

**ORDINANCE NO. 535**

AN ORDINANCE OF THE VILLAGE OF POTTER TO AMEND SECTION 34.01 OF THE MUNICIPAL CODE OF POTTER PERTAINING TO ELECTIONS, GENERALLY; TO AMEND SECTION 34.07 OF THE MUNICIPAL CODE OF POTTER PERTAINING TO THE PROCESS OF HOLDING GENERAL AND SPECIAL ELECTIONS; TO AMEND SECTION 34.11 OF THE MUNICIPAL CODE OF POTTER PERTAINING TO RECALL PROCEDURES; TO AMEND SECTION 34.12 OF THE MUNICIPAL CODE OF POTTER PERTAINING TO EXIT POLLS AND POLL WATCHERS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF POTTER, NEBRASKA: 0

Section 1. That 34.01 of the Municipal Code of the Village of Potter, Nebraska, hereby reads as follows:

**§ 34.01 GENERALLY.**

(A) (1) All village issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if village offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise.

(2) All village elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election.  
(Neb. RS 32-556)

(B) When the village holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election held by the village shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the village.

(C) The village shall furnish to the Secretary of State and Election Commissioner or County Clerk any map and additional information which the Secretary of State and Election Commissioner or County Clerk may require in the proper performance of their duties in the conduct of elections and certification of results.  
(Neb. RS 32-404)

Section 2. That 34.07 of the Municipal Code of the Village of Potter, Nebraska, hereby reads as follows:

**§ 34.07 CANDIDATE FILING FORMS; DEADLINES; FILING OFFICER.**

(A) Any candidate for the Board of Trustees may place his or her name on the general election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in division (B). If a candidate is an incumbent of an elective office, the filing period for filing the candidate filing form shall be between January 5 and July 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office between January 5 and August 1 prior to the date of the general election.  
(Neb RS 32-606)

(B) Candidate filing forms shall be filed in the office of the Election Commissioner or County Clerk.  
(Neb RS 32-607)

(C) (1) Except as provided in Neb. RS 32-564, any candidate in a special election to fill a vacancy for an office of a political subdivision may have his or her name placed on the special election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in Neb RS 32-607 and this section.

(2) The filing period for filing the candidate filing form shall be:

(a) On or before March 1 for a special election to be held in conjunction with the statewide primary election;

(b) On or before August 1 for a special election to be held in conjunction with the statewide general election; and

(c) Between the eighth Friday prior to the election and the fifth Friday prior to the election for all other elections.

(3) A candidate filing form for such special election shall meet the requirements Neb RS 32-607, except that the form shall contain the following statement: "I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the special election, that I am a registered voter and qualified to be elected, and that I will serve if elected."

(4) A candidate filing form for such special election shall be filed with the filing officer specified in Neb RS 32-607(2).  
(Neb RS 32-606.01)

Section 3. That 34.11 of the Municipal Code of the Village of Potter, Nebraska, hereby reads as follows:

**§ 34.11 RECALL PROCEDURE.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FILING CLERK.** The Election Commissioner or County Clerk.  
(Neb. RS 32-1301)

(B) Any member of the Board of Trustees may be removed from office by recall pursuant to this section.  
(Neb. RS 32-1302)

(C) (1) A petition demanding that the question of removing a member of the Board of Trustees be submitted to the registered voters shall be signed by registered voters equal in number to at least 45% of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630.

(3) The petition papers shall be procured from the filing officer. Prior to the issuance of such petition papers, a recall petition filing form shall be signed and filed with the filing officer by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The filing form shall state the name and office of the Trustee sought to be removed, shall include concise language of 60 words or less the reason or reasons for which the recall is sought, and shall request that the filing officer issue initial petition papers to the principal circulation for the circulation.

(4) After receiving the filing form, the filing officer shall notify the Trustee whose removal is sought by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving a copy of the filing form at the Trustee's usual place of residence and mailing a copy by first-class mail to the Trustee's last-known address. If the Trustee chooses, he or she may submit a defense statement in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing officer within 20 days after the Trustee receives the copy of the filing form. The filing officer shall prepare the petition papers within five business days after receipt of the defense statement. The principal circulator or circulators shall gather the petition papers within 20 days after being notified by the filing officer that the petition papers are available. The filing officer shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

(5) The filing officer, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing officer shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing officer may distribute such petitions to persons who may act as circulators of such petitions.

(6) Petition signers shall conform to the requirements of Neb. RS 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.  
(Neb. RS 1303)

(D) Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(E) (1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing officer within 30 days after the filing officer issues the initial petition papers to the principal circulator or circulators as provided in division (C) of this above.

(2) Within 15 business days after the filing of the petition, the filing officer shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. Any person may remove his or her name from a petition as provided in section 32-632. If the petition is found to be sufficient, the filing officer shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing officer shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

(Neb. RS 32-1305)

(F) (1) If the recall petition is found to be sufficient, the filing officer shall notify the Trustee whose removal is sought and the Board of Trustees that sufficient signatures have been gathered. Notification of the Trustee shall be by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving such notice at the Trustee's usual place of residence and mailing a copy by first-class mail to the Trustee's last-known address.

(2) The Board of Trustees shall, within 21 days after receipt of the notification from the filing officer pursuant to division (F)(1) above, order an election. The date of the election shall be the first available date that complies with Neb. RS 32-405 and that can be certified to the Election Commissioner or County Clerk at least 50 days prior to the election, except that if any other election is to be held in village within 90 days after such notification, the Board of Trustees shall provide for the holding of the recall election on the same day.

(3) All resignations shall be tendered as provided in Neb. RS 32-562. If the Trustee whose removal is sought resigns before the recall election is held, the Board of Trustees may cancel the recall election if the Board of Trustees notifies the Election Commissioner or County Clerk of the cancellation on or before the fourth Thursday prior to the election, otherwise the recall election shall be held as scheduled.

(4) If a filing officer is subject to a recall election, the Secretary of State shall conduct the recall election.  
(Neb. RS 32-1306)

(G) The form of the official ballot at a recall election held pursuant to division (F) above shall conform to the requirements of Neb. RS 32-1307.

(H) (1) If a majority of the votes cast at a recall election are against the removal of the Trustee named on the ballot or the election results in a tie, the Trustee shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (I) below.

(2) If a majority of the votes cast at a recall election are for the removal of the Trustee named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the Trustee is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this section, Neb. RS 32-567 through 32-570, 32-574, and 32-606.01.

(3) If the election results show a margin of votes equal to 1% or less between the removal or retention of the Trustee in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the Trustee files a written statement with the filing officer that he or she does not want a recount.

(4) If there are vacancies in the offices of one-half or more of the members of Board of Trustees at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner, or County Clerk. Candidates for the special election shall file a candidate filing form pursuant to §34.07(C).

(5) No Trustee who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the Board of Trustees during the remainder of his or her term of office.  
(Neb. RS 32-1308)

(I) No recall petition filing form shall be filed against an elected Trustee within 12 months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.  
(Neb. RS 32-1309)

Section 4. That 34.12 of the Municipal Code of the Village of Potter, Nebraska, hereby reads as follows:

**§ 34.12 EXIT POLLS.**

(A) No person shall conduct an exit poll, a public opinion poll, or any other interview with voters on election day seeking to determine voter preference within 20 feet of the entrance of any polling place, or, if inside the polling place or building, within 100 feet of any voting booth.

(B) (1) No poll watcher shall interfere with any voter in the preparation or casting of such voter's ballot or prevent any election worker from performing the worker's duties.

(2) A poll watcher shall not provide assistance to a voter as described in section 32-918 unless selected by the voter to provide assistance as provided in section 32-918.

(3) A poll watcher shall not do any electioneering or disseminate any information or materials advertising or advocating for or against any ballot measure while engaged in observing at a polling place.

(4) A poll watcher shall maintain a distance of at least eight feet from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast, except that if the polling place is not large enough for a distance of eight feet, the judge of election shall post a notice of the minimum distance the poll watcher must maintain from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast. The posted notice shall be clearly visible to the voters and shall be posted prior to the opening of the polls on election day. The minimum distance shall not be determined to exclude a poll watcher from being in the polling place.  
Neb. RS 32-1525) Penalty, see § 10.99.

Section 5. That any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with these provisions of this ordinance, is hereby repealed.

Section 6. This ordinance shall go into force and effect from and after its passage, approval and publication or posting as required by law.

Passed and approved this 8<sup>th</sup> day of December 2025.



*Melinda ...*  
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Village Clerk

*Mark A. ...*  
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Chairman of the Board of Trustees