

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 21

Introduced by Wayne, 13.

Read first time January 05, 2023

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities of the metropolitan class; to amend
2 sections 14-201, 14-201.03, 32-536, 32-537, and 32-554, Reissue
3 Revised Statutes of Nebraska, and section 32-539, Revised Statutes
4 Cumulative Supplement, 2022; to change provisions relating to
5 elections, districts, terms, number of city council members, and
6 redistricting procedures; to harmonize provisions; and to repeal the
7 original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-201, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-201 In each city of the metropolitan class, ~~seven~~ city council
4 members shall be elected to the city council as provided in sections
5 14-201.03 and section 32-536. The general city election for the election
6 of elective officers of cities of the metropolitan class shall be held on
7 the first Tuesday after the second Monday in May 1993 and every four
8 years thereafter. The terms of office of such city council members shall
9 commence on the fourth Monday after such election.

10 Sec. 2. Section 14-201.03, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-201.03 (1) Except as provided in subsections (2) and (3) of this
13 section, the The election commissioner in any county in which is situated
14 a city of the metropolitan class shall divide the city into seven city
15 council districts of compact and contiguous territory. Such districts
16 shall be numbered consecutively from one to seven.

17 (2) At least six weeks prior to the filing deadline pursuant to
18 subsection (3) of section 32-606 for the general city election in 2025,
19 the city council of a city of the metropolitan class shall divide the
20 city into nine city council districts of compact and contiguous
21 territory. Such districts shall be numbered consecutively from one to
22 nine and shall be effective with the term of office of members elected at
23 such election.

24 (3) One city council member shall be elected from each district,
25 except that the city council members elected or appointed to serve the
26 districts created under subsection (1) of this section shall continue to
27 serve such districts until the terms of office of the city council
28 members elected to serve the districts created under subsection (2) of
29 this section commence pursuant to section 14-201. The city council shall
30 be responsible for redrawing the city council district boundaries
31 pursuant to section 32-553.

1 Sec. 3. Section 32-536, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-536 (1) In a city of the metropolitan class, until the general
4 city election in 2025, seven city council members shall be elected to the
5 city council for terms of four years at the general city election in 1993
6 pursuant to section 14-201.

7 (2) Beginning with the general city election in 2025, nine city
8 council members shall be elected to the city council for terms of four
9 years pursuant to section 14-201.

10 (3) One city council member shall be nominated and elected from each
11 of the districts into which the city is divided pursuant to section
12 14-201.03. The city council members shall meet the qualifications found
13 in sections 14-204 and 14-230.

14 Sec. 4. Section 32-537, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 32-537 (1) Except as provided in subsection (2) of this section, in
17 in a city which adopts a home rule charter pursuant to sections 19-501 to
18 19-503 and Article XI, sections 2 to 5, of the Constitution of Nebraska,
19 the number of city council members shall be determined by the home rule
20 charter.

21 (2) The council members of a city of the metropolitan class which
22 adopts a home rule charter shall meet the qualifications found in
23 sections 14-201.03, 14-204, and 14-230.

24 (3) (2) Any city having a home rule charter may provide in such
25 charter for a nominating petition or filing fee or both for any person
26 desiring to be a candidate for the office of council member or mayor.

27 Sec. 5. Section 32-539, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 32-539 (1) In a city which adopts the commission plan of government
30 pursuant to the Municipal Commission Plan of Government Act, the number
31 of city council members shall be determined by the class and population

1 of the city. In cities having two thousand or more but not more than
2 forty thousand inhabitants as determined by the most recent federal
3 decennial census or the most recent revised certified count by the United
4 States Bureau of the Census, there shall be five members, in cities of
5 the primary class, there shall be five members, and in cities of the
6 metropolitan class, there shall be nine ~~seven~~ members. City council
7 ~~Council~~ members shall be elected from the city at large. Nomination and
8 election of all city council members shall be by nonpartisan ballot. The
9 mayor shall be elected for a four-year term.

10 (2) If a city elects to adopt the commission plan of government, the
11 city council member elected as the commissioner of the department of
12 public works and the city council member elected as the commissioner of
13 the department of public accounts and finances shall each serve a term of
14 four years and the city council member elected as the commissioner of the
15 department of streets, public improvements, and public property and the
16 city council member elected as the commissioner of the department of
17 parks and recreation shall each serve a term of two years. Upon the
18 expiration of such terms, all city council members shall serve terms of
19 four years and until their successors are elected and qualified.

20 (3) Commencing with the statewide primary election in 2000, and
21 every two years thereafter, candidates shall be nominated at the
22 statewide primary election and elected at the statewide general election
23 except as otherwise provided in section 19-405.

24 Sec. 6. Section 32-554, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-554 (1)(a) Any city not under a home rule charter, village,
27 county, or school district nominating and electing members to its
28 governing board at large may, either by majority vote of the governing
29 body or by petition of registered voters pursuant to subsection (2) of
30 this section, submit, at a general election, the question of nominating
31 and electing members to its governing board by district or ward.

1 (b) Any city not under a home rule charter, village, county having
2 not more than four hundred thousand inhabitants as determined by the most
3 recent federal decennial census, or school district nominating and
4 electing members to its governing board by district or ward may, either
5 by majority vote of the governing body or by petition of registered
6 voters pursuant to subsection (2) of this section, submit, at a general
7 election, the question of nominating and electing members to its
8 governing board at large.

9 (c) Any city of the first class, except a city having adopted the
10 commissioner or city manager plan of government, nominating and electing
11 members to its governing body by ward may, either by ordinance by
12 majority vote of the governing body or by petition of registered voters
13 pursuant to subsection (2) of this section, submit, at a general
14 election, the question of nominating and electing some of the members to
15 its governing body by ward and some at large. No more than four members
16 of the city council may be elected on an at-large basis, and at least
17 four members of the city council shall be elected by ward. The ordinance
18 of the governing body or petition shall specify the number of at-large
19 members to be elected. At the first election in which one or more at-
20 large members are to be elected to the city council, the members shall be
21 elected to serve for initial terms of office of the following lengths:
22 (i) If one at-large member is to be elected, he or she shall serve for a
23 four-year term; (ii) if two at-large members are to be elected, the
24 candidate receiving the highest number of votes shall be elected to serve
25 for a four-year term and the other elected member shall be elected to
26 serve for a two-year term; (iii) if three at-large members are to be
27 elected, the two candidates receiving the highest number of votes shall
28 be elected to serve for four-year terms and the other elected member
29 shall be elected to serve for a two-year term; and (iv) if four at-large
30 members are to be elected, the two candidates receiving the highest
31 number of votes shall be elected to serve for four-year terms and the

1 other elected members shall be elected to serve for two-year terms.
2 Following the initial term of office, all at-large council members shall
3 be elected to serve for four-year terms. No candidate may file as both an
4 at-large candidate and a candidate by ward at the same election.

5 (2) Petitions for submission of the question shall be signed by
6 registered voters of the city, village, county, or school district
7 desiring to change the procedures for electing the governing board of the
8 city, village, county, or school district. The petition or petitions
9 shall be signed by registered voters equal in number to twenty-five
10 percent of the votes cast for the person receiving the highest number of
11 votes in the city, village, county, or school district at the preceding
12 general election for electing the last member or members to its governing
13 board. Each sheet of the petition shall have printed the full and correct
14 copy of the question as it will appear on the official ballot. The
15 petitions shall be filed with the county clerk or election commissioner
16 not less than seventy days prior to the date of the general election, and
17 no signatures shall be added or removed from the petitions after they
18 have been so filed. Petitions shall be verified as provided in section
19 32-631. If the petition or petitions are found to contain the required
20 number of valid signatures, the county clerk or election commissioner
21 shall place the question on a separate ballot to be issued to the
22 registered voters of the city, village, county, or school district
23 entitled to vote on the question.

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

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

13 (4) ~~Each~~ Except as provided in section 14-201, each city not under a
14 home rule charter, village, county, and school district which votes to
15 nominate and elect members to its governing board by district or ward
16 shall establish districts or wards so that approximately one-half of the
17 members of its governing board may be nominated and elected from
18 districts or wards at each election. Districts or wards shall be created
19 not later than October 1 in the year following the general election at
20 which the question was voted upon. If the governing board fails to draw
21 district boundaries by October 1, the procedures set forth in section
22 32-555 shall be followed.

23 Sec. 7. Original sections 14-201, 14-201.03, 32-536, 32-537, and
24 32-554, Reissue Revised Statutes of Nebraska, and section 32-539, Revised
25 Statutes Cumulative Supplement, 2022, are repealed.