

LEGISLATIVE BILL 281

Approved by the Governor March 30, 1983

Introduced by Chronister, 18

AN ACT to amend sections 19-421 and 19-632, Reissue Revised Statutes of Nebraska, 1943, and section 19-4205, Revised Statutes Supplement, 1982, relating to cities and villages; to authorize the delegation of certain duties of city and village clerks and election commissioners; and to repeal the original sections.

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

Section 1. 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 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 said 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. 2. That section 19-632, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-632. Within ten days after the filing of the petition, the city clerk shall ascertain whether or not the

petition is signed by the requisite number of electors, and shall attach thereto his or her certificate showing the result of such examination. If the petition be insufficient, he or she shall forthwith notify the person filing the same; and the petition may be amended at any time within ten days after the giving of said notice, by the filing of a supplementary petition upon additional petition papers, issued, signed, and filed as provided for the original petition. The city clerk shall, within five days after such amendment, examine the amended petition, and attach his or her certificate thereto as in the case of the original petition. If his or her certificate shall show the amended petition to be insufficient, or if no amendment was made, he or she shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose. 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 electors. The city shall reimburse the county for any costs incurred by the county clerk or election commissioner.

Sec. 3. That section 19-4205, Revised Statutes Supplement, 1982, be amended to read as follows:

19-4205. Within ten days after the filing of the petition, the city or village clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters, and shall attach thereto his or her certificate showing the result of such examination. Upon the filing of a petition or supplementary petition, a city or village, upon passage of a resolution by the governing body of such city or village, and the county clerk or election commissioner of the county in which such city or village 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 registered voters. If the petition be insufficient, he or she shall forthwith notify the person filing the petition that the petition may be amended at any time within ten days after the giving of such notice by the filing of a supplementary petition upon additional petition papers issued, signed, and filed as provided for the original petition. The city or village clerk shall, within five days after such amendment, examine the amended petition, and attach his or her certificate thereto as in the case of the original petition. If his or her certificate shall show the amended petition to be insufficient, or if no amendment was made, he or she shall file the petition in his or her office without prejudice to the filing of a new petition for the

same purpose.

Sec. 4. That original sections 19-421 and 19-632, Reissue Revised Statutes of Nebraska, 1943, and section 19-4205, Revised Statutes Supplement, 1982, are repealed.