

LEGISLATIVE BILL 329

Approved by the Governor May 23, 1979

Introduced by Chambers, 11

AN ACT to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide for district election of city council members; to declare intent; to provide duties and procedures; to provide for the election of the mayor; to repeal the original sections, and also sections 14-203, 14-217, and 14-222, Reissue Revised Statutes of Nebraska, 1943, as amended by Legislative Bill 80, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

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

Section 1. The Legislature finds and declares that the election of the city council at large in cities of the metropolitan class denies representation to some socioeconomic segments of the population. The Legislature further finds and declares that fair and adequate representation of all areas and all socioeconomic segments of the population of cities of the metropolitan class is a matter of general statewide concern, the provisions of any home rule charter notwithstanding.

Sec. 2. 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 ~~at-large--the--following--officers and none other--Seven councilmen~~ seven council members, whose terms of office shall, except as provided in section 4 of this act, be ~~three~~ four years, who shall constitute the council of ~~said~~ such city. The regular or general election for the election of ~~all~~ elective officers of cities of the metropolitan class shall be held on the first Tuesday after the second Monday in May and every ~~three~~ two years thereafter. The term of office of such ~~councilmen~~ council members shall commence on the second Tuesday after such election.

Sec. 3. 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.

Sec. 4. At the general city election held in 1981 in a city of the metropolitan class, the council members elected from the even-numbered districts shall be elected for terms of two years each, and the council members from the odd-numbered districts shall be elected for terms of four years each. Thereafter their successors shall be elected for terms of four years each.

Sec. 5. That section 14-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-204. (1) Candidates for the office of councilman council member shall be nominated at-large 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 shall be a qualified elector and a resident of the district from which he or she seeks election, and 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 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 councilman council member, 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 councilman 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

office.

(Signed)

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

.....
Notary Public

~~Such persons shall, at the same time, file with such statement a petition signed by at least one hundred qualified voters in said city and pay to the city treasurer, to aid in the expense of holding said primary, a filing fee of ten dollars and obtain a receipt from the treasurer therefor, which receipt shall be presented to and filed with said officer, authorized to conduct the general city election, before filing said petition.~~

~~{3}-The petition, required by subsection (2) of this section, shall be substantially in the following form:~~

~~The undersigned, duly qualified electors of the city of and residing at the places set opposite our respective names hereto attached, do hereby request that the name of be placed upon the official ballot as a candidate for nomination for the office of councilman, at the primary election to be held in said city on the day of April, 19..... We further certify that we know him to be a qualified elector of said city and a man of good moral character and well qualified, in our judgment, for the duties of said office.~~

Sec. 6. 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 primary shall be in substantially the following form, inserting in the blanks the name number of the city council district, the name of the city, and the number of councilmen council members to be elected, and placing simply the names of all candidates upon the ticket, without any party designation, circle, or mark whatsoever: Candidate for Nomination for Councilmen Council Member from City Council District of the City of at the Primary Election
Vote for only seven 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 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; 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. 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 will require assistance in voting, shall be aided in the manner provided by general law. The polls at such primary election shall open at 8:00 a.m. and close at 8:00 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. 7. That section 14-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-206. The ~~fourteen~~ two candidates receiving the highest number of votes in each city council district at such primary election ~~or all candidates if there be less than fourteen upon the primary ballot~~, shall be the candidates and the only candidates whose names shall be placed upon the official ballot for ~~councilmen~~ council members in such city council district at such regular or general city election in such city.

Sec. 8. 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 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, and the ~~seven persons~~ person receiving the highest number of votes in each of the city council districts shall be the councilman 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 general city election, shall apply so far as the same are applicable and not inconsistent with the provisions of sections 14-201 to 14-229.

Sec. 9. That section 14-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-209. ~~Any of such councilmen~~ council member may be removed at any time from office by the qualified electors of ~~any such city~~ the city council district from which he or she was elected. The procedure to accomplish the removal of any incumbent of such office shall be as follows:

A petition signed by such electors equal in number to at least thirty per cent of the highest vote cast in such district at the last preceding city election, demanding an election of a successor to the person sought to be removed, and naming the candidate or candidates for election to succeed him or her, shall be filed with the ~~city clerk~~ county clerk or election commissioner, which petition shall contain a general statement of the grounds upon which the removal is sought. Within ten days from the date of filing such petition, the ~~city clerk~~ county clerk or election commissioner shall examine it and from the voters' register, ~~if the petition be filed in any city where registration laws are in force, or if not, then from such source as may be available to such clerk,~~ ascertain whether or not such petition is signed by the requisite number of qualified electors. ~~and, if necessary, the council shall allow such clerk extra help for that purpose.~~ The ~~clerk~~ county clerk or election commissioner shall attach to said petition his or her certificate showing the result of such examination, and if the ~~clerk's~~ county clerk's or election commissioner's certificate to such petition shows that it is insufficient in point of numbers signed, it may be amended, within ten days from the date of such ~~clerk's~~ county clerk's or election commissioner's certificate, by the filing of a supplemental petition signed and sworn to as in the case of the original petition. The ~~clerk~~ county clerk or election commissioner shall, within ten days after such supplemental petition is filed, make a like examination of the supplemental petition and if the certificate shall show the supplemental petition together

with the original petition contains the requisite number of signatures, the clerk county clerk or election commissioner shall submit such original and supplemental petitions together with his or her certificates, without delay, to the council, and the council shall order and fix, without delay, a date for holding an election, which date shall not be less than thirty nor more than sixty days from the date of the clerk's county clerk's or election commissioner's certificate to the council showing the petition sufficient. Candidates other than those mentioned in the recall petition herein provided for shall be nominated as provided in section 14-204, ~~7 except that where but one councilman is to be voted upon only the~~ The person receiving the largest number of votes of electors shall be deemed nominated and placed upon the ballot. ~~Where two councilmen are to be voted upon, only the two candidates receiving the largest number of votes shall be deemed nominated and so on.~~ Such primary shall be held upon the second Tuesday prior to the election. The council shall make, or cause to be made, publication of notice of the time of holding such election and all arrangements for holding such election. The method and manner of conducting the election and canvassing the vote cast thereat and declaring the results thereof, shall be the same in all respects as at the general or regular city elections in any such city, except that the ballot used at such election shall be the paper ballot authorized by the Australian Ballot Law, and the ticket shall be printed in the same manner as herein provided for the holding of elections at the general city election in such city and the names thereon so arranged, and aid to voters restricted to the classes hereinbefore named. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any councilman council member sought to be removed, may become a candidate to succeed himself or herself, and, unless he or she requests otherwise in writing, the clerk county clerk or election commissioner shall place his or her name on the official ballot with the other names mentioned in such petition. In any such removal election, the candidate receiving the highest number of votes shall be declared elected, and at such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his or her successor. If the party who receives the highest number of votes should fail to qualify and give bond, as by law provided, within ten days after receiving notice of his or her election, the office shall be deemed vacant and shall be filled by the remaining members of the council as any other vacancy is filled in such office. If the incumbent receives the highest number of votes cast at such election, he shall continue in office. The

foregoing method of removal shall be cumulative and additional to the methods otherwise provided by law for removing such officers.

Sec. 10. A city of the metropolitan class shall elect a mayor for such term as may be provided by the laws and ordinances of such city.

Sec. 11. Vacancies in the office of mayor or council shall be filled as provided by local law. 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. 12. That section 14-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-216. The regular meetings of the city council shall be held once each week upon such day and hour as the council may designate. Special meetings of the council may be called from time to time by the mayor or two ~~councilmen~~ council members, giving notice in such manner as may be fixed or determined by ordinance or resolution. A majority of such council shall constitute a quorum for the transaction of any business, but it shall require a majority vote of the whole council in any such city to pass any measure or transact any business. The vote of five members shall be required to override any veto by the mayor.

Sec. 13. That original sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943, and also sections 14-203, 14-217, and 14-222, Reissue Revised Statutes of Nebraska, 1943, as amended by Legislative Bill 80, Eighty-sixth Legislature, First Session, 1979, are repealed.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.