

AN ORDINANCE TO AMEND CHAPTER 1, ARTICLE 7 ELECTIONS: OF THE MUNICIPAL CODE BY AMENDING SECTION 1-7c TO PROVIDE FOR THE NOMINATION OF THE MAYOR AND COUNCIL AT THE STATEWIDE PRIMARY ELECTION AND THE ELECTION OF THE MAYOR AND COUNCIL AT THE STATEWIDE GENERAL ELECTION AND FURTHER TO ADD THOSE SECTIONS PROVIDING FOR: EXTENSION OF TERMS; CANDIDATE FILINGS; WRITE IN CANDIDATES; TIE VOTES; BALLOT PREPARATION; AND TERMS OF OFFICE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF Gothenburg, NEBRASKA.

Section 1. That Chapter 1, Article 7, Section 1-7c of the Municipal Code of Gothenburg, Nebraska, be amended to read as follows:

Elections, Generally. The Municipal primary and general election shall be held in accordance with the provisions of Chapter Thirty-two (32) Revised Statutes of Nebraska. Said elections shall be held in conjunction with the State Primary and General Election. Prior to February One (1) of each year in which 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.

Commencing with the Statewide Primary Election in 1976, and every fourth (4th) year thereafter, candidates for Mayor and for positions on the City Council shall be nominated at the Statewide Primary Election and elected at the Statewide General Election (Ref. 17-107.02(2). 32-505. 32-4.147 RS Neb )

Section 2 That Article 7, of Chapter 1, be amended by adding the following Sections:

Elections; Extension of Terms. The term of office of any member of the Governing Body that would expire prior to the first regular Council meeting in December, 1976, is hereby extended to December, 1976.

The term of office of any member that would expire after December, 1976, but prior to the first regular Council meeting in December, 1978, is hereby extended to the first regular meeting in December, 1978. (Ref. 17-107.02(2)(2)(3) RS Neb.)

Elections; Primary Election, Number of Candidates Filing. If the number of candidates properly filed for nomination at the primary election does not exceed two (2) for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required (Ref. 17-107.02(4) RS Neb )

Elections; Primary Election, Write-in Candidates. When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a Council member, such person shall not be entitled to a certificate of nomination at the statewide primary election nor have his name placed on the general election ballot unless he shall have received not less than twenty (20%) per cent of the total votes cast for the candidate receiving the greatest number of votes in the precinct or ward or the candidate receiving the greatest number of votes of the at-large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the ward, or of the at-large candidates if the election was held at large. (Ref. 17-107.02(6) RS Neb.)

**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. 17-107.02(6) RS Neb.)

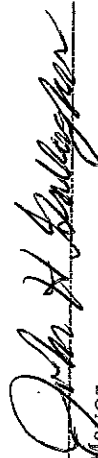
**Elections; General Election, Preparation of Ballot.** When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the County Clerk, in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. (Ref. 17-107.02(7) RS Neb.)

**Elections; Election to Terms.** The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The County Clerk shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. The term of office of all such members shall commence on the first regular meeting of the Council in December following their election. Any vacancy on the Council or in the office of Mayor resulting from causes other than expiration of the term shall be filled by vote of the remaining members as provided in Section 1-105 or Section 1-106. (Ref. 17-107.02(8)(9) RS Neb.)

Section 3. That the original Section 1-701 and any other Section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with the provisions therewith are hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 7<sup>th</sup> day of June, 1977.

  
Mayor

(SEAL)

Marian Folsom  
Clerk