

LEGISLATIVE BILL 421

Approved by the Governor May 4, 1979

Introduced by Pirsch, 10

AN ACT relating to elections; to amend sections 10-703.01, 16-302.01, 17-107.02, 18-103, 32-212, 32-537, 32-542, 32-812, 46-112, and 79-803.09, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 32-210.01, 32-402.01, 32-428, and 32-815, Revised Statutes Supplement, 1978; to change election procedures as prescribed; to harmonize provisions; to change the rates of compensation for certain election officials; and to repeal the original sections.

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

Section 1. That section 10-703.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-703.01. In all special elections called for voting on the question of issuing bonds of the district, the county clerk or election commissioner or, if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question, shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under Chapter 32, except as otherwise specifically provided in this section. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election. The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absent and disabled voters ballots may be obtained. The ballots shall be counted by the county clerk or election commissioner conducting the election and two disinterested persons appointed by him. When the polls are closed the election board shall deliver the ballots to the county clerk or election commissioner conducting the election who, with the two disinterested persons appointed by him, shall proceed to count the ballots. Absent and disabled voters ballots shall be

furnished to the county clerk or election commissioner and ready for distribution by the county clerk or election commissioner conducting the election not less than fifteen days prior to the election as set out in section 32-819 and returned as provided in section 32-812. When a school district lies in more than one county, the county clerk or election commissioner in any other county containing part of such school district shall upon request certify its registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for absentee and disabled voters ballots to the county clerk or election commissioner charged with the issuing of absent and disabled voters ballots. Not less than five days prior to the election the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered electors of the school district in any other county or counties qualified to vote on the bond issue. Absent and disabled voters ballots cast at the election shall be counted by the same board as counted the ballots at the election and in the same manner as absent and disabled voters ballots are counted. When all the ballots have been counted, the returns of such election shall be turned over to the school board or board of education of the district in which the election was held, for the purpose of making a canvass thereof. The two disinterested persons appointed on the counting board shall receive two three dollars and thirty cents per hour for each hour of service rendered.

Sec. 2. That section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, 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 two councilmen from each ward, who shall be electors of the city and residents of the ward from which elected. 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) The term of office of any member of a council that would expire prior to the first regular council meeting in December, 1976 is hereby extended to such date.

(4) The term of office of any member that would expire after December, 1976, and prior to the first regular council meeting in December, 1978, is hereby extended to the first regular council meeting in December, 1978.

(5) 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.

(6) 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.

~~(7) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a councilman, such person shall not be entitled to a certificate of nomination at a statewide primary election nor have his name placed on the general election ballot unless he shall have received not less than twenty per cent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or the candidate receiving the greatest number of votes of the at large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at large candidates if the election was held at large. 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.~~

~~(8) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the~~ 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.

~~(9) The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.~~ 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.

Sec. 3. That section 17-107.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-107.02. (1) Commencing with the primary election in 1976, and every two years thereafter, all elected officers in all second-class cities shall be nominated at the statewide primary election and elected at the statewide general election.

(2) The term of office of any member of the board that would expire prior to the first regular board meeting in December, 1976, is hereby extended to such date.

(3) The term of office of any member that would expire after December, 1976, and prior to the first regular board meeting in December, 1978, is hereby extended to the first regular board meeting in December, 1978.

(4) If the number of candidates properly filed for nomination at the primary election shall 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 village by law becomes a second-class city, and adopts the second-class city form of government, and such second-class city is holding its initial election of all officers, the city clerk, county clerk, or election commissioner shall place the names of the candidates receiving the greatest number of votes at the primary election, if one was held, on the general election ballot, 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. At the first election, one half or the bare majority of the candidates in each precinct or ward or at-large candidates, as the case may be, receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

~~(6) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for councilman, such person shall not be entitled to a certificate of nomination at a statewide primary election nor have his name placed on the general election ballot unless he shall have received not less than twenty per cent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or of the at-large candidate, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at-large candidates, if the election was held at large.~~ 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) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, 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 candidates---receiving---the---greatest number of votes to fill the vacancy for which they were candidates shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.~~

{9} {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 board in December following their election.

Sec. 4. That section 18-102, Revised Statutes Supplement, 1978, be amended to read as follows:

18-102. Such proposal shall be written or printed and shall contain the full text of the proposed ordinance and, to be mandatory, shall be signed by at least fifteen per cent of the registered voters of such city. Every qualified elector of the State of Nebraska may sign an initiative or referendum petition on any measure upon which the elector is legally entitled to vote, except that no elector shall be qualified to sign or circulate any initiative or referendum petition unless he or she shall (1) be registered as ~~an elector~~ a voter at the time of signing, or (2) file an affidavit with the petition stating that he or she is a qualified elector. Each signer shall, at the time of signing, personally affix the date, his or her name in full, except that the middle name or initial may be omitted, and if the given name is an initial only, the signer shall so state below the name at the time of signing. A wife shall not use her husband's given name when she signs a petition, but rather she shall personally affix her given name along with her surname. In addition, the signer shall personally affix the street and street number, a designation of a rural route, or the voting precinct and city or village. No signer shall use ditto marks as a means of personally affixing the date or address to any petition. The voter registration at the time of the filing of the proposal shall be deemed the number of voters in said city for the purpose of determining the sufficiency of such a petition. Such proposal shall be filed with the clerk of such city.

Sec. 5. That section 18-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-103. If twenty per cent of the registered voters of such city shall request in such proposal that the ordinance therein proposed shall be submitted to the voters of such city to be voted on at a special election, the clerk of such a city shall cause the same to be submitted at a special election to be called as hereinafter provided. The voter registration at the time of filing of the proposal shall be deemed the number of voters in such city for the purpose of determining the sufficiency of such a proposal.

Sec. 6. That section 32-210.01, Revised Statutes Supplement, 1978, be amended to read as follows:

32-210.01. At the discretion of the district or precinct election inspectors any clerk of election may perform the duties of a judge of election, except the signing of ballots, and any judge of election may perform the duties of a clerk of election. In all counties in which an appointed election commissioner conducts the election, the judges and clerks of election and the board of canvassers for the county shall receive two three dollars and thirty cents for each hour of service rendered, except that, in precincts having counting boards, no member of the receiving board shall receive pay for more than fourteen hours of service. District inspectors shall be paid at the rate of three dollars and ninety cents per hour for the hours they shall serve. Each member of the election board shall sign an affidavit stating the number of hours such member has worked. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.

Sec. 7. That section 32-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-212. The election commissioner may also appoint to the receiving board at such time as shall be necessary, persons qualified as herein specified to serve in case of vacancy among any of the judges or clerks, or with and in addition to the officers in any election district wherein it may be deemed necessary by the election commissioner to meet any emergency to have additional officers, not exceeding two, in any election district to carry into effect the provisions of sections 32-201 to 32-232. The election commissioner may also, ~~at other than general, state, and national elections,~~ where,

in his or her judgment, their services are not required, excuse from serving at the elections the two clerks appointed for each election district, and in such case, the judges of election shall perform the duties of the clerks without additional compensation. The election inspector in each district may perform the duties of either a judge or clerk of election when so authorized by the election commissioner. Any additional appointees shall commence and end their duties at the time designated by the election commissioner. Each appointee shall be paid at the rate of two dollars and ninety cents per hour for each hour of service rendered.

Sec. 8. That section 32-402.01, Revised Statutes Supplement, 1978, be amended to read as follows:

32-402.01. At least fifty days before any primary or general election, the Secretary of State shall transmit to each county clerk or election commissioner a certified ballots list--containing--the--names--of--all candidates-

The certification certified ballots prior to the primary election shall list name the office to be filled, the length of the term, the number of candidates to be voted for, and the name of each candidate for whom nomination or petition papers have been filed in the office of the Secretary of State, entitled to be voted for at such primary election, the party or principle he the candidate represents, and the post-office address of such candidate.

The certification certified ballots prior to the general election shall list name the office to be filled, the length of the term, the number of candidates to be voted for, and the name of each candidate nominated at the primary or filed by petition as shown by the records in the office of the Secretary of State, entitled to be voted for at such general election, and the party or principle he or she represents.

If joint elections are held at--the--time--of in conjunction with the statewide primary or general election by a village, city, and county, only one notice of election need be published and signed by the county clerk or election commissioner.

The notice of election for a primary or general election shall state the date on which the election is to be held and the hours the polls will be open. Such notice of election shall appear in at least one issue of the newspapers designated by the county board no later than forty days prior to the primary or general election.

The publication shall be not smaller than eight point type nor larger than ten point type and shall be in such form as shall be prescribed by the Secretary of State.

Not later than forty days prior to the primary election, the county clerk or election commissioner shall post in his or her office the notice of election naming all candidates certified to him or her by the Secretary of State and of all candidates filing in his or her office.

Not later than forty days prior to the general election, the county clerk or election commissioner shall post in his or her office the notice of election naming all candidates nominated in the primary election or filing petitions as certified by the Secretary of State and of all candidates filing in his or her office who were nominated in the primary election or who filed petitions.

The notice of election shall only state that amendments or referendums will be voted upon and that any amendments or referendums will be published by the Secretary of State, being a true copy of the title and text, once each week for three consecutive weeks preceding the election.

The notice of election shall be posted in lieu of sample ballots until such time as sample ballots are printed as provided by law.

Sec. 9. That section 32-428, Revised Statutes Supplement, 1978, be amended to read as follows:

32-428. In each division of the ballot at a primary election there shall be no write-in space for ~~county-weed-control-authority~~, delegates to the county convention, delegates to the national convention, county surveyor, county superintendent, and directors of public power districts, ~~directors of reclamation districts, and members of the board of educational service units.~~ In each division of the ballot at a general election there shall be no write-in space for President and Vice President, ~~county-weed-control-authority~~, directors of public power districts, county ~~surveyor~~, ~~county superintendent~~, ~~township officers~~, directors of reclamation districts, members of the board of educational service units, and directors of natural resources districts. Beneath all candidates placed on the ballot by nomination or petition, a blank space shall be provided into which electors may write the name of any person for whom they wish to vote and whose name is not printed upon the ballot but for officers named in this

section there shall be no write-in space provided.

In any primary election, if the names of candidates properly filed for nomination at the primary election for the offices named in this section, except for delegates to the county and national conventions, do not exceed two candidates for each vacancy to be filled, all so filed shall be declared nominated and their names shall not appear on any primary ballots. If the number of candidates for delegates to a county or national convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the ballot and those so filed shall receive a certificate of election. If the names of candidates exceed the number of delegates to be elected, all so filed shall have their names placed on the ballot and the electors shall cast ballots for the candidates of their choice. Certificates of nomination and election shall be issued as provided by law. The county clerk or election commissioner shall place the names of the automatically nominated candidates on the general election ballot as provided in section 32-424. The official abstract of votes kept by the county or the state, as the case may be, shall show the names of the nominated candidates with the statement nominated without opposition.

Sec. 10. That section 32-537, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-537. (1) If, before a primary election, there shall be a vacancy on account of death or declination after the time for filing and before the primary election, such vacancy can only be filled by a petition candidate after the primary election. Petition signers and petition circulators shall be at least the constitutionally prescribed age of an elector, reside in the state, be a citizen of the United States, and a registered elector voter.

(2) If, after a primary election, there shall, through any cause whatsoever, be a vacancy upon the nonpolitical ballot for any office, such vacancy may be filled by filing petitions with the Secretary of State, county clerk, or election commissioner no later than seventy days prior to the general election. ~~The form of petition shall be prescribed by the Secretary of State.~~

(3) The petitions must show the name and address of the candidate, the office to be filled, and the names and addresses of the qualified, registered signers, the truth of which must be sworn to by the circulator thereof. The petitions must bear the signatures of at

least five per cent of the total number of electors registered voters voting for Governor or President in the preceding general election in the district in which the petitions are circulated vacancy is to be filled; Provided, in no event shall the total number of signatures required exceed seven hundred fifty; and provided further, if the district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall have been obtained in each county comprising the district. In a Class III school district the petitions must bear signatures of at least twenty per cent of the total number of votes cast for the board member receiving the highest number of votes at the preceding general election in the district in which the vacancy is to be filled. The petition signers shall be registered voters residing within the boundaries of the school district and petition circulators need not give consideration to county boundaries. Once the petition process is commenced to fill a vacancy on the ballot, as defined in subsection (4) of this section, all candidates filing petitions no later than seventy days prior to the general election shall have their name placed on the ballot. Candidates placed on the ballot by petition shall be termed candidates by petition, and upon the ballot upon which their names are printed shall be printed after such name the words By Petition. The names shall rotate as provided in subsection (2) of section 32-424.

(4) Accompanying each petition shall be a receipt from the county treasurer of the county in which the candidate holds legal residence for the sum which would have been required had the candidate filed before the primary election. Within five days after all petitions have been filed with the Secretary of State, county clerk, or election commissioner, the candidate shall file a written statement of acceptance with the appropriate election official. A vacancy shall be deemed to exist when (a) any person shall cease for any reason to be a candidate for the office for which he or she was nominated in the primary, (b) no person was nominated for the office in the primary, or (c) when the number of candidates for the office shall be less than twice the number of positions to be filled.

(5) In any nonpartisan primary election in which the number of persons to be nominated for an office is not greater than two, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such primary

who received the next highest number of votes shall be declared the nominee and be entitled to the certificate of nomination; Provided, that such candidate receiving the next highest number of votes shall have received not less than twenty-five per cent of the total number of votes cast for such office in such primary. If, in such primary, the candidate who received the next highest number of votes received less than twenty-five per cent of the total number of votes cast for such office, or if no other person was a candidate for that office, or if the electorate did not have reasonable notice at the time of the election of the disability of the candidate who received the highest number of votes, a vacancy on the general election ballot shall be deemed to exist. Such vacancy may be filled only by candidates filing for the office by petition as prescribed in section 32-537.

(6) In any nonpartisan primary election in which the number of persons to be nominated for an office is greater than two, the provisions of subsection (5) of this section shall apply, with the exception that the requisite percentage of total number of votes cast for the office shall be ten per cent. In any partisan primary election, when the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such primary who received the next highest number of votes shall be declared the nominee, and shall be entitled to the certificate of nomination; Provided, that such candidate receiving the next highest number of votes shall have received not less than thirty-five per cent of the total number of votes cast for such office in such primary. If, in such primary, the candidate who received the next highest number of votes received less than thirty-five per cent of the total number of votes cast for such office, or if no other person was a candidate for that office, or if the electorate did not have reasonable notice at the time of the election of the disability of the candidate who received the highest number of votes, a vacancy on the general election ballot shall be deemed to exist. Such vacancy may be filled as prescribed in section 32-522. Any person who was a candidate for nomination in any partisan or nonpartisan primary election, who received the next highest number of votes to a candidate disqualified under the provisions of subsections (3) and (4) of this section, and who was not declared nominated because of his or her failure to receive the requisite per cent of the total votes cast for the office in that election, shall not be deemed to be defeated within the meaning of subsection (2) of

section 32-504.

(7) In any general election, when the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected, and shall be entitled to the certificate of election; Provided, that such candidate receiving the next highest number of votes shall have received not less than thirty-five per cent of the total number of votes cast for such office in such election. If, in such election, the candidate who received the next highest number of votes received less than thirty-five per cent of the total number of votes cast for such office, or if no other person was a candidate for such office, or if the electorate did not have reasonable notice at the time of the election of the disability of the candidate who received the highest number of votes, a vacancy in such office shall be declared to exist at the time of commencement of the term. Such vacancy may be filled as prescribed by law.

(8) In any general election in which the number of persons to be elected to an office is greater than two, the provisions of subsection (5) of this section shall apply, with the exception that the requisite percentage of total number of votes cast for the office shall be ten per cent.

Sec. 11. That section 32-542, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-542. In each presidential election year, delegates to the national conventions of the political parties shall be elected in the following manner:

(1) The total number of delegates representing this state at each convention shall be determined by the rules of the national political party holding the convention;

(2) The total number of delegates thus authorized shall be allocated among the congressional districts so that each congressional district elects the same percentage, or as nearly the same percentage as is possible, of total delegates as was its percentage of the total vote for that party's presidential candidate in the last preceding presidential election; and

(3) Delegates to the national conventions shall be elected by the congressional districts in the manner provided in sections 32-504.01, 32-513, and 32-420.02; and =

(4) The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of election laws, including ballot preparation, separation of ballots, and ballot instructions to comply with and carry out the intent of national party rules and court decisions notwithstanding the provisions found in sections 32-420.02, 32-504.01, and 32-513.

Whenever Chapter 32 is in conformity with national party rules as to the election of delegates the election procedures found in Chapter 32 shall be followed.

Sec. 12. That section 32-812, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~32-812. All ballots of absent voters, voting at the office of the county clerk or election commissioner in order to be counted, must be voted not later than 4:00 p.m. of the day preceding election day. When the disabled voter's ballot is delivered in person or by agent, such ballot must be delivered to the county clerk or election commissioner, as issuing officer, not later than 8:00 p.m. on election day. When the United States mail is the means employed for the delivery of the absentee ballot, it must be in the physical possession of the county clerk or election commissioner not later than ten 10:00 a.m. on the second day following election day. The person attesting to an absent voter's ballot shall show the day and the hour on which the enclosed ballots were voted, which day and hour shall be no later than 8:00 p.m. the hour established by law for the closing of the polls on election day. A notary public shall not make any charge for signing and attaching his or her seal to the identification envelope of an absent voter.~~

Sec. 13. That section 32-815, Revised Statutes Supplement, 1978, be amended to read as follows:

~~32-815. In each county, the county clerk or election commissioner shall appoint a counting board of four two or more persons, two of each of opposing political parties party receiving the highest and next highest vote for Governor or President at the last previous election, to be known as the absent, disabled, and confined voters counting board. Two of the persons~~

~~appointed shall act as judges and two of the persons appointed shall act as clerks who, together with the county clerk or deputy election commissioner, shall serve at all state elections and shall constitute an election counting board for the absent and disabled voters of the county.~~ The county clerk or election commissioner, as he or she deems necessary, may appoint additional persons of the same number of each political party to augment such counting board. The counting board shall first meet as directed by the county clerk or election commissioner for the purpose of getting all absent, disabled, and confined voter identification envelopes in order for opening and counting on election day. The board shall compare the voter's name on the identification envelopes with the name on his the voter registration. If the name on the identification envelope appears to be that of the voter whose name is on the voter registration record and if it appears that the applicant is a qualified voter, such ballot identification envelope shall be accepted for opening without further questioning on election day. The absent, disabled, and confined voters counting board shall commence its duties on election day at the time ordered by the county clerk or election commissioner and, without any further check of the identification envelopes except those received on election day which must be approved prior to opening, shall open the envelopes and if the ballot or ballots have the endorsement written signature of the county clerk, election commissioner, or any employee thereof, the same shall be placed without unfolding into a ballot box. As soon as all ballots have been placed in the ballot box and unopened and rejected identification envelopes or ballots have been disposed of according to law, the ballots shall be counted the same as all other ballots and an unofficial count released to the county clerk or election commissioner. All ballots, rejected ballots, identification envelopes, and applications shall be sealed in a ballots-cast sack the same as all other ballots voted on election day.

Sec. 14. That section 46-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-112. The officers elected in compliance with section 46-110, upon qualifying as hereinafter provided, shall hold their respective offices until the next general election for the irrigation district, when their successors shall be elected. At such general election the member of the board of directors having the highest number of votes shall hold his or her respective office for the term of three years; the member of the board of directors having the next highest number of votes shall be declared to be elected for two years; the member of

the board of directors having the least number of votes shall be elected for one year. ~~In case of a tie, the term of office of the members trying shall be determined by lot.~~ Each year thereafter there shall be elected for a term of three years, one member of the board of directors. The members of the board of directors shall be nominated and elected by a majority vote of the electors of the division in the irrigation district, and shall be an elector of the division for which he or she is to serve as such director. If, after the election, it appears that any two or more persons have an equal and the highest number of votes for the same office, the county board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be elected.

An automatic recount shall be held in accordance with the recount sections in Chapter 32. The regular election of the district shall be held on the first Tuesday in February.

Sec. 15. That section 79-803.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-803.09. When more than one person becomes a candidate by filing, petition or write-in procedures for the same position in the primary, the~~ The 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 official 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 the provisions of section 32-537.

In the case of a tie vote of any of the candidates in either the primary or general election, the 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 county canvassing board and the certificate of nomination shall be given accordingly. Notice to appear shall be given by certified mail.

Sec. 16. That original sections 10-703.01, 16-302.01, 17-107.02, 18-103, 32-212, 32-537, 32-542, 32-812, 46-112, and 79-803.09, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 32-210.01, 32-402.01, 32-428, and 32-815, Revised Statutes Supplement, 1978, are repealed.