

LEGISLATIVE BILL 1401

Approved by the Governor March 29, 1972

Introduced by Herbert J. Duis, 39th District

AN ACT to amend section 70-611, Reissue Revised Statutes of Nebraska, 1943, and section 70-610, Revised Statutes Supplement, 1969, as amended by section 79, Legislative Bill 661, Eighty-second Legislature, First Session, 1971, relating to public power and irrigation districts; to change provisions imposing election costs of directors upon public power and irrigation districts; and to repeal the original sections.

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

Section 1. That section 70-610, Revised Statutes Supplement, 1969, as amended by section 79, Legislative Bill 661, Eighty-second Legislature, First Session, 1971, 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 manner as by law provided for the nomination and election of members of the Legislature. 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 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.~~ Each public power district shall pay for the election expenses of nominating and electing its directors as the case may be. The district shall pay to each county wherein the name of one or more candidates appears upon the ballot as follows: Counties having a population of less than three thousand inhabitants, seventy-five dollars; counties having a population of three thousand but less than nine thousand inhabitants, one hundred fifty dollars; counties having a population of nine thousand but less than fourteen thousand inhabitants, two hundred dollars; counties having a population of fourteen thousand but less than twenty

thousand inhabitants, two hundred fifty dollars; counties having a population of twenty thousand but less than sixty thousand inhabitants, three hundred dollars.

When the total votes cast in a public power district election is less than one half of the total votes cast within a county having a population less than sixty thousand, the cost to the district shall be reduced fifty per cent. When the total vote within a county in a public power district election is less than one-tenth of the total vote in such county, then there shall be no cost to the district. In counties having a population of sixty thousand or more, the total cost of a primary or general election held in such a county shall be prorated and billed to each public power district on a pro rata basis determined by the ratio that the number of votes cast for public power district directors bears to the total votes cast within such county. Election expenses shall be due and payable by each public power district within thirty days after receipt of a statement from the county.

Sec. 2. That section 70-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-611. Not less than ninety days prior to any district election, the secretary shall certify to the Secretary of State the names of the counties, municipalities and election precincts then comprising the district, and at the same time he shall certify the number of directors to be elected and the election districts or subdivisions in which they are to be elected, respectively. The secretary of the district shall also furnish cause a list of the names of the directors proposed to be elected and the district or subdivision of the district in which they are proposed to be elected to be published in a newspaper of general circulation throughout the district, and shall furnish a certified copy of the published notice to the Secretary of State and officials of election together with such additional information as they may reasonably require in the proper performance of their duties in the conduct of elections and the certification of the results of the same. The term of each member of the board thus elected shall be six years and until his successor is elected and qualified.

Sec. 3. That original section 70-611, Reissue Revised Statutes of Nebraska, 1943, and section 70-610, Revised Statutes Supplement, 1969, as amended by section 79, Legislative Bill 661, Eighty-second Legislature, First Session, 1971, are repealed.