

## Administrative

### Article 7. Elections

**§1-701 ELECTIONS; GENERALLY.** The Municipal election shall be held in accordance with the provisions of the Revised Statutes of Nebraska. Said elections shall be held in conjunction with the State Primary Election. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. Charges shall be paid to the County Clerk as set forth in the Revised Statutes of Nebraska. Board members who were elected in the 1998 statewide primary election, or their appointed successors, shall hold their term of office until the first regular meeting of the Board in December of 2002, with a successor to be elected at the statewide general election or 2002 and every four years thereafter. Board members who were elected in the 1996 statewide primary election, or their appointed successors, shall hold their term of office until the first regular meeting of the Board in December of 2000, with a successor to be elected at the statewide general election of 2000 and every four years thereafter.

**§1-702 ELECTIONS; TERM OF OFFICE.** All elected officers of the Municipality shall serve a term of four (4) years and until their successors are elected and have qualified. (Ref. 17-203.01 RS Neb.)

**§1-703 ELECTIONS; TIE VOTES.** In the case of a tie vote of any of the candidates in either the primary or general election, the County Clerk shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. (Ref. 17-202 RS Neb.)

**§1-704 ELECTION; JOINT, GENERAL.** The general Municipal election shall be held in accordance with the provisions of the Revised Statutes of Nebraska. The Governing Body has determined, by ordinance duly adopted, to hold the Municipal Election in conjunction with the Statewide Primary Election, held on the first (1st) Tuesday after the second (2nd) Monday in May of each even numbered year. Prior to February one (1) of the year, in which the first such joint election takes place, the Governing Body shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to State law. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. (Ref. 19-621, 32-505, 32-4,147 RS Neb.)

**§1-705 ELECTIONS; JOINT, GENERAL, NOTICE.** The County Clerk shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections which are held in conjunction with the County. (Ref. 32-402.01 RS Neb.)

**§1-706 ELECTIONS; JOINT, SPECIAL.** In lieu of submitting a matter or at a separate special Municipal Election, the Municipality may submit such matter or issue at a statewide Genen11 or Primary Election or at a scheduled County Election or may request the County to conduct a special election. Such matter or issue must be certified by the Municipal Clerk to the County Clerk or Election Commissioner at least fifty (50) days prior to the election. The Municipal Clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter other than that required to be given of the statewide or county election issues. (Ref. 32-4, 153, 32-4, 154 RS Neb.)

**§1-707 ELECTIONS; FILING FEE.** Prior to the filing of any nomination papers, there shall be paid to the Municipal Treasurer a filing fee which shall amount to one (1 %) percent of the annual salary for the office for which the candidate will file. Provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred (\$500.00) dollars per year. No nominating papers shall be filed until the proper Municipal Treasurer's receipt, showing the payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. (Ref. 32-513 RS Neb.)

**§1-708 ELECTIONS; PETITION CANDIDATES.** Candidates for any Municipal office in the Municipality may be nominated by petition. Petitions shall contain signatures of registered voters totaling not less than ten (10%) per cent of the total votes received by the candidate receiving the highest number of votes in the Municipality or ward at the preceding general election in which officers were last elected to such office. They shall be accompanied by a treasurer's receipt for the filing fees for the office being sought. All petitions shall provide a space at least two and one half (2½") inches long for written signatures, a space at least two (2") inches long for printed names, and sufficient space for any additional information which may be required. Lines on such petitions shall not be less than one-fourth (1/4") inch apart. Petitions may be designed in such a manner that lines for signatures and other information run the length of the page rather than the width. Petition signers and petition circulators shall conform to the requirements of Section 32-713 RS Neb. Petitions must be filed at least sixty (60) days prior to the State Primary. (Ref. 32-4,156, 32-504, 32-513, 32-535, 32-713, RS Neb.)

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**§1-709 ELECTIONS: CAUCUS CANDIDATES.** The Governing Body of the Municipality may, by ordinance, call a caucus for the purpose of nominating candidates for offices to be filled in the Village election. Such caucus shall be held at least ten (10) days prior to the filing deadline for such election. Notice of such caucus must be published in one (1) newspaper of general circulation in the Municipality, at least once in each of two (2) consecutive weeks prior to said caucus. The Municipal Clerk shall notify the person so nominated of his nomination and such notification shall take place not less than five (5) days after the said caucus. A candidate so nominated shall not have his name placed upon the ballot unless, not more than ten (10) days after the holding of such caucus, he shall have filed with the Municipal Clerk a written statement accepting the nomination of the caucus and shall have paid the filing fee, if any, for the office for which he was nominated. (Ref. 17-601.01 thru 17-603 RS Neb.)

**§1-710 ELECTIONS: OFFICIALS.** The County Clerk shall at least fifteen (15) days prior to the State Primary Elections, give notice of the appointment by each political party of three (3) judges and two (2) clerks of election in each election unit in the Municipality, to be known as the Receiving Board. Each of the appointees referred to shall be of good character, approved integrity, well informed, able to read, write, and speak the English language, reside in the election precinct in which he is to serve, be entitled to vote in his election unit, and hold office for a term of two (2) years, or until judges and clerks of election are appointed for the next State Primary Election. (Ref. 32-403 thru 32-412 RS Neb.)

**§1-711 ELECTIONS: OFFICIALS OATH.** Previous to any votes being received, the judges and clerks of election shall severally take an oath or affirmation according to the form authorized by State law. If there is no judge present at the opening of the polls, it shall be lawful for the judges of election to administer the oath to each other and the clerks of election. The person administering such oath shall cause an entry to be made thereof and affixed to each poll book. (Ref. 11-101.01, 19-3015, 32-413, 32-414 RS Neb.)

**§1-712 ELECTIONS: VOTER QUALIFICATIONS.** Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; Provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. (Ref. 17-602, 32-102 RS Neb.)

**§1-713 ELECTIONS: BOARD OF TRUSTEES.** Board of Trustee members shall be elected from the Municipality at large unless the residents of the Municipality have voted to elect its Board members by wards. Board members shall serve for a term of four (4) years and shall be a resident and qualified elector. If the election of Board members takes place by wards, each nominee for Board member shall be a resident and qualified elector of the ward for which he or she is a candidate, and only residents of that ward may sign the candidates' nomination petitions. (Ref. 5-108 RS Neb.)

**§1-714 ELECTIONS: BALLOTS.** The County Clerk shall provide printed ballots for every general Municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. (Ref. 32-417, 32-418 RS Neb.)

**§1-715 ELECTIONS: CERTIFICATE OF ELECTION.** After the canvass of the vote at the Municipal election, the Municipal Clerk shall prepare a certificate of election for each person whom the Canvassing Board has declared to have received the highest vote, and in the form as nearly as possible prescribed by State law, which shall be signed by the Chairman under the seal of the Municipality and countersigned by the Municipal Clerk. The said certificate shall then be delivered to the persons so elected. (Ref. 32-4, 111, 32-4, 152 RS Neb.)

**§1-716 ELECTIONS: INABILITY TO ASSUME OFFICE.** In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is 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 any candidate so declared elected received not less than thirty-five (35%) per cent of the total number of votes cast for such office in the election. If any of the qualifications of this Section are not met by the candidate to be declared elected, or reasonable notice of the winners ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law.

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**§1-717 ELECTIONS: RECALL PROCEDURE.** Any or all of the elected officials of the Municipality may be removed from office by the registered voters of the Municipality. Petition papers, to do such, shall be procured from and filed with the Municipal Clerk, who shall keep a sufficient number of such blank petition papers on file for distribution. An affidavit to procure such papers shall be made by one (1) or more registered voters and filed with the Municipal Clerk, stating the name and office of the officer or officers sought to be removed. The Clerk, upon issuing any petition paper, shall enter in a record, to be kept in his or her office, the name of the registered voter or voters to whom issued, the date of such issuance, and the number of papers issued and shall certify on the papers the name of the registered voter or voters to whom the papers were issued and the date they were issued.

Circulators of such petitions shall comply with all requirements of the Statutes of Nebraska. Such petition demanding that recall be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five (35%) percent of the total votes cast at the last General Municipal Election, except for an office where more than one (1) candidate is chosen in which case the petition shall be signed by registered voters equal in number to at least thirty-five (35%) per cent of the number of votes cast for the person receiving the most votes for such office in the last General Election. If officers are elected by ward, only registered voters of that officer's ward may sign a recall petition or vote at the recall election. All petitions shall be filed with the Clerk for signature verification as one instrument within thirty (30) days of issuance of the original petition papers. Within ten (10) days after the filing of the petition, the Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters and shall attach to the petition a certificate showing whether any signatures need to be corrected in order to comply with the requirements of this Section and State Statutes. If the Clerk finds incorrect signatures, he or she shall promptly notify the person filing the petition that the petition may be cured at any time within ten (10) days after the giving of such notice by the filing of a supplementary petition, with the corrected signatures, on additional petition papers issued and filed as provided for the original petition. No new signatures may be added after the initial filing of the petition and no signatures may be removed unless the Clerk receives an affidavit signed by the person requesting his or her signature be removed. The Clerk shall, within five (5) days after any correction, examine the corrected petition and attach a certificate as in the case of the original petition. If the certificate shows the corrected petition to be insufficient or if no correction was made, the Clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

If the petition or corrected petition is found to be sufficient, the Clerk shall attach to the petition a certificate showing the result of such examination and shall notify the officer whose removal is sought. If the officer does not resign within five (5) days after the notice, the Clerk shall submit, within ten (10) days after the five (5) day period has elapsed, the original petition and supplement, together with his or her certificates, to the Governing Body. Upon receipt of such petition and certificate, the Governing Body shall order an election to be held not less than thirty (30) nor more than forty-five (45) days after the five (5) day period, except that if any other election is to be held in that district within ninety (90) days of the five (5) day period the Governing Body may provide for the holding of the removal election on the same day.

No recall petition shall be filed against members of the Governing Body within twelve (12) months after a recall election has failed to remove him or her from office or within six (6) months from the end of his or her term of office.

**§1-718 ELECTIONS: CANDIDATE QUALIFICATIONS.** Any person seeking elected office in the Municipality shall be a registered voter prior to holding such office and in addition shall have reached the age of majority. (Ref. 32-4,157 RS Neb.)