

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 235

Introduced by Howard, 9; Karpisek, 32; Lathrop, 12; Mello, 5;
Nordquist, 7; Wallman, 30.

Read first time January 15, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 2-3214, 3-703,
2 13-2803, 14-201.03, 15-247, 16-104, 17-102, 17-303,
3 19-3052, 23-151, 23-204, 23-269, 31-409.03, 32-552,
4 32-553, 32-554, 32-555, 32-904, 70-612, 79-1217.01, and
5 85-1512, Reissue Revised Statutes of Nebraska, and
6 sections 32-101, 32-555.01, and 32-903, Revised Statutes
7 Cumulative Supplement, 2012; to provide for the creation
8 of advisory committees; to provide powers and duties; to
9 provide for notice and a public hearing regarding
10 creation and change of election district and subdistrict
11 boundaries, precinct boundaries, and polling places as
12 prescribed; to change requirements for the creation of
13 precincts; to harmonize provisions; and to repeal the
14 original sections.

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

1 Section 1. Section 2-3214, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-3214 (1) District directors shall be elected as
4 provided in section 32-513. Elections shall be conducted as provided
5 in the Election Act. Registered voters residing within the district
6 shall be eligible for nomination as candidates for any at-large
7 position or, in those districts that have established subdistricts,
8 as candidates from the subdistrict within which they reside.

9 (2) The board of directors may choose to: (a) Nominate
10 candidates from subdistricts and from the district at large who shall
11 be elected by the registered voters of the entire district; (b)
12 nominate and elect each candidate from the district at large; or (c)
13 nominate and elect candidates from subdistricts of substantially
14 equal population, except that any at-large candidate would be
15 nominated and elected by the registered voters of the entire
16 district. Unless the board of directors determines that the
17 nomination and election of all directors will be at large, the board
18 shall strive to divide the district into subdistricts of
19 substantially equal population as provided in section 21 of this act,
20 except that no subdistrict shall have a population greater than three
21 times the population of any other subdistrict within the district.
22 Such subdistricts shall be consecutively numbered and shall be
23 established with due regard to all factors including, but not limited
24 to, the location of works of improvement and the distribution of
25 population and taxable values within the district. The boundaries and

1 numbering of such subdistricts shall be designated at least six
2 months prior to the primary election. Unless the district has been
3 divided into subdistricts with substantially equal population, all
4 directors shall be elected by the registered voters of the entire
5 district and all registered voters shall vote on the candidates
6 representing each subdistrict and any at-large candidates. If a
7 district has been divided into subdistricts with substantially equal
8 population, the board of directors may determine that directors shall
9 be elected only by the registered voters of the subdistrict, except
10 that an at-large director may be elected by registered voters of the
11 entire district.

12 (3) Except in districts which have chosen to have a
13 single director serve from each subdistrict, the number of
14 subdistricts for a district shall equal a number which is one less
15 than a majority of directors for the district. In districts which
16 have chosen to have a single director serve from each subdistrict,
17 the number of subdistricts shall equal a number which is equal to the
18 total number of directors of the district or which is one less than
19 the total number of directors for the district if there is an at-
20 large candidate. If the number of directors to be elected exceeds the
21 number of subdistricts or if the term of the at-large director
22 expires in districts which have chosen to have a single director
23 serve from each subdistrict, candidates may file as a candidate from
24 the district at large. Registered voters may each cast a number of
25 votes not larger than the total number of directors to be elected.

1 (4) Elected directors shall take their oath of office in
2 the same manner provided for county officials.

3 (5) At least six months prior to the primary election,
4 the board of directors may choose to have a single director serve
5 from each subdistrict.

6 (6) The board of directors shall certify to the Secretary
7 of State and the election commissioners or county clerks the number
8 of directors to be elected at each election and the length of their
9 terms as provided in section 32-404.

10 Sec. 2. Section 3-703, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 3-703 The agreement shall specify, in addition to those
13 things required by section 13-804, (1) the date upon which the
14 initial board is to organize, (2) the geographic boundaries or limits
15 of the districts into which the joint authority shall be divided
16 determined as provided in section 21 of this act, of which there may
17 be no more than five, from which the members of the initial board
18 shall be appointed and from which their successors shall be elected,
19 (3) the number of board members to be initially appointed, and
20 thereafter elected, from each district designated pursuant to
21 subdivision (2) of this section, and (4) the method by which the five
22 members of the initial board shall be appointed and the duration of
23 their respective terms of office. The limits of each district may be
24 changed only upon the affirmative vote of a majority of the whole
25 membership of the board as provided in section 21 of this act. Each

1 member of the board shall be a registered voter and reside within the
2 district from which he or she is appointed or elected. The terms of
3 office of the members of the initial board shall expire at such time
4 as their successors shall have been elected and qualified pursuant to
5 section 32-549. Vacancies on the board, other than those resulting
6 from expiration of a term of office, may be filled by a majority vote
7 of the remaining members of the board. Any member so appointed shall
8 serve until a successor is elected at the next general election to
9 serve the unexpired portion of the term if any.

10 Sec. 3. Section 13-2803, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 13-2803 (1)(a) Except as provided in subdivision (1)(b)
13 of this section, a municipal county created under section 13-2801
14 shall be governed by a council of five to nine members, at least two-
15 thirds of whom shall be elected by district. The council members
16 shall be elected on a nonpartisan ballot. The area involved in the
17 consolidation shall be divided into districts of as equal population
18 as possible so that at least a majority of the members of the council
19 are elected by district. The division shall be made as provided in
20 section 21 of this act by the county board members of each county
21 involved by January 31 of the year in which the council members are
22 to be elected. A majority of the council members shall constitute a
23 quorum for the purpose of transacting business. The council shall
24 annually elect a chairperson from among its members. Each council
25 member shall be elected to a four-year term beginning with the first

1 general election following the formation, except that at the first
2 election, fifty to sixty percent of the members shall be elected to
3 four-year terms and the others shall be elected to two-year terms. If
4 there are to be at-large members, the district-elected members shall
5 be elected to four-year terms and the at-large members shall be
6 elected to two-year terms. If there are to be no at-large members,
7 the members elected to four-year terms and the members elected to
8 two-year terms shall be selected by lot.

9 (b) A municipal county created under section 13-2801, in
10 which is situated a city of the metropolitan class, shall be governed
11 by a council of fifteen members who shall be elected by districts.
12 The council members shall be elected on a nonpartisan ballot. The
13 area involved in the consolidation shall be divided into fifteen
14 council districts of compact and contiguous territory. Such districts
15 shall be numbered consecutively from one to fifteen. One council
16 member shall be elected from each district. The division shall be
17 made as provided in section 21 of this act by the county board
18 members of each county involved, by January 31 of the year in which
19 the council members are to be elected. Each council member shall be
20 elected to a four-year term, except that at the first general
21 election following the formation, the members elected from even-
22 numbered districts shall be elected to four-year terms and members
23 elected from odd-numbered districts shall be elected to two-year
24 terms and to four-year terms thereafter. A majority of the council
25 members shall constitute a quorum for the purpose of transacting

1 business. The council shall annually elect a chairperson from among
2 its members. The council shall be responsible for redrawing the
3 council district boundaries pursuant to section 32-553 and section 21
4 of this act.

5 (c) Initial elections of the council members and the
6 executive officer, if applicable, shall be completed by May 15 of the
7 year the municipal county is created.

8 (2) If the plan to create the municipal county provides
9 for an executive officer to operate the executive functions of the
10 municipal county, the executive officer shall be elected to a four-
11 year term beginning with the first general election following the
12 formation of the municipal county.

13 (3) The resolution proposing creation of the municipal
14 county may retain, as an elected position, any elected county office
15 in any county to be consolidated into the municipal county. If such
16 elected officials are to be retained, the officials in such offices
17 at the time the municipal county is created may be retained or, if
18 more than one such elected official are in office at the time the
19 municipal county is created, the officials shall be elected together
20 with the council members and executive officer of the municipal
21 county.

22 Sec. 4. Section 14-201.03, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 14-201.03 The election commissioner in any county in
25 which is situated a city of the metropolitan class shall divide the

1 city into seven city council districts of compact and contiguous
2 territory as provided in section 21 of this act. Such districts shall
3 be numbered consecutively from one to seven. One council member shall
4 be elected from each district. The city council shall be responsible
5 for redrawing the city council district boundaries pursuant to
6 section 32-553 and section 21 of this act.

7 Sec. 5. Section 15-247, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 15-247 A ~~primary~~ city of the primary class may divide the
10 city into election districts, establish the boundaries thereof, and
11 number the same as provided in section 21 of this act.

12 Sec. 6. Section 16-104, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 16-104 If a city of the second class becomes a city of
15 the first class, the mayor and council shall, as provided in section
16 21 of this act, divide the city into not less than three wards, as
17 compact in form and equal in population as may be, the boundaries of
18 which shall be defined by ordinance, to take effect at the next
19 annual city election after reorganization except as provided in
20 section 32-553. Each ward shall constitute an election district,
21 except that when any ward has over five hundred legal voters, the
22 mayor and council may divide such ward into two or more election
23 districts as provided in section 21 of this act. If it is necessary
24 to establish the staggering of terms by nominating and electing
25 council members for terms of different durations at the same

1 elections, the candidates receiving the greatest number of votes
2 shall be nominated and have their names placed on the general
3 election ballot.

4 Sec. 7. Section 17-102, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 17-102 Each city of the second class shall be divided
7 into not less than two nor more than six wards as provided in section
8 21 of this act, as may be provided by ordinance of the city council
9 thereof. Each ~~;~~ ~~and~~ ~~each~~ ward shall contain, as nearly as
10 practicable, an equal portion of the population.

11 Sec. 8. Section 17-303, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 17-303 The mayor and council shall, within ninety days
14 after the declaration of the Secretary of State under section 17-301,
15 divide the city into not less than two nor more than six wards as
16 provided in section 21 of this act, as may be provided by ordinance
17 of the mayor and city council thereof. Such wards shall contain, as
18 nearly as practicable, an equal area and an equal number of legal
19 voters. Such division and boundaries of such wards, so to be defined
20 by ordinance, shall take effect on the first day of the first
21 succeeding municipal year following the next general city election
22 after such reorganization. Any council member whose term continues,
23 by reason of his or her prior election under the statutes governing
24 cities of the first class, through another year or years beyond the
25 date of the reorganization as a city of the second class shall

1 continue to hold his or her office as council member from the ward in
2 which he or she is a resident as if elected for the same term under
3 the statutes governing cities of the second class.

4 Sec. 9. Section 19-3052, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 19-3052 (1) For purposes of this section, municipality
7 shall mean any city of the first or second class or village which
8 elects members of its governing board by districts. Any election
9 districts redrawn as described in this section shall be redrawn as
10 provided in section 21 of this act.

11 (2) Any municipality which annexes territory and thereby
12 brings sufficient new residents into such municipality so as to
13 require that election districts be redrawn to maintain substantial
14 population equality between districts shall redistrict its election
15 districts so that such districts are substantially equal in
16 population within one hundred and eighty days after the effective
17 date of the ordinance annexing the territory. Such redistricting
18 shall create election districts which are substantially equal in
19 population as determined by the most recent federal decennial census.

20 (3) No municipality which proposes to annex territory and
21 thereby bring new residents into the municipality shall annex such
22 territory unless the redistricting required by subsection (2) of this
23 section will be accomplished at least eighty days prior to the next
24 primary election in which candidates for the governing body of the
25 municipality are nominated.

1 (4)(a) No city of the first or second class shall annex
2 any territory during the period from eighty days prior to any primary
3 election in which candidates for the governing body of the city are
4 nominated until the date of the general election of the same year if
5 such annexation would bring sufficient new residents into such city
6 so as to require that election districts be redrawn to maintain
7 substantial population equality between districts.

8 (b) No village shall annex any territory during the
9 period eighty days prior to the election at which members of the
10 governing body of the village are chosen until the date of such
11 election if such annexation would bring sufficient new residents into
12 such village so as to require that election districts be redrawn to
13 maintain substantial population equality between districts.

14 (5)(a) No proposed annexation by a municipality shall be
15 restricted or governed by this section unless such annexation would
16 bring sufficient new residents into such municipality so as to
17 require the election districts of the municipality to be redrawn to
18 maintain substantial population equality between districts.

19 (b) Nothing in this section shall be construed to require
20 a municipality to redraw the boundaries of its election districts
21 following an annexation unless such annexation brought sufficient new
22 residents into such municipality so as to require such redistricting
23 to maintain substantial population equality between districts.

24 (c) For the purposes of this section only, a municipal
25 annexation shall be held to have brought sufficient new residents

1 into such municipality so as to require that its election districts
2 be redrawn to maintain substantial population equality between
3 districts if, following such annexation, the total range of deviation
4 from the mean population of each election district, according to the
5 most recent federal decennial census, exceeds ten percent.

6 Sec. 10. Section 23-151, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 23-151 (1) Each county under commissioner organization
9 having not more than three hundred thousand inhabitants shall be
10 divided into (a) three districts numbered respectively, one, two, and
11 three, (b) five districts as provided for in sections 23-148 and
12 23-149 numbered respectively, one, two, three, four, and five, or (c)
13 seven districts as provided for in sections 23-292 to 23-299 numbered
14 respectively, one, two, three, four, five, six, and seven. Each
15 county having more than three hundred thousand inhabitants shall be
16 divided into seven districts numbered respectively, one, two, three,
17 four, five, six, and seven.

18 (2) Such districts shall consist of two or more voting
19 precincts comprising compact and contiguous territory and embracing a
20 substantially equal division of the population of the county.
21 District boundary lines shall not be subject to alteration more than
22 once every ten years unless the county has a change in population
23 requiring it to be redistricted pursuant to subdivision (3)(a) of
24 this section or unless there is a vote to change from three to five
25 districts as provided for in sections 23-148 and 23-149.

1 (3)(a) The establishment of district boundary lines
2 pursuant to subsection (1) of this section shall be completed as
3 provided in section 21 of this act within one year after a county
4 attains a population of more than three hundred thousand inhabitants.
5 Beginning in 2001 and every ten years thereafter, the district
6 boundary lines of any county having more than three hundred thousand
7 inhabitants shall be redrawn as provided in section 21 of this act,
8 if necessary to maintain substantially equal district populations, by
9 the date specified in section 32-553.

10 (b) The establishment of district boundary lines and any
11 alteration thereof under this subsection shall be done by the county
12 board as provided in section 21 of this act. If the county board
13 fails to do so by the applicable deadline, district boundaries shall
14 be drawn by the election commissioner within six months after the
15 deadline established for the drawing or redrawing of district
16 boundaries by the county board as provided in section 21 of this act.
17 If the election commissioner fails to meet such deadline, the
18 remedies established in subsection (3) of section 32-555 shall apply.

19 (4) The district boundary lines shall not be changed at
20 any session of the county board unless all of the commissioners are
21 present at such session.

22 (5) Commissioners shall be elected as provided in section
23 32-528. Elections shall be conducted as provided in the Election Act.

24 Sec. 11. Section 23-204, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 23-204 On the second Tuesday after the election under
2 section 23-201 adopting township organization in any county, the
3 county attorney, county clerk, and county treasurer of the county
4 shall meet at the county seat of such county and shall, within three
5 days from and after the first day of meeting, divide such county into
6 seven districts to be known as supervisor districts as provided in
7 section 21 of this act. Such districts shall be divided as nearly as
8 possible with regular boundary lines and in regular and compact form
9 and shapes, and each of such districts shall as nearly as possible
10 have the same number of inhabitants as any other district. No voting
11 precinct shall be divided by any such district, except that in
12 counties having cities of over one thousand inhabitants and when such
13 cities have more inhabitants than the average outlying district, the
14 county board shall add enough contiguous territory to such city so
15 that the inhabitants in such city and contiguous territory equal the
16 inhabitants of two of the other districts. The county attorney,
17 county clerk, and county treasurer shall then divide the tract thus
18 segregated into two supervisor districts with population as nearly
19 equal as possible, and when so divided, each of the districts shall
20 elect one supervisor who shall reside in such supervisor district and
21 be nominated and elected by the registered voters residing in that
22 district. If any such city has more than the requisite inhabitants
23 for two supervisor districts, then sufficient outlying territory may
24 be added to such city to make three supervisor districts. The
25 supervisor in each supervisor district in such city shall reside in

1 such supervisor district and be nominated and elected by the
2 registered voters residing in that supervisor district. The remainder
3 of the county outside of such city districts shall be divided so as
4 to create a total of seven supervisor districts, except that if any
5 county under township organization has gone to an at-large basis for
6 election of supervisors under section 32-554, the board of
7 supervisors of such county may stay on the at-large voting basis.

8 Sec. 12. Section 23-269, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 23-269 The supervisor districts may be changed after each
11 state and federal census if it appears from an examination that the
12 population has become unequal among the several districts. In the
13 event of any change or amendment of sections 23-201 to 23-299 which
14 may necessitate a change in the boundaries of such supervisor
15 districts or any one of them, the county board shall make such change
16 in boundary at its next regular meeting after such change or
17 amendment takes effect as provided in section 21 of this act. Those
18 counties under township organization may change their procedures for
19 electing members to their governing board from district to at large
20 or from at large to district following the provisions of section
21 32-554.

22 Sec. 13. Section 31-409.03, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 31-409.03 (1) The board of directors may divide the
25 district into two or more voting precincts for the purpose of

1 electing directors of the district as provided in section 21 of this
2 act. The precincts shall be established to include, as nearly as
3 possible, equal acreage if the district levies taxes based on
4 valuation or equal units of benefit if the district taxes on the
5 basis of apportionment of benefits. Upon completion of the division,
6 the board shall prepare a subdivision plat and file the plat with the
7 county clerk of each county containing affected land. The board shall
8 provide for the phasing in of precinct voting for all elections
9 subsequent to the decision to subdivide the district beginning with
10 the first such election. After the board has divided the district
11 pursuant to this subsection, the board shall not divide the district
12 again or change the divisions as provided in section 21 of this act
13 until precinct voting is completely phased in and an election has
14 been held for the directors to be elected in each precinct.

15 (2) When a district has been divided into two or more
16 voting precincts, an equal number of directors shall be elected in
17 each precinct and the remaining directors, if any, shall be elected
18 at large. Each director elected by precinct shall own land assessed
19 for benefits in the precinct from which he or she is elected.
20 Precinct elections shall be held at a location within the precinct
21 designated by the board or as provided in section 31-409.01.

22 Sec. 14. Section 32-101, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 32-101 Sections 32-101 to 32-1551 and sections 15 and 21
25 of this act shall be known and may be cited as the Election Act.

1 Sec. 15. (1) In each county having a population of more
2 than one hundred thousand inhabitants, there shall be an advisory
3 committee to assist the election commissioner. Each advisory
4 committee shall consist of six members who reside in the county which
5 the advisory committee serves. The party officials in the county
6 which the advisory committee serves from the political party polling
7 the highest number of votes at the last general election for Governor
8 shall appoint two members of the advisory committee. The party
9 officials in such county from the political party polling the second
10 highest number of votes at such election shall appoint two members of
11 the advisory committee. The election commissioner shall appoint two
12 members who are not affiliated with either of such political parties.
13 If a member ceases to be a resident of the county or changes party
14 affiliation, his or her position shall be vacant.

15 (2) Each member shall be appointed for a term ending at
16 completion of the then-current election commissioner's term and shall
17 be eligible for reappointment. In case of a vacancy, the vacancy
18 shall be filled in the same manner and by the same political party,
19 if applicable, as the appointment of the position vacated for the
20 remainder of the vacated term.

21 (3) The election commissioner shall call meetings of the
22 advisory committee and provide notice to the members of the time and
23 place of the meeting. The members of the advisory committee shall not
24 be reimbursed for expenses for serving on the advisory committee.

25 (4) The advisory committee shall advise the election

1 commissioner on matters relating to voter registration and the
2 conduct of elections in the county.

3 Sec. 16. Section 32-552, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-552 (1) At least five months prior to an election, the
6 governing board of any political subdivision requesting the
7 adjustment of the boundaries of election districts shall provide
8 written notification to the election commissioner or county clerk of
9 the need and necessity of his or her office to perform such
10 adjustments as provided in section 21 of this act.

11 (2) After the next federal decennial census, the election
12 commissioner of the county in which the greater part of a Class IV
13 school district is situated shall, as provided in section 21 of this
14 act and subject to review by the school board, divide the school
15 district into seven numbered districts, substantially equal in
16 population as determined by the most recent federal decennial census.
17 The election commissioner shall consider the location of schools
18 within the district and their boundaries. The election commissioner
19 shall adjust the boundaries of the election districts, as provided in
20 section 21 of this act and subject to final review and adjustment by
21 the school board, to conform to changes in the territory and
22 population of the school district and also following each federal
23 decennial census. Except when specific procedures are otherwise
24 provided, section 32-553 shall apply to all Class IV school
25 districts.

1 (3) The election commissioner of the county in which the
2 greater part of a Class V school district is situated shall divide
3 the school district into twelve numbered districts of compact and
4 contiguous territory and of as nearly equal population as may be
5 practical as provided in section 21 of this act. The election
6 commissioner shall adjust the boundaries of such districts, as
7 provided in section 21 of this act and subject to final review and
8 adjustment by the school board, to conform to changes in the
9 territory of the school district and also following each federal
10 decennial census.

11 Sec. 17. Section 32-553, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 32-553 (1) When any political subdivision except a public
14 power district nominates or elects members of the governing board by
15 districts, such districts shall be substantially equal in population
16 as determined by the most recent federal decennial census. Any such
17 political subdivision which has districts in place on the date the
18 census figures used in drawing district boundaries for the
19 Legislature are required to be submitted to the state by the United
20 States Department of Commerce, Bureau of the Census, shall, if
21 necessary to maintain substantial population equality as required by
22 this subsection, have new district boundaries drawn within six months
23 after the passage and approval of the legislative bill providing for
24 reestablishing legislative districts as provided in section 21 of
25 this act. Any such political subdivision in existence on the date the

1 census figures used in drawing district boundaries for the
2 Legislature are required to be submitted to the state by the United
3 States Department of Commerce, Bureau of the Census, and which has
4 not established any district boundaries shall establish district
5 boundaries pursuant to this section within six months after such date
6 as provided in section 21 of this act. If the deadline for drawing or
7 redrawing district boundary lines imposed by this section is not met,
8 the procedures set forth in section 32-555 shall be followed.

9 (2) The governing board of each such political
10 subdivision shall be responsible for drawing its own district
11 boundaries as provided in section 21 of this act and shall, as nearly
12 as possible, follow the precinct lines created by the election
13 commissioner or county clerk after each federal decennial census,
14 except that the election commissioner of any county in which a Class
15 IV or V school district is located shall draw district boundaries for
16 such school district as provided in this section and section 32-552
17 and section 21 of this act.

18 Sec. 18. Section 32-554, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-554 (1)(a) Any city not under a home rule charter,
21 village, county, or school district nominating and electing members
22 to its governing board at large may at a general election submit the
23 question of nominating and electing members to its governing board by
24 district or ward.

25 (b) Any city not under a home rule charter, village,

1 county having not more than three hundred thousand inhabitants, or
2 school district nominating and electing members to its governing
3 board by district or ward may at a general election submit the
4 question of nominating and electing members to its governing board at
5 large.

6 (c) Any city of the first class, except a city having
7 adopted the commissioner or city manager plan of government,
8 nominating and electing members to its governing body by ward may at
9 a general election submit the question of nominating and electing
10 some of the members to its governing body by ward and some at large
11 either by ordinance by a vote of a majority of the members of the
12 governing body or by petition of the registered voters of the city.
13 No more than three members of the city council may be elected on an
14 at-large basis, and at least four members of the city council shall
15 be elected by ward. The ordinance or petition shall specify the
16 number of at-large members to be elected. At the first election in
17 which one or more at-large members are to be elected to the city
18 council, the members shall be elected to serve for initial terms of
19 office of the following lengths:

20 (i) If one at-large member is to be elected, he or she
21 shall serve for a four-year term;

22 (ii) If two at-large members are to be elected, the
23 candidate receiving the highest number of votes shall be elected to
24 serve for a four-year term and the other elected member shall be
25 elected to serve for a two-year term; and

1 (iii) If three at-large members are to be elected, the
2 two candidates receiving the highest number of votes shall be elected
3 to serve for four-year terms and the other elected member shall be
4 elected to serve for a two-year term. Following the initial term of
5 office, all at-large council members shall be elected to serve for
6 four-year terms. No candidate may file as both an at-large candidate
7 and a candidate by ward at the same election.

8 (2) Petitions for submission of the question shall be
9 signed by registered voters of the city, village, county, or school
10 district desiring to change the procedures for electing the governing
11 board of the city, village, county, or school district. The petition
12 or petitions shall be signed by registered voters equal in number to
13 twenty-five percent of the votes cast for the person receiving the
14 highest number of votes in the city, village, county, or school
15 district at the preceding general election for electing the last
16 member or members to its governing board. Each sheet of the petition
17 shall have printed the full and correct copy of the question as it
18 will appear on the official ballot. The petitions shall be filed with
19 the county clerk or election commissioner not less than seventy days
20 prior to the date of the general election, and no signatures shall be
21 added or removed from the petitions after they have been so filed.
22 Petitions shall be verified as provided in section 32-631. If the
23 petition or petitions are found to contain the required number of
24 valid signatures, the county clerk or election commissioner shall
25 place the question on a separate ballot to be issued to the

1 registered voters of the city, village, county, or school district
2 entitled to vote on the question.

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

11 (b) Any city, village, county, or school district voting
12 to change from nominating and electing the members of its governing
13 board at large to nominating and electing by district or ward shall
14 notify the public and instruct the filing officer to accept all
15 filings by district or ward. Candidates shall be nominated and
16 elected by district or ward at the next primary and general election
17 following submission of the question. When district or ward elections
18 have been approved by the majority of the electorate, the governing
19 board of any city, village, county, or school district approving such
20 question shall establish districts substantially equal in population
21 as determined by the most recent federal decennial census as provided
22 in section 21 of this act except as provided in subsection (2) of
23 section 32-553.

24 (4) Except as provided in section 14-201, each city not
25 under a home rule charter, village, county, and school district which

1 votes to nominate and elect members to its governing board by
2 district or ward shall establish districts or wards as provided in
3 section 21 of this act so that approximately one-half of the members
4 of its governing board may be nominated and elected from districts or
5 wards at each election. Districts or wards shall be created not later
6 than October 1 in the year following the general election at which
7 the question was voted upon. If the governing board fails to draw
8 district boundaries by October 1, the procedures set forth in section
9 32-555 shall be followed.

10 Sec. 19. Section 32-555, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-555 (1) Except as provided in subsection (4) of this
13 section, if the governing board of any city, village, county, or
14 school district which nominates or elects members to the board by
15 district or ward fails to draw district boundaries by the date
16 established in subsection (1) of section 32-553 or subsection (4) of
17 section 32-554, the county attorney of the county in which the board
18 is located shall file an action in the district court for the purpose
19 of ordering the board to draw district boundaries. If within six
20 months after the receipt of such order the board does not comply, the
21 members of the board shall be subject to removal and the court shall
22 order the Secretary of State to draw district boundaries in
23 accordance with the most recent federal decennial census as provided
24 in section 21 of this act. Any vacancy resulting from such removal
25 from office shall be filled as provided by law.

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

7 (3) If an election commissioner required to draw district
8 boundaries for any county having more than three hundred thousand
9 inhabitants pursuant to sections 23-151 and 32-553 fails to do so,
10 the election commissioner shall be subject to (a) suit by the county
11 attorney for the purpose of ordering the drawing of district
12 boundaries, (b) removal from office pursuant to section 32-214 for
13 failure to comply with an order to draw district boundaries within
14 six months of receipt of such order, and (c) suit by any citizen for
15 the purpose of ordering the drawing of district boundaries and shall
16 be obligated to pay any costs and attorney's fees involved in any
17 such action.

18 (4) If the county board of any county having more than
19 three hundred thousand inhabitants fails to complete the process of
20 drawing district boundaries as provided for in sections 23-151 and
21 32-553, the procedures set forth in subdivision (3)(b) of section
22 23-151 shall be followed.

23 Sec. 20. Section 32-555.01, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 32-555.01 The election commissioners of the applicable

1 counties, pursuant to certification of the establishment of a
2 learning community pursuant to section 79-2102, shall divide the
3 territory of the new learning community into six numbered districts
4 as provided in section 21 of this act for the purpose of electing
5 members to the learning community coordinating council in compliance
6 with section 32-553 and for the purpose of organizing achievement
7 subcouncils pursuant to section 79-2117. Such districts shall be
8 compact and contiguous and substantially equal in population. The
9 newly established subcouncil districts shall be certified to the
10 Secretary of State on or before November 1 immediately following such
11 certification. The newly established subcouncil districts shall apply
12 beginning with the election of the first council members for such
13 learning community. Following the drawing of initial subcouncil
14 districts pursuant to this section, additional redistricting
15 thereafter shall be undertaken by the learning community coordinating
16 council as provided in section 21 of this act and according to
17 section 32-553.

18 Sec. 21. Prior to creating, drawing, redrawing, revising,
19 rearranging, readjusting, altering, dividing, consolidating, or
20 otherwise changing election district boundaries however described,
21 the governing body of the political subdivision or the officer
22 charged with such responsibility shall hold a public hearing and
23 receive public comment on the proposed boundaries. The governing body
24 or officer shall give notice of the time and place of the public
25 hearing and the proposed boundaries to be presented at the public

1 hearing at least one week prior to the public hearing by publication
2 in a newspaper of general circulation in the affected political
3 subdivision and by any other method determined to provide adequate
4 notice to the residents of the affected political subdivision.

5 Sec. 22. Section 32-903, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 32-903 (1) The election commissioner or county clerk
8 shall create precincts composed of compact and contiguous territory
9 within the boundary lines of legislative districts. The precincts
10 shall contain not less than seventy-five nor more than one thousand
11 ~~seven hundred fifty~~ registered voters based on the number of voters
12 voting at the last statewide general election, except that a precinct
13 may contain less than seventy-five registered voters if in the
14 judgment of the election commissioner or county clerk it is necessary
15 to avoid creating an undue hardship on the registered voters in the
16 precinct. The election commissioner or county clerk shall create
17 precincts based on the number of votes cast at the immediately
18 preceding presidential election or the current list of registered
19 voters for the precinct. The election commissioner or county clerk
20 shall revise and rearrange the precincts and increase or decrease
21 them at such times as may be necessary to make the precincts contain
22 as nearly as practicable not less than seventy-five nor more than one
23 thousand ~~seven hundred fifty~~ registered voters voting at the last
24 statewide general election. The election commissioner or county clerk
25 shall, when necessary and possible, readjust precinct boundaries to

1 coincide with the boundaries of cities, villages, and school
2 districts which are divided into districts or wards for election
3 purposes. The election commissioner or county clerk shall not make
4 any precinct changes in precinct boundaries or divide precincts into
5 two or more parts between the statewide primary and general elections
6 unless he or she has been authorized to do so by the Secretary of
7 State. If changes are authorized, the election commissioner or county
8 clerk shall notify each state and local candidate affected by the
9 change.

10 (2) Prior to creating, revising, rearranging,
11 readjusting, altering, dividing, consolidating, or otherwise changing
12 precinct boundaries pursuant to this section, the election
13 commissioner or county clerk shall hold a public hearing and receive
14 public comment on the precinct boundaries and any proposed changes.
15 The election commissioner or county clerk shall give notice of the
16 time and place of the public hearing and the boundaries and proposed
17 changes to be presented at the public hearing at least one week prior
18 to the public hearing by publication in a newspaper of general
19 circulation in the affected precincts and by any other method he or
20 she determines will provide adequate notice to the residents of the
21 affected precincts.

22 ~~(2)~~-(3) The election commissioner or county clerk may
23 alter and divide the existing precincts, except that when any city of
24 the first class by ordinance divides any ward of such city into two
25 or more voting districts or polling places, the election commissioner

1 or county clerk shall establish precincts or polling places in
2 conformity with such ordinance. No such alteration or division shall
3 take place between the statewide primary and general elections except
4 as provided in subsection (1) of this section.

5 ~~(3)~~(4) All precincts and polling places may be
6 consolidated for the use of electronic voting systems into fewer and
7 larger precincts as deemed necessary and advisable by the election
8 commissioner or county clerk. Such precincts, consolidated for
9 electronic voting systems only, may have as many registered voters
10 therein as deemed advisable in the interest of economy and
11 efficiency. At least one electronic voting device shall be provided
12 for every five hundred registered voters voting in the consolidated
13 precinct or polling place at the immediately preceding general
14 election.

15 Sec. 23. Section 32-904, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-904 (1) The election commissioner or county clerk
18 shall designate the polling places for each precinct at which the
19 registered voters of the precinct will cast their votes. Polling
20 places representing different precincts may be combined at a single
21 location when potential sites cannot be found, contracts for
22 utilizing polling sites cannot be obtained, or a potential site is
23 not accessible to handicapped persons. When combining polling places
24 at a single site for an election other than a special election, the
25 election commissioner or county clerk shall clearly separate the

1 polling places from each other and maintain separate receiving
2 boards. When combining polling places at a single site for a special
3 election, the election commissioner or county clerk may combine the
4 polling places and receiving boards. Polling places shall not be
5 changed between the statewide primary and general elections unless
6 the election commissioner or county clerk has been authorized to make
7 such change by the Secretary of State. If changes are authorized, the
8 election commissioner or county clerk shall notify each state and
9 local candidate affected by the change. Prior to designating,
10 combining, or otherwise changing polling places pursuant to this
11 section, the election commissioner or county clerk shall hold a
12 public hearing and receive public comment on the designation and any
13 proposed changes. The election commissioner or county clerk shall
14 give notice of the time and place of the public hearing and the
15 polling places and proposed changes to be presented at the public
16 hearing at least one week prior to the public hearing by publication
17 in a newspaper of general circulation in the affected precincts and
18 by any other method he or she determines will provide adequate notice
19 to the residents of the affected precincts.

20 (2) Notwithstanding any other provision of the Election
21 Act, the Secretary of State may adopt and promulgate rules and
22 regulations, with the consent of the appropriate election
23 commissioner or county clerk, for the establishment of polling places
24 which may be used for voting pursuant to section 32-1041 for the
25 twenty days preceding the day of election. Such polling places shall

1 be in addition to the office of the election commissioner or county
2 clerk and the polling places otherwise established pursuant to this
3 section.

4 Sec. 24. Section 70-612, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 70-612 (1) Subject to the provisions of Chapter 70,
7 article 6, and subject to the approval of the Nebraska Power Review
8 Board, the board of directors of a district may amend the petition
9 for its creation to provide for the division of the territory of such
10 district into two or more subdivisions for the nomination and
11 election of some or all of the directors as provided in section 21 of
12 this act. Each subdivision shall be composed of one or more voting
13 precincts, or divided voting precincts, and the total population of
14 each such subdivision shall be approximately the same. Two or more
15 subdivisions may be combined for election purposes, and members of
16 the board of directors to be elected from such combined subdivisions
17 may be nominated and elected at large when not less than seventy-five
18 percent of the population of the combined subdivisions is within the
19 corporate limits of any city. In the event a district formed includes
20 all or part of two or more counties and is (a) engaged in furnishing
21 electric light and power and more than fifty percent of its customers
22 are rural customers or (b) engaged in furnishing electric light and
23 power and in the business of owning and operating irrigation works,
24 then and in that event such subdivisions may be formed by following
25 precinct or county boundary lines without regard to population if in

1 the judgment of the Nebraska Power Review Board the interests of the
2 rural users of electricity or of users of irrigation water service in
3 such district will not be prejudiced thereby.

4 (2) Any public power district or public power and
5 irrigation district owning and operating irrigation works may, with
6 approval of the Nebraska Power Review Board, add representation on
7 its board of directors from any county which is outside its chartered
8 territory but in which is located some or all of such irrigation
9 works.

10 Sec. 25. Section 79-1217.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-1217.01 By December 31, 2007, and after each decennial
13 census pursuant to section 32-553, each educational service unit
14 board, except boards of educational service units with only one
15 member school district, shall divide the territory of the educational
16 service unit into at least five and up to twelve numbered districts
17 for the purpose of electing members to the board in compliance with
18 section 32-553 and section 21 of this act. Such districts shall be
19 compact and contiguous and substantially equal in population. The
20 newly established election districts shall apply beginning with the
21 nomination and election of educational service unit board members in
22 2008.

23 Sec. 26. Section 85-1512, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 85-1512 Each board shall divide the community college

1 area into five election districts as nearly equal in population as
2 may be practicable as provided in section 21 of this act and shall
3 transmit the appropriate information pertaining to such election
4 districts to the Secretary of State and to the appropriate election
5 officials within the area. Board members shall be nominated and
6 elected as provided in section 32-514. To be eligible for membership
7 on the board, a person shall be a registered voter and shall have
8 been a resident of the area for six months and, for members
9 representing a district, a resident of the district for six months.
10 No person shall be eligible to membership on a community college
11 board of governors who is an elected or appointed member of any other
12 board relating to education. Each member elected to represent a
13 district shall be a resident of the district.

14 Sec. 27. Original sections 2-3214, 3-703, 13-2803,
15 14-201.03, 15-247, 16-104, 17-102, 17-303, 19-3052, 23-151, 23-204,
16 23-269, 31-409.03, 32-552, 32-553, 32-554, 32-555, 32-904, 70-612,
17 79-1217.01, and 85-1512, Reissue Revised Statutes of Nebraska, and
18 sections 32-101, 32-555.01, and 32-903, Revised Statutes Cumulative
19 Supplement, 2012, are repealed.