

LEGISLATIVE BILL 308

Approved by the Governor April 12, 1983

Introduced by Abboud, 12

AN ACT to amend sections 16-104 and 16-302.01, Revised Statutes Supplement, 1982, relating to cities of the first class; to change the provisions relating to number of wards of a first-class city; to change provisions relating to the election of council members; and to repeal the original sections.

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

Section 1. That section 16-104, Revised Statutes Supplement, 1982, be amended to read as follows:

16-104. The mayor and council shall divide the city into not less than two four 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. The division into not less than four wards shall be made as soon as possible after the effective date of this act. Each ward shall constitute an election district; PROVIDED, when any ward shall contain over five hundred legal voters, the mayor and council may divide such ward into two or more election districts.

Sec. 2. That section 16-302.01, Revised Statutes Supplement, 1982, 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 of government, there shall be elected a mayor at large and one or two council members from each ward, who shall be electors of the city and residents of the ward from which elected, except that there shall be at least four council members. 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, or as provided in this 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 a term of four years and until their successors are elected and have 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, and adopts the first-class city form of government, 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 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. 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 term 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 by vote of the remaining members 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. 3. That original sections 16-104 and

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16-302.01, Revised Statutes Supplement, 1982, are repealed.