

## LEGISLATIVE BILL 552

Approved by the Governor May 26, 1973

Introduced by Government, Military and Veterans Affairs  
Committee, Chambers, 11, Chmn.; Earnett, 26;  
Fowler, 27; Duis, 39; DeCamp, 40; Stull, 49

AN ACT to amend sections 23-151, 23-204, and 23-269, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.25, Revised Statutes Supplement, 1972, relating to counties; to provide for township elections as prescribed; to provide for election of officers in township counties; to provide when counties under a commissioner or township organization may elect commissioners on an at-large basis; to provide that officers of a local hospital district may be elected at the time of the statewide primary on a nonpartisan basis as prescribed; and to repeal the original sections.

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

Section 1. At the statewide general election in 1974 and every four years thereafter, there shall be elected in counties under township government one town clerk, one town treasurer, and one chairman of the board. In counties under township organization the county clerk or election commissioner shall cause to be published once in a newspaper or newspapers of general circulation within the county a notice of the election naming the offices to be filled and the date of the filing deadline. Such notices shall be given between June 15 and July 1. Any person desiring to be a candidate shall file a personal application, naming his political party, with the county clerk or election commissioner in the county of his residence naming the office for which he is filing. Personal applications shall be filed on or before August 1 of each general election year. Each candidate elected shall serve a term of four years. If there are no personal applications filed, the person receiving the highest number of write-in votes in each division of the ballot shall be declared elected to a four-year term if he resides within the township and is a registered elector. 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 for the ensuing term in the manner provided in sections 32-1040 and 32-1045.

When there is a tie between two persons for an office, the certificate of election shall be given to the person selected by lot according to section 32-498.

Sec. 2. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. Each county, not under township 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 to 23-150, which shall be numbered respectively, one, two, three, four and five. Such districts shall consist of two or more voting precincts, comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county and not subject to alteration oftener than once in four years. One commissioner shall be nominated and elected by each of said districts, but shall be elected by the qualified electors of the entire county in counties having a population in excess of one hundred thousand and less than three hundred thousand. The district lines shall not be changed at any session of the board unless all of the commissioners are present at such session; provided, in counties where a majority have voted for five commissioners, it shall be the duty of the county board of such county, at their first meeting after the publication of the state or federal census, or after an election deciding to have five, to divide said county into five commissioner districts, as provided by law; and provided further, the three commissioners of such county whose terms of office will expire after said election shall continue to represent the districts in which they reside after the redistricting of such county, until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the general election next after the division of a county into five districts, one commissioner shall be elected for each of the two remaining districts. Of the two persons elected for such districts, the person receiving the highest number of votes shall hold his office for the term of four years, and the person receiving the next highest number of votes shall hold his office for the term of two years; and each commissioner elected thereafter, in pursuance of the provisions of this section, shall hold his office for four years and until his successor is elected and qualified. In counties

having a population of three hundred thousand inhabitants or more, the commissioners shall be nominated and elected by the qualified electors of the entire county; Provided, that those counties having a commissioner form of government may change their procedures for electing members to their governing body from district to at large or from at large to district following the procedures of section 5-108.

Sec. 3. That section 23-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-204. On the second Tuesday after such election adopting township organization in any county, the county judge, 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; Provided, in counties having cities of over one thousand inhabitants and where 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 shall equal the inhabitants of two of the other districts. The county judge, 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 said districts shall elect one supervisor who shall reside in such supervisor district and be nominated and elected by the qualified electors 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 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; Provided, that if any county under township organization has gone to an at-large basis for election of supervisors under the provisions of section 5-108, the board of supervisors of such county may stay on the at-large voting basis.

Sec. 4. 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 shall appear from an examination of ~~the number of votes in any district or districts~~ that the inhabitants ~~have~~ population has become unequal among the several districts; Provided, 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, then it shall be the duty of the county board to make such change in boundary at its next regular meeting after such change or amendment takes effect; and provided further, that 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 5-108.

Sec. 5. That section 23-343.25, Revised Statutes Supplement, 1972, be amended to read as follows:

23-343.25. 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 ~~so classify themselves by lot that two members shall serve for two years, and three shall serve for four years; be~~ so appointed that two members shall serve a term ending on the first Tuesday in June following the first statewide primary election following the initial appointment, and three shall serve a term 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; Provided, 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. All qualified electors of this state who ~~shall have resided~~ reside within the hospital district ~~for--forty days preceding the election 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.

Sec. 6. That original sections 23-151, 23-204, and 23-269, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.25, Revised Statutes Supplement, 1972, are repealed.