

LEGISLATIVE BILL 661

Approved by the Governor February 4, 1972

Introduced by Elmer Wallwey, 17th District; Fred W. Carstens, 30th District; William F. Swanson, 27th District

AN ACT relating to elections; to change, clarify, and harmonize election provisions generally; to amend sections 10-703.01, 17-306, 19-612, 19-613.01, 19-615, 19-617, 19-621, 19-623, 19-3004, 19-3011, 23-343.25, 23-2010, 25-523, 32-106, 32-202, 32-206, 32-211, 32-222, 32-451, 32-460, 32-472, 32-4,104, 32-4,113, 32-4,114, 32-4,115, 32-504.01, 32-514, 32-525, 32-542, 32-545, 32-716, 32-808, 32-812, 32-819, 32-1305, 49-208, 51-202, 79-426.15, 79-1103, and 79-1109, Reissue Revised Statutes of Nebraska, 1943, sections 32-210.01, 32-216, 32-231, 32-231.01, 32-231.08, 32-428, 32-459, 32-499, 32-4,108, 32-4,147, 32-503.01, 32-504, 32-512, 32-513, 32-522, 32-526, 32-803, 32-804, 70-610, 79-426.25, 79-516.05, 79-701, and 79-803.03, Revised Statutes Supplement, 1969, sections 3-502, 17-307, 18-209, 19-3007.01, 32-210, 32-420.01, 32-535, and 32-537, Revised Statutes Supplement, 1971, sections 32-228, 32-229, 32-425, 32-477, and 32-807, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 3, 4, 5, 10, and 14, respectively, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, and section 32-102, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972; to provide severability; to repeal the original sections, and also sections 32-538, 32-542.01, and 79-1103.01, Revised Statutes Supplement, 1969; and to declare an emergency.

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

Section 1. That section 3-502, Revised Statutes Supplement, 1971, be amended to read as follows:

3-502. Any city is hereby authorized to create an airport authority to be managed and controlled by a board, which board, when and if appointed, shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such city for

the purpose of aviation operation, air navigation, and air safety operation; Provided, that this act shall not become operative as to any city unless the mayor and city council in their discretion shall activate the airport authority by the mayor appointing and the council approving the board members as hereinafter provided. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established. Each board in cities of the primary, first, and second classes and in villages shall consist of five members to be selected as follows: (1) (a) The mayor, with the approval of the city council, shall appoint one member who shall serve until his successor, elected at the first general city election following such appointment, shall qualify and take office, (b) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the second general city election following such appointment, shall qualify and take office, and (c) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the third general city election following such appointment, shall qualify and take office; and (2) upon the expiration of the terms of such appointed officers, members of the board shall be nominated and elected in the manner provided by law for the election of officers of the city concerned and shall take office at the same time as the officers of such city. Members of such board shall be residents of the city for which such authority is created, and, except for members initially appointed, shall serve for a term of six years. In the event authorities were activated prior to November 18, 1965, and where there are three members to be elected in 1967, two members shall be elected for a term of six years and one member for a term of four years in 1967, ~~and two members shall be elected for a term of six years in 1969; and thereafter the members shall be elected for a term of six years; and where there are two members to be elected in 1967, two members shall be elected for a term of six years in 1967; and two members elected for a term of six years and one member for a term of two years in 1969;~~ The member elected to a four-year term in 1967 shall have his term extended to the first Tuesday in June, 1972. The members elected for a six-year term in 1967 shall have their terms extended to the first Tuesday in June, 1974; the members elected in 1969 for a term of six years shall have their terms extended to the first Tuesday in June, 1976; at the general city election in 1972 one member shall be elected for a term of six years; at the general city election in 1974 two members shall be elected for a term of six years; and at the general city election in 1976 two members shall be elected for a term of six

years: Provided, those airport authority boards which have two members with terms expiring in 1972 shall, at the general city election in 1972 elect two members for terms of six years; the members whose terms expire in 1973 shall have their terms extended to the first Tuesday in June, 1974, and at the general city election in 1974 two members shall be elected for terms of six years; and that member whose term expires in 1975 shall have his term extended to the first Tuesday in June, 1976, and at the general city election in 1976 one member shall be elected for a term of six years; and thereafter the members shall, as their terms expire, be elected for a term of six years. Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by temporary appointment by the mayor until a successor can be elected, at the next general city election, to serve the unexpired portion, if any, of the term. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the city council, in the district court of the county in which such city is located.

Each board in cities of the metropolitan class shall consist of five members to be selected as follows:

The mayor, with the approval of the city council, shall appoint one member in 1966, for a term of five years, and one member for a term of four years, in 1968, he shall with the approval of the city council, appoint one member for a term of four years, and in 1969, he shall with the approval of the city council, appoint one member for a term of five years and one member for a term of four years; and upon the expiration of the terms of such appointed officers, members of the board shall be nominated by the mayor and approved by the city council, and shall serve for a term of five years. Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by the mayor, with the approval of the city council, and such appointee shall serve the unexpired portion, if any, of the term of the member whose office was vacated. Any member of such board may be removed from office by the mayor, for incompetence, neglect of duty, or malfeasance in office, with the consent and approval of the city council.

The members of the board hereby created shall not be entitled to compensation for their services, but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the provisions of this act to be paid as herein provided. A majority of the members of the board then in office shall

constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper. The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full, or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the city. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist all its remaining rights and properties shall pass to and vest in the city.

Sec. 2. That section 10-703.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-703.01. In all elections where Class I, II, III, or VI districts are voting on the question of issuing bonds of the district, the school-board-or--board of-education county clerk or election commissioner shall designate the polling places, prepare the form of ballot, and appoint the election officials. The ballots shall be counted by the county clerk or election commissioner, as the case may be, where the election is held in a district or districts located in a single county, or by the county clerk or election commissioner, as the case may be, in the county having the greatest number of electors entitled to vote on the question of issuing bonds when the district or districts are located in more than one county, 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 who, with the two disinterested persons appointed by him, shall proceed to count the ballots. Absent and disabled voters ballots shall be issued by the secretary--of--the--board county clerk or election commissioner in the same manner as provided in Chapter 32, article 8, and returned to the secretary him as provided therein. 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 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 the same fees as members of counting boards as provided in section 33-137.

Sec. 3. That section 17-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-306. Whenever any city of the second class desires to discontinue its organization as a city and organize as a village, and one-fourth of the legal voters of such city shall petition the city council, the council shall cause to be published, for at least thirty days, a notice stating that the question of adopting village government will be submitted at the next ~~annual~~ city election, or at a special election announced in such notice. The form of ballot shall be For organization as a village, and Against organization as a village, and at the same election the qualified voters shall vote for five trustees for the village. If a majority of the votes cast are For organization as a village, then such city shall within sixty days after such election become a village and be governed under the provisions of the law relating to a village unless it shall at some future ~~annual~~ election adopt a city government in the manner provided herein for the adoption of a village government.

Sec. 4. That section 17-307, Revised Statutes Supplement, 1971, be amended to read as follows:

17-307. (1) Whenever any village shall attain a population exceeding eight hundred inhabitants and one-fourth of the legal voters, but not less than one hundred registered legal voters, therein shall petition the board of trustees of such village, the board of trustees shall cause to be published for at least thirty days a notice stating that the question of retaining a village form of government will be submitted at the next ~~annual~~ regularly scheduled election or at a special election announced in such notice. Thereupon there shall be submitted by the board of trustees at such ~~next-annual~~ election the question of retaining a village form of government. Such election shall be conducted in the manner provided for cities of the second class. The form of the ballot at such election shall be For retention of village government, and Against retention of village government. If the majority of the votes cast are for retention of village government, then such village shall remain a village and be governed under the provisions of the law relating to villages, unless it shall, at some future ~~annual~~ election, adopt a city government in the

manner provided herein for the adoption of a village government.

(2) If the question is submitted at a special election, such election shall be held not later than October 15 of an odd-numbered year. If the question is rejected, city officials shall be elected at the next regularly scheduled election.

(3) If the question is submitted at a regularly scheduled election, no village trustees shall be elected at such election, but trustees whose terms are to expire following such election shall hold office until either their successors or city officials take office as follows:

(a) If the question is rejected, the village board shall call a special election, to be held not more than eight months after the election at which the question was rejected, for the purpose of electing city officials under the provisions of law relating to cities of the second class. The terms of office for such officials shall be established by the board of trustees so as to conform with the intent and purpose of section 17-107.01. The members of the board of trustees shall hold office only until the newly-elected city officials assume office; and

(b) If the question is approved, the village board shall call a special election, to be held not more than eight months after the election at which the question was approved, for the purpose of electing successors to those members of the village board who held office beyond the normal expiration of their terms. Such special election shall be conducted under the provisions of law relating to villages. Persons so elected shall take office as soon after the completion of the canvass of the votes as is practicable, and their terms of office shall be as if the holdovers had not occurred.

Sec. 5. That section 18-209, Revised Statutes Supplement, 1971, be amended to read as follows:

18-209. The election of police magistrates in all incorporated cities, except metropolitan and primary cities, shall be in-the-manner-provided-in-Chapter-32, or as-provided-in-this-act: as follows: Police magistrates elected in 1969 for two-year terms shall have their terms extended to the first Tuesday in June, 1972, and at the municipal election in 1972 and every four years thereafter a police magistrate shall be elected for a term of four years or until his successor is elected and qualified. Police magistrates elected in 1969 for

four-year terms shall have their terms extended to the first Tuesday in June, 1974, and at the municipal election in 1974 and every four years thereafter a police magistrate shall be elected for a term of four years or until his successor is elected and qualified.

Sec. 6. That section 19-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-612. The number of councilmen shall be determined by the class and population of the city as follows: In all cities having not more than forty thousand inhabitants, five; in cities having more than forty thousand inhabitants, seven; Provided, that in cities having between twenty-five thousand and forty thousand inhabitants, the city council may by ordinance provide for seven councilmen. Councilmen shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of its councilmen by wards, the number and boundaries of which are provided for in section 16-104. Councilmen shall serve for a term of four years and until their successors are elected and have qualified, except at the first election hereunder or the first election under an ordinance changing the number of councilmen or their manner of election. Such first election shall take place at the next regular city election and shall be for all councilmen irrespective of their manner of election. The qualification of the candidates elected at such first election shall end the terms of those councilmen in office whose terms have not otherwise expired. If all councilmen shall be elected at large at the first election hereunder, the bare majority of councilmen receiving the highest number of votes shall serve for four years and the others for only two years. At the first election under an ordinance changing the number of councilmen or their manner of election, one half or the bare majority of councilmen elected at large, as the case may be, receiving the highest number of votes, shall serve for four years and the other or others for only two years. At such first election, one half or the bare majority of councilmen, as the case may be, elected by wards, shall serve for four years and the others for only two years, as provided in the ordinance. If only one councilman is to be elected at large at such first election he shall serve for four years. If a vacancy occurs in the office of ward councilman, a successor councilman shall be elected in the ward at the next regular city election to serve for the remainder of the term; Provided, a majority of the remaining members of the council shall appoint a resident and qualified elector of the ward to serve as councilman until the

successor is so elected and has qualified. ~~Any city may, by ordinance, provide that the~~ The election of councilmen shall be in even-numbered years and any councilmen in office shall serve until their successors are elected at the next regular municipal election and have qualified for the office. All such councilmen who were elected for a four-year term in the year 1967 shall have their term extended to the first Tuesday in June, 1972, and all such councilmen who were elected for a two-year term in the year 1969 shall have their term extended to the first Tuesday in June, 1972, and all such councilmen who were elected for a four-year term in the year 1969 shall have their term extended to the first Tuesday in June, 1974, or until their successors are elected and qualified.

Sec. 7. That section 19-613.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-613.01. Any councilman to be elected for a ward, or his appointed successor in the event of a vacancy, shall be a resident and a qualified elector of such ward. He shall be nominated and elected in the same manner as provided for at-large candidates, except that only residents and qualified electors of the ward may participate in the signing of nomination petitions, ~~voting in the primary election, if any,~~ and voting in the general election. All nominating petitions and ballots shall clearly identify the ward from which he shall be a candidate. The ballots within a ward shall not contain the names of ward candidates from other wards. The printed ballots for each ward shall comply as nearly as may be with the requirements of section 19-622, so that ward candidates and at-large candidates, as the case may be, shall appear on the ballots in the order provided for by such section 19-622. ~~A primary election shall be held within a ward if there are more than two candidates from such ward.~~ The recall procedure shall apply to a ward councilman except that only qualified electors of his ward may sign a recall petition or vote at the recall election which shall be held within the ward only. The total number of votes cast within his ward at the last preceding regular municipal election shall be used to determine the number of signatures required for a recall election.

Sec. 8. That section 19-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-615. ~~At eight o'clock p.m. on the first Monday following a regular city election~~ On the first Tuesday in June following the municipal election in every

even-numbered year, the council shall meet in the usual place for holding meetings and the newly elected councilmen shall assume the duties of their office. Thereafter the council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than once in each two weeks in cities of the first class. The mayor, any two councilmen or the city manager may call special meetings of the council upon at least six hours' written notice. The meetings of the council and sessions of committees of the council shall be public. A majority of the members shall constitute a quorum, but a majority vote of all the members elected shall be required to pass any measure or elect to any office.

Sec. 9. That section 19-617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-617. ~~At-its-first-meeting--and--every--second year--thereafter~~ On the first Tuesday in June following the municipal election in every even-numbered year, the council shall elect one of its members as president, who shall be ex officio mayor, and another as vice president, who shall serve in the absence of the president. The president shall preside over the council, and have a voice and vote in its proceedings but no veto. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In addition, he shall exercise such other powers and perform such duties, not inconsistent with the provisions of this act, as are conferred upon the mayor of the city.

Sec. 10. That section 19-621, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-621. Regular municipal elections ~~in-any-city adopting-this-act~~ shall be held ~~at--the--time--of--the statewide-primary-election-or-as-provided--in--this--act-~~ in conjunction with the statewide primary in May of every even-numbered year, or on the first Tuesday of April of every even-numbered year. The choice of time for holding the election shall be made by the governing body of the city or village in accordance with the provisions of section 32-4,147.

Sec. 11. That section 19-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-623. Any elector of the city shall be considered nominated for the office of councilman if a petition as hereinafter prescribed or statement of candidacy is filed in his behalf with the city clerk, ~~except when a primary election is necessary as provided in section 19-624.~~ at least sixty days prior to the statewide primary election. Such petition shall be signed by not less than fifty nor more than one hundred qualified electors in cities of not more than forty thousand inhabitants, and by not less than two hundred or more than four hundred qualified electors in cities of more than forty thousand inhabitants. No electors shall sign the petition of more candidates than the number of councilmen to be elected, and should he do so, his signature shall be void as to the petition or petitions last filed.

Sec. 12. That section 19-3004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3004. ~~At least thirty days prior to any general municipal election,~~ The mayor, or the chairman of the board of trustees, as the case may be, shall issue a proclamation at least ninety days prior to the statewide primary, designating all of the offices to be filled by vote of the electors of the municipality, or the special issues or propositions to be submitted for the approval or rejection by such electors, at any general municipal election, and transmit the same forthwith to the municipal clerk for filing. In the case of a special election, such proclamation shall be issued ten days prior thereto.

Sec. 13. That section 19-3007.01, Revised Statutes Supplement, 1971, be amended to read as follows:

19-3007.01. Candidates for public office of cities of the first and second class and villages may be ~~nominated otherwise than by caucus or petition at a primary election. Candidates for the primary election shall be nominated as provided by section 32-504.~~ file by petition or statement of candidacy at a municipal election. Any person desiring to become a candidate for public office of a city of the first class, second class, or village by filing a statement of candidacy shall, at least sixty days prior to the statewide primary election, file with the city clerk a statement of such candidacy in substantially the following form:

STATE OF NEBRASKA County, ss. I,
being first duly sworn, say that I reside
at No. Street in the City of

County of, and State of Nebraska; that I am a citizen of the United States, and a qualified voter of such city; that I am a candidate for election for the office of to be voted upon at the election to be held on the day of, 19.... and I hereby request that my name be printed upon the official city ballot for election for such office.
Signed

Subscribed and sworn to before me by the said this day of, 19....
Signed
Notary Public

Sec. 14. That section 19-3011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3011. The municipal clerk shall, at least fifteen days prior to the municipal election, appoint three judges and two clerks of election in each precinct in the municipality, to be known as a receiving board. In precincts where more than one hundred votes were polled for Governor or President in the last presidential general election, the municipal clerk shall, in the same manner, appoint two additional judges and two additional clerks to be known as the election counting board and to serve as such. In precincts where there were not one hundred votes polled for Governor or President in the last presidential general election, the receiving board shall act as a counting board and count the ballots after the polls are closed, and make return thereof in the same manner provided as in the case of counting boards. The municipal clerk shall, at the time of appointing the three judges and two clerks of election on the receiving board, designate one of the appointees as a messenger, whose duty it shall be to receive from the municipal clerk the ballots, poll books, and other supplies necessary for holding the election in the precinct of which he is a judge or a clerk. At the time of appointing the counting board, the municipal clerk shall designate one of the appointees as a messenger to take charge and return the ballots, poll books, and other supplies to the municipal clerk as soon as possible after all the votes are counted. The ballots, poll books, and other supplies for the election shall be delivered by the messengers to the polling places in their respective precincts, at least one half hour before the time provided by law for opening the polls. No person shall be eligible to serve on any receiving or counting board who is a candidate for any office at such election. Each of such appointees shall (1) be of good character, approved integrity, well informed, able to read, write,

and speak the English language; (2) have resided in the precinct in which he is to serve for at least six months next preceding his appointment; (3) be entitled to vote in the election precinct involved; and (4) hold office for a term of one year or until judges and clerks of election are appointed for the next municipal election. The municipal clerk shall keep a written record of all such appointments, which record must be made at the time of appointment, and which shall be considered part of the public records of his office.

Sec. 15. That section 23-343.25, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.25. The elective officers of a local hospital district shall be a board of directors consisting of five members. The members of the first board shall be appointed by the county board and shall so classify themselves by lot that two members shall serve for ~~one-year; two shall serve for two-years; and one~~ two years, and ~~three~~ shall serve for three four years. Their successors shall thereafter be elected for terms of three four years each.

Terms of membership on the board of directors which are to expire in 1971 are hereby extended to 1972. Members elected to the board in 1972 shall serve four-year terms; Provided, that if four members of the board are to be elected in 1972, the candidate who receives the fourth highest number of votes shall serve a term of two years. Terms of membership on the board of directors which are to expire in 1973 are hereby extended to 1974. At the election in 1974, two members shall be elected for terms of four years. The successors of all members of the board of directors shall serve four-year terms.

Any vacancy upon such board, occurring other than by the expiration of a term, shall be filled by appointment by the remaining members of the board of directors. Any person appointed to fill such vacancy shall serve for the remainder of the unexpired term.

Sec. 16. That section 23-2010, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2010. In addition to the method of removing county officers prescribed in sections 23-2001 to 23-2009, any county officer, except the county superintendent of public instruction, of any county in this state may be removed from office at any time by

recall by the electors of such county as hereinafter provided. The procedure to accomplish the removal by recall of any incumbent of such office shall be as follows: A petition signed by the electors of any county equal in number to at least twenty-five per cent of the highest-vote total number of votes cast in such county for the office of Governor of this state or President at the last preceding general election, demanding the election of a successor to the person sought to be removed, and naming the candidate proposed for election to succeed him, shall be filed with the county clerk. The petition shall contain a general statement of the grounds upon which the removal is sought, the name of the incumbent whose removal is sought, the name of the candidate proposed to succeed him and the residence address of each signer of such petition. Within fifteen days from the date of the filing of such petition, the county clerk shall ~~examine--it--and--from~~ compare the petition signatures with the voters' register, ~~--if--there be a city within the county where registration--laws--are in force,--from the--poll--books--of--the--last--preceding election,--and--from--such--other--source--and--through--such other means as information may be obtained;~~ registration to ascertain whether ~~said--petition--is--signed--by--the requisite number of electors--of--such--county,--and,--if necessary,--the--board--of--county--commissioners--or supervisors--shall allow the county clerk extra--help--for that purpose~~ such signatures are valid. The county clerk shall attach to such petition his certificate showing the result of such examination. If the ~~said~~ clerk's certificate to such petition shows that it is insufficient ~~in point of number--of--signers~~ because of lack of signatures, it may be supplemented within fifteen days from the date of ~~such--certificate~~ filing the original petition by the filing of a supplemental petition signed stating all the facts as in the case of the original petition. The county clerk shall within ten days from the filing of such supplemental petition make a like examination of such supplemental petition signatures, and if the certificate shall show that the petition, together with any supplement thereto which may be filed, contains the requisite number of signatures, the clerk shall submit the petition and supplement, if there be a supplement, together with his certificate without delay to the county board.

Sec. 17. That section 25-523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-523. No newspaper shall be considered a legal newspaper for the publication of legal and other official notices unless the same shall have a bona fide

circulation of at least three hundred copies paid subscriptions weekly, and shall have been published within the county for fifty-two successive weeks prior to the publication of such notice, and be printed, either in whole or in part, in an office maintained at the place of publication; Provided, that nothing in this section or section 25-524 shall invalidate the publication in a newspaper which has suspended publication or been printed outside of the county, on account of fire, flood or other unavoidable accident, for not to exceed ten weeks, in the year last preceding the first publication of a legal notice, advertising or publication; and provided 7 further, that all publications made prior to May 22, 1941, in a newspaper which has, on account of flood, fire or other unavoidable accident, suspended publication or been printed in an office outside of the county, are hereby legalized; and provided 7 further, that all newspapers, otherwise complying herewith, which have, on account of flood, fire or other unavoidable accident, suspended publication or been printed in an office outside of the county, for not to exceed ten weeks in any year, are hereby legalized; and provided 7 further, that the publication of legal or other official notices in the English language in foreign language newspapers published within the county for fifty-two successive weeks prior to the publication of such a notice, and printed either in whole or in part in an office maintained at the place of publication, shall also be legal.

Sec. 18. That section 32-102, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

32-102. Elector shall mean every person of the constitutionally prescribed age of ~~eighteen~~ years or upwards, and who shall have the right to vote for all officers to be elected to public office, and upon all questions and propositions lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or laws of the State of Nebraska; Provided, no person shall be qualified to vote at any election unless such person shall have resided in the state six months, in the county forty twenty days, and in the precinct, township or ward ten five days, and shall have been properly registered with the county clerk or election commissioner, and shall be a citizen of the United States.

Sec. 19. That section 32-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-106. Election shall mean any primary, special, municipal, joint, or general election, except including school election, at which the electors of the state or of any subdivision thereof choose by ballot public officials or decide any public questions and propositions lawfully submitted to them.

Sec. 20. That section 32-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-202. The election commissioner in each county having a population of fifty thousand or more inhabitants, shall be appointed by the Governor. He shall serve for a term of four years and until a successor has been appointed and qualified. In each county having a population of not less than thirty thousand nor more than fifty thousand inhabitants the election commissioner shall be appointed by the county board after the board's adoption of a resolution establishing such office. Such appointment shall be effective when made, and the election commissioner so appointed shall serve for a term of four years and until his successor has been appointed and qualified. The county board shall not appoint any incumbent county official to serve as an election commissioner. The appointment of the deputy election commissioner shall be at the option of the county board.

Sec. 21. That section 32-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-206. In--case--of--vacancy In the event a vacancy occurs in the office of election commissioner in a county having a population of fifty thousand or more inhabitants, or in a county having a population of not less than thirty thousand nor more than fifty thousand inhabitants, the same shall be filled in the same manner and form as provided for the appointment of the election commissioner in section 32-202, and he shall serve for the unexpired part of the term. The election commissioner appointed by the Governor as provided in section 32-202 shall be subject to removal by the Governor, of--Nebraska and the election commission appointed by the county board as provided in section 32-202 shall be subject to removal by the county board, at any time for incompetency, or for conduct which shall be prejudicial to the public interest, whereby a vacancy shall be declared in such office and shall be filled as herein provided.

Sec. 22. That section 32-210, Revised Statutes Supplement, 1971, be amended to read as follows:

32-210. The election commissioner shall, using his own judgment and discretion and not restricted by any recommendation whatever, select and appoint three qualified persons as judges of election and two qualified persons as clerks of election for each election district in such county. They shall be persons of good repute and character, able to read and write the English language, and eligible to qualify as electors of the county in which such election is held. No person shall be appointed a judge or clerk of election (1) who is a candidate for office at such election, except candidates for member of school boards and delegate to a county political convention, or (2) who is in the public employ in any capacity, except an employee of the Omaha Public Power District, an employee of the Metropolitan Utilities District, and a teacher of the public schools. Before entering upon the duties of his office, each judge and clerk so appointed shall sign an oath and file the same with the election commissioner or other official in charge of elections in the county where such services are performed. The oath need not be taken and signed before a person authorized to administer oaths.

The oath shall be in the following form: I,, on this day of, 19....., do solemnly swear, or affirm, under the penalties of perjury, that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of election official of County, Nebraska, according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Such judges and clerks shall be appointed for a term ending thirty days prior to the next general state election after the election for which they were appointed to serve. They shall serve as judges and clerks at all general, city, special, municipal, and primary elections

in such counties during their term of office. Where a vacancy in the office of judge or clerk shall occur from any cause, the commissioner shall make an appointment, as herein provided, to fill such vacancy. If any judge or clerk fails to appear at the hour appointed for the opening of the polls, the remaining officers shall proceed to conduct the election and notify the election commissioner. Two of the judges and one of the clerks of election shall belong to the political party which at the last general state election cast the highest number of votes in the county for Governor or for President in the last preceding presidential election, and one of the judges and one of the clerks of election shall belong to the political party which, at the state election, polled the next highest number of votes in the county for Governor or for President in the last preceding presidential election; Provided, that one of the judges in either event may be a person eligible to qualify as an elector but who is affiliated with neither party. The judges and clerks of the election receiving board may be men or women, according to the discretion of the election commissioner. If, in the judgment of the commissioner, any person holding the position of judge or clerk of election is found not to possess all the qualifications prescribed in this section, or if any such judge or clerk shall be guilty of neglecting the duties of his office or of any official misconduct, such person shall be removed forthwith by the commissioner and the vacancy immediately filled.

Sec. 23. That section 32-210.01, Revised Statutes Supplement, 1969, 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.

Sec. 24. That section 32-211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-211. The election commissioner shall in the same manner appoint two judges and two clerks for each election district in the county, having two hundred or more electors who, together with the inspector of election, shall constitute the counting board, and shall serve at the state primary and general elections. One of the judges and one of the clerks shall belong to the political party which at-the-last-general-election cast the highest number of votes in the county for Governor or for President in the last preceding general election, and

one of the judges and one of the clerks shall belong to the political party which at the last general state election cast the next highest number of votes in the county for Governor or for President; Provided, that one of the judges may be a person eligible to qualify as an elector but who is affiliated with neither party. The judges and clerks may be either men or women. One of the judges shall be appointed as supervisor of the counting board and shall be under the direction of the precinct inspector. This judge shall also be the judge to assist the inspector in bringing the ballot box and other supplies to the election office after the count has been completed. All other provisions in regard to the appointment, removal, and qualifications of judges and clerks of the counting board shall be the same as set forth in section 32-210 for judges and clerks of the election boards.

Sec. 25. That section 32-216, Revised Statutes Supplement, 1969, be amended to read as follows:

32-216. (1) The election commissioner or county clerk, as the case may be, shall provide for a general registration of all the voters of the county. He shall furnish the necessary records, as provided by section 32-220, which records shall be known as the permanent registration register. The permanent registration register shall be kept in duplicate. The original registration register shall remain in the office of the election commissioner or county clerk as the case may be. The duplicate registration register shall be taken to and used in the various election districts for election purposes.

(2) Any person properly registering as a voter, as provided for by subsection (1) of this section, shall not be required to again register in such county unless he or she changes his or her name or residence, changes his or her name by reason of marriage, or fails to vote in two succeeding general elections. If a voter fails to vote in two succeeding general elections, the election commissioner or county clerk shall purge such voter's registration from the permanent registration register, and such voter shall be required to again register before he shall be permitted to vote in any election. When any registered voter shall change his or her residence from one voting district to another, or shall change his or her name by reason of marriage or otherwise, such change of residence or change of name shall operate as a cancellation of his or her registration, and he or she must again register before he or she shall be permitted to vote; Provided, that a registered voter who changes residence and who has retained legal residence

continuously in the county since the date of last registration may complete the abbreviated transfer of registration in lieu of the standard registration.

(3) The office of the election commissioner or county clerk shall remain open during the usual business days of the entire year for purposes of general registration and revision, as required by subsection (1) or (2) of this section, and for the transaction of the business of such office. Such registration and revision shall be carried on and held open at all times during the regular business hours of the election commissioner's or county clerk's office, as the case may be, to and ending at six p.m. on the second Friday preceding any election, including school elections.

(4) In addition to his office, the election commissioner or county clerk shall provide such other places of registration as in his judgment the best interests of the service may require, which other places shall be open at such times and during such hours as he may direct. Notice of such places of registration shall be given by publication in at least one of the leading newspapers of general circulation in the county.

(5) The election commissioner or the county clerk shall upon request provide, free of charge, to each county political party chairman, a copy of the most current listing which has been prepared by his office of all registered voters and their addresses. Such list of voters shall be provided no later than thirty-five days prior to the primary and general elections. In addition, on the last four Fridays preceding the primary and general elections, the county clerk in those counties not having an election commissioner shall prepare and post in his office a list of the voters registering the preceding week. Such list shall contain the name, address, party affiliation, and precinct of each registered voter.

(6) The county clerk or election commissioner shall, upon request, provide free of charge a complete and current listing of all registered voters and their addresses to the clerk of the United States District Court for the District of Nebraska. Such list shall be provided no later than December 31 of each even-numbered year.

Sec. 26. That section 32-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-222. Any person serving as supervisor of registration shall administer to all persons who may

personally apply to register the following oath or affirmation: You do solemnly swear, or affirm, that you will fully and truly answer all questions as shall be put to you, touching your place of residence, name, date and place of birth, your qualifications as an elector, and all other questions affecting your right to register and vote under the laws of this state. The provisions of this section shall not apply to persons completing the abbreviated transfer of registration form. The supervisor of registration shall meet the following prescribed qualifications:

(1) Be a citizen of the United States and of the State of Nebraska;

(2) Be a resident of, and qualified voter in, the county for which he is chosen; and

(3) Take and subscribe to an oath or affirmation that he will support the Constitution of the United States and the Constitution of the State of Nebraska, and will faithfully and impartially perform the duties of the office of supervisor of registration according to law and to the best of his ability.

Sec. 27. That section 32-228, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

32-228. All notices which are required by law to be given by the Secretary of State to the county clerk or other officer of any county governed by the provisions of sections 32-201 to 32-232, or of any political subdivision thereof or therein, relating to the holding of any election, and stating the officers to be elected thereat, or the questions to be voted upon by people thereat, shall be communicated by the Secretary of State to the election commissioner for counties having a population of more than fifty thirty thousand inhabitants.

Sec. 28. That section 32-229, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

32-229. All certificates of nomination for office to be voted for by the electors of any county having a population of more than fifty thirty thousand inhabitants or any political subdivision thereof or therein, all declinations of nominations for office, all certificates of nomination to fill vacancies caused by

such declinations or by death, and all statements of candidates' expenses or other documents, required by law to be filed with any officer of any such county or subdivision thereof, shall be filed in the office of the election commissioner.

Sec. 29. That section 32-231, Revised Statutes Supplement, 1969, be amended to read as follows:

32-231. In counties having a population of more than two hundred thousand inhabitants: (1) The election commissioner shall receive a salary during the time he shall serve and hold office at the rate of seventy-five not less than ninety-five hundred dollars per annum payable monthly, and the chief deputy commissioner shall receive a salary during the period of his employment at the rate of not less than six seven thousand five hundred dollars per annum payable monthly; (2) judges and clerks of election shall be paid at the minimum rate of one dollar and sixty cents per hour; and (3) district inspectors shall be paid at the rate of two dollars and twenty-five cents per hour for the time they shall serve. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.

Sec. 30. That section 32-231.01, Revised Statutes Supplement, 1969, be amended to read as follows:

32-231.01. In counties having a population of more than sixty thousand and not more than two hundred thousand inhabitants: (1) The election commissioner shall receive a salary during the time he shall serve and hold office at the rate of not less than seven thousand five hundred dollars per annum payable monthly, and the chief deputy commissioner shall receive a salary during the period of his employment at the rate of not less than six thousand dollars per annum payable monthly; (2) judges and clerks of election shall be paid the minimum rate of one dollar and sixty cents per hour; and (3) district and precinct inspectors shall be paid an hourly wage at a rate fifty cents more than that paid judges and clerks for the time during which they shall serve. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.

Sec. 31. That section 32-231.08, Revised Statutes Supplement, 1969, be amended to read as follows:

32-231.08. In all counties having a population of more than fifty thousand and not more than sixty thousand inhabitants: (1) The election commissioner

shall receive a salary during the time he shall serve and hold office at the rate of not less than six seven thousand dollars per annum payable monthly, and the chief deputy commissioner shall receive a salary during the period of his employment at the rate of four not less than five thousand five hundred dollars per annum payable monthly; (2) judges and clerks of election shall be paid one dollar and sixty cents per hour; and (3) district and precinct inspectors shall be paid one dollar and ninety-five cents per hour for the time during which they shall serve. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.

Sec. 32. That section 32-420.01, Revised Statutes Supplement, 1971, be amended to read as follows:

32-420.01. The form of the official ballot at the primary election shall be prescribed by the Secretary of State. Each division containing the names of the office and a list of the candidates for such office shall be separated from other groups by a distinct and heavy line. At the top of the ballot and over all else shall be printed in black face type one half inch high the name of the political party, Official Ballot, Primary Election 19..... . All proposals submitted by initiative or referendum, proposals for constitutional amendments, candidates for delegates to the national political conventions, and candidates on the nonpolitical ballot shall each be submitted on a separate ballot similar to the ballots described in sections 32-421.01, 32-422.01, and 32-423.01, and section 33 of this act. At the primary elections wherein any office is not subject to election, that office shall be omitted from the ballot, and the office listed immediately below it shall be moved into its place, so that the same relative order may be preserved.

Sec. 33. Ballots for delegates to national political conventions shall be printed on separate ballots of different color from ballots for the primary election as determined by the Secretary of State. The form of the official ballot to be used at such primary shall be prescribed by the Secretary of State in accordance with the provisions of section 32-420.01. The names of the candidates shall be rotated in the same manner as names are rotated on the primary ballot. Provided, if the number of candidates is large, the county clerk or election commissioner may, in his discretion, rotate the names by group so as to carry out the intent and purpose of ballot name rotation.

Sec. 34. That section 32-425, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

32-425. (1) Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of sections 32-423.01, 32-424, 32-504, 32-524, 32-533, 32-537, and 32-538, and no other names. The name of a candidate shall not appear on the ballot or any series of ballots at any one election more than once except for the office of delegate to a national or county convention, and no person shall be eligible to serve in more than one elected office concurrently.

(2) When, at the primary election, two or more of the surnames of candidates for the same office are the same in spelling or sound, the Secretary of State, county clerk, city clerk, election commissioner, or any other public officer upon whom is enjoined the duty of preparing and publishing official ballots, may on the request of any such candidate, print on the ballot immediately below his or her name in not to exceed five words the post-office address and occupation of such candidate. The designation thus made shall be set in light face type, cap and lower case letters, of the same size as the name of the candidate is printed.

Sec. 35. That section 32-428, Revised Statutes Supplement, 1969, be amended to read as follows:

32-428. In each division of the ballot, except as to candidates for President and Vice President, county weed control authority, ~~and justice of the peace at a general election~~ and delegates to the county convention, delegates ~~and alternates~~ to the national convention, area board of a technical community college, and candidates ~~for county weed control authority~~ county surveyor at a primary election, and except as to President and Vice President, county weed control authority, justice of the peace, supervisors of soil and water conservation districts, directors of public power districts, area board of a technical community college, and county surveyors, at a general election, and beneath all candidates placed there 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. The vote for a person whose name is so written in shall be counted, even though not marked as if printed on the ballot; Provided, that votes for persons so written in

shall not be counted for the offices named in this section.

Sec. 36. That section 32-451, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-451. The county clerk or election commissioner, as the case may be, of each county shall cause to be printed in large type on cards in English, instructions for the guidance of electors in preparing their ballots. He shall furnish five such cards to the judges of election in each election precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post such cards in each voting place on the day of election. Such cards shall be printed in large, clear type and shall contain full instructions to the voters, according to Schedule A, hereof.

SCHEDULE A
Instructions to Voters

1. Persons desiring to vote must procure their ballots from a judge of the election board.

2. Voters must then, without leaving the polling place, proceed to a compartment and prepare their ballots.

3. Prepare your ballots as follows:

(a) Make a cross or other clear intelligible mark in the square to the left of the name of the candidate for whom you wish to vote.

(b) If two or more candidates are to be voted for, for the same office, make such a cross or other clear intelligible mark in the square to the left of the name of each candidate for whom you wish to vote. However, do not vote for more candidates for an office than the ballot indicates are required to fill that office.

(c) When voting on proposals for constitutional amendments, proposals submitted by initiative or referendum, bond issues, or other proposition, indicate your vote by making a cross or other clear intelligible mark in the square to the left indicating your affirmative or negative vote, Yes or No vote, or For or Against vote, as the case may be.

(d) If you wish to vote for any person whose name is not printed on the ballot, write his name in full in

the blank space on the ballot under the proper office you wish him to hold. There are no provisions permitting such votes for President or Vice President, county weed control authority, justice of the peace, supervisors of soil and water conservation districts, directors of public power districts, area boards of technical community colleges, or county surveyors at a general election or for delegates to a county convention, delegates to a national convention of a political party, county weed control authorities, area boards of technical community colleges, or county surveyors at a primary election.

4. If you spoil a ballot, return it to a judge of the election board and obtain from him a new ballot, but you cannot get more than a total of four in all.

5. After having marked your ballots, fold them separately so as to conceal the front of the ballot and expose only the written names of the election officials on the back.

6. Hand your ballots to a judge of election who, in your presence, will deposit the ballots in the ballot box, after which you should immediately leave the polling place.

7. Do not take any ballot from the polling place. If you do so you thereby forfeit the right to vote.

Sec. 37. That section 32-459, Revised Statutes Supplement, 1969, be amended to read as follows:

32-459. It shall be the duty of one of the judges of election, or the clerks in counties having an election commissioner, to enter on the election register, or on the registration cards, in a suitable or a separate place provided therefor, the date and number of each person voting. Such number shall be the same as that and corresponding with the number in the poll books, the same being named List of Voters One and List of Voters Two. It shall be the duty of each elector to personally write his or her full name in the poll book after the clerk has found the elector to be properly registered. Within twenty-four hours after the closing of the polls of any election, the lists or registers of voters shall be returned to the office of the election commissioner or county clerk, by the inspector, judge, or clerk charged therewith, and the same shall be preserved in his office. After receiving such lists or registers of qualified voters from the election commissioner or county clerk, the inspectors, judges, or clerks charged with such

record shall not allow the same to be taken out of their possession until they are again returned to the election commissioner or county clerk.

Sec. 38. That section 32-460, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-460. Any voter who declares to the judge of election that he cannot read or that ~~by--reason--of~~ he suffers blindness or other physical disability ~~he--is unable-to-mark-his-ballot~~ or handicap, and that such disability or handicap is such that in the discretion of one of the judges of the election board it might endanger the life or limb of such person upon entering the polling place, shall, upon request, receive the assistance in the marking thereof of his ballot of one judge and one clerk of election, each of different political parties, one of whom shall be of the voter's own political party. One judge and one clerk of election, each of different political parties, may take the ballot or ballots from the polling place to a convenient place within the building or to the voter's automobile, if the automobile is within one block of the polling place, and the disabled or handicapped person may cast his ballot in the general presence of the judge and the clerk. Such officers shall give no information regarding the same. The ~~judges~~ judge shall require such declaration of blindness, disability, or handicap, by the voter, under oath before ~~them~~ him, and ~~they are~~ he is hereby qualified to administer the same. No elector other than the one who may, because of his inability to read, ~~or~~ physical disability, ~~or handicap~~ be unable to mark his ballot, shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, or ask or receive assistance within the polling place in the preparation of his ballot; provided, that if such disability is by reason of paraplegia or blindness the voter may at his request be assisted in marking his ballot by a relative or friend of his selection. ~~the person--so--requesting--this--assistance--shall--make application-in-writing--or--orally--in--person--with--the county-clerk--or--election-commissioner--as--the--case--may--be; by--4:00-p.m.--the--day--preceding--any--election.--Such written--or--oral--application--shall--set--forth--the--name--and address--of--the--person--requested--to--assist--the--blind--or paraplegic--voter.~~ The person rendering assistance must be a registered voter in the State of Nebraska. The judges of election shall enter upon the poll list or official poll record after the name of any elector who receives such assistance in marking his ballot a memorandum of the fact, including the name of such person rendering assistance to the elector. Whoever shall aid

the voter shall subscribe to an oath before the judge of the election which shall be substantially as follows:

OATH

....., being first duly sworn on oath deposes and says that he is a friend or relative of a disabled voter who is disabled by reason of paraplegia or blindness, that he was requested to mark the ballot of such disabled voter, that he did enter the voting booth with such disabled voter, and marked the ballot according to the intentions and desires of the voter, that the ballot at all times has been kept in the possession of the person rendering assistance, and that the ballot was duly delivered to the judge of the election on this day of, 19....

Sec. 39. That section 32-472, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-472. If the voter is challenged on the ground that he is not a resident of the county, precinct, township or ward where he offers to vote, the judges, or one of them, shall put the following questions: (1) Have you resided in this county for forty twenty days last past? (2) Have you resided in this precinct (or ward) for the last ten five days? (3) When did you last come into this county? (4) When you came into this county was it for temporary purposes merely, or for the purpose of making it your home? (5) Did you come into this county for the purpose of voting therein? (6) Are you now an actual resident of this precinct or ward?

Sec. 40. That section 32-477, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

32-477. If a person's right to vote is challenged, at a general or special election, and such challenge is not withdrawn after he shall have answered the questions in sections 32-470 to 32-474, or such of them as may be necessary, one of the judges shall tender to him the following oath: You do solemnly swear or affirm that you are a citizen of the United States; that you have been an inhabitant of the State of Nebraska for the last six months, and of the county of for the last forty twenty days, and of this precinct for the last ten five days; that you have attained the constitutionally prescribed age of an elector, eighteen years; to the best of your knowledge or belief? And it shall be the duty of the clerks of election to write on the poll books at the end of such person's name, Sworn.

Sec. 41. That section 32-499, Revised Statutes Supplement, 1969, be amended to read as follows:

32-499. Upon the completion of the canvass the poll books to be bound and sealed by the county clerk or election commissioner shall again be sealed, and together with all applications, election supplies, absentee ballots, and the sealed packages of precinct ballots still unopened, securely bound in one package, shall be deposited in the office of the county clerk or election commissioner, where they shall be safely kept for not less than fifty days, and the county clerk or election commissioner shall not allow the same to be inspected, unless in case of contested elections, or the same become necessary to be used in evidence in the courts, and then only by the person and in the manner provided by law, at the end of which time the same shall be destroyed under the personal supervision of the county clerk or election commissioner; Provided, the county clerk or election commissioner shall keep on permanent file one copy each of the official, nonpolitical, constitutional amendment, and initiative and referendum ballots and all election notices. In all counties the other poll book from each precinct, ward or township shall be safely kept by the county clerk or election commissioner, and it shall be subject to the inspection of any elector who may wish to examine the same after the primary or general election shall have been held. Such other poll book from each precinct, ward, or township may be destroyed six months after the date of primary or general elections.

Sec. 42. That section 32-4,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,104. There shall be a board of state canvassers consisting of the Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General. It shall be the duty of the state board of canvassers to canvass the votes cast for President and Vice President of the United States, United States Senator, Representatives in Congress, Regents of the University of Nebraska, directors of public power and irrigation districts and reclamation districts, members of the Legislature, members of State Board of Education, all questions under the Constitution voted upon by the whole people and all questions submitted under the provisions of section 79-2203. Such canvass shall be made after each primary and general election. The canvass of the votes for candidates for President and Vice President of the United States and the return thereof shall be a canvass and return of the votes cast for the presidential electors of the same party or group

of petitioners respectively, and the certificate of such election made by the Governor shall be in accord with such return.

Sec. 43. That section 32-4,108, Revised Statutes Supplement, 1969, be amended to read as follows:

32-4,108. The board of state canvassers shall meet at the office of the Secretary of State on the fourth Monday after the each primary and general election. If all of the returns have not been received at the office of the Secretary of State, and the tabulation of votes completed, the board may adjourn from day to day until the same shall have been received and tabulated.

Sec. 44. That section 32-4,113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,113. The governing body of any county may by purchase, lease, or rental, acquire a sufficient number of voting machines, or electronic counting devices, or punch card voting systems to comply with the requirements of sections 32-4,113 to 32-4,131 and such voting machines, or electronic counting devices, or punch card voting systems may be used for voting in all primary and general elections, and may be used in special elections, city elections, school elections, referendum elections, including all constitutional amendment measures, all state, county, and municipal and school referendums, and including all bond issues submitted by the county, municipal political subdivisions, and school authorities.

Sec. 45. That section 32-4,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,114. The governing body of any county may acquire voting machines, or electronic counting devices, or punch card voting systems in such manner as it may deem in the best interests of the county, and may for that purpose issue bonds, certificates of indebtedness, or other obligations; or levy not to exceed one half mill; Provided, that any amounts so levied and collected in excess of actual costs of voting machines, or electronic counting devices, or punch card voting systems shall revert to the general fund of the county. Any bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the governing body may determine, but shall not be issued or sold at less than par. In addition the

governing body of the county may rent, lease, lease-purchase, or contract for voting machines, and electronic counting devices, and punch card voting systems and provide for installment payments which extend over a period of more than one year, notwithstanding the provisions of sections 23-132, 23-324.05, and 23-916, or any other provision of law.

Sec. 46. That section 32-4,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,115. The governing body of any county which has procured voting machines, or electronic counting devices, or punch card voting systems in accordance with the provisions of sections 32-4,113 to 32-4,131 may rent such voting machines, or electronic counting devices, or punch card voting systems to any other governing body as follows: A county may enter into a contract with a municipality or school district for the rental of voting machines, or electronic counting devices, or punch card voting systems. Such rentals as mutually agreed upon may be paid out of the general fund or by the levying of such taxes as may be required to provide funds for payment of such rentals. Such rental contracts may be made to extend over any period of time as mutually agreed upon.

Sec. 47. That section 32-4,147, Revised Statutes Supplement, 1969, be amended to read as follows:

32-4,147. All municipal elections shall be held in accordance with the municipal election laws of this state as provided in Chapters 16, 17, 18, 19, and 32 as may be applicable; Provided, that the governing board of any city of the first or second class or village may by ordinance duly adopted, hold such election in accordance with the provisions of Chapter 32 if the county board consents in writing to permit joint elections. If the governing board of any city or village duly adopts an ordinance to hold its election on the day of the statewide primary in accordance with Chapter 32 after having obtained the consent of the county board, such ordinance shall be effective no later than February 1 of each election year the year in which the first such joint election will be conducted and shall be in substantially the following form:

TITLE

Date of Municipal Election and Provisions therefor.

Be it ordained by the mayor and council of the city of (or the chairman and board of trustees

of the village of

The city (or village) of shall hold its municipal election for the year and all succeeding municipal elections on the date of the statewide primary election for the State of Nebraska. Such election shall be held in accordance with the provisions of Chapter 32. All ordinances or portions thereof inconsistent with this ordinance are hereby repealed. This ordinance shall be in force and effect from and after its passage and publication according to law.

Passed and approved this day of, 19...., in, Nebraska.

Signed,
.....
.....
Mayor or Village Board Chairman

Attest:
City Clerk

SEAL

If the governing board of any city of the first or second class or village adopts an ordinance to hold the municipal election on the date of the statewide primary in accordance with Chapter 32, the county clerk shall have the authority to deputize the city or village clerk for municipal election purposes, or the secretary of the Board of Education for school election purposes. ~~Class-it-or-Class-III-school-elections-shall-be-held-in-conjunction-with-city-of-the-first-or-second-class-or-village-elections; whichever-the-case-may-be.~~

Sec. 48. That section 32-503.01, Revised Statutes Supplement, 1969, be amended to read as follows:

32-503.01. All partisan and nonpartisan candidates for elective offices shall be nominated: (1) by a primary held in accordance with Chapter 32, article 5, or (2) by nomination papers signed and filed as provided by section 32-504. If a candidate for an elective office is the incumbent of another partisan or nonpartisan elective office, the filing of the requisite nomination papers of such incumbent for any other partisan or nonpartisan elective office shall be perfected at least seventy days prior to the date of the primary, notwithstanding the provisions of sections 32-504, 32-514, and 32-515. ~~Except-as-provided-in-section-70-649,-the-filing-of-the-requisite-nomination-papers-shall-create-a-vacancy-in-any-elective-office-created-by-an-act-of-the-legislature-which-such-candidate-then-holds,-as-of-the-date-of-the-commencement-of-the-term-of-the-other-office-for-which-such-candidate-has-filed.-Candidates-may-file-for-the-unexpired-term-of-the~~

~~office which becomes vacant as provided in this section:~~

Sec. 49. That section 32-504, Revised Statutes Supplement, 1969, be amended to read as follows:

32-504. (1) Candidates for public offices may be nominated otherwise than by direct filing, convention, or committee in the following manner:

(a) Candidates for any municipal office in cities of the first or second class and villages, and Classes II and III school districts may be nominated by petition. Such petitions shall be signed by registered voters equal in number to five per cent of the votes cast in the city or ward at the most recent municipal election, except that in Classes II and III school districts the candidates to be elected may be nominated by a petition signed by not less than five per cent of the total number of votes cast at the last election in the district; Provided, not less than twenty-five signatures of registered voters of the district when the nomination is for an election in a Class II school district, or not less than fifty signatures of registered voters of the district when the nomination is for an election in a Class III school district shall be required. The form of such petitions shall be prescribed by the Secretary of State as nearly as possible as provided in section 32-514. Such petitions shall be filed with the county clerk, city clerk, or secretary of the board of education as the case may be. The deadline for filing such petitions shall be as provided by law sixty days prior to the statewide primary election. Any candidate whose petition is valid and sufficient shall have his name certified to the proper election official to be placed upon the ballot;

(b) As to candidates for other elective public offices not appearing on the nonpolitical ballot, except presidential and vice-presidential candidates, petitions for nomination, containing the name of the office to be filled and stating the name, residence, business, and post-office address of the candidate, shall be signed by registered voters residing in the district or political division in which the officer is to be elected and filed with the county clerk, the election commissioner, or the Secretary of State. Petition signers and petition circulators shall be at least the constitutionally prescribed age of an elector, shall have resided in the state six months, be a citizen of the United States, and a registered voter; Provided, that no petition for nomination shall be filed unless there is attached thereto a proper county treasurer's receipt from the county of such nominee's residence showing the payment of

the same filing fee as is required of candidates for the same office in the primary election. Such petitions must be filed at least ~~sixty-five~~ seventy days prior to the election. Within ~~five~~ ten days after the petitions have been filed with the county clerk, election commissioner or Secretary of State, the candidate shall file with the appropriate official, a statement in writing accepting the petition candidacy. The number of signatures shall not be less than ~~one~~ two thousand when the nomination is for an office to be filled by the electors of the entire state; ~~ten~~ twenty per cent of the total vote for Governor or for President at the last general election within the county or other subdivision of the state, not to exceed ~~one~~ two thousand signatures, when the nomination is for an office to be filled by the electors of a county or other division less than the state except a township or precinct; and not less than fifty when the nomination is for an office to be filled by the electors of a township or precinct; Provided, the number of signatures need not in any instance exceed one-fourth of the total number of voters therein at the last preceding election when the nomination is for any office to be filled by the electors of a county, township or precinct, and the signatures need not all be appended to one paper.

(2) No person who has been a candidate for an office at a primary shall be a candidate by petition for the office for which he was defeated, at the next general election.

(3) Candidates, nominated under the provisions of subsection (1) (b) of this section, shall be termed candidates by petition, and upon the ballot upon which their names are printed shall be printed after such names the words By petition.

(4) Each elector, signing a petition under the provisions of subsection (1) (b) of this section, shall add to his signature his city, village, or post-office address, and his street and street number or his voting precinct.

(5) Petitions for nomination for all county, district, or precinct offices, under the provisions of subsection (1) (b) of this section, shall be filed with the county clerk or election commissioner, as the case may be, of the respective counties wherein the officers are to be elected, or with the Secretary of State.

(6) Within twenty-four hours after the receipt for filing of a petition for nomination as provided for by subsection (1) (a) or subsection (5) of this section, the filing officer shall notify by either registered or

certified mail the candidate so nominated, who shall, within five days from the date of filing of such petition for nomination, file with such officer his acceptance of the petition for nomination or his name shall not be printed on the election ballot unless otherwise provided by law.

Sec. 50. That section 32-504.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-504.01. The petition for nomination of a candidate for election as a delegate or---~~alternate delegate~~ to the national convention shall (1) contain a statement of the candidate's preference for the candidacy for the office of President or that he is uncommitted, which preference or the fact that the candidate is uncommitted shall be shown on the ballot in parenthesis and indented five spaces immediately below the name of the candidate, and (2) include a pledge that the candidate, if elected, will use his best efforts at the convention for the candidate of his party indicated as his preference for the office of President until such candidate receives less than thirty-five per cent of the votes for nomination by such convention or releases the delegate from such pledge, or until two convention nominating ballots have been taken. No such nominating petition shall be accepted unless signed by the candidate. The Secretary of State shall make such additions to the form of the application for nomination set forth in section 32-514 as shall be necessary to comply with the provisions of this section.

Sec. 51. That section 32-512, Revised Statutes Supplement, 1969, be amended to read as follows:

32-512. All nomination papers shall be filed as follows: (1) For officers elective in more than one county, except as provided in subdivision (3) of this section, directors of public power and irrigation districts and reclamation districts, and members of the Legislature, except supervisors of soil and water conservation districts, in the office of the Secretary of State, (2) for officers to be voted for wholly within one county, except directors of public power and irrigation districts and reclamation districts, supervisors of soil and water conservation districts, and members of the Legislature, in the office of the county clerk or election commissioner of such county, (3) for municipal officers in any municipality, in the office of the city clerk, (4) for school district officers, with the city clerk or secretary of the board of education, as the case may be, with the filing to be certified to the city or

county clerk, as the case may be, and (5) for delegates and alternate-delegates to the national conventions, from the congressional-districts; in the office of the Secretary of State.

Sec. 52. That section 32-513, Revised Statutes Supplement, 1969, be amended to read as follows:

32-513. Prior to the filing of a any nomination petition-as-provided--in--section--32-512 PAPERS, there shall be paid to the county treasurer or city treasurer in case of municipal officers for the use of the general fund of the county or city of the candidate's residence, by or on behalf of each candidate, a filing fee as follows: For the office of United States Senator, for state officers, including members of the Legislature, members of Congress, county officers, including county judge, county superintendent of public instruction, district superintendent of public instruction, and municipal officers, a sum equal to one per cent of the annual salary such candidate will receive if he is elected and qualifies for the office he files for as a candidate; for directors of public power and irrigation districts and reclamation districts, twenty-five dollars when their annual compensation exceeds one thousand dollars, otherwise ten dollars; and for delegates to the national conventions, twenty-five ~~ten~~ dollars, ;--and-for alternate-delegates-to-the-national-conventions,--fifteen dollars. No nominating papers shall be filed until the proper county treasurer's receipt, showing the payment of such filing fee, shall be presented to the officer with whom the nominating paper is to be filed. No certificate of nomination or certificate of election shall be issued to any candidate who is nominated or elected by write-in votes until the filing fee required for such office is paid and the receipt is filed with the person issuing the certificate; such filing fee shall be paid within ten days after the canvass of the votes. A filing fee of twenty-five dollars shall be required from candidates for Regents of the University of Nebraska and the State Board of Education.

Sec. 53. That section 32-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-514. (1) The name of a partisan candidate shall not be printed upon an official primary ballot unless at least sixty days prior to such primary, either he, or twenty-five qualified electors of the party with which such candidate affiliates, shall have filed a written application with the proper authority in substantially the following form:

I (or we), the undersigned, qualified elector (or qualified electors) of precinct (or ward) of county (or city), in the State of Nebraska, affiliating with the party and that party only and residing at hereby request that my name (or the name of) be placed upon the official primary ballot of such party for the primary election to be held on the day of, in as a candidate for the office of, or delegate ~~or alternate delegate from congressional district, underlining whether delegate or alternate delegate to the national convention of such party.~~

(2) If the application, referred to in subsection (1) of this section, is signed by the candidate, he shall add thereto the following: I pledge myself to abide by the results of the primary election and qualify if elected, and shall swear to the same under oath.

(3) In case the application, referred to in subsection (1) of this section, shall be made by electors other than the candidate, the nominee shall, within five days from the date of filing of the nominating petition, file a statement in writing duly verified under oath, stating that he affiliates with the party named in the certificate, and that party only; that he will abide by the results of the primary, and if elected will qualify and serve as such officer. If the statement shall not be filed within the time specified the name of the candidate in the petition shall not be placed upon the primary ballot.

Sec. 54. That section 32-522, Revised Statutes Supplement, 1969, be amended to read as follows:

32-522. (1) Should a vacancy or vacancies for any office except President and Vice President arise for any cause before elections, such vacancy or vacancies shall be filled by the majority vote of the proper committee of the same political party; Provided, that if such vacancy or vacancies exist for an office serving only a particular district of the state, only those members of the party committee who reside within that district shall participate in selecting the candidate to fill the vacancy or vacancies. The chairman and secretary of such campaign committee shall thereupon make and file with the proper officer, a certificate setting forth the cause of such vacancy, the name of the person so nominated, the office for which he was nominated, the name of the person for which the new nominee is to be substituted, the place of residence of the person so nominated, the street and number of the residence or

place of business of the person so nominated if such person resides in a city, and the name of the political party with which the person so nominated affiliates and which such committee represents; Provided, that no vacancy on the ballot shall be deemed to have occurred if a political party at the primary election makes no nomination of a candidate for election to an office.

(2) The certificate, referred to in subsection (1) of this section, shall be signed by the officers therein referred to with the name and places of their residences, and severally sworn to by them before some officer authorized to administer oaths. If there be no campaign or political committee of such name, then a mass convention of such party shall fill the vacancy, and the chairman and secretary of such convention shall make and file with the proper officers a certificate in form and manner substantially as is required to be filed by the chairman and secretary of the campaign or party committee under the provisions of subsection (1) of this section.

(3) The certificate, made, executed, and sworn to in the manner prescribed under the provisions of subsection (1) or (2) of this section, shall, upon being filed at least sixty days before the election, have the same force and effect as the original certificate of nomination or the nomination statement provided for in section 32-514. The usual filing fee charged to candidates for such offices shall accompany the certificate.

Sec. 55. That section 32-525, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-525. When nominations are made by a convention, ~~caucus~~, or committee, as provided for in section 32-524, the certificates of nomination to be filed with the Secretary of State shall be filed not less than fifty days before the day fixed by law for the election of the persons in nomination, and the certificates of nomination herein directed to be filed with the county clerk or election commissioner shall be filed not less than forty-five days before election, and the certificates of nomination herein directed to be filed with the municipal clerk shall be filed not later than twenty days before the date fixed by law for the election of the persons so nominated by convention, ~~or caucus~~. Certificates of nomination for a new party may be filed with the Secretary of State, the county clerk or election commissioner, or municipal clerk fifty, forty-five, or twenty days before the election, as the case may require.

Sec. 56. That section 32-526, Revised Statutes Supplement, 1969, be amended to read as follows:

32-526. (1) In order to form a new political party there shall be presented to the Secretary of State petitions containing signatures totaling not less than one per cent of the total votes cast for the office of Governor at the most recent general election for such office. The signatures of registered electors on such petitions must be so distributed as to include qualified registered electors totaling at least one per cent of the votes cast for Governor in the most recent gubernatorial election in each of at least one-fifth of the counties in this state. The petitions must be filed with the Secretary of State at least ninety days before any state primary election held under the laws of this state. Prior to the circulation of such petitions to form a new political party, a sample copy of such petitions must be filed with the Secretary of State by the individual, group or association seeking to establish the new party. In addition, the sample petition shall be accompanied by a verified list of the names and addresses of the individual, or the members of the group or association sponsoring the petition to form a new political party. The form of the petition for the formation of a new party shall be substantially as follows:

FORMATION OF NEW POLITICAL PARTY

The object of this petition is to form a new political party in the State of Nebraska to be known as

To the Honorable, Secretary of State for the State of Nebraska:

We, the undersigned qualified and registered voters of the State of Nebraska, and the county of, being severally qualified to sign this petition, respectfully request that the above named new political party be formed in the State of Nebraska, and each for himself says: I have personally signed this petition on the date opposite my name; I am a qualified voter of the State of Nebraska, and county of, and am qualified to sign this petition; my city, village or post-office address, and my street and street number or voting precinct, are correctly written after my name.

Further, we the undersigned hereby pledge to support the new party, support its candidates and to change our registration to affiliate with such new party.

Date Name Street and City, Village

circulating the same, a legal voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any officer or person willfully violating any provision of section 32-526, shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Nebraska Penal and Correctional Complex not exceeding two years, or by both such fine and imprisonment.

(3) Every circulator of a petition shall be not less than ~~twenty-one---years---of---age~~ the constitutionally-prescribed age of an elector, and a resident, and legal-and-qualified registered voter of the State of Nebraska and of the county wherein the petitioners reside.

(4) Clerical and technical errors in a petition shall be disregarded if the forms herein prescribed are substantially followed.

(5) Within ten days after all petitions containing signatures are filed with the Secretary of State, he shall determine the validity and sufficiency of such petitions and signatures. If the petitions to form the new political party are determined to be sufficient and valid, the Secretary of State shall issue a certification establishing the new political party. Copies of such certification shall be issued to the person, group or association forming the new political party. Within twenty days after the certification of establishment of the new political party by the Secretary of State, the person, group or association forming the party or its new officers shall file with the Secretary of State the Constitution and by-laws of such party along with a certified list of the names and addresses of the officers of the new political party.

(6) The petitions to form a new political party shall state the name of the party to be formed, but the name of any then existing political party or any word forming any part of the name of any party then existing shall not be adopted.

(7) A new political party shall be entitled to have a separate party ballot at the next primary election held thereafter. Such party and its candidates shall be subject to and governed by the statutes governing existing political parties. Notwithstanding the provisions of section 32-515, candidates for political office may register as members of the new political party and file for office as candidates under the party label of the new political party in accordance with the filing

deadlines as established by law.

(8) Any person signing any name other than his own to any petition or knowingly signing his name more than once, or who is not, at the time of signing or circulating the same, a legal voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any officer or person willfully violating any provision of this section, shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Nebraska Penal and Correctional Complex not exceeding two years, or by both such fine and imprisonment.

Sec. 57. That section 32-535, Revised Statutes Supplement, 1971, be amended to read as follows:

32-535. The judges of the county court, judges of district county courts, members of the State Board of Education, county superintendents, district county superintendents, members of the Legislature, Regents of the University of Nebraska, directors of public power and irrigation districts and reclamation districts, and such members of boards of education as provided by Chapter 79 and candidates for public office of cities of the first and second class and villages, shall be nominated regardless of political affiliation in the following manner: At least sixty days prior to the date of holding the general primary election, all candidates for county judge, district county judges, members of the State Board of Education, county superintendents, district county superintendents, members of the Legislature, Regents of the University of Nebraska, directors of public power and irrigation districts and reclamation districts, and such members of boards of education as provided by Chapter 79 and candidates for public office of cities of the first and second class and villages, shall file with the officer, whose duty it is to issue the certificate of election to the aforesaid officers, an affidavit of such candidate, in substantially the following form:

Affidavit.
 State of Nebraska)
) ss. Candidate for
 County of)

I, being first duly sworn, say that I reside at in the city of in the county of in the State of Nebraska; that I am legally qualified to hold the office hereinafter set forth in this affidavit; that I am a candidate for the nomination for the office of to be voted upon at the primary election

to be held on the day of, 19....., and I hereby request that my name be printed upon the official primary ballot for the nomination at such primary election, for the office of

Subscribed and sworn to before me by this day of, 19.....

Such candidates may also be nominated by petition as provided in section 32-504. All such candidates, except for members of boards of education as provided by Chapter 79 and candidates for public office of cities of the first and second class and villages, shall also file with the affidavit a receipt for the sum of the filing fee signed by the county treasurer of the county in which such person resides. The amounts so received by the county treasurer from such candidates shall be used to help defray the expense of the primary. The affidavits filed by such candidates shall not in any way refer to or designate the political affiliation of such candidates.

Sec. 58. That section 32-537, Revised Statutes Supplement, 1971, 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, shall have resided in the state six months, be a citizen of the United States, and a registered elector.

(2) If, after a primary election, there shall, through any cause whatsoever, be a vacancy upon the nonpolitical ballot for the ~~office of members of the State Board of Education, Regent of the University of Nebraska, director of a reclamation district, county superintendent, district county superintendent, district superintendent, county judge, or district county judge~~ any office, such vacancy may be filled by filing petitions with the Secretary of State, county clerk, or election commissioner fifty days prior to the general election.

(3) The petitions, referred to in subsection (2) of this section, 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 voting for Governor or President in the preceding election in the district in which the petitions are circulated; 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.

(4) Accompanying each petition, referred to in subsections (2) and (3) of this section, 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, referred to in subsection (2) of this section, shall be deemed to exist when (a) any person shall cease for any reason to be a candidate for the office for which he 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 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, 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 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 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, 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 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. 59. That section 32-542, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-542. In the years that a President and Vice President are to be elected there shall be elected, at the primary election, delegates and alternates to the national convention. The number of delegates shall be governed by the rules of the national political party holding such convention. Two of such delegates for each political party shall be elected from each congressional district. 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;

(3) Delegates to the national conventions shall be elected by the congressional districts in the manner provided in sections 32-504.01, 32-512, 32-513, 32-514, and section 33 of this act; and

(4) Every person who, prior to the effective date of this act, shall have filed nomination papers for the office of delegate at large to a 1972 national political convention, is hereby deemed to have filed for the office of delegate from the congressional district in which he resides. There shall be no rebate of filing fees as a

result of this subdivision.

Sec. 60. That section 32-545, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-545. The Secretary of State shall grant certificates of election to persons elected as delegates and alternates to national conventions of the several parties subject to the provisions of Chapter 32, article 5, which certificates shall show the number of votes received in the state by each candidate for President of the political party represented by such delegate.

Sec. 61. Alternate delegates to the national political convention of a political party shall be selected in accordance with procedures adopted by the state central committee of each party. A statement setting forth such procedure and certifying its adoption shall be filed in the office of the Secretary of State by the state chairman of the party, not later than March 1 of each presidential election year. The names of those selected as alternate delegates shall be certified to the Secretary of State by the state chairman immediately following their selection.

All nomination papers for the office of alternate delegate to a 1972 national political convention which have been filed with the Secretary of State prior to the effective date of this act are hereby deemed to be void. The filing fee may be rebated upon proper claim made with the appropriate governing authority.

Sec. 62. That section 32-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-716. All elections including special elections shall be conducted by the county clerk or election commissioner except where otherwise provided. The provisions relating to general elections shall govern special elections. ~~7--except--where--otherwise--provided for:~~

Sec. 63. That section 32-803, Revised Statutes Supplement, 1969, be amended to read as follows:

32-803. Any qualified voter of this state who will be absent from the county where such voter resides on the day of any election, and who does not appear in person, at least three clear days before the election, before the county clerk, as issuing officer, to obtain a ballot and vote it before leaving home may, not more than

ninety days nor less than three clear days before such election, apply in writing to the county clerk of the county of such voter's residence, as issuing officer, and request that such officer forward an absent voter's ballot to such voter by mail, or by such means as the Congress of the United States may provide. The application for an absent voter's ballot shall be in writing and signed by the voter, and shall state the voter's residence address and the address outside the county where the ballot and supplies shall be sent to the voter. Applications for absent voters' ballots may be mailed or distributed by anyone and a single application or letter shall be sufficient for several ballots if each elector requesting a ballot has signed such single application. If the election be a primary election, the voter must state the political party with which such voter affiliates. In counties having an election commissioner, the deadlines established by this section shall be at least two clear days before election.

Sec. 64. That section 32-804, Revised Statutes Supplement, 1969, be amended to read as follows:

32-804. Any disabled voter, not more than ten thirty-five days before any election and not later than four p.m. on the day preceding such election, shall, through his agent or by mail, apply in writing, to the county clerk or election commissioner of the county of the disabled voter's residence, stating (1) the name of his agent or that mail is being used, (2) the disabled voter's name, post-office address, and residence, describing it by street number or similar description, if in a city or village, and by section, township, and range, if outside of any city or village, and (3) the voting precinct, county, and state in which such residence is located. He shall further state that (1) he is a qualified voter of such precinct, (2) he is, or will be unavoidably detained at home or in a hospital or home for the convalescent or aged on account of sickness, illness, or physical disability on the day of such election, naming the day, and (3) he desires to vote at such election. If the election be a primary election, the application must state the political party with which such disabled voter affiliates. The voter shall accompany such application with a certificate, from a duly licensed and practicing physician and surgeon, or a registered nurse, or the director or administrator of a duly certified rest home, nursing home, convalescent center or intensive care unit, certifying that such elector, seeking to vote at the election by the application aforesaid, is (1) *compos mentis*, (2) not afflicted with any contagious disease or under quarantine, and (3) in such a state of health that it

would be dangerous and unwise for the voter to attempt to vote in person at the designated polling place. Any voter also may obtain a certificate from a duly licensed physician or surgeon setting forth the above-mentioned conditions, and the voter may file such certificate with the county clerk or election commissioner. The county clerk or election commissioner shall file such certificate, valid for two years from date of issuance, with the voter's registration and it shall become a part of the voter's registration file. Prior to any subsequent election, the voter having filed such certificate may apply for a disabled ballot through an agent, or by using the United States mail. Such ballot upon delivery shall be cast in the manner prescribed by law.

Sec. 65. That section 32-807, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

32-807. Upon receipt of an application from a disabled voter accompanied with the a certificate of--the from a duly licensed and practicing physician or surgeon, or a registered nurse, or the director or administrator of a duly certified rest home, nursing home, convalescent center, or intensive care unit as provided in section 32-804, and the applicant is found to be a qualified voter and registered in the county, the county clerk or election commissioner shall issue to such voter's agent or mail such voter a disabled voter's ballot with an identification envelope, a return envelope, and an instruction card as described in section 32-819. The county clerk or election commissioner shall at once enter the voter's name, post-office address, residence and voting precinct, with party affiliation if the election be a primary one, in a poll book to be kept by such county clerk or election commissioner for such purpose, which poll book shall be open to the public. The county clerk or election commissioner shall notify the election board of the applicant's precinct of such disabled voter's application; and if the voter offers to vote in person in such precinct on election day, it shall be the duty of the election board to challenge his vote.

Sec. 66. That section 32-808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-808. Upon receipt of the ballot of an absent voter and supplies mentioned in section ~~32-807~~ 32-806, the voter shall present himself before some official provided for in section 32-813, exhibit the ballot

unmarked to such official and forthwith, in the presence of the official and in the presence of no other person, but in a manner that the official cannot see how the ballot is marked, mark the ballot and fold it so that the endorsed name and title of the county clerk or election commissioner is exposed and all other marks are hidden. The voter shall deliver the ballot to the official, who shall place the ballot in the identification envelope and seal the same.

Sec. 67. That section 32-812, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-812. All ballots of absent, sick, or disabled voters, in order to be counted, must be voted not later than midnight of the day preceding election day. When the ballot is delivered in person or by agent, such ballot must be delivered to the county clerk or election commissioner, as issuing officer, on or before election day. If the United States mails be the means employed by absent, sick, or disabled voters to deliver their ballots to the county clerk or election commissioner, as issuing officer, the return envelope must bear a postmark not later than midnight of the day preceding election day. Where the ballot is mailed outside of the continental United States and no postmark is applied until the envelope reaches the United States, such ballot shall be deemed to have been mailed on the day voted as certified by the officer who witnessed the absent voter's signature. When the United States mail is the means employed for the delivery of the voted ballot, it must be in the physical possession of the county clerk or election commissioner not later than ten a.m. on the first-thursday second day following election day.

Sec. 68. That section 32-819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-819. Absent or disabled voters' ballots, applications, certificates of physicians or surgeons, and all other certificates when required, identification envelopes, return envelopes, poll books, instructions for voting, and other necessary supplies shall be provided in like manner as other election supplies for such election and furnished without cost to the voter, and shall be ready for delivery to absent voters or to the agent of disabled voters, as the case may be, not less than forty thirty-five days prior to each state general and primary election, and not less than fifteen days prior to all other elections except as otherwise provided by law. The forms for guidance of the election officers, of the

application, certificate of physician or surgeon, and all other certificates when required, instructions for voting, ballots, affidavits, and certificates, except as herein otherwise provided, shall be furnished by the Secretary of State for all elections other than municipal, and the municipal clerk shall prepare the forms and furnish all supplies thereof for municipal elections. The ballot, so far as may be, shall be in the same form as ordinary ballots, for the same election except that it shall be headed Official Absent Voter's Ballot, or Official Disabled Voter's Ballot, as the case may be, followed by a description of the election and ~~shall have printed upon the back of the ballot, or upon the back of one of the ballots if more than one ballot is mailed;~~ full instructions for voting shall be included. In order to reduce the weight and bulk for air transport of absentee voting material being sent to persons to whom sections 32-801 to 32-826 are applicable, the county clerk or election commissioner having charge of the preparation of the ballots is authorized to reduce the size and weight of paper, envelopes, ballots, and instructions for voting procedure, and to reduce the size of type in preparation of the ballots to not less than 14 point for the square, and not less than 8 point for the type in which the names of candidates and measures or proposals shall be printed. Both the covering envelope and the envelope in which the ballot is to be returned shall be clearly marked Official Ballot. Before issuing ballots to such applying voter, or to the agent of such applying voter, as the case may be, the county clerk or election commissioner shall identify the same by endorsing his name and official title on the back of the ballot.

Sec. 69. That section 32-1305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1305. If satisfied that the application is proper and that the applicant is qualified to vote under sections 32-1301 to 32-1314 the county clerk or election commissioner, as the case may be, then shall deliver to the applicant a ballot for President and Vice President when ballots are available but not later than two clear days prior to the next presidential election in counties having an election commissioner and three clear days in all other counties.

Sec. 70. All nomination papers including those for municipal and school officers to be elected in April elections must be filed with the appropriate official not later than sixty days prior to the statewide primary election.

Sec. 71. When a person who previously has been registered to vote in another county or state registers to vote in a new county of residence, it shall be the duty of the county clerk or election commissioner accepting the new registration to notify the appropriate election official in the voter's previous voting district that the voter has been registered in the new county. Upon receiving such notification the county clerk or election commissioner of the voter's previous county, if in Nebraska, shall purge his or her name from the voter registration records.

Sec. 72. In lieu of submitting a matter or issue at a separate special municipal election, any city of the first or second class or any village may submit such matter or issue at a statewide general or primary election; Provided, that no such matter or issue shall be submitted at a statewide election unless the matter or issue to be submitted has been certified by the municipal clerk to the county clerk or election commissioner at least fifty days prior to the election. Any such city or village shall by resolution call the election and designate the matter or issue to be submitted and the municipal clerk shall certify the matter or issue to be submitted to the county clerk or election commissioner. After the county clerk or election commissioner has received the certification of the matter or issue to be submitted, he shall be responsible for all matters relating to the submission of the matter or issue to the voters; Provided, that the municipal clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter or issue other than the notice required to be given of the statewide election issues. The county clerk or election commissioner shall prepare the ballots issue absent and disabled voters' ballots, and the election officials conducting the statewide election shall also conduct the submission of the municipal matter or issue, including the receiving and counting of the ballots on the municipal matter or issue. The election returns shall be made to the county clerk or election commissioner. The municipal ballots, including absent and disabled voters' ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots shall be counted and canvassed. Upon completion of the canvass of the vote by the county canvassing board the county clerk or election commissioner shall certify the election results to the governing body of the city or village. The canvass by the county canvassing board shall have the same force and effect as if made by the governing body of the city or village.

The city or village shall reimburse the county clerk or election commissioner for the cost of printing the municipal ballots and any other cost of submitting the municipal matter or issue above that cost which would have been incurred had the municipal matter or issue not been submitted at the statewide election.

Sec. 73. In counties having a population of not less than thirty thousand nor more than fifty thousand inhabitants:

(1) The election commissioner shall receive a salary during the time he shall serve and hold office at the rate of not less than six thousand five hundred dollars per annum payable monthly, and the chief deputy commissioner if one is appointed shall receive a salary during the period of his employment at the rate of not less than five thousand dollars per annum payable monthly; salaries to be set by the proper governing board of the county;

(2) Judges and clerks of election shall be paid one dollar and sixty cents per hour; and

(3) District and precinct inspectors shall be paid one dollar and ninety-five cents per hour for the time during which they shall serve.

All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.

Sec. 74. If an absentee voter has no actual residence within a county, as required by section 32-803, but is a resident of that county under the provisions of section 32-475, his residence address shall be deemed to be the office of the county clerk or election commissioner for purposes of Chapter 32. When, from information contained in the voter's application for an absentee ballot, it is apparent that the voter has no residence address within the county, the county clerk or election commissioner shall mail to the voter the requested ballot materials notwithstanding the omission, enclosing therewith the following oath which the voter must swear to (or affirm) before his ballot will be counted:

I,, do hereby swear (or affirm) that prior to my current absence from County, Nebraska, I resided within the State of Nebraska for at least six months, and within such county for at least twenty days; that during such residency it was my intention to make my permanent residence in such county;

that during my current absence from such county, I have not voted in any other county or state election as a resident of such other county or state; that I do not intend to make my present residence my permanent residence; that my current absence from such county is temporary and for a definite period of time; and that at the termination of that period I intend to return to County, Nebraska, and make it my permanent residence.

.....
(signature)

.....
The oath or affirmation shall be completed and returned (do not enclose in ballot envelope) under separate cover to the county clerk or election commissioner. If the voter fails to complete the oath or affirmation and return it to the county clerk or election commissioner his ballot or ballots shall not be counted.

Sec. 75. The governing board of any county with the assistance of the county clerk or election commissioner may designate specific polling places for holding special elections. The proper governing board shall give notice in a legal newspaper of the designated polling places to be used for special elections, naming the specific place for the holding of the special election within a precinct. Such notice shall appear in two issues prior to the time for holding such election. All registered voters shall be qualified to vote in such special election even though their registration does not coincide with the voting precinct; Provided, that they reside in the place as sworn on their voter registration. The governing board when designating fewer polling places for holding special elections than for other elections shall in no way divide precincts which would cause the county clerk or election commissioner to change his registration books. Precincts may be consolidated in whole in any number which the proper governing board deems beneficial in helping to defray the cost of special elections. The county clerk or election commissioner shall be responsible for conducting such election and shall have the proper registration books at the designated polling places. The county clerk or election commissioner shall use the election board appointed under section 32-403, of the precinct in which such polling place has been designated and if such precinct does not have a counting board and it is deemed necessary to employ such board, the county clerk or election commissioner shall appoint a counting board consisting of at least five members from the consolidated precincts for the special election to perform the duties of canvassing the ballots. The special election shall be governed by section 32-716.

Sec. 76. If joint elections are held at the time of the statewide primary in May by the city, school district, and county, only one proclamation and notice of election and sample ballot need be published; Provided, that such notice is signed by the county clerk, mayor, and president of the board of education of the school district.

Sec. 77. That section 49-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-208. The ballots shall be printed, both official and sample, in conformity with the law regulating ballots at a general election, except that the official ballot shall be printed upon paper of a distinctive ~~blue~~ yellow color and shall be of uniform size, but any variation in the size of such ballots or in the tincture of ~~blue~~ yellow employed shall not affect or impair the validity thereof. The separate ~~blue~~ yellow ballot shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election.

Sec. 78. That section 51-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-202. When any city council or village board shall have decided by ordinance to establish and maintain a public library and reading room under sections 51-201 to 51-219, it shall elect a library board of five members to be chosen from the citizens at large, of which board neither the mayor nor any member of the city council or village board shall be a member. The directors first elected shall hold their office, ~~one-for-a-term-of-one year, one-for-a-term-of-two-years, one-for-a-term-of-three-years, one-for-a-term-of-four-years, and one-for-a term-of-five-years~~ three for terms of four years, and two for terms of two years from the first day of July following their election, and ~~one-director--shall--be chosen annually thereafter for a term of five years~~ their successors shall serve four-year terms; Provided, that the city council or village board may by ordinance make the terms of members of the library board for a shorter period of two years.

The term of membership on the board which is to expire in 1971 is hereby extended to 1972. At the election in 1972, two members shall be elected for four-year terms. The term of membership on the board which is to expire in 1973 is hereby extended to 1974. At the election in 1974 and every fourth year thereafter, two members shall be elected for four-year terms. The

term of membership on the board which is to expire in 1975 is hereby extended to 1976. At the election in 1976, and every fourth year thereafter, three members shall be elected for four-year terms. In cases of vacancies by resignation, removal, or otherwise, the city council or village board shall fill such vacancy for the unexpired term. Cities having home rule charters shall have the power to fix by ordinance the number of members and length of terms of members of such library boards. No director shall receive any pay or compensation for any services rendered as a member of the board.

Sec. 79. That section 70-610, Revised Statutes Supplement, 1969, be amended to read as follows:

70-610. (1) After the selection of the original board of directors of a district as provided for in sections 70-604 and 70-609, their successors shall, except as provided in this section, be nominated and elected and shall take office, subject to the provisions of sections 70-601 to 70-672, in as nearly as possible the same method and after the same manner, as nearly as may be, as by law provided for the nomination and election of members of the Legislature. Qualified electors--of Registered voters residing within the territory which composes the chartered territory of a district shall be qualified electors of such district and shall be eligible for the office of director.

In districts receiving annual gross revenue of less than forty million dollars the candidates for district director shall not appear on the primary ballot. Candidates for directors of such districts shall file applications for nomination with the Secretary of State on or before August 1 of each general election year. In such districts the candidates receiving the highest number of votes at the general election shall be declared duly elected to the offices for which they were candidates.

Accompanying all applications for nomination shall be a receipt for twenty-five dollars when the annual compensation exceeds one thousand dollars, otherwise ten dollars, from the county treasurer of the county in which the candidate resides.

(2) Such nomination and election of directors, as referred to in subsection (1) of this section, shall be by separate nonpartisan ballot. If, after a primary election, in a district receiving annual gross revenue of forty million dollars or more there shall be a vacancy on the ballot for members of the board of directors through any cause whatever, the man polling the third highest in

the primary shall be the candidate, and if two vacancies exist then the third and fourth highest in the primary shall be the candidates. If there were no third and fourth highest in the primary, then candidates may file by petition, by securing signatures of ten per cent of the legal voters voting for Governor or President within the district at the preceding general election, and if more persons file than there are places vacant, the candidates shall be chosen by drawing for place. Any such petition must be filed with the Secretary of State not less than sixty days prior to the general election. The petition must show the name and address of the candidate, the office to be filled, and the names and addresses of the signers, the truth of which must be shown by the circulator or circulators thereof by the affidavit filed with such petition. Accompanying the petition shall be a receipt for twenty-five dollars when the annual compensation exceeds one thousand dollars, otherwise ten dollars from the county treasurer of the county in which the candidate resides. A vacancy shall be deemed to exist whenever any person shall cease for any reason to be a candidate for the office of member of board of directors for which he was nominated in the primary or when no person was nominated for such office in the primary. It shall be the duty of all state and local officers and officers of election to perform all duties imposed upon them by the laws of this state pertaining to primary and general elections, insofar as applicable to the election of directors of districts organized under the provisions of sections 70-601 to 70-672. All costs incident to the nomination and election of such directors shall be paid by such district.

Sec. 80. That section 79-426.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.15. (1) Not less than thirty nor more than sixty days after the designation of the plan as final approved plan, the proposition of the adoption or rejection of the proposed plan of reorganization shall be submitted at a special election to all the electors of districts within the county whose boundaries are in any manner changed by the plan of reorganization, including the boundaries of school districts of the sixth class if such plan includes a Class I school district which is entirely within a school district of the sixth class.

(2) Notice of the election, provided for by subsection (1) of this section, shall be given by the county committee clerk or election commissioner and shall be published in a legal newspaper of general circulation

in the county at least ten days prior to the election. The election notice shall (a) state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the plan of reorganization, (b) contain a description of the boundaries of the proposed district, and (c) a statement of the terms of the adjustment of property, debts, and liabilities applicable thereto.

(3) All ballots shall be prepared and the special election, referred to in subsection (1) of this section, shall be held and conducted by the county committee clerk or election commissioner and the expense of such election is to be paid by the county board or boards, if more than one county is involved as provided in subsection (4) of this section. The county committee clerk or election commissioner shall use the duly appointed election board, or appoint the two judges of--such--election--and--such judges and two clerks who shall be qualified electors of the territory of the proposed school district. The election shall be held at a place or places within the proposed district which shall have been determined by the county committee clerk or election commissioner to be convenient for the voters.

(4) Where the proposed plan of reorganization, referred to in subsection (1) of this section, involves a district under the jurisdiction of another county committee, the county committee clerk or election commissioner of the county which has the largest number of pupils residing in the proposed joint district shall give the notice, required by the provisions of subsection (2) of this section, in a newspaper of general circulation in the territory of the proposed district, and prepare the ballots, and such election shall be held and conducted by that the county committee clerk or election commissioner of each county involved in the proposed reorganization, in accordance with the provisions of Chapter 32. Each county board shall bear a share of the total election expense in the same proportion that the number of electors residing in the proposed district in one county stands to the whole number of electors in the proposed district.

(5) In any election held, as is provided for in subsections (1) to (4) of this section, all districts of like class shall vote as a unit; Provided, that school districts of the first class within the boundaries of which are located an incorporated village or city shall constitute a separate voting unit; and school districts of the first class which do not have within their boundaries an incorporated village or city shall constitute a separate voting unit.

(6) Approval of the plan, referred to in subsection (1) of this section, at the special election, required by subsection (1) of this section, shall require a majority of all electors voting within each voting unit included in the proposed plan.

Sec. 81. That section 79-426.25, Revised Statutes Supplement, 1969, be amended to read as follows:

79-426.25. If the proposal provided for in section 79-426.23 has been approved by the county committee or the state committee, or both, the county superintendent shall, within ten days after receipt of the petition from the county committee, so notify the school board of the Class I or II district and the school board shall, within fifteen days, set a date for a special election for the purpose of submitting the proposal to the legal voters of the district. At least twenty days' notice of such election shall be given by publication twice in a newspaper of general circulation in the district, the latest publication to be not more than one week before the election. If there be no such newspaper, notice shall be given by posting it on the door of the schoolhouse and at least four other public places throughout the district. The proposal shall not be submitted to a special election more than once in any calendar year. Legal voters may cast their ballots, written or printed, between the hours of twelve noon and eight p.m. on the date of such election. The school board county clerk or election commissioner of the county which has the largest number of pupils residing in the district shall conduct or--cause--to--be--conducted such special election in accordance with the provisions of Chapter 32, and shall record the names and residence of persons voting thereat. The ballots shall be canvassed by--the--school--board--immediately--after--the--closing--of--the--polls as provided in section 79-426.15.

Sec. 82. That section 79-516.05, Revised Statutes Supplement, 1969, be amended to read as follows:

79-516.05. The term of office of elected members of school-boards-or boards of education serving on August 4, 1969, whose term expires prior to 1972 is hereby extended to the first Tuesday of June, 1972. Those members whose terms expire prior to 1973 are hereby extended to the first Tuesday in June, 1974 and those members whose terms expire prior to 1975 shall have their terms extended to the first Tuesday in June, 1976. At the statewide primary election in May, 1972, or--as otherwise-provided-in-this-act, there shall be elected in each Class II and Class III school district, except a Class III district located-in-whole--or--in--part--in of

which more than one half of the geographical area lies within a city of the metropolitan class, four board members. The three receiving the greatest number of votes shall be elected for a term of four years, and the one receiving the next highest number of votes shall be elected for a term of two years. Two members shall be elected at the statewide primary election in May, 1970, or-as-otherwise-provided-in-this-act, for a term of four years; Provided, that if the terms of only two members expire in 1972 then at the statewide primary election in May, 1972, there shall be elected two members for terms of four years and their successors shall serve terms of four years. In the statewide primary election held in May, 1974, there shall be elected four members; the three candidates receiving the greatest number of votes shall be elected for terms of four years; and the candidate who receives the fourth greatest number of votes shall be elected for a term of two years; and thereafter their successors shall be elected for terms of four years. Such terms shall commence on the first Tuesday of June of the even-numbered years. Successors to the members initially elected under the provisions of this section shall be elected for terms of four years. The board of education may by resolution, when nine members are to be elected, provide that the term of office of elected members serving on August 4, 1969, whose term expires prior to 1972, be extended to the first Tuesday of June, 1972. At the statewide primary election in May, 1972, or as-otherwise-provided-in-this-act, there shall be elected in each such district six board members. The three two receiving the greatest number of votes shall be elected for a term of six four years, and the three four receiving the next highest number of votes shall be elected for a term of two years. Three members shall be elected at the statewide primary election in May, 1970, or-as-otherwise-provided-in-this-act, for a term of six years. Such terms shall commence on the first Tuesday of June of the even-numbered years. Successors to the members initially elected under the provisions of this section shall be elected for terms of six four years.

Any vacancy on the board resulting other than from the expiration of a term, shall be filled by the remaining members for the remainder of the term.

Sec. 83. Class II, Class III, and Class VI school elections shall be held in conjunction with the statewide primary election, and shall be conducted by the county clerk or election commissioner under the provisions of Chapter 32.

Sec. 84. That section 79-701, Revised Statutes Supplement, 1969, be amended to read as follows:

79-701. (1) A Class II district shall be created whenever a Class I district determines by a majority vote of the electors to establish a high school.

(2) The members of the school board serving when it is decided to establish a high school shall continue in office until the first Tuesday in June following the next statewide primary election, ~~or-if-the-high-school-is-partially-or-wholly-within-the-limits-of-an--incorporated-village,-an-election-as-otherwise-provided-in--this--act;~~ at which election a six-member board shall be elected. The three receiving the highest number of votes shall be elected for a term of four years and the three receiving the next highest number of votes shall be elected for a term of two years. Thereafter members shall be elected as provided in section 79-516.05.

(3) If a Class II district, by a vote of fifty-five per cent of the legal voters voting at an annual or special meeting, shall decide to discontinue the high school and close the same, the district shall thereupon become a Class I district. At such meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years, and regularly thereafter, their successors shall be elected for the term of three years each, and all officers so elected shall hold their offices until their successors are elected and qualified. After such change becomes effective, the district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

(4) No district may change from Class I to Class II unless that district has an enrollment of not less than one hundred pupils in grades nine to twelve.

(5) If for three consecutive years the enrollment of an existing Class II district shall be less than twenty-five pupils in the case of a district maintaining a four-year high school, or less than ten pupils in the case of a district maintaining a two-year high school, such district shall not continue to operate if such four-year high school shall be within fifteen miles on a reasonably improved highway of another four-year high school, or if such two-year high school shall be within fifteen miles on a reasonably improved highway of any high school.

Sec. 85. That section 79-803.03, Revised Statutes Supplement, 1969, be amended to read as follows:

79-803.03. The board of education of a Class III school district ~~which-lies-in-whole--or--in--part--in~~ of

which more than one half of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected by legal voters of the school district at the time of the primary election held for the nomination of candidates for state and county officers. Two weeks prior to the holding of the election, there shall be nominated by a caucus held within the district, two candidates for each vacancy to be filled by the election. Two members shall be elected at each general election for a term of six years.

Sec. 86. That section 79-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1103. (1) The governing body of each school district of the sixth class which formerly was organized as a rural high school shall be a board consisting of a president, secretary, treasurer, and three other members, to be chosen in the manner herein prescribed, in section 79-704 at the annual meeting of such district, which shall be held on the first Monday in June. Such board shall be elected for the same terms, shall have the same powers and duties as, and shall be governed by the provisions of law governing the school boards in districts of the first and second class for purposes authorized by law other than the election of board members as provided in this section.

(2) Members of such board shall be elected at the statewide primary election held each even-numbered year, in accordance with the provisions of section 83 of this act.

(3) Boards of education of districts of the sixth class which heretofore consisted of five members are hereby expanded to six members. At the statewide primary election in 1972, two members shall be elected; the person receiving the highest number of votes shall be elected for a term of four years, and the person receiving the second highest number of votes shall be elected for a term of two years. The two members whose terms expire in 1973 shall have their terms extended to the second Monday in June, 1974. At the primary election in 1974, three members shall be elected for terms of four years; thereafter their successors shall be elected for terms of four years. The two members of the board whose terms are to expire in 1975 shall have their terms extended to the second Monday in June, 1976. At the primary election in 1976, three members shall be elected for terms of four years; thereafter their successors shall be elected for terms of four years.

(4) Boards of education of Class VI school districts which heretofore consisted of three members are hereby expanded to six members. At the primary election in May, 1972, four members shall be elected; the three receiving the highest numbers of votes shall be elected for terms of four years; the person receiving the fourth highest number of votes shall be elected for a term of two years. The member whose term is to expire in 1973 shall have his term extended to the second Monday in June, 1974. At the statewide primary election in 1974, three members shall be elected for terms of four years. Thereafter their successors shall be elected for terms of four years.

(5) Boards of education of Class VI districts which heretofore consisted of six members shall continue as six-member boards, with the members elected at the statewide primary election. Two members shall be elected at the primary election in May, 1972, for terms of four years. Those members whose terms expire in 1973 shall have their terms extended to the second Monday in June, 1974. At the primary election in 1974, four members of the board shall be elected; the three persons receiving the three highest numbers of votes shall be elected for terms of four years, and the person receiving the fourth highest number of votes shall be elected for a term of two years. Thereafter their successors shall be elected for terms of four years.

(6) The term of office for members of boards of education of Class VI school districts shall begin on the second Monday in June following their election, and shall continue for four years and until the members' successors are duly elected and qualified, except as provided in this section.

(7) Persons may be nominated for the board of education of Class VI districts either by petition or by direct filing. If by petition, the procedure shall be governed by the provisions relating to Class II school districts in sections 32-504(1)(a) and 32-512(4); if by direct filing, the procedure shall be governed by sections 32-535 and 32-512(4). The election shall be conducted by the county clerk according to the provisions of Chapter 32. The deadline for direct filing and for filing petitions shall be sixty days prior to the primary election. There shall be no filing fee.

(8) Upon completion of the canvass of the votes, the secretary of the board shall declare the proper candidates elected, and shall issue election certificates to the same.

(9) The board shall elect from its members a president, a secretary, and a treasurer, at each annual meeting, prior to conducting any other business.

(10) Any vacancy on the board occurring by reason other than expiration of a term shall be filled by the board at its next regular meeting after the vacancy occurs, until the next statewide primary election, at which a successor shall be elected to serve for the unexpired term.

Sec. 87. That section 79-1109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1109. The electors of any Class VI school district may, by a fifty-five per cent majority affirmative vote of those present and voting on the issue at an annual or special meeting or special election of the district, extend the grade offerings of that district to include grades seven and eight. If by special election, such election shall be conducted by the county clerk or election commissioner in accordance with the provisions of Chapter 32. Such a school district would thenceforth be known as a Class VI junior-senior high school district and would be supported in the same manner as was provided for the support of the district previous to the extension of its grade offerings; Provided, that in such an election, the electors of all Class I school districts in which there is located an incorporated city or village shall vote separately and the remaining Class I school districts shall vote separately as a unit either for a plan for the individual district or with more districts as determined by the vote by the election; and provided further, that fifty-five per cent of the votes cast in each voting unit shall be in favor of the proposition to put such a plan into operation.

Sec. 88. Sections 29 to 31 of this act shall be so interpreted so as to effectuate their general purpose, to provide, in the public interest, adequate compensation as therein provided for the officers and employees mentioned, and to permit a change in or give effect to such salaries as soon as the same may become operative under the Constitution of the State of Nebraska.

Sec. 89. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 90. That original sections 10-703.01, 17-306, 19-612, 19-613.01, 19-615, 19-617, 19-621, 19-623, 19-3004, 19-3011, 23-343.25, 23-2010, 25-523, 32-106, 32-202, 32-206, 32-211, 32-222, 32-451, 32-460, 32-472, 32-4,104, 32-4,113, 32-4,114, 32-4,115, 32-504.01, 32-514, 32-525, 32-542, 32-545, 32-716, 32-808, 32-812, 32-819, 32-1305, 49-208, 51-202, 79-426.15, 79-1103, and 79-1109, Reissue Revised Statutes of Nebraska, 1943, sections 32-210.01, 32-216, 32-231, 32-231.01, 32-231.08, 32-428, 32-459, 32-499, 32-4,108, 32-4,147, 32-503.01, 32-504, 32-512, 32-513, 32-522, 32-526, 32-803, 32-804, 70-610, 79-426.25, 79-516.05, 79-701, and 79-803.03, Revised Statutes Supplement, 1969, sections 3-502, 17-307, 18-209, 19-3007.01, 32-210, 32-420.01, 32-535, and 32-537, Revised Statutes Supplement, 1971, sections 32-228, 32-229, 32-425, 32-477, and 32-807, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 3, 4, 5, 10, and 14, respectively, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, and section 32-102, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1054, Eighty-second Legislature, Second Session, 1972, and also sections 32-538, 32-542.01, and 79-1103.01, Revised Statutes Supplement, 1969, are repealed.

Sec. 91. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.