

LEGISLATIVE BILL 730

Approved by the Governor March 14, 2001

Introduced by Hartnett, 45

AN ACT relating to elections; to amend sections 16-302.01, 32-534, 32-538, and 32-554, Reissue Revised Statutes of Nebraska; to provide for nominating and electing some city council members at large; to change city council election provisions as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 16-302.01, Reissue Revised Statutes of Nebraska, is amended to read:

16-302.01. In any city of the first class except any city having adopted the commissioner or city manager plan of government, the mayor and council members shall be registered voters of the city and the council members shall be residents of the ward from which elected if elected by ward and residents of the city if elected at large. 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 the Election Act.

The terms of office of all such members shall commence on the first regular meeting of the council in December following their election.

Sec. 2. Section 32-534, Reissue Revised Statutes of Nebraska, is amended to read:

32-534. (1) In a city of the first class except a city having adopted the commissioner or city manager plan of government, a mayor shall be elected at large and council members shall be elected by ward or at large and by ward as provided in section 32-554. If members are elected by ward, one or two council members shall be elected from each ward, except that there shall be at least four council members, and two ~~two~~ council members shall be required for each ward in any city having fewer than four wards as provided in section 16-104. The council may provide for the election of the treasurer and clerk as provided in section 16-302.01.

(2) All elected officers in a city of the first class shall serve for terms of four years or until their successors are elected and qualified. The council members shall be nominated at the statewide primary election and elected at the statewide general election. The council members shall meet the qualifications found in section 16-302.01.

Sec. 3. Section 32-538, Reissue Revised Statutes of Nebraska, is amended to read:

32-538. (1) In a city which adopts the city manager plan of government pursuant to sections 19-601 to 19-610, the number of city council members shall be determined by the class and population of the city. In cities having one thousand or more but not more than forty thousand inhabitants, there shall be five members, and in cities having more than forty thousand but less than two hundred thousand inhabitants, there shall be seven members, except that in cities having between twenty-five thousand and forty thousand inhabitants, the city council may by ordinance provide for seven members. Council members shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of its council members by wards, the number and boundaries of which are provided for in section 16-104. Council members shall serve for terms of four years or until their successors are elected and qualified, ~~except as provided for the first election under an ordinance changing the number of council members or their manner of election~~. The council members shall meet the qualifications found in sections 19-613 and 19-613.01.

The first election under an ordinance changing the number of council members or their manner of election shall take place at the next regular city election. Council members whose terms of office expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified, and shall be for all council members irrespective of their manner of election. ~~The qualification of the candidates elected at such first election shall end the terms of those council members in office whose terms have not otherwise expired. If all council members are elected at large at the first election, the bare majority of council members receiving the highest number of votes shall serve for four years and the others for two years. At the first election under an ordinance changing the number of council members or their~~

manner of election, one-half or the bare majority of council members elected at large, as the case may be, who receive the highest number of votes shall serve for four years and the other or others, if needed, for two years. At such first election, one-half or the bare majority of council members, as the case may be, who are elected by wards shall serve for four years and the other or others, if needed, for two years, as provided in the ordinance. If only one council member is to be elected at large at such first election, such member shall serve for four years.

(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.

Sec. 4. Section 32-554, Reissue Revised Statutes of Nebraska, is amended to read:

32-554. (1)(a) Any city not under a home rule charter, village, county, or school district nominating and electing members to its governing board at large may at a general election submit the question of nominating and electing members to its governing board by district or ward.

(b) Any city not under a home rule charter, village, county having not more than three hundred thousand inhabitants, or school district nominating and electing members to its governing board by district or ward may at a general election submit the question of nominating and electing members to its governing board at large.

(c) Any city of the first class, except a city having adopted the commissioner or city manager plan of government, nominating and electing members to its governing body by ward may at a general election submit the question of nominating and electing some of the members to its governing body by ward and some at large either by ordinance by a vote of a majority of the members of the governing body or by petition of the registered voters of the city. No more than three members of the city council may be elected on an at-large basis, and at least four members of the city council shall be elected by ward. The ordinance or petition shall specify the number of at-large members to be elected. At the first election in which one or more at-large members are to be elected to the city council, the members shall be elected to serve for initial terms of office of the following lengths:

(i) If one at-large member is to be elected, he or she shall serve for a four-year term;

(ii) If two at-large members are to be elected, the candidate receiving the highest number of votes shall be elected to serve for a four-year term and the other elected member shall be elected to serve for a two-year term; and

(iii) If three at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected member shall be elected to serve for a two-year term. Following the initial term of office, all at-large council members shall be elected to serve for four-year terms. No candidate may file as both an at-large candidate and a candidate by ward at the same election.

(2) Petitions for submission of the question shall be prepared, circulated, and signed by registered voters of the city, village, county, or school district desiring to change the procedures for electing the governing board of the city, village, county, or school district. The petition or petitions shall be signed by registered voters equal in number to twenty-five percent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing board. Each sheet of the petition shall have printed the full and correct copy of the question as it will appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election, and no signatures shall be added or removed from the petitions after they have been so filed. Petitions shall be verified as provided in section 32-631. If the petition or petitions are found to contain the required number of valid signatures, the county clerk or election commissioner shall place the question on a separate ballot to be issued to the registered voters of the city, village, county, or school district entitled to vote on the question.

(3)(a) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board by district or ward to nominating and electing some or all of such members at large shall notify the public and instruct the filing officer to accept all the appropriate filings on an at-large basis. Candidates to be elected at large shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

(b) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board at large to nominating and electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected by district or ward at the next primary and general election following submission of the question. When district or ward elections have been approved by the majority of the electorate, the governing board of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal decennial census except as provided in subsection (2) of section 32-553.

(4) Except as provided in section 14-201, each city not under a home rule charter, village, county, and school district which votes to nominate and elect members to its governing board by district or ward shall establish districts or wards so that the members of its governing board may be nominated and elected from districts or wards bearing odd numbers at one election and from districts or wards bearing even numbers at the following election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If the governing board fails to draw district boundaries by October 1, the procedures set forth in section 32-555 shall be followed.

Sec. 5. Original sections 16-302.01, 32-534, 32-538, and 32-554, Reissue Revised Statutes of Nebraska, are repealed.