

LEGISLATIVE BILL 250

Approved by the Governor March 30, 1999

Introduced by Wehrbein, 2

AN ACT relating to city government; to amend sections 19-405, 19-409, and 32-539, Reissue Revised Statutes of Nebraska; to change provisions relating to the nomination and election of council members in cities adopting the commission plan of city government; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 19-405, Reissue Revised Statutes of Nebraska, is amended to read:

19-405. (1) Any person desiring to become a candidate for the office of council member provided for in section 19-404 shall file a candidate filing form as provided in sections 32-606 and 32-607 and pay the filing fee as provided in section 32-608.

(2) Candidates for the office of council member provided for in section 19-404 shall be nominated at large either at a the statewide primary election or, if no primary is held, by filing a candidate filing form pursuant to this section. No other names shall be placed upon the official ballot to be used at the general city if there are not more than two candidates who have filed for each position or if the council waives the requirement for a primary election.

(3) The council, by ordinance, may waive the requirement for a primary election in any year. Any person desiring to become a candidate for council member shall file with the city clerk a candidate filing form as provided in sections 32-606 and 32-607 and pay the filing fee as provided in section 32-608 by adopting an ordinance prior to January 5 of the year in which the primary election would have been held. If the council waives the requirement for a primary election, all candidates filing candidate filing forms by August 1 prior to the date of the general election as provided in subsection (2) of section 32-606 shall be declared nominated. If the council does not waive the requirement for a primary election and if there are not more than two candidates filed for each position to be filled, all candidates filing candidate filing forms by the deadline prescribed in subsection (1) of section 32-606 shall be declared nominated as provided in subsection (1) of section 32-811 and their names shall not appear on the primary election ballot.

Sec. 2. Section 19-409, Reissue Revised Statutes of Nebraska, is amended to read:

19-409. (1) The two candidates receiving the highest number of votes at the primary election or, if no primary is held shall be placed upon the official ballot for such position at the statewide general election. If no candidates appeared on the primary election ballot or if the council waived the primary election under section 19-405, all persons filing pursuant to section 19-405 shall be the only candidates whose names shall be placed upon the official ballot for such position at the statewide general city election.

(2) If excise members are to be elected, the six candidates receiving the highest number of votes for excise members at the primary election or all candidates, if there are less than six on the primary election ballot or if no primary election is held, shall be the only candidates whose names shall be placed upon the official ballot for excise members at the statewide general city election in any such city.

(3) Terms for council members shall begin on the date of the first regular meeting of the council in December following the statewide general election. The terms of council members holding office on the effective date of this act shall be extended to the first regular meeting of the council in December following the statewide general election. The changes made to this section by this legislative bill shall not change the staggering of the terms of council members in cities that have adopted the commission plan of government prior to January 1, 1999.

Sec. 3. Section 32-539, Reissue Revised Statutes of Nebraska, is amended to read:

32-539. (1) In a city which adopts the commission plan of government pursuant to sections 19-401 to 19-433, the number of city council members shall be determined by the class and population of the city. In cities having two thousand or more but not more than forty thousand inhabitants, there shall be five members, in cities of the primary class,

there shall be five members, and in cities of the metropolitan class, there shall be seven members. Council members shall be elected from the city at large. In cities of the primary class, three excise members shall be elected in addition to the five council members. Nomination and election of all council members shall be by nonpartisan ballot. The mayor shall be elected for a four-year term.

(2) In cities containing two thousand or more but not more than forty thousand inhabitants, at the city council election in 1980, the council member elected as the commissioner of the department of public works and the council member elected as the commissioner of the department of parks and recreation shall each serve a term of four years. If a city elects to adopt the commission plan of government after 1980, the council member elected as the commissioner of the department of public works and the council member elected as the commissioner of the department of public accounts and finances shall each serve a term of four years and the council member elected as the commissioner of the department of streets, public improvements, and public property and the council member elected as the commissioner of the department of parks and recreation shall each serve a term of two years. Upon the expiration of such terms, all council members shall serve terms of four years and until their successors are elected and qualified.

(3) Commencing with the statewide primary election in 2000, and every two years thereafter, candidates shall be nominated at the statewide primary election and elected at the statewide general election except as otherwise provided in section 19-405.

Sec. 4. Original sections 19-405, 19-409, and 32-539, Reissue Revised Statutes of Nebraska, are repealed.