to him or her, and the election commissioner or county clerk shall prescribe the forms to used for certification to him or her.

Sec. 97. No person to be elected to office at any election or nominated at any primary election, except for state officers, shall be required to meet a residence requirement of longer than six months in order to be eligible to be a candidate for such office. The Legislature finds and declares that the election of public officials and the qualifications related thereto are a matter of general statewide concern notwithstanding the provisions of any home rule charter.

Sec. 98. Two United States Senators shall be elected for terms of six years at the statewide general election. One senator shall be elected in 1994 and every six years thereafter, and one senator shall be elected in 1996 and every six years thereafter. Candidates for the United States Senate shall meet the qualifications found in Article I, section 3, of the Constitution of the United States. The senators shall be elected on the partisan ballot.

Sec. 99. The United States Representatives in Congress shall be elected from the three congressional districts established in section 100 of this act for terms of two years at the statewide general election in each even-numbered year. Candidates for the United States House of Representatives shall meet the qualifications found in Article I, section 2, of the Constitution of the United States. The representatives shall be elected on the partisan ballot. The representatives shall be elected in accordance with the laws of the United States.

Sec. 100. Based on the 1990 Census of Population by the United States Department of Commerce, Bureau of the Census, the State of Nebraska is hereby divided into three districts for electing Representatives in the Congress of the United States, and each district shall be entitled to elect one representative. The limits and designations of the three districts shall be as follows:

(1) The first district shall contain the counties of Richardson, Nemaha, Otoe, Johnson, Pawnee, Gage, Lancaster, Saunders, Saline, Seward, York, Butler, Dodge, Washington, Colfax, Madison, Burt, Stanton, Cuming, Thurston, Wayne, Cedar, Dixon, and Dakota and that part of Cass County not included in the second district;

(2) The second district shall contain the counties of Douglas and Sarpy and that part of Cass County which includes the North Plattsmouth precinct and the city of Plattsmouth; and

(3) The third district shall contain the counties of Jefferson, Thayer, Fillmore, Polk, Platte, Pierce, Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd, Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan, Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha, Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow, Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins, Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball.

Sec. 101. The precincts and cities mentioned in section 100 of this act are the precincts and cities set out in the 1990 Census of Population by the United States Department of Commerce, Bureau of the Census.

Sec. 102. The Governor and Lieutenant Governor shall be elected at the statewide general election in 1994 and each four years thereafter. Such officers shall serve for terms of four years or until their successors are elected and qualified. Candidates for Governor and Lieutenant Governor shall meet the qualifications found in Article IV, sections 1 and 2, of the Constitution of Nebraska. The Governor and Lieutenant Governor shall be elected on the partisan ballot.

Sec. 103. The State Treasurer, Auditor of Public Accounts, Secretary of State, and Attorney General shall be elected at the statewide general election in 1994 and each four years thereafter. Such officers shall serve for terms of four years or until their successors are elected and qualified. Candidates for State Treasurer shall meet the qualifications found in Article IV, section 3, of the Constitution of Nebraska. Such officers shall be elected on the partisan ballot.

Sec. 104. The State of Nebraska is divided into forty-nine legislative districts as provided and described in sections 50-1101 to 50-1152. The members of the Legislature from the even-numbered districts shall be elected for terms of four years at the statewide general election in 1994 and each four years thereafter. The members of the Legislature from the odd-numbered districts shall be elected for terms of four years at the

statewide general election in 1996 and each four years thereafter. Candidates for the Legislature shall meet the qualifications found in Article III, sections 8 and 9, of the Constitution of Nebraska. The members of the Legislature shall be elected on the nonpartisan ballot.

Sec. 105. (1) The State of Nebraska is divided into five public service commissioner districts as provided and described in sections 75-101.01 to 75-101.03. A candidate for the office of public service commissioner shall meet the qualifications found in section 75-101. The commissioners shall be elected on the partisan ballot.

(2) Each public service commissioner shall be elected for a term of six years. One public service commissioner from public service commissioner district number one and one public service commissioner from public service commissioner district number three shall be elected at the statewide general election in 1994 and each six years thereafter. One public service commissioner from public service commissioner district number four and one public service commissioner from public service commissioner district number five shall be elected at the statewide general election in 1992 and each six years thereafter. One public service commissioner from public service commissioner district number two shall be elected at the statewide general election in 1996 and each six years thereafter.

Sec. 106. The State of Nebraska is divided into eight districts for the election of the Board of Regents of the University of Nebraska as provided and described in sections 85-103.01 and 85-103.02. One regent from district number one and one regent from district number two shall be elected at the statewide general election in 1996 and each six years thereafter. One regent from district number six and one regent from district number seven shall be elected at the statewide general election in 1992 and each six years thereafter. One regent from district number three, one regent from district number four, one regent from district number five, and one regent from district number eight shall be elected at the statewide general election in 1994 and each six years thereafter. The regents shall serve for terms of six years or until their successors are elected and qualified. The members representing districts six and seven on September 6, 1991, shall thereafter represent districts seven and six, respectively. The regents shall be elected on the nonpartisan ballot.

Sec. 107. The State of Nebraska is divided into eight districts for the election of the State Board of Education as provided and described in sections 79-322.01 and 79-322.02. One member from district number one, one member from district number two, one member from district number three, and one member from district number four shall be elected at the statewide general election in 1996 and each four years thereafter. One member from district number five, one member from district number six, one member from district number seven, and one member from district number eight shall be elected at the statewide general election in 1994 and each four years thereafter. The members shall serve for terms of four years or until their successors are elected and qualified. The members representing districts six and seven on September 6, 1991, shall thereafter represent districts seven and six, respectively. The member representing district five on September 6, 1991, shall represent the new district five as it is established by Laws 1991, LB 619, for the balance of his or her term. Candidates for the State Board of Education shall meet the qualifications found in section 79-323. The members shall be elected on the nonpartisan ballot.

Sec. 108. (1) After the selection of the original board of directors of a public power district as provided for in sections 70-803 and 70-805 or a district as provided for in sections 70-604 and 70-609, their successors shall be nominated and elected on the nonpartisan ballot, except that in districts receiving annual gross revenue of less than forty million dollars, the candidates for the board of directors shall not appear on the ballot in the primary election. The term of each elected director shall be not more than six years or until his or her successor is elected and qualified. Candidates for the board of directors shall meet the qualifications found in sections 70-610 and 70-619.

(2) Registered voters residing within the chartered territory and registered voters duly certified in accordance with section 70-604.03 shall be qualified to vote in the district as certified pursuant to section 70-611. The registered voters of a subdivision created under section 70-612 may only cast their ballots for candidates for directors to be elected from such subdivision and for candidates for directors to be elected at large from the whole district.

Sec. 109. Except as provided in section 2-3213, candidates for the board of directors of natural resources districts shall be elected for four-year terms at the statewide general election. The number of directors,

the length of their terms, and the subdistrict which they are to represent if any shall be determined by the board of directors pursuant to sections 2-3213 and 2-3214. Candidates for the board of directors shall meet the qualifications found in section 2-3214. District directors shall be elected on the nonpartisan ballot.

Sec. 110. Candidates for membership on the community college area board of governors shall be elected from the election districts established by the board of governors pursuant to section 85-1512. Two members of the board shall be elected from each election district, and one member shall be elected at large from the area. Board members shall be elected for four-year terms. Board members shall be elected on the nonpartisan ballot.

Sec. 111. Candidates for the boards of educational service units shall be elected to represent the geographical boundaries of the educational service unit as provided in section 79-2203. Successors to the members initially appointed to the board shall be elected for terms of four years. County candidates shall file their written applications with the election commissioner or county clerk no later than August 1 prior to the statewide general election. Candidates for the position of members at large shall file their written applications with the Secretary of State no later than August 1 prior to the statewide general election. Candidates for the board of educational service units shall meet the qualifications found in section 79-2203. Board members shall be elected on the nonpartisan ballot.

Sec. 112. After the selection of the original board of directors of a reclamation district as provided for in subdivision (5) of section 46-516, their successors shall be elected at a statewide general election on the nonpartisan ballot. The term of each member of the board thus elected shall be six years or until his or her successor is elected and qualified.

Sec. 113. A county clerk shall be elected in each county having a population of four hundred thousand inhabitants or less at the statewide general election in 1994 and each four years thereafter and in counties having a population in excess of four hundred thousand inhabitants at the statewide general election in 1996 and each four years thereafter. The county clerk shall meet the qualifications found in sections 23-1301 and 23-3203 if applicable. The county clerk shall be elected on the partisan ballot.

Sec. 114. A register of deeds shall be elected in each county having a population of more than twenty thousand and not more than four hundred thousand inhabitants at the statewide general election in 1962 and each four years thereafter and in counties having a population in excess of four hundred thousand inhabitants at the statewide general election in 1964 and each four years thereafter. If the population of a county which has a separate office of register of deeds pursuant to this section falls below twenty thousand inhabitants after establishing such an office or if a county which has a separate office of register of deeds immediately prior to July 10, 1990, has a population of twenty thousand inhabitants or less, the office of the register of deeds shall continue and the officer shall be elected pursuant to this section as if the county had a population of more than twenty thousand and not more than four hundred thousand inhabitants. The term of the register of deeds shall be four years or until his or her successor is elected and qualified. The register of deeds shall meet the qualifications found in section 23-1501. The register of deeds shall be elected on the partisan ballot.

Sec. 115. (1) At the statewide general election in 1990 and each four years thereafter, a county assessor shall be elected in each county having a population of more than three thousand five hundred inhabitants and more than one thousand two hundred tax returns. The county assessor shall serve for a term of four years.

(2) The county board of any county having a population of not more than three thousand five hundred inhabitants and not more than one thousand two hundred tax returns shall order the submission of the question of electing a county assessor in the county to the registered voters of the county at the next statewide general election upon presentation of a petition to the county board (a) conforming to the provisions of section 196 of this act, (b) not less than sixty days before any statewide general election, (c) signed by at least ten percent of the registered voters of the county secured in not less than two-fifths of the townships or precincts of the county, and (d) asking that the question be submitted to the registered voters in the county. The form of submission upon the ballot shall be as follows: For election of county assessor; Against election of county assessor. If a majority of the votes cast on the question are against the election of a county assessor in such county, the duties of the county assessor shall be performed by the county clerk and the office of county assessor shall either cease with the expiration of the term of the incumbent or continue to be abolished if no such

office exists at such time. If a majority of the votes cast on the question are in favor of the election of a county assessor, the office shall continue or a county assessor shall be elected at the next statewide general election.

(3) The county assessor shall meet the qualifications found in sections 23-3202 and 23-3204. The county assessor shall be elected on the partisan ballot.

Sec. 116. A county sheriff shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county sheriff shall be four years or until his or her successor is elected and qualified. The county sheriff shall meet the qualifications found in sections 23-1701 and 23-1701.01. The county sheriff shall be elected on the partisan ballot.

Sec. 117. A county treasurer shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county treasurer shall be four years or until his or her successor is elected and qualified. The county treasurer shall meet the qualifications found in section 23-1601.01. The county treasurer shall be elected on the partisan ballot.

Sec. 118. Except as provided in section 23-1201.01, a county attorney shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county attorney shall be four years or until his or her successor is elected and qualified. Candidates for the office of county attorney shall meet the qualifications found in sections 23-1201.01 and 23-1201.02. The county attorney shall be elected on the partisan ballot.

Sec. 119. Except as otherwise provided in sections 23-3401 and 23-3404, the public defender shall, in counties having a population in excess of one hundred thousand inhabitants which have not elected a public defender prior to July 10, 1984, be elected at the next statewide general election following July 10, 1984, or the year in which the county attains a population of one hundred thousand inhabitants and shall, in other counties, be elected at the first statewide general election of county officers following approval by the county board and every four years thereafter. The term of the public defender shall be four years or until his or her successor is elected and qualified. The public defender shall meet the qualifications found in section 23-3401. The public defender shall be elected on the partisan ballot.

Sec. 120. (1)(a) In counties having a population of seven thousand inhabitants or more, there shall be elected one clerk of the district court at the statewide general election in 1962 and every four years thereafter.

(b) In counties having a population of less than seven thousand inhabitants, there shall be elected a clerk of the district court at the first statewide general election following a determination by the county board and the district judge for the county that such officer should be elected and each four years thereafter. When such a determination is not made in such a county, the county clerk shall be ex officio clerk of the district court and perform the duties by law devolving upon that officer.

(2) In any county having a population of less than seven thousand inhabitants, upon presentation of a petition to the county board (a) not less than sixty days before the statewide general election in 1976 or every four years thereafter, (b) signed by registered voters of the county equal in numbers to at least fifteen percent of the total vote cast for Governor at the most recent gubernatorial election in the county, secured in not less than two-fifths of the townships or precincts of the county, and (c) asking that the question of not electing a clerk of the district court in the county be submitted to the registered voters therein, the county board, at the next statewide general election, shall order the submission of the question to the registered voters of the county. The form of submission upon the ballot shall be as follows:

For election of a clerk of the district court;

Against election of a clerk of the district court.

(3) If a majority of the votes cast on the question are against the election of a clerk of the district court in such county, the duties of the clerk of the district court shall be performed by the county clerk and the office of clerk of the district court shall either cease with the expiration of the term of the incumbent or continue to be abolished if no such office exists at such time.

(4) If a majority of the votes cast on the question are in favor of the election of a clerk of the district court, the office shall continue or a clerk of the district court shall be elected at the next statewide general election as provided in subsection (1) of this section.

(5) The term of the clerk of the district court shall be four years or until his or her successor is elected and qualified. The clerk of the

district court shall be elected on the partisan ballot.

Sec. 121. When there is a qualified surveyor within a county who will accept the office of county surveyor if elected, a county surveyor on either a full-time or part-time basis, as determined by the county board in accordance with section 23-1901, shall be elected in each county having a population of less than one hundred fifty thousand inhabitants at the statewide general election in 1990 and each four years thereafter. The term of the county surveyor shall be four years or until his or her successor is elected and qualified. The county surveyor shall meet the qualifications found in sections 23-1901 and 23-1901.01. The county surveyor shall be elected on the partisan ballot.

Sec. 122. A county engineer shall be elected in each county having a population of one hundred fifty thousand inhabitants or more at the statewide general election in 1990 and each four years thereafter. The term of the county engineer shall be four years or until his or her successor is elected and qualified. The county engineer shall meet the qualifications found in section 23-1901. The county engineer shall be elected on the partisan ballot.

Sec. 123. (1) Except as provided in sections 23-3301 and 23-3302, a county superintendent of schools shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county superintendent shall be four years or until his or her successor is elected and qualified. The county superintendent shall meet the qualifications found in sections 23-3301 and 23-3302. The county superintendent shall be elected on the nonpartisan ballot.

(2) The election commissioner or county clerk of each county shall notify the Commissioner of Education of the nominations for the office of county superintendent in his or her county and of the election to such office at the time the results of the statewide primary and general elections respectively are ascertained. The election commissioner or county clerk shall refuse to place the name of any candidate on the ballot for such office who has not presented a certified statement from the office of the Commissioner of Education that such candidate holds a valid certificate in the county of such candidate as required under the provisions of subsection (2) or (3) of section 23-3301 unless the same is not required under subsection (4) of such section.

Sec. 124. (1) In counties having a county board of three commissioners, two commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of five commissioners, three commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and two commissioners shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of seven or more commissioners, one commissioner shall be elected in each odd-numbered commissioner district at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected in each even-numbered commissioner district at the statewide general election in 1996 and each four years thereafter.

(2) Except for commissioners first elected after the county adopts the commissioner form of government or has increased the number of commissioners, the term of each county commissioner shall be four years or until his or her successor is elected and qualified. At the first election held to choose the board of commissioners in any county having three commissioners, the person having the highest number of votes shall serve for four years and the two receiving the next highest number of votes shall serve for two years, and if any three or more persons have the same number of votes, their terms of office shall be determined by the county canvassing board. The county commissioners shall meet the qualifications found in section 23-150. Nothing in this section shall be construed to prohibit the reelection of a commissioner holding office if the commissioner is reelected to represent his or her respective district. The county commissioners shall be elected on the partisan ballot.

(3) In counties having not more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district, except that in counties having a population of more than one hundred fifty thousand but not more than three hundred thousand inhabitants, one commissioner shall be nominated from each district by the registered voters of the district and shall be elected by the registered voters of the entire county. Beginning in 1992 in counties having more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district.

(4) In counties in which a majority has voted to have five commissioners as provided in section 23-148, the three commissioners of such county whose terms of office will expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed pursuant to section 163 of this act to serve until the first Thursday after the first Tuesday in January following the next statewide general election. At the next statewide general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings shall be accepted for terms of two years and for terms of four years so that two commissioners will be elected to four-year terms at one election and three commissioners will be elected to four-year terms at the next election.

(5) In counties having more than three hundred thousand inhabitants, the three commissioners whose terms of office will expire in 1995 shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the primary election in 1992, one commissioner in such counties shall be nominated from each odd-numbered district. At the ensuing general election, one commissioner shall be elected from each odd-numbered district. At the primary election in 1994, one commissioner in such counties shall be nominated from each even-numbered district. At the ensuing general election, one commissioner shall be elected from each even-numbered district. Beginning in 1992, each commissioner in such counties shall hold office for four years or until his or her successor is elected and qualified. Nothing in this subsection shall be construed to prohibit the reelection of a commissioner holding office in 1992 or 1994 if such commissioner is reelected to represent the district in which he or she resides.

Sec. 125. At the first general election after the adoption of township organization by a county, one supervisor shall be elected in each supervisor district. Thereafter one supervisor shall be elected in each odd-numbered supervisor district at the general election two years after the first general election and each four years thereafter, and one supervisor shall be elected in each even-numbered supervisor district at the general election four years after the first general election and each four years thereafter. Each county supervisor shall be nominated and elected by the registered voters of the district from which he or she is elected. Except for supervisors first elected after the county has adopted township organization, the term of each county supervisor shall be four years or until his or her successor is elected and qualified. The county supervisors shall meet the qualifications found in section 23-268. The county supervisors shall be elected on the partisan ballot.

Sec. 126. After the initial appointments as provided for in sections 23-214 and 23-215, the town clerk, the town treasurer, and the chairperson of the board of supervisors shall be elected in counties under township government at the statewide general election in 1994 and every four years thereafter. Except for officers first appointed after the county has adopted township organization, the term of each officer shall be four years or until his or her successor is elected and qualified. The township officers shall meet the qualifications found in sections 23-214 and 23-215. The township officers shall be elected on the partisan ballot.

Sec. 127. After the initial appointments to the county weed district board in counties in which the members are elected, the two members from cities, villages, or townships shall thereafter be elected at the statewide general election in 1994 and each four years thereafter, and the three members from rural areas shall be elected at the statewide general election in 1996 and each four years thereafter. After the initial appointments, the term of each member shall be four years or until his or her successor is elected and qualified. The members shall meet the qualifications found in section 451 of this act. The members shall be elected on the nonpartisan ballot.

Sec. 128. The members of a village board of trustees shall be elected at the statewide primary election as provided in section 17-202 and each four years thereafter. Except as provided in such section, the term of each board member shall be four years or until his or her successor is elected and qualified. The board members shall meet the qualifications found in section 17-203.

Sec. 129. Commencing with the primary election in 1976 and every two years thereafter, all elected officers in all cities of the second class shall be nominated at the statewide primary election and elected at the statewide general election. All elected officers in a city of the second class shall serve for terms of four years or until their successors are



elected and qualified.

Sec. 130. In a city of the first class except a city having adopted the commissioner or city manager plan of government, a mayor shall be elected at large and one or two council members shall be elected from each ward, except that there shall be at least four council members. Two council members shall be required for each ward in any city having fewer than four wards as provided in section 16-104. The council may provide for the election of the treasurer and clerk as provided in section 16-302.01. All elected officers in a city of the first class shall serve for terms of four years or until their successors are elected and qualified. The council members shall be nominated at the statewide primary election and elected at the statewide general election. The council members shall meet the qualifications found in section 16-302.01.

Sec. 131. The members of the city council of a city of the primary class shall be elected at the general city election as provided in section 15-301. The term of each council member shall be four years or until his or her successor is elected and qualified.

Sec. 132. In a city of the metropolitan class, seven council members shall be elected to the city council for terms of four years at the general city election in 1993 pursuant to section 14-201. One council member shall be nominated and elected from each of the districts into which the city is divided pursuant to section 14-201.03. The council members shall meet the qualifications found in sections 14-204 and 14-230.

Sec. 133. (1) In a city which adopts a home rule charter pursuant to sections 19-501 to 19-503 and Article XI, sections 2 to 5, of the Constitution of Nebraska, the number of city council members shall be determined by the home rule charter. The council members of a city of the metropolitan class which adopts a home rule charter shall meet the qualifications found in sections 14-204 and 14-230.

(2) Any city having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Sec. 134. (1) In a city which adopts the city manager plan of government pursuant to sections 19-601 to 19-610, the number of city council members shall be determined by the class and population of the city. In cities having one thousand or more but not more than forty thousand inhabitants, there shall be five members, and in cities having more than forty thousand but less than two hundred thousand inhabitants, there shall be seven members, except that in cities having between twenty-five thousand and forty thousand inhabitants, the city council may by ordinance provide for seven members. Council members shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of its council members by wards, the number and boundaries of which are provided for in section 16-104. Council members shall serve for terms of four years or until their successors are elected and qualified except as provided for the first election under an ordinance changing the number of council members or their manner of election. The council members shall meet the qualifications found in sections 19-613 and 19-613.01.

The first election under an ordinance changing the number of council members or their manner of election shall take place at the next regular city election and shall be for all council members irrespective of their manner of election. The qualification of the candidates elected at such first election shall end the terms of those council members in office whose terms have not otherwise expired. If all council members are elected at large at the first election, the bare majority of council members receiving the highest number of votes shall serve for four years and the others for two years. At the first election under an ordinance changing the number of council members or their manner of election, one-half or the bare majority of council members elected at large, as the case may be, who receive the highest number of votes shall serve for four years and the other or others for two years. At such first election, one-half or the bare majority of council members, as the case may be, who are elected by wards shall serve for four years and the others for two years, as provided in the ordinance. If only one council member is to be elected at large at such first election, such member shall serve for four years.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

Sec. 135. (1) In a city which adopts the commission plan of government pursuant to sections 19-401 to 19-433, the number of city council members shall be determined by the class and population of the city. In

cities having two thousand or more but not more than forty thousand inhabitants, there shall be five members, in cities of the primary class, there shall be five members, and in cities of the metropolitan class, there shall be seven members. Council members shall be elected from the city at large. In cities of the primary class, three excise members shall be elected in addition to the five council members. Nomination and election of all council members shall be by nonpartisan ballot. The mayor shall be elected for a four-year term.

(2) In cities containing two thousand or more but not more than forty thousand inhabitants, at the city council election in 1980, the council member elected as the commissioner of the department of public works and the council member elected as the commissioner of the department of parks and recreation shall each serve a term of four years. If a city elects to adopt the commission plan of government after 1980, the council member elected as the commissioner of the department of public works and the council member elected as the commissioner of the department of public accounts and finances shall each serve a term of four years and the council member elected as the commissioner of the department of streets, public improvements, and public property and the council member elected as the commissioner of the department of parks and recreation shall each serve a term of two years. Upon the expiration of such terms, all council members shall serve terms of four years and until their successors are elected and qualified.

Sec. 136. In each metropolitan utilities district service area, two of the members of the board of directors shall be chosen at large by the registered voters within the district at the time of the statewide primary and statewide general elections held in the even-numbered years, except that at the primary and general elections held in 1978 and every six years thereafter, three members, one of whom shall be known as the outside member, shall be elected at large by the registered voters within the district. Nomination and election of all directors shall be by nonpartisan ballot. Members of the board shall hold office for a period of six years from the first Tuesday after the first Monday in January following their election or until their successors are elected and qualified. The directors shall meet the qualifications found in sections 14-2102 and 14-2103.

Sec. 137. Class I school districts which have voted to have a six-member school board pursuant to section 79-601.01 may elect the board members at the statewide primary election. The members of the school board serving when it is decided to elect at the statewide primary election shall continue in office until the first Tuesday in June following the next statewide primary election, at which election a six-member board shall be elected. The three members receiving the highest number of votes shall be elected for terms of four years, and the three members receiving the next highest number of votes shall be elected for terms of two years. Each member's term of office shall begin on the first Tuesday in June following his or her election and, except as otherwise provided in this section, shall continue for four years or until the member's successor is elected and qualified. The members shall meet the qualifications found in section 595 of this act.

Sec. 138. Three school board members shall be elected for each Class II school district at each statewide primary election, except that when a Class II school district is created by a Class I school district which determines by a majority vote to establish a high school pursuant to section 79-701, a six-member board shall be elected at the next statewide primary election and the three members receiving the highest number of votes shall be elected for terms of four years, and the three members receiving the next highest number of votes shall be elected for terms of two years. Each member's term of office shall begin on the first Tuesday in June following his or her election and, except as otherwise provided in this section, shall continue for four years or until the member's successor is elected and qualified. The school board members of a Class II school district shall meet the qualifications found in section 595 of this act.

Sec. 139. (1) If more than seventy-five percent of the geographical area of a Class III school district lies within a city of the metropolitan class, the board of education shall consist of six members to be elected by the registered voters of the school district at the statewide primary election. Two members shall be elected at each election for a term of six years. The members shall meet the qualifications found in section 595 of this act.

(2) Except as provided in subsection (1) of this section, members of the board of education of a Class III school district shall be nominated at the statewide primary election and elected at the statewide general election. The board of education of a Class III school district shall have six or nine

members as provided in section 79-803.03 or 79-803.11, and the members shall be nominated and elected at large or by district or ward as provided in section 150 of this act. The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the election commissioner or county clerk with the aid of the elected secretary of the board of education of the district. The terms of office of members of such board shall expire on the first Thursday after the first Tuesday in January. Terms shall be staggered so that three members shall be elected to each six-member board and four or five members shall be elected to each nine-member board at each general election for terms of four years. When it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be nominated. The members shall meet the qualifications found in section 595 of this act.

Sec. 140. Candidates for the board of education of a Class IV school district shall be nominated and elected by district as provided in section 148 of this act for four-year terms at the same time as members of the city council of the city in which the district is located. A member of the board shall be elected from each district pursuant to such section. Candidates shall be nominated and elected upon a nonpartisan ballot. At the general city election in 1979 and each four years thereafter, one member shall be elected from each even-numbered district. At the general city election in 1981 and each four years thereafter, one member shall be elected from each odd-numbered district. The members shall meet the qualifications found in section 595 of this act.

Sec. 141. A member of the board of education of a Class V school district shall be elected from each district provided for in section 148 of this act. The members shall meet the qualifications found in section 79-1003. At each statewide general election, six members of the board shall be elected to serve for four years from and including the first Monday of the January following their election or until their successors are elected and qualified. Candidates shall be nominated at the statewide primary election upon a nonpartisan ballot. At the statewide general election in 1976 and each four years thereafter, one member shall be elected from each even-numbered district. At the statewide general election in 1978 and each four years thereafter, one member shall be elected from each odd-numbered district. The members shall meet the qualifications found in section 595 of this act.

Sec. 142. Members of the school board of a Class VI school district shall be elected at the statewide primary election. The term of office for members shall begin on the second Monday in June following their election and shall continue for four years or until their successors are elected and qualified. Persons may be nominated either by petition or by direct filing. The members shall meet the qualifications found in section 595 of this act.

Sec. 143. Each airport authority board created pursuant to the Cities Airport Authorities Act in cities of the primary, first, and second classes and in villages shall consist of five members. Except for members initially appointed pursuant to section 3-502, members of the board shall serve for terms of six years and shall be nominated and elected in the manner provided by law for the election of officers of the city concerned and shall take office at the same time as the officers of such city. One member shall be elected at the first general city election after creation of the authority, two members at the second general city election after creation of the authority, and two members at the third general city election after the creation of the authority. The members shall meet the qualifications found in such section.

Sec. 144. Each airport authority board created pursuant to sections 3-601 to 3-622 shall consist of five members. Except for members initially appointed pursuant to section 3-611, members shall serve for terms of six years and shall be nominated and elected in the manner provided by law for election of nonpartisan officers of the county. Two members shall be elected at the first general election after creation of the authority, two members at the second general election after creation of the authority, and one member at the third general election after the creation of the authority. The members shall meet the qualifications found in section 3-611.

Sec. 145. Each airport authority board created pursuant to the Joint Airport Authorities Act shall consist of at least five members from districts as established in section 3-703. Except for members initially appointed pursuant to such section, members of the board shall serve for terms of six years and shall be nominated and elected in the manner provided by law for nonpartisan officers. The terms of all elected members shall commence on the first Thursday after the first Tuesday in January following their

election. One member shall be elected at the first general election after creation of the authority, two members at the second general election after creation of the authority, and two members at the third general election after the creation of the authority. The members shall meet the qualifications found in such section.

Sec. 146. Two members of a local hospital district board of directors shall be elected at the first statewide primary election after the initial appointment of members pursuant to section 23-3534, and three members shall be elected at the second statewide primary election after such initial appointment. Members shall be elected from the hospital district at large for terms which begin on the first Tuesday in June following their election. Except as otherwise provided in this section, each member shall serve for a term of four years or until his or her successor is elected and qualified. The members shall be elected on the nonpartisan ballot.

Sec. 147. One trustee of a road improvement district shall be elected for a term of two years, one trustee for a term of four years, and one trustee for a term of six years at the first statewide general election after the organization of the district pursuant to sections 39-1601 to 39-1636. Thereafter their respective successors shall be elected for terms of six years at the statewide general election. The trustees shall meet the qualifications found in section 39-1606.

Sec. 148. (1) At least ninety days prior to an election, the governing board of any political subdivision requesting the adjustment of the boundaries of election districts shall provide written notification to the election commissioner or county clerk of the need and necessity of his or her office to perform such adjustments.

(2) After the next federal decennial census, the election commissioner of the county in which the greater part of a Class IV school district is situated shall, subject to review by the school board, divide the school district into seven numbered districts, substantially equal in population as determined by the most recent federal decennial census. The election commissioner shall consider the location of schools within the district and their boundaries. The election commissioner shall adjust the boundaries of the election districts, subject to final review and adjustment by the school board, to conform to changes in the territory and population of the school district and also following each federal decennial census. Except when specific procedures are otherwise provided, section 149 of this act shall apply to all Class IV school districts.

(3) The election commissioner of the county in which the greater part of a Class V school district is situated shall divide the school district into twelve numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. The election commissioner shall adjust the boundaries of such districts to conform to changes in the territory of the school district and also following each federal decennial census.

Sec. 149. (1) When any political subdivision except a public power district elects members of the governing board by districts, such districts shall be substantially equal in population as determined by the most recent federal decennial census. Any such political subdivision which has districts in place on the date the census figures used in drawing district boundaries for the Legislature are required to be submitted to the state by the United States Department of Commerce, Bureau of the Census, shall, if necessary to maintain substantial population equality as required by this subsection, have new district boundaries drawn within six months after the passage and approval of the legislative bill providing for reestablishing legislative districts. Any such political subdivision in existence on the date the census figures used in drawing district boundaries for the Legislature are required to be submitted to the state by the United States Department of Commerce, Bureau of the Census, and which has not established any district boundaries shall establish district boundaries pursuant to this section within six months after such date. If the deadline for drawing or redrawing district boundary lines imposed by this section is not met, the procedures set forth in section 151 of this act shall be followed.

(2) The governing board of each such political subdivision shall be responsible for drawing its own district boundaries and shall, as nearly as possible, follow the precinct lines created by the election commissioner or county clerk after each federal decennial census, except that the election commissioner of any county in which a city of the metropolitan class is located shall draw district boundaries for such city as required under this section and section 14-201.03 and the election commissioner of any county in which a Class IV or V school district is located shall draw district boundaries for such school district as provided in this section and section 148 of this act.

Sec. 150. (1) Any city not under a home rule charter, village, county, or school district electing members to its governing board at large may at a general election submit the question of electing members to its governing board by district or ward. Any city not under a home rule charter, village, county having not more than three hundred thousand inhabitants, or school district electing members to its governing board by district or ward may at a general election submit the question of electing members to its governing board at large.

(2) Petitions for submission of the question shall be prepared, circulated, and signed by registered voters of the city, village, county, or school district desiring to change the procedures for electing the governing board of the city, village, county, or school district. The petition or petitions shall be signed by registered voters equal in number to twenty-five percent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing board. Each sheet of the petition shall have printed the full and correct copy of the question as it will appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election, and no signatures shall be added or removed from the petitions after they have been so filed. If the petition or petitions are found to contain the required number of valid signatures, the county clerk or election commissioner shall place the question on a separate ballot to be issued to the registered voters of the city, village, county, or school district entitled to vote on the question.

(3)(a) Any city, village, county, or school district voting to change from electing the members of its governing board by district or ward to electing such members at large shall notify the public and instruct the filing officer to accept all filings on an at-large basis. Candidates shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

(b) Any city, village, county, or school district voting to change from electing the members of its governing board at large to electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected by district or ward at the next primary and general election following submission of the question. When district or ward elections have been approved by the majority of the electorate, the governing board of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal decennial census except as provided in subsection (2) of section 149 of this act.

(4) Except as provided in section 14-201, each city not under a home rule charter, village, county, and school district which votes to elect members to its governing board by district or ward shall establish districts or wards so that the members of its governing board may be nominated and elected from districts or wards bearing odd numbers at one election and from districts or wards bearing even numbers at the following election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If the governing board fails to draw district boundaries by October 1, the procedures set forth in section 151 of this act shall be followed.

Sec. 151. (1) Except as provided in subsection (4) of this section, if the governing board of any city, village, county, or school district which elects members to the board by district or ward fails to draw district boundaries by the date established in subsection (1) of section 149 of this act or subsection (4) of section 150 of this act, the county attorney of the county in which the board is located shall file an action in the district court for the purpose of ordering the board to draw district boundaries. If within six months after the receipt of such order the board does not comply, the members of the board shall be subject to removal and the court shall order the Secretary of State to draw district boundaries in accordance with the most recent federal decennial census. Any vacancy resulting from such removal from office shall be filled as provided by law.

(2) If the county attorney fails to file the action required by subsection (1) of this section, he or she shall be subject to removal from office. If the county attorney fails to file such action, any citizen within the jurisdiction of the governing board may file the action. The court shall order the board to pay any costs and attorney's fees involved in such action.

(3) If an election commissioner required to draw district boundaries for a city of the metropolitan class pursuant to section 149 of this act fails to do so, the election commissioner shall be subject to (a) suit by the county

attorney for the purpose of ordering the drawing of district boundaries, (b) removal from office pursuant to section 34 of this act for failure to comply with an order to draw district boundaries within six months of receipt of such order, and (c) suit by any citizen for the purpose of ordering the drawing of district boundaries and shall be obligated to pay any costs and attorney's fees involved in any such action.

(4) If the county board of any county having more than three hundred thousand inhabitants fails to complete the process of drawing district boundaries as provided for in section 23-151 and section 149 of this act, the procedures set forth in subdivision (3)(b) of section 23-151 shall be followed.

Sec. 152. All city, village, and school issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if city, village, or school offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise. All city and village elections involving the election of officers, except cities with home rule charters, shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election. All city elections in cities with home rule charters shall be held in accordance with the home rule charter except as otherwise provided in the Election Act and may be held in conjunction with the statewide primary or general election. If the home rule charter is silent as to any subject covered by the act, the act shall apply.

Sec. 153. All elective city, village, and school officers shall be nominated and elected on a nonpartisan ballot unless a city or village provides for a partisan ballot by ordinance. No ordinance providing for nomination and election on a partisan ballot shall permit affiliation with any party not recognized as a political party for purposes of the Election Act. Such ordinance providing for nomination and election on a partisan ballot shall be adopted and effective not less than sixty days prior to the filing deadline.

Sec. 154. City, village, and school district ballots shall be prepared for each city, village, or school election. The election commissioner, county clerk, or city or village clerk may certify and deliver all ballots, including absentee ballots, across county lines to the election commissioner, county clerk, or city or village clerk in the adjoining county. The election commissioner, county clerk, or city or village clerk shall certify the results and shall issue certificates of nomination or election to the successful candidates.

Sec. 155. Any issue to be submitted to the registered voters at a special election by a political subdivision shall be certified by the clerk of the political subdivision to the election commissioner or county clerk at least fifty days prior to the election. No special election to be conducted by the election commissioner or county clerk shall be held within thirty days prior to or sixty days after the statewide primary election, and no special election to be conducted by the election commissioner or county clerk shall be held within thirty days prior to or sixty days after the statewide general election. In lieu of submitting the issue at a special election, any political subdivision may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the clerk of the political subdivision to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election. After the election commissioner or county clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the clerk of the political subdivision shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of the ballots on the issue. The election returns shall be made to the election commissioner or county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the county canvassing board, the election commissioner or county clerk shall certify the election results to the governing body of the political subdivision. The canvass by the county canvassing board shall have the same force and effect as if made by the governing body of the political subdivision.

Sec. 156. Every elective office shall be vacant, except as provided in section 157 of this act, upon the happening of any one of the following events at any time before the expiration of the term of such office:

- (1) Resignation of the incumbent;
- (2) Death of the incumbent;
- (3) Removal of the incumbent from office;
- (4) Decision of a competent tribunal declaring the office of the incumbent vacant;
- (5) Incumbent ceasing to be a resident of the state, district, county, township or precinct in which the duties of his or her office are to be exercised or for which he or she may have been elected;
- (6) Failure to elect at a proper election when there is no incumbent to continue in office until his or her successor is elected and qualified;
- (7) Failure of a candidate elected to an office to qualify for such office;

- (8) Forfeiture of office as provided by law;
- (9) Conviction of a felony or of any public offense involving the violation of the oath of office of the incumbent; or
- (10) Incumbent of an elective office assuming another elective office as provided in subsections (2) and (3) of section 172 of this act.

Sec. 157. (1) The acceptance of a commission to any military or naval office or the enlistment in or induction into the military or naval service of the United States which may require an incumbent in an elective office, except the office of member of the Legislature, to exercise military or naval duties within or without the state for any period of time within the term for which such person has been elected or appointed shall not create a vacancy of such office. While the incumbent exercises such military or naval duties within or without this state, he or she shall not be (a) entitled to receive any compensation, perquisites, or emoluments of the elective office, (b) required to keep and maintain an official bond in force, or (c) responsible for the acts and defalcations of an acting officer duly appointed and qualified to take the place of the incumbent in such office during the time the incumbent is in such military or naval office or is inducted into or enlists in the military or naval service.

(2) If the incumbent accepts a commission to any military or naval office or enlists in or is inducted into the military or naval service of the United States, the county board, the governing body of the city, village, or other political subdivision, or the Governor or other appointive power, officer, or agency of the state in or under which such incumbent holds office may appoint an acting officer for such office for the period during which the elected or appointed incumbent will be absent by reason of the exercise of such military or naval duties or during the period of the term for which the incumbent has been elected or appointed. The acting officer so appointed shall qualify for such office in the manner provided by law and shall, during the time of such service as such acting officer, be entitled to all the compensation, perquisites, and emoluments of such office, including the power to appoint a deputy in the manner provided by law.

Sec. 158. The resignation of the incumbent of an elective office may be made as follows:

- (1) By the Governor to the Legislature if in session or, if not, to the Secretary of State;
- (2) By United States Senators and Representatives in the Congress of the United States, by incumbents elected by all the registered voters of the state, by judges of the Supreme Court, Court of Appeals, district courts, separate juvenile courts, Nebraska Workers' Compensation Court, and county courts, and by Regents of the University of Nebraska to the Governor;
- (3) By members of the Legislature to the presiding officer of the Legislature if in session, who shall immediately transmit information of the same to the Governor, or if such body is not in session, to the Governor;
- (4) By all county officers to the county board;
- (5) By members of the county board to the county clerk;
- (6) By all township officers to the township clerk;
- (7) By the township clerk to the township board;
- (8) By all city or village officers to the city council or village board;
- (9) By all school board members to the school board;
- (10) By all officers holding appointments to the officer or body by whom they were appointed; and
- (11) By all elective officers for which no other method is provided to the body on which they serve.

Such resignation shall not take effect until accepted by the board or officer to whom the resignation is made.

Sec. 159. When a vacancy occurs and before the election or appointment and qualification of a successor, possession shall be taken of all things pertaining to the office and the functions of the office shall be exercised as follows:

(1) Of any of the county offices, by the deputy if there is one and, if not, by a replacement appointed by the county board to perform the functions of the office until a permanent successor is duly appointed or elected; and

(2) Of any of the state offices, by the Governor or, in his or her absence or inability at the time of the occurrence, as follows:

(a) Of the Secretary of State by the State Treasurer;

(b) Of the Auditor of Public Accounts by the Secretary of State; and

(c) Of the State Treasurer by the Secretary of State or Auditor of Public Accounts.

The officer performing the functions of the State Treasurer shall make and sign an inventory of the money and warrants in the care of the office and transmit it to the Governor if he or she is in the state, and the Secretary of State shall take the keys of the safes and desks after depositing the books, papers, money, and warrants in such safes and desks and shall keep the key to the office.

Sec. 160. When a vacancy occurs in the office of Representative in Congress and the Congress will convene prior to the next general election, the Governor shall order a special election to fill such vacancy at the earliest practicable time and shall give notice of such election. Candidates for the office of Representative in Congress at a special election shall be nominated at large at a special primary election in the congressional district. No other names shall be placed upon the official ballot to be used at the special general election except those selected at the special primary election. The special primary election shall be held not less than twenty nor more than thirty days after the notice of such election by the Governor, and the special general election shall be held four weeks after the special primary election. Any person desiring to become a candidate shall, at least ten days prior to the date of holding the special primary election, file with the Secretary of State nomination papers as provided for at a regular primary election for the office of Representative in Congress. All other provisions for holding primary and general elections shall be followed.

Sec. 161. When a vacancy occurs in the representation of the State of Nebraska in the Senate of the United States, the office shall be filled by the Governor. The Governor shall appoint a suitable person possessing the qualifications necessary for senator to fill such vacancy. If the vacancy occurs within sixty days of a regular general election and if the term vacated expires on the following January 3, the appointee shall serve until the following January 3, and if the term extends beyond the following January 3, the appointee shall serve until January 3 following the second regular general election next succeeding his or her appointment. If the vacancy occurs more than sixty days before a regular general election, the appointee shall serve until January 3 following the regular general election and at the regular general election a senator shall be elected to serve the unexpired term if any.

Sec. 162. When a vacancy occurs in the Legislature, the office shall be filled by the Governor. The Governor shall appoint a suitable person possessing the qualifications necessary for a member of the Legislature. If the vacancy occurs within sixty days of a regular general election and if the term vacated expires on the first Tuesday following the first Monday in the following January, the appointee shall serve until the first Tuesday following the first Monday in January, and if the term extends beyond the first Tuesday following the first Monday in the following January, the appointee shall serve until the first Tuesday following the first Monday in January following the second regular general election next succeeding his or her appointment. If the vacancy occurs more than sixty days before a regular general election, the appointee shall serve until the first Tuesday following the first Monday in January following such regular general election and at the regular general election a member of the Legislature shall be elected to serve the unexpired term.

Sec. 163. Vacancies in office shall be filled as follows:

(1) In state and judicial district offices and in the membership of any board or commission created by the state when no other method is provided, by the Governor;

(2) In county offices, by the county board;

(3) In the membership of the county board, by the county clerk, county attorney, and county treasurer;

(4) In township offices, by the township board or, if there are two



or more vacancies on the township board, by the county board;

(5) In offices in public power and irrigation districts, according to section 70-615;

(6) In offices in natural resources districts, according to section 2-3215;

(7) In offices in community college areas, according to section 85-1514;

(8) In offices in educational service units, according to section 79-2203;

(9) In offices in hospital districts, according to section 23-3534;  
 (10) In offices in metropolitan utilities districts, according to section 14-2104;

(11) In membership on airport authority boards, according to section 3-502, 3-611, or 3-703, as applicable; and

(12) In membership on the board of trustees of a road improvement district, according to section 39-1607.

Unless otherwise provided by law, all vacancies shall be filled within forty-five days after the vacancy occurs unless good cause is shown that the requirement imposes an undue burden.

Sec. 164. (1) If any vacancy occurs in the office of city council member of a city of the metropolitan class, the remaining members of the council shall appoint a person to fill such vacancy from the district in which the vacancy occurred for the remainder of the term. The person thus appointed shall qualify and give bond as by law provided for council members elected to such office. A vacancy in the office of mayor of a city of the metropolitan class shall be filled as provided by local law.

(2) The city council of a city of the primary class may provide for filling any vacancies that occur in any elective office by appointment by the mayor with the advice and consent of the council, to hold office until the next general city election. In case of vacancy in the office of mayor of a city of the primary class or his or her absence or disability, the president of the council shall exercise the powers and duties of the office until such vacancy is filled or disability removed or, in case of temporary absence, until the mayor returns, and such acting mayor shall perform such other duties as may be required by law.

(3) In a city of the first class except a city which has adopted the commissioner or city manager plan of government, any vacancy on the council resulting from causes other than expiration of the term shall be filled by appointment by the mayor with the consent of the city council to hold office until a successor is elected at the next regular election held more than sixty days from the date of vacancy. At such election a successor shall be elected to hold office for the remainder of the term. When there is a vacancy in the office of the mayor in a city of the first class, the president of the city council shall serve as mayor for the unexpired term, except that if at least one-half of the previous mayor's term remains and a general election is to be held more than sixty days from the date of vacancy, a successor shall be elected at the next general election for the balance of the previous mayor's unexpired term. In case of any vacancy in the office of mayor, or in case of his or her absence or disability, the president of the council shall exercise the powers and duties of the office of mayor until such vacancy shall be filled or such disability removed, or in case of temporary absence until the mayor returns, and shall perform such other duties as may be required by law.

(4) Any vacancy on the city council of a city of the second class shall be filled as provided in section 165 of this act. In the case of any vacancy in the office of mayor, or in case of his or her disability or absence, the president of the council shall exercise the office of mayor for the unexpired term until such vacancy is filled or such disability is removed, or in case of temporary absence, until the mayor returns. If the president of the council assumes the office of mayor for the unexpired term, there shall be a vacancy on the council.

(5) A vacancy on the board of trustees of a village shall be filled as provided in section 165 of this act, except that the board of trustees of a village situated in more than one county shall have power to fill by appointment any vacancy that may occur in their number.

(6) If any vacancy occurs in the office of council member in a city under the commission plan of government, the vacancy shall be filled as provided in section 165 of this act. If an incumbent in a city under the commission plan of government files for a city office other than the office he or she holds, the office he or she holds shall become vacant as of the date of the commencement of the term of the office for which he or she has filed. If such vacancy results in an unexpired term, such vacancy shall be filled by election for the remainder of the unexpired term. In a city under the

commission plan of government, the vice president of the city council shall perform the duties of the mayor of the city in the absence or inability of the mayor to serve. If a vacancy occurs in the office of mayor by death or otherwise, the vice president shall perform the duties of mayor of the city until such time as the council shall fill such vacancy, which shall be done at the first council meeting after such vacancy occurs or as soon thereafter as may be practicable.

(7) If a vacancy occurs in the office of ward council member in a city under a city manager plan, a successor council member shall be elected in the ward at the next regular city election to serve for the remainder of the term, except that a majority of the remaining members of the council shall appoint a registered voter of the ward to serve as council member until the successor is so elected and has qualified. If for any reason the seats of a majority of the council become vacant, the city clerk shall call a special election to fill the vacancies for the unexpired portion of each term, which election shall be conducted as provided for the regular city election. A vacancy in any office to which the council elects shall be filled by the council for the unexpired term.

(8) Vacancies in city offices in any city under home rule charter shall be filled as provided in the home rule charter.

Sec. 165. (1)(a) Except as otherwise provided in subsection (2) or (3) of this section or section 164 of this act, vacancies in city and village elected offices shall be filled by the mayor and council or board of trustees for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the council or board of trustees at a regular or special meeting and shall appear as a part of the minutes of such meeting. The council or board of trustees shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the city or village or by posting in three public places in the city or village the office vacated and the length of the unexpired term.

(b) The mayor or chairperson of the board shall, within four weeks after the meeting at which such notice of vacancy has been presented or upon the death of the incumbent, call a special meeting of the council or board of trustees or place the issue of filling such vacancy on the agenda at the next regular meeting at which time the mayor or chairperson shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The council or board of trustees shall vote upon such nominee, and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the mayor or chairperson shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the mayor or chairperson shall continue at such meeting to submit the names of qualified registered voters in nomination and the council or board of trustees shall continue to vote upon such nominations until the vacancy is filled. The mayor or chairperson shall cast his or her vote for or against the nominee in the case of a tie vote of the council or board of trustees. All council members and trustees present shall cast a ballot for or against the nominee. Any member of the city council or board of trustees who has been appointed to fill a vacancy on the council or board shall have the same rights, including voting, as if such person were elected.

(2) The mayor and council or chairperson and board of trustees may, in lieu of filling a vacancy in a city or village elected office as provided in subsection (1) of this section or subsection (3) of section 164 of this act, call a special city election to fill such vacancy.

(3) If vacancies exist in the offices of a majority of the members of a city council or village board, the Secretary of State shall conduct a special city election to fill such vacancies.

Sec. 166. (1) A vacancy in the membership of a school board shall occur as set forth in section 156 of this act or when a member is absent from the district for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the board unless excused by a majority of the remaining members of the board.

(2) A person appointed to fill a vacancy on the school board of a Class I school district by the remaining members of the board shall hold office until the beginning of the next school year. A board member of a Class I school district elected to fill a vacancy at a regular or special school district meeting shall serve for the remainder of the unexpired term or until a successor is elected and qualified.

(3) Except as provided in subsection (4) of this section, a vacancy

in the membership of a school board of a Class II, III, IV, V, or VI school district resulting from any cause other than the expiration of a term shall be temporarily filled by appointment of a qualified registered voter by the remaining members of the board. A registered voter shall be nominated at the next primary election and elected at the following general election for the remainder of the unexpired term. A registered voter appointed or elected pursuant to this subsection shall meet the same requirements as the member whose office is vacant.

(4) Any vacancy in the membership of a school board of a school district which does not nominate candidates at a primary election and elect members at the following general election shall be temporarily filled by appointment of a qualified registered voter by the remaining members of the board. A registered voter shall be nominated and elected to fill the vacancy for the remainder of the term in the manner provided for nomination and election of board members in the district.

(5) If any school board fails to fill a vacancy on the board, the vacancy may be filled by election at a special election or school district meeting called for that purpose. Such election or meeting shall be called in the same manner and subject to the same procedures as other special elections or school district meetings.

(6) If there are vacancies in the offices of a majority of the members of a school board, the Secretary of State shall conduct a special school district election to fill such vacancies.

(7) When a school district is divided and no more than one board member is left in the old district, the county superintendent shall appoint qualified registered voters to hold the vacant offices until the second Monday in July after the next annual election or meeting and until their successors are elected and qualified.

Sec. 167. Appointments made pursuant to sections 160 to 166 of this act shall be in writing and shall continue for the unexpired term and until a successor is elected and qualified except as otherwise provided in such sections. The written appointment shall be filed with the Secretary of State or county or township clerk. No person shall be appointed to fill a vacancy unless he or she has the qualifications required to be elected to such office at the time of the appointment unless otherwise specifically provided.

Sec. 168. Every officer elected or appointed for a fixed term shall hold office until his or her successor is elected or appointed and is qualified. The fixed term shall end and the successor, whether elected or appointed, shall qualify on the day for taking office as provided by law. This section shall not be construed in any way to prevent the removal or suspension of such officer during or after his or her term in cases provided by law. If a successful candidate or the candidate receiving the highest number of votes in an election is prevented from assuming office on account of death, disability, resignation, removal, or disqualification, the incumbent shall not be entitled to hold over the term, but the office shall automatically become vacant upon the day for taking office as provided by law. The appointment to fill any vacancy if the elective or appointive officer fails to qualify shall be made as provided in sections 162 to 166 of this act. If the vacancy is created by the elective or appointive officer on or before the day for taking office, the incumbent shall remain in office until his or her successor is appointed and qualified and sworn into office, and the swearing in shall not be more than one calendar month from the day for taking office as provided by law. The appointing board or officer shall have the authority to appoint any qualified registered voter to fill the vacancy.

Sec. 169. Each political subdivision shall notify the election commissioner or county clerk of the offices to be filled no later than January 5 of any election year as provided in subsection (2) of section 96 of this act. The election commissioner or county clerk shall give notice of the offices to be filled by election and the filing deadlines for such offices by publication in at least one newspaper of general circulation in the county once at least fifteen days prior to such deadlines.

Sec. 170. (1) Any person seeking an elective office shall be a registered voter at the time of filing for the office pursuant to section 174 or 179 of this act.

(2) Any person filing for office shall meet the constitutional and statutory requirements of the office for which he or she is filing. If a person is filing for a partisan office, he or she shall be a registered voter affiliated with the appropriate political party if required pursuant to section 202 of this act. If the person is required to sign a contract or comply with a bonding requirement prior to holding such office, he or she shall be at least nineteen years of age at the time of filing for the office.

(3) The governing body of the political subdivision swearing in the

officer shall determine whether the person meets all requirements prior to swearing in the officer.

Sec. 171. (1) No candidate for member of the Legislature or an elective office described in Article IV, section 1, of the Constitution of Nebraska shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus, or committee to fill a vacancy, or to be a declared write-in candidate for more than one elective office to be filled at the same election except for the position of delegate to a county, state, or national political party convention. Any such person who has filed for an elective office shall withdraw such filing prior to filing for any other elective office to be filled at the same election except for the position of delegate to a county, state, or national political party convention. Any such person who has won a nomination in a primary election and who is nominated to any additional offices by a write-in vote or by a political party convention or committee shall decline one of the nominations pursuant to section 191 of this act and shall do so within seven days after receiving any subsequent nomination. If the candidate fails to take such action, any subsequent nomination shall be declared void. Any filing made in violation of this section shall be void, and the Secretary of State, election commissioner, or county clerk shall not place the name of any person on the ballot for any office for which such person filed in violation of this section.

(2) If a filing officer determines that a candidate has filed for more than one office in violation of subsection (1) of this section, the filing officer shall notify the Secretary of State, the Secretary of State shall determine the order of the filings and notify the candidate that the subsequent filing is invalid, and the candidate's name shall not be printed on the ballot for such office. The Secretary of State shall notify the filing officers of the counties involved of the action taken on such subsequent filing.

(3) When the name of a candidate appears on the ballot for more than one office during an election in violation of subsection (1) of this section, the filing officer when possible shall correct the error by removing the candidate's name from the ballot and reprinting corrected ballots. When it is not possible to print a corrected set of ballots in time for the election, all votes cast for such candidate as a candidate for the subsequent office appearing on the ballot shall not be counted, and no certificate of nomination or election shall be issued to such candidate for such subsequent office.

Sec. 172. (1) Except as provided in subsection (2) of this section, no person shall be precluded from being elected or appointed to or holding an elective office for the reason that he or she has been elected or appointed to or holds another elective office.

(2) No person serving as a member of the Legislature or in an elective office described in Article IV, section 1, of the Constitution of Nebraska shall simultaneously serve in any other elective office, except that such a person may simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

(3) Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, section 1, of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

(4) For purposes of this section, elective office shall have the meaning found in section 9 of this act and shall include an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature.

Sec. 173. No candidate defeated at a primary election shall be permitted to file an affidavit declaring a write-in candidacy, file by petition, or file a nomination, if nominated by party convention or committee, for the following general election for the same office. This section shall not be construed to preclude a candidate who was defeated at the primary election from being placed on the ballot at the general election pursuant to section 184 or 194 of this act.

Sec. 174. (1) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 175 of this act. If a candidate for an elective office is the incumbent, the deadline for filing the candidate filing form shall be February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office by March 1 prior to the date of the

primary election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline.

(2) Any candidate for a county office in a county under township organization, the board of directors of a reclamation district, the board of directors of a public power district receiving annual gross revenue of less than forty million dollars, or the board of an educational service unit may place his or her name on the general election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 175 of this act by August 1 prior to the date of the general election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline.

(3) Any city having a home rule charter may provide for filing deadlines for any person desiring to be a candidate for the office of council member or mayor.

Sec. 175. All candidate filing forms shall contain the following statement: I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the primary election, that I am a registered voter and qualified to be elected, and that I will serve if elected. Candidate filing forms shall be filed with the following filing officers:

(1) For officers elected in more than one county such as candidates for national, state, or congressional office, directors of public power and irrigation districts, directors of reclamation districts, directors of natural resources districts, members at large of the boards of educational service units, members of governing boards of community colleges, delegates to national conventions, and judges desiring retention, in the office of the Secretary of State. Candidate filing forms for such officers shall be accompanied by a certificate of registration obtained by the candidate under section 78 of this act;

(2) For officers elected within a county, in the office of the election commissioner or county clerk;

(3) For representatives from the county in which they reside on the boards of educational service units, in the office of the election commissioner or county clerk;

(4) For officers in school districts which include land in adjoining counties, in the office of the election commissioner or county clerk of the county in which the greatest number of registered voters entitled to vote for the officers reside; and

(5) For city or village officers, in the office of the city or village clerk, except that in the case of joint elections, the filing may be either in the office of the election commissioner or county clerk or in the office of the city or village clerk by deputized personnel. When the city or village clerk is deputized to take filings, he or she shall return all filings to the office of the election commissioner or county clerk by the end of the next business day following the filing deadline.

Sec. 176. (1) Except as provided in subsection (4) or (5) of this section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. The filing fee shall be paid to the county treasurer or, in the case of a city or village office, the city or village treasurer of the county, city, or village in which the candidate resides or, if the candidate does not reside at the time of filing in the county in which such candidate is seeking office, in the county where the office is sought. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper treasurer's receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the county, city, or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) The filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county officers including county superintendents of schools, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary such candidate will receive if he or she is elected and qualifies for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

(c) For directors of reclamation districts, ten dollars; and

(d) For Regents of the University of Nebraska, members of the State Board of Education, and directors of metropolitan utilities districts, twenty-five dollars.

(3) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within ten days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(4) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required for any candidate for membership on a school board, on the board of an educational service unit, on the board of governors of a community college area, on the board of directors of a weather control district, a natural resources district, or a ground water conservation district, or on the board of trustees of a sanitary and improvement district.

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

(a) Real property used as a home;

(b) Household goods of a moderate value used in the home; and

(c) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

(6) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the proper governing body prior to the date of the election. Upon approval of the claim by the proper governing body, the filing fee shall be refunded.

Sec. 177. The candidate filing form filed pursuant to sections 174 and 175 of this act by each candidate for the State Board of Education, county superintendent of schools, member of the Legislature, Regent of the University of Nebraska, director of a public power and irrigation district, reclamation district, or natural resources district, every other nonpartisan office created by law, member of a board of education of a Class IV or V school district, and candidate for elective office of a city of the first or second class or a village shall not in any way refer to or designate the political affiliation of the candidate.

Sec. 178. No person shall be allowed to file a candidate filing form as a partisan candidate or to have his or her name placed upon a primary election ballot of a political party unless (1) he or she is a registered voter of the political party if required pursuant to section 202 of this act and (2) at the last election the political party polled at least five percent of the entire vote in the state, county, political subdivision, or district in which the candidate seeks the nomination for office. A candidate filing form filed in violation of this section shall be void.

Sec. 179. Twenty-five registered voters of the same political party may seek to have a person's name placed on the primary election ballot as a partisan candidate by filing an affidavit stating that they are registered voters, the political party with which they are registered, the name of the proposed candidate, and that the proposed candidate is a registered voter of the same political party. The affidavit shall be filed in the same manner and with the same filing officer as provided for candidate filing forms. The proposed candidate shall, within five days from the date of the filing of the affidavit, file a candidate filing form as provided in section 175 of this act stating that he or she is a registered voter and is affiliated with the political party named in the affidavit. If the candidate filing form is not filed within such five-day period, the name of the candidate shall not be placed upon the primary election ballot.

Sec. 180. (1) A change of political party affiliation by a registered voter so as to affiliate with the political party named in the candidate filing form after the first Friday in December prior to the statewide primary election shall not be effective to meet the requirements of section 178 or 179 of this act, except that any person may change his or her political party affiliation after the first Friday in December prior to the statewide primary election to become a candidate of a new political party which has successfully completed the petition process required by section 216 of this act.

(2) No registered voter, candidate, or proposed candidate shall

swear falsely as to political party affiliation or shall swear that he or she affiliates with two or more political parties. Any candidate who swears falsely as to political party affiliation or swears that he or she affiliates with two or more political parties shall not be the candidate of such party and shall not be entitled to assume the office for which he or she filed even if he or she receives a majority or plurality of the votes therefor at the following general election.

(3) The name of a candidate shall not appear printed on more than one political party ballot. A candidate who is a registered voter of one political party shall not accept the nomination of another political party.

(4) In order to count write-in votes on a political party ballot in the primary election, the candidate who receives the votes must be a registered voter of that political party.

Sec. 181. Any petition to place a person's name on the primary election ballot for President of the United States shall contain the names of not less than one hundred registered voters of each congressional district of the state. The name of the candidate for President shall be placed upon the ballot only when written consent of such person has been filed with the Secretary of State not less than sixty days before the primary election. The form of the petition shall comply with the requirements of section 196 of this act and shall as nearly as possible conform to the form prescribed by the Secretary of State.

Sec. 182. The names of persons in the political party (1) who are presented by petition of their supporters to be party candidates for President of the United States or (2) who have been determined by the Secretary of State to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the primary election ballot for the office of President of the United States. If a person does not want his or her name on the Nebraska primary election ballot, he or she shall execute and file an affidavit with the Secretary of State stating without qualification that he or she is not now and does not intend to become a candidate for office of President of the United States at the next presidential election in Nebraska or any other state. If a presidential candidate files such affidavit removing his or her name and subsequently becomes a presidential candidate in another state, the candidate's affidavit in Nebraska shall be purged and shall have no force and effect. The Secretary of State shall then place such candidate's name on the primary election ballot.

Sec. 183. Any candidate engaged in or pursuing a write-in campaign shall file a notarized affidavit of his or her intent together with the treasurer's receipt for any filing fee with the filing officer as provided in section 176 of this act no later than ten days prior to the election. A candidate who has been defeated as a candidate in the primary election or defeated as a write-in candidate in the primary election shall not be eligible as a write-in candidate for the same office in the general election. A candidate who files a notarized affidavit shall be entitled to all write-in votes for the candidate even if only the last name of the candidate has been written if such last name is reasonably close to the proper spelling.

Sec. 184. Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot by filing petitions as prescribed in sections 185 to 189 of this act or by nomination by political party convention or committee. Any candidate who was defeated in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (1) of section 194 of this act and the candidate files for the office by petition as prescribed in sections 185 and 186 of this act.

Sec. 185. (1) Petitions for nomination for partisan and nonpartisan offices shall conform to the requirements of section 196 of this act. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the district or political subdivision in which the officer is to be elected and shall be filed with the filing officer in the same manner as provided for candidate filing forms in section 175 of this act. Petition signers and petition circulators shall conform to the requirements of sections 197 and 198 of this act. No petition for nomination shall be filed unless there is attached thereto a county treasurer's receipt from the county of such nominee's residence showing the payment of the filing fee required pursuant to section 176 of this act. Such petitions shall be filed by September 1 in the year of the general election.

(2) The filing officer shall verify the signatures according to section 199 of this act. Within three days after the signatures on a petition

for nomination have been verified pursuant to such section and the filing officer has determined that pursuant to section 186 of this act a sufficient number of registered voters signed the petitions, the filing officer shall notify the candidate so nominated by registered or certified mail, and the candidate shall, within five days after the date of receiving such notification, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

(3) A candidate placed on the ballot by petition shall be termed a candidate by petition. The words BY PETITION shall be printed upon the ballot after the name of each candidate by petition.

Sec. 186. (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected. If the district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall be obtained in each county comprising the district; and

(b) For board members of a Class III school district, at least twenty percent of the total number of votes cast for the board member receiving the highest number of votes at the immediately preceding general election in the school district.

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the majority vote of the registered voters of the entire state, at least two thousand;

(b) For each partisan office to be filled by the majority vote of the registered voters of a county or political subdivision other than a township or precinct, at least twenty percent of the total vote for Governor or President of the United States at the immediately preceding general election within the county or political subdivision, not to exceed two thousand; and

(c) For each partisan office to be filled by the majority vote of the registered voters of a township or precinct, fifty.

The number of signatures shall not be required to exceed one-fourth of the total number of registered voters voting for the office at the immediately preceding general election when the nomination is for a partisan office to be filled by the registered voters of a county, township, or precinct.

Sec. 187. Any candidate for the office of Governor or Lieutenant Governor circulating petitions or having petitions circulated in his or her behalf after the primary election and prior to the general election shall, prior to the circulation of such petitions, select the person whom he or she wishes to be his or her team member for ballot purposes.

Sec. 188. Partisan candidates for the offices of President and Vice President of the United States on the general election ballot shall be certified to the Governor and Secretary of State by the national nominating convention as provided by law. Candidates for the offices of President and Vice President of the United States of newly established political parties or of an independent status may obtain general election ballot position by filing with the Secretary of State:

(1) An application containing:

(a) The name or names to be printed on the ballot;

(b) The status of the candidacy, whether independent or partisan;

(c) The written consent of the designated vice-presidential candidate to have his or her name printed on the ballot; and

(d) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates; and

(2) A petition signed by not less than two thousand five hundred registered voters. Such petitions shall conform to the requirements of section 196 of this act and shall not be circulated until after the date of the primary election in that election year. Registered voters who voted in the primary election of any political party that held a presidential preference primary election that year shall be ineligible to sign the petitions of an independent candidate for president.

Sec. 189. (1) When a new political party has been properly established under section 216 of this act prior to the general election and



after the primary election of the same year, all candidates except candidates for President or Vice President of the United States shall pay the filing fee as provided in section 176 of this act, file an affidavit of personal nomination with the filing officer as provided in section 175 of this act no later than September 1 prior to the general election accompanied by a petition of nomination containing the names of not less than twenty-five registered voters of the political party obtained from the appropriate jurisdiction, and comply with the Nebraska Political Accountability and Disclosure Act.

(2) Within twenty-four hours after a petition of nomination has been filed pursuant to this section, the filing officer shall notify, by either registered or certified mail, the candidate so nominated, and the candidate shall, within five days from the date of filing of such petition, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

Sec. 190. If any person who has filed for elective office notifies the filing officer in writing duly acknowledged by March 1 before the primary election that he or she declines to be a candidate, the name shall not be printed on the primary election ballot, but no declination shall be effective after such date. A filing of nomination pursuant to section 179 of this act shall extend the time for declination until March 6 before the primary election. Any election commissioner or county clerk receiving notice of declination for a candidate who originally filed with the Secretary of State shall immediately notify the office of the Secretary of State by telephone and forward the declination statement.

Sec. 191. If any person nominated for elective office notifies the filing officer with whom the candidate filing form or other acceptance of nomination was filed by filing a statement, in writing and duly acknowledged, that he or she declines such nomination on or before September 1 before the election, the person's name shall not be printed on the ballot, but no declination shall be effective after such date. The filing officer shall inform one or more persons whose names are attached to the nomination if the candidate was nominated by a political party convention or committee or, if nominated at a primary election, the chairperson or secretary of the campaign or political party committee of his or her political party if there is one and, if not, at least three of the prominent members of the candidate's political party in the state that such candidate has declined the nomination by mailing or delivering to them personally notice of such fact, and three days shall be given such party committee or convention to nominate a person to fill such vacancy. In lieu of filing a declination with the Secretary of State, the person so nominated may file a declination with the election commissioner or county clerk in the county in which he or she resides. Any election commissioner or county clerk receiving such a declination shall within five days after its receipt forward a copy of the written declination statement to the Secretary of State. The Secretary of State shall make notifications required by this section for all individuals for whom he or she receives a copy of the written declination statement.

Sec. 192. All candidate filing forms which appear to conform with sections 174 and 175 of this act shall be deemed to be valid unless objections are made in writing within twenty days after the filing of the same. No objection shall be duly made more than five days after the filing deadline. If an objection is made, notice shall be mailed to all candidates who may be affected thereby. Any political party committee may institute actions in court based upon fraud or crime resorted to in connection with the candidate filing forms or the acceptance of a nomination. No county committee shall have the authority to bring such action as to candidates for congressional or state office or as to candidates to be elected from legislative districts composed of more than one county. A state political party committee may institute actions to determine the legality of any candidate for a state or congressional office or for any district office if the district composes more than one county. Objections to the use of the name of a political party may also be made and passed upon in the same manner as objections to a candidate filing form or other acceptance of nomination.

The filing officer with whom the candidate filing form was filed shall determine the validity of such objection, and his or her decision shall be final unless an order is made in the matter by a judge of the county court, district court, Court of Appeals, or Supreme Court on or before the fifty-fifth day preceding the election. Such order may be made summarily upon application of any political party committee or other interested party and upon such notice as the court or judge may require. The decision of the Secretary of State or the order of the judge shall be binding on all filing officers.

Sec. 193. (1) If there is a vacancy on the ballot for a nonpartisan

office after the time for filing and before the primary election, the vacancy may only be filled by a petition candidate after the primary election pursuant to sections 185 and 186 of this act.

(2) A vacancy shall exist on the ballot for the general election when (a) any person ceases to be a candidate for the office for which he or she filed a candidate filing form in the primary election and the number of candidates for office is less than twice the number of positions to be filled or (b) no person was nominated for the office in the primary election. If such a vacancy exists for a nonpartisan office, such vacancy may be filled by filing petitions for nomination pursuant to such sections no later than September 1 prior to the general election.

Sec. 194. (1) If one of the two candidates who received the highest number of votes for a nonpartisan office in a primary election is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate and the registered voters had reasonable notice of such disability at the time of the primary election, the candidate who received the next highest number of votes to the candidates who would normally receive certificates of nomination shall be declared nominated and shall be entitled to a certificate of nomination if he or she received not less than twenty-five percent of the total number of votes cast for the office in the primary and the number of persons to be nominated for the office is not greater than two and not less than ten percent when the number of persons to be nominated for the office is greater than two. If the person who received the next highest number of votes received less than the required percentage, a vacancy on the general election ballot shall be deemed to exist, and the vacancy may be filled only by candidates filing for the office by petition as prescribed in sections 185 and 186 of this act.

(2) If the candidate who received the highest number of votes for a nonpartisan office in a general election is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate and the registered voters had reasonable notice of such disability at the time of the election, the candidate who received the next highest number of votes to the candidates who would normally receive certificates of election shall be declared elected and shall be entitled to a certificate of election if he or she received not less than thirty-five percent of the total number of votes cast for the office in the election and the number of persons to be elected for the office is not greater than two and not less than ten percent when the number of persons to be nominated for the office is greater than two. If the candidate who received the next highest number of votes received less than the required percentage, if no other person was a candidate for the office, or if the registered voters did not have reasonable notice at the time of the election of the disability of the candidate who received the highest number of votes to merit a certificate of election, a vacancy in such office shall be declared to exist at the time of commencement of the term, and the vacancy may be filled as prescribed by law for such office.

(3) The determination of whether the registered voters had reasonable notice for purposes of this section shall be made by the appropriate filing officer under section 175 of this act. The decision of the filing officer may be appealed to the district court.

Sec. 195. (1) If a vacancy on the ballot arises for any partisan office except President and Vice President of the United States before a general election, the vacancy shall be filled by the majority vote of the proper committee of the same political party. If the vacancy exists for an office serving only a particular district of the state, only those members of the political party committee who reside within that district shall participate in selecting the candidate to fill the vacancy. No vacancy on the ballot shall be deemed to have occurred if a political party makes no nomination of a candidate at the primary election for the office. If a vacancy arises for Governor or Lieutenant Governor, the vacancy shall be filled by the majority vote of the proper committee of the same political party.

(2) The chairperson and secretary of the executive committee for the political party shall make and file with the filing officer a certificate setting forth the cause of the vacancy, the name of the person so nominated, the office for which he or she was nominated, the name of the person for which the new nominee is to be substituted, the place of residence of the person so nominated, the street and number of the residence or place of business of the person so nominated if such person resides in a city, and the name of the political party with which the person so nominated affiliates which such committee represents. The certificate shall be signed by the chairperson and secretary with the name and places of their residences and sworn to by them

before some officer authorized to administer oaths. If there is no executive committee of the political party, then a mass convention of the political party shall fill the vacancy and the chairperson and secretary of such convention shall make and file with the filing officer a certificate in form and manner substantially as is required to be filed by the chairperson and secretary of the executive committee under this subsection. The certificate shall be filed by September 1 for a general election and have the same force and effect as the candidate filing form provided for in section 175 of this act. The filing fee charged to candidates for such offices shall accompany the filing of the certificate.

Sec. 196. (1) All petitions prepared or filed pursuant to the Election Act or any petition which requires the election commissioner or county clerk to verify signatures by utilizing the permanent registration register shall provide a space at least two and one-half inches long for written signatures, a space at least two inches long for printed names, and sufficient space for street name and number, city or village, and zip code. Lines on each petition shall not be less than one-fourth inch apart. Petitions may be designed in such a manner that lines for signatures and other information run the length of the page rather than the width. Petitions shall provide for no more than twenty signatures per page.

(2) For the purpose of preventing fraud, deception, and misrepresentation, every sheet of every petition containing signatures shall have upon it, above the signatures, statements printed in boldface type in substantially the following form:

WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not, at the time of signing or circulating the petition, a registered voter and qualified to sign or circulate the petition except as provided for initiative and referendum petitions shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

(3) Every sheet of a petition which contains signatures shall have upon it, below the signatures, an affidavit in substantially the following form:

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF ..... )  
..... (name of circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing ..... signatures, that he or she is a registered voter of the State of Nebraska, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer before he or she affixed his or her signature the purpose of this petition.

.....  
Circulator

.....  
Address

Subscribed and sworn to before me, a notary public, this .... day of ..... 19.. at ..... Nebraska.

.....  
Notary Public

(4) Each sheet of a petition circulated by a paid circulator shall have upon its face and in plain view of persons who sign the petition the following language in letters not smaller than sixteen-point type in a contrasting color from other print on the petition: This petition is circulated by a paid circulator.

Sec. 197. Only a registered voter of the State of Nebraska shall qualify as a valid signer or circulator of a petition and may sign or circulate petitions under the Election Act, except that any person who is or will be a registered voter in the State of Nebraska on or before the date on which the petition is required to be filed with the Secretary of State may sign an initiative or referendum petition.

Sec. 198. (1) Each person who signs a petition shall, at the time

of and in addition to signing, personally affix the date, print his or her last name and first name in full, and affix his or her address, including the street and number or a designation of a rural route or voting precinct and the city or village or a post office address. A person signing a petition may use his or her initials in place of his or her first name if such person is registered to vote under such initials. No signer shall use ditto marks as a means of personally affixing the date or address to any petition. A wife shall not use her husband's first name when she signs a petition but shall personally affix her first name and her last name by marriage or her surname. Any signature using ditto marks as a means of personally affixing the date or address of any petition or any signature using a spouse's first name instead of his or her own shall be invalid.

(2) Each circulator of a petition shall personally witness the signatures on the petition and shall sign the circulator's affidavit.

(3) No person shall:

(a) Sign any name other than his or her own to any petition;

(b) Knowingly sign his or her name more than once for the same petition effort or measure;

(c) Sign or circulate a petition if he or she is not a registered voter and qualified to sign or circulate the same except as provided in section 197 of this act;

(d) Falsely swear to any signature upon any such petition;

(e) Accept money or other thing of value for signing any petition;

or

(f) Offer money or other thing of value in exchange for a signature upon any petition.

Sec. 199. (1) All petitions that are presented to the election commissioner or county clerk for signature verification shall be retained in the election office and shall be open to public inspection. Upon receipt of the pages of a petition, the election commissioner or county clerk shall issue a written receipt indicating the number of pages of the petition in his or her custody to the person presenting the petition for signature verification. Petitions shall be destroyed twenty-two months after they are filed.

(2) The election commissioner or county clerk shall determine the validity and sufficiency of such petition by comparing the names and addresses of the signers and circulators with the voter registration records to determine if the signers and circulators were registered voters on the date of signing the petition. If it is determined that a signer has affixed his or her signature more than once to any petition and that only one person is registered by that name, the election commissioner or county clerk shall strike from the pages of the petition all but one such signature. Only one of the duplicate signatures shall be added to the total number of valid signatures. All signatures and addresses shall be presumed to be valid if the election commissioner or county clerk has found the signers to be registered voters on or before the date on which the petition was signed. This presumption shall not be conclusive and may be rebutted by any credible evidence which the election commissioner or county clerk finds sufficient.

(3) If the election commissioner or county clerk verifies signatures in excess of one hundred ten percent of the number necessary for the issue to be placed on the ballot, the election commissioner or county clerk may cease verifying signatures and certify the number of signatures verified to the person who delivered the petitions for verification.

(4) If the number of signatures verified does not equal or exceed the number necessary to place the issue on the ballot upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer or circulator found not to be a registered voter and the petition page number and line number where the signature is found. If the signature or address is challenged for a reason other than the nonregistration of the signer, the election commissioner or county clerk shall set forth the reasons for the challenge of the signature.

Sec. 200. Any person may remove his or her name from a petition by an affidavit signed and sworn to by such person before the election commissioner, the county clerk, or a notary public. The affidavit shall be presented to the Secretary of State, election commissioner, or county clerk prior to the day the petition is submitted for signature verification.

Sec. 201. When candidates for the office of President of the United States are to be nominated, every registered voter of a political party shall have the opportunity to vote his or her preference on his or her party nominating ballot for his or her choice for one person to be the candidate of his or her political party for President of the United States by writing the

name of the person of his or her choice for President in the blank space to be left upon the ballot for such purpose and making a cross or mark in the square or oval opposite the written name or by making a cross or mark in the square or oval opposite the printed name of the person of his or her choice.

Sec. 202. Any political party may, by the adoption of a rule, require that any individual whose name is placed on such party's partisan primary election ballot be a registered voter affiliated with such party.

Sec. 203. In each presidential election year, the total number of delegates and alternate delegates representing this state at the national conventions of the political parties and their method of selection or election shall be determined by the rules of the national political party holding the convention. The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of the Election Act, including ballot preparation, separation of ballots, and ballot instructions, to comply with and carry out the intent of national political party rules and court decisions. Whenever the act is in conformity with national political party rules as to the election of delegates, the election procedures found in the act shall be followed.

Sec. 204. The filing form for nomination of a candidate for election as a delegate to the national convention of a political party shall (1) contain a statement of the candidate's preference for the candidacy for the office of President of the United States or that he or she is uncommitted, (2) include a pledge that the candidate, if elected, will use his or her best efforts at the convention for the candidate indicated as his or her preference for the office of President until (a) such candidate receives less than thirty-five percent of the votes for nomination by such convention or releases the delegate from such pledge or (b) two convention nominating ballots have been taken, and (3) be filed with the Secretary of State. No filing form for nomination shall be accepted unless signed by the candidate. The Secretary of State shall prescribe the filing form for nomination.

Sec. 205. The Secretary of State shall issue certificates of election to persons elected as delegates to national conventions of the political parties. The certificate shall show the number of votes received in the state by each candidate of the political party for President represented by such delegate.

Sec. 206. Alternate delegates to the national political convention of a political party shall be selected in accordance with procedures adopted by the state central committee of each political party. A statement setting forth such procedure and certifying its adoption shall be filed in the office of the Secretary of State by the state chairperson of the political party not later than February 15 of each presidential election year. The names of those selected as alternate delegates shall be certified to the Secretary of State by the state chairperson immediately following their selection.

Sec. 207. (1) The county postprimary convention of a political party shall be held in the courthouse or other suitable place at the county seat anytime during the first seven days in June following the statewide primary election at an hour and place to be designated by the chairperson of the county central committee of a political party. The county central committee chairperson shall, after appropriate consultation with the central committee, certify the date, time, and location of the convention to the election commissioner or county clerk not later than the first Tuesday in May preceding the primary election. The election commissioner or county clerk shall issue certificates of election to each person elected delegate to the county postprimary convention of a political party and shall notify each person elected of the time and place of the holding of such county postprimary convention. The county central committee chairperson shall cause to be published, at least fifteen days prior to the date of the county postprimary convention, an official notice of the date, time, and place of the convention in at least one newspaper of general circulation within the county.

(2) The election commissioner or county clerk shall deliver to the temporary secretary of each county postprimary convention of a political party the roll, properly certified, showing the name and address of each delegate elected to such convention. Upon receipt of such roll, the convention shall organize and proceed with the transaction of business which is properly before it. A county chairperson, secretary, treasurer, and other officials may be elected. The authority reposed in delegates to the county postprimary convention by reason of their election shall be deemed personal in its nature, and no such delegate may, by power of attorney, by proxy, or in any other way, authorize any person in such delegate's name or on such delegate's behalf to appear at such county postprimary convention, cast ballots at the convention, or participate in the organization or transaction of any business of the convention. In case of a vacancy in the elected delegates, such elected

delegates present shall have the power to fill any vacancy from the qualified registered voters of the precinct in which the vacancy exists.

Sec. 208. The county central committee of a political party shall fix the representation in the county postprimary conventions for the various precincts of the county on the basis of the vote cast for the political party's candidate for President of the United States at the preceding presidential election. Each precinct shall be entitled to at least two delegates to the county postprimary convention. If any precinct does not have a full quota of delegates at the county postprimary convention, the delegates at the convention may fill the quota from the registered voters of such precinct. The county postprimary convention shall select delegates to the state and congressional district conventions of a political party. If the county central committee fails to fix the representation at the county postprimary convention by proper certification to the election commissioner or county clerk of the respective counties by February 1 of each election year, there shall be two delegates from each precinct.

Sec. 209. Delegates to county conventions of political parties may be elected at precinct caucuses held in each presidential election year. The state central committee of each political party shall set the date for the caucus, and the county chairperson for each party shall issue the call. Each county chairperson shall file with the election commissioner or county clerk notice of the meeting place of such caucus at least ten days prior to the date of the caucus. The state central committee of each party shall draft rules of procedure to be followed at each caucus.

For purposes of this section, caucus shall mean a meeting of the legal voters of any political party assembled for the purpose of choosing delegates to the county convention.

Sec. 210. Each political party shall hold a state postprimary convention biennially on a date to be fixed by the state central committee but not later than October 1. Candidates for elective offices may be nominated at such conventions. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

Sec. 211. Each political party shall hold a congressional district postprimary convention in even-numbered years. The convention shall be held at the same place as and immediately after the adjournment of the state postprimary convention. The delegates selected to the state postprimary convention for the district shall be the delegates to the congressional district postprimary convention. The congressional district postprimary convention shall transact the business which is properly before it.

Sec. 212. At least sixty days prior to any general election at which candidates for President and Vice President of the United States are to be voted upon by the registered voters of the state, the appropriate officers of the various national political party conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The Secretary of State shall then take appropriate steps to place the names of the presidential and vice-presidential candidates on the ballot.

Sec. 213. The certificates of appointment for presidential electors shall be served by the Governor on each person appointed. The Governor shall notify the presidential electors to be at the State Capitol at noon on the first Monday after the second Wednesday in December after appointment and report to the Governor at his or her office in the capitol as being in attendance. The Governor shall serve the certificates of appointment by registered or certified mail. The presidential electors shall convene at 2 p.m. of such Monday at the Governor's office in the capitol.

Sec. 214. The Governor shall provide each presidential elector with a list of all the electors. If any elector is absent or if there is a deficiency in the proper number of electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect by 3 p.m. of such day, the Governor shall fill the vacancies by appointment. After all vacancies are filled, the college of electors shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the

Constitution and laws of the United States. Each at-large presidential elector shall cast his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state. Each congressional district presidential elector shall cast his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district.

Sec. 215. The Secretary of State shall incorporate in his or her budget the sum of five hundred dollars for the payment of requests for payment or reimbursement presented by the presidential electors of the electoral college. The electors shall receive compensation of five dollars for each day of attendance and shall be reimbursed for mileage at the rate provided in section 81-1176.

Sec. 216. (1) Any person, group, or association desiring to form a new political party shall present to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for Governor at the most recent general election for such office. The signatures of registered voters on such petitions shall be so distributed as to include registered voters totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts in this state. Petition signers and petition circulators shall conform to the requirements of sections 197 and 198 of this act. The petitions shall be filed with the Secretary of State no later than February 1 before any statewide primary election for the new political party to be entitled to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary election of that year, the petitions shall be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of petitions to form a new political party, a sample copy of the petitions shall be filed with the Secretary of State by the person, group, or association seeking to establish the new party. The sample petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association sponsoring the petition to form a new political party.

(2) The petition shall conform to the requirements of section 196 of this act. The Secretary of State shall prescribe the form of the petition for the formation of a new political party. The petition shall be addressed to and filed with the Secretary of State and shall state its purpose and the name of the party to be formed, but the name of any political party then in existence or any word forming any part of the name of any political party then in existence shall not be adopted. The petition shall contain a statement substantially as follows:

We, the undersigned registered voters of the State of Nebraska and the county of ..... being severally qualified to sign this petition, respectfully request that the above-named new political party be formed in the State of Nebraska, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of ..... and am qualified to sign this petition; and my city, village, or post office address and my street and number or voting precinct are correctly written after my name.

Sec. 217. Within ten days after all the petitions to form a new political party which contain signatures are filed with the Secretary of State, he or she shall determine the validity and sufficiency of such petitions and signatures. Clerical and technical errors in a petition shall be disregarded if the forms prescribed by the Secretary of State are substantially followed. If the petitions are determined to be sufficient and valid, the Secretary of State shall issue a certification establishing the new political party. Copies of such certification shall be issued to the person, group, or association forming the new political party. Within twenty days after the certification of establishment of the new political party by the Secretary of State, the person, group, or association forming the new political party or its new officers shall file with the Secretary of State the constitution and bylaws of such party along with a certified list of the names and addresses of the officers of the new political party.

Sec. 218. New political parties may be formed for a congressional district, a county, or a city. Any person desiring to form a new political party for a congressional district, a county, or a city shall follow the procedures set out in section 216 of this act, except that:

(1) The requirement for signatures to be obtained from registered voters in each of the three congressional districts shall not apply to this section;

(2) Petitions for new county or city political parties shall be

filed with the election commissioner or county clerk, and the election commissioner or county clerk shall perform the duties imposed upon the Secretary of State by section 17 of this act; and

(3) Petitions for formation of a new city political party shall be filed no later than February 1 before the city primary.

Sec. 219. At all county, congressional district, and state political party conventions held under sections 207 to 211 of this act, each delegate shall be entitled to register his or her individual vote, and it shall be unlawful to attempt to bind any delegate by any political party or convention rules requiring the delegates from any political subdivision to such convention to vote as one unit.

Sec. 220. In case of a division of any political party, the Secretary of State shall give the preference of party name to the convention held at the time and place designated in the call of the regularly constituted political party authorities, and if the other faction presents no other party name, the Secretary of State shall select a name or title and place the same on the ballot before the list of candidates of such faction. The action of the preceding national convention of such party, regularly called, shall determine the action of the Secretary of State or the court in its decision. The Secretary of State may be compelled by peremptory order of mandamus to perform such duty.

Sec. 221. Any candidate of any political party for an office to be filled at a special election shall be nominated by a convention or central committee of his or her political party. The nomination shall be in writing, shall contain the name of the office for which each person was nominated and the name and residence of each person so nominated, including if in a city, the street and number of residence, and place of business, if any, and shall designate in not more than five words the political party which such convention or committee represents. The presiding officer and the secretary of such convention or committee shall sign the nomination and include their respective places of business and take an oath before an officer qualified to administer oaths that the affiants were such officers at such convention or committee and that the certificate and the statements therein contained are true to the best of their knowledge and belief. Such conventions or committee meetings shall be held not less than seventy days prior to the date fixed by law for the election of the persons so nominated. The nomination shall be filed with the filing officer prescribed in section 175 of this act not less than seventy days before the election.

Sec. 222. At least fifty days before any statewide primary or general election, the Secretary of State shall transmit in ballot form to each election commissioner or county clerk a certification of the candidates, offices, and issues that appear on the state ballot. The certification prior to the primary election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate for whom candidate filing forms or petitions have been filed in the office of the Secretary of State and who is entitled to be voted for at such primary election, the party affiliation or independent status of each candidate, and the city or village of residence of each candidate. The city or village of residence of each candidate shall not appear on the official ballot. The certification prior to the general election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate who was nominated at the primary election or who filed by petition as shown by the records in the office of the Secretary of State and who is entitled to be voted for at the general election, and the party affiliation or independent status of each candidate for partisan offices.

Sec. 223. The notice of election for any election shall state the date on which the election is to be held and the hours the polls will be open and list all offices, candidates, and issues that will appear on the ballots. The notice of election shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. In the case of a primary election, the notice of election shall list all offices and candidates that are being forwarded to the general election. The notice of election shall only state that amendments or referendums will be voted upon and that the Secretary of State will publish a true copy of the title and text of any amendments or referendums once each week for three consecutive weeks preceding the election. Such notice of election shall appear in at least one newspaper designated by the election commissioner, county clerk, city council, or village board no later than forty days prior to the election. The election commissioner or county clerk shall post in his or her office the same notice of election published in the newspaper not later than forty days prior to the election and shall provide a copy of the notice to all candidates and political subdivisions appearing on the ballot. The



election commissioner or county clerk shall correct the ballot to reflect any corrections received within ten days after mailing the notice. The notice of election shall be posted in lieu of sample ballots until such time as sample ballots are printed. If joint elections are held in conjunction with the statewide primary or general election by a county, city, or village, only one notice of election need be published and signed by the election commissioner or county clerk.

Sec. 224. A copy of the official ballot shall be printed in one or more newspapers of general circulation in the county, city, or village as designated by the election commissioner, county clerk, city council, or village board. The copy shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. Such publication shall be made not more than fifteen nor less than two days before the day of election, and the same shall appear in only one regular issue of each paper. The form of the ballot so published shall conform in all respects to the form prescribed for official ballots as set forth in sections 227, 230, and 233 of this act, but larger or smaller type may be used. When voting machines or punch card voting systems are used, a reduced-size facsimile of the official ballot shall be published as it appears on the voting machine or punch card voting device. Such publication shall include suitable instructions to the voters for operation of the voting machine or punch card voting device. The rate charged by the newspapers and paid by the county board for the publication of such sample ballot shall not exceed the rate regularly charged for display advertising in such newspaper in which the publication is made.

Sec. 225. If in the judgment of the election commissioner, county clerk, or city or village clerk the sample ballot published in the newspaper will not be seen by the voters generally, sample ballots may be printed on light red, light green, or light pink paper. The sample ballots shall be distributed not less than three nor more than thirty-five days before the election in an amount not to exceed ten percent of the total number of votes cast in such county, city, or village at the immediately preceding general election. The separate sample ballots shall be of the exact size and form as the official ballot.

Sec. 226. The election commissioner or county clerk shall prepare the necessary ballots for every election in which candidates for elective office are certified to or filed with the election commissioner or county clerk or whenever any question is to be submitted to a vote of the registered voters of any locality and not to the state generally. The ballots shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. If a question is submitted to the registered voters of any city or village alone, the city or village clerk shall provide the necessary ballots. Sample ballots shall be prepared for each precinct and shall be the same as the official ballots for the precinct. The official ballot shall be headed with the words Official Ballot, and the sample ballot shall be headed with the words Sample Ballot. All official and sample ballots shall be in the possession of the election commissioner, county clerk, or city or village clerk at least ten days before the election and subject to inspection by the candidates or their agents. One set of sample ballots shall be posted in the office of the election commissioner or county clerk not later than ten days prior to the election. Two sample ballots shall be posted at each polling place in each precinct on the morning of election day by the judges and clerks of election at or near the polling place. Additional sample ballots may be printed. No person other than an election commissioner, county clerk, or city or village clerk shall print or cause to be printed or distributed any ballot marked Official Ballot.

Sec. 227. All official ballots prepared pursuant to the Election Act shall be white in color, except that the election commissioner, county clerk, or city or village clerk may designate a distinctive color of ballot or ink for city, village, or school elections or, when authorized by the Secretary of State, for elections of any other political subdivision. If a distinctive color is designated, the color of the ballot shall not be the same as the sample ballots as provided in section 225 of this act. The style and size of type on official ballots shall be as close as possible to the style used on the ballots furnished by the Secretary of State.

Sec. 228. The election commissioner, county clerk, or city or village clerk shall print and deliver to each precinct or district in the county, city, or village an approximate number of ballots based upon what would appear sufficient at the time the ballots are to be printed. Such totals shall take into consideration increases in registration, absentee voting, annexations, changes in boundaries, spoiled ballots, and any other factor that may influence the total number of ballots needed. Additional

ballots shall be printed to meet any contingency in order to provide a sufficient number of ballots for each precinct or district in the county, city, or village.

Sec. 229. (1) Absentee ballots and applications shall be ready for delivery to registered voters at least thirty-five days prior to each statewide primary or general election and at least fifteen days prior to all other elections.

(2) Notwithstanding subsection (1) of this section, upon request for a ballot, an absentee ballot shall be forwarded to each voter meeting the criteria of section 282 of this act at least forty-five days prior to any election. The election commissioner or county clerk shall not forward any absentee ballot or special absentee ballot if the election to which such ballot pertains has already been held. If the absentee ballot has not been printed in sufficient time to meet the requirements of this subsection, the election commissioner or county clerk shall issue a special absentee ballot to each voter meeting the criteria of such section at least fifty-seven days prior to an election upon the written request by such voter requesting the special absentee ballot. A complete list of the nominated candidates and issues to be voted upon by a voter meeting the criteria of such section shall be included with the special absentee ballot by the election commissioner or county clerk. A notice shall be sent with the primary election ballot stating that the absentee voter must request a general election ballot unless such voter has requested both the primary and general election ballots. If the voter has requested both ballots, a notice shall be sent with the primary election ballot stating that the general election ballot will be sent to the same address unless otherwise notified.

(3) For purposes of this section, a special absentee ballot shall mean a ballot prescribed by the Secretary of State which contains the titles of all offices being contested at such election and shall permit the voter to vote by writing in the names of the specific candidates or the decision on any issue.

(4) The election commissioner or county clerk shall publish in a newspaper of general circulation in the county an application form to be used by registered voters in making an application for an absentee ballot after the ballots become available. The application form shall be prescribed by the Secretary of State and shall include the reasons a registered voter is permitted to vote absentee as enumerated in section 281 of this act.

Sec. 230. (1) The form of the official ballot at the statewide primary election shall be prescribed by the Secretary of State. At the top of the ballot and over all else shall be printed in boldface type the name of the political party, . . . . . Official Ballot, Primary Election 19. . . . Each division containing the names of the office and a list of candidates for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and subdistrict candidates under appropriate headings.

(2) All proposals for constitutional amendments, candidates for delegates to the national political party conventions, and candidates on the nonpartisan ballot shall be submitted on a ballot where bold lines separate one office or issue from another. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211 and section 559 of this act. Each candidate for delegate to the national political party convention shall have his or her preference for the candidacy for the office of President of the United States or the fact that he or she is uncommitted shown on the ballot in parenthesis and indented on the line immediately below the name of the candidate. All constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires the ballot after being voted to be folded before being deposited in a ballot box. When a punch card or optical-scan ballot is used which requires a ballot envelope, jacket, or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, constitutional amendments may be printed on either side of the ballot and shall be separated from other offices or issues by a bold line. Constitutional amendments so arranged shall constitute a separate ballot.

(3) The statewide primary election ballot shall contain the name of every candidate filing under sections 174, 179, and 181 of this act and no other names. No name of a candidate for member of the Legislature or an elective office described in Article IV, section 1, of the Constitution of Nebraska shall appear on any ballot or any series of ballots at any primary election more than once except for the names of candidates for the office of delegate to a county, state, or national political party convention. When two or more of the last names of candidates for the same office at the primary election are the same in spelling or sound, the official ballots may, on the

request of any such candidate, have his or her address printed immediately below his or her name in capital and lowercase letters in lightface type of the same size as the type in which the name of the candidate is printed.

Sec. 231. (1) The election commissioner or county clerk shall place the names of all partisan candidates certified to him or her by the Secretary of State and of those partisan candidates filing in his or her office on a primary election ballot headed with the political party designation. The names of each nonpartisan candidate certified by the Secretary of State and of each nonpartisan candidate filing in the office of the election commissioner or county clerk shall be placed on the primary election ballot headed by the words Nonpartisan Ticket.

(2) If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a punch card or optical-scan ballot is used.

(3) The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. At the primary election, on the first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour as certified by the Secretary of State and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk. When there is more than one candidate for the same office, the names of all partisan and nonpartisan candidates at a primary election shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, showing up the column so that the name that was second shall be first after the change.

Sec. 232. (1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, directors of reclamation districts, members of the boards of educational service units, members of the boards of Class III school districts which nominate candidates at a primary election, and officers of cities of the first or second class, cities having a city manager plan of government, and villages do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 235 of this act.

(2) In public power districts receiving annual gross revenue of less than forty million dollars, the candidates for the board of directors shall not appear on the ballot in the primary election.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 233. The form of the official ballot at the statewide general election shall be prescribed by the Secretary of State. At the top of the ballot for general elections and over all else shall be printed in boldface type the words Official Ballot, General Election, November . . . 19. . . Each division containing the names of the office and a list of candidates nominated for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and subdistrict candidates under appropriate headings.

Sec. 234. (1) The names of all candidates and all proposals to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by bold lines in the order the offices and proposals are set forth in this section. If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a punch card or optical-scan ballot is used.

(2) All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires that the ballot after being voted

be folded before being deposited in a ballot box. When a punch card or optical-scan ballot is used which requires a ballot envelope, jacket, or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, initiative or referendum proposals and constitutional amendments may be placed on either side of the ballot and shall be separated from other offices or issues by a bold line. Initiative or referendum proposals and constitutional amendments so arranged shall constitute a separate ballot. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211 and section 559 of this act.

(3) If the election is in a year in which a President of the United States is to be elected, the names and spaces for voting for candidates for President and Vice President shall be entitled Presidential Ticket in boldface type. The names of candidates for President and Vice President for each political party shall be grouped together, and each group shall be enclosed with brackets with the political party name to the right and one square or oval to the left in which the voter indicates his or her choice. The names of candidates for President and Vice President who have successfully petitioned on the ballot for the general election shall be grouped together with the candidates appearing on the same petition being grouped together, and each group shall be enclosed with brackets with the words "By Petition" to the right and one square or oval to the left in which the voter indicates his or her choice.

(4) The names and spaces for voting for candidates for United States Senator if any are to be elected shall be entitled United States Senatorial Ticket in boldface type.

(5) The names and spaces for voting for candidates for Representatives in Congress shall be entitled Congressional Ticket in boldface type. Above the candidates' names, the office shall be designated For Representative in Congress ..... District.

(6) The names and spaces for voting for candidates for the various state officers shall be entitled State Ticket in boldface type. Each set of candidates shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates, arranged in the order prescribed by the Secretary of State. The candidates for Governor and Lieutenant Governor of each political party receiving the highest number of votes in the primary election shall be grouped together. Each group shall be enclosed with brackets with the political party name to the right and one square or oval to the left in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. The candidates for Governor and Lieutenant Governor who have successfully petitioned on the general election ballot shall be grouped together with the candidates appearing on the same petition being grouped together. Each group shall be enclosed with brackets with the words "By Petition" to the right and one square or oval to the left in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. Beneath the names of the candidates for Governor and Lieutenant Governor nominated at a primary election by political party and beneath the names of all candidates for Governor and Lieutenant Governor placed on the general election ballot by petition, two write-in lines shall be provided in which the registered voter may write the names of the candidates of his or her choice. The lines shall be enclosed with the brackets with one square or oval to the left in which the registered voter shall mark his or her choice. The name appearing on the top line shall be considered to be the candidate for Governor, and the name appearing on the second line shall be considered to be the candidate for Lieutenant Governor.

(7) The names and spaces for voting for nonpartisan candidates shall be entitled Nonpartisan Ticket in boldface type. The names of all nonpartisan candidates shall appear in the order listed in this subsection, except that when using a punch card or optical-scan ballot, the order of offices may be altered to allow for the best utilization of ballot space to avoid printing a second ballot when one ballot would be sufficient:

- (a) Legislature;
- (b) State Board of Education;
- (c) Board of Regents of the University of Nebraska;
- (d) Chief Justice of the Supreme Court;
- (e) Judge of the Supreme Court;
- (f) Judge of the Court of Appeals;
- (g) Judge of the Nebraska Workers' Compensation Court;
- (h) Judge of the District Court;
- (i) Judge of the Separate Juvenile Court;
- (j) Judge of the County Court; and
- (k) County officers in the order prescribed by the election

commissioner or county clerk.

(8) The names and spaces for voting for the various county offices and for measures submitted to the county vote only or in only a part of the county shall be entitled County Ticket in boldface type. If the election commissioner or county clerk deems it advisable, the measures may be submitted on a separate ballot if using a paper ballot or on either side of a punch card or optical-scan ballot if the ballot is placed in a ballot envelope, jacket, or sleeve before being deposited in a ballot box.

(9) The candidates for office in the precinct only or in the city or village only shall be printed on the ballot, except that if the election commissioner or county clerk deems it advisable, candidates for these offices may be submitted on a separate ballot if using a paper ballot or on either side of a punch card or optical-scan ballot if the ballot is placed in a ballot envelope, jacket, or sleeve before being deposited in a ballot box.

Sec. 235. (1) The election commissioner or county clerk shall place the names of all nonpartisan candidates upon the same official general election ballot as the partisan candidates. The names placed on the official and sample general election ballots shall be the names of candidates nominated in the primary election, the names of petition candidates if any, the names of automatically nominated candidates as provided in section 232 of this act, and the names of candidates filing as provided in subsection (2) of section 174 of this act. The names of the candidates shall be placed under the proper titles.

(2) The election commissioner or county clerk shall place on the official general election ballot in each office division no more than twice as many names as there are places to be filled at the general election unless more than one candidate has successfully petitioned on the ballot to fill a vacancy after the primary election. The names of the nonpartisan candidates who received the highest number of votes for the office for which they were candidates in the primary election shall be placed on the official ballot. If more than one person was a candidate for the same position in the primary election, the election commissioner or county clerk shall place on the official ballot the names of the two persons who received the highest number of votes in the primary election for the position for which they were candidates.

(3) When the name of a person is written in and voted for as a candidate for an office for which he or she did not file in the primary election, such person shall not be entitled to a certificate of nomination at the primary election and shall not have his or her name placed on the general election ballot unless he or she (a) receives at least five percent of the total vote cast for Governor or for President of the United States at the immediately preceding general election in the political subdivision from which nominees for such position are to be chosen, (b) is one of the candidates receiving the number of votes qualifying him or her for nomination, and (c) meets the requirements for the office.

(4) The election commissioner or county clerk shall rotate the names of the nonpartisan candidates on the official general election ballot. The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. The first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour or of those candidates filing petitions, and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk or of those candidates filing petitions. Thereafter the names shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, showing up the column so that the name that was second shall be first after the change.

Sec. 236. (1) The names of candidates for each partisan elective office shall be arranged on the ballot of the general election so that the political party polling the highest number of votes at the last general election for Governor will have the name of its nominee immediately beneath the name of the office for which the candidate was nominated, the political party polling the second highest number of votes will have the second place, the political party having the third highest number of votes will have the third place, and continuing with the political parties in descending order of number of votes, leaving those candidates whose names appear upon the ballot by petition to appear beneath all other candidates placed there by nomination. For each office for which there are two or more nominees of the same political party, the election commissioner or county clerk shall rotate the names of

such candidates on the official ballot. In printing the ballots for the various election districts, the positions of the names shall be changed in each office division for each election district. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, showing up the column so that the name that was second shall be first after the change.

(2) The name of the person receiving the highest number of votes at a primary election as the candidate of a political party for an office shall be placed on the official ballot except as otherwise provided in the Election Act. No person shall be certified as a candidate of any political party for such office by the election commissioner or county clerk unless the person receives at least five percent of the total vote cast for such office at the primary election for that political party and meets the requirements for the office.

Sec. 237. (1) A blank space shall be provided at the end of each office division on the ballot for registered voters to write in the name of any person for whom they wish to vote and whose name is not printed upon the ballot, except that (a) at the primary election there shall be no write-in space for delegates to the county political party convention, delegates to the national political party convention, directors of natural resources districts, or directors of public power districts and (b) at the general election there shall be no write-in space for President and Vice President of the United States, directors of reclamation districts, members of the board of educational service units, directors of natural resources districts, or directors of public power districts. A square or oval shall be printed to the left of each write-in space similar to the square or oval placed before other candidates and issues on the ballot. The square or oval shall be marked to vote for a write-in candidate whose name appears in the write-in space provided.

(2) The Secretary of State shall approve write-in space for voting machines and punch card and optical-scan ballots. Adequate provision shall be made for write-in votes sufficient to allow one write-in space for each office to be elected at any election except offices for which write-in votes are specifically prohibited. The write-in ballot shall clearly identify the office for which such write-in vote is cast. The write-in space shall be a part of the official ballot, may be on the envelope or a separate piece of paper from the printed portion of the ballot, and shall allow the voter adequate space to write in the name of the candidate for whom he or she desires to cast his or her ballot.

Sec. 238. The names of the candidates shall be set in boldface type using capital and lowercase letters. A square or oval shall be printed at the beginning of each line by the name of the candidate. At the general election, the name of the party represented by a candidate for partisan office shall be printed in capital and lowercase letters at the right side of the name. Proposals submitted by initiative or referendum or for constitutional amendments shall be printed in capital and lowercase letters, but the title heading and number thereof shall be in boldface type, and the square or oval for voting thereon shall be printed at the left side of the column. Ballots shall be printed with substantially the same appearance, including type and form, as the sample ballot furnished by the Secretary of State.

Sec. 239. The Secretary of State, election commissioner, county clerk, or city or village clerk may remove a name from the ballot upon personal knowledge or proof of death at any time prior to the actual printing of the ballot even if the notice of election has been published containing the name of such deceased candidate or nominee.

Sec. 240. Whenever it appears by affidavit that an error or omission has occurred in the name or description of a candidate nominated for office or in the printing of the sample or official ballots, the county or district judge sitting at chambers may by order, upon the application of any registered voter, require the election commissioner, county clerk, or city or village clerk to correct such error or to show cause why such error or omission should not be corrected. The election commissioner, county clerk, or city or village clerk shall, upon his or her own motion, correct without delay any patent error in the ballots which he or she may discover or which is brought to his or her attention and which can be corrected without interfering with the timely distribution of the ballots. The election commissioner, county clerk, or city or village clerk shall not be required to correct any error on the ballot after the thirty-fifth day prior to the election except as otherwise order by the court.

Sec. 241. No official ballot for an elective office within this state shall contain any political party circle or any provision for voting for all candidates of one political party or for a predetermined selection of

candidates of one political party by the making of a mark or other indication.

Sec. 242. Before the opening of the polls the election commissioner, county clerk, or city or village clerk shall cause to be delivered to the judges of election at each polling place the proper number of ballots as provided for in section 228 of this act. The ballots for each precinct shall be enclosed in a sealed packet marked with the proper designation of the precinct, and at the opening of the polls, the package of ballots shall be publicly broken by one of the judges of election. If for any cause the official ballots prepared by the election commissioner, county clerk, or city or village clerk are not ready for distribution at any polling place or if the supply of ballots is exhausted before the polls are closed, printed, copied, or written ballots which are as nearly as possible in the form of official ballots may be used.

Sec. 243. When voters are presented with more than one ballot on election day, the election commissioner, county clerk, or city or village clerk may number each class of ballots to identify the style, precinct, or number of split ballots for convenience in distributing and counting the ballots. No number shall be placed or printed upon a ballot to be recorded so as to be able to determine the identity of the person who voted such ballot.

Sec. 244. (1) To vote for a candidate or on a ballot question using a paper ballot that is manually counted or a paper ballot that is counted by optical scanners, the registered voter shall make a cross or other clear, intelligible mark in the square or oval to the left of the name of every candidate, including write-in candidates, for whom he or she desires to vote and, in the case of a ballot question to the left of the answer he or she wishes to give.

(2) To vote for a candidate or on a ballot question using voting machines, the registered voter shall move a lever to the voting position and using punch cards the registered voter shall punch the card, making a hole in the card. The registered voter using punch cards shall mark any write-in candidate on the ballot jacket or envelope, designate the office for which the write-in vote is cast, and place a cross or intelligible mark in the square or oval to the left of the name of the write-in candidate.

Sec. 245. The election commissioner or county clerk shall cause instructions for the guidance of registered voters in preparing their ballots to be printed in large, clear type on cards in English. He or she shall furnish at least five such cards to each polling place in each precinct at the same time and in the same manner as the printed ballots. The judges or clerks of election shall post such cards in each voting booth or compartment on the day of election. The card shall contain full instructions on preparing and casting ballots using a voting machine or punch card voting system if appropriate. The form and contents of the cards shall be approved by the Secretary of State.

Sec. 246. (1) The election commissioner or county clerk shall create precincts composed of compact and contiguous territory within the boundary lines of legislative districts. The precincts shall contain not less than seventy-five nor more than one thousand registered voters based on the number of voters voting at the last statewide general election, except that a precinct may contain less than seventy-five registered voters if in the judgment of the election commissioner or county clerk it is necessary to avoid creating an undue hardship on the registered voters in the precinct. The election commissioner or county clerk shall create precincts based on the poll book of votes cast at the immediately preceding presidential election or the current list of registered voters for the precinct. The election commissioner or county clerk shall revise and rearrange the precincts and increase or decrease them at such times as may be necessary to make the precincts contain as nearly as practicable not less than seventy-five nor more than one thousand registered voters voting at the last statewide general election. The election commissioner or county clerk shall, when necessary and possible, readjust precinct boundaries to coincide with the boundaries of cities, villages, and school districts which are divided into districts or wards for election purposes. The election commissioner or county clerk shall not make any precinct changes in precinct boundaries between the statewide primary and general elections unless he or she has been authorized to do so by the Secretary of State. If changes are authorized, the election commissioner or county clerk shall notify each state and local candidate affected by the change.

(2) The election commissioner or county clerk may alter and divide the existing precincts, except that when any city of the first class by ordinance divides any ward of such city into two or more voting districts or polling places, the election commissioner or county clerk shall establish precincts or polling places in conformity with such ordinance.

(3) All precincts and polling places may be consolidated for the use of voting machines or punch card voting devices into fewer and larger precincts as deemed necessary and advisable by the election commissioner or county clerk. Such precincts, consolidated for voting machines or punch card voting devices only, may have as many registered voters therein as deemed advisable in the interest of economy and efficiency. At least one voting machine shall be provided for every five hundred registered voters voting in the consolidated precinct or polling place at the immediately preceding general election. At least one punch card voting device shall be provided for every one hundred registered voters voting in the consolidated precinct or polling place at the immediately preceding general election.

Sec. 247. The election commissioner or county clerk shall designate the polling places for each precinct at which the registered voters of the precinct will cast their votes. Polling places representing different precincts may be combined at a single location when potential sites cannot be found, contracts for utilizing polling sites cannot be obtained, or a potential site is not accessible to handicapped persons. When combining polling places at a single site, the election commissioner or county clerk shall clearly separate the polling places from each other and maintain separate receiving and counting boards. Polling places shall not be changed between the statewide primary and general elections unless the election commissioner or county clerk has been authorized to make such change by the Secretary of State. If changes are authorized, the election commissioner or county clerk shall notify each state and local candidate affected by the change.

Sec. 248. A political subdivision which receives federal or state funds and owns or leases a building which is suitable for a polling place shall make the building available to the election commissioner or county clerk for use as a polling place in any election which involves the precinct in which the building is located. The political subdivision shall not charge for the use of the building as a polling place.

Sec. 249. (1) The election commissioner or county clerk shall provide each polling place with ballot boxes, ballot box locks and keys, and a sufficient number of voting booths or compartments furnished with supplies and conveniences to enable each registered voter to prepare his or her ballot for voting and to secretly mark his or her ballot. One voting booth or compartment shall be provided for approximately every one hundred registered voters in the precinct. The election commissioner or county clerk may increase or decrease the number of voting booths or compartments to accommodate the expected voter turnout of any election other than a statewide election. In precincts required to have a counting board pursuant to section 44 or 54 of this act, the county shall provide an enclosed compartment for the use of the counting board.

(2) When there is no structure within the precinct suitable for use as a polling place, the election commissioner or county clerk may designate a polling place outside the precinct and convenient thereto which shall be provided with voting booths or compartments furnished with supplies and conveniences and, when utilized, an enclosed compartment for use of the counting board as are other polling places.

(3) Standards for polling places shall include any applicable standards developed under sections 81-5.147 and 81-5.148.

Sec. 250. All polling places shall be accessible to all registered voters and shall be in compliance with the federal Americans with Disabilities Act of 1990, as amended. All polling places shall be modified or relocated to architecturally barrier-free buildings to provide unobstructed access to such polling places by people with physical limitations. At least one voting booth shall be so constructed as to provide easy access for people with limitations and shall accommodate a wheelchair. The modifications required by this section may be of a temporary nature to provide such unobstructed access only on election day.

Sec. 251. At all elections in the area of this state lying within the Mountain Standard or Mountain Daylight time zone, the polls shall open at 7 a.m. and close at 7 p.m. of the same day, and in the area lying within the Central Standard or Central Daylight time zone, the polls shall open at 8 a.m. and close at 8 p.m. of the same day. If the judges and clerks of election are not present at the polls at the required hour, the polls may be opened by those placed in charge of the polling place at any time before the time required for closing the polls on election day. If at the hour of closing there are any registered voters desiring to vote who are in the polling place or in a line at the polling place and who are registered to vote at that polling place and have not been able to do so since appearing at the polling place, the polls shall be kept open reasonably long enough after the hour for



closing to allow those present at that hour to vote. No person arriving after the hour when the polls have officially closed shall be entitled to vote.

Sec. 252. (1) Before any ballot is deposited in the ballot box, the ballot box shall be publicly opened and exhibited and the judges and clerks of election shall see that no ballot is in the box. The ballot box shall then be locked and the key delivered to one of the judges of election or, in counties having an election commissioner, to the precinct inspector. The ballot box shall not be opened again until opened by the counting board. In counties using punch card voting systems or optical scanners, the ballot boxes may be opened prior to the hour established by law for the closing of the polls at the discretion of the election commissioner or county clerk.

(2) When voting machines are used, all members of the receiving board in each precinct shall, before the polls are opened, examine all registering counters in all voting machines to be used in the precinct, sign a certificate stating that it was done and that all such registering counters were found to start at 000 for every candidate and every question, and examine the ballot labels on each voting machine and sign a certificate stating that it was done and that all ballot labels were found to be correct. If any discrepancy is found, the custodian of the voting machines shall be notified and he or she shall correct any such discrepancy before such voting machine is used for voting. If the machine is equipped with a device for printing or photographing the returns, the receiving board in each precinct shall determine by obtaining a printed or photographic record that all registering counters were found to start at 000 for every candidate and every question before the polls open.

(3) When punch card voting systems are used, the judges and clerks of election shall examine the accessory ballot assembly and punch card voting devices furnished by the election commissioner or county clerk immediately before the opening of the polls on election day and shall sign a certificate stating that such examination was conducted and that all candidates' names were found to be correct, that the seal upon such ballot assembly provided by the election commissioner or county clerk was found to be in place, and that the ballot assemblies and punch card voting devices were in all respects correct and proper.

Sec. 253. Any judge or clerk of election, precinct or district inspector, sheriff, or other peace officer shall clear the passageways and prevent obstruction of the doors or entries and provide free ingress to and egress from the polling place or building and shall arrest any person obstructing such passageways. Other than a registered voter engaged in receiving, preparing, or marking a ballot, an election commissioner, a county clerk, a precinct inspector, a district inspector, a judge of election, a clerk of election, or a member of a counting board, no person shall be permitted to be within eight feet of the ballot boxes or within eight feet of any enclosed area used by a counting board.

Sec. 254. No two judges of election shall be absent at the same time from the room in which the election is held during the hours the polls are open or while the votes are being counted.

Sec. 255. (1) Any registered voter desiring to vote in a primary election held under the Election Act shall be entitled to participate in such primary election upon presenting himself or herself at the polling place for his or her residence. A registered voter who is affiliated with a political party shall receive from the receiving board all nonpartisan ballots and the partisan ballot of the political party indicated on his or her voter registration. Except as provided in subsections (2) and (3) of this section, a registered voter who is not affiliated with any political party shall receive only nonpartisan ballots at a primary election.

(2) Any political party may allow registered voters who are not affiliated with a political party to vote in the primary election for any elective office for which the party has candidates except for the office of delegate to the party's county, state, or national convention. Any political party desiring to permit such registered voters to vote for candidates of that party in the primary election shall file a letter stating that the governing body of the political party has adopted a rule allowing registered voters who are not affiliated with a political party to vote in the primary election for candidates of that party. The letter and copy of the adopted rule shall be filed with the Secretary of State at least sixty days before the primary election. The Secretary of State shall notify the appropriate election commissioners and county clerks in writing that the political party filing the letter will allow registered voters who are not affiliated with a political party to vote in the primary election for candidates of that party. Once filed, the rule allowing such voters to vote in such primary election shall be irrevocable and shall apply only to the primary election immediately following

the adoption of the rule.

(3) A registered voter who is not affiliated with a political party and who desires to vote in the primary election for the office of United States Senator or United States Representative may request a partisan ballot for either or both of such offices from any political party. The election commissioner or county clerk shall post a notice in a conspicuous location, easily visible and readable by voters prior to approaching the receiving board, that a registered voter who is not affiliated with a political party may request such ballots. No such registered voter shall receive more than one such partisan ballot.

(4) The registered voters residing in a political subdivision may cast their ballots for candidates for the offices in that subdivision and for issues proposed for that subdivision, except that when officers are to be nominated or elected from a subdistrict of the political subdivision, the registered voters residing in the subdistrict may only vote for candidates from the subdistrict and for candidates for officers to be elected at large from the whole political subdivision.

Sec. 256. (1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot.

(2) When voting machines are used, the registered voter's consecutive number shall be inserted opposite his or her name on the registration list and he or she shall be issued a slip with his or her number on it. The slip shall be turned in to the judge or clerk of election at the voting machine before the registered voter is permitted to vote.

(3) Within twenty-four hours after the polls close in the precinct, the precinct inspector or one of the judges of election shall deliver the precinct list of registered voters and the precinct sign-in register to the election commissioner or county clerk. The election commissioner or county clerk shall file and preserve the list and register. No clerk of election who has custody or charge of the precinct list of registered voters and the precinct sign-in register shall permit the list or register to leave his or her possession from the time of receipt until he or she delivers them to the precinct inspector or judge of election for delivery to the election commissioner or county clerk.

Sec. 257. Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 258 or 279 of this act. Except as otherwise specifically provided, no ballot shall be handed to any registered voter at any election until (1) he or she announces his or her name and address to the clerk of election, (2) the clerk has found that he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 90 or 258 of this act, (3) the clerk has instructed the registered voter to personally write his or her name and address in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter, and (4) the clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.

Sec. 258. If a person who is registered to vote moves to a new residence within the same county and has continuously resided in such county since registering to vote but the permanent registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence upon completing an abbreviated transfer of registration at the polling place. The person shall enclose his or her ballot in an envelope marked Conditional Ballot and shall, by signing the front of the envelope, certify to the following facts:

- (1) I am a registered voter in ..... County;
- (2) I have not resided outside of the county since registering to vote in this county;
- (3) My current address is shown on the abbreviated transfer of registration form; and
- (4) I have not voted and will not vote in this election except by this ballot.

The certification shall be signed under penalty of election falsification. The following statements shall be on the front of the envelope: By signing the front of this envelope you are certifying to the information contained on this envelope under penalty of election

falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars, or both.

Sec. 259. (1) Two judges of election or a precinct or district inspector and a judge of election shall affix their initials to the official ballots and ballot jackets if any. Before issuing any punch card ballot, the card shall be stamped with a rubber stamp designating that the ballot card is an official ballot and the county in which the card is to be used. The stamp shall be placed on the portion of the ballot card which carries the ballot position numbers and on the stub which is to be reviewed by a judge of election. The stamp shall be furnished to each receiving board by the election commissioner or county clerk. The judge of election shall deliver a ballot to each registered voter after complying with section 257 of this act.

(2) After voting the ballot, the registered voter shall, as directed by the judge of election, fold his or her ballot or place the ballot in the ballot envelope, jacket, or sleeve so as to conceal the voting marks and to expose the initials of the judges of election affixed on the ballot. The registered voter shall, without delay and without exposing the voting marks upon the ballot, deliver the ballot to the judge of election before leaving the enclosure in which the voting booths or compartments are placed.

(3) The judge of election shall, without exposing the voting marks on the ballot, approve the exposed initials of the two judges of election or the precinct or district inspector and judge of election upon the ballot and deposit the ballot in the ballot box in the presence of the registered voter. When punch card ballots are used, the judge of election shall inspect the official initials on the ballot jacket and the official stamp on the stub of the official ballot card which is inside the ballot jacket and shall remove the stub before depositing the ballot in the ballot box. No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the initials of two of the judges of election or a precinct or district inspector and judge of election. No judge of election shall deposit any ballot jacket in any ballot box unless the ballot jacket is properly identified. Any ballot or ballot jacket not properly identified shall be rejected in the presence of the voter, the judge of election shall make a notation on the ballot and the ballot jacket Rejected, not properly identified, and another ballot shall be issued to the voter and the voter shall then be permitted to cast his or her ballot. If the ballot and ballot jacket are in order, the judge shall deposit the ballot and ballot jacket in the ballot box in the presence of the voter and the voter shall promptly leave the polling place. Upon receiving a conditional ballot as provided in section 258 of this act, the judge of election shall copy the information from the abbreviated transfer of registration onto the envelope in which the ballot is enclosed and place the entire envelope into the ballot box.

Sec. 260. Any registered voter who spoils his or her ballot may receive another ballot after returning the spoiled ballot. No registered voter shall receive more than four ballots in all. The registered voter shall write invalid or void on the spoiled ballot and return it to the judges of election. The judges of election shall maintain the secrecy of the spoiled ballots and shall cause the spoiled ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Spoiled Ballots and the designation of the precinct. The judges of election shall sign such endorsement label and shall return the packet to the election commissioner or county clerk with a statement by the judges of election showing the number of ballots spoiled.

Sec. 261. (1) If a registered voter declares to the judge of election that he or she cannot read or that he or she suffers blindness or other physical disability or handicap such that the registered voter requires assistance in the marking of his or her ballot, (a) the registered voter may be assisted in marking his or her ballot by a relative or friend of his or her selection or (b) one judge of election and one clerk of election of different political parties may take the ballot or ballots from the polling place to a convenient place within the building or to the registered voter's automobile if the automobile is within one block of the polling place and the disabled or handicapped person may cast his or her ballot in the general presence of the judge and clerk. If a registered voter declares to the judge of election that he or she needs assistance in the mechanical operation of the voting machine, a judge or clerk of election may assist the voter in operating the machine.

(2) The judge and clerk shall give no information regarding the casting of the ballot. Any registered voter receiving assistance in voting the ballot from a judge and clerk shall declare to the judge and clerk the name of the candidates and the measures for which he or she desires to vote, and the judge and clerk shall cast his or her ballot only as he or she so

requests. No person other than the registered voter who is receiving assistance shall divulge to anyone within the polling place the name of any candidate for whom he or she intends to vote or ask or receive assistance within the polling place in the preparation of his or her ballot.

(3) The judges of election shall enter Assistance Rendered upon the precinct sign-in register near the name of any registered voter who receives such assistance in casting his or her ballot and shall include the name of such person rendering assistance to the registered voter. The person rendering assistance shall sign an oath before a judge of election substantially as follows: ..... hereby swears that he or she is a friend or relative of ..... a disabled registered voter who requested assistance in casting the ballot, that he or she did enter the voting booth or aid such voter outside of the voting booth and marked the ballot according to the intentions and desires of the registered voter, that he or she has kept the ballot at all times in his or her possession, and that the ballot was duly delivered to the judge of election on this .... day of ..... 19..

Sec. 262. Every registered voter receiving a ballot shall, before leaving the polling room, vote or, if he or she does not wish to vote, return all ballots so received to be deposited into the ballot box by a member of the receiving board. No person receiving a ballot shall take the same from the polling room except as authorized in the Election Act. No person shall remove any ballot from the polling room before the closing of the polls except as otherwise authorized under the Election Act. Any person taking a ballot from the polling room in violation of this section shall forfeit and lose his or her right to vote at the election. If an inspector or a judge or clerk of election observes a person about to violate this section, the inspector, judge, or clerk shall inform the person of the penalties provided in this section and section 434 of this act.

Sec. 263. A registered voter may take with him or her into the polling place any printed or written memorandum or paper to assist him or her in preparing or marking the ballot.

Sec. 264. Except as provided in subsection (1) of section 261 of this act, no registered voter shall be allowed to occupy a voting booth or compartment occupied by another. No registered voter shall remain within the enclosure in which the voting booths or compartments are situated more than twenty minutes or occupy a voting booth or compartment for more than five minutes.

Sec. 265. Any registered voter who does not have two consecutive hours in the period between the time of the opening and closing of the polls during which he or she is not required to be present at work for an employer shall be entitled on election day to be absent from employment for such a period of time as will in addition to his or her nonworking time total two consecutive hours between the time of the opening and closing of the polls. If the registered voter applies for such leave of absence prior to or on election day, the registered voter shall not be liable for any penalty and no deduction shall be made from his or her salary or wages on account of such absence. The employer may specify the hours during which the employee may be absent.

Sec. 266. Registered voters shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the attendance at elections and while going to and returning from the same. No registered voter shall be obliged to do military duty on election day except in time of war and public danger.

Sec. 267. The election commissioner, county clerk, or city or village clerk may appoint or summon such police officers and sheriffs as may be necessary to maintain order at the election and enforce the Election Act. Except in counties having an election commissioner, if no police officer or sheriff is available, the judges of election may appoint one or more persons in writing to act as and have the powers of a police officer.

Sec. 268. If any person conducts himself or herself in a noisy, riotous, or tumultuous manner at or about the polls so as to disturb the election or insults or abuses the precinct or district inspectors or judges or clerks of election and persists in such conduct after being warned to desist, any election commissioner, county clerk, inspector, judge of election, police officer, or sheriff shall arrest him or her without warrant and bring him or her before the county court. Such person shall be permitted to vote if he or she is a registered voter.

Sec. 269. Any person offering to vote, even though such person is registered, may be challenged as unqualified by any inspector, judge or clerk of election, or registered voter. The judge or clerk of election shall challenge any person offering to vote whom he or she knows or suspects not to

be duly qualified. The challenge shall be administered pursuant to sections 270 to 275 of this act as applicable. The election commissioner or county clerk shall provide written oaths and forms to the inspectors and judges of election for purposes of such sections.

Sec. 270. If any person offering to vote is challenged by an inspector, judge or clerk of election, or registered voter, the person shall, in the presence of an inspector or a judge of election, affix his or her signature and print his or her name and address on the following oath: I do solemnly swear that I will fully and truly answer all such questions put to me related to my place of residence and qualifications as a registered voter at this election. The inspector or judge of election shall require the registered voter to comply with sections 271 to 273 of this act as applicable and shall ask any other questions to the person challenged as necessary to test his or her qualifications as a registered voter at that election.

Sec. 271. If a person is challenged on the ground that he or she has not become a citizen of the United States and the person so challenged does not produce his or her naturalization papers, the person shall print on the form provided by the election commissioner or county clerk the following information:

Place of birth--show the state, country, kingdom, empire, or dominion where the applicant was born.

Naturalized--the word Yes or No or Native, and if applicant is not native-born or has lost citizenship, show whether naturalized by his or her own papers, parent's papers, or spouse's papers and the court, county, state, and date of naturalization as the same appears in the naturalization papers.

Sec. 272. If a person is challenged on the ground that he or she is not a resident of this state, the county, or the precinct, the person shall answer the following questions on the form provided by the election commissioner or county clerk:

Do you have a residence in this state: Yes or No?

Do you have a residence in this county: Yes or No?

Do you have a residence in this precinct: Yes or No?

If a person has moved from one residence to another within the county in which he or she is registered to vote, such voter shall be entitled to vote a conditional ballot as provided in section 258 of this act.

Sec. 273. If a person is challenged on the ground that he or she is not eighteen years of age or, during the years in which a statewide general election is held, that he or she will not be eighteen years of age by the first Tuesday after the first Monday in November of such year, the person shall answer the following question on the form provided by the election commissioner or county clerk: Will you be eighteen years of age to the best of your knowledge and belief by the statewide general election of this year?

Sec. 274. If a person's right to vote is challenged, the person shall, in the presence of an inspector or a judge of election, affix his or her signature to the following oath: I do solemnly swear that I am a citizen of the United States, that I have residence in the State of Nebraska, the county of ..... and this precinct, that I reside at ..... (Address), and that I have attained the constitutionally prescribed age to be a voter. The clerks of election shall write Sworn on the precinct list of registered voters and the precinct sign-in register at the end of such person's name.

Sec. 275. Any person challenged who complies with sections 270 to 274 of this act shall be allowed to vote. Any person challenged who refuses to comply with sections 270 to 273 of this act or to take the oath provided in section 274 of this act for any election shall not be issued a ballot or permitted to vote.

Sec. 276. (1) Any person listed in this subsection shall be eligible as a new resident to vote for President and Vice President of the United States at the statewide general election but for no other offices:

(a) Any citizen of the United States who is at least the constitutionally prescribed age of a voter and who comes into Nebraska after the voter registration period is closed pursuant to section 64 of this act for the purpose of making Nebraska his or her place of residence; and

(b) Any registered voter who moves from one county to another county within Nebraska after the close of the voter registration period.

(2) Any registered voter who moves from Nebraska to another state or to the District of Columbia for the purpose of making such new location his or her place of residence after the close of the voter registration period for such location shall be eligible as a former resident to vote for President and Vice President of the United States at the statewide general election but for no other offices.

(3) Any person described in subsection (1) of this section shall

cast his or her ballot in the office of the election commissioner or county clerk at any time between the close of the voter registration period and the close of the polls on election day. Such ballots shall be available after the close of the voter registration period. Ballots for former residents under subsection (2) of this section shall be available thirty-five days prior to the election.

Sec. 277. Any person who desires to vote pursuant to section 276 of this act shall execute an affidavit in duplicate substantially as follows:

1. .... do solemnly swear that:

1. I am a citizen of the United States.

2. Before becoming a resident of this county, I resided at the following address (describing it by street and number if in a city or village and by section, township, and range if outside of a city or village, and the precinct, city, county, and state in which such residence is located):

.....

3. On the day of the next presidential election, I will be at least the constitutionally prescribed age of a voter and I reside at the following address:

.....

4. I am unable to vote for all offices because the voter registration deadline has passed and, under the Election Act, I believe I am entitled to vote for the candidates for President and Vice President of the United States at the election to be held November ...., 19....

5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot for President and Vice President.

Sec. 278. The election commissioner or county clerk shall immediately mail the duplicate of the affidavit to the appropriate official of the state or county in Nebraska in which the applicant last resided. Upon receipt, the election commissioner or county clerk shall file each duplicate application or other official information from another state or county in Nebraska or the District of Columbia indicating that a former resident of this state or county in Nebraska has made application to vote at a presidential election in another state or county in Nebraska or the District of Columbia and shall maintain an alphabetical index of such information for a period of twenty-two months after the election.

Sec. 279. If satisfied that the application is proper and that the applicant is qualified to vote under section 276 of this act, the election commissioner or county clerk shall deliver to the applicant a ballot for President and Vice President of the United States. After voting the ballot, the voter shall securely seal the ballot in an envelope furnished by the election commissioner or county clerk. On the back of the envelope shall be imprinted a statement substantially as follows:

Certification of New (or Former) Resident Voter

I have qualified as a new (or former) resident voter in this state or county. I have not applied nor do I intend to apply for an absentee ballot from the state, county in Nebraska, or District of Columbia from which I have moved. I have not voted and I will not vote otherwise than by this ballot.

The voter shall sign and date the certification upon the envelope. The election commissioner or county clerk shall keep the envelope in his or her office until delivered by him or her to the absentee ballots counting board.

Sec. 280. The election commissioner or county clerk shall keep open to public inspection a list of all persons voting in the county as new or former residents which shows their names, addresses, and application dates. The election commissioner or county clerk shall record the name of any person voting pursuant to section 276 of this act in the list of voters book with a notation designating him or her as a new or former resident voting for President and Vice President of the United States only.

Sec. 281. (1) A registered voter shall be permitted to vote absentee for any one of the following reasons:

(a) The registered voter expects to be absent from his or her county at the time the election is to be held;

(b) The registered voter is physically unable to go to the polling place;

(c) The registered voter will be unable to go to the polling place on the day of the election due to his or her hospitalization for medical or surgical treatment;

(d) The registered voter cannot go to the polling place on the day of the election because of the tenets of his or her religion;

(e) The registered voter will be unable to go to the polling place on the day of the election because he or she is confined by public order under the laws of this state or of the United States;

(f) The registered voter is legally blind; or

(g) The registered voter is unable to go to the precinct polling place during the hours the precinct polling place is open.

(2) Any person excluded from voting under section 75 or 76 of this act and any person who fails to register to vote by the voter registration deadline shall not be allowed to vote under this section, except that any recently discharged federal service or overseas employee who was unable to register to vote by the voter registration deadline may vote pursuant to section 283 of this act.

Sec. 282. (1) The persons listed in this subsection who are residents of Nebraska but who reside outside the United States shall be allowed to simultaneously register to vote and make application for absentee ballots for all elections in a calendar year through the use of the Federal Post Card Application or a personal letter which includes the same information as appears on the Federal Post Card Application:

(a) Members of the armed forces of the United States and their spouses and dependents residing with them;

(b) Citizens temporarily residing outside of the United States and the District of Columbia; and

(c) Overseas citizens.

(2) An omission of required information, except the political party affiliation of the applicant, may prevent the processing of an application and mailing of absentee ballots. The request for absentee ballots and registration forms shall be sent to the election commissioner or county clerk of the county of the applicant's residence at any time in the same calendar year but prior to any election. If so requested, absentee ballots may be sent for all elections held in the county in that calendar year.

Sec. 283. Any person employed in federal service whose status has been terminated by discharge from the armed forces or by separation from employment outside the territorial limits of the United States who was unable to register to vote may register to vote after the voter registration deadline by completing the necessary voter registration forms in the office of the election commissioner or county clerk of the county of his or her residence no later than noon of the day before the election. After completing the voter registration forms, such person shall then be allowed to vote an absentee ballot in the election office.

Sec. 284. Any registered voter permitted to vote absentee pursuant to section 281 of this act may, not more than one hundred twenty days before any election and not later than 4 p.m. on the Friday preceding the election, request an absentee ballot for the election to be mailed to a specific address. A registered voter shall request an absentee ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her home and shall indicate his or her address, political party, telephone number if available, and precinct if known. The registered voter may use the form published by the election commissioner or county clerk pursuant to section 229 of this act. The registered voter or his or her agent shall sign the request. The election commissioner or county clerk shall include registration forms with the ballots if the person is not registered. Registration forms shall not be issued or mailed after the second Friday preceding the election. If the person is not registered to vote, the registration forms shall be returned not later than the closing of the polls on the day of the election, or if the registered voter chooses to return the registration forms by mail, the registration forms shall be received by the election office no later than 10 a.m. on the second day following the election. No ballot issued under this section shall be counted unless such registration forms are properly completed and processed.

Sec. 285. Any registered voter of this state who is about to be absent from the county of his or her residence on the day of any election but who is present in the county after absentee ballots are available may appear in person before the election commissioner or county clerk and obtain his or her ballot. The ballot shall be voted in the office of the election commissioner or county clerk or returned to him or her.

Sec. 286. Any registered voter who is permitted to vote absentee pursuant to section 281 of this act may request an absentee ballot by appointing an agent to personally pick up an absentee ballot for such registered voter from the office of the election commissioner or county clerk. A registered voter shall request an absentee ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her home and shall indicate his or her address, telephone

number if available, and precinct if known. The registered voter may use the form published by the election commissioner or county clerk pursuant to section 229 of this act. The registered voter or his or her agent shall sign the request. A candidate for office at such election and any person serving on a campaign committee for such a candidate shall not act as an agent for any registered voter requesting a ballot pursuant to this section unless such person is a member of the registered voter's family. No person shall act as agent for more than two registered voters in any election. The agent shall deliver the ballot to the registered voter. The ballot shall be returned not later than the closing of the polls on the day of the election, or if the registered voter chooses to return the ballot by mail, the ballot shall be received by the election office no later than 10 a.m. on the second day following the election. The election commissioner or county clerk shall adopt procedures for the distribution of absentee ballots under this section.

Sec. 287. The election commissioner or county clerk may train registered voters to act on behalf of the election commissioner or county clerk in administering the absentee ballot to residents of nursing homes or hospitals who have requested absentee ballots. Absentee ballots shall be administered by two registered voters who are not affiliated with the same political party. The election commissioner or county clerk shall adopt procedures to carry out this section.

Sec. 288. When a request for an absentee ballot from a person who is not registered to vote in the county reaches the election commissioner or county clerk by mail or by means other than by application in person on or prior to the second Friday preceding the election, the election commissioner or county clerk shall mail to the applicant the registration form with the absentee ballot. No absentee ballot shall be sent by mail to any person after the second Friday preceding the election if such person is not a registered voter. When an application for an absentee ballot from a person who is registered in the county reaches the county clerk or election commissioner by mail or other means than by application in person and the application indicates that the applicant has changed his or her residence within the county, the county clerk or election commissioner shall change the address on the applicant's voter registration and mail to such applicant an acknowledgment of change of registration and the absentee ballot as provided by section 290 of this act.

Sec. 289. When a registered voter applying for an absentee ballot has no residence address within the county, the election commissioner or county clerk shall mail to the registered voter at the address designated by the voter the requested ballot materials, including a set of registration forms, no later than the voter registration deadline and shall enclose with the material the following oath which the voter must swear to before his or her ballot will be counted:

I, ....., do hereby swear that prior to my current absence from ..... County, Nebraska, I resided within the State of Nebraska, that during such residency it was my intention to make my permanent residence in such county, that during my current absence from such county I have not voted in any other county or state election as a resident of such other county or state, that I do not intend to make my present residence my permanent residence, that my current absence from such county is temporary and for a definite period of time, and that at the termination of that period I intend to return to ..... County, Nebraska, and make it my permanent residence.

The election commissioner or county clerk shall make a good faith effort to maintain the secrecy of the ballot upon receiving the materials. If the registered voter fails to complete the oath and return it to the election commissioner or county clerk by 10 a.m. on the second day following the election, his or her ballot shall not be counted. The residence address of the registered voter shall be deemed to be the office of the election commissioner or county clerk of the county of such voter's prior residence for purposes of the Election Act.

Sec. 290. (1) Upon receipt of an application or other request for an absentee ballot, the election commissioner or county clerk shall deliver to the applicant in person or by mail, postage paid, an absentee ballot if he or she finds that the applicant is a registered voter and is entitled to vote an absentee ballot as applied for or requested. The election commissioner or county clerk or any employee of the election commissioner or county clerk shall write his or her customary signature on the absentee ballot.

(2) An unsealed identification envelope shall be delivered with the ballot, and upon the face of the envelope shall be printed a form substantially as follows:

ABSENTEE VOTER'S IDENTIFICATION

I, the undersigned voter, declare under penalty of election



falsification that the enclosed ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in such envelope.

My voting residence in Nebraska is ..... (street and number or rural route and number) of ..... (city, village, or township) Nebraska. I am a registered voter of the State of Nebraska.

(Applicant must check the true statement concerning his or her reason for voting an absentee ballot.)

...I shall be absent from the county at the time of the election.

...I am physically unable to go to the polling place.

...I will be unable to go to the polling place on the day of election because of hospitalization.

...I cannot go to the polling place on the day of the election because of the tenets of my religion.

...I will be unable to go to the polling place on the day of election because of confinement by public order.

...I am legally blind.

...I am unable to go to the precinct polling place during the hours the precinct polling place is open.

...I am a Nebraska resident and (a) a member of the armed forces of the United States or a spouse or dependent of such member, (b) a citizen temporarily residing outside of the United States or of the District of Columbia, or (c) an overseas citizen.

The primary election ballot, if any, within this envelope is a primary election ballot of the .... party.

Ballots contained in this envelope are for the ..... (primary, general, or special) election to be held on the .... day of ..... 19....

I request absentee general election ballots be sent to me ..... yes  
..... no.

I hereby declare, under penalty of election falsification, that the statements above are true to the best of my knowledge.

THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

.....  
(Signature of Voter)

(3) If the absentee ballot and identification envelope are delivered by mail or picked up at the office to be returned by mail, the election commissioner or county clerk shall include with the ballot and the identification envelope an unsealed return envelope upon the face of which shall be printed the official title and post office address of the election commissioner or county clerk. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning such identification envelope. The election commissioner or county clerk shall include written instructions on marking and returning the absentee ballot, including notice that failure to sign the identification envelope and include his or her address on the identification envelope will result in the ballot not being counted.

Sec. 291. Upon issuing an absentee ballot, the election commissioner or county clerk shall enter the voter's name, address, and precinct in the absentee voters book. Applications for absentee ballots shall be open to public inspection prior to the election. The absentee voters book and all applications for absentee ballots shall be open to public inspection upon completion of the election. The election commissioner or county clerk shall make an entry in the absentee voter's registration record showing the date of the election and the number of the registered voter voting as shown in the absentee voters book.

Sec. 292. When an absentee ballot is received by a registered voter, he or she shall, before placing any marks thereon, note whether there are any voting marks on the ballot. If there are any voting marks, the ballot shall be returned immediately to the election commissioner or county clerk. If there are no such marks, the registered voter shall cause the ballot to be marked. If the absentee ballot is voted in the office of the election commissioner or county clerk, the registered voter shall return the absentee ballot and identification envelope to the election commissioner or county clerk or an employee of the election commissioner or county clerk who shall deposit the ballot into a ballot box and place the identification envelope in a secure container. If the registered voter is mailing or otherwise delivering the ballot to the election commissioner or county clerk, the registered voter shall fold the marked ballot in such manner that the signature of the issuing officer on the ballot is visible and shall place and seal the ballot in the identification envelope received for that purpose. The registered voter shall complete and sign the absentee voter's identification

on the outside of the identification envelope under the penalty of election falsification. The registered voter shall then mail, deliver, or cause to be delivered the identification envelope in the return envelope to the election commissioner or county clerk from whom it was received. All postage costs related to returning absentee ballots to the election commissioner or county clerk shall be paid by the applicant.

Sec. 293. Absentee ballots which are returned not later than the hour established for the closing of the polls shall be accepted for approval by the absentee ballots counting board. Absentee ballots which are returned by mail shall be accepted for approval by the absentee ballots counting board if they are in the physical possession of the election commissioner or county clerk not later than 10 a.m. on the second day following election day. The election commissioner or county clerk shall keep the return envelopes received from registered voters unopened in a fireproof safe or other suitable location which is locked until delivered to the absentee ballots counting board.

Sec. 294. No person shall (1) impersonate or make a false representation in order to obtain an absentee ballot, (2) knowingly connive to help a person to vote an absentee ballot illegally, (3) destroy, steal, mark, or mutilate any absentee ballot after the same has been voted or aid or abet another to do so, (4) delay in delivering an absentee ballot to the election commissioner or county clerk to prevent the ballot from arriving in time to be counted, (5) in any manner aid or attempt to aid any person to vote an absentee ballot unlawfully, (6) hinder or attempt to hinder a registered voter from voting any absentee ballot, or (7) hinder or attempt to hinder any official from delivering or counting any absentee ballot.

Sec. 295. After the polls have closed, the precinct list of registered voters and the precinct sign-in register shall be signed by all members of the receiving board, the names of the registered voters shall be counted, and the number shall be recorded where designated on the list and the register. If a line is missed or a name is voided, the receiving board shall subtract such omissions or voids from the total before recording the total on the list and the register. The receiving board shall certify to all matters pertaining to casting of ballots and shall turn over the ballots, ballot boxes, list of registered voters, and sign-in register to the counting board.

Sec. 296. (1) As the ballots are removed from the ballot box pursuant to sections 305 to 320 of this act, the receiving board or counting board shall separate the envelopes containing the conditional ballots from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) Upon receipt of a conditional ballot, the election commissioner or county clerk shall copy the information from the envelope containing the conditional ballot, verify that it is in proper form and that such person has not voted anywhere else in the county, and make the appropriate changes to the permanent registration register. The verification shall be completed within fifteen days after the election. Upon verifying the form, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.

Sec. 297. All valid votes shall be counted. No ballot shall be rejected because the voter did not vote for every possible office or position.

Sec. 298. If a ballot has been overvoted for any office, the ballot shall be rejected for that office only. No overvoted ballot shall be judged for voter intent by any member of the counting board or any official involved in the counting process. The counting board in counties which count ballots manually shall make the following notation on the rejected ballots: Rejected for the office of ..... overvoted.

Sec. 299. (1) Except as provided in subsection (2) of this section, if a first or generally recognized name and last name of a person is written or printed on a line provided for that purpose and the square or oval to the left of such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted.

(2) If punch card ballots are being used, the first or generally recognized name and last name of a person and the office for which the write-in candidate has been selected shall be written or printed on a line provided for that purpose on the ballot jacket or envelope. If the office designation has been omitted, the counting board shall make the following notation on the ballot jacket or envelope: Write-in Rejected, no office designation.

Sec. 300. If a vote is cast for a candidate whose name is printed on the ballot and a name is written in on the line provided for that purpose for the same office, the ballot shall be rejected for the office involved. The counting board shall make the following notation on the ballot card and on

the ballot jacket or envelope if any. Rejected for the office of  
..... overvoted, and the counting board shall immediately duplicate  
the overvoted ballot omitting the overvoted portion of the ballot and number  
the original ballot, ballot jacket or envelope if any, and duplicate ballot  
with the same identifying number. The identifying number shall be assigned in  
numerical order, and the original ballot shall remain in the ballot jacket or  
envelope if any.

Sec. 301. If only the last name of a person is written in the  
write-in space on the ballot or ballot jacket and there is more than one  
person in the county having the same last name, the counting board shall  
reject the ballot for that office unless the last name is reasonably close to  
the proper spelling of the last name of a candidate engaged in or pursuing a  
write-in campaign pursuant to section 183 of this act. The counting board  
shall make the following notation on the rejected ballot: Rejected for the  
office of ....., no first or generally recognized name.

Sec. 302. If the write-in vote in the county for any particular  
office totals less than five percent of the vote for such office in the county  
and the election commissioner or county clerk believes that such vote will not  
impact the outcome of the election, the number of write-in votes for that  
office may be counted and listed together as one total.

Sec. 303. No returns or partial returns shall be released prior to  
the closing of the polls. Any or all available returns may be released after  
the polls close.

Sec. 304. Ballots may be counted (1) at a centralized location as  
provided in sections 305 to 312 of this act or (2) in the precinct by the  
receiving board which becomes the counting board after the polls are closed or  
by a counting board that is separate from the receiving board as provided in  
sections 313 to 320 of this act. Each counting board shall complete its  
duties and certify to all matters pertaining to the counting of votes.

Sec. 305. In counties in which the ballots are counted at a  
centralized location, the receiving board shall deliver the ballot box to the  
centralized location as directed by the election commissioner or county clerk.

Sec. 306. In counties using punch card voting systems or optical  
scanners to count the ballots, the election commissioner or county clerk may  
arrange to have partial returns delivered, properly locked or sealed, to the  
centralized location or locations at any time desired after the opening of the  
polls if at least twenty-five ballots have been cast since any prior delivery  
of ballots. The election commissioner or county clerk shall designate the  
location or locations for counting the ballots and may designate a location or  
locations in any county. Upon completion of the count, the ballots shall be  
conveyed under supervision of the election commissioner or county clerk to the  
office of such official. If for any reason it becomes impracticable to count  
all or a part of the ballots with optical scanners, the election commissioner  
or county clerk may direct that the ballots be counted manually following as  
closely as possible the provisions governing the manual counting of ballots.

Sec. 307. (1) In each centralized location, watchers may be  
appointed to be present and observe the counting of ballots. Each political  
party shall be entitled to one watcher at each location appointed and supplied  
with credentials by the county central committee of such political party. The  
district court having jurisdiction over any such county may appoint additional  
watchers for any location.

(2) The watchers and the members of the counting board shall take  
the following oath administered by the election commissioner or county clerk  
or an election official designated by the election commissioner or county  
clerk: I do solemnly swear that I will not in any manner make known to anyone  
other than duly authorized election officials the results of the votes as they  
are being counted until the polls have officially closed and the summary of  
votes cast is delivered to the election commissioner or county clerk.

(3) All other persons shall be excluded from the place where the  
counting is being conducted except for observers authorized by the election  
commissioner or county clerk. No such observer shall be connected with any  
candidate, political party, or measure on the ballot.

Sec. 308. The election commissioner or county clerk shall provide  
for the examination of overvoted ballots when optical-scan and punch card  
ballots are used to insure that the vote counting devices are operating  
properly and that overvoted ballots are not the result of machine error, and  
such overvoted ballots need not be marked or separated from the other ballots.

Sec. 309. The election commissioner or county clerk shall designate  
at least two members of the counting board to act as a resolution board to  
resolve questions as to the legality of votes to be counted. The members of  
the resolution board shall be of equal number from different political  
parties. Any issue as to the legality of a vote shall be resolved unanimously

by the resolution board. If a unanimous decision cannot be obtained, the ballot shall be rejected as to the vote in question.

Sec. 310. If any ballot is damaged or defective so that it cannot properly be counted by the vote counting device, the resolution board shall make a true duplicate copy and substitute the copy for the damaged or defective ballot. All duplicate ballots shall be clearly labeled duplicate, and all damaged or defective ballots shall be clearly labeled damaged or defective. Each pair of duplicate and damaged or defective ballots shall bear a similar serial number or some form of identification so that both the damaged or defective and duplicate ballots can be matched to facilitate recounts or any inspection of the ballots.

Sec. 311. (1) Upon completion of the counting of votes, the counting board shall place all voted ballots in the ballots-cast container. Rejected ballots shall be placed in the envelope designated Rejected Ballots, and the envelope shall be sealed and placed in the ballots-cast container with the voted ballots. The ballots-cast container shall then be sealed.

(2) The counting board shall prepare a summary of the votes cast and deliver the summary to the election commissioner or county clerk. When write-in votes are totaled in accordance with section 302 of this act, the write-in votes shall be totaled as an aggregate for any such office. The election commissioner or county clerk shall release unofficial returns from the summary.

Sec. 312. All tapes, programming boards, and other materials used with vote counting devices for the election shall be sealed and stored with the ballots and election materials for that election for the amount of time required by law. Programming boards may be reused after six months have elapsed following an election in which they were used.

Sec. 313. (1) In counties in which ballots are counted in each precinct, (a) in each precinct which does not have a counting board, the judges of election shall proceed to count the votes, ascertain the results of the election, and carry out the duties prescribed for the counting board as soon as the polls are closed or (b) in precincts having a counting board, the receiving board may deliver the ballot box to the counting board one hour after the opening of the polls and the counting board shall proceed with the count. After counting the votes, the counting board shall return the empty ballot box to the receiving board in exchange for the box containing ballots cast since taking possession of the first ballot box if at least twenty-five ballots have been cast therein. The counting board shall continue to exchange ballot boxes in the same manner during the day until the polls are closed and all ballots have been counted.

(2) In counties using voting machines, the judges and clerks of election shall transcribe and record the vote totals shown on the counters onto the official return sheets after the polls close. If the machine is equipped with a device for printing or photographing returns, the judges and clerks of election shall obtain a printed or photographed record of the votes cast on the candidate and question counters. Such record will be considered the official returns for the precinct.

Sec. 314. In each precinct having a counting board, watchers may be appointed to be present and watch the counting of ballots. Each political party shall be entitled to one watcher in each precinct appointed and supplied with credentials by the county central committee of such political party. The district court having jurisdiction over any such county may appoint additional watchers for any precinct. The watchers and the members of the counting board shall take the following oath administered by a judge of election: I do solemnly swear that I will not in any manner make known to anyone other than duly authorized election officials the results of the votes as they are being counted until the polls have officially closed and the summary of votes cast is delivered to the election commissioner or county clerk.

All other persons shall be excluded from the place where the counting is being conducted.

Sec. 315. (1) In precincts in which the receiving board acts as the counting board after the polls close, the counting board shall open the ballot box and count the ballots without unfolding them. If the whole number of votes cast exceeds the number of persons voting as shown by the sign-in register, the ballots shall be replaced in the ballot box, the box shall be locked, and the ballots shall be thoroughly shaken. The ballot box shall then be opened and one member of the counting board shall draw from the box as many ballots as have been cast exceeding the number as shown by the sign-in register. The ballots withdrawn shall, without unfolding, be placed in a separate envelope. The envelope shall be sealed and marked Excessive Ballots, and the Excessive Ballots envelope shall be sent with other election returns to the election commissioner or county clerk.

(2) In precincts which have a separate counting board, the receiving board shall furnish to the counting board a statement signed by the judges of election which shows the number of ballots that are found in each ballot box as the ballot boxes are exchanged. The counting board shall proceed to determine the number of ballots in the ballot boxes as received and compare the number of ballots to the number shown on the statement furnished by the receiving board. If the number of ballots exceed the number shown on the statement, the ballots shall be replaced in the ballot box, the box shall be locked, and the ballots shall be thoroughly shaken. The ballot box shall then be opened and one member of the counting board shall draw from the box as many ballots as have been cast exceeding the number as shown by the statement. The ballots withdrawn shall, without unfolding, be placed in a separate envelope. The envelope shall be sealed and marked Excessive Ballots, and the Excessive Ballots envelope shall be sent with other election returns to the election commissioner or county clerk.

Sec. 316. Before counting any votes, the counting board shall examine each ballot. If any ballot is not initialed by two judges of election or a precinct or district inspector and a judge of election as provided in section 259 of this act, the counting board shall reject the ballot and make the following notation on the ballot: Rejected, not properly initialed.

Sec. 317. If two or more ballots are found so folded together as to convince the judges of election that they were cast as one, they shall not be counted but shall have the words Rejected as double written upon them and be folded together again.

Sec. 318. If there is a question as to the legality of a vote to be counted, such issue shall be unanimously resolved by the entire counting board. If a unanimous decision cannot be obtained, such ballot shall be rejected.

Sec. 319. When all the votes have been examined and counted, the counting board shall set down in the form provided in the official summary of votes cast number one and official summary of votes cast number two the name of every person voted for, written at full length, the office for which such person received votes, and the number of votes he or she received expressed in words at full length. When write-in votes are totaled in accordance with section 302 of this act, the write-in votes shall be totaled as an aggregate for any such office.

Sec. 320. (1) Upon completion of the counting of votes, the counting board shall place all voted ballots in the ballots-cast container. Rejected ballots shall be placed in the envelope designated Rejected Ballots, and the envelope shall be sealed and placed in the ballots-cast container with the voted ballots. The ballots-cast container shall then be sealed.

(2) The precinct list of registered voters and the official summary of votes cast number one shall be sealed in an envelope designated for such purpose. The precinct sign-in register and the official summary of votes cast number two shall be sealed in an envelope designated for such purpose and shall be subject to inspection by any registered voter who may wish to examine them after the election.

(3) The counting board shall prepare another summary of votes cast from the official summary showing the total number of votes cast for each candidate and the office for which he or she was a candidate and the total number of votes cast for and against each measure submitted at the election. The summary of votes cast shall be signed and attested to by the members of the counting board and sealed in a separate envelope designated for such purpose to be returned to the election commissioner or county clerk with other election materials. The election commissioner or county clerk shall open such envelope and release unofficial returns from the summary.

(4) In counties using voting machines, the voting machines shall be closed, locked, and sealed after the votes are recorded in accordance with the instructions furnished by the election commissioner or county clerk for a period of at least thirty days, except that they may be opened and unlocked and the seals thereon broken when one election follows another within such a short time as to require it and upon the order of the district court for such county.

Sec. 321. (1) The election commissioner or county clerk shall appoint two or more registered voters to the absentee ballots counting board. One registered voter shall be appointed from the political party casting the highest number of votes for Governor or for President of the United States in the county in the immediately preceding general election, and one registered voter shall be appointed from the political party casting the next highest vote for such office. The election commissioner or county clerk may appoint additional registered voters to serve on the absentee ballots counting board and may appoint registered voters to serve in case of a vacancy among any of

the members of the absentee ballots counting board. Such appointees shall be balanced between the political parties and may include registered voters unaffiliated with any political party. The absentee ballots counting board shall meet as directed by the election commissioner or county clerk.

(2) The absentee ballots counting board shall place all absentee voter identification envelopes in order for counting. The absentee ballots counting board shall compare the voter's name on the identification envelope with the name on the absentee voter's book or with the application for an absentee ballot. If the name on the identification envelope appears to be that of a registered voter to whom an absentee ballot has been issued, the identification envelope shall be accepted for opening without further questioning. In counties using optical scanners, the absentee ballots counting board may, on the day before the election, check the names on the identification envelopes received and open all identification envelopes which are approved, and if the signature of the election commissioner or county clerk or his or her employee is on the ballot, the ballot shall be unfolded, flattened for purposes of using the optical scanner, and placed in a sealed container for counting on election day. In other counties, the absentee ballots counting board shall, on election day, check the names on the identification envelopes received on election day and open all identification envelopes which have been received and approved on or before election day, and if the signature of the election commissioner or county clerk or his or her employee is on the ballot, the ballot shall be placed without unfolding into a ballot box.

(3) The absentee ballots counting board shall reject an absentee voter identification envelope if the signature of the registered voter is missing or if the name and address on the identification envelope do not match the registered voter's voter registration. If an identification envelope is rejected, the absentee ballots counting board shall not open the identification envelope. If the ballot is rejected after opening the identification envelope because of the absence of the official signature on the ballot, the ballot shall be marked Rejected, no official signature. The absentee ballots counting board shall place the rejected identification envelopes and ballots in a container labeled Rejected Absentee Ballots and seal it.

(4) As soon as all ballots have been placed in the ballot box and rejected identification envelopes or ballots have been sealed in the Rejected Absentee Ballots container, the absentee ballots counting board shall count the absentee ballots the same as all other ballots and an unofficial count shall be released to the election commissioner or county clerk. No results shall be released prior to the closing of the polls on election day.

Sec. 322. The election commissioner or county clerk shall appoint two or more registered voters to constitute a county canvassing board. The election commissioner or county clerk shall be a member of the county canvassing board. One registered voter shall be appointed from the political party casting the highest number of votes for Governor or for President of the United States in the county in the immediately preceding general election, and one registered voter shall be appointed from the political party casting the next highest number of votes for such office. The election commissioner or county clerk may appoint additional registered voters to serve on the county canvassing board and may appoint registered voters to serve in case of a vacancy among any of the members of the county canvassing board. Such appointees shall be balanced between the political parties and may include registered voters unaffiliated with any political party.

Sec. 323. Prior to 1 p.m. on election day, the election commissioner or county clerk shall post in a conspicuous place in his or her office a notice stating the day and hour when the county canvassing board will sit as an absentee ballots counting board. At 1 p.m. on the second day after any election, the county canvassing board shall sit as an absentee ballots counting board to count the remaining absentee ballots received in the office of the election commissioner or county clerk not later than 10 a.m. on the second day after the election. The ballots shall be counted in the same manner as provided in sections 295 to 320 of this act. The election commissioner or county clerk shall release the returns upon the completion of counting the absentee ballots.

Sec. 324. All absentee voter identification envelopes, voted ballots, and rejected ballots and the Rejected Absentee Ballots container shall be placed in the absentee voters ballots-cast container, and the absentee voters ballots-cast container shall be sealed.

Sec. 325. (1) After counting the absentee ballots, the county canvassing board shall proceed with the official canvass of votes cast on election day. If in the process of canvassing the votes for any candidate or

measure in any precinct the election commissioner or county clerk or the canvassing board determines that there is an obvious error in the certification of the votes, the error shall be corrected. The county canvassing board may open the ballots-cast container and recount the ballots for any candidate or any measure which appears to be in error. If the county canvassing board finds and corrects any such error, it shall make the correction entry in the precinct sign-in register, the precinct list of registered voters, and the official summary or summaries of votes cast and shall attach a letter of explanation to each book where the correction was made. The letter shall be signed by all members of the county canvassing board.

(2) When it has been determined that the returns in all precincts are correct, the county canvassing board shall enter the same in a permanent ledger. The permanent ledger shall be preserved by the election commissioner or county clerk for the period of time specified by the State Records Administrator pursuant to the Records Management Act, and then it may be transferred to the State Archives of the Nebraska State Historical Society for permanent preservation.

(3) Any recesses or adjournments of the county canvassing board shall be to a fixed time and publicly announced. When a recess is called, all ballots that have not been counted and all other supplies shall be placed in a fireproof safe or other suitable location which is locked until such board reconvenes.

Sec. 326. Upon the completion of the canvass by the county canvassing board, all books shall again be sealed, and the election commissioner or county clerk shall keep all election materials, including the ballots-cast containers from each precinct, the sealed envelopes containing the precinct list of registered voters, the precinct sign-in register, the official summary or summaries of votes cast, and the absentee voters ballots-cast container, for not less than twenty-two months when statewide primary, general, or special elections involve federal offices, candidates, and issues and not less than fifty days for local elections not held in conjunction with a statewide primary, general, or special election. The election commissioner or county clerk shall keep on file one copy of each ballot face used in each precinct of the official partisan, nonpartisan, constitutional amendment, and initiative and referendum ballots, as used for absentee voting, and all election notices used at each primary and general election for twenty-two months. The precinct sign-in register, including poll books for absentee ballots, and the official summary of votes cast shall be subject to the inspection of any person who may wish to examine the same after the primary, general, or special election. The election commissioner or county clerk shall not allow any other election materials to be inspected except when an election is contested or the materials become necessary to be used in evidence in the courts. The election commissioner or county clerk shall direct the destruction of such materials after such time, except that the election commissioner or county clerk may retain materials for the purposes of establishing voter histories.

Sec. 327. The election commissioner or county clerk shall, within forty days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the county canvassing board has declared to have received the highest vote for county, city, or village offices. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received at least five percent of the total vote cast for the office at the primary election for that party. The certificate shall be substantially as follows:

State of Nebraska. At an election held on the ..... day of ..... was elected to the office of ..... for the term of ..... years from the ..... (or when filling a vacancy, for the residue of the term ending on the ... day of ..... 19..) Given at ..... this ... day of ..... 19..

Sec. 328. Immediately upon the completion of the canvass by the county canvassing board, the election commissioner or county clerk shall prepare an abstract of votes for all officers and issues certified to the election commissioner or county clerk by the Secretary of State. The election commissioner or county clerk shall sign and affix his or her official seal to the abstract as the Abstract of Votes of ..... County and deliver it to the Secretary of State. The Secretary of State shall prepare a tabular sheet of the votes cast for such officers and measures and preserve the same with the abstract of votes from the various counties for the use of the Legislature and the board of state canvassers in making the official canvass. The Secretary of State shall deliver to the state chairperson of each political party, upon request, a separate abstract of votes of the various contests for

national and state offices indicating the total votes received by each candidate and measure.

Sec. 329. If the Secretary of State has not received the abstract of votes from any county by the third Monday after the day of election, the Secretary of State may send a messenger to the election commissioner or county clerk of such county at the expense of such county. The election commissioner or county clerk shall furnish the messenger with the abstract of votes or, if the abstract has been sent, with a copy of the abstract, and the messenger shall return the abstract to the Secretary of State without delay. If the abstract of votes was delayed by reason of the fault or neglect of the election commissioner or county clerk, he or she shall be responsible to the county for the cost of the messenger.

Sec. 330. The election commissioner or county clerk shall report to the Secretary of State all election results of statewide primary and general elections by precinct within eight weeks after the county canvass of such elections for President, Vice President, United States Senate, United States House of Representatives, members of the Legislature, members of the Public Service Commission, and the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General. The Secretary of State shall retain the election results for at least five years and shall collate, arrange, computerize, or publish reports arranging the election results. The Secretary of State may charge a fee as provided in section 33-101 for copies of such election results.

Sec. 331. There shall be a board of state canvassers consisting of the Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General. The board of state canvassers shall meet at the office of the Secretary of State on the fourth Monday after each statewide primary and general election to canvass the votes cast for all officers and issues certified to the election commissioner or county clerk by the Secretary of State. The board of state canvassers may adjourn from day to day until all returns are received and all votes are tabulated. The Governor on the advice of the Secretary of State or the Attorney General may call an extraordinary session of the board of state canvassers.

Sec. 332. (1) The board of state canvassers shall authorize the Secretary of State to open the abstracts of votes from the various counties and prepare an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each received. The abstract shall be signed by the members of the board and shall have the seal of the state affixed by the Secretary of State. The canvass of the votes for candidates for President and Vice President of the United States and the return thereof shall be a canvass and return of the votes cast for the presidential electors of the same party or group of petitioners respectively, and the certificate of such election made by the Governor shall be in accord with such return. Receipt by the presidential electors of a party or a group of petitioners of the highest number of votes statewide shall constitute election of the two at-large presidential electors of that party or group of petitioners. Receipt by the presidential electors of a party or a group of petitioners of the highest number of votes in a congressional district shall constitute election of the congressional district presidential elector of that party or group of petitioners.

(2) The board of state canvassers shall determine from the completed abstract the names of those candidates who have been nominated or elected. If any two or more persons are returned with an equal and the highest number of votes, the board of state canvassers shall decide by lot which of such persons is elected except for officers elected to the executive branch. The board of state canvassers shall also declare those measures carried which have received the required percentage of votes as provided by law.

Sec. 333. The votes cast for the officers of the executive departments of this state and members of the Public Service Commission shall be canvassed by the Legislature at its next regular session.

Sec. 334. The Secretary of State shall within forty days after the election prepare and deliver a certificate of nomination or certificate of election to each person who meets the constitutional and statutory requirements of office and whom the board of state canvassers or Legislature has declared to have received the highest vote for such office or position in the statewide primary or general election. The certificate shall be substantially as follows:

State of Nebraska. At an election held on the ..... day of ..... was elected to (or nominated for) the office of ..... for the term of ..... years from the ..... (or when filling a vacancy, for the residue of the term ending on the .... day of ..... 19..)



Given at ..... this .... day of ..... 19.. .

The certificate shall be signed by the Governor, under the seal of the state, and countersigned by the Secretary of State if the candidate filed with the Secretary of State and was elected to a state office, as a member of Congress, or from a district whose boundaries extend beyond the limits of a single county.

Sec. 335. The election commissioner or county clerk may use paper ballots, voting machines, punch card ballots, or optical-scan ballots to allow registered voters to cast their votes at any election. Paper ballots may be used in combination with other methods of casting ballots. The election commissioner or county clerk may use voting machines and vote counting devices for tabulating the votes cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners and electronic tabulating machines used in punch card voting systems. Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk.

Sec. 336. The governing body of any county may purchase, lease, lease-purchase, rent, or contract for voting machines, vote counting devices, or punch card voting systems to be used in all elections. The governing body of any county may issue bonds, certificates of indebtedness, or other obligations or levy not to exceed one and seven-tenths cents on each one hundred dollars of taxable value of the taxable property in the county for the purpose of acquiring voting machines, vote counting devices, or punch card voting systems. Any excess amounts levied and collected shall revert to the county general fund. Any bonds, certificates, or other obligations may be issued with or without interest and may be payable at such time or times as the governing body may determine but shall not be issued or sold at less than par. The governing body of the county may provide for installment payments which extend over a period of more than one year notwithstanding sections 23-132 and 23-916.

Sec. 337. The governing body of any county which has procured voting machines, vote counting devices, or punch card voting systems may enter into a contract for the rental of such voting machines, vote counting devices, or punch card voting systems with a city, village, or school district. Such rentals may be paid out of the general fund or by levying taxes to provide funds for payment of such rentals. Such rental contracts may be made to extend over any period of time.

Sec. 338. (1) The election commissioner or county clerk shall designate an individual to be trained in the method of preparation of the voting machines, vote counting devices, or punch card voting systems for correct use in the elections, and such person shall be called the custodian of the voting machines, vote counting devices, or punch card voting systems. The custodian shall conduct an instructional meeting for the members of the counting board. The custodian shall prepare all voting machines, vote counting devices, or punch card voting systems for proper use in all elections.

(2) The custodian shall take the same oath prescribed for judges and clerks of election pursuant to section 42 of this act.

Sec. 339. Preceding each election at which voting machines and vote counting devices are used, the custodian of such machines and devices shall hold at least one instructional meeting for the instruction of every judge and clerk of election in the correct conduct of the election. Each judge and clerk of election shall receive compensation for attendance at such instructional meeting. In lieu of all judges and clerks attending such instruction, a judge of election or a precinct or district inspector may receive such instruction for the purposes of conducting an instructional session with the judges and clerks of election on election day before the polls officially open. The election commissioner or county clerk shall provide written instructions on the use of voting machines and vote counting devices, including the examination prior to the opening of the polls, the voting procedure, and the examination and tabulating after the polls close.

Sec. 340. Prior to using a voting machine or punch card voting system and during the first two years of use, one or more of the voting machines or punch card voting devices shall be placed on public exhibition with a ballot in place and shall be attended by a competent person for the instruction of the registered voters of the precinct in its proper use. At least one mechanical instruction model voting machine or punch card voting device shall be available for the instruction of registered voters at each polling place during any election in which such machines or devices are being used. The mechanical instruction model shall be capable of being operated in the same manner as the official voting machines or punch card voting devices. The mechanical instruction model shall be attended at all times by a judge or

clerk of election to instruct registered voters requiring instruction in the correct operation of the machine or device.

Sec. 341. Voting machines may be equipped with a device for printing or photographing the counters prior to the opening and after the closing of the polls and shall:

(1) Provide facilities for voting for nominated candidates, for persons not in nomination, and upon such questions or measures as may be submitted to the registered voters;

(2) Permit each voter to vote for as many persons for any office as he or she is entitled to vote for and to vote in primary elections for candidates for nomination by the political party with which he or she is affiliated;

(3) Preclude each voter from voting for more persons for any office than he or she is entitled to vote for, from voting more than once for the same candidate or upon the same measure or question submitted to the voters, or from voting the ballot of more than one political party in any primary election;

(4) Permit each voter to change his or her vote for any candidate or upon any measure or question up to the time he or she begins the final procedure to register his or her vote;

(5) Permit and require voting in absolute secrecy;

(6) Be constructed and controlled so that no person can see or know for whom any other voter has voted or is voting except a person who is providing the registered voter assistance in voting pursuant to section 261 of this act and so that no unauthorized person may see or know the number of votes registered for any candidate, measure, or question or tamper with any registering mechanism;

(7) Be constructed so that when properly operated it registers or records correctly and accurately every vote cast; and

(8) Be constructed and operated so that the registered voter may readily learn the method of operating it.

Sec. 342. Any voting machine used in an election under the Election Act shall have a counter or other device which shows the total number of registered voters who have operated the machine and a protective counter or other device which is not subject to resetting and which records the cumulative total number of movements of the registering mechanism. A register on one of the counters or other devices shall be visible at all times from the outside of the machine, and the machine shall be provided with a lock by which all movements of the registering mechanism are absolutely prevented immediately after the polls are closed or the operation of the machine for an election is completed.

Sec. 343. Any election commissioner or county clerk using a vote counting device to count ballots in a centralized location shall:

(1) Provide for the proper sealing of the containers and the security of the ballots when transported from each polling place to the centralized location and when removed from their containers and delivered to the personnel who operate the vote counting devices;

(2) Provide a process of counting which allows for the ballots of each precinct to be placed in a sealed container and placed in a secure location after the counting process has been completed;

(3) Provide for a method of overseeing the ballots that have been overvoted or damaged which does not involve judging voter intent to assure that these ballots have not been or will not be intentionally mismarked;

(4) Provide for a procedure for counting write-in votes when such votes and names of write-in candidates are to be counted and recorded;

(5) Provide for at least three independent tests to be conducted before counting begins to verify the accuracy of the counting process, which includes the computerized program installed for counting various ballots by vote counting devices, by (a) the election commissioner or county clerk, (b) the chief deputy election commissioner or a registered voter with a different party affiliation than that of the election commissioner or county clerk, and (c) the person who installed the program in the vote counting device or the person in charge of operating the device;

(6) Provide for storing and safeguarding the magnetic tapes or computer chips of the vote counting devices for the required period of time;

(7) Provide the appropriate security personnel or measures necessary to safeguard the secrecy and security of the counting process;

(8) When deemed necessary by the election commissioner or county clerk, develop a procedure for picking up and counting ballots during election day; and

(9) Submit a written plan to the Secretary of State specifically outlining the procedures that will be followed on election day to implement

this section. The plan shall be submitted no later than twenty-five days before the election and shall be modified, as necessary, for each primary, general, or special election.

Sec. 344. Sections 344 to 360 of this act shall apply to contests of any election. The election of any person to an elective office, the location or relocation of a county seat, or any proposition submitted to a vote of the people may be contested:

(1) For misconduct, fraud, or corruption on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk sufficient to change the result;

(2) If the incumbent was not eligible to the office at the time of the election;

(3) If the incumbent has been convicted of a felony unless at the time of the election his or her civil rights have been restored;

(4) If the incumbent has given or offered to any voter or an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk any bribe or reward in money, property, or thing of value for the purpose of procuring his or her election;

(5) If illegal votes have been received or legal votes rejected at the polls sufficient to change the results;

(6) For any error of any board of canvassers in counting the votes or in declaring the result of the election if the error would change the result;

(7) If the incumbent is in default as a collector and custodian of public money or property; or

(8) For any other cause which shows that another person was legally elected.

When the misconduct is on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk, it shall be insufficient to set aside the election unless the vote of the county, precinct, or township would change the result as to that office.

Sec. 345. (1) All contested primary and general elections for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, member of the Public Service Commission, member of the State Board of Education, and Regent of the University of Nebraska shall be heard and determined by the district court for Lancaster County.

(2) Any person contesting the election of any officer named in subsection (1) of this section shall present a petition to the district court of Lancaster County within forty days after the election. The petition shall set forth the points on which he or she will contest the election and the facts which he or she will prove in support of such points and shall ask for leave to produce his or her proof. The person whose election is being contested shall be served with a copy of such petition and a notice of the time and place of the presentation of the petition at least ten days before the petition will be presented and may, upon the presentation of such petition, file his or her answer thereto specifying reasons why his or her election should not be contested.

Sec. 346. Upon the presentation of a petition contesting an election and the answer to such petition, if any, the court shall appoint an official of the court to take the testimony of the petitioner and the person whose election is contested at such times and places as the court directs. The court order shall specify the points and facts in regard to which the testimony is to be taken and the time when the official shall make his or her report to the court. The court shall fix the compensation of the official to be taxed as part of the costs. The official shall have the power to administer oaths and take depositions, to compel the attendance of witnesses by summons and attachment, to require such witnesses to testify, and to certify such testimony.

Sec. 347. The petitioner and the person whose election is contested shall have the right to attend the examination of the witnesses appearing before the official of the court and to cross-examine the witnesses. Testimony shall be taken only on the points and facts specified in the court order. The official shall cause to be made a full and accurate bill of exceptions of all evidence and testimony adduced at the hearing and shall preside at such hearing as a judge in a court of equity. The official shall rule upon the admissibility of testimony and shall preserve and maintain on the part of all participants at the hearing judicial decorum and demeanor and

shall have the powers of a judge to cite or punish for contempt. The official at the conclusion of the hearing shall make a written report and recommendations to the court which shall be considered by the the court as a finding of a trial judge in equity.

Sec. 348. If the contested seat is not in the Legislature, the petitioner shall file in the proper court within ten days after filing of the petition a bond with security to be approved by the clerk of the court conditioned to pay all costs in case the election is confirmed.

If the contested seat is in the Legislature, the petitioner shall file with the Clerk of the Legislature within ten days after filing the petition a bond with security approved by the Clerk of the Legislature conditioned to pay all costs in case the election is confirmed. The bond shall be in an amount of at least five thousand dollars as determined by the Clerk of the Legislature. If the Clerk of the Legislature determines that the bond is inadequate, he or she may order an increase in the amount of the bond at any stage of the contest proceedings.

Sec. 349. (1) If a candidate for the Legislature contests the election of a person proclaimed duly elected to the legislative seat for which the candidate was seeking election, the candidate shall, within forty days after the election, give written notice of the contest to the person whose election is being contested in person or by registered or certified mail. A copy of the notice showing that the notice was served upon such person shall be filed with the Clerk of the Legislature within such forty-day period. The notice shall specify the names of the voters whose votes are contested, the grounds upon which such votes are illegal, a full statement of any other ground upon which the election is contested, and, if necessary, the time and place for the taking of depositions of the witnesses to be examined.

(2) If the person whose seat in the Legislature is contested intends to contest the legality of any votes given to the candidate who contests the election and if such person intends to take depositions, the person whose seat is contested shall, within fourteen days after he or she is notified that his or her election is being contested, give to the petitioner a notice similar to that specified in subsection (1) of this section. The notice shall include the time and place for the taking of the depositions of such witnesses as he or she desires to examine.

(3) The taking of depositions and all matters relating thereto shall be conducted in the manner provided by the Rules of the Nebraska Unicameral Legislature. Either party may without notice take rebutting testimony at the time and place specified for the taking of depositions.

Sec. 350. (1) The taking of depositions shall be commenced within fifteen days after the giving of the respective notices of contest provided for in section 349 of this act and shall be completed as soon as practicable under the circumstances. The persons selected by the parties to take depositions shall issue subpoenas to all persons required by either party commanding them to appear and give testimony at the time and place specified. All testimony shall be certified to the Clerk of the Legislature by the persons selected to take the depositions.

(2) No testimony shall be received in the taking of depositions or by the Legislature which does not relate to the points specified in the notice. A copy of the notice, attested by the person who delivered or served the same, shall be delivered to the person or persons selected to take depositions, and the person or persons selected to take depositions shall transmit a copy of the notice with the depositions to the Clerk of the Legislature. No testimony other than the testimony contained in the depositions taken at the times and places provided for in this section and section 349 of this act shall be received as evidence unless otherwise determined by the Legislature.

Sec. 351. The result of any election upon a proposed constitutional amendment or statute submitted or referred to the voters either by the Legislature or by initiative or referendum petition may be contested upon the petition of one or more registered voters directed against the Secretary of State. The petitioning voter or voters shall present a petition to the district court of Lancaster County within forty days after such election. The petition shall set forth the points on which the election will be contested and the facts which will be proved in support of such points and shall ask for leave to produce the proof. The Secretary of State shall be served with a copy of the petition and a notice of the time and place of the presentation of the petition ten days before the petition will be presented. The Secretary of State may, upon the presentation of such petition, file an answer thereto specifying reasons why the election should not be contested. The proponents and opponents of any proposed constitutional amendment or statute shall have the right to engage counsel to represent and act for such parties in all

matters involved in and pertaining to the contest.

Sec. 352. (1) The several district courts shall have jurisdiction in cases of contested elections for officers of all political subdivisions of the State of Nebraska. Notice of such contest shall be given to the person whose election is contested within twenty days after the votes have been officially canvassed. The notice shall specify the grounds upon which the petitioner intends to rely and the names of the voters whose votes are contested if any and the grounds upon which such votes are illegal. The notice shall be served as provided in section 25-505.01.

(2) If the person whose election is being contested desires to contest any votes given to the petitioner, the person shall give the petitioner written notice within twenty days after the notice of contest has been served. The notice shall specify the names of such voters and the grounds upon which such votes are illegal.

(3) The parties to the contest shall be allowed process for witnesses, and either party may take depositions to be read as evidence at the trial as is authorized in civil cases. All such depositions shall be filed before the trial is commenced and may be read into evidence regardless of the availability of the witnesses.

Sec. 353. Every court authorized to determine contested elections shall hear and determine such contested elections in a summary manner without any formal pleading. The contest shall be heard within fifteen days after the matter is at issue unless the contest is continued by mutual consent of the parties or for good cause shown.

Sec. 354. When a contested election is pending, the person holding the certificate of election may give bond, qualify and take the office at the time specified by law, and exercise the duties of the office until the contest is decided. If the contest is decided against him or her, the Legislature or court shall order him or her to give up the office to the successful party in the contest and deliver to the successful party all books, records, papers, property, and effects pertaining to the office, and the Legislature or court may enforce such order by attachment or other proper legal process.

Sec. 355. (1) Any court before which any contested election may be pending or the clerk of such court in vacation may issue a writ to the election commissioner or county clerk of the county in which the contested election was held commanding him or her to open, count, compare with the list of voters, and examine the ballots in his or her office which were cast at the election in contest and to certify the result of such count, comparison, and examination to the court from which the writ was issued.

(2) The Legislature or the committee of the Legislature designated by the Legislature before which a contested election is pending may issue a writ to the election commissioner or county clerk of the county in which the contested election was held commanding him or her to open, count, compare with the list of voters, and examine the ballots in his or her office which were cast at the election in contest and to certify the result of such count, comparison, and examination to the Legislature.

Sec. 356. Any writ issued pursuant to section 355 of this act shall be served without delay on the election commissioner or county clerk by the sheriff of his or her county. The election commissioner or county clerk shall at once fix a day, not more than thirty days after the date of the receipt of such writ, on which he or she will proceed to open such ballots and shall cause notice in writing of the day so fixed to be served on the petitioner and the person whose election is being contested or their attorneys at least five days before such day. Such notice may be served in the manner provided in section 25-505.01.

Sec. 357. (1) Except as provided in subsection (2) of this section, on the day fixed for opening the ballots pursuant to section 356 of this act, the election commissioner or county clerk and the county canvassing board which officiated in making the official county canvass of the election returns shall proceed to open such ballots in the presence of the petitioner and the person whose election is contested or their attorneys. While the ballots are open and being examined, the election commissioner or county clerk shall exclude all other persons from the counting room. All persons witnessing the counting of ballots shall be placed under oath requiring them not to disclose any fact discovered from such ballots except as stated in the certificate of the election commissioner or county clerk.

(2) In an election contest for a seat in the Legislature, the Legislature may establish rules and procedures for the recount of ballots. Such rules and procedures may provide for delivery to the Legislature or a committee of the Legislature designated by the Legislature before which a contested election is pending, by the election commissioner or county clerk, of the ballots or notarized copies of the ballots which were cast at the

election in contest.

Sec. 358. (1) The election commissioner or county clerk shall permit the petitioner, the person whose election is being contested, and their attorneys to fully examine the ballots. The election commissioner or county clerk shall make return to the writ, under his or her hand and official seal, of all the facts which either of the parties may desire and which appear from the ballots to affect or relate to the contested election. After the examination of the ballots is completed, the election commissioner or county clerk shall again securely seal the ballots as they were and preserve and destroy them as provided by law in the same manner as if they had not been opened. The certificate of the election commissioner or county clerk certifying the total number of votes received by a candidate shall be prima facie evidence of the facts stated in the certificate, but the persons present at the examination of the ballots may be heard as witnesses to contradict the certificate.

(2) If the ballots or notarized copies of the ballots were examined as part of an election contest for a seat in the Legislature, the Legislature shall return such ballots or notarized copies of such ballots to the election commissioner or county clerk at the conclusion of the election contest.

Sec. 359. The cost of election contests and recounts under section 361 of this act shall be adjudged against the petitioner if he or she loses the contest, and if the petitioner wins the contest, the cost shall be adjudged against the state, county, or other political subdivision of which such contested office was a part. The payment of such costs shall be enforced as in civil cases. Attorneys representing the person finally determined to be the winner in any contest or recount of an election to the Legislature may be allowed as part of such costs reimbursement for reasonable attorney's fees as determined by the committee of the Legislature designated by the Legislature before which a contested election is pending but not to exceed five thousand dollars for such services.

Sec. 360. Except for election contests involving a member of the Legislature, an appeal from a final determination in an election contest may be taken in the same time or manner and to the same courts as is provided by law with respect to appeals in civil cases. In case of appeal, a bond with sufficient sureties shall be given conditioned for the payment of the costs accrued and to accrue in the cause. A new bond shall be given when required by any court in which the cause may be pending.

Sec. 361. (1) The apparent loser at a general election for a seat in the Legislature may secure a recount of the ballots cast at such election by filing a petition for a recount in duplicate with the Secretary of State no later than the fourth Monday after the election. The petition shall be accompanied by a corporate surety bond in the penal sum of two thousand five hundred dollars conditioned for the payment of costs pursuant to section 359 of this act if the recount fails to change the results of the election. If at any stage of the recount the amount of the bond becomes inadequate, the Secretary of State may order an increase in the amount of such bond.

(2) The Secretary of State shall, by certified or registered mail, give notice of the filing of a petition under this section not later than the day following the filing of the petition and deliver a copy of the petition to the declared winner. The Secretary of State shall also, by the most practicable means of communication, direct the election commissioner or county clerk of each county involved to deliver the ballot boxes to the office of the election commissioner or county clerk designated by the Secretary of State no later than the following Monday.

(3) After the ballot boxes have been received at the designated office, they shall be opened and the ballots for member of the Legislature shall be recounted under the supervision of the Secretary of State. The Secretary of State may employ such persons as may be necessary to conduct the recount and fix their compensation.

(4) The Secretary of State shall, on or before December 20, certify the results of the recount to each of the parties to the recount and to the Clerk of the Legislature.

Sec. 362. (1) If it appears as evidenced by the abstract of votes that any candidate failed to be nominated or elected by a margin of (a) one percent or less of the votes received by the candidate who received the highest number of votes for the office at an election in which more than five hundred total votes were cast or (b) two percent or less of the votes received by the candidate who received the highest number of votes for the office at an election in which five hundred or less total votes were cast, then such candidate shall be entitled to a recount. Any losing candidate may waive his or her right to a recount by filing a written statement with the Secretary of State, election commissioner, or county clerk with whom he or she made his or

her filing. All expenses of a recount under this section shall be paid by those political subdivisions involved in the recount.

(2) Recounts shall be made by the county canvassing board which officiated in making the official county canvass of the election returns. If any member of the county canvassing board cannot participate in the recount, another person shall be appointed by the election commissioner or county clerk to take the member's place.

(3) Recounts for candidates who filed with the Secretary of State shall be made on the fifth Wednesday after the election and shall commence at 9 a.m. The Secretary of State shall inform each election commissioner or county clerk of the names of the candidates for which the board of state canvassers deems a recount to be necessary.

(4) The election commissioner or county clerk shall be responsible for recounting the ballots for those candidates for whom the county canvassing board deems a recount to be necessary. The recount shall be made as soon as possible after the adjournment of the county canvassing board, except that if a recount is required under subsection (3) of this section, the recounts may be conducted concurrently.

(5) The Secretary of State, election commissioner, or county clerk shall notify all candidates whose ballots will be recounted of the time, date, and place of the recount. Candidates whose ballots will be recounted may be present or be represented by an agent appointed by the candidate.

(6) The procedures for the recounting of ballots shall be the same as those used for the counting of ballots on election day. The recount shall be conducted at the county courthouse, except that if vote counting devices are used for the counting or recounting, such counting or recounting may be accomplished at the site of the devices. Counties counting ballots by using a vote counting device shall first recount the ballots by use of the device. If substantial changes are found, the ballots shall then be manually counted in any precinct which might reflect a substantial change.

Sec. 363. After the recount under section 362 of this act has been certified, the election commissioner or county clerk shall make a certificate of election or a certificate of nomination in the case of a primary election for the person having the highest number of votes for the office covered by the recount and cause the certificate to be delivered to the person entitled to the certificate.

Sec. 364. If any candidate failed to be nominated or elected by more than the margin provided in section 362 of this act, the losing candidate may submit a certified written request for a recount at his or her expense. The request shall be filed with the filing officer with whom the candidate filed for election not later than the tenth day after the county canvassing board or the board of state canvassers convenes. The recount shall be conducted as provided in section 362 of this act. Prior to conducting the recount, the cost of the recount shall be determined by the election commissioner or county clerk and the requesting candidate shall be so notified. The candidate requesting the recount shall pay the estimated cost of the recount before the recount is scheduled to be conducted. If the recount involves more than one county, the election commissioner or county clerk shall certify the cost to the Secretary of State. The Secretary of State shall then notify the candidate of the determined cost, and the cost shall be paid before any recount is scheduled to be conducted. The candidate shall pay the cost on demand to the county treasurer of each county involved, and such sums shall be placed in the county general fund to help defray the cost of the recount. If the actual expense is less than the determined cost, the candidate may file a claim with the county board for overpayment of the recount. If the recount determines the candidate to be the winner, all costs which he or she paid shall be refunded. Refunds shall be made from the county general fund.

Sec. 365. (1) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for the same nomination for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be nominated. The election commissioner or county clerk shall notify such candidates by certified mail to appear at his or her office on a given day and hour to determine the same before the county canvassing board. The election commissioner or county clerk shall make a certificate of nomination for the person so nominated and shall cause such certificate to be delivered to the person entitled thereto.

(2) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives,

determine by lot which of the candidates shall be elected. The election commissioner or county clerk shall notify such candidates by certified mail to appear at his or her office on a given day and hour to determine the same before the county canvassing board. The election commissioner or county clerk shall make a certificate of election for the person so elected and shall cause such certificate to be delivered to the person entitled thereto.

(3) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for nomination for the office of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, or other officer elected to an executive department, the Legislature shall choose one of such persons for nomination to the office.

(4) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for the office of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, or other officer elected to an executive department, the Legislature shall choose one of such persons for the office.

(5) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for nomination to an office canvassed by the board of state canvassers, the board shall decide by lot which of such persons is nominated, except officers elected to the executive department.

(6) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for an office canvassed by the board of state canvassers, the board shall decide by lot which of such persons is elected, except officers elected to the executive department.

Sec. 366. The county board shall draw warrants in payment of all bills submitted by the election commissioner or county clerk related to the cost of any election conducted by the office of the election commissioner or county clerk. The initial payment for bills submitted to the election commissioner or county clerk for the cost of preparing for and conducting elections shall be a county expense. The compensation of the election commissioner or county clerk, the deputy election commissioner or deputy county clerk for elections, and all permanent employees of the election commissioner or county clerk, the expenditures for the rental, furnishing, and equipping of the office of the election commissioner or county clerk, the expenditures for necessary office supplies, books, documents, and appurtenances relating to or used in performing the duties of the election commissioner or county clerk in relation to elections, and the cost of elections for county, state, and federal governments shall be an apportioned county expense and shall not be chargeable to other political subdivisions.

Sec. 367. The cost of publication and posting of notices and ballots, the cost of precinct registration lists, the compensation of temporary employees, inspectors, judges and clerks of election, and members of counting boards, the cost of renting, heating, lighting, and equipping polling places including placing and removing ballot boxes and other fixtures and equipment, the cost of printing and delivering ballots and sample ballots, the cost of postage, cards of instructions for voters, maps, voter books for the polling place, other election supplies, and electronic media, the expense of programming and operation of voting machines and vote counting devices, and all other expenses of conducting statewide primary and general elections not listed in section 366 of this act shall be chargeable to the political subdivisions in and for which such elections are held.

Sec. 368. (1) Each city, village, school district, public power district, sanitary and improvement district, metropolitan utilities district, fire district, natural resources district, community college area, educational service unit, hospital district, reclamation district, and library board or district shall pay for the costs of nominating and electing its officers as provided in subsection (2) or (3) of this section. If a special issue is placed on the ballot at the time of the statewide primary or general election by any political subdivision, the political subdivision shall pay for the costs of the election as provided in subsection (2) or (3) of this section. The districts listed in this subsection shall furnish to the Secretary of State and election commissioner or county clerk any maps and additional information which the election commissioner or county clerk may require in the proper performance of their duties in the conduct of elections and certification of results.

(2) The charge for each primary and general election shall be determined by (a) ascertaining the total cost of all chargeable costs as described in section 367 of this act, (b) dividing the total cost by the



number of precincts participating in the election to fix the cost per precinct, (c) prorating the cost per precinct by the inked ballot inch in each precinct for each political subdivision, and (d) totaling the cost for each precinct for each political subdivision.

(3) In lieu of the charge determined pursuant to subsection (2) of this section, the election commissioner or county clerk may charge public power districts the fee for election costs set by section 70-610.

Sec. 369. (1) Every political subdivision shall pay the cost of holding and conducting a separate election on its behalf by the election commissioner or county clerk. The election commissioner or county clerk shall fix and certify the total cost of the separate election to the political subdivision involved. Total cost shall include all chargeable costs as provided in section 367 of this act.

(2) Except as provided in section 368 of this act, if any two or more political subdivisions hold a joint election, the election commissioner or county clerk shall fix and certify to each political subdivision joining in such election the portion of the total cost which each shall bear.

(3) If a special issue is placed on the ballot of a joint or separate election by any political subdivision, the election commissioner or county clerk shall charge such political subdivision for any additional costs in printing ballots and in publication.

Sec. 370. A political subdivision in which an official is recalled or a vacancy needs to be filled as the result of a recall petition shall pay the costs of the recall procedure and any special election held as a result of a recall election. The costs shall include all chargeable costs as provided in section 367 of this act associated with preparing for and conducting a recall or special election.

Sec. 371. Any election not otherwise provided for in sections 368 to 370 of this act which is conducted by the election commissioner or county clerk shall be paid for by the entity holding the election.

Sec. 372. The election commissioner or county clerk shall fix and certify the cost of elections pursuant to sections 368 to 371 of this act. The cost of elections shall be due and payable from each political subdivision within thirty days after the receipt of the statement certifying the cost of the election. All payments received by the election commissioner or county clerk from each political subdivision for the cost of elections shall be placed in the county general fund and shall be used to help defray the cost of elections.

Sec. 373. The election commissioner or county clerk shall provide polling booths, ballot boxes, secrecy sleeves, and other ballot supply kits to political subdivisions upon request. The cost of such equipment and materials shall be amortized over a period of ten to twenty years and paid for as provided in subsection (2) of section 368 of this act.

Sec. 374. For purposes of sections 374 to 382 of this act, filing clerk shall mean (1) the election commissioner or county clerk for recall of elected officers of cities of the metropolitan and primary classes, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts and (2) the city or village clerk for recall of officers of all municipalities other than cities of the metropolitan or primary class.

Sec. 375. (1) Any elected official of a political subdivision and any elected member of the governing bodies of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts may be removed from office by recall pursuant to sections 374 to 382 of this act.

(2) If due to reapportionment the boundaries of the area served by the official or body change, the recall procedure and special election provisions shall apply to the registered voters within the boundaries of the new area.

(3) The recall procedure and special election provisions of such sections shall apply to members of the governing bodies listed in subsection (1) of this section who are elected by precinct, district, or subdistrict of the political subdivision. Only registered voters of such member's precinct, district, or subdistrict may sign a recall petition or vote at the recall election. The recall election shall be held within the member's precinct, district, or subdistrict. When an elected member is nominated by precinct, district, or subdistrict in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.

(4) The recall procedure and special election provisions shall apply

to the mayor and members of the city council of municipalities with a home rule charter notwithstanding any contrary provisions of the home rule charter.

Sec. 376. (1) A petition demanding that the question of removing an elected official or member of a governing body listed in section 375 of this act be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for that office in the last general election, except that (a) for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election, (b) for a member of a board of a Class I school district, the petition shall be signed by registered voters of the school district equal in number to at least twenty-five percent of the total number of registered voters residing in the district on the date that the recall petitions are first checked out from the filing clerk by the principal circulator, and (c) for a member of a governing body of a village, the petition shall be signed by registered voters equal in number to at least forty-five percent of the total vote cast for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of sections 197 and 198 of this act. Each circulator of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days from the date of issuing the petitions.

(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to registered voters residing in the district who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of sections 197 and 198 of this act. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

Sec. 377. (1) The Secretary of State shall design the uniform petition papers to be distributed by all filing clerks and shall keep a sufficient number of such blank petition papers on file for distribution to any filing clerk requesting recall petitions. The petition papers shall as nearly as possible conform to the requirements of section 196 of this act.

(2) Each petition paper presented to a registered voter for his or her signature shall indicate clearly at the top (a) that the signatories must be registered voters qualified by residence to vote for the office in question and support the holding of a recall election, (b) the name and office of the individual sought to be recalled, and (c) a general statement of the reason or reasons for which recall is sought. The decision of a county attorney to prosecute or not to prosecute any individual shall not be stated on a petition as a reason for recall.

(3) Each petition paper shall contain a statement entitled Instructions to Petition Circulators prepared by the Secretary of State to assist circulators in understanding the provisions governing the petition process established by sections 374 to 382 of this act. The instructions shall include the following statements:

(a) No one shall circulate this petition paper in an attempt to gather signatures unless he or she is registered to vote and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

(b) No one circulating this petition paper in an attempt to gather signatures shall sign the circulator's affidavit unless each person who signed the petition paper did so in the presence of the circulator.

Sec. 378. (1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within thirty days after the filing clerk issues the initial petition papers to the principal circulator or circulators as provided in section 376 of this act.

(2) If the filing clerk is the subject of a recall petition, the signature verification process shall be conducted by two election commissioners or county clerks appointed by the Secretary of State. Mileage and expenses incurred by officials appointed pursuant to this subsection shall be reimbursed by the political subdivision involved in the recall.

(3) Within fifteen days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

Sec. 379. (1) If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the governing body of the affected political subdivision that sufficient signatures have been gathered.

(2) If the official does not resign within five days after receiving the notice, the governing body of the political subdivision shall order an election to be held not less than thirty nor more than forty-five days after the expiration of the five-day period, except that if any other election is to be held in that district within ninety days of the expiration of the five-day period, the governing body of the political subdivision shall provide for the holding of the removal election on the same day. After the governing body sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

(3) If the governing body of the political subdivision fails or refuses to order a recall election within the time required, the election may be ordered by the district court having jurisdiction over a county in which the elected official serves. If a filing clerk is subject to a recall election, the Secretary of State shall conduct the recall election.

Sec. 380. The form of the official ballot at a recall election held pursuant to section 379 of this act shall conform to the requirements of this section. With respect to each person whose removal is sought, the question shall be submitted: Shall (name of person) be removed from the office of (name of office)? Immediately following each such question there shall be printed on the ballot the two responses: Yes and No. Immediately to the left of each response shall be placed a square or oval in which the registered voters may vote for one of the responses by making a cross or other clear, identifiable mark. The name of the official which shall appear on the ballot shall be the name of the official that appeared on the ballot of the previous general election that included his or her name.

Sec. 381. (1) If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in section 382 of this act.

(2) If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as provided in this section and sections 163 to 166 of this act.

(3) If the election results show a margin of votes equal to one percent or less between the removal or retention of the official in question, the Secretary of State, election commissioner, or county clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the filing clerk that he or she does not want a recount.

(4) If there are vacancies in the offices of a majority or more of

the members of any governing body at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, election commissioner, or county clerk.

(5) No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same governing body during the remainder of his or her term of office.

Sec. 382. No recall petition shall be filed against an elected official within twelve months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

Sec. 383. The form of a petition for initiating any law or any amendment to the Constitution of Nebraska shall comply with the requirements of sections 196 and 385 of this act and shall be substantially as follows:

Initiative Petition

The object of this petition is to .....  
(Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable ....., Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of ....., respectfully demand that the following proposed law (or amendment to the Constitution of Nebraska as the case may be) shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the .... day of ....., 19.., and each for himself or herself says:

I have personally signed this petition on the date opposite my name: I am a registered voter of the State of Nebraska and county of ..... and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date, street and number or voting precinct, and city, village, or post office address.)

Sec. 384. The form of a petition for ordering a referendum upon any act or any part of any act passed by the Legislature of the State of Nebraska shall comply with the requirements of sections 196 and 385 of this act and shall be substantially as follows:

Referendum Petition

The object of this petition is to .....  
(Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable ....., Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of ....., respectfully order that Legislative Bill No. .... entitled ....., (title of act and, if the petition is against less than the whole act, then set forth here the part or parts on which the referendum is sought), passed by the ..... Legislature of the State of Nebraska at its ..... Session, shall be referred to the registered voters of the state for retention or repeal at the general election to be held on the .... day of ....., 19.., and each for himself or herself says:

I have personally signed this petition on the date opposite my name: I am a registered voter of the State of Nebraska and county of ..... and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date, street and number or voting precinct, and city, village, or post office address.)

Sec. 385. A full and correct copy of the title and text of the law or amendment to the Constitution of Nebraska to be proposed by an initiative petition or the measure sought to be referred to the registered voters by a referendum petition shall be printed upon each sheet of the petition which

contains signatures. The petition may be filed with the Secretary of State in numbered sections for convenience in handling.

Sec. 386. Signers and circulators of initiative and referendum petitions shall meet the requirements of sections 197 and 198 of this act. A registered voter who intends to circulate initiative and referendum petitions outside of his or her county of residence shall register with the Secretary of State on forms provided by the Secretary of State prior to circulating initiative and referendum petitions outside of his or her county of residence. The Secretary of State shall make available to the counties a list of registered circulators for each petition drive.

Sec. 387. Prior to obtaining any signatures on an initiative or referendum petition, a copy of the form to be used shall be filed with the Secretary of State together with a sworn statement containing the names and street addresses of every person, corporation, or association sponsoring the petition.

Sec. 388. The election commissioner or county clerk shall provide the name and address of the principal circulator of an initiative or referendum petition upon request. The principal circulator shall inform the election commissioner or county clerk of the name and address to be provided.

Sec. 389. (1) Initiative petitions shall be filed in the office of the Secretary of State at least four months prior to the general election at which the proposal would be submitted to the voters.

(2) When a copy of the form of any initiative petition is filed with the Secretary of State prior to obtaining signatures, the issue presented by such petition shall be placed before the voters at the next general election occurring at least four months after the date that such copy is filed if the signed petitions are found to be valid and sufficient. All signed initiative petitions shall become invalid on the date of the first general election occurring at least four months after the date on which the copy of the form is filed with the Secretary of State.

(3) Petitions invoking a referendum shall be filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or has adjourned for more than ninety days.

Sec. 390. The Secretary of State shall not accept for filing any initiative or referendum petition which interferes with the legislative prerogative contained in the Constitution of Nebraska that the necessary revenue of the state and its governmental subdivisions shall be raised by taxation in the manner as the Legislature may direct.

Sec. 391. (1) Upon the receipt of the petitions, the Secretary of State, with the aid and assistance of the election commissioner or county clerk, shall determine the validity and sufficiency of signatures on the pages of the filed petition. The Secretary of State shall deliver the various pages of the filed petition to the election commissioner or county clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the pages of the petition, the election commissioner or county clerk shall issue to the Secretary of State a written receipt that the pages of the petition are in the custody of the election commissioner or county clerk. The election commissioner or county clerk shall compare the signature of each person signing and the circulator upon each of the pages of the petition with the voter registration records to determine if the circulator was a registered voter on the date of signing the petition and to determine if each signer was a registered voter on or before the date on which the petition was required to be filed with the Secretary of State. The election commissioner or county clerk shall also compare the signer's street and number or voting precinct and city, village, or post office address with the voter registration records to determine whether the signer was a registered voter. All signatures and addresses shall be presumed to be valid signatures and addresses if the election commissioner or county clerk has found the signers to be registered voters on or before the date on which the petition was required to be filed with the Secretary of State, except that such presumption shall not be conclusive and may be rebutted by any credible evidence which the election commissioner or county clerk finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of such petition, the sufficiency of such petition, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the petition process.

(2) Upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer or circulator found not to be a registered voter and

the petition page number and line number where the name is found, and if the reason for the challenge of the signature or address is other than the nonregistration of the signer or circulator, the election commissioner or county clerk shall set forth the reason for the challenge of the signature. If the election commissioner or county clerk determines that a signer has affixed his or her signature more than once to any page or pages of the petition and that only one person is registered by that name, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall deliver all pages of the petition and the certifications to the Secretary of State within forty days after the receipt of such pages from the Secretary of State. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. The Secretary of State may grant to the election commissioner or county clerk an additional ten days to return all pages of the petition in extraordinary circumstances.

(3) Upon receipt of the pages of the petition, the Secretary of State shall issue a written receipt indicating the number of pages of the petition that are in his or her custody. When all the petitions and certifications have been received by the Secretary of State, he or she shall strike from the pages of the petition all but the earliest dated signature of any duplicate signatures and such stricken signatures shall not be added to the total number of valid signatures. Not more than twenty signatures on one sheet shall be counted. All signatures secured in a manner contrary to sections 383 to 398 of this act shall not be counted. Clerical and technical errors in a petition shall be disregarded if the forms prescribed in sections 383 to 385 of this act are substantially followed. The Secretary of State shall total the valid signatures and determine if constitutional and statutory requirements have been met. The Secretary of State shall immediately serve a copy of such determination by certified or registered mail upon the person filing the initiative or referendum petition. If the petition is found to be valid and sufficient, the Secretary of State shall proceed to place the measure on the general election ballot.

(4) The Secretary of State may adopt and promulgate rules and regulations for the issuance of all necessary forms and procedural instructions to carry out this section.

Sec. 392. (1) When an initiative petition is filed with the Secretary of State to propose a measure to the registered voters of the state, the Secretary of State shall transmit a copy of the measure to the Attorney General. Within ten days after receiving the copy, the Attorney General shall provide and return to the Secretary of State a ballot title for such measure. The ballot title shall express the purpose of the measure in not exceeding one hundred words and shall not resemble, so far as to be likely to create confusion, any title previously filed for any measure to be submitted at that election. The Attorney General also shall prepare a statement to be printed in italics immediately preceding the ballot title on the official ballot. Such statement shall in clear and concise language explain the effect of a vote for and against the measure in such language that the statement will not be intentionally an argument or likely to create prejudice, either for or against the measure. The ballot title shall be so worded that those in favor of adopting the measure shall vote For and those opposing the adoption of the measure shall vote Against.

(2) When a referendum petition is filed with the Secretary of State to refer a measure to the registered voters of the state, the Secretary of State shall transmit a copy of the measure to the Attorney General. Within ten days after receiving the copy, the Attorney General shall provide and return to the Secretary of State a ballot title for such measure. The ballot title may be distinct from the legislative title of the measure, shall express the purpose of the measure in not exceeding one hundred words, and shall not resemble, so far as to be likely to create confusion, any title previously filed for any measure to be submitted at that election. The Attorney General also shall prepare a statement to be printed in italics immediately preceding the ballot title on the official ballot. Such statement shall in clear and concise language explain the effect of a vote to retain and a vote to repeal the measure in such language that the statement will not be intentionally an argument or likely to create prejudice, either for retention or for repeal of the measure. The ballot title shall be so worded that those in favor of retaining the measure shall vote Retain and those opposing the measure shall vote Repeal.

(3) Any person who is dissatisfied with the ballot title provided by the Attorney General for any measure may appeal from his or her decision to the district court as provided in section 394 of this act. The person shall

file a petition asking for a different title and setting forth the reasons why the title prepared by the Attorney General is insufficient or unfair. No appeal shall be allowed from the decision of the Attorney General on a ballot title unless the appeal is taken within ten days after the decision is filed. A copy of every such decision shall be served by the Secretary of State or the clerk of the district court upon the person offering or filing such initiative or referendum petition or appeal. Service of such decision may be by mail or electronic transmission and shall be made forthwith. The district court shall thereupon examine the measure, hear arguments, and in its decision thereon certify to the Secretary of State a ballot title for the measure in accord with the intent of this section by September 1 prior to the statewide general election.

(4) The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

Sec. 393. (1) The Secretary of State shall number the measures proposed by initiative or referendum to be voted upon at the next general election. Beginning with the 1986 general election, the first measure shall be numbered 400 and the succeeding measures shall be numbered consecutively 401, 402, 403, 404, 405, and so on.

(2) When any initiative or referendum petition is regularly and legally filed with the Secretary of State, he or she shall, at the next general election, cause to be printed on an official ballot in a nonpartisan manner the ballot title and number of the measure. The ballot titles shall be printed on the official ballot in the order in which the petitions are filed in the office of the Secretary of State. The statement prepared by the Attorney General shall be printed in italics immediately preceding the ballot title on the official ballot. Measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading Proposed by Initiative Petition. Measures referred by petition shall be designated Referendum ordered by Petition of the People. All initiative and referendum measures shall be submitted in a nonpartisan manner without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization.

(3) At the time the Secretary of State furnishes to the election commissioners or county clerks certified copies of the names of the candidates for state and other offices, the Secretary of State shall furnish to each election commissioner or county clerk a certified copy of the ballot titles and numbers of the measures proposed by initiative or referendum to be voted upon at the next general election. The election commissioner or county clerk shall print such ballot titles and numbers upon the official ballot in the order presented by the Secretary of State and the relative position required by this section.

Sec. 394. (1) If the Secretary of State refuses to place on the ballot any measure proposed by an initiative petition presented at least four months preceding the date of the election at which the proposed law or constitutional amendment is to be voted upon or a referendum petition presented within ninety days after the Legislature enacting the law to which the petition applies adjourns sine die or for a period longer than ninety days, any resident may apply, within ten days after such refusal, to the district court of Lancaster County for a writ of mandamus. If it is decided by the court that such petition is legally sufficient, the Secretary of State shall order the issue placed upon the ballot at the next general election.

(2) On a showing that an initiative or referendum petition is not legally sufficient, the court, on the application of any resident, may enjoin the Secretary of State and all other officers from certifying or printing on the official ballot for the next general election the ballot title and number of such measure. If a suit is filed against the Secretary of State seeking to enjoin him or her from placing the measure on the official ballot, the person who is the sponsor of record of the petition shall be a necessary party defendant in such suit.

(3) Such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Court of Appeals within ten days after a decision is rendered. The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

(4) The district court of Lancaster County shall have jurisdiction over all litigation arising under sections 383 to 398 of this act.

Sec. 395. Immediately preceding any general election at which any initiative or referendum measure is to be submitted to the registered voters, the Secretary of State shall cause to be published in all legal newspapers in the state once each week for three consecutive weeks a true copy of the ballot title and text and the number of each measure to be submitted in the form in

which the measure will be printed on the official ballot. The publication shall be at a rate charged as provided in section 33-141.

Sec. 396. The votes on initiative and referendum measures shall be counted, canvassed, and returned in the same manner as votes for candidates are counted, canvassed, and returned, and the abstract of votes made by the election commissioners or county clerks shall be returned on abstract sheets in the manner provided by section 328 of this act for abstracts of votes for state and county officers. The board of state canvassers shall canvass the votes upon each initiative or referendum measure in the same manner as is prescribed in the case of presidential electors. The Governor shall, within ten days of the completion of the canvass, issue his or her proclamation giving the whole number of votes cast in the state approving and rejecting each measure and declaring such measures as are approved by the constitutional number or majority of those voting to be in full force and effect as the law of the State of Nebraska from the date of such proclamation. If two or more measures are approved at such election which are known to conflict with each other or to contain conflicting provisions, the Governor shall also proclaim which is paramount in accordance with section 398 of this act.

Sec. 397. If an initiative or referendum is approved by the voters at the general election, the copies of the initiative or referendum petition filed with the Secretary of State and a certified copy of the Governor's proclamation declaring the measure approved by the people shall be identified and preserved. The Secretary of State shall cause every measure approved by the people to be printed with the general laws enacted by the next session of the Legislature with the date of the Governor's proclamation declaring the same to have been approved by the people.

Sec. 398. If two or more conflicting laws are approved by the registered voters at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict even though such law may not have received the greater majority of affirmative votes. If two or more conflicting amendments to the Constitution of Nebraska are approved by the registered voters at the same election, the amendment which receives the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict even though such amendment may not have received the greater majority of affirmative votes.

Sec. 399. (1) If a proposed amendment to the Constitution of the United States is duly submitted to the Legislature of the State of Nebraska as provided in Article V of the Constitution of the United States, a petition may be filed with the Secretary of State requesting that such proposed amendment be submitted to a vote of the people for an advisory opinion as to whether the proposed amendment to the Constitution of the United States shall be adopted or rejected. The petition shall set forth at length the proposed amendment and shall be signed by a number of registered voters of the state equal to ten percent of the votes cast at the immediately preceding presidential election. The registered voters signing the petition shall be so distributed as to include two percent of the registered voters of each of three-fifths of the counties of the state. When the petition is filed with the Secretary of State, he or she shall submit the proposed amendment to the registered voters of the state at the first general election held at least four months after such petition has been filed.

(2) The procedure for placing the proposed amendment on the ballot shall be the same as for placing initiated measures on the ballot under the Constitution and laws of Nebraska so far as is applicable. The ballot title on each such question submitted shall be designated as follows: Advisory Vote on Amendment to Constitution of United States Ordered by Petition of the People. The question shall be submitted in substantially the following form:

Is it desirable that the Legislature ratify the following proposed amendment to the Constitution of the United States:

(Setting out proposed amendment)

For ratification

Against ratification

(3) The result of the vote cast on a question submitted under this section shall be regarded as advisory to the Legislature of the opinion of the people concerning such proposed amendment to the Constitution of the United States but shall not be binding upon the Legislature or any member thereof or be considered as controlling in any action taken either to ratify or not to ratify such amendment.

Sec. 400. Any person who willfully interferes with or refuses to comply with the requirements of and cooperate with the Secretary of State or his or her designated agent in carrying out the powers and duties prescribed in sections 22 and 23 of this act shall be guilty of a Class III misdemeanor.



Sec. 401. A person shall be guilty of election falsification if, orally or in writing, he or she purposely states a falsehood under oath lawfully administered or in a statement made under penalty of election falsification (1) as to a material matter relating to an election in a proceeding before a court, tribunal, or public official or (2) in a matter in relation to which an oath or statement under penalty of election falsification is authorized by law, including a statement required for verifying or filing a voter registration form or voting on an absentee ballot or a statement required by a new or former resident to enable him or her to vote for President or Vice President of the United States. Any person committing election falsification shall be guilty of a Class IV felony.

Sec. 402. Any person who (1) falsely impersonates an elector and registers or attempts or offers to register in the name of such elector, (2) knowingly or fraudulently registers or offers to, attempts to, or makes application to register in or under the name of any other person, in or under any false, assumed, or fictitious name, or in or under any name not his or her own, (3) knowingly or fraudulently registers in two election districts, (4) having registered in one district, fraudulently attempts or offers to register at any other election district in which he or she does not have a lawful right to register, (5) knowingly or willfully does any unlawful act to secure registration for himself or herself or any other person, (6) knowingly, willfully, or fraudulently, by false impersonation or by any unlawful means, causes, procures, or attempts to cause or procure the name of any registered voter in any election precinct to be erased or stricken from any register of the voters of such precinct, (7) by force, threat, menace, intimidation, bribery, reward, offer or promise of reward, or other unlawful means, prevents, hinders, or delays any person having a lawful right to register or to be registered from duly exercising such right, (8) knowingly, willfully, or fraudulently compels, induces, or attempts or offers to compel or induce, by any unlawful means, any deputy registrar to register any person not lawfully entitled to registration in such precinct or to register any false, assumed, or fictitious name or any name of any other person, (9) knowingly, willfully, or fraudulently interferes with, hinders, or delays any deputy registrar in the discharge of his or her duties, (10) counsels, advises, induces, or attempts to induce any deputy registrar to refuse to perform or neglect to comply with his or her duties or to violate any of the provisions of the Election Act, or (11) aids, counsels, procures, or advises any person to do any act forbidden by this section or to omit to do any act by law directed to be done shall be guilty of a Class IV felony.

Sec. 403. Any deputy registrar who is guilty of any willful neglect of his or her duty or of any corrupt or fraudulent conduct or practice in the execution of his or her duty or who willfully neglects or, when called upon, willfully declines to exercise the powers conferred on him or her by sections 63 to 92 of this act shall be guilty of a Class IV felony.

Sec. 404. No deputy registrar shall bring, attempt to bring, take, cause to be taken, order, or send into any place of registration or revision of registration any liquor or shall at any such time or place drink or partake of any liquor at such place of registration or revision of registration. A person violating this section shall be guilty of a Class III misdemeanor.

Sec. 405. Any deputy registrar, judge or clerk of election, or other officer having the custody of records, registers, copies of records or registers, oaths, certificates, or any other paper, document, or evidence of any description by law directed to be made, filed, or preserved who steals, willfully destroys, mutilates, defaces, falsifies, or fraudulently removes such paper, document, or evidence or any part thereof, who fraudulently makes an entry, erasure, or alteration in such paper document, or evidence except as allowed and directed by the Election Act, who permits any other person to commit any violation listed in this section, or who advises, procures, or abets the commission of such a violation shall be guilty of a Class III misdemeanor and shall forfeit his or her office. Any other person who violates this section shall be guilty of a Class III misdemeanor.

Sec. 406. Any registered voter, candidate, or proposed candidate who swears falsely as to political party affiliation or swears that he or she affiliates with two or more political parties shall be guilty of a Class IV misdemeanor.

Sec. 407. Any person who is guilty of willful or corrupt false swearing in taking an oath prescribed by or upon any examination provided for in sections 63 to 92 of this act or upon being challenged as unqualified to register to vote shall be guilty of a Class IV felony.

Sec. 408. Any person who willfully and corruptly instigates, advises, induces, or procures any person to swear falsely or who attempts or offers to do so shall be guilty of a Class IV felony.

Sec. 409. Any person who causes any breach of the peace or uses any disorderly violence or threat of violence which impedes or hinders any registration of voters or revision of voter registration lists or interferes with the lawful proceedings of any deputy registrar shall be guilty of a Class III misdemeanor.

Sec. 410. Any person who (1) knowingly or willfully obstructs, hinders, assaults, or, by bribery, solicitation, or otherwise, interferes with any deputy registrar in carrying out his or her powers or duties, (2) hinders or prevents the attendance of any deputy registrar at any registration of voters or revision of voter registration lists, or (3) unlawfully molests, interferes with, removes, or ejects from any place of registration or revision of registration any deputy registrar or unlawfully threatens, attempts, or offers to do so shall be guilty of a Class III misdemeanor.

Sec. 411. Irregularities or defects in the mode of noticing, convening, holding, or conducting any registration or revision of registration authorized by sections 63 to 92 of this act shall not constitute a defense to a prosecution for a violation of any of the provisions of sections 402 to 410 of this act.

Sec. 412. Any person who (1) offers to accept and receive or accepts and receives any money or valuable thing in consideration for his or her filing or agreeing to file or not filing or agreeing not to file a candidate filing form for himself or herself as a candidate for nomination in any primary election, (2) offers to accept or receives any money or any valuable thing in consideration for withdrawing his or her name as a candidate for nomination at a primary election, (3) offers or, with knowledge of the same, permits any person to offer for his or her benefit any bribe to a voter to induce him or her to sign any candidate filing form or accept any such bribe or promise of gain of any kind in the nature of a bribe as a consideration for signing the same whether such bribe or promise of gain in the nature of a bribe is offered or accepted before or after such signing, or (4) signs more petitions for nomination than there are positions to fill in any kind of office shall be guilty of a Class III misdemeanor.

Sec. 413. Any person who forges any candidate filing form shall be guilty of a Class III felony.

Sec. 414. Any person who is in possession of any candidate filing form entitled to be filed under the Election Act and who wrongfully suppresses or neglects or willfully fails to file such candidate filing form or fails to cause such candidate filing form to be filed at the proper time in the proper office shall be guilty of a Class III misdemeanor.

Sec. 415. Any person who falsely makes or falsely swears to any candidate filing form or any part thereof, fraudulently defaces or destroys any candidate filing form or any part thereof, files or receives for filing any candidate filing form knowing that the form or any part thereof is falsely made, suppresses any duly filed candidate filing form or any part thereof, or forges or falsely makes the official endorsement on any ballot shall be guilty of a Class III felony.

Sec. 416. (1) Any person appointed to be a precinct or district inspector or a judge or clerk of election who refuses, neglects, or fails to serve without excuse shall be guilty of a Class IV misdemeanor.

(2) Any employer of a person appointed to be a precinct or district inspector or a judge or clerk of election who threatens to discharge or coerces or attempts to coerce such person by reason of his or her service as an inspector or a judge or clerk of election shall be guilty of a Class III misdemeanor and such employer shall be subject to a mandatory five-hundred-dollar fine upon conviction.

(3) Any employer of a person appointed to be a precinct or district inspector or a judge or clerk of election who discharges such person from employment, docks such person's pay, overtime pay, sick leave, or vacation time, or in any other way penalizes such person because of his or her service as an inspector, a judge, or a clerk shall be guilty of a Class III felony.

Sec. 417. Any judge or clerk of election, any precinct or district inspector, or any other person upon whom any duty is imposed by the Election Act relating to elections who willfully does or performs anything prohibited by the act for which no other penalty is provided or neglects or omits to perform any such duty shall be guilty of a Class I misdemeanor and shall forfeit his or her office.

Sec. 418. (1) Any judge of election who (a) knowingly receives or sanctions the reception of an improper or illegal vote from any person who is not a registered voter, (b) receives or sanctions the reception of a ballot from any person who refuses to answer any question which is put to him or her in accordance with the Election Act, (c) refuses to take the oath prescribed by the act, (d) sanctions the refusal by any other judge of election to

administer any oath required by the act when such oath is required, or (e) refuses to receive or sanctions the rejection of a ballot from any registered voter at the place where such registered voter properly and legally offers to vote shall be guilty of a Class III misdemeanor.

(2) Any judge or clerk of election on whom any duty is enjoined by the act who willfully neglects any such duty or who engages in any corrupt conduct in the discharge of his or her duty shall be guilty of a Class III misdemeanor.

Sec. 419. Any person causing ballots to be printed with a designated heading containing a name or names not found on the official ballot having such heading or any person knowingly peddling or distributing any such ballot with the intent to have such ballot voted at any election shall be guilty of a Class IV misdemeanor.

Sec. 420. Any person who prints or causes to be printed or distributed any ballot marked Official Ballot other than an election commissioner, county clerk, or city or village clerk shall be guilty of a Class III misdemeanor.

Sec. 421. (1) A judge or clerk of election, a printer, or any other person entrusted with the custody or delivery of ballots, blanks, list of voters book and official summary of votes cast, card of instructions, or other required papers who knowingly and willfully (a) unlawfully opens or permits to be opened any sealed packages containing ballots, (b) gives or delivers to any person not lawfully entitled thereto an official ballot, or (c) unlawfully misplaces or carries away, negligently loses, permits to be taken away from him or her, fails to deliver, or destroys any such package of ballots or any ballot, blank, list of voters book and official summary of votes cast, card of instructions, or other required paper shall be guilty of a Class III felony.

(2) Any printer employed to print the official ballots or any person engaged in printing the same who knowingly and willfully (a) prints or causes or permits to be printed any official ballots printed otherwise than the copy for the same furnished by the election commissioner or county clerk, (b) prints any false or fraudulent ballots, (c) appropriates any of such ballots to himself or herself or gives, delivers, or knowingly permits any of such ballots to be taken by any person other than the election commissioner or county clerk, or (d) seals up or causes or permits to be sealed up or delivers to the election commissioner or county clerk a less number of ballots than the number endorsed thereon shall be guilty of a Class I misdemeanor.

(3) Any person who knowingly has in his or her possession any official ballot illegally obtained or attempts to vote any ballot other than the official ballot lawfully obtained shall be guilty of a Class I misdemeanor.

Sec. 422. Any person who obstructs the doors or entries or prevents free ingress to and egress from a polling place or building shall be guilty of a Class V misdemeanor.

Sec. 423. No judge or clerk of election or precinct or district inspector shall do any electioneering on election day. No person shall do any electioneering, circulate petitions, or perform any action that involves solicitation on election day within any polling place, any building in which an election is being held, or two hundred feet of such polling place or building. Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 424. No person shall conduct an exit poll, a public opinion poll, or any other interview with voters on election day seeking to determine voter preference within twenty feet of the entrance of any polling place or, if inside the polling place or building, within one hundred feet of any voting booth. Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 425. Any judge or clerk of election who puts a ballot into the ballot box, except his or her own ballot or such as may be received in the regular discharge of his or her duties as a judge or clerk, or who knowingly permits any ballot which was fraudulently placed or deposited in such ballot box by any other person to remain in the ballot box or to be counted with the legal votes cast at such election shall be guilty of a Class IV felony.

Sec. 426. (1) No voter shall receive an official ballot from any person other than a judge of election, and no person other than a judge of election shall deliver an official ballot to a voter.

(2) No voter shall vote or offer to vote any ballot except an official ballot received from a judge of election.

(3) No voter shall place any mark upon an official ballot by which it may afterwards be identified as the one voted by him or her.

(4) No person shall show his or her ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of the

candidate or candidates for whom he or she has marked his or her vote, and no person shall solicit a voter to show the same.

(5) No person other than a judge of election shall receive from a voter an official ballot prepared for voting.

(6) Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 427. Any person who votes a ballot in any school district, village, or precinct of a city in this state in which he or she does not actually reside or into which he or she has come for merely temporary purposes shall be guilty of a Class III misdemeanor.

Sec. 428. Any resident of another state who votes in this state shall be guilty of a Class IV felony.

Sec. 429. Any person who votes (1) who is not a resident of this state or registered in the county or who at the time of election is not of the constitutionally prescribed age of a registered voter, (2) who is not a citizen of the United States, or (3) who, being disqualified by law by reason of his or her conviction of a felony, has not been pardoned and restored to all the rights of a citizen shall be guilty of a Class IV felony.

Sec. 430. Except as provided in sections 276 to 280 of this act, any person who is a resident of this state and who goes or comes into any county of which he or she is not an actual resident and votes in such county shall be guilty of a Class IV felony.

Sec. 431. Any person who procures, aids, assists, counsels, or advises another to give his or her vote, knowing that such other person is not a resident of this state or a registered voter of the county as required by law at the time of election, is not of the constitutionally prescribed age of a registered voter, is not a citizen of the United States, or is not duly qualified as a result of any other disability to vote at the place where and the time when the vote is to be given shall be guilty of a Class IV felony.

Sec. 432. Any person who procures, aids, assists, counsels, or advises another to go or come into any county for the purpose of giving his or her vote in such county knowing that the other person is not duly qualified to vote in such county shall be guilty of a Class IV felony.

Sec. 433. Any person who votes more than once at the same election shall be guilty of a Class IV felony.

Sec. 434. Any person who removes any ballot from the polling room before the closing of the polls except as otherwise authorized under the Election Act shall be guilty of a Class V misdemeanor.

Sec. 435. (1) Any person who accepts or receives any valuable thing as a consideration for his or her vote for any person to be voted for at any election shall be guilty of a Class II misdemeanor.

(2) Any person who, by bribery, attempts to influence any voter of this state in voting, uses any threat to procure any voter to vote contrary to the inclination of such voter, or deters any voter from voting shall be guilty of a Class II misdemeanor.

Sec. 436. Any person who (1) coerces or attempts to coerce any of his or her employees in their voting or in any other political action at any caucus, convention, or election held or to be held in this state or (2) attempts to influence the political action of his or her employees by threatening to discharge them because of their political action or by threats on the part of such person to close his or her place of business in the event of the passage or defeat of any issue on the ballot, in the event of the election or defeat of any candidate for public office, or in the event of the success or defeat of any political party at any election shall be guilty of a Class IV felony.

Sec. 437. Any person who, with intent to induce a voter who cannot read to vote contrary to his or her inclination, furnishes the voter with a ballot and informs him or her that the ballot contains a name or names different from the name or names which are written or printed on the ballot or who fraudulently or deceitfully changes a ballot of any voter so that such voter is prevented from voting for the candidate or candidates as he or she intended shall be guilty of a Class IV felony.

Sec. 438. Any person who (1) impersonates or makes a false representation in order to obtain an absentee ballot, (2) knowingly connives to help a person to vote an absentee ballot illegally, (3) destroys, steals, marks, or mutilates any absentee ballot after the same has been voted or aids or abets another to do so, (4) delays in delivering an absentee ballot to the election commissioner or county clerk to prevent the ballot from arriving in time to be counted, (5) in any manner aids or attempts to aid any person to vote an absentee ballot unlawfully, (6) hinders or attempts to hinder a registered voter from voting any absentee ballot, or (7) hinders or attempts to hinder any official from delivering or counting any absentee ballot shall

be guilty of a Class IV felony.

Sec. 439. Any person who fraudulently puts a ballot into the ballot box shall be guilty of a Class IV felony.

Sec. 440. Any person who willfully, knowingly, and with fraudulent intent inscribes, writes, or causes to be inscribed or written in or upon any list of voters book the name of any person not entitled to vote at such election shall be guilty of a Class IV felony.

Sec. 441. Any person who has in his or her possession any falsely made, altered, forged, or counterfeited list of voters book, official summary of votes cast, or election returns of any election and who knows such book, summary, or election returns to be falsely made, altered, forged, or counterfeited, with the intent to hinder, defeat, or prevent a fair expression of the popular will at such election, shall be guilty of a Class IV felony.

Sec. 442. Any person who unlawfully attempts to destroy a ballot or who unlawfully, by force, violence, fraud, or other improper means, obtains or attempts to obtain possession of a ballot box or a ballot which was deposited in a ballot box while the voting at the election is going on or before the ballots have been duly taken out of the ballot box by a judge of election shall be guilty of a Class IV felony.

Sec. 443. Any person who, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of an election, unlawfully destroys or attempts to destroy or incites or requests another to destroy any ballot box or poll book used at any election, unlawfully destroys, falsifies, marks, or writes on any ballot cast or voted, or changes, alters, erases, or tampers with any name contained on any ballot cast or voted shall be guilty of a Class IV felony.

Sec. 444. (1) Any person disclosing any election results or election returns before the closing of the polls without the express authorization of the election commissioner or county clerk shall be guilty of a Class IV felony.

(2) Any person other than the election commissioner or county clerk who receives partial returns or election results and releases such partial returns or results without the express authorization of the election commissioner or county clerk shall be guilty of a Class IV felony.

(3) Any person who attempts to disseminate any election results or election returns before the closing of the polls shall be guilty of a Class IV felony.

(4) Any person who in any way causes the release of any election results or election returns without the express authorization of the election commissioner or county clerk shall be guilty of a Class IV felony.

Sec. 445. (1) Any person who is not, at the time of signing or circulating a petition, a registered voter and qualified to sign or circulate the petition except as provided for initiative and referendum petitions, who signs any name other than his or her own to any petition, or who willfully and knowingly circulates an initiative or referendum petition outside of his or her county of residence without registering with the Secretary of State shall be guilty of a Class I misdemeanor.

(2) Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

Sec. 446. Any person serving as a member of the Legislature or in an elective office described in Article IV, section 1, of the Constitution of Nebraska who files for more than one elective office to be filled in the same election except for the position of delegate to a county, state, or national political party convention shall be guilty of a Class IV misdemeanor.

Sec. 447. The county attorney of any county in this state shall prosecute all complaints which may be made of violations of any of the provisions of the Election Act to final judgment. The court before which any conviction for such violation shall be had shall not in any case suspend sentence or judgment for more than twenty days, except that no indictment or information for such violation shall be brought to trial unless the complainant, if he or she is found, has had at least two days' notice, in writing, from the county attorney of the day when he or she intends to try the same.

Sec. 448. (1) A peace officer may issue a citation in lieu of arrest for any offense which is a misdemeanor under the Election Act. The citation may be served in the same manner as an arrest warrant, in the same manner as a summons in a civil action, or by certified mail.

(2) To achieve uniformity, the Supreme Court may prescribe the form of citation. The citation shall include a description of the crime or offense charged, the time and place at which the person cited is to appear, a warning

that failure to appear in accordance with the command of the citation is a punishable offense, and such other matter as the court deems appropriate. The court may provide that a copy of the citation shall constitute the complaint filed in the trial court.

(3) When a citation is used by a peace officer, he or she shall enter on the citation all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated in the citation. Such person shall be released from custody upon signing the citation. As soon as practicable, the copy signed by the person cited shall be delivered to the prosecuting attorney.

(4) At least twenty-four hours before the time set for the appearance of the cited person, the prosecuting attorney shall issue and file a complaint charging such person with an offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to this section may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

(5) Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs.

(6) Any person failing to appear or otherwise comply with the command of a citation shall be guilty of a Class III misdemeanor.

Sec. 449. (1) Any peace officer having grounds for issuing a citation under the Election Act may take the accused into custody when the accused fails to identify himself or herself satisfactorily or refuses to sign the citation or when the officer has reasonable grounds to believe that (a) the accused will refuse to respond to the citation, (b) such custody is necessary to protect the accused or others when his or her continued liberty would constitute a risk of immediate harm, (c) such action is necessary in order to carry out legitimate investigative functions, (d) the accused has no ties to the jurisdiction reasonably sufficient to assure his or her appearance, or (e) the accused has previously failed to appear in response to a citation.

(2) Notwithstanding that a citation is issued, a peace officer is authorized to take a cited person to an appropriate medical facility if the person appears mentally or physically unable to care for himself or herself.

(3) Nothing in this section or section 448 of this act shall be construed to affect the rights, lawful procedures, or responsibilities of peace officers using the citation procedure in lieu of the arrest or warrant procedure.

Sec. 450. That section 2-945.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-945.01. Sections 2-945.01 to 2-966 and sections 451 and 452 of this act shall be known and may be cited as the Noxious Weed Control Act.

Sec. 451. The county board may, following an election in which a majority of the votes cast are in favor of such action, function as and exercise the authority and carry out the duties of the county weed district board. To initiate such an election, the county board may, by resolution, require the county clerk of such county to have placed upon the ballot at the election next following such resolution, the question, Shall the county weed district board be dissolved and its duties and authority be exercised by the county board?

Yes .... No ....

If a majority of the votes cast on this question are opposed to dissolution of the county weed district board, the county shall remain subject to the direction and authority of the elected county weed district board. If a majority of the votes cast on this question are in favor of the dissolution of the county weed district board, the county board shall function as and exercise the authority and carry out the duties of the county weed district board. If, at any time following the dissolution of the county weed district board, county residents, representing at least ten percent of the votes cast in the preceding general election in such county, submit a petition to the county clerk for reestablishment of the county weed district board as an independent elected body, the clerk shall place the following question on the next general election ballot: Shall the county weed district board be reestablished and elected independent of other county officials?

Yes .... No ....

If a majority of the ballots favor reestablishment of the independent board, the county board shall appoint an initial county weed

district board and thereafter the county weed district board members shall be elected in conformity with section 127 of this act.

When the county board does not function as the county weed district board, such board shall be composed of five members, three of whom shall be from rural areas and two of whom shall be from cities, villages, or townships.

Sec. 452. The members of the county weed district board shall be paid a per diem of not less than twelve dollars for each day actually and necessarily engaged in the performance of their official duties as members of such board and shall be allowed mileage reimbursement on the same basis as provided in section 23-1112. The chairperson of the county board may appoint one additional member from the county board to serve as an ex officio member of the county weed district board to provide coordination between such boards, except that the county board member or commissioner so appointed shall not be entitled to the expense reimbursement allowed county weed district board members. The ex officio member shall possess the same authority as other members, including the right to vote.

Sec. 453. That section 2-953, Revised Statutes Supplement, 1993, be amended to read as follows:

2-953. For purposes of the Noxious Weed Control Act:

(1) Person shall mean any individual, partnership, firm, limited liability company, corporation, company, society, or association, the state or any department, agency, or subdivision thereof, or any other public or private entity;

(2)(a) Control, with respect to land, shall mean authority to operate, manage, supervise, or exercise jurisdiction over or any similar power. The state or federal government or a political subdivision shall not be deemed to control land on which it has an easement as long as it does not otherwise operate, manage, supervise, or exercise jurisdiction over the land; and

(b) Control, with respect to weeds, shall mean the prevention, suppression, or limitation of the growth, spread, propagation, or development or the eradication of weeds;

(3) County board shall mean the county board of commissioners or supervisors;

(4) Noxious weeds shall mean and include any weeds designated and listed as noxious in rules and regulations adopted and promulgated by the director;

(5) Control authority shall mean the county weed district board or the county board if it is designated as the control authority pursuant to this section, which board shall represent all rural areas and cities, villages, and townships within the county boundaries; and

(6) Director shall mean the Director of Agriculture or his or her designated representative.

The county board may, following an election in which a majority of the votes cast are in favor of such action, function as and exercise the authority and carry out the duties of the county weed district board. To initiate such an election, the county board may, by resolution, require the county clerk of such county to have placed upon the ballot at the election next following such resolution, the question, Shall the county weed district board be dissolved and its duties and authority be exercised by the county board?

Yes  No

If a majority of the votes cast on this question are opposed to dissolution of the county weed district board, the county shall remain subject to the direction and authority of the elected county weed district board. If a majority of the votes cast on this question are in favor of the dissolution of the county weed district board, the county board shall function as and exercise the authority and carry out the duties of the county weed district board. If, at any time following the dissolution of the county weed district board, county residents, representing at least ten percent of the votes cast in the preceding general election in such county, submit a petition to the county clerk for reestablishment of the county weed district board as an independent elected body, the clerk shall place the following question on the next general election ballot, Shall the county weed district board be reestablished and elected independent of other county officials?

Yes  No

If a majority of the ballots favor reestablishment of the independent board, the county board shall appoint an initial county weed district board and thereafter the county weed district board members shall be elected in conformity with this section.

When the county board does not function as the county weed district board, such board shall be composed of five members, three of whom shall be

from rural areas and two of whom shall be from cities, villages, or townships. The county board shall appoint members to fill any vacancy occurring on the county weed district board. The two members from cities, villages, or townships shall thereafter be elected at the general election in 1966 and each four years thereafter; and the three members from rural areas shall be elected at the general election in 1968 and each four years thereafter. Persons seeking election to the county weed district board shall be nominated and elected regardless of political affiliation. They shall file in the same manner as is provided by law for county superintendents and shall not be required to pay a filing fee. The members of the county weed district board shall be paid a per diem of not less than twelve dollars for each day actually and necessarily engaged in the performance of their official duties as members of such board and shall be allowed mileage reimbursement on the same basis as provided in section 23-1112. The chairperson of the county board may appoint one additional member from the county board to serve as an ex officio member of the county weed district board to provide coordination between such boards, except that the county board member or commissioner so appointed shall not be entitled to the expense reimbursement allowed county weed district board members. The ex officio member shall possess the same authority as other members, including the right to vote.

Sec. 454. That section 2-2434, Revised Statutes Supplement, 1992, be amended to read as follows:

2-2434. If no appeal is taken from the order of the Department of Agriculture or upon final determination by the court, the department shall deliver to the Secretary of State a copy of the order or orders of the department or court and the petitions as approved by the department along with a request that the question of the organization of the weather control district be submitted to a vote of the electors registered voters who own taxable property within such district as prayed for in the petition. Upon receipt of such request, the Secretary of State shall fix the date of such election, which election may be held either as a special election or at any general election. Such election shall be so scheduled that the notice required by section 2-2435 can be given.

Sec. 455. That section 2-2435, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2435. The Secretary of State shall give notice of the scheduling of such the election referred to in section 2-2434 to the election commissioners, or county clerks in those counties not having an election commissioner, of each county to be embraced in whole or in part within such district. Such notice shall contain a statement of the question to be submitted at such election, the area in which such election is to be held, and the date thereof.

Sec. 456. That section 2-2437, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2437. The ballots cast at such the election referred to in section 2-2434 shall be counted and canvassed as nearly as practicable in the same manner as for elections generally provided in the Election Act. Not later than one week after the holding of such election, the election commissioners or county clerks, whichever is appropriate, shall certify the results thereof to the Secretary of State. The Secretary of State shall tabulate the results so certified, to him, and if he or she finds fifty-five percent of those voting in such election voted in favor of the organization of the proposed district, he or she shall so certify to the county clerk in each of the counties lying in whole or in part within such district, and the district shall thereupon be fully organized, except PROVIDED; that if the ballots cast in any precinct, or part of a precinct when the entire precinct is not included in the proposed district, in favor of the organization of the proposed district are less than fifty-five percent of the total ballots cast, then such precinct or part thereof shall not be included in the proposed district. If the proposition to form such district is defeated at the election, the proposition may again be submitted after the lapse of one year from the rejection thereof upon the filing of a new petition therefor. If the proposition to form a district is approved by fifty-five percent of those voting on the proposition as provided in this section, then the Secretary of State shall annually submit the proposition to electors the registered voters of the district for three consecutive years as to whether the district shall be continued or dissolved. If the electors registered voters vote to dissolve, the district shall be dissolved as provided in section 2-2447.

Sec. 457. That section 2-2447, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2447. The board of directors of a weather control district may, on its own motion, or the board shall, on a written request signed by not less



than twelve resident owners of land in each of a majority of the precincts lying wholly or partly within the district, request of the Secretary of State that the question of dissolution of such district be submitted to a vote of the registered voters electors, as set forth in sections 2-2428 to 2-2449, of the district, and the Secretary of State shall fix the date of such election, notice of which shall be given and which shall be conducted in the same manner as elections for the formation of such districts. If a majority of those voting on such question vote in favor of dissolution, the Secretary of State shall certify such result to the board of directors of such district. If the district has no debts outstanding at the time such result is certified to the board by the Secretary of State, such district shall thereupon stand dissolved. If the district has debts outstanding at the time such result is certified to the board by the Secretary of State and there are not sufficient funds in the hands of the treasurer of the district or in the hands of the county treasurer or treasurers to the credit of the district, to pay such debts, or if at the time of such certification, the district is under contract for any program of weather control as authorized herein in the Weather Control Act of Nebraska, the board of directors of such district shall have authority to: (1) Levy the taxes necessary to pay such outstanding debts; (2) complete, in accordance with the contract, any program of weather control, or in the alternative, to negotiate and enter into a settlement of such contract with the contractor or contractors; (3) levy the taxes necessary to pay any obligations due or to become due under any such contract for any such program of weather control or to pay the cost of settlement thereof; and (4) wind up the affairs of the district and levy the taxes necessary to pay the cost thereof, and upon payment of such debts, the completion or settlement of such contract or contracts for any such program of weather control and the payment of the obligations due under any such contract or the settlement thereof, and the payment of the costs incurred in winding up the affairs of the district, the district shall thereupon stand dissolved. In case a district is dissolved, any funds on hand or to be collected, in excess of the funds necessary to pay the outstanding obligations of the district and the costs of winding up the affairs of the district, shall be held by the treasurer of the district, and the directors shall petition the district court of the county in which the main office is located for an order approving the distribution of funds to the taxpayers of the district on the same basis as collected. The question of dissolution shall not be submitted more often than once every twelve months.

Sec. 458. That section 2-3213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3213. (1) Except as provided in subsections (2) and (3) of this section, each district shall be governed by a board of directors of five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen, or twenty-one members. The commission shall determine the number of directors and in making such determination shall consider the complexity of the foreseeable programs and the population and land area of the district. Districts shall be political subdivisions of the state, shall have perpetual succession, and may sue and be sued in the name of the district.

(2) At least six months prior to the primary election, the board of directors of any natural resources district may request that the number of directors for the district be changed. Such request shall be directed to the commission and shall be accompanied by proposed new subdistrict boundaries to accommodate the increase or decrease in the number of directors and a plan to accomplish such change. In determining whether to approve such requested changes, the commission shall utilize the criteria found in subsection (1) of this section and in subsection (1) (2) of section 2-3214, but the commission shall have the authority only to approve or deny the request and not to specify any other number of directors. Except as provided in subsection (5) of this section, no director's term of office shall be shortened as a result of any change in numbers. Any reduction in the number of directors shall be made as directors take office during the two succeeding elections or more quickly if the reduction can be made by not filling vacancies on the board and if desired by the board and approved by the commission. If necessary to preserve staggered terms for directors when the reduction in number is made in whole or in part through unfilled vacancies, the board shall request and the commission may approve a one-time election of one or more directors for a two-year term. The Director of Natural Resources shall inform the Secretary of State whenever any such one-time elections have been approved. Notwithstanding subsection (1) of this section, the district may be governed by an even number of directors during the two-year transition to a board of reduced number.

(3) Whenever any change of boundaries, division, or merger results

in a natural resources district director residing in a district other than the one to which such director was elected to serve, such director shall automatically become a director of the board of the district in which he or she then resides. Except as provided in subsection (5) of this section, all such directors shall continue to serve in office until the expiration of the term of office for which they were elected. Directors or supervisors of other special-purpose districts merged into a natural resources district shall not become members of the natural resources district board but may be appointed as advisors in accordance with section 2-3228. No later than six months after any change, division, or merger, each affected board, in accordance with the procedures and criteria found in this section and section 2-3214, shall submit to the commission for approval a recommended number of directors for the district as it then exists, the option chosen for nomination and election of directors, and, if appropriate, new subdistrict boundaries.

(4) To facilitate the task of administration of any board increased in size by a change of boundaries or merger, such board may appoint an executive committee to conduct the business of the board in the interim until board size reductions can be made in accordance with this section. An executive committee shall be empowered to act for the full board in all matters within its purview unless specifically limited by the board in the establishment and appointment of the executive committee.

(5) Notwithstanding the provisions of section 2-3214 and subsections (3) and (4) of this section, the board of directors of any natural resources district established by merging two or more districts in their entirety may request that all directors be nominated and elected at the first primary and general elections following the year in which such merger becomes effective. In districts which have one director elected from each subdistrict, each director elected from an even-numbered subdistrict shall be elected for a two-year term and each director from an odd-numbered district and any member to be elected at large shall be elected for a four-year term. In districts which have two directors elected from each subdistrict, the four candidates receiving the highest number of votes at the primary election shall be carried over to the general election, and at such general election the candidate receiving the highest number of votes shall be elected for a four-year term and the candidate receiving the second highest number of votes shall be elected for a two-year term. Thereafter each director shall be elected for a four-year term.

Sec. 459. That section 2-3214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3214. (1) District directors shall be elected for four year terms at the general election of the state. Directors shall be elected on a separate nonpartisan ballot as provided in sections 32-535 and 32-537 and shall pay no filing fee. Nominating papers shall be filed with the Secretary of State or his or her designee, as provided in section 109 of this act. Elections shall be conducted as provided in the Election Act. Registered voters residing within the district shall be eligible for nomination as candidates for any at-large position or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside.

(2) The board of directors may choose to: (a) Nominate candidates from subdistricts and from the district at large which who shall be elected by the qualified electors registered voters of the entire district; (b) nominate and elect each candidate from the district at large; or (c) nominate and elect candidates from subdistricts of substantially equal population except that any at-large candidate would be nominated and elected by the qualified electors registered voters of the entire district. Unless the board of directors determines that the nomination and election of all directors will be at large, the board shall, subject to the approval of the commission, strive to divide the district into subdistricts of substantially equal population, except that commencing with the primary election in 1988, no subdistrict shall have a population greater than three times the population of any other subdistrict within the district. Such subdistricts shall be consecutively numbered and shall be established with due regard to all factors including, but not limited to, the location of works of improvement and the distribution of population and taxable values within the district. The boundaries and numbering of such subdistricts shall be designated at least six months prior to the primary election. Registered electors residing within the district shall be eligible for nomination as candidates for any at-large position or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside. Unless the district has been divided into subdistricts with substantially equal population, all directors shall be elected by the qualified electors registered voters of the entire district and all electors

registered voters shall vote on the candidates representing each subdistrict and any at-large candidates. If a district has been divided into subdistricts with substantially equal population, the board of directors may determine that directors shall be elected only by the electors registered voters of the subdistrict except that an at-large director may be elected by electors registered voters of the entire district.

(2) (3) Except in those districts which have elected chosen to have a single director serve from each subdistrict, the number of subdistricts for a district shall equal a number which is one less than a majority of directors for the district. In those districts which have elected chosen to have a single director serve from each subdistrict, the number of subdistricts shall equal a number which is equal to the total number of directors of the district or which is one less than the total number of directors for the district if there is an at-large candidate. The ballots shall list each nomination subdistrict and candidates therefrom and also the at-large candidates. In those districts which have chosen to nominate and elect each candidate from the district at large, the ballot shall indicate that all of the candidates are at-large candidates. Registered electors may each cast a number of votes not larger than the total number of directors to be elected. The candidate receiving the most votes in each listed subdistrict, or the district at large when applicable, shall be elected. Whenever if the number of directors to be elected exceeds the number of subdistricts, or whenever if the term of the at-large director expires in those districts which have elected chosen to have a single director serve from each subdistrict, candidates may file as a candidate from the district at large. Registered voters may each cast a number of votes not larger than the total number of directors to be elected. In which case the ballots shall list such candidates under an appropriate heading.

(3) The Secretary of State shall certify to the county clerk or election commissioner involved the names of the candidates on a sample ballot. The county clerk or election commissioner shall have the necessary ballots printed and distributed to the designated polling places. Local election judges shall determine the appropriate ballot for voters. All registered electors who have legal residence in the district shall be eligible to vote. The county clerk or election commissioner shall forward to the Secretary of State pursuant to law the official canvass of the votes cast in the county for directors. The state canvassing board shall canvass the results of the election of directors for natural resources districts. The Secretary of State shall mail an election certificate to each candidate elected.

(4) Elected directors shall take their oath of office in the same manner provided for county officials.

(4) The Secretary of State and the county clerk or election commissioner shall have the power and authority to do those things necessary to carry out the provisions and intent of this section. Except as otherwise provided in this section, the district, after each primary or general election, shall pay to each county wherein the name of one or more candidates appears upon the ballot the following election expenses: (a) Counties having a population of less than three thousand inhabitants, fifty dollars; (b) counties having a population of three thousand but less than nine thousand inhabitants, one hundred dollars; (c) counties having a population of nine thousand but less than fourteen thousand inhabitants, one hundred twenty-five dollars; (d) counties having a population of fourteen thousand but less than twenty thousand inhabitants, one hundred fifty dollars; (e) counties having a population of twenty thousand but less than sixty thousand inhabitants, one hundred seventy-five dollars; (f) counties having a population of sixty thousand but less than one hundred thousand inhabitants, seven hundred fifty dollars; (g) counties having a population of one hundred thousand but less than two hundred thousand inhabitants, fifteen hundred dollars; and (h) counties having a population of two hundred thousand inhabitants or more, two thousand fifty dollars. When the name of one or more candidates of a district appears on ballots in less than one-half of the precincts of the counties, the cost to the district shall be no more than fifty percent of the expenses established by this section. If the actual expenses to the county in district elections provided for in this section are less than the amounts established in this section, such actual expenses shall be the amount paid by the district to the county. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

In addition to the costs above provided, the natural resources district shall pay the publication cost of the sample primary and general election ballots appearing in the newspaper and shall pay the actual printing costs for the official ballots used for the election. Election expenses shall be due and payable for each natural resources district within thirty days

after the receipt of the statement from the county:

(5) The district shall furnish to the Secretary of State and county clerk or election commissioner such maps and additional information as they may reasonably require in the proper performance of their duties in the conduct of elections and certification of the results of the same:

(6) (5) Subject to the approval of the commission and at least six months prior to the primary election, the board of directors may elect choose to have a single director serve from each subdistrict.

(6) The board of directors shall certify to the Secretary of State and the election commissioners or county clerks the number of directors to be elected at each election and the length of their terms as provided in section 96 of this act.

Sec. 460. That section 2-3215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3215. A In addition to the events listed in section 156 of this act, a vacancy on the board shall exist in the event of the death, disability, resignation, or removal from the district or subdistrict of any director. After notice and hearing, a vacancy shall also exist in the event of the absence of any director from more than two consecutive regular meetings of the board unless such absences are excused by a majority of the remaining board members. In the event of a vacancy from any of such causes or otherwise, such vacancy shall be filled by the board of directors. The person so appointed shall have the same qualifications as the person whom he or she succeeds. Such appointments shall be in writing, for the remainder of the unexpired term, and until a successor is elected and qualified. The written appointment shall be filed with the Secretary of State.

Sec. 461. That section 3-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-502. (1) Any city may create an airport authority to be managed and controlled by a board. The ~~which~~ board, when and if appointed, shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such city for the purpose of aviation operation, air navigation, and air safety operation.

(2) The Cities Airport Authorities Act shall not become operative as to any city unless the mayor and city council in their discretion shall activate the airport authority by the mayor appointing and the council approving the board members as provided in this section. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established.

(3) Each board in cities of the primary, first, and second classes and in villages shall consist of five members to be appointed by the mayor with the approval of the city council to serve until their successors elected pursuant to section 143 of this act take office, selected as follows: (1)(a) The mayor, with the approval of the city council, shall appoint one member who shall serve until his or her successor, elected at the first general city election following such appointment, shall qualify and take office, (b) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the second general city election following such appointment, shall qualify and take office; and (c) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the third general city election following such appointment, shall qualify and take office; and (2) upon the expiration of the terms of such appointed officers, members of the board shall be nominated and elected in the manner provided by law for the election of officers of the city concerned and shall take office at the same time as the officers of such city. Members of such board shall be residents of the city for which such authority is created, and, except for members initially appointed, shall serve for terms of six years. Any vacancy on such board shall be filled by temporary appointment by the mayor, with the approval of the city council, until a successor can be elected, at the next general city election, to serve the unexpired portion, if any, of the term. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the city council, in the district court of the county in which such city is located.

(4) Each board in cities of the metropolitan class shall consist of five members who shall be nominated by the mayor and approved by the city council and shall serve for terms of five years. Any vacancy on such board shall be filled by appointment by the mayor, with the approval of the city council, and such appointee shall serve the unexpired portion, if any, of the term of the member whose office was vacated. Any member of such board may be removed from office by the mayor, for incompetence, neglect of duty, or

malfesance in office, with the consent and approval of the city council.

(5) The members of the board hereby created shall not be entitled to compensation for their services but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the Cities Airport Authorities Act, to be paid as provided in section 23-1112 for county officers and employees. A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper.

(6) The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the city. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist, all its remaining rights and properties shall pass to and vest in the city.

Sec. 462. That section 3-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-611. In addition to the powers granted by sections 3-601 to 3-609, any county may create an airport authority. Such authority shall be managed and controlled by a board which shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such county for airport purposes. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the county for which such board is established. Each board shall consist of five members. Except for members initially appointed, members shall serve for terms of six years and shall be nominated and elected in the manner provided by law for election of nonpartisan officers of the county. Two members shall be elected at the first general election after creation of the authority; two members at the second general election after creation of the authority; and one member at the third general election after the creation of the authority. The county board creating the authority shall appoint board members to serve until their elected successors elected pursuant to section 144 of this act take office. Members of the board must be residents of the county for which the authority is created. Any vacancy on a board shall be filled by temporary appointment by the county board until a successor can be elected at the next general election. A member of such board may be removed from office for incompetence, neglect of duty, or malfesance in office. An action for removal of such member may be brought, upon resolution by the county board, in the district court of the county in which the authority is located.

The members of the board shall not be entitled to compensation for their services, but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the provisions of sections 3-601 to 3-622 with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees. A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper. The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full, or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the county. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist, all its remaining rights and properties shall pass to and vest in the county.

The board may enter into leases for nonaviation purposes for periods longer than the corporate existence of the board for a maximum period of twenty years. Such leases shall be subject to the approval of the county at the time the leases are entered into. At the conclusion of the corporate existence of the board, such leases shall pass to the control of the county.

The board may enter into leases for nonaviation purposes with the State of Nebraska or any political subdivision for land and land improvements. Such leases may be entered into for a maximum of forty years. At the conclusion of the corporate existence of the board, such leases shall pass to the control of the county.

Sec. 463. That section 3-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-701. As used in sections 3-701 to 3-716 for purposes of the Joint Airport Authorities Act, unless the context otherwise requires:

(1) Authority shall mean a joint airport authority which shall be a body politic and corporate organized pursuant to the provisions of sections 3-701 to 3-716, act and shall be deemed to embrace the geographical area included within each municipality joining in its organization or thereafter becoming associated therewith as herein provided in the act;

(2) Political subdivision shall mean any county, city, or village of this state, any airport authority created by any county, city, or village pursuant to law, or any joint airport authority;

(3) Governing body, in the case of a county, shall mean the chairman chairperson and board of commissioners or supervisors thereof, as the case may be, in the case of a city, shall mean the mayor and council thereof, in the case of a village, shall mean the chairman chairperson and board of trustees thereof, and, in the case of an airport authority or a joint airport authority, shall mean the governing board thereof;

(4) Agreement shall mean an agreement entered into pursuant to section 3-702;

(5) Bonds shall mean bonds issued by the joint authority pursuant to the provisions of sections 3-701 to 3-716 act;

(6) Board shall mean the governing body of the joint authority;

(7) Real property shall mean lands, structures, and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the term real property, including not only fee simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property;

(8) Project shall mean any airport leased, constructed, owned, and operated by the joint authority, including all real and personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation;

(9) General election shall mean the statewide general election specified in section 32-601 95 of this act; and

(10) Primary election shall mean the statewide primary election specified in section 32-505 93 of this act.

Sec. 464. That section 3-703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-703. The agreement shall specify, in addition to those things required by section 13-804, - (1) The date upon which the initial board is to organize, (2) the geographic boundaries or limits of the districts into which the joint authority shall be divided, of which there may be no more than five, from which the members of the initial board shall be appointed and from which their successors shall be elected, (3) the number of board members to be initially appointed, and thereafter elected, from each district designated pursuant to subdivision (2) of this section, and (4) the method by which the five members of the initial board shall be appointed and the duration of their respective terms of office. The limits of each district may be changed only upon the affirmative vote of a majority of the whole membership of the board. Each member of the board shall have the qualifications of electors be a registered voter and each of them must reside within the district from which he or she is appointed or elected. The terms of office of the members of the initial board shall expire at such time as their successors shall have been elected and qualified pursuant to section 145 of this act. Vacancies on the board, other than those resulting from expiration of a term of office, may be filled by a majority vote of the remaining members of the board. Any member so appointed shall serve until a successor is elected at the next general election to serve the unexpired portion of the term if any. One of such successors shall be elected for a term of six years at the first general election following the date of organization of the initial board; two shall be elected for a term of six years at the second general election following the date of organization of the initial board; and two shall be elected for a term

of six years at the third general election following the date of organization of the initial board. Thereafter, all members shall be elected for a term of six years. The terms of all elected members shall commence on the first Thursday after the first Tuesday in January following their election:

Sec. 465. That section 10-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-702. The question of issuing school district bonds may be submitted to the electors of a school district at a special election or such question may be voted on at an election held in conjunction with the statewide primary or statewide general election. No bonds shall be issued until the question has been submitted to the qualified electors of the district, and a majority of all the qualified electors voting on the question shall have voted in favor of issuing the same, at an election called for the purpose, upon notice given by the officers of the district at least twenty days prior to such election. If the election for issuing bonds is held as a special election, the procedures provided in section 10-703.01 shall be followed. The question of bond issues in such districts, when defeated, shall not, except in case of fire or other disaster or in the case of a newly created district, be resubmitted in substance for a period of six months from and after the date of such election.

When the question of issuing bonds is to be submitted at a statewide primary or statewide general election as ordered by a resolution of a majority of the members of the board of education, such order shall be made in writing and filed with the county clerk or election commissioner not less than fifty days prior to the statewide primary or statewide general election. The order calling for the school bond election shall be filed with the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question. The county clerk or election commissioner receiving such order shall conduct the school bond election for the school district.

The election notices, the issuing of the official ballots on election day, the issuing of the official absentee ballots, and the counting and canvassing of the same shall be conducted by the county clerk or election commissioner as provided in Chapter 32 the Election Act.

A special notice of the election shall be published by the board of education in a newspaper or newspapers of general circulation within the district stating the day of the election, the hours during which the polls will be open, and any other information deemed necessary in informing the public of the bond issue. The notice shall be made at least twenty days prior to the election.

If the question of submitting bonds for the school district is voted upon in one or more counties and the ballots have been certified across county lines, the election boards in the counties where the ballots are cast shall count the ballots on election day the same as all other ballots are counted and seal the same in their ballots-cast seal container along with other ballots.

The canvassing boards in each county shall canvass the returns in the same manner as other returns are canvassed.

The county clerk or election commissioner in any adjoining county voting on the bond issue shall certify the returns to the county clerk or election commissioner of the county having the greatest number of electors entitled to vote on the question of issuing bonds.

The county clerk or election commissioner in such county shall enter the total returns from any adjoining county or counties to the total votes recorded in his or her official book of votes cast and shall certify the returns to the board of education for which such bond election was held.

Sec. 466. That section 10-703.01, Revised Statutes Supplement, 1992, be amended to read as follows:

10-703.01. In all special elections called for voting on the question of issuing bonds of the school district, the county clerk or election commissioner or, if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under Chapter 32 the Election Act except as otherwise specifically provided in this section. No special election shall be held under this section within thirty days prior to the statewide primary or general election or sixty days after the statewide primary or general election. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election. The school district officers shall give notice of the election at least twenty days prior to the

election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absentee ballots may be obtained.

The ballots shall be counted by the county clerk or election commissioner conducting the election and two disinterested persons appointed by him or her. When the polls are closed, the election receiving board shall deliver the ballots to the county clerk or election commissioner conducting the election who, with the two disinterested persons appointed by him or her, shall proceed to count the ballots.

Absentee ballots shall be furnished to the county clerk or election commissioner and ready for distribution by the county clerk or election commissioner conducting the election not less than fifteen days prior to the election, as set out in section 32-848 and returned as provided in the Absentee Voters Act.

When a school district lies in more than one county, the county clerk or election commissioner in any other county containing part of such school district shall, upon request, certify its registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for absentee ballots to the county clerk or election commissioner charged with the issuing of such ballots. Not less than five days prior to the election, the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered electors voters of the school district in any other county or counties qualified to vote on the bond issue.

Absentee ballots cast at the election shall be counted by the same board as counted other ballots at the election. When all the ballots have been counted, the returns of such election shall be turned over to the school board or board of education of the district in which the election was held, for the purpose of making a canvass thereof.

The two disinterested persons appointed on the counting board shall receive four dollars and twenty-five cents per hour for each hour of service rendered.

Sec. 467. That section 11-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

11-125. When If any county treasurer, county attorney, clerk of the district court, county clerk, county judge, clerk magistrate, county assessor, register of deeds, county sheriff, county superintendent of public instruction, county commissioner or supervisor, or any acting officer who is appointed and gives bond as provided by section 32-1038 in giving the bond required of him by law, shall furnish 157 of this act furnishes a bond executed by a surety company, authorized by the laws of this state to execute such bond, and such bond shall be is approved by the county board, then in each and every case the county may pay the premium for such bond. Any PROVIDED, that any surety bond so executed and approved shall contain a covenant to the effect that when the stated term of the bond shall be is reduced to a shorter term by reason of the death, resignation, or removal from office of such official for a cause not imposing liability on his the bond, the obligor shall refund to the county the unearned portion of the premium so paid for the term of said the bond, subject to a reasonable minimum premium charge.

Sec. 468. Every civil office in a political subdivision filled by appointment shall be vacant upon the happening of any one of the events listed in section 156 of this act except as provided in section 157 of this act. The resignation of the incumbent of such a civil office may be made as provided in section 158 of this act. Vacancies in such a civil office shall be filled as provided in section 163 of this act and shall be subject to section 159 of this act.

Sec. 469. That section 14-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-201. In any city of the metropolitan class, there shall be elected seven council members shall be elected to the city council as provided in section 132 of this act. whose terms of office shall, except as provided in section 14-201.04, be four years, who shall constitute the council of such city. The regular or general city election for the election of elective officers of cities of the metropolitan class shall be held on the first Tuesday after the second Monday in May 1991, 1993, and every four years thereafter. after 1993. The term terms of office of such council members shall commence on the fourth Monday after such election.

Sec. 470. That section 14-201.03, Reissue Revised Statutes of



Nebraska, 1943, be amended to read as follows:

14-201.03. The election commissioner in any county in which is situated a city of the metropolitan class shall divide the city into seven city council districts of compact and contiguous territory. Such districts shall be numbered consecutively from one to seven. One council member shall be elected from each such district. The election commissioner shall redraw the boundaries of such districts, maintaining the compact and contiguous nature of each, when such districts are no longer substantially equal in population pursuant to section 32-1057 149 of this act.

Sec. 471. That section 14-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-204. (1) Candidates for the office of council member shall be nominated by district at a primary election, 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 provided. A candidate for council member of a city of the metropolitan class shall be a qualified elector registered voter and a resident of the district from which he or she seeks election, and shall have been a resident in the city and district or any area annexed by the city for one year. Notwithstanding any more general law respecting the time or manner of holding primary elections, the primary election for such nomination of council members shall be held on the first Tuesday of April preceding the date of the general or regular city election.

(2) Any person desiring to become a candidate for council member shall file a candidate filing form pursuant to sections 174 and 175 of this act, as referred to in subsection (1) of this section, shall at least thirty days prior to the date of holding such primary file, with the officer authorized to conduct the general city election, a statement of such candidacy, in substantially the following form:

State of Nebraska )
) ss.
County of )
I, being first duly sworn, say that I reside at No. Street, in city council district in the city of County of and State of Nebraska; that I am a qualified voter of said city and district; that I am a candidate for the office of council member; to be voted upon at the primary election to be held on the day of April 19; and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for said officer.

(Signed)
Subscribed and sworn to before me by the said this day of 19

Notary Public

(3) Any city of the metropolitan class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Sec. 472. That section 14-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-205. Notwithstanding any more general law respecting primary elections in force in this state, the official ballot to be prepared and used at such the primary election under section 14-204 shall be in substantially the following form provided in this section. The inserting in the blanks the number of the city council district, the name of the city, and the number of council members to be elected, and placing simply the names of all candidates shall be placed upon the ticket, ballot without any party designation, circle, or mark whatsoever.

Candidate for Nomination for Council Member from City Council District No. of the City of at the Primary Election
Vote for only one:

(Names of candidates)

In all other respects the general character of the ballot to be used shall be the same as authorized by the Election Act. Australian Ballot law of the state.

In printing, the names shall not be arranged alphabetically but shall be rotated according to the following plan: The form shall be set up by the printer, with the names in the order in which they are placed upon the

sample ballot prepared by the officer authorized to conduct the general city election. In 7 and in printing the ballots for the various election districts or precincts, the position of the names shall be changed for each election district, and in making the change of position the printer shall take the line of type containing the name at the head of the form and place it at the bottom, shoving up the column so that the name that was second before the change shall be the first after the change. The primary election shall be conducted pursuant to the Election Act except as provided in section 14-204 and unless otherwise provided in the home rule charter or city code. After receiving such ballot from the election judges, endorsed by them as by law provided; the voter shall mark and cast such ballot. Any voter who shall declare that he or she will require assistance in voting, shall be aided in the manner provided by general law. The polls at such primary election shall open at 8 a.m. and close at 8 p.m. In all respects such primary election shall be held and conducted, and the vote canvassed and the result declared, as by law provided for holding other city primary elections, and all officers charged with any duty respecting the proclaiming, holding, and conducting of such general or city election in any such city, shall perform such duties for and at such primary election.

Sec. 473. That section 14-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-206. The two candidates receiving the highest number of votes in each city council district at such the primary election under section 14-204 shall be the candidates and the only candidates whose names shall be placed upon the official ballot for council members in such city council district at such regular or the general city election in such city.

Sec. 474. That section 14-207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-207. At the regular or general city election at which council members such candidates are to be elected, the ballot shall be prepared in substantially the same form and the names rotated as hereinbefore provided for their nomination at the primary election in section 14-205, and the person receiving the highest number of votes in each of the city council districts shall be the council member elected. In all other respects the general laws in force in such city, respecting the holding and conducting and declaring the result of any such regular or The general city election, shall be conducted pursuant to the Election Act unless otherwise provided in the home rule charter or city code. apply so far as the same are applicable and not inconsistent with the provisions of sections 14-204 to 14-229.

Sec. 475. That section 14-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-208. Council members elected hereunder All members of the city council of a city of the metropolitan class shall qualify and give bond in the sum of five thousand dollars. If any vacancy occurs in the office of council members, the remaining members of the council shall appoint a person to fill such vacancy for the remainder of the term. The person thus appointed shall qualify and give bond as by law provided for council members elected to such office.

Sec. 476. That section 14-217.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-217.02. Vacancies in the office of mayor or council shall be filled as provided by local law in section 164 of this act. Vacancies in the council shall be filled by appointment from the district in which the vacancy occurred. Salaries of the mayor and members of the council shall be determined by local law.

Sec. 477. That section 14-2102, Revised Statutes Supplement, 1992, be amended to read as follows:

14-2102. In each metropolitan utilities district service area, there shall be a board of directors consisting of seven members. The members shall be elected as provided in section 136 of this act. 7 two of whom shall be chosen at large by the registered voters within the district at the time of the primary and general state election held in the even-numbered years, except that at the primary and general election held in 1978 and every six years thereafter, three members, one of whom shall be known as the outside member, shall be elected at large by the registered voters within the district. The outside member shall be a registered voter residing within the district but outside the corporate limits of the city of the metropolitan class for which the district was created. The election commissioner shall accept the application for nomination for the outside member in the same manner as those filing for the other six members, except that the names of those filing for nomination as the outside member shall be placed upon the ballot under the title Outside Member, Vote for One.

Nomination and election of all directors shall be by nonpartisan ballot. Accompanying the application for nomination shall be a receipt for twenty-five dollars from the county treasurer of the county in which the candidate resides. Registered voters within the boundaries of the district shall be registered voters of such district and shall be eligible for the office of director subject to the special qualification of residence for the outside member. The outside member specified in section 136 of this act shall be a registered voter residing within the district but outside the corporate limits of the city of the metropolitan class for which the district was created. Members of the board shall hold office for a period of six years from the first Tuesday after the first Monday in January following their election and until their successors are elected and qualified.

It shall be the duty of the election commissioner of the county in which the city of the metropolitan class is located to refuse to accept the filing, by petition, of any candidate for a member of the board of directors before a primary election and to so refuse after a primary election unless there is a vacancy on the ballot as defined by section 32-537 and all other conditions of such section are met and complied with by the petition candidate.

Sec. 478. That section 14-2103, Revised Statutes Supplement, 1992, be amended to read as follows:

14-2103. Whenever a metropolitan utilities district is extended to include sanitary and improvement districts, unincorporated area, towns, villages, or territory lying outside the corporate limits of cities of the metropolitan class or so extended as to include sanitary and improvement districts, unincorporated area, towns, or villages in an adjoining county or counties, then such sanitary and improvement districts, unincorporated area, towns, or villages shall have a right to participate in the nomination and in the election of members of the board of directors of the metropolitan utilities district. The clerk election commissioner or county clerk of each of the respective counties in which ballots are cast pursuant to this section shall within seven days after the election transmit, by mail or otherwise, to the election commissioner of the county in which the city of the metropolitan class is located, a copy of the abstract of the votes cast for members of the board of directors. The election commissioner shall in due course deliver to the candidate receiving the highest number of votes a certificate of election as a member of the board of directors. Any and all filings for such office shall be made with the election commissioner notwithstanding that the person wishing to file lives in a county adjoining the one in which the city of the metropolitan class is located.

Sec. 479. That section 14-2152, Revised Statutes Supplement, 1992, be amended to read as follows:

14-2152. The elections provided for in sections 14-2102, 14-2120, 14-2142, and 14-2157 shall be held according to the general election laws of the state Election Act.

Sec. 480. That section 15-249, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-249. A primary city of the primary class may provide for removing officers of the city for misconduct, except as herein otherwise provided. It in Chapter 15, and may provide for filling such vacancies as may occur in any elective office as provided in sections 164 and 165 of this act, by appointment by the mayor, with the advice and consent of the council, to hold until next general election.

Sec. 481. That section 15-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-301. (1) The general city elections in cities of the primary class shall be held on the first Tuesday in May of every odd-numbered year. All city elections shall be conducted in accordance with the Election Act. At all primary, general, and special city elections, the polls shall be kept open between the hours of 8 a.m. and 8 p.m.

(2) Any city of the primary class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Sec. 482. That section 16-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-103. (1) After the proclamation under section 16-102, the city shall be governed by the laws of this state applicable to cities of the first class, except that the government of such city shall continue as organized at the date of such proclamation until the reorganization as a city of the first class.

(2) The mayor and council members of the city of the second class

shall be deemed to be the mayor and council members of the city of the first class on the date the proclamation is issued. All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to the city of the second class at the time of its incorporation as a city of the first class shall remain in full force and effect after such incorporation until repealed or modified by the city within one year after the date of the filing of the certificate pursuant to section 16-102.

(3) For the purpose of electing city officials under the provisions of law relating to cities of the first class, the terms of office for such officials shall be established by the city's governing body so as to conform with the intent and purpose of section 16-302.01 130 of this act.

Sec. 483. That section 16-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-104. If a city of the second class becomes a city of the first class, the mayor and council shall divide the city into not less than three wards, as compact in form and equal in population as may be, the boundaries of which shall be defined by ordinance, to take effect at the next annual city election after reorganization except as provided in section 32-1057 149 of this act. The mayor and council shall, within six years after the date the proclamation under section 16-102 is issued, divide the city into not less than four wards, as compact in form and equal in population as may be, the boundaries of which shall be defined by ordinance except as provided in section 32-1057 149 of this act. Each ward shall constitute an election district, except that when any ward has over five hundred legal voters, the mayor and council may divide such ward into two or more election districts. If it is necessary to establish the staggering of terms by nominating and electing council members for terms of different durations at the same elections, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot.

Sec. 484. That section 16-217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-217. A city of the first class by ordinance may provide for the removal of elective officers of the city for misconduct. The city may create any office that it deems necessary for the good government and interest of the city. The city may provide for filling vacancies which occur in any elective office, except the mayor or member of the city council, by appointment by the mayor with the consent of the council to hold his or her office for the unexpired term. Whenever the city council fails to consent to any appointment made under this section by the mayor by the close of the second regular council meeting following the announcement of the appointment, the vacancy shall be filled by a special election to be held as prescribed by ordinance in the ward in which such vacancy exists. When there is a vacancy in the office of the mayor, the president of the city council shall serve as mayor for the unexpired term, except that if at least one-half of the previous mayor's term remains and a general election is to be held more than sixty days from the date of vacancy, a successor shall be elected at the next general election for the balance of the previous mayor's unexpired term. When there is a vacancy in the office of the mayor or on the city council, the vacancy shall be filled as provided in section 32-4,152 164 of this act.

Sec. 485. That section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-302.01. ~~(1)~~ In any city of the first class, except any city having adopted the commissioner or city manager form plan of government, there shall be elected a the mayor at large and one or two council members from each ward, who shall be registered voters of the city and the council members shall be residents of the ward from which elected, ~~except that there shall be at least four council members. Two council members shall be required for each ward in any city having fewer than four wards as provided in section 16-104. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in Chapter 32 the Election Act.~~

~~(2) Commencing with the statewide primary election in 1976 and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.~~

~~(3) All elected officers in a first-class city shall serve for terms of four years and until their successors are elected and qualified.~~

~~(4) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated and no primary election for their nomination shall be required.~~

(5) When any second-class city by law becomes a first-class city as provided in sections 16-101 to 16-129 and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

(6) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(7) The city clerk, county clerk, or election commissioner shall place on the official ballot for the general election the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

(8) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The terms of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than expiration of the term shall be filled as provided in section 32-4-152.

(9) Any city of the first class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Sec. 486. That section 16-305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-305. The mayor and members of the council of a city of the first class shall be residents and registered voters of the city and shall be permitted to hold other elective office as provided in section 32-4-159:

All officers and employees of the city shall receive such compensation as the mayor and council may fix at the time of their appointment or employment, subject to the limitations set forth in this section. The local governing body of the city may at its discretion by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time. The city manager in a city under the city manager plan of government as provided in Chapter 19, article 6, may in his or her discretion combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time. The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined.

Sec. 487. That section 16-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-306. In any city which becomes a city of the first class, any council member whose term extends through another year or years by reason of his or her prior election under the provisions governing cities of the second class shall hold his or her office as a council member from the ward in which he or she is a resident as if he or she were elected for the same term under sections 32-4-146 to 32-4-151, 32-504, 32-512, and 32-513 the provisions of the Election Act governing cities of the first class.

Sec. 488. That section 16-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-311. All elected officers of a city of the first class shall be qualified electors registered voters of the city.

Sec. 489. That section 17-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-103. The city council of a city of the second class shall consist of not less than four nor more than twelve citizens residents of said city, who are registered voters, shall be qualified electors under the Constitution and laws of the State of Nebraska.

Sec. 490. 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 council members elected in the manner provided in the Election Act. The term of office shall begin on the first regular meeting of the council in December following the statewide general election. Councilmen, who shall be chosen in the manner provided in Chapter 32, or as provided in sections 16-302.01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203.01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 35-506, 79-516.04, 79-516.06, 79-701, and 79-803.03. No person shall be eligible to the office of councilman council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter, 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. 491. That section 17-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-107. A mayor of a city of the second class shall be elected in the manner provided in the Election Act. The mayor shall be a resident and registered voter of the city. Chapter 32, or as provided in sections 16-302.01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203.01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 35-506, 79-516.04, 79-516.06, 79-701, and 79-803.03. Any vacancy in the office of mayor shall be filled as provided in section 17-115. When the successful candidate for mayor shall be prevented from assuming office, because of disqualification, or otherwise, the incumbent mayor 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 section 17-115. If the president of the council shall for any cause assume assumes the office of mayor for the unexpired term, there shall be a vacancy on the council which vacancy shall be filled as provided in section 32-4,152 164 of this act. The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. The mayor, by and with the consent of the council, shall appoint such a number of regular policemen police officers as may be necessary. All police officers appointed by the mayor and council shall be removable at any time by the mayor.

Sec. 492. That section 17-108.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-108.02. The mayor and members of the council of cities of the second class shall be residents and registered voters of the city and shall be permitted to hold other elective office as provided in section 32-4,159.

All officers and employees of the city of the second class shall receive such compensation as the mayor and council may fix at the time of their appointment or employment, subject to the limitations set forth in this section.

The local governing body of the city may at its discretion by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time.

The city manager in a city under the city manager plan of government

as provided in Chapter 19, article 6, may in his or her discretion combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time.

The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

Sec. 493. That section 17-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-202. The corporate powers and duties of every village shall be vested in the board of trustees, which shall consist of five members. At the first statewide primary election, or an election held under the provisions of sections 16-302-01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203-01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 32-227-01, 32-4,146 to 32-4,151, 32-502, 32-504, 32-512, 32-513, 32-1051, 35-506, 79-516-04, 79-516-06, 79-701, and 79-803-03, held after the incorporation of a village, two trustees shall be elected to serve two years and three trustees shall be elected to serve four years. Thereafter the board members shall be elected as provided in the Election Act. The terms shall begin on the first Tuesday in June following the election. The changes made to this section by this legislative bill shall not change the staggering of the terms of the board members in villages established prior to the operative date of this section. At the next election, and each second election thereafter, two trustees shall be elected to serve four years and at the second election, after the first election after such incorporation, and each second election thereafter, three trustees shall be elected to serve four years but this provision shall not change, as to any village now established; the election at which such a village shall elect two trustees or at which it shall elect three trustees, as now established in such villages now incorporated. Whenever there shall be a tie on the election of members of the board of trustees, it shall be determined by lot by the duly authorized canvassing board.

Sec. 494. That section 17-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-203. Any person may be a trustee who is a citizen of the United States, resides in the village, and is a registered voter. ~~Every trustee so elected shall, except as provided in section 17-202 or 17-203-01, hold his office for the term of four years. A vacancy on the board of trustees shall exist in the event of the death, disability, or removal from the village of any trustee, which vacancy or vacancies 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 trustees, it shall be determined by lot by the duly authorized canvassing board.~~

Sec. 495. That section 17-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-311. (1) Except as provided in section 17-312, whenever any village increases in population until it has a population of more than eight hundred inhabitants but less than five thousand inhabitants, as ascertained and officially promulgated by the census, enumeration, and return taken by the United States, by the State of Nebraska, or by the authority of the village board of such village, the village board shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation so declare and shall declare such village to have become a city of the second class. Thereafter such city shall be governed by the laws of this state applicable to cities of the second class. The government of such city shall continue as organized at the date of such proclamation until the reorganization as a city of the second class.

(2) If any village becomes a city of the second class, the governing

body shall call a special election for the purpose of electing new members of the city's governing body to be held not more than eight months after the proclamation is issued. At the initial election of officers, the names of the candidates receiving the greatest number of votes at the primary election if one is held shall be placed on the general election ballot. One-half or the bare majority of the candidates in each precinct or ward or at-large candidates, as the case may be, receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The term of office for such officials shall be established pursuant to section 17-107-02. The members of the village board of trustees shall hold office only until the newly elected city officials assume office. All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to any village at the time of its incorporation as a city of the second class shall remain in full force and effect after such incorporation as a city of the second class until repealed or modified by such city within one year after the date of the filing of the certificate pursuant to subsection (1) of this section.

Sec. 496. That section 17-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-312. (1) Whenever any village ~~shall attain~~ attains a population exceeding eight hundred inhabitants and one-fourth of the legal voters, but not less than one hundred registered legal voters, ~~therein shall of the village~~ petition the board of trustees of such village, the board of trustees shall cause to be published for at least thirty days a notice stating that the question of retaining a village form of government will be submitted at the next regularly scheduled election or at a special election announced in such notice. Thereupon there shall be submitted by the board of trustees at such election the question of retaining a village form of government. Such election shall be conducted in the manner provided for cities of the second class. The form of the ballot at such election shall be For retention of village government and Against retention of village government. If the majority of the votes cast are for retention of village government, then such village shall remain a village and be governed under the provisions of the law relating to villages; ~~unless it shall, at some future election, adopt such village adopts a city government in the manner provided herein for the adoption of a village government.~~

(2) If the question is submitted at a special election, such election shall be held not later than October 15 of an odd-numbered year. If the question is rejected, city officials shall be elected at the next regularly scheduled election.

(3) If the question is submitted at a regularly scheduled election, no village trustees shall be elected at such election, but trustees whose terms are to expire following such election shall hold office until either their successors or city officials take office as follows:

(a) If the question is rejected, the village board shall call a special election, to be held not more than eight months after the election at which the question was rejected, for the purpose of electing city officials under the provisions of law relating to cities of the second class. The terms of office for such officials shall be established by the board of trustees pursuant to section ~~17-107-02~~ 17-311. The members of the board of trustees shall hold office only until the newly elected city officials assume office; and

(b) If the question is approved, the village board shall call a special election, to be held not more than eight months after the election at which the question was approved, for the purpose of electing successors to those members of the village board who held office beyond the normal expiration of their terms. Such special election shall be conducted under the provisions of law relating to villages. Persons so elected shall take office as soon after the completion of the canvass of the votes as is practicable, and their terms of office shall be as if the holdovers had not occurred.

Sec. 497. That section 17-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-602. All qualified electors of this state, who shall reside registered voters residing within the limits of any city of the second class or village on or before election day shall be entitled to vote at all city and village elections.

Sec. 498. That section 17-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-603. At a meeting of the council of a city of the second class, or the board of trustees of a village, on the first Monday after any city or village election, as the case may be, the returns, including returns for the



election of members of the school board, shall be canvassed, and the city council or board of trustees, as the case may be, shall cause the municipal clerk to make out and deliver certificates of election, under the seal of the city or village, to the persons found to be elected. ~~7 PROVIDED, the canvass of returns in all other matters pertaining to school elections shall be governed by the provisions of Chapter 79.~~ A neglect of any such elected 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 or she may have been elected.

Sec. 499. That section 18-2514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2514. The Secretary of State shall design the form to be used for initiative and referendum petitions. ~~The petitions which shall conform to those provided for in section 32-4,156, including signature sheets section 196 of this act.~~ These forms shall be made available to the public by the city clerk, and they shall serve as a guide for individuals preparing prospective petitions. Substantial compliance with initiative and referendum forms is required before authorization to circulate such petition shall be granted by the city clerk pursuant to section 18-2512. Chief petitioners or circulators preparing prospective petitions shall be responsible for making copies of the petition for circulation; ~~once after authorization for circulation has been granted.~~

Sec. 500. That section 18-2516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

- 18-2516. Every signature sheet shall:
  - (1) Contain the caption required in subdivision (1)(a) of section 18-2513;
  - (2) Be part of a complete and authorized petition when presented to potential signatories; and
  - (3) Comply with the requirements of section 196 of this act. Provide space for signatories to write their names; places of residence; and the date of signing; and
  - (4) Contain a statement that anyone falsifying information on a signature sheet shall be subject to penalties provided by law.

No more than twenty-five signatures on each signature sheet shall be counted. In order to be valid, a signature shall be that of an individual registered to vote, at the time of signing, in the jurisdiction governed or to be governed by the measure addressed in the petition. A signature shall include the signatory's full name, his or her place of residence, and the date of signing. No signatory shall use ditto marks as a means of affixing his or her place of residence or date on any petition. A wife shall not use her husband's Christian or given name when she signs a petition and she shall sign her own Christian or given name along with her surname.

Sec. 501. That section 18-2517, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2517. Signers and circulators shall comply with sections 197 and 198 of this act. included in the contents of every petition shall be an affidavit, to be signed by the circulator in the presence of a notary, which states that the circulator is a qualified elector; that each person who signed the petition did so in the presence of the circulator on the date indicated; and that the circulator believes that each signatory was registered to vote in the affected jurisdiction at the time he or she signed the petition and that the circulator believes that each signatory has stated his or her name and place of residence correctly.

Sec. 502. That section 18-2521, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2521. Elections under the provisions of sections 18-2501 to 18-2538, either at a special election or regularly scheduled primary or general election, shall be called by the city clerk. He or she No special election to be conducted by the election commissioner or county clerk shall be held within thirty days prior to the statewide primary or general election or within sixty days after the statewide primary or general election.

The city clerk shall cause notice of every such election to be printed in one or more newspapers of general circulation in such municipal subdivision at least once not less than thirty days prior to such election and also posted in the office of the city clerk and in at least three conspicuous places in such municipal subdivision at least thirty days prior to such election. The notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the ..... day of ..... 19...., at (identify polling place or precinct) of the city (or village) of ....., Nebraska, an election will be held at which there will be submitted to the electors of the municipality for their

approval or rejection, the following measures, propositions, or issues:

..... (naming measures, propositions, or issues), which election will be open at 8 a.m. and will continue open until 8 p.m., of the same day.  
Dated this ..... day of ..... 19....

.....  
City (or Village) Clerk of  
the City (or Village) of  
....., Nebraska.

The city clerk shall make available for photocopying a copy in pamphlet form of measures initiated or referred. Such notice provided in this section shall designate where such a copy in pamphlet form may be obtained.

Sec. 503. That section 18-2525, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2525. Whenever an initiative petition bearing signatures equal in number to at least twenty percent of the qualified electors of a municipal subdivision, which petition requests that a special election be called to submit the initiative measure to a vote of the people, has been filed with the city clerk and verified pursuant to section 18-2518, it shall be the duty of the municipal subdivision's governing body to consider passage of the measure contained in the petition, including an override of any veto, if necessary. If the governing body fails to pass the measure, without amendment, including an override of any veto, if necessary, within thirty days from the date it received notification pursuant to section 18-2518, the city clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose. The Subject to the provisions of section 18-2521. the date of such election shall not be less than thirty nor more than sixty days from the date the governing body received notification pursuant to section 18-2518.

Sec. 504. That section 18-2528, Revised Statutes Supplement, 1992, be amended to read as follows:

18-2528. (1) The following measures shall not be subject to referendum or limited referendum:

(a) Measures necessary to carry out contractual obligations, including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(b) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(c) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(d) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the municipal subdivision's governing body and approved by its executive officer;

(e) Measures relating to projects for which notice has been given as provided for in subsection (4) of this section and for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(f) Resolutions directing the city clerk to cause measures to be submitted to a vote of the people at a special election as provided in sections 18-2524 and 18-2529;

(g) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in section 18-2526; and

(h) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities and which are necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(2) The following measures shall be subject to limited referendum:

(a) Measures in furtherance of a policy of the municipal subdivision or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(b) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs, of public ways, public property, utility systems,

and other capital projects and measures giving initial approval for industrial development projects;

(c) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal subdivision employees other than the members of the governing body and the executive officer; and

(d) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(3) Measures subject to limited referendum shall ordinarily take effect thirty days after their passage by the governing body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to section 18-2518 within thirty days after such measure's passage by the governing body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (4)(c) of this section. If the necessary number of signatures as provided in section 18-2529 or 18-2530 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(4) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, a municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in sections 14-201, 14-204, 15-301, 16-302.01, 16-6-108, 18-2501 to 18-2537, 32-513, 32-713.01, and 71-3305 by the following procedure:

(a) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a newspaper of general circulation within the governing body's jurisdiction;

(b) By passage of a measure approving the project, including an override of a veto if necessary, at a meeting held on any date subsequent to the date of hearing; and

(c) After passage of such measure, including an override of a veto if necessary, by giving notice as follows: (i) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum; and (ii) for projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by subdivision (c)(ii) of this subsection shall be published in at least one newspaper of general circulation within the municipal subdivision and shall be published not later than fifteen days after passage by the governing body, including an override of a veto, if necessary, of a measure approving the project.

The right of a municipal subdivision to hold such a hearing prior to passage of the measure by the governing body and give such notice after passage of such measure by the governing body to obtain exemption for any particular project in a manner described in this subsection is optional, and no municipal subdivision shall be required to hold such a hearing or give such notice for any particular project.

(5) All measures, except as provided in subsections (1), (2), and (4) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the governing body, including an override of a veto, if necessary, or enacted by the voters by initiative.

Sec. 505. That section 18-2530, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2530. Whenever a referendum petition bearing signatures equal in

number to at least twenty percent of the qualified voters of a municipal subdivision, which petition requests that a special election be called to submit the referendum measure to a vote of the people, has been filed with the city clerk and verified pursuant to section 18-2518, it shall be the duty of the municipal subdivision's governing body to reconsider the measure or portion of such measure which is the object of the referendum. If the governing body fails to repeal or amend the measure or portion thereof, in the manner proposed by the referendum, including an override of any veto, if necessary, the city clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose within thirty days from the date the governing body received notification pursuant to section 18-2518. The Subject to the provisions of section 18-2521, the date of such special election shall not be less than thirty nor more than sixty days from the date the governing body received notification pursuant to section 18-2518.

Sec. 506. That section 18-2536, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2536. 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 election, and recounts of votes Election Act, so far as applicable and when not in conflict with sections 18-2501 to 18-2531, shall apply to voting on ordinances by the electors registered voters pursuant to such sections, 18-2501 to 18-2531.

Sec. 507. That section 19-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-402. Within twenty days after the filing of If a petition is filed with the city clerk of any city as defined in meeting the requirements of section 19-401, signed by such a number of electors qualified to vote at the last preceding general city or state election held within any such city as equals registered voters equal in number to twenty-five percent of the votes cast for all candidates for mayor at such the last preceding general city election, the mayor of any such the city shall, by appropriate proclamation and notice within twenty days after such filing, call and proclaim a special election to be held upon a date fixed in such proclamation and notice, which date shall not be less than fifteen nor more than sixty days after the date and issuance of such proclamation. After the filing of any petition provided for in this section, no signer thereon shall be permitted to withdraw his or her name therefrom. At such special election the proposition of adopting the provisions of sections 19-401 to 19-433 shall be submitted to the electors of any such registered voters of the city, and such proposition shall be stated thus as follows: Shall the city of (name of city) adopt the provisions of (naming the charter of the published law containing said such sections) called the commission plan of city government? The paper ballot to be used and method of voting at such special election shall be only those provided by what is known as the Australian Ballot Law of the state, and the ballot shall afford facility for casting a yes or no vote by making a cross as indicated by said ballot law. In all other respects such The special election shall be held and conducted, and the vote canvassed, and the result declared in the same manner as by law provided for the holding and conducting of the general city election in any such city. All and all officers charged with any duty respecting the calling, holding, and conducting of such general city election shall perform such duties for and at such special election.

Sec. 508. That section 19-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-404. If the proposition is adopted for the commission plan of city government at least sixty days prior to the next general city election in the city, then at the next regular or general city election provided by law in any such city, council members shall be elected as provided in section 135 of this act. If there shall be elected, not by or from wards or districts, but at large, the following officers and no others: in metropolitan cities, seven council members; in primary cities, five council members; and in cities containing two thousand or more but not more than forty thousand population, five council members; PROVIDED, in primary cities, in addition to the five council members to be elected, there shall be elected three excise members; AND PROVIDED FURTHER, if the proposition is not adopted at any such special election at least sixty days prior to the date of holding the next statewide primary election; or as provided in sections 16-302-01, 16-306, 17-102, 17-104, 17-107, 17-202, 17-203, 17-203-01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 32-227-01, 32-4-146 to 32-4-151, 32-502, 32-504, 32-512, 32-513, 32-1051, 35-506, 79-516-04, 79-516-06, 79-701, and 79-803-03 general city election in such city, then such

city shall continue to be governed under its existing laws; and until council members hereinbefore provided for shall be are elected as provided in section 135 of this act at the next such general city election thereafter occurring in any such city.

Sec. 509. That section 19-405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-405. Candidates for the office of council 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 a candidate filing form pursuant to the requirements of this section, No and section 19-406; and no other names shall be placed upon the official ballot to be used at the general city election. Notwithstanding any more general law respecting the time or manner of holding primary elections; any primary election for making nominations shall be held on the fourth Tuesday preceding the date of the general city election provided by law in the city. The council, by ordinance, may waive the requirement for a primary election in any year. Any person desiring to become a candidate for council member shall file with the city clerk a candidate filing form as provided in sections 174 and 175 of this act and pay the filing fee as provided in section 176 of this act. statement of such candidacy. 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 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 such office.

(Signed) .....

Subscribed and sworn to before me by ..... 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. 510. That section 19-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-406. Elections for officers listed in section 19-415 shall be conducted as provided in the Election Act. The positions for which candidates are to be nominated or elected shall appear on the ballot in the order listed in section 19-415. A person who files a statement of candidacy pursuant to section 19-405 shall pay to the city treasurer a filing fee to aid in the expense of holding such election and shall obtain a receipt from the treasurer therefor which shall be filed with the city clerk 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.

Sec. 511. That section 19-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-407. Candidates for office of excise member provided for in section 19-404 135 of this act shall be nominated at large in the same general

manner and method as ~~hereinbefore~~ provided in section 19-405 for the nomination of candidates for the office of council members.

Sec. 512. 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 the primary election or, if no primary is held, all persons filing pursuant to sections ~~section 19-405 and 19-406 for each of the positions named in section 19-415~~ shall be the only candidates whose names shall be placed upon the official ballot for such position at the general city election. ~~In cities where if excise members are to be elected, the six candidates receiving the highest number of votes for excise members at the primary or all candidates, if there are less than six on the primary ballot or if no primary is held, shall be the only candidates whose names shall be placed upon the official ballot for excise members at the general city election in any such city.~~

Sec. 513. That section 19-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-411. The council members and excise members shall qualify and give bond in the manner and amount provided by the existing laws governing the city ~~wherein in which~~ they are elected. If any vacancy occurs in the office of council member, the vacancy shall be filled as provided in section ~~32-4, 152 164 of this act~~. If any vacancy occurs in the office of excise members, the remaining members of the excise board shall appoint a person to fill such vacancy for the remainder of the term. ~~The terms and office of the mayor and council members and excise members in any such city who are in office at the beginning of the terms of office of the council members first elected under section 19-404 shall then cease. The terms of office of all other elective or appointive officers in force within or for any such city, except as herein otherwise provided, shall cease as soon as the council herein provided for shall select or appoint selects or appoints their successors and such successors qualify and give bond as by law provided or as soon as such council shall by resolution declare declares the terms of any such elective or appointive officers at an end or abolish or discontinue the office abolishes or discontinues any of such offices.~~

Sec. 514. That section 19-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-415. In metropolitan cities of the metropolitan class, the council shall consist of the mayor who shall be superintendent of the department of public affairs, one council member to be superintendent of the department of accounts and finances, one council member to be superintendent of the department of police, sanitation, and public safety, one council member to be superintendent of the department of fire protection and water supply, one council member to be superintendent of the department of street cleaning and maintenance, one council member to be superintendent of the department of public improvements, one council member to be superintendent of parks and public property.

In cities containing at least forty thousand population and less than ~~two three~~ three hundred thousand population inhabitants, the council shall consist of the mayor who shall be superintendent of the department of public affairs, one council member to be superintendent of the department of accounts and finances, one council member to be superintendent of the department of public safety, one council member to be superintendent of the department of streets and public improvements, one council member to be superintendent of the department of parks and public property.

In cities containing at least two thousand population and less than forty thousand population inhabitants, the council shall consist of the mayor who shall be commissioner of the department of public affairs and public safety, one council member to be commissioner of the department of streets, public improvements and public property, one council member to be commissioner of the department of public accounts and finances, one council member to be commissioner of the department of public works, one council member to be commissioner of the department of parks and recreation.

In all of ~~said~~ such cities the commissioner of the department of accounts and finances shall be vice president of the city council, and shall, in the absence or inability of the mayor to serve, shall perform the duties of the mayor of the city. In and in case of vacancy in the office of mayor by death or otherwise, the vacancy shall be filled as provided in section 164 of this act. vice president shall perform the duties of mayor of the city until such time as the council shall fill such vacancy, which shall be done at the first council meeting after such vacancy occurs or as soon thereafter as may be practicable.

Sec. 515. That section 19-421, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-421. All petitions provided for in sections 19-401 to 19-433 shall be subject to and meet the requirements of sections 196 to 198 of this act. be signed by none but legal voters of the city, and each petition shall contain, in addition to the names of the petitioners, the street and house number at which the petitioner resides. The signatures to such petition need not all be appended to one paper, and at least one of the signers of each paper shall make oath before some officer, competent to administer oaths, that the statements made in any such petition are true as he or she verily believes, and that the signers thereon were, at the time of signing such petition, legal voters of the city as he or she verily believes, and shall also state in such affidavit the number of signers upon the petition, or part thereof, sworn to by him or her; at the time he or she makes such affidavit. Upon the filing of a petition or supplementary petition, a city, upon passage of a resolution by the city council, and the county clerk or election commissioner of the county in which such city is located may by mutual agreement provide that the county clerk or election commissioner shall ascertain whether the petition or supplementary petition is signed by the requisite number of legal voters. The city shall reimburse the county for any costs incurred by the county clerk or election commissioner.

Sec. 516. That section 19-423, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-423. If at the beginning of the term of office of the first council elected under the provisions of sections 19-401 to 19-410, 19-409 the appropriations or distribution of the expenditures of the city government for the current fiscal year have been made, the council shall have power, by ordinance, to revise, repeal, or change such distribution or to make additional appropriation, within the limit of the total taxes levied for such year.

Sec. 517. That section 19-433, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-433. (1) Within ten days from after the date of filing the petition asking for a special election on the issue of discontinuing the commission plan of government, the city clerk shall examine it and, from the voters' register, if the petition is filed in any city where registration laws are in force, or if not, then from such source as may be available to the clerk, with the assistance of the election commissioner or county clerk, ascertain whether the petition is signed by the requisite number of qualified electors registered voters. If necessary, the city council shall allow the city clerk extra help for the purpose of examining the petition. The clerk shall attach to the petition a certificate showing whether any signatures need to be corrected in order to comply with sections 32-1401 to 32-1408. If the filing clerk finds incorrect signatures, he or she shall promptly notify the person filing the petition that the petition may be cured at any time within ten days after the giving of such notice by the filing of a supplementary petition, with the corrected signatures, on additional petition papers issued and filed as provided for the original petition. No new signatures may be added after the initial filing of the petition. The supplemental petition shall be signed and sworn to as in the case of the original petition. The clerk shall, within five days after such supplemental petition is filed, make a similar examination of the supplemental petition; and if the certificate shows the supplemental petition, together with the original if the petition, contains the requisite number of signatures, the city clerk shall promptly submit the petition original and supplemental petitions together with his or her certificates to the council.

(2) Upon receipt of such petitions and certificates the petition, the council shall promptly order and fix a date for holding the special election, which date shall not be less than thirty nor more than sixty days from the date of the clerk's certificate to the council showing the petition sufficient. The qualification of the electors and the classes of voters who may be aided in casting their ballots at such special election shall be the same special election shall be conducted in the same manner as provided for the election of council members under the provisions of sections 19-401 to 19-433, except that nothing in such sections shall in any way be construed to interfere with or prevent any city at any time from framing and adopting a charter for its own government as provided by the Constitution of the State of Nebraska; and in exercising the right to frame its own charter in accordance with such provision of the constitution, it shall not be obligatory upon any city to adopt or retain any of the provisions of such sections; except that any sections relating to recall shall be governed by sections 32-1401 to 32-1408.

Sec. 518. That section 19-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-612. City council members in a city under the city manager plan shall be nominated and elected as provided in section 134 of this act. (1) The number of council members shall be determined by the class and population of the city as follows: In all cities having not more than forty thousand inhabitants, five; in cities having more than forty thousand inhabitants, seven; PROVIDED, that in cities having between twenty-five thousand and forty thousand inhabitants, the city council may by ordinance provide for seven council members. Council members shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of its council members by wards, the number and boundaries of which are provided for in section 16-104. Council members shall serve for a term of four years and until their successors are elected and have qualified, except at the first election hereunder or the first election under an ordinance changing the number of council members or their manner of election. Such first election shall take place at the next regular city election and shall be for all council members irrespective of their manner of election. The qualification of the candidates elected at such first election shall end the terms of those council members in office whose terms have not otherwise expired. If all council members shall be elected at large at the first election hereunder, the bare majority of council members receiving the highest number of votes shall serve for four years and the others for only two years. At the first election under an ordinance changing the number of council members or their manner of election, one-half or the bare majority of council members elected at large, as the case may be, receiving the highest number of votes, shall serve for four years and the other or others for only two years. At such first election, one-half or the bare majority of council members, as the case may be, elected by wards, shall serve for four years and the others for only two years, as provided in the ordinance. If only one council member is to be elected at large at such first election such member shall serve for four years. If a vacancy occurs in the office of ward council member, a successor council member shall be elected in the ward at the next regular city election to serve for the remainder of the term; PROVIDED, a majority of the remaining members of the council shall appoint a resident and qualified elector of the ward to serve as council member until the successor is so elected and has qualified.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) The term of office of any member of a board that would expire prior to the first regular board meeting in December 1976 is hereby extended to such date.

(4) The term of office of any member that would expire after December 1976, and prior to the first regular board meeting in December 1978, is hereby extended to the first regular board meeting in December 1978.

(5) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(6) When any second-class city by law becomes a first-class city, and adopts the city manager form of government, the first election of officers shall be as provided in subsection (1) of this section.

(7) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a council member, such person shall not be entitled to a certificate of nomination at a statewide primary election, nor have his or her name placed on the general election ballot unless such person shall have received not less than twenty percent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or the candidate receiving the greatest number of votes of the at-large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at-large candidates if the election was held at large. In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at the election commissioner's office on a given day and hour to determine the same by lot before the canvassing board and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(8) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official



ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election:

(9) The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term The terms of office of all such members shall commence on the first regular meeting of such board in December following their election.

Sec. 519. That section 19-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-613. Members of the council shall be residents and registered voters of the city and shall hold no other employment with the city. They shall be permitted to hold other elective office as provided in section 32-4-159. Any council member who ceases to possess any of the qualifications required by this section or who has been convicted of a crime while in office shall forthwith forfeit such office. The council shall be the judge of the election and qualifications of its members, subject to review by the courts.

Sec. 520. That section 19-613.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-613.01. Any council member to be elected for from a ward, or an appointed successor in the event of a vacancy, shall be a resident and a qualified elector registered voter of such ward. The council member shall be nominated and elected in the same manner as provided for at-large candidates, except that only residents and registered electors voters of the ward may participate in the signing of nomination petitions. All nominating petitions and ballots shall clearly identify the ward from which such person shall be a candidate. The ballots within a ward shall not contain the names of ward candidates from other wards. The printed ballots for each ward shall list the candidates in the order of filing affidavits of nomination or petitions by date and hour with the county clerk or election commissioner. The recall procedure shall apply to a ward council member except that only registered voters of such member's ward may sign a recall petition or vote at the recall election which shall be held within the ward only.

Sec. 521. That section 19-3002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3002. The general municipal elections in all cities of the first class, cities of the second class, and villages shall be held on the first Tuesday of April in each even-numbered year, or as provided in sections 16-302-01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203-01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 32-227-01, 32-4-146 to 32-4-151, 32-502, 32-504, 32-512, 32-513, 32-1051, 35-506, 79-516-04, 79-516-06, 79-701, and 79-803-03 the Election Act. The polls shall be opened at such place in each precinct as may be designated by the mayor and city council, or the chairman chairperson and board of trustees as the case may be, by resolution, and shall be kept open between the hours of 8 a.m. and 8 p.m., and no later. If the proper officers of any municipality shall fail to cause such annual municipal election to be held, they shall severally be guilty of a misdemeanor; and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail of the county not to exceed ninety days, or both such fine and imprisonment.

Sec. 522. That section 19-3005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3005. Not less than ten days, prior to any general municipal election held on the first Tuesday of April in each even-numbered year, the municipal clerk shall prepare a notice to be published in a newspaper that is published in or of general circulation in such municipality, but if no newspaper is published in or of general circulation in such municipality, then by posting in each of three public places in the municipality, a notice calling such election. The notice shall be substantially as follows:

Notice is hereby given, that on Tuesday, the ..... day of ..... 19...., at the usual polling place in each precinct in the city (or village) of ....., Nebraska, a general election will be held for selecting the following municipal officials:

..... (naming all officials to be balloted for), which election will be open at 8 a.m. and will continue open until 8 p.m., of the same day.  
Dated this ..... day of ..... 19....

.....  
City (or Village) Clerk of the City (or Village) of ....., Nebraska.

If one or more measures, propositions, or issues are also submitted at the same general municipal election, for approval or rejection by the electors, then such notice shall, after naming the officials to be elected, also contain the following:  
and the following measures, propositions, or issues:

..... (naming measures, propositions, or issues), will also be submitted for approval or rejection by the electors; and (insert language as to polls being open). The last-mentioned phraseology shall be inserted in such general election notice immediately before the words which election will be open at 8 a.m. and will continue open until 8 p.m., of the same day.

If the municipal election is being held in conjunction with the statewide primary, such notice shall be given by the county clerk or election commissioner as provided in Chapter 32 the Election Act.

Sec. 523. That section 19-3019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3019. All official ballots, including absentee ballots, prepared by the municipal clerk, shall be prepared and printed as nearly as possible in conformity with ~~sections 32-419, 32-426, 32-428, 32-433, and 32-848 the Election Act~~. All official ballots for any question or proposition submitted to the vote of the electors shall be prepared and printed as nearly as possible in conformity with ~~section 32-709~~ 393 of this act.

Sec. 524. That section 19-3023, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3023. The municipal clerk shall cause a copy of the official ballot or ballots, as the case may be, to be published once in a newspaper published in or of general circulation in the municipality, and if no newspaper be published in or of general circulation in the municipality, then in a newspaper published in or of general circulation in the county where the municipality is located. Such publication shall be made not more than ten days nor less than three days prior to the municipal election. The publication shall be in conformity with ~~section 32-433~~ 224 of this act, as nearly as possible, and the rates charged for the publication shall be as provided therein. Sample ballots shall also be posted by the municipal clerk in each of three public places in the villages, not less than three days nor more than ten days prior to the municipal election.

Sec. 525. That section 19-3025, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3025. Prior to any municipal election, the municipal clerk shall cause instructions to voters to be printed, five copies of which shall be furnished to the judges of election in each precinct one-half hour prior to the opening of the polls on election day, and which shall be posted in each voting place prior to the opening of the polls. The instructions to voters shall be prepared and printed as nearly as possible in conformity with ~~section 32-451 the instructions prescribed by the Secretary of State pursuant to the Election Act~~.

Sec. 526. That section 19-3026, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3026. The municipal clerk shall provide a sufficient number of ballots for each precinct in the municipality. The ballots shall be delivered in conformity with ~~the provisions of section 32-436 section 242 of this act~~.

Sec. 527. That section 19-3029, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3029. Every municipal election shall be conducted in strict conformity with the applicable requirements of Chapter 32 the Election Act.

Sec. 528. That section 19-3030, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3030. No vote shall be received at any municipal election unless the name of the person so offering to vote ~~shall be~~ is found on the registration list furnished the election officials as provided by Chapter 32 the Election Act.

Sec. 529. That section 19-3034, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3034. The counting of the votes shall not be made public and

shall follow the provisions of section ~~32-481~~ sections 305 to 320 of this act.  
 Sec. 530. That section 19-3040, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3040. At a meeting to be held on Monday following any municipal election, the mayor and city council, or chairperson and board of trustees, as the case may be, shall organize as a canvassing board and designate a chairperson, with the municipal clerk acting as clerk. The canvassing board shall then open the list of voters books and the official summary of votes cast of each precinct in the municipality and, from the returns therein, canvass all the votes cast at such election and make written abstracts of the votes cast for each candidate for office or for or against any measure, proposition, or issue that was voted upon at such election. Such canvass of the votes shall be conducted as nearly as possible according to the applicable provisions of Chapter 32 the Election Act pertaining to the official canvass of election returns. All such abstracts of the canvassing board shall be certified by all the members of the board present at the meeting and then filed with the municipal clerk. Each abstract shall be preserved in the clerk's office as a public record for the period of time specified by the State Records Administrator pursuant to the Records Management Act, after which time it may be transferred to the State Archives of the Nebraska State Historical Society for permanent preservation. Upon completion of the canvass, all ballots and supplies shall be safely kept as provided for in section ~~32-499~~ 326 of this act. A quorum of the canvassing board, determined as when the members sit as a council or board of trustees, as the case may be, at a regular meeting, may transact its business.

Sec. 531. That section 19-3041, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3041. After the canvass of the vote at such municipal election has been completed, the municipal clerk shall prepare a certificate of election for each person whom the canvassing board has declared to have received the highest vote, and in the form as nearly as possible prescribed in section ~~32-4111~~ 327 of this act, which shall be signed by the mayor, or the ~~chairman~~ chairperson of the board of trustees, as the case may be, under the seal of the municipality, and countersigned by the municipal clerk, and which shall then be delivered by the municipal clerk to the person so elected.

Sec. 532. That section 19-3050, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3050. If such defeated candidate ~~shall file files~~ a request for such recount, ~~he or she shall he will~~ be deemed thereby to have waived any right that ~~he or she~~ otherwise may have to contest such municipal election by contest proceedings as provided in Chapter 32 the Election Act. Otherwise, the recount proceedings shall be considered cumulative.

Sec. 533. That section 19-3051, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3051. The municipal clerk shall prepare and have printed, at the cost of the municipality, all ballots, forms, and supplies that may be necessary to be used to enable absent electors to so cast their ballots, and shall adapt as nearly as possible all forms therefor that were prepared by the Secretary of State of the State of Nebraska for the preceding state election. The ballots furnished to such electors shall be prepared and printed as other official ballots and shall be made available not less than fifteen days prior to the election, ~~as provided in section 32-848~~. Voters who meet one or more of the requirements specified in ~~subsection (2) of section 32-828~~ 281 of this act may vote an absentee voters' ballot as provided by the Absentee Voters Election Act, except that the ballots will not be available until fifteen days prior to the election, ~~as provided in section 32-848~~. All absentee voters' ballots which have been returned shall be counted on election day as provided in the Absentee Voters Election Act, and the canvass board shall count all absentee voters' ballots returned not later than the second day after the election.

Sec. 534. That section 23-148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-148. The county board of commissioners in all counties having not more than three hundred thousand inhabitants shall consist of three persons, except that the registered voters in any county containing not more than three hundred thousand inhabitants may vote at any general election as to whether their county board shall consist of three or five commissioners. The registered voters of counties under township organization voting as to a change to the commissioner system may vote at the same time as to the number of commissioners desired, except that the registered voters of counties may vote to have the same number of commissioners as there were supervisors in the county pursuant to sections 23-296 and 23-297 and to retain the existing

county supervisor district boundaries until it becomes necessary to draw district boundaries under section ~~32-1057~~ 149 of this act. Upon the completion of the canvass by the county canvassing board, the proposition shall be decided and, if the number of commissioners is increased, vacancies shall be deemed to exist and the procedures set forth in section ~~32-1040~~ 163 of this act shall be instituted.

Sec. 535. That section 23-150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-150. (1) The commissioners shall have the qualifications of electors and shall be registered voters and residents of their respective districts.

(2) Beginning in 1992, any person seeking nomination or election to the county board of commissioners in a county having more than three hundred thousand inhabitants shall have resided within the district he or she seeks to represent for at least six months immediately prior to the date on which he or she is required to file as a candidate for such office. No person shall be eligible to be appointed to the county board in such counties unless he or she has resided in the district he or she would represent for at least six months prior to assuming office.

Sec. 536. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. (1) Each county under commissioner organization having not more than three hundred thousand inhabitants shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 and 23-149 numbered respectively, one, two, three, four, and five. Beginning October 1, 1991, each county having more than three hundred thousand inhabitants shall be divided into seven districts numbered respectively, one, two, three, four, five, six, and seven.

(2) Such districts shall consist of two or more voting precincts comprising compact and contiguous territory and embracing a substantially equal division of the population of the county. District boundary lines shall not be subject to alteration more than once every ten years.

(3) In counties having not more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district but shall be elected by the registered voters of the entire county in counties having a population of more than one hundred fifty thousand but not more than three hundred thousand inhabitants. Beginning in 1992 in counties having more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district.

(4)(a) (3)(a) In counties having more than three hundred thousand inhabitants, the establishment of district boundary lines pursuant to subsection (1) of this section shall be completed not later than October 1, 1991, or within one year after the county attains a population of more than three hundred thousand inhabitants, whichever occurs later. Beginning in 2001 and every ten years thereafter, the district boundary lines of any county having more than three hundred thousand inhabitants shall be redrawn, if necessary to maintain substantially equal district populations, by the date specified in section ~~32-1057~~ 149 of this act.

(b) The establishment of district boundary lines and any alteration thereof under this subsection shall be done by the county board. If the county board fails to do so by the applicable deadline, district boundaries shall be drawn by the election commissioner within six months after the deadline established for the drawing or redrawing of district boundaries by the county board. If the election commissioner fails to meet such deadline, the remedies established in subsection (3) of section ~~32-1059~~ 151 of this act shall apply.

(5) (4) The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session.

(5) Commissioners shall be elected as provided in section 124 of this act. Elections shall be conducted as provided in the Election Act.

(6)(a) In counties in which a majority voted to have five commissioners, the three commissioners of such county whose terms of office will expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors assume office. Two commissioners shall be appointed, pursuant to section ~~32-1040~~, to serve until the first Thursday after the first Tuesday in January following the next general election. At the next general election commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings shall be accepted for terms of two years and for terms of four years so that two

commissioners will be elected to four-year terms at one election and three commissioners will be elected to four-year terms at the next election.

(b) Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor assumes office. Nothing in this section shall be construed to prohibit the reelection of a commissioner holding office if the commissioner is reelected to represent his or her respective district.

(7) In counties having more than three hundred thousand inhabitants, the three commissioners whose terms of office will expire in 1995 shall continue in office until the expiration of the terms for which they were elected and until their successors assume office. At the primary election in 1992, one commissioner in such counties shall be nominated from each odd-numbered district. At the ensuing general election, one commissioner shall be elected from each odd-numbered district. At the primary election in 1994, one commissioner in such counties shall be nominated from each even-numbered district. At the ensuing general election, one commissioner shall be elected from each even-numbered district. Beginning in 1992, each commissioner in such counties shall hold office for four years and until his or her successor assumes office. Nothing in this subsection shall be construed to prohibit the reelection of a commissioner holding office in 1992 or 1994 if such commissioner is reelected to represent the district in which he or she resides.

Sec. 537. That section 23-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-204. On the second Tuesday after such the election under section 23-201 adopting township organization in any county, the county attorney, county clerk, and county treasurer of the county shall meet at the county seat of such county and shall, within three days from and after the first day of meeting, divide such county into seven districts to be known as supervisor districts. Such districts shall be divided as nearly as possible with regular boundary lines and in regular and compact form and shapes, and each of such districts shall as nearly as possible have the same number of inhabitants as any other district. No voting precinct shall be divided by any such district, except that in counties having cities of over one thousand inhabitants and when such cities have more inhabitants than the average outlying district, the county board shall add enough contiguous territory to such city so that the inhabitants in such city and contiguous territory equal the inhabitants of two of the other districts. The county attorney, county clerk, and county treasurer shall then divide the tract thus segregated into two supervisor districts with population as nearly equal as possible, and when so divided, each of the districts shall elect one supervisor who shall reside in such supervisor district and be nominated and elected by the qualified electors registered voters residing in that district. If any such city has more than the requisite inhabitants for two supervisor districts, then sufficient outlying territory may be added to such city to make three supervisor districts. The supervisor in each supervisor district in such city shall reside in such supervisor district and be nominated and elected by the qualified electors registered voters residing in that supervisor district. The remainder of the county outside of such city districts shall be divided so as to create a total of seven supervisor districts, except that if any county under township organization has gone to an at-large basis for election of supervisors under section 32-1058 150 of this act, the board of supervisors of such county may stay on the at-large voting basis.

Sec. 538. That section 23-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-222. All township officers provided for by appointment, as provided for in sections 23-207 to 23-219, shall be filled. The town clerk, town treasurer, and chairperson of the board of supervisors shall be elected pursuant to the Election Act at the next general election held in November following such appointment, and thereafter the officers elected shall qualify and assume their respective offices as provided by law in respect to these offices and shall have the qualifications required by sections 23-214 and 23-215.

Sec. 539. That section 23-268, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-268. At the next general election after the adoption of township organization and the division of the county into supervisor districts, there shall be elected in each supervisor district one supervisor who shall be nominated and elected by the qualified electors of the district from which he or she is elected. The supervisors elected in the odd-numbered districts shall hold their offices for two years, and the supervisors elected in the

even-numbered districts shall hold their offices for four years. County supervisors shall be elected as provided in section 125 of this act. Elections shall be conducted as provided in the Election Act. In city districts, the ballots shall state which one of the supervisors is elected for the odd ~~odd-numbered~~ district and which one for the even-numbered district. Each district shall thereafter elect one supervisor every four years, and each supervisor, after the first election as stated above, shall hold office for the term of four years and until a successor is elected and qualified.

A supervisor elected after November 1986 need not be a resident of the district when he or she files for election as a supervisor from a given district, but a supervisor shall reside in the district in which he or she holds office.

Sec. 540. That section 23-269, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-269. The supervisor districts may be changed after each state and federal census if it appears from an examination that the population has become unequal among the several districts. In the event of any change or amendment of sections 23-201 to 23-299 which may necessitate a change in the boundaries of such supervisor districts or any one of them, the county board shall make such change in boundary at its next regular meeting after such change or amendment takes effect. Those counties under township organization may change their procedures for electing members to their governing board from district to at large or from at large to district following the provisions of section ~~32-1058~~ 150 of this act.

Sec. 541. That section 23-1201.01, Revised Statutes Supplement, 1993, be amended to read as follows:

23-1201.01. (1) Except as provided in subsection (2) of this section, a qualified person need not be a resident of the county when he or she files for election as county attorney, but if elected as county attorney, such person shall reside in the county in which he or she holds office.

(2) If there is no county attorney elected pursuant to section 32-308 118 of this act, the county board of such county may appoint a qualified attorney from any county of the State of Nebraska to the office of county attorney. In making such appointment, the county board shall negotiate a contract with the attorney, such contract to specify the terms and conditions of the appointment, including the compensation of the attorney, which compensation shall not be subject to sections 23-1114.02 to 23-1114.06.

Sec. 542. That section 23-1502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1502. Unless a register of deeds is elected pursuant to section 32-308 114 of this act, the county clerk shall perform all the duties imposed by law upon the register of deeds and shall be ex officio register of deeds.

Sec. 543. That section 23-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1901. (1) It shall be the duty of the county surveyor to make or cause to be made all surveys within his or her county that the county surveyor may be called upon to make and record the same.

(2) In all counties having a population of at least fifty thousand inhabitants but less than one hundred fifty thousand inhabitants, the county surveyor shall be ex officio county engineer and shall be either a registered professional engineer as provided in sections 81-839 to 81-856 or a registered land surveyor as provided in sections 81-8,108 to 81-8,127 or both. In such counties, the office of surveyor shall be full time.

In counties having a population of one hundred fifty thousand inhabitants or more, a county engineer ~~shall be elected who~~ shall be a registered professional engineer as provided in sections 81-839 to 81-856 and shall be elected as provided in section 122 of this act.

(3) The county engineer or ex officio county engineer shall:

(a) Prepare all plans, specifications, and detail drawings for the use of the county in advertising and letting all contracts for the building and repair of bridges, culverts, and all public improvements upon the roads;

(b) Make estimates of the cost of all such contemplated public improvements, make estimates of all material required for such public improvements, inspect the material and have the same measured and ascertained, and report to the county board whether the same is in accordance with its requirements;

(c) Superintend the construction of all such public improvements and inspect and require that the same shall be done according to contract;

(d) Make estimates of the cost of all labor and material which shall be necessary for the construction of all bridges and improvements upon public highways, inspect all of the work and materials placed in any such public improvements, and make a report in writing to the county board with a

statement in regard to whether the same comply with the plans, specifications, and detail drawings of the county board prepared for such work or improvements and under which the contract was let; and

(e) Have charge and general supervision of work or improvements authorized by the county board, inspect all materials, direct the work, and make a report of each piece of work to the county board.

The county engineer or surveyor shall also have such other and further powers as are necessarily incident to the general powers granted.

(4) The county surveyor shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession as provided in sections 23-346 to 23-350.

(5) In counties having a population of one hundred fifty thousand inhabitants or more, the county engineer shall appoint a full-time county surveyor. The county surveyor shall perform all the duties prescribed in sections 23-1901 to 23-1913 and any other duties assigned to him or her by the county engineer. The county surveyor shall be a registered land surveyor as provided in sections 81-8,108 to 81-8,127.

Sec. 544. That section 23-3201, Revised Statutes Supplement, 1992, be amended to read as follows:

23-3201. Each county having a population of more than ~~thirty-five~~ three thousand five hundred inhabitants and having more than ~~twelve one~~ thousand two hundred tax returns in any tax year shall have an elected county assessor. Each other county shall have an elected county assessor or shall have the county clerk serve as county assessor as determined by the electors registered voters of the county in accordance with section ~~32-310~~ 115 of this act.

The county assessor shall work full time and his or her office shall be separate from that of the county clerk except in counties which do not elect a full-time assessor.

For purposes of sections 23-3201 to 23-3210, county assessor shall mean a county assessor or a county clerk who is the ex officio county assessor. For the performance of the duties as county assessor, the county clerk shall receive such additional salary as may be fixed by the county board.

Sec. 545. That section 23-3301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3301. (1) Except as provided in section 23-3302, there shall be a county superintendent of schools shall be elected in each organized county whose term of service shall be four years and who shall be elected at the same time and in the same manner as other county officers on the nonpolitical ballot as provided in section 123 of this act, except that no county superintendent shall be elected in a county (a) having a population of three thousand inhabitants or less and (b) which has been organized into a single school district under the direction of a single board of education and a superintendent of schools elected by that board of education. The superintendent of schools of such a county shall submit all reports and assume the duties required of the county superintendent. A qualified person need not be a resident of the county when he or she files for election as county superintendent, but if elected as county superintendent after November 1994, such person shall reside in the county in which he or she holds office.

(2) In counties or districts having a population of six thousand five hundred inhabitants or more, no person shall be eligible to have his or her name appear on the ballot as a nominee for the office of county superintendent at any primary election, to have his or her name appear on the ballot as a candidate for the office of county superintendent at any general election, or to be issued ~~an election~~ a certificate of nomination or election under the Election Act if he or she is the successful candidate for the office of county superintendent unless he or she holds a Nebraska certificate valid for administration in all elementary and secondary schools and in force on each such occasion except as otherwise provided for in subsection (4) of this section.

(3) In counties having a population of less than six thousand five hundred inhabitants, each nominee, each candidate, and each recipient of ~~an election~~ a certificate issued under the act for the office of county superintendent shall hold a teacher's certificate issued in this state and in force and a baccalaureate degree from a standard institution of higher education and shall have had not less than three years of successful teaching experience if his or her name is to appear on the ballot or if he or she is to receive ~~an election~~ a certificate issued under the act except as otherwise provided for in subsection (4) of this section.

(4) Any person now holding the office of county superintendent in any county who does not have the administrator or teacher's certificate

required in a county of the size of the one in which he or she holds office, as provided by subsection (2) or (3) of this section, shall be eligible to be a candidate, nominee, or recipient of an election certificate for such office to succeed himself or herself in that office, except that a county superintendent referred to in subsection (2) of this section, to be so eligible, must hereafter earn at least nine semester college hours of credit every four years until he or she qualifies for the administrator certificate referred to in subsection (2) of this section.

(5) ~~No person shall be appointed to fill a vacancy who does not, at the time of appointment, have the qualifications required for election to the office. It shall be the duty of the county clerk or election commissioner of each county to notify the Commissioner of Education of the nominations for the office of county superintendent in his or her county and of the election to such office at the time the results of the primary and general elections respectively are ascertained.~~

(6) The county clerk or election commissioner shall refuse to place the name of any candidate on the ballot for such office who has not presented such clerk or election commissioner with a certified statement from the office of the Commissioner of Education that such candidate holds a valid certificate, required under the provisions of subsection (2) or (3) of this section; in the county of such candidate unless the same is not required under subsection (4) of this section.

~~(7) A person may serve as county superintendent in more than one county if approved by the county boards of each of the counties.~~

~~(8) (7) All provisions of law relating to the consolidation of county offices shall apply to the office of county superintendent. When the office of county superintendent is consolidated, the combined population of the counties involved shall be used for the purposes of subsections (2) and (3) of this section.~~

Sec. 546. That section 23-3401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3401. (1) There is hereby created the office of public defender in counties that have or that attain a population in excess of one hundred thousand inhabitants and in other counties upon approval by the county board. The public defender shall be elected as provided in the Election Act, the office of public defender who, in counties having a population in excess of one hundred thousand inhabitants which have not elected a public defender prior to July 10, 1984, shall be elected at the next general election following July 10, 1984, or the year in which the county attains a population of one hundred thousand inhabitants and who, in other counties, shall be elected at the first general election of county officers following approval by the county board and every four years thereafter.

(2) The public defender shall be a lawyer licensed to practice law in this state. He or she shall take office after election and qualification at the same time that other county officers take office, except that upon the creation of such office in any county, a qualified person may be appointed by the county board to serve as public defender until such office can be filled by an election in accordance with this section 119 of this act.

(3) In counties having a population of more than one hundred seventy thousand inhabitants, the public defender shall devote his or her full time to the legal work of the office of the public defender and shall not engage in the private practice of law. All assistant public defenders in such counties shall devote their full time to the legal work of such office of the public defender and shall not engage in the private practice of law so long as each assistant public defender receives the same annual salary as each deputy county attorney of comparable ability and experience receives in such counties.

(4) No public defender or assistant public defender shall solicit or accept any fee for representing a criminal defendant in a prosecution in which the public defender or assistant is already acting as the defendant's court-appointed counsel.

(5) A public defender elected after November 1986 need not be a resident of the county when he or she files for election as public defender, but a public defender shall reside in the county in which he or she holds office, except that in counties with a population of one hundred thousand or less inhabitants, the public defender shall not be required to reside in the county in which he or she holds office.

Sec. 547. That section 23-3534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3534. The elective officers of a local hospital district shall be a board of directors consisting of five members. The members of the first board shall be appointed by the county board and shall be so appointed that



two members shall serve terms ending on the first Tuesday in June following the first statewide primary election following the initial appointment, and three shall serve terms ending on the first Tuesday in June following the second statewide primary election following the initial appointment.

At the first statewide primary election after the initial appointment, two members shall be elected for terms of four years. At the second statewide primary election after the initial appointment, three members shall be elected for terms of four years.

Candidates shall file personal nonpartisan applications with the county clerk or election commissioner as provided in Chapter 32. Their successors shall thereafter be elected for terms of four years each.

Terms of membership on the board of directors which are to expire in 1971 are hereby extended to 1972. Members elected to the board in 1972 shall serve four-year terms, except that if four members of the board are to be elected in 1972, the candidate who receives the fourth highest number of votes shall serve a term of two years. Terms of membership on the board of directors which are to expire in 1973 are hereby extended to 1974. At the election in 1974, two members shall be elected for terms of four years. The successors of all members of the board of directors shall serve four-year terms.

Members of the board shall be elected from the district at large at the time of the statewide primary election. Their terms shall begin on the first Tuesday in June following their election, and they shall serve until their successors are duly elected and qualified. Members shall be elected as provided in section 146 of this act. All qualified electors registered voters of this state who reside within the hospital district on or before the day of the election shall be entitled to vote in such hospital district election. Such election shall be conducted by the appropriate county clerk or election commissioner in accordance with the provisions of Chapter 32.

Any vacancy upon such board occurring other than by the expiration of a term shall be filled by appointment by the remaining members of the board of directors. Any person appointed to fill such vacancy shall serve for the remainder of the unexpired term. If there are vacancies in the offices of a majority of the members of the board, there shall be a special election conducted by the Secretary of State to fill such vacancies.

Sec. 548. That section 23-3557, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3557. In all elections at which the registered voters of hospital districts are voting on the question of issuing bonds of the district, the board of directors shall designate the polling places, prepare the form of ballot, and appoint the election officials. Absent voters' Absentee ballots shall be issued by the secretary of the board of directors in the same manner as provided in the Absentee Voters Election Act, and returned to the secretary. Absentee ballots cast at the election shall be counted by the same board as counted other ballots at the election. When all the ballots have been counted, the returns of such election shall be turned over to the board of directors of the district in which the election was held for the purpose of making a canvass thereof.

Sec. 549. That section 23-3575, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-3575. After determining the sufficiency of the petition presented under section 23-3573, the county board shall by resolution provide for the submission of the question of the merger of the districts at a general, primary, or special election. If a special election is called, the costs of such election shall be borne equally by the districts petitioning for the merger. If the question is submitted at a special election, the county clerk or election commissioner of each county having electors registered voters entitled to vote on the issue shall conduct the special election in such county and shall be responsible for designating the polling places and appointing the election officials, who need not be the regular election officials, and otherwise conducting the election within such county. The county board shall designate the form of ballot.

The county clerk or election commissioner for the county whose county board has received the petition and called the election shall be responsible for giving notice of the special election. Such notice shall be published at least twenty days prior to the election and shall be published, for each district, in a legal newspaper of general circulation in such district. The notice of election shall state where absentee voters' ballots may be obtained pursuant to the Absentee Voters Election Act.

In any such special election, the ballots shall be counted by the county clerks or election commissioners conducting the election and each such county clerk or election commissioner shall designate two disinterested

persons to assist him or her with the counting of ballots. If the question is submitted at the statewide general election or primary election, the ballots shall be counted as provided by law for such elections in the act. When all of the ballots have been counted in each county, the returns of such election shall be canvassed by the county canvassing board.

All elections conducted pursuant to this section shall be conducted as provided under Chapter 327, the act except as otherwise specifically provided for in this section.

Sec. 550. That section 29-3913, Revised Statutes Supplement, 1992, be amended to read as follows:

29-3913. The successor to the judicial district public defender initially appointed shall be elected at the next general election and shall take office at the same time as other elected state officers. The term of office of an elected judicial district public defender shall be ~~for~~ four years. With the exception of being nominated and elected within their respective districts, candidates for such office shall be nominated and elected as nearly as may be practicable in the same manner as candidates for the office of Governor. Candidates for such office shall file with the Secretary of State as provided in section 175 of this act and pay the filing fee provided in section 32-513 176 of this act.

Sec. 551. That section 31-735.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-735.03. When any election for If an election is contested involving a sanitary and improvement district board of trustees, the Election Act shall be contested, the provisions of sections 32-1001 to 32-1001-32 shall apply.

Sec. 552. That section 39-1606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1606. At the first general state election held in November after the organization of the district there shall be elected one trustee for a term of two years, one trustee for a term of four years, and one trustee for a term of six years. Thereafter their respective successors shall be elected for a term of six years at the general state election held in November immediately prior to the expiration of their respective terms. Any resident property owner, desiring to file for the office of trustee of such a road improvement district, may file for such office with the county clerk, or election commissioner in counties having election commissioners, or election commissioner of the county in which the greater proportion in area of the district is located, not later than forty-five days before the election, by paying a filing fee of five dollars. The names of all persons so filing shall be printed on the ballot, but voters may write in the names of any qualified persons for whom they may desire to vote. At the first meeting of the trustees of such district after the election of one or more members at such an election and following each such general state election thereafter, pursuant to section 147 of this act, the board shall elect one of their number president. Such district shall be a body corporate and politic by name of Road Improvement District No. .... of ..... County or ..... Counties, as the case may be, with power to sue, be sued, contract, acquire and hold property, and adopt a common seal. The trustees Each trustee shall each receive as his or her salary the sum of five dollars for each meeting.

Sec. 553. That section 43-2,112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,112. The question of whether or not there shall be established a separate juvenile court in any county having a population of seventy-five thousand or more inhabitants shall be submitted to the qualified electors registered voters of any such county at the first general state statewide general election or at any special election held not less than four months after the filing with the Secretary of State of a petition requesting the establishment of such court signed by electors registered voters of such county in a number not less than five percent of the total votes cast for Governor in such county at the general state election next preceding the filing of the petition. The question shall be submitted to the qualified electors registered voters of the county in the following form:

Shall there be established in ..... County a separate juvenile court?  
..... Yes  
..... No

The election shall be conducted and the ballots shall be counted and canvassed by the regular election officials conducting the general state election in the manner prescribed by law for submission of special propositions to the electors the Election Act.

After a separate juvenile court has been established, the clerk of

the county court shall forthwith transfer to the docket of the separate juvenile court all pending matters within the exclusive jurisdiction of the separate juvenile court for consideration and disposition by the judge thereof.

Sec. 554. That section 43-2,127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,127. After a separate juvenile court has been established, the question of whether it should be abolished shall be submitted to the qualified electors registered voters of any county having adopted same at the first general state election held not less than four months after the filing with the Secretary of State of a petition requesting the abolishment of such court signed by electors registered voters of such county in a number not less than five percent of the total vote cast for Governor in such county at the general state statewide general election next preceding the filing of the petition. The question shall be submitted to the qualified electors registered voters of the county in the following form:

Shall the separate juvenile court in ..... County be abolished.

.....Yes

.....No

The election shall be conducted, and the ballots shall be counted and canvassed, by the regular election official conducting the general state election in the manner prescribed by law for the submission of special propositions to the electors the Election Act.

If the proposition to abolish a separate juvenile court shall be carried by a majority of the electors registered voters voting on the proposition, the jurisdiction, powers, and duties of the separate juvenile court shall cease, and the powers and duties of the county court over juvenile matters shall be reestablished, at the end of the term of the incumbent juvenile judge. After a separate juvenile court has been abolished, the clerk of the county court shall forthwith transfer to the docket of the county court all pending matters theretofore within the exclusive jurisdiction of the separate juvenile court for consideration and disposition by the county court.

Sec. 555. That section 46-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-112. The officers elected in compliance with section 46-110, upon qualifying as hereinafter provided in section 46-113, shall hold their respective offices until the next general election for the irrigation district, when their successors shall be elected. At such general election the member of the board of directors having the highest number of votes shall hold his or her respective office for the a term of three years, the member of the board of directors having the next highest number of votes shall be declared to be elected for a term of two years, and the member of the board of directors having the least number of votes shall be elected for a term of one year. Each year thereafter, one member of the board of directors there shall be elected for a term of three years. Each member one member of the board of directors. The members of the board of directors shall be nominated and elected by a majority vote of the electors registered voters of the division in the irrigation district, and shall be an elector a registered voter of the division for which he or she is to serve as such director. If, after the election, it appears that any two or more persons have an equal and the highest number of votes for the same office, the county board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be elected.

An automatic recount shall be held in accordance with the recount sections in Chapter 32 sections 362 to 365 of this act. The regular election of the district shall be held on the first Tuesday in February.

Sec. 556. That section 46-530, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-530. Within thirty days after entering the final order establishing the district, the department shall enter an order appointing the board of directors named in the petition in accordance with subsection (5) of section 46-516. After the selection of the original board of directors of a district as provided for in subsection (5) of section 46-516, their successors shall be elected at a general election as provided in section 112 of this act. Elections shall be conducted as provided in the Election Act and shall take office on the first Thursday after the first Tuesday in January next succeeding their election. Qualified electors Registered voters of the municipality or municipalities within the territory which composes the territory of a district shall be registered voters qualified electors of such district. A registered voter of a subdivision may only cast his or her ballot for a director to be elected from such subdivision. Such nomination and

election shall be by separate nonpartisan ballot without regard to political affiliation. It shall be the duty of all state and local officers and of all officers of election to perform all duties imposed upon them by the laws of this state pertaining to general elections insofar as is applicable to election of directors of districts organized under the provisions of sections 46-501 to 46-573. All costs incident to the nomination and election of such directors shall be paid by such district.

The candidates for directors of reclamation districts shall file applications for having their names placed on the general election ballot, which applications shall be filed on or before August 1 of each general election year. In such districts the candidates receiving the highest number of votes at the general election shall be declared duly elected to the offices for which they were candidates. Accompanying all applications for election shall be a receipt for the filing fees paid to the county treasurer of the candidate's county of residence, which receipt shall be in the amount of ten dollars.

Sec. 557. That section 46-534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-534. A In addition to the events listed in section 156 of this act, a vacancy on the board of directors shall exist in the event of (1) death, disability or removal from any district of a director, (2) removal of a director from a subdivision in which he or she was a director, or (3) elimination or detachment from a district of the part thereof where a director or directors reside. In the event of a vacancy, from any of said causes or otherwise, such vacancy or vacancies shall be filled by the board of directors. Such appointments shall be in writing and continue for the unexpired term and until a successor is elected and qualified. The written appointment shall be filed with the Secretary of State.

Sec. 558. That section 49-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-204. Public notice that the proposed amendment or amendments to the Constitution of Nebraska are to be voted upon shall be given as provided in the Constitution. The judges and clerks of election shall make return to the county clerk or election commissioner of their respective counties of (1) the number of electors voting at such election at which such amendments are voted upon, (2) the number of electors who voted for such amendment or amendments, and (3) the number of electors who voted against such amendment or amendments. The several county clerks or election commissioners in the different counties shall make return to the board of state canvassers provided for in section 32-4, 104 331 of this act in the same manner and within the same time that they are required to make return of votes cast for officers mentioned described in said such section. All such returns shall be directed to the Secretary of State and transmitted to him or her in a separate abstract from the abstract and return of votes cast for the officers named in said such section.

The returns from the election officers shall be canvassed by the county canvassing board which canvasses the other election returns in the county. The county canvassing board of the county shall determine, from the returns made by the judges and clerks of election, the number of electors voting at the election, the number of electors voting at such election for the amendment or amendments, and the number of electors who voted against the amendment or amendments. It The county canvassing board shall enter its findings in the book wherein in which the canvass of other election returns is made, and from the findings so made, the county clerk or election commissioner shall make the returns to the state board of state canvassers as hereinbefore provided in this section.

Sec. 559. (1) When any proposal submitted by the Legislature is placed on the ballot for a vote of the electorate of the entire state, a statement in clear, concise language explaining the effect of a vote for and a vote against the proposal shall be printed immediately preceding the ballot title. Such statement shall be prepared by the Executive Board of the Legislative Council and submitted to the Secretary of State at least four months prior to the general election for certification to the election commissioners and county clerks along with the ballot titles. Such statement shall be printed in italics and shall be so worded as to not be intentionally an argument or likely to create prejudice either for or against the proposal. The statement shall also be published in italics preceding the ballot title on each proposal published pursuant to section 49-202.

(2) The four-month requirement prescribed in subsection (1) of this section shall not apply to any legislative proposal submitted to the electorate at a special election as provided in Article XVI, section 1, of the Constitution of Nebraska.

Sec. 560. That section 49-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-208. The ballots shall be printed, both official and sample, in conformity with the law provisions of the Election Act regulating ballots at a general election, except that the official ballot shall be printed upon paper of a distinctive yellow color and shall be of uniform size, but any variation in the size of such ballots or in the tincture of yellow employed shall not affect or impair the validity thereof. The separate yellow ballot shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election.

Sec. 561. That section 49-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-209. The form of the ballots prepared in conformity with sections 49-207 and 49-208 and section 559 of this act shall be furnished the county clerks and election commissioners of the several counties of this state at least fifty days before the election at which such proposition or amendments are to be voted upon.

Sec. 562. That section 49-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-210. ~~It is hereby made the duty of the~~ The county clerk or election commissioner of each county ~~to shall see that the list of voters book number one and two and the official summary of votes cast number one and two furnished each voting precinct are suitably printed and ruled so as to enable the election officers to make returns of the votes cast on the various propositions or amendments submitted, and to enable the election officers to make full and complete returns of the facts hereinbefore required of them to be made to the county clerk or election commissioner.~~

Sec. 563. That section 49-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-215. The petition shall contain a provision to the effect that each signer thereof recommends the candidate or candidates for the nomination contained therein. The names of more than two candidates shall not be set forth in any one petition. Each elector signing a petition shall add to his signature his place of residence, in his own handwriting, including the street and number, where there is a street and number. Signers shall conform to sections 197 and 198 of this act. No elector shall sign his or her name to the petition or petitions for the nomination of more than two candidates. Where if an elector has signed his or her name for the nomination of more than two candidates, his or her name shall not be counted for any of such candidates.

Sec. 564. That section 49-218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-218. Nominating petitions shall comply with section 196 of this act and shall be in substantially the following form:

I, ....., do hereby announce myself as a candidate for member of the constitutional convention to be convened December ....., 19...., I reside at ..... in the ..... legislative district, and I will qualify as a member of the constitutional convention if elected.

.....  
To the Secretary of State  
We, the undersigned electors of the ..... legislative district of Nebraska, do hereby petition that ..... be named as a member of the constitutional convention to be convened December ....., 19...., from the ..... legislative district, and we do each hereby separately recommend his or her election as such.

Name	Address
.....	.....
.....	.....
.....	.....

State of Nebraska )  
..... County ) ss.

The undersigned having signed the foregoing petition and being first duly sworn on oath state that the foregoing petition is bona fide in every respect to the best of our knowledge and belief.

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

.....  
Notary Public

The Secretary of State shall prepare and have printed suitable blank forms. Supplies thereof shall be mailed by him to the several county clerks, of Nebraska.

Sec. 565. That section 49-228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-228. All the provisions of the laws of the state relative to general elections Election Act, including corrupt practices, shall apply to all of the elections provided for by sections 49-212 to 49-234 insofar as they are applicable, except there shall be but a single election board to supervise the elections and count the ballots.

Sec. 566. That section 49-238, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-238. All pertinent provisions of Chapter 32 the Election Act and of Chapter 49, article 2, pertaining to elections, including publication of notice, form of ballot, and canvassing of returns, shall be applicable to special state elections called pursuant to sections 49-235 to 49-238. The Secretary of State is hereby authorized to may call county canvassing boards and the board of state canvassers into special sessions to canvass votes cast pursuant to such sections, 49-235 to 49-238. The Secretary of State may is authorized to take all necessary action to implement the provisions of such sections, 49-235 to 49-238.

Sec. 567. That section 49-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1419. (1) Expenditure shall mean a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question. An offer or tender of an expenditure is not an expenditure if expressly and unconditionally rejected or returned.

(2) Expenditure shall include a contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question.

(3) Expenditure shall not include:

(a) An amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expenditure;

(b) An expenditure for communication by a person strictly with the person's paid members or shareholders;

(c) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference;

(d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for any news story, commentary, or editorial in support of or opposition to a candidate for elective office, or a ballot question in the regular course of publication or broadcasting; or

(e) An expenditure for nonpartisan voter registration activities. This exclusion subdivision shall not apply if a candidate or a group of candidates sponsors, finances, or is identified by name with the activity.

This exclusion subdivision shall apply to an activity performed pursuant to Chapter 32, article 2, the Election Act by an election commissioner or other registration official who is identified by name with the activity.

(4) Expenditure for purposes of sections 49-1480 to 49-1492 shall mean an advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, or subscription of money or anything of value, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure. Expenditure shall not include payments for transportation by lobbyists or the cost of communicating positions from a principal to a lobbyist or from a lobbyist to a principal.

Sec. 568. That section 49-1461, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1461. In addition to the campaign statements required to be filed pursuant to the provisions of sections 49-1459 and 49-1462, a ballot question committee shall file a campaign statement as required by the Nebraska Political Accountability and Disclosure Act according to the following schedule:

(1) The first campaign statement shall be filed not later than the last day of the calendar month in which the petition form is filed with the Secretary of State pursuant to subsection (2) of section 32-904 367 of this act. The closing date for the campaign statement shall be five days before

the deadline for filing the first campaign statement;

(2) Additional campaign statements shall be filed on the last day of each calendar month thereafter except for the calendar month during which the signed petitions must be filed with the Secretary of State as provided in section 32-704-02 389 of this act. The closing date for such campaign statements shall be five days before the deadline for filing the statement; and

(3) A final campaign statement shall be filed not later than thirty days after the deadline for filing petitions with the Secretary of State as provided in section 32-704-02 389 of this act. The closing date for the campaign statement shall be twenty-five days after the deadline for filing such petitions.

The campaign statements required to be filed pursuant to this section shall be filed whether or not petitions have or will be filed with the Secretary of State. Any person who fails to file a campaign statement with the commission pursuant to this section shall be subject to late filing fees as provided in section 49-1463.

Sec. 569. That section 51-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-202. When any city council or village board shall have decided decides by ordinance to establish and maintain a public library and reading room under sections 51-201 to 51-219, a library board of five members shall be elected or appointed from the citizens at large, of which board neither the mayor nor any member of the city council or village board shall be a member. The members first elected or appointed shall hold their office, three for terms of four years, and two for terms of two years from the first day of July following their appointment or election, and their successors shall serve four-year terms, except ~~PROVIDED~~, that the city council or village board may by ordinance make the terms of members of the library board for a period of two years.

At the election in 1974 and every fourth year each four years thereafter, two members shall be elected or appointed for four-year terms. In 1976, and every fourth year each four years thereafter, three members shall be elected or appointed for four-year terms. In cases of vacancies by resignation, removal, or otherwise, the city council or village board shall fill such vacancy for the unexpired term. Cities having home rule charters shall have the power to fix by ordinance the number of members and length of terms of members of such library boards. No member shall receive any pay or compensation for any services rendered as a member of the board.

The city council or village board shall by ordinance adopt the manner in which the library board of five members is to be chosen. If the city council or village board by ordinance provides for appointment of the members to the library board, such library board members shall be appointed by a majority vote of the members of the city council or village board. If the city council or village board adopts an ordinance to provide for the election of library board members at municipal elections in April, it shall follow the statutes governing municipal elections. If the municipal election is to be held in conjunction with the statewide primary election, the election shall be held as provided in Chapter 32 the Election Act.

If the board members are to be elected, the city council or village board shall give public notice of such election after the adoption of such ordinance naming the offices to be filled, the length of terms, and the filing deadline for the placing of names of candidates on the ballot.

Sec. 570. That section 53-122, Revised Statutes Supplement, 1993, be amended to read as follows:

53-122. (1) The commission may issue licenses for the sale of alcoholic liquor, except beer, by the drink subject to all the terms and conditions of the Nebraska Liquor Control Act in all cities and villages in this state, except in those cases when it affirmatively appears that the issuance thereof will render null and void prior conveyances of land to such city or village for public uses and purposes by purchase, gift, or devise, under the conditions and in the manner provided in this section.

(2) If a sufficient petition is signed by the registered voters of any such city or village of such number as equals twenty percent of the votes cast at the last general election held in such city or village which requests that the question of licensing the sale of alcoholic liquor, except beer, by the drink be submitted to the registered voters of such city or village at a special election to be called for that purpose and such petition is presented to the clerk of such city or village, the 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 the proposition to be submitted at such special election.

(3) The question of licensing the sale of such alcoholic liquor either by the drink or in the original package, or both by the drink and in the original package, 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:

(a) Upon the filing with the clerk of such city or village of a petition signed by registered voters of such city or village of such number as equals twenty percent of the votes cast at the last general election held in such city or village, such proposition or propositions shall be submitted;

(b) Each sheet of each petition shall contain not more than thirty signatures of registered voters with the personal signatures and addresses of the signers and the date of such signatures, all in the handwriting of the signers, and each signature shall be the same as it appears upon the voter registration records conform to the requirements of section 196 of this act;

(c) 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;

(d) 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 clerk of the city or village; and

(e) At the bottom of each sheet of such petition shall be the affidavit of the person who circulated the petition, stating that the signatures to the petition were made in his or her presence, that he or she has reasonable cause to believe that the signers are registered voters of the particular city or village, and that the signers are the persons they represent themselves to be; and

(f) 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.

(4) Any person who signs any proposal or petition contemplated under this section knowing that he or she is not a registered voter in the place where such proposal or petition is made, who signs any name other than his or her own to such proposal or petition, or who aids or abets any other person in doing any of the acts mentioned, or shall be guilty of a Class I misdemeanor. Any person who bribes, or gives, or pays any money or thing of value to any person directly or indirectly to induce him or her to sign such proposal or petition, who accepts money for signing such proposal or petition, or who aids or abets any other person in doing any of such acts shall be guilty of a Class III misdemeanor IV felony.

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

Shall the sale of alcoholic liquor, 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 liquor, 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 Election Act 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 act Nebraska Liquor Control Act, and a majority vote of those voting on the question shall be mandatory upon the commission.

(6) If the question is to be submitted at a statewide primary or general election, the petitions shall be filed with the clerk of the city or village 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 clerk of the city or village shall verify the signatures on the petitions with the voter registration records 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 clerk of the city or village finds the petitions to be valid, he or she 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 absentee ballots, and counting and canvassing of the same shall be conducted by the county clerk or election commissioner as provided in Chapter 32 the Election Act and the official results certified to the clerk of the city or village.

(7) An election may not be held in the same city or village under this section more often than once every twenty-three months. The provisions of subdivision (5)(g) or (9) of section 53-124 shall not be subject to this section.

Sec. 571. That section 60-484, Revised Statutes Supplement, 1992, be amended to read as follows:

60-484. (1) Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of the State of Nebraska until the person has obtained an operator's license for that purpose. Application for an operator's license shall be made under oath or affirmation on uniform blanks prepared and furnished by the director to the county treasurers, examiners of the Department of Motor Vehicles, and any local examiners. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of the act. In addition to any other information and questions necessary to comply with the requirements and purposes of the act, the application shall include the name, age, post office address, place of residence, date of birth, sex, social security number, and brief description of the applicant, the voter registration portion pursuant to section 70 of this act, and the following:

- (a) Do you suffer from any physical defects that would detract from normal ability to safely operate a motor vehicle?
- (b) Have you suffered dismemberment of foot, leg, hand, or arm?
- (c) Are you subject to vertigo or fainting spells?
- (d) Has your operator's license ever been revoked or suspended in Nebraska or in any other state or jurisdiction in the United States and, if so, give date and period of and reason for each such occurrence.
- (e) Do you wish to register to vote as part of this application process?

OPTIONAL- YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

- (f) Do you wish to make an anatomical gift?\*
- If so, please complete the following:

- I give:
  - (i) ..... any needed organs or tissues.
  - (ii) ..... only the following organs or tissues
  - .....
  - (specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research. (iii) ..... my body for anatomical study if needed.\*\*

Limitations or special wishes if any ..... (f) (g) Do you wish to receive any additional specific information regarding anatomical gifts?

\*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

\*\*In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

.....	.....
Signature of Donor	Date of Birth of Donor
.....	.....
Date Signed	City and State
.....	.....
Witness	Witness

(2) The social security number shall not be printed on the operator's license and shall be used only (a) to furnish driver record information to the United States Selective Service System under section 60-483, (b) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, or (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06.

(3) Each individual who is making an application for an operator's license or a state identification card shall furnish proof of date of birth

and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, a valid United States passport, a valid United States military identification card, United States military discharge papers, or other United States-based identification as approved by the director. A parent or legal guardian of any applicant under the age of eighteen years may sign an affidavit located on the application for an operator's license affirming such applicant's date of birth and identity. The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant.

Sec. 572. That section 60-4,120, Revised Statutes Supplement, 1993, be amended to read as follows:

60-4,120. (1) Except as provided in subsection (4) of this section for persons temporarily out of the state, any person duly licensed or holding a valid state identification card issued under the Motor Vehicle Operator's License Act who loses his or her operator's license or card may obtain a duplicate upon filing with the county treasurer an application and affidavit showing such loss and furnishing proof of identification in accordance with section 60-484. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of five dollars, a duplicate license or card. No more than two duplicates of a license or card may be issued in this manner. Upon the issuance of any duplicate or replacement license or card, the license or card from which the duplicate or replacement is issued shall be void. The five-dollar fee shall be handled by the treasurers in the same manner as original or renewal fees, except that such fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal operator's license fees as provided in section 60-4,115 or original or renewal state identification card fees as provided in section 60-4,181.

(2)(a) If any person changes his or her name because of marriage or divorce or by court order or a common-law name change, he or she shall apply to the county treasurer for a replacement operator's license or state identification card and furnish proof of identification in accordance with section 60-484. If any person changes his or her address, the person shall apply to the county treasurer for a replacement operator's license or state identification card and furnish satisfactory evidence of such change.

(b) Such license or card shall be issued upon payment of a fee of five dollars. The application shall be made within sixty days after the change of name or address.

(3) In the event a mutilated and unreadable operator's license is held by any person duly licensed under the act or a mutilated and unreadable state identification card which was issued under the act is held by a person, such person may obtain a replacement license or card upon showing the original mutilated or unreadable license or card to the county treasurer. A replacement license or card may be issued, without a photograph, to any person who is out of the state at the time of application for the replacement license or card. Such license or card shall state on its face that it shall become invalid thirty days after such person resumes residence in the state. If the county treasurer is satisfied that the license or card is mutilated or unreadable, the county treasurer shall cause to be issued, upon the payment of a fee of five dollars, a replacement license or card. The fee shall be handled by the treasurer in the same manner as the original or renewal fee, except that the fee in each instance shall be credited, allocated, and accounted for by the county treasurer as in the cases of original and renewal operator's license fees as provided in section 60-4,115 or original or renewal state identification card fees as provided in section 60-4,181.

(4) If any person duly licensed under the act loses his or her operator's license or if any holder of a state identification card loses his or her card while temporarily out of the state, he or she may apply for a duplicate operator's license or card without a photograph by filing with the county treasurer an application and affidavit showing such loss. Upon the officer being satisfied that the loss is genuine, the officer shall cause to be issued, upon the payment of a fee of five dollars, a duplicate operator's license or card without a photograph. Upon the issuance of the duplicate, the original license or card shall be void.

(5) Any person holding a valid operator's license or state identification card without a photograph shall surrender such license or card to the treasurer of his or her county of residence within thirty days of resuming residency in this state. After the thirty-day period, such license or card shall be considered invalid. Upon the timely surrender of the license or card and payment of a fee of five dollars, such person shall be issued an

operator's license or card with a color photograph of the licensee included.

(6) An application form for a replacement or duplicate operator's license or state identification card shall include a voter registration portion pursuant to section 70 of this act and the following specific question: Do you wish to register to vote as part of this application process?

Sec. 573. That section 60-4,130, Revised Statutes Supplement, 1993, be amended to read as follows:

60-4,130. (1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,129. The application form shall also include a voter registration portion pursuant to section 70 of this act and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his or her residence to his or her place of employment and return;

(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an affidavit from the applicant's employer setting forth the facts establishing such requirement;

(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the applicant; and

(d) If the applicant is self-employed, an affidavit to the department setting forth the provisions of his or her employment.

(2) Upon making application for such permit, the applicant shall certify that he or she will attend and complete, within sixty days, a driver improvement course presented by the department or show successful completion of the driver education and training course as provided in section 60-4,183. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person fails to return to the department the permit as provided in this subsection, the department shall direct any peace officer or authorized representative of the department to secure possession of the permit and to return the permit to the department. The applicant shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) Any person who fails to surrender a permit, as required by this section, shall be guilty of a Class IV misdemeanor.

(4) A fee of forty dollars shall be submitted to the department along with the application for an employment driving permit. All fees collected shall be deposited in the General Fund.

(5) When the holder of an employment driving permit is convicted, on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation.

(6) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the employment driving permit may appeal to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 60-4,105.

Sec. 574. That section 60-4,130.02, Revised Statutes Supplement, 1993, be amended to read as follows:

60-4,130.02. (1) Application for a medical hardship driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,130.01. The application form shall also include a voter registration portion pursuant to section 70 of this act and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for a medical hardship driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's physician stating that it is necessary for such applicant to receive medical treatment at a location other than the applicant's residence and that the treatment will not impair the applicant's ability to operate a motor vehicle; and

(b) An affidavit stating that there exists no other reasonable alternative means of transportation to and from the site of medical treatment

available to the applicant.

(2) The applicant shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) A fee of forty dollars shall be submitted to the department along with the application for a medical hardship driving permit. All fees collected shall be deposited in the General Fund.

(4) When the holder of a medical hardship driving permit is convicted, on or after the date of issuance of the permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another medical hardship driving permit during that particular period of revocation.

(5) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the medical hardship driving permit may appeal to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 60-4,105.

Sec. 575. That section 60-4,144, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,144. Application for any original or renewal commercial driver's license or application for any change of class of commercial motor vehicle, endorsement, or restriction shall be made upon uniform blanks prepared and furnished by the director to the examiners of the Department of Motor Vehicles. All applications shall be made under oath or affirmation of the applicant and shall include the voter registration portion pursuant to section 70 of this act and the following:

(1) The full name and current mailing and residential addresses of the applicant;

(2) A physical description of the applicant, including sex, height, weight, and eye and hair colors;

(3) The applicant's date of birth;

(4) The applicant's social security number;

(5) The applicant's signature;

(6) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate;

(7) The certification required pursuant to section 60-4,145 or 60-4,146;

(8) The following specific question: Do you wish to register to vote as part of this application process?

(9) Any other information required by the director; and

~~(9)~~ (10) The following questions regarding anatomical gifts:

OPTIONAL-YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

(a) Do you wish to make an anatomical gift?\*

If so, please complete the following:

I give:

(i) ..... any needed organs or tissues.

(ii) ..... only the following organs or tissues

.....

(specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

(iii) ..... my body for anatomical study if needed.\*\*

Limitations or special wishes if any .....

(b) Do you wish to receive any additional specific information regarding anatomical gifts?

\*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

\*\*In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

Signature of Donor

.....  
Date of Birth of Donor

.....  
Date Signed

.....  
City and State

.....  
Witness

.....  
Witness

Sec. 576. That section 60-4,181, Revised Statutes Supplement, 1993, be amended to read as follows:

60-4,181. (1) A state identification card shall be issued by the county treasurer after the person requesting the card (a) files an application with an examining officer, (b) furnishes two forms of proof of identification described in section 60-484, and (c) pays a fee to the county treasurer of fifteen dollars for a card which will be valid for three years or more, eleven dollars and twenty-five cents for a card which will be valid two years or more but less than three years, seven dollars and fifty cents for a card which will be valid for one year or more but less than two years, and three dollars and seventy-five cents for a card which will be valid for less than one year. Two dollars and seventy-five cents of the fee shall be credited to the general fund of the county and shall be included in the report of fees required by law by the county treasurer. An amount of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Computerization and Operations Fund as follows: Four dollars for a card which will be valid for three years or more; two dollars and fifty cents for a card which will be valid two years or more but less than three years; and one dollar and fifty cents for a card which will be valid for one year or more but less than two years. The balance of the fee shall be remitted to the State Treasurer by the county treasurer and credited to the General Fund. The state identification card shall contain the anatomical gift information specified in section 60-494.

(2) The application shall include the name, age, post office address, place of residence, date of birth, sex, and physical description of the applicant, the voter registration portion pursuant to section 70 of this act, and after January 1, 1994, the following: Do you wish to register to vote as part of this application process?

OPTIONAL-YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

- (a) Do you wish to make an anatomical gift?\*
- If so, please complete the following:

I give:

- (i) ..... any needed organs or tissues.
- (ii) ..... only the following organs or tissues

.....  
 (specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

- (iii) ..... my body for anatomical study if needed.\*\*

Limitations or special wishes if any .....

- (b) Do you wish to receive any additional specific information regarding anatomical gifts?

\*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of the human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

\*\*In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

..... Date of Birth of Donor

Signature of Donor ..... City and State

Date Signed ..... Witness

Witness  
 (3) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application for the card contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

Sec. 577. That section 70-604.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-604.03. (1) To establish boundary lines of an operating area coincident with voting precinct or county boundary lines, it shall be permissible to eliminate area from, or add area to, the operating area so that retail distribution areas are identified by reference to whole voting precincts and wholesale distribution areas are identified by reference to whole counties.

- (2) Voting or election precincts may be divided for the purposes of

establishing chartered territory and district elections. The description of such divided precincts may be given by section, township, and range and shall be subject to the approval of the Secretary of State.

(3) Any retail customer whose principal residence is being served by a public power district and whose principal residence is not in the chartered territory of such district may request the district in writing at least fifteen days prior to the certification date for such district, as such date is provided in section 70-611, for the right for each registered voter residing at such residence to vote for, and be eligible to hold office as a member of, the board of directors of such district. The secretary of the district shall cause notice to be given to each such retail customer which reasonably prescribes the manner in which the retail customer may request such right to vote. The notice shall be given by first-class mail and may be included as part of the regular billing statement mailed to a customer, if such billing statement is sent by first-class mail to such retail customer, ~~which mail shall be and the mail is~~ conspicuously marked as to its importance. Such notice shall be given at least sixty days prior to the time the election certification and publication information is transmitted to the Secretary of State pursuant to section 70-611. The district shall certify to the Secretary of State the names of all such retail customers for whom such request to vote has been made along with identification of the voting or election precincts in which such retail customers reside, and each such retail customer shall be a qualified elector registered voter and qualified to hold office as a member of the board of directors, if otherwise qualified to vote.

(4) Any district dividing a precinct pursuant to subsection (2) of this section or certifying retail customers pursuant to subsection (3) of this section shall transmit all necessary information relevant to such division or certification along with the election certification and publication provided for in section 70-611. All additional election costs caused by such division or certification shall be due and payable by the district within thirty days after the receipt of a statement from the county.

Sec. 578. That section 70-604.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-604.04. Interconnections of plant or system primarily for the purpose of rendering emergency or temporary electric service to another electric utility, in order to maintain adequate reserve capacity for all the electric utilities involved or to pool spare plant or system capacity, shall not in itself establish an electric utility as part of the operating area of another for purposes of sections 70-604 to ~~70-604.08, 70-610, 70-612, 70-614, 70-615, and 70-619.~~ Where when a district which purchases electricity for resale actually segregates its distribution system to its customers such that only a portion of its total customers normally receive the electricity transmitted by a given wholesale supplier district, that wholesale supplier district may be required to include in its operating area only that portion of the customers of the supplied district who are so indirectly supplied by electricity from that wholesale supplier district.

Sec. 579. That section 70-604.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-604.08. ~~Any person or persons elected as a director, including, but not limited to, those elected pursuant to sections amended or repealed by Laws 1967, chapter 418, may continue to serve until the expiration of the term of office for which such person or persons have been elected and until his or their successors are elected and qualified.~~

In the event of a reorganization, consolidation, or merger of any district or districts, directors of the districts involved and who are in office at the time of such reorganization, consolidation, or merger may continue to serve as directors of the resulting reorganized, consolidated, or merged district until the expiration of the term of office for which such person or persons have been elected and until his or their successors are elected and qualified.

Sec. 580. That section 70-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-605. The petition for the original creation of a district shall be signed by fifteen percent of the qualified electors registered voters of the municipality or municipalities as defined in subsection (2) of section 70-601 ~~the whose~~ combined territory of which composes the territory of the proposed district. If the municipality is a county or voting precinct, the whole number of votes cast for Governor at the statewide general election next preceding the filing of the petition shall be the basis on which the required number of signatures ~~to~~ on the petition shall be based determined. If the municipality is a city or incorporated village, the number of signatures ~~required to~~ on the petition shall be based on the total number of votes cast

at its general municipal election next preceding the filing of the petition. Signers and circulators of a petition under this section shall comply with sections 197 and 198 of this act. On each petition sheet, opposite the signature of each petitioner, shall be stated the name of the municipality of which he or she is an elector and his or her post office address. To each sheet for petitioners' signatures shall be attached a full and correct copy of the petition.

Sec. 581. That section 70-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-606. The petition for the original creation of a district shall conform to the requirements of section 196 of this act. Every sheet of every such petition containing signatures shall have upon it and below the signatures an affidavit by the circulator in substantially the following form:

STATE OF NEBRASKA

}  
} ss.

COUNTY OF .....

}

..... being first duly sworn, deposes and says, that he is the circulator of the foregoing petition containing ..... signatures; that each person, whose name appears on said petition sheet, personally signed said petition in the presence of affiant; that he believes that each of said signers is a qualified elector of Nebraska and of the municipality written opposite his name; and that affiant stated to every petitioner, before he affixed his signature, the legal effect and nature of said petition.

.....  
Circulator

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

.....  
Notary Public.

Sec. 582. That section 70-610, Revised Statutes Supplement, 1993, be amended to read as follows:

70-610. (1) After the selection of the original board of directors of a district as provided for in sections 70-604 and 70-609, successors shall, except as provided in this section, be nominated and elected as provided in section 108 of this act. Elections shall be conducted as provided in the Election Act, and shall take office subject to the provisions of Chapter 70, article 6. Registered voters residing within the chartered territory and registered voters duly certified in accordance with section 70-604.03 shall be qualified electors of such district, shall be eligible to cast ballots for the directors, and shall be qualified to hold office as members of the board of directors.

Any person filing nomination papers as a candidate for director shall file such nomination papers as provided in Chapter 32.

(2) A candidate for director shall be a qualified elector registered voter residing within the chartered territory or subdivision as defined in the charter of the district or a retail customer duly certified in accordance with subsection (3) of section 70-604.03.

In districts receiving annual gross revenue of less than forty million dollars, the candidates for district director shall not appear on the primary ballot. Candidates for directors of such districts shall file applications for nomination with the Secretary of State on or before August 1 of each general election year. In such districts, the candidates receiving the highest number of votes at the general election shall be declared duly elected to the offices for which they were candidates.

In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the application for nomination in the amount of twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars.

(2) Such nomination and election of directors, as referred to in subsection (1) of this section, shall be by separate nonpartisan ballot. If, after a primary election in a district receiving annual gross revenue of forty million dollars or more, there is a vacancy on the ballot for the board of directors through any cause whatever, the person polling the third highest in the primary shall be the candidate, and if two vacancies exist, then the third and fourth highest in the primary shall be the candidates. If there were no third and fourth highest in the primary, then candidates may file by petition; by securing signatures of ten percent of the legal voters voting for Governor or President within the district at the preceding general election, and if more persons file than there are places vacant, the candidates shall be chosen by drawing for place. Any such petition shall be filed with the Secretary of

State not less than sixty days prior to the general election. The petition shall show the name and address of the candidate; the office to be filled; and the names and addresses of the signers; the truth of which shall be shown by the circulator or circulators thereof by the affidavit filed with such petition. In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the petition in the amount of twenty-five dollars; and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars. A vacancy shall be deemed to exist whenever any person ceases for any reason to be a candidate for the office of member of board of directors for which he or she was nominated in the primary or when no person was nominated for such office in the primary. It shall be the duty of all state and local officers and officers of election to perform all duties imposed upon them by the laws of this state pertaining to primary and general elections; insofar as applicable to the election of directors of districts organized under Chapter 70, article 6.

(3) Each public power district shall pay for the election expenses of nominating and electing its directors as provided in this section. Except as otherwise provided in this section, the district shall pay to each county in which the name of one or more candidates appears upon the ballot as follows: Counties having a population of less than three thousand inhabitants, seventy-five dollars; counties having a population of at least three thousand but less than nine thousand inhabitants, one hundred fifty dollars; counties having a population of at least nine thousand but less than fourteen thousand inhabitants, two hundred dollars; counties having a population of at least fourteen thousand but less than twenty thousand inhabitants, two hundred fifty dollars; counties having a population of at least twenty thousand but less than sixty thousand inhabitants, three hundred dollars; counties having a population of at least sixty thousand but less than one hundred thousand inhabitants, fifteen hundred dollars; counties having a population of at least one hundred thousand but less than two hundred thousand inhabitants, three thousand dollars; and counties having a population of two hundred thousand inhabitants or more, fifty-five hundred dollars. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

When the name of one or more candidates of a district appears on ballots in less than one-half of the precincts in a county, the cost to the district shall be reduced fifty percent. When the name of one or more candidates of a district appears on ballots in less than one-tenth of the precincts in a county, there shall be no cost to the district. Election expenses shall be due and payable by each public power district within thirty days after receipt of a statement from the county.

(4) In lieu of the payment of election expenses pursuant to subsection (3) of this section, a district shall pay for the election expenses of nominating and electing its board of directors pursuant to ~~this~~ subsection (2) of section 368 of this act upon request of a county. The election expenses shall be due and payable by the district within thirty days after receipt from the county of an itemized statement of election expenses owed by the district. ~~For purposes of this subsection, election expenses shall mean the actual costs incurred by each county in which elections are held for the purpose of nominating and electing members of the board of directors.~~ This subsection shall not be construed to authorize reimbursement for expenses not directly attributable to nominating and electing members of the board of directors.

Sec. 583. That section 70-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-611. (1) Not later than February 1 in each even-numbered year, the secretary of the district in districts grossing forty million dollars or more annually shall certify to the Secretary of State on forms prescribed by the Secretary of State the names of the counties in which all registered voters are eligible to vote for public power district candidates; and for other counties the names of the election precincts within each county, excluding the municipalities in which voters are not eligible to vote on public power district candidates. ~~At the same time he shall~~ The secretary shall also certify the number of directors to be elected and the length of terms for which each is to be elected.

(2) Districts ~~Those districts~~ grossing less than forty million dollars annually shall prepare the same type of certification as ~~those~~ districts grossing over forty million dollars annually and file such certification with the Secretary of State not later than July 1 of each



even-numbered year.

(3) The secretary of each district shall, at the time of filing the certification, cause to be published once in a newspaper or newspapers of general circulation within the district a list of the incumbent directors, and naming the counties or election precincts, excluding those municipalities in which voters are not eligible to vote for public power district candidates, in the same general form as the certification filed with the Secretary of State. A certified copy of the published notice shall be filed with the Secretary of State within ten days after such publication.

The term of each member of the board thus elected shall be not more than six years and until his successor is elected and qualified:

Sec. 584. That section 70-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-615. ~~A (1) In addition to the events listed in section 156 of this act, a vacancy on the board of directors shall exist in the event of the (1) death, disability, (a) removal from the chartered area, or resignation of any director, (2) (b) removal from the subdivision from which such director was elected, (3) (c) elimination or detachment from the chartered area of the territory in which a director or directors reside, or (4) (d) expiration of the term of office of a director and failure to elect a director to fill such office at the preceding general election. After notice and hearing, a vacancy shall also exist in the event of the absence of any director for more than two consecutive regular meetings of the board, unless such absences are excused by a majority of the remaining board members.~~

(2) In the event of a vacancy from any of such causes, or otherwise, such vacancy or vacancies shall, except in districts having within their chartered area twenty-five or more cities and villages, be filled by the board of directors. In districts having within their chartered area twenty-five or more cities and villages, vacancies shall be filled by the Governor.

(3) If a vacancy occurs during the term of any director prior to the deadline for filing and the unexpired term extends beyond the first Thursday after the first Tuesday in January following the next general election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election, and candidates may file nomination papers as provided by law for the placing of their names upon the ballot for election to the unexpired term. If a vacancy occurs during the term of any director after the deadline for filing for election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election for which candidates may file nomination papers as provided by law.

(4) At any time a vacancy is to be filled by election, the secretary of the district shall give notice to the public by publishing the notice of vacancy, length of term, and the deadline for filing, once in a newspaper or newspapers of general circulation within the district.

Any appointment shall be filed with the Secretary of State by certified mail.

Sec. 585. That section 70-619, Revised Statutes Supplement, 1992, be amended to read as follows:

70-619. The corporate powers of the district shall be vested in and exercised by the board of directors of the district. No person shall be qualified to hold office as a member of the board of directors unless (1) he or she is ~~an elector a registered voter~~ (a) of such chartered territory, (b) of the subdivision from which a director is to be elected if such chartered territory is subdivided for election purposes as provided in section 70-612, or (c) of one of the combined subdivisions from which directors are to be elected at large as provided in section 70-612 or (2) he or she is a retail customer duly certified in accordance with subsection (3) of section 70-604.03.

Within thirty days after a general election at which a director has been elected to the board of directors of a district, the district shall apply to the Secretary of State for a certificate of qualification for the director to serve the district. The application for such certificate shall be made in writing, signed by the president or chairperson of the board of the district, and attested to by the secretary of the district and shall state that the director has been duly elected at a general election and resides in the chartered territory of the district or is eligible to serve as provided in sections 70-604.03 and 70-610. Upon receipt of such application, the Secretary of State shall investigate whether or not the newly elected director does in fact reside in the chartered territory of the district or is eligible to serve as provided in sections 70-604.03 and 70-610; and if the newly elected director is a bona fide resident or is eligible to serve, the Secretary of State shall issue a certificate of qualification to be served

upon the district confirming the qualification of the newly elected director to serve as the director. If the Secretary of State determines that the newly elected director does not reside in the chartered territory of such district or is not eligible to serve as provided in sections 70-604.03 and 70-610, the Secretary of State shall notify the district of the lack of qualification of such director, and the newly elected director shall be ineligible to serve as a director of the district. A vacancy on the board of directors shall be declared to exist, and such vacancy shall be filled as provided in section 70-615.

No person who is a full-time or part-time employee of the district shall be eligible to serve as a member of the board of directors unless such person resigns or assumes an unpaid leave of absence for the term as a member. The district shall grant such leave of absence when requested by any employee for the purpose of the employee serving as a member of the board of directors. No person shall be qualified to be a member of more than one such district board, except that a director of a rural public power district may serve as a director of another public power district formed or organized for the purpose of generating electric energy or transmitting electric energy exclusively for resale to some other public power districts, rural electric cooperatives, and membership associations or municipalities. No member of a governing body of any one of the municipalities within the areas of the district shall be qualified to serve on the original board of directors under sections 70-603 to 70-609.

Sec. 586. That section 70-624.04, Revised Statutes Supplement, 1992, be amended to read as follows:

70-624.04. Directors and employees of public power districts, public power and irrigation districts, and public utility companies shall be permitted to hold other elective office as provided in section 32-4-159 172 of this act. No contracts of any such public power district, public power and irrigation district, or public utility company shall be void or voidable by reason of such service by its directors or employees.

Sec. 587. That section 75-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-101. (1) The members of the Public Service Commission shall ~~(1) be resident citizens of this state, (2) be qualified voters under the Constitution and laws thereof, and (3) be, registered voters, and,~~ if members of or practitioners in any profession, in good standing according to the established standards of such profession. The members of the Public Service Commission shall be elected as provided in section 105 of this act. A candidate for the office of public service commissioner shall be a resident of the district from which he or she seeks election. Each public service commissioner shall be a resident of the district from which he or she is elected. Removal from the district shall cause a vacancy in the office of public service commissioner for the unexpired term.

(2) No person shall be eligible to the office of public service commissioner who is directly or indirectly interested in any common carrier in the state or out of it or who is in any way or manner pecuniarily interested in any common carrier subject to the provisions of this chapter Chapter 75. If any such commissioner shall ~~become~~ becomes so interested, after election or appointment, his or her office shall become vacant, except that ~~and~~ if any commissioner ~~shall become~~ becomes so interested, otherwise than voluntarily, he or she shall, within a reasonable time, divest himself or herself of such interest, and, failing to do so, his or her office shall become vacant.

(3) A commissioner shall not hold any other office under the government of the United States, of this state, or of any other state and shall not, while such commissioner, engage in any other occupation.

Sec. 588. That section 77-370.01, Revised Statutes Supplement, 1992, be amended to read as follows:

77-370.01. The Department of Revenue shall securely insert two voter registration cards in each state individual income tax booklet for tax year 1991 and every odd-numbered tax year thereafter. The voter registration cards shall be in the form prescribed in section 32-221 81 of this act, and the provisions of such ~~section~~ the Election Act applicable to voter registration by mail shall apply.

The department shall be responsible for printing the voter registration cards and shall be reimbursed the cost of printing such cards from the General Fund. The department shall forward to the Secretary of State any voter registration cards returned to the department, and the Secretary of State shall forward such voter registration cards to the appropriate election commissioner or county clerk.

The department shall adopt and promulgate rules and regulations to carry out this section.

Sec. 589. That section 79-322, Revised Statutes Supplement, 1992, be amended to read as follows:

79-322. The State Board of Education shall be composed of eight members who shall be elected as provided in section 107 of this act, on a nonpartisan ballot from districts as provided by law. At the general election in 1968, four persons shall be elected as members to the board, one from district one for a term of four years, one from district two for a term of four years, one from district seven for a term of two years, and one from district eight for a term of two years; at the general election in 1970, two members shall be elected as members of the board, one from district five for a term of four years and one from district six for a term of four years; and at the general election in 1972, two members shall be elected as members of the board, one from district three for a term of four years and one from district four for a term of four years. At the general elections thereafter, the members of the board whose terms expire shall be elected for terms of four years or until their successors are elected and qualified. Vacancies shall be filled as provided for in section 79-324. The members representing districts six and seven on September 6, 1991, shall thereafter represent districts seven and six, respectively. The member representing district five on September 6, 1991, shall represent the new district five as it is established by Laws 1991, LB 619, for the balance of his or her term.

Sec. 590. That section 79-323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-323. No person shall be eligible to membership on the State Board of Education (1) who is actively engaged in the teaching profession, (2) who is a holder of any state office, a member of a state board or commission, or a candidate for any state office, board, or commission, or (3) unless he or she is a citizen of the United States, a resident of the state for a period of at least three years six months, and a resident of the district from which he or she is elected for a period of at least two years six months immediately preceding his or her election.

Sec. 591. That section 79-426.05, Revised Statutes Supplement, 1992, be amended to read as follows:

79-426.05. There is hereby established in each county in the state a committee for the reorganization of school districts to be known as the county committee. Each county committee shall be composed of not less than seven nor more than twelve members. The county committee of the county in which the schoolhouse or the administrative office of a joint school district lying in two or more counties is located shall be designated to have within its jurisdiction the territory of such joint school district for the purpose of organizing school districts.

All of the members of the school boards and boards of education within the county and joint school districts under the jurisdiction of a county committee shall, at a meeting called for such purpose by the county superintendent of schools within one hundred twenty days from July 9, 1988, and each four years thereafter, determine by a majority vote of those present the number of members of the county committee within the limits prescribed in this section, except that notwithstanding section 79-803-11, no more than six members of the board of education of a Class III school district shall be entitled to vote at the meeting. One member of the county committee shall be the county superintendent of schools, who shall serve as a nonvoting member of the committee, and each class of school district within the county shall have one member on the committee. The remaining members shall be elected from any Class I school district not associated with a Class VI school district and any Class II, III, IV, V, or VI school district within the county so that the total committee membership is as nearly as possible in the proportion that the total school census for children from birth through twenty years of age in each class of school district within the county bears to the total school census for children from birth through twenty years of age in all school districts within the county. The school boards or boards of education representing each class of school district within the county and joint school districts under the jurisdiction of such county shall vote as separate units to select their representatives for the county committee. The members so elected shall serve four-year terms.

No member of a county committee shall continue to serve thereon if he or she ceases to be a resident of the county, the joint school district under the jurisdiction of that county committee, or the school district from which he or she was elected. At the expiration of their terms, successors to members of the county committee shall be elected for terms of four years in the same manner as the initial election. A vacancy in the membership of the county committee shall be filled for the unexpired term by a representative of the same class of school district as the previous member and shall be chosen

by the remaining members of the county committee. Members of the county committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties, with mileage reimbursements to be computed at the rate provided in section 23-1112 for county officers and employees, the reimbursement to be allowed and paid from funds appropriated by the county board.

The county committee may employ professional and clerical help, and the cost of these services shall be paid from funds appropriated by the county board. It shall be the duty of the county superintendents of each of the several counties to submit to their respective county boards a recommended sum to be appropriated for school district reorganization purposes.

Sec. 592. That section 79-426.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.15. (1) Not less than thirty nor more than sixty days after the designation of the plan as final approved plan, the proposition of the adoption or rejection of the proposed plan of reorganization shall be submitted at a special election to all the electors of districts within the county whose boundaries are in any manner changed by the plan of reorganization, including the boundaries of Class VI school districts ~~of the sixth class~~ if such plan includes a Class I school district which is entirely within a Class VI school district, ~~of the sixth class~~.

(2) Notice of the election, provided for by subsection (1) of this section, shall be given by the county clerk or election commissioner and shall be published in a legal newspaper of general circulation in the county at least ten days prior to the election. The election notice shall (a) state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the plan of reorganization, (b) contain a description of the boundaries of the proposed district, and (c) contain a statement of the terms of the adjustment of property, debts, and liabilities applicable thereto.

(3) All ballots shall be prepared and the special election, referred to in subsection (1) of this section, shall be held and conducted by the county clerk or election commissioner and the expense of such election is to be paid by the county board or boards, if more than one county is involved as provided in subsection (4) of this section. The county clerk or election commissioner shall use the duly appointed election board, or appoint two judges and two clerks who shall be qualified electors of the territory of the proposed school district. The election shall be held at a place or places within the proposed district which shall have been determined by the county clerk or election commissioner to be convenient for the voters.

(4) ~~Where~~ if the proposed plan of reorganization, referred to in ~~subsection (1) of this section,~~ involves a district under the jurisdiction of another county committee, the county clerk or election commissioner of the county which has the largest number of pupils residing in the proposed joint district shall give the notice, required by ~~the provisions of~~ subsection (2) of this section, in a newspaper of general circulation in the territory of the proposed district, and prepare the ballots, and such election shall be held and conducted by the county clerk or election commissioner of each county involved in the proposed reorganization, in accordance with the provisions of Chapter 32 Election Act. Each county board shall bear a share of the total election expense in the same proportion that the number of electors residing in the proposed district in one county stands to the whole number of electors in the proposed district.

(5) In any election held, as ~~is~~ provided for in ~~subsections (1) to (4) of this section,~~ all districts of like class shall vote as a unit, except ~~PROVIDED,~~ that Class I school districts of the first class within the boundaries of which are located an incorporated village or city shall constitute a separate voting unit, and Class I school districts of the first class which do not have within their boundaries an incorporated village or city shall constitute a separate voting unit.

(6) Approval of the plan, referred to in subsection (1) of this section, at the special election, required by subsection (1) of this section, shall require a majority of all electors voting within each voting unit included in the proposed plan.

Sec. 593. That section 79-426.19, Revised Statutes Supplement, 1992, be amended to read as follows:

79-426.19. Within thirty days after the classification by the county superintendent of schools of the reorganized school districts, the county reorganization committee shall appoint from among the qualified electors of each new school district created the number of members necessary to constitute a school board or board of education of the class in which the new school district has been classified. A reorganized school district shall

be formed and organized and shall have a governing board not later than April 1 following the last legal action, as prescribed in section 79-426.18, necessary to effect the changes in boundaries as set forth in the plan of reorganization although the physical reorganization of such reorganized school district may not take effect until June 1. The first board shall be appointed on an at-large basis, and all boards shall be elected at large until such time as school districts are established as provided in section 32-1058 150 of this act. If the new school district involves territory lying in two or more counties, the school board or board of education shall be appointed by the joint action of the county reorganization committees involved.

In appointing the first board of a Class II school district, the members shall be appointed so that the terms of three members shall expire on the first Tuesday in June of the first even-numbered year and the terms of the three remaining members shall expire on the first Tuesday in June of the second even-numbered year following their appointment. At the statewide primary election in the first even-numbered year after the reorganization, there shall be elected in each Class II school district three board members to terms of four years, and thereafter all candidates shall be elected to terms of four years. Each member's term shall begin on the first Tuesday in June following his or her election.

In appointing the first board of a Class III school district with a six-member board serving terms of four years, the terms of three members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of the three remaining members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

In appointing the first board of a Class III school district with a nine-member board serving terms of four years, the terms of four members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of five members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

Thereafter all Class III school boards shall be elected to terms of four years.

The school board or board of education so appointed shall proceed at once to organize in the manner prescribed by law.

Sec. 594. That section 79-426.25, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.25. If the proposal provided for in section 79-426.23 has been approved by the county committee or the state committee for the reorganization of school districts or the State Committee for the Reorganization of School Districts, or both, the county superintendent shall, within ten days after receipt of the petition from the county committee, so notify the school board of the Class I or II district and the school board shall, within fifteen days, set a date for a special election for the purpose of submitting the proposal to the legal voters of the district. At least twenty days' notice of such election shall be given by publication twice in a newspaper of general circulation in the district, the latest publication to be not more than one week before the election. If there ~~be is~~ no such newspaper, notice shall be given by posting it on the door of the schoolhouse and at least four other public places throughout the district. The proposal shall not be submitted to a special election more than once in any calendar year. Legal voters may cast their ballots, written or printed, between the hours of 12 noon and 8 p.m. on the date of such election. The county clerk or election commissioner of the county which has the largest number of pupils residing in the district shall conduct such special election in accordance with the provisions of Chapter 32, Election Act and shall record the names and residence of persons voting thereat. The ballots shall be canvassed as provided in section 79-426.15.

Sec. 595. That section 79-439.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-439.01.~~ No person shall file for office, be nominated, or elected, or serve as a member of a school board of education in any class of school district unless he or she is a registered voter in such district.

Sec. 596. That section 79-462, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-462.~~ Every vacancies in each school district office shall occur as set forth in section 166 of this act and be filled according to such section, become vacant by the death, resignation, removal from office, or removal from the district of the incumbent, by his absence from the district for a continuous period of sixty days at one time, or by his absence from more

than two consecutive regular meetings of the board, unless excused by a majority of the remaining members of the board.

Sec. 597. That section 79-522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-522. The provisions of sections Sections 79-530 to 79-540 79-538 shall apply to Class IV and V districts only.

Sec. 598. That section 79-601.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-601.01. The qualified voters of a Class I school district of Class I having a school census of more than one hundred fifty persons may, at an annual or special meeting by a favorable vote of fifty-five percent of the persons in attendance and voting, change to a six-member board. The , and if at such an election fifty-five percent of the persons in attendance and voting, approve a six-member board, then such district shall continue to have a six-member board until fifty-five percent of the persons in attendance and voting at an annual or special meeting vote to change to a three-member board. Such board Board members of a six-member board shall be elected in the same manner as is provided for in the election of board members in Class II districts as provided in section 137 of this act or as provided for in subsection (3) of section 79-601. All teachers elected by such a district must meet the same qualifications as do the teachers in Class II districts.

Sec. 599. That section 79-701, Revised Statutes Supplement, 1992, be amended to read as follows:

79-701. (1) A Class II school district shall be created whenever a Class I school district determines by a majority vote of the electors qualified voters at an annual or special meeting to establish a high school.

(2) The members of the school board serving when it is decided to establish a high school shall continue in office until the first Tuesday in June following the next statewide primary election. The Class II school district board shall be elected pursuant to section 138 of this act, at which election a six-member board shall be elected. The three members receiving the highest number of votes shall be elected for terms of four years; and the three members receiving the next highest number of votes shall be elected for terms of two years.

(3) (a) If a Class II school district, by a vote of fifty-five percent of the legal qualified voters voting at an annual or special meeting, decides to discontinue the high school and close the same, the school district shall thereupon become a Class I school district on the date designated by such voters. At such meeting a decision shall be made as to when the new school board shall be elected and whether the board shall consist of three members or six members. No new Class I school district shall establish a six-member board unless the school district contains a minimum of one hundred fifty children who are five through twenty years of age. The school board of the existing Class II school district shall remain in office until the effective date for the formation of the new Class I school district.

(b) If the new school board is to consist of three members, such members shall be elected at the time the electors vote to change from a Class II school district to a Class I school district or at any annual or special meeting held not less than thirty days prior to the effective date of the change from a Class II school district to a Class I school district. At the annual or special meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years, and regularly thereafter their successors shall be elected for terms of three years each. All officers so elected shall hold their offices until successors are elected and qualified. After such change becomes effective, the school district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

(c) If the new school board is to consist of six members, such members shall be elected after school district electors have voted to change from a Class II school district to a Class I school district. The procedure for electing board members shall be as prescribed in section 137 of this act or as prescribed in subsection (3) of section 79-601, except that such election may be held at any annual school meeting or at a special school meeting called for the purpose of electing school district officers.

(4) (3) No school district may change from Class I to Class II unless that school district has an enrollment of not less than one hundred pupils in grades nine through twelve. This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

Sec. 600. That section 79-802, Revised Statutes Supplement, 1992, be amended to read as follows:

79-802. All Class III school districts shall be under the direction

and control of the school boards of education authorized by section 79-803.07 elected pursuant to section 139 of this act. The schools of such school district shall be free to all children who are five through twenty years of age whose parents or guardians are legal residents of such school district and all children of school age, nonresidents of the school district, who are or may be by law allowed to attend the schools without charge.

Sec. 601. That section 79-803.03, Revised Statutes Supplement, 1993, be amended to read as follows:

79-803.03. (1) The board of education of a Class III school district of which more than seventy-five percent of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected by the registered voters of the school district at the time of the statewide primary election as provided in section 139 of this act and also may include one or more nonvoting student members selected pursuant to section 79-547.02. Until the registered voters of the district vote not to continue to have a caucus for nominations pursuant to subsection (2) of this section, a caucus shall be held pursuant to subsection (3) of this section not less than seventy days prior to the holding of the election to nominate two or more candidates for each vacancy to be voted upon at the election to be held in conjunction with the statewide primary election. If the registered voters vote not to continue to have a caucus, candidates shall be nominated at a primary election held in conjunction with the primary election for the city of the metropolitan class. Two members shall be elected at each general election for a term of six years. No candidate nominated shall have his or her name placed upon the ballot for the general election unless, not more than ten days after his or her nomination, he or she files with the secretary of the board of education a written statement accepting the nomination. The secretary of the board of education shall certify the names of the candidates to the election commissioner or county clerk who shall prepare the official ballot listing the names as certified and without any area designation. All registered voters residing within the school district shall be permitted to vote at such election.

(2) The board of education may place before the registered voters of the school district the issue of whether to continue to have a caucus for nominations by adopting a resolution to do so and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The registered voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the signatures of the registered voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of registered voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(3) A school district which uses a caucus for nominations shall develop rules and procedures for conducting the caucus which will ensure:

(a) Publication of the rules and procedures by multiple sources if necessary so that every resident of the school district has access to information on the process for placing a name in nomination and voting at the caucus;

(b) Facilities for voting at the caucus which comply with the federal Americans with Disabilities Act of 1990 and which will accommodate a reasonably anticipated number of registered voters;

(c) Election security which will provide for a fair and impartial election, including the secrecy of the ballot, one vote per registered voter, and only registered voters of the school district being allowed to vote;

(d) Equal access to all registered voters of the school district, including the presence of an interpreter at the caucus at the expense of the school district and ballots for the visually impaired to provide access to the process by all registered voters of the school district;

(e) Adequate time and opportunity for registered voters of the school district to exercise their right to vote; and

(f) Notification of nomination to the candidates and to the secretary of the board of education.

The rules and regulations shall be approved by the election commissioner or county clerk prior to use for a caucus.

Sec. 602. That section 79-803.11, Reissue Revised Statutes of

Nebraska, 1943, be amended to read as follows:

79-803.11. (1) A Class III school district whose board of education consists of six members may by resolution provide for an increase in the number of members from six to nine, and the county clerk or election commissioner with the aid of the elected secretary of the board of education of the district shall determine the length of terms for which candidates shall be nominated and elected. The board of education shall appoint members to fill the three vacancies thus created in the manner prescribed in section 79-464 166 of this act.

(2) A Class III school district whose board of education consists of nine members may by resolution provide for decreasing the number of members of the board of education from nine to six. When such decrease is provided for, three of the vacancies which would otherwise occur at the next election shall not be filled. After the adoption of such resolution, the county clerk or election commissioner, with the assistance of the secretary of the board of education, shall determine the length of the term for which candidates shall be nominated and elected.

Sec. 603. That section 79-902.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-902.01. The board of education of a Class IV school district shall consist of seven members and also may include a nonvoting student member or members selected pursuant to section 79-547.02. Except as otherwise provided in this section, voting Voting members shall be elected for four years as provided in section 140 of this act. Voting members of the board shall enter upon the duties of their office on the third Monday of the month in which they are elected. Vacancies in office shall occur as set forth in section 32-1037 or when a member elected from a district no longer resides in such election district. Whenever any vacancy occurs on the board, the remaining members shall appoint an individual residing within the geographical boundaries of the school district and within the geographical boundaries of the election district of the member whose term has become vacant in the manner prescribed in section 79-464. Nonstudent candidates for the board of education shall be nominated and elected at the same time as members of the city council. No filing fee shall be required of such candidates. After the next federal decennial census, the election commissioner of the county in which the greater part of the district is situated shall, subject to review by the school board, divide the school district into seven numbered districts, substantially equal in population as determined by the most recent federal census. The election commissioner shall consider the location of schools within the district and their boundaries. A member of the board shall be elected from each such district, except that a student member may be selected pursuant to section 79-547.02. Candidates shall be nominated from the district at the primary election upon a nonpolitical ballot. The names of the two candidates receiving the highest number of votes at such primary election in each district designated by the election commissioner shall be placed upon an official ballot for the board of education to be elected at large at the general city election. Members of the board of education shall serve until the expiration of their terms. At the general city election in 1979 and each four years thereafter, one member shall be elected from each of the even-numbered districts. At the general city election in 1981 and each four years thereafter, one member shall be elected from each of the odd-numbered districts. A seventh member of the board shall be elected at large in 1987 for a two-year term. In 1989, a seventh member of the board shall be elected at large for a four-year term. Commencing in 1993, all seven members of the board shall be elected by district. The election commissioner shall adjust the boundaries of the election districts, subject to final review and adjustment by the school board, to conform to changes in the territory and population of the school district and also following each federal decennial census. Except when specific procedures are otherwise provided, section 32-1057 shall apply to all Class IV school districts.

Sec. 604. That section 79-1003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1003. The board of education of a fifth-class Class V school district shall consist of twelve members and also may include a nonvoting student member or members selected pursuant to section 79-547.02. The election commissioner of the county in which the greater part of such district is situated shall divide the school district into twelve numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. A member of the board shall be elected from each district pursuant to section 141 of this act, except that and a student member may be selected pursuant to section 79-547.02. Such elected member shall have been a resident of the district for at least six months prior to the election. Each candidate



for election to and each member of the board of education shall be a taxpayer in and a resident of the district of such school district as designated by the election commissioner. At each general election six members of the board shall be elected to serve for four years from and including the first Monday of the January following their election, or until their successors are elected and qualified. All persons elected as members of the board of education shall, before the first Monday in January following their election or, in the case of a student member, following his or her designation, take and subscribe to the usual oath of office. In case any person so elected shall fail to do so to do, his or her election shall be void, and the vacancy thereby occasioned shall be filled by the board. Candidates shall be nominated at the primary election upon a nonpolitical ballot. The names of the two candidates receiving the highest number of votes at such primary election in each district designated by the election commissioner shall be placed upon the official ballot for the board of education at the general election. For the general board of education election, the ballot shall be prepared in substantially the same form and the names rotated as is provided for election of other nonpolitical candidates, and the person receiving the highest number of votes in each district designated by the election commissioner shall be elected to the board of education. Any person who shall be a candidate at the primary election shall, at least sixty days prior to the primary, file with the officer authorized to conduct such election a statement of candidacy setting out his or her qualifications and willingness to abide by the election; such statement to be subscribed and sworn to before a notary or other person qualified to take oaths. There shall be no filing fee or any other requirement than the statement above provided for to enable qualified electors to become candidates for the board of education. Members of the board of education on January 1, 1976, shall serve until the expiration of their terms. At the general election in 1976 and each four years thereafter, one member shall be elected from each of the even-numbered districts. At the general election in 1978 and each four years thereafter, one member shall be elected from each of the odd-numbered districts. The election commissioner shall adjust the boundaries of such districts to conform to changes in the territory of the school district and following each federal decennial census.

Sec. 605. That section 79-1103, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1103. (1) The governing body of each Class VI school district shall be a board consisting of a president, a vice president, a secretary, a treasurer, and two other voting members, to be chosen in the manner prescribed in this section elected as provided in section 142 of this act, and also may include one or more nonvoting student members selected pursuant to section 79-547.02. The board shall have the same powers and duties as and shall be governed by the provisions of law governing the school boards in Class I and II school districts for purposes authorized by law, except that the board may undertake building projects and expend money from a special fund established pursuant to section 79-547.04 in the same manner and subject to the same restrictions as any Class II, III, IV, or V school district, and for such purposes section 79-606 shall not apply. The fiscal year of Class VI school districts shall be the same as that of Class III school districts. The annual meetings as provided in section 79-501 shall not apply to any Class VI school district.

(2) Elections of nonstudent members of boards of education of Class VI school districts shall be held in accordance with section 79-550-01. The term of office for such nonstudent members shall begin on the second Monday in June following their election and shall continue for four years and until the members' successors are duly elected and qualified.

(3) Persons may be nominated for the board of education of Class VI school districts either by petition or by direct filing, except that a student member may be selected pursuant to section 79-547-02. If nominated by petition, the procedure shall be governed by section 32-504; and if nominated by direct filing, the procedure shall be governed by Chapter 32. The deadline for direct filing and for filing petitions shall be sixty days prior to the primary election. There shall be no filing fee.

(4) Upon completion of the canvass of the votes, the county clerk or election commissioner shall declare the proper candidates elected and shall issue election certificates to the elected candidates.

(5) The board shall elect from its members a president, a vice president, a secretary, and a treasurer at the first regular board meeting after the newly elected board members have been sworn in and prior to conducting any other business.

(6) Any vacancy on the board, other than the position of student member, shall be filled pursuant to section 79-464.

Sec. 606. That section 79-1109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1109. The electors of any Class VI school district may, by a fifty-five percent majority affirmative vote of those present and voting on the issue at an annual or special meeting or special election of the district, extend the grade offerings of that district to include grades seven and eight. If by special election, such election shall be conducted by the county clerk or election commissioner in accordance with the provisions of Chapter 32 Election Act. Such a school district would thenceforth then be known as a Class VI junior-senior high school district and would be supported in the same manner as was provided for the support of the district previous to the extension of its grade offerings. ~~In  $\uparrow$  PROVIDED, that in such an election, the electors of all Class I school districts in which there is located an incorporated city or village shall vote separately and the remaining Class I school districts shall vote separately as a unit either for a plan for the individual district or with more districts as determined by the vote by the election. Fifty-five  $\uparrow$  AND PROVIDED FURTHER, that fifty-five percent of the votes cast in each voting unit shall be in favor of the proposition to put such a plan into operation.~~

Sec. 607. That section 79-2203, Revised Statutes Supplement, 1992, be amended to read as follows:

79-2203. (1) Each educational service unit shall be governed by a board to be known as the Board of Educational Service Unit No. .... The educational service unit board shall be composed of one member from each county and four members at large, all of whom shall reside within the geographical boundaries of the educational service unit, but no more than two of the members at large shall be appointed or elected from the same county unless any one county within the educational service unit has a population in excess of one hundred fifty thousand inhabitants or the educational service unit consists of only one county. Successors to the members initially appointed shall be elected for terms of four years. County candidates shall file their written applications with the county clerk or election commissioner no later than August 1 prior to the general election. Candidates for the position of members at large shall file their written applications with the Secretary of State no later than August 1 prior to the general election. No filing fee shall be required. pursuant to section 111 of this act.

(2) Vacancies in office shall occur as set forth in section 32-1037 156 of this act. Whenever any vacancy occurs on the board, the remaining members of such board shall appoint an individual residing within the geographical boundaries of the educational service unit to fill such vacancy for the balance of the unexpired term.

(3) Members of the board shall receive no compensation for their services but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties under sections 79-2201 to 79-2224 as provided in sections 81-1174 to 81-1177.

~~(2)~~ (4) Except as provided in subsection ~~(2)~~ (5) of this section, any local joint school district located in two or more counties shall be considered a part of the educational service unit in which the greater number of school-age children of such joint school district reside. All qualified electors of any such joint school district shall be eligible to hold office as the county representative of the county in which the greater number of school-age children reside. Any qualified elector of any joint school district shall be eligible to hold office as the at-large representative if such elector resides within the geographical boundary of the school district comprising the educational service unit.

~~(3)~~ (5) Any Class I district which is part of a Class VI district shall be considered a part of the educational service unit of which the Class VI district is a member. If the Class VI district has removed itself from an educational service unit in accordance with section 79-2202.02, each Class I district which is part of such Class VI district may continue its existing membership in an educational service unit or may change its status relative to membership in an educational service unit in accordance with section 79-2202.06. The patrons of a Class I district maintaining membership in an educational service unit pursuant to this subsection shall have the same rights and privileges as other patrons of the educational service unit, and the taxable valuation of the taxable property within the geographic boundaries of such Class I district shall be subject to the educational service unit's tax levy established pursuant to section 79-2210.

~~(4)~~ (6) The administrator of each educational service unit, prior to ~~March~~ July 1 of each year in which a state statewide primary election is to be held, shall certify to the election commissioner or county clerk of each county located within the unit the corporate name of each school district, as

described in section 79-401, located within the county. If a school district is a joint school district located in two or more counties, the administrator shall certify to each election commissioner or county clerk the unit of which the school district is considered to be a part.

Sec. 608. That section 79-3820, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3820. (1) A district may exceed by an additional one percent the applicable allowable growth percentage prescribed in section 79-3817 upon an affirmative vote of at least seventy-five percent of the board. The vote shall be taken at a public meeting of the board following a special public hearing called for the purpose of receiving testimony on such proposed increase. The board shall give at least seven calendar days' notice of such public hearing and shall publish such notice at least once in a newspaper of general circulation in the district.

(2) A district may exceed the applicable allowable growth percentage prescribed in section 79-3817 by an amount approved by a majority of registered voters voting on the issue at a special election called for such purpose upon the recommendation of the board or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least five percent of the registered voters of the district. The recommendation of the board or the petition of the voters shall include the amount and percentage by which the board would increase its general fund budget of expenditures for the ensuing school year over and above the current year's general fund budget of expenditures. The county clerk or election commissioner shall call for a special election on the issue within fifteen days of the receipt of such board recommendation or voter petition. The election shall be held pursuant to the provisions of Chapter 32 governing special elections Election Act, and all costs shall be paid by the district.

Sec. 609. Every state civil office filled by appointment shall be vacant upon the happening of any one of the events listed in section 156 of this act except as provided in section 157 of this act. The resignation of the incumbent of such a civil office may be made as provided in section 158 of this act. Vacancies in such a civil office shall be filled as provided in section 163 of this act and shall be subject to section 159 of this act.

Sec. 610. That section 81-1632, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1632. (1) Any school district may apply to the State Energy Office for an energy efficiency loan from the School Weatherization Fund, which fund is hereby created. Loans received pursuant to this subsection shall only be used for energy efficiency projects which are approved by the State Energy Office at the time the loan is approved. Energy efficiency projects may include studies, programs, building and equipment improvements, the purchase or conversion of vehicles to operate on alternate fuel, and the purchase and installation of fueling facilities for alternate-fuel vehicles. For purposes of this subsection, alternate fuel shall mean ethanol, methanol, electricity, compressed natural gas, liquefied natural gas, propane, and any other alternative fuel approved and recognized by the United States Department of Energy.

(2) The State Energy Office shall approve energy efficiency loan applications for proposed projects which will reduce energy use or result in a more efficient use of available energy resources. Any such loan not denied within forty-five days of its submission shall be considered approved. In determining whether to approve, reduce, or deny such application, the State Energy Office shall consider the type of project proposed and, when applicable, the life expectancy, projected energy savings, and simple payback. For purposes of this subsection, simple payback shall mean the cost of the project divided by the first year's estimated savings resulting from the project.

(3) Following approval of an energy efficiency loan application pursuant to this section, the State Energy Office shall submit vouchers against the School Weatherization Fund to the Director of Administrative Services for the amount of the approved loan as requests are received. The director shall, on a monthly basis or more frequently if requested, notify the State Energy Office of the balance available in the fund.

(4) Any school district may apply to the State Energy Office for a technical analysis study grant. The State Energy Office shall adopt and promulgate rules and regulations pertaining to the application procedures, approval criteria, funding based on building floor area, and the required contents of a technical analysis study. The funds distributed in any fiscal year for such studies shall not exceed three percent of the funds available from the fund during that fiscal year. No technical analysis study grant shall exceed two thousand five hundred dollars for any one building. Grants

received pursuant to this subsection shall only be used for technical analysis studies which are approved by the State Energy Office at the time the grant is approved. The school district shall submit a copy of the technical analysis report and an expense voucher to the State Energy Office as a request for payment. The State Energy Office shall submit a voucher to the director upon approval of the technical analysis study by the State Energy Office.

(5) Approved loan or grant applications shall be effected by contract or such other form or method as shall be provided by the State Energy Office. Loans shall be repaid in semiannual payments, with the first payment due six months after the date the project is completed. Loans shall carry no interest or finance charge, and payments made prior to July 1, 1996, shall be deposited in the fund. The amount of each semiannual payment on loans for studies, alternate-fuel vehicles, and fueling facilities shall be established by the State Energy Office. The amount of each semiannual payment for all other loans shall be no less than one-fourth and no greater than one-half of the estimated first-year savings resulting from the project as established in the approved loan application, and no loan entered into prior to September 9, 1993, shall be made for a term longer than fourteen years after the completion of the project. Any loan made on or after September 9, 1993, for energy studies shall be repaid within five years from the date of such loan. Any loan made on or after September 9, 1993, for alternate-fuel vehicles or fueling facilities shall be repaid within ten years from the date of such loan. Any other loan made on or after September 9, 1993, shall be repaid within fourteen years from the date of such loan.

(6) The State Energy Office shall provide forms on which loan and grant applications may be made. The State Energy Office shall record and compile a complete list of all loan and grant applications and shall make an equitable geographic distribution of loans and grants as nearly as possible among the congressional districts provided in section 32-1501 100 of this act.

Sec. 611. That section 85-103, Revised Statutes Supplement, 1992, be amended to read as follows:

85-103. The general government of the University of Nebraska shall be vested in a board of eight regents elected from districts as provided by law in section 106 of this act. At the general election in 1972, two persons shall be elected, one from district one for a term of six years and one from district two for a term of six years; at the general election in 1974, two persons shall be elected, one from district six for a term of six years and one from district seven for a term of six years; and at the general election in 1976, four persons shall be elected, one from district three for a term of six years, one from district four for a term of six years, one from district five for a term of six years, and one from district eight for a term of six years. At the general elections thereafter, the successors of the members of the board whose terms expire shall be elected for terms of six years or until their successors are elected and qualified. The members representing districts six and seven on September 6, 1991, shall thereafter represent districts seven and six, respectively. Vacancies occurring in the board shall be filled by the Governor, and any person appointed to fill a vacancy shall hold his or her office for the unexpired term as provided in section 163 of this act.

Sec. 612. That section 85-1512, Revised Statutes Supplement, 1993, be amended to read as follows:

85-1512. Each board shall divide the community college area into five election districts as nearly equal in population as may be practicable and shall transmit the appropriate information pertaining to such election districts to the Secretary of State and to the appropriate election officials within the area. Two members of the board shall reside in and be elected from each election district, and one member shall be elected at large from the community college area. Board members shall be nominated and elected for four-year terms. Members shall be elected on a separate nonpolitical ballot as provided for in sections 32-535 and 32-537, and nominating papers shall be filed with the Secretary of State. No filing fee shall be required as provided in section 110 of this act. To be eligible for membership on the board, a person shall be a registered voter and shall have been a resident of the area for six months and, for members representing a district, a resident of the district for six months. No person shall be eligible to membership on a community college board of governors who is an elected or appointed member of any other board relating to education. Each member elected to represent a district shall be a resident of the district, for at least six months prior to such election.

Sec. 613. That section 85-1514, Revised Statutes Supplement, 1993, be amended to read as follows:

85-1514. A (1) In addition to the events listed in section 156 of

this act, a vacancy on any board shall exist in the event of the death, disability, resignation, or removal of a board member from the community college area for board members elected at large or community college district for board members elected by district, of any board member. After notice and hearing, a vacancy shall also exist when any board member is absent from more than three consecutive regular meetings of the board unless such absences are excused by a majority of the remaining board members. In the event of a vacancy from any of such causes or otherwise, such vacancy shall be filled by the remaining board members for the balance of the unexpired term. Any person so named to fill a vacancy shall have the same qualifications as his or her immediate predecessor. Such appointment shall be made in writing and certified to the office of the Secretary of State.

(2) If after an election there is through any cause whatsoever a vacancy upon the ballot, such vacancy shall be filled by a petition candidate pursuant to section 32-537 193 of this act.

(3) An incumbent shall not be permitted to hold over the term, but such office shall automatically become vacant and an appointment shall be made within one calendar month to fill such vacancy for the ensuing term. If there are vacancies in the offices of a majority of the members of the board, the Secretary of State shall conduct a special election to fill such vacancies.

Sec. 614. Sections 22 and 614 of this act shall become operative on their effective date. The remaining sections of this act shall become operative on January 1, 1995.

Sec. 615. That original sections 2-945.01, 2-2435, 2-2437, 2-2447, 2-3213 to 2-3215, 3-502, 3-611, 3-701, 3-703, 10-702, 11-125, 14-201, 14-201.03, 14-204 to 14-208, 14-217.02, 15-249, 15-301, 16-103, 16-104, 16-217, 16-302.01, 16-305, 16-306, 16-311, 17-103, 17-104, 17-107, 17-108.02, 17-202, 17-203, 17-311, 17-312, 17-602, 17-603, 18-2514, 18-2516, 18-2517, 18-2521, 18-2525, 18-2530, 18-2536, 19-402, 19-404 to 19-407, 19-409, 19-411, 19-415, 19-421, 19-423, 19-433, 19-612, 19-613, 19-613.01, 19-3002, 19-3005, 19-3019, 19-3023, 19-3025, 19-3026, 19-3029, 19-3030, 19-3034, 19-3040, 19-3041, 19-3050, 19-3051, 23-148, 23-150, 23-151, 23-204, 23-222, 23-268, 23-269, 23-1502, 23-1901, 23-3301, 23-3401, 23-3534, 23-3557, 23-3575, 31-735.03, 39-1606, 43-2, 112, 43-2, 127, 46-112, 46-530, 46-534, 49-204, 49-208 to 49-210, 49-215, 49-218, 49-228, 49-238, 49-1419, 51-202, 70-604.03, 70-604.04, 70-604.08, 70-605, 70-606, 70-611, 70-615, 75-101, 79-323, 79-426.15, 79-426.25, 79-439.01, 79-462, 79-522, 79-601.01, 79-803.11, 79-902.01, 79-1003, and 79-1109, Reissue Revised Statutes of Nebraska, 1943, sections 2-2434, 10-703.01, 14-2102, 14-2103, 14-2152, 18-2528, 23-3201, 29-3913, 49-1461, 60-484, 60-4, 144, 70-619, 70-624.04, 77-370.01, 79-322, 79-426.05, 79-426.19, 79-701, 79-802, 79-1103, 79-2203, 79-3820, and 85-103, Revised Statutes Supplement, 1992, and sections 2-953, 23-1201.01, 53-122, 60-4, 120, 60-4, 130, 60-4, 130.02, 60-4, 181, 70-610, 79-803.03, 81-1632, 85-1512, and 85-1514, Revised Statutes Supplement, 1993, and also sections 3-704, 14-201.01, 14-201.04, 15-109, 15-302, 15-313, 16-307, 16-315, 17-107.02, 17-115, 17-203.01, 17-221, 19-408, 19-410, 19-425, 19-614, 19-621, 19-623, 19-624, 19-627, 23-152, 23-157, 23-1312, 23-3208, 23-3309, 23-3537, 32-101 to 32-114, 32-116, 32-117, 32-119 to 32-121, 32-201, 32-202, 32-203 to 32-205, 32-207 to 32-210, 32-211, 32-214 to 32-225, 32-227 to 32-231.01, 32-231.08 to 32-232, 32-264, 32-265, 32-301, 32-304, 32-304.01, 32-305, 32-309, 32-312, 32-315, 32-316, 32-402.01, 32-404 to 32-419, 32-420.01, 32-420.02, 32-422.01, 32-426, 32-428, 32-428.03, 32-428.04, 32-428.07 to 32-430.01, 32-432 to 32-437, 32-439 to 32-444, 32-445.01, 32-448, 32-450.01, 32-452, 32-454, 32-455, 32-457, 32-458, 32-460, 32-461, 32-463, 32-465 to 32-471, 32-473 to 32-478, 32-479.01 to 32-482, 32-490, 32-491, 32-492.01 to 32-493.01, 32-499, 32-499.01, 32-4, 102, 32-4, 105, 32-4, 107, 32-4, 108, 32-4, 110 to 32-4, 112, 32-4, 115 to 32-4, 125, 32-4, 127, 32-4, 129, 32-4, 130, 32-4, 133, 32-4, 135 to 32-4, 147, 32-4, 149, 32-4, 151, 32-4, 153, 32-4, 154, 32-4, 156 to 32-4, 158, 32-501, 32-502, 32-504, 32-504.01, 32-505 to 32-512, 32-513.01 to 32-516, 32-519 to 32-522, 32-524 to 32-526.02, 32-528 to 32-530.01, 32-532, 32-534, 32-535, 32-542, 32-542.02, 32-542.03, 32-545 to 32-547, 32-549 to 32-552, 32-558, 32-560, 32-561, 32-601, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-707.01 to 32-708, 32-710, 32-711, 32-713 to 32-715, 32-827 to 32-834, 32-836 to 32-844, 32-846 to 32-853, 32-1001, 32-1001.03 to 32-1001.05, 32-1001.17 to 32-1001.22, 32-1001.24 to 32-1001.28, 32-1001.32 to 32-1002, 32-1038, 32-1042 to 32-1056, 32-1201 to 32-1240, 32-1301.01 to 32-1310, 32-1312 to 32-1314, 46-531, 46-532, 46-533, 70-614, 79-465, 79-540, 79-550.01, 79-706, 79-803.10, 79-803.12, 79-1003.03, and 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, sections 23-222.01, 32-210.01, 32-212, 32-303, 32-307, 32-310, 32-403, 32-421.01, 32-424, 32-425, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-485, 32-4, 101, 32-4, 103, 32-4, 104, 32-4, 113, 32-4, 114, 32-4, 132, 32-4, 150, 32-4, 152, 32-4, 155, 32-4, 159,

32-503.01, 32-513, 32-517, 32-537, 32-548, 32-556, 32-702, 32-704, 32-704.02, 32-705, 32-706, 32-707, 32-709, 32-712, 32-835, 32-845, 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29 to 32-1001.31, 32-1037, 32-1039, 32-1040, 32-1057 to 32-1059, 32-1401 to 32-1409, and 32-1501 to 32-1503, Revised Statutes Supplement, 1992, and sections 32-226, 32-308, 32-438, 79-464, 79-803.07 to 79-803.09, and 85-1513, Revised Statutes Supplement, 1993, are repealed.