

LEGISLATIVE BILL 609

Approved by the Governor April 17, 1978

Introduced by D. Dworak, 22

AN ACT to amend sections 16-503, 17-616, and 84-1413, Reissue Revised Statutes of Nebraska, 1943, relating to votes by public bodies; to allow the use of electronic voting devices as prescribed; and to repeal the original sections.

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

Section 1. That section 16-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-503. On the passage or adoption of every resolution or order to enter into a contract, or accepting of work done under contract, by the mayor or council, the yeas and nays shall be called and entered upon the record. To pass or adopt any by-law, ordinance or any such resolution or order, a concurrence of a majority of the whole number of the members elected to the council shall be required. The mayor may vote on any such matter when his vote shall be decisive and the mayor shall, for the purpose of such vote, be deemed to be a member of the council. The requirements of a roll call or viva voce vote shall be satisfied by a city which utilizes an electronic voting device which allows the yeas and nays of each council member to be readily seen by the public.

Sec. 2. That section 17-616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-616. On the passage or adoption of every by-law or ordinance, and every resolution or order to enter into a contract by the council or board of trustees, the yeas and nays shall be called and recorded. To pass or adopt any by-law, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the council or trustees shall be required. All appointments of the officers by any council or trustees shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce

vote shall be satisfied by a city or village which utilizes an electronic voting device which allows the yeas and nays of each council member or member of the board of trustees to be readily seen by the public.

Sec. 3. That section 84-1413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1413. (1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a city which utilizes an electronic voting device which allows the yeas and nays of each council member to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written and available for inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier.

Sec. 4. That original sections 16-503, 17-616, and 84-1413, Reissue Revised Statutes of Nebraska, 1943, are repealed.