

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 874**

Introduced by Murante, 49.

Read first time January 11, 2016

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to school boards; to amend section 32-570,
- 2 Revised Statutes Cumulative Supplement, 2014; to change procedures
- 3 for filling vacancies on school boards; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-570, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 32-570 (1) A vacancy in the membership of a school board shall occur  
4 as set forth in section 32-560 or in the case of absences, unless excused  
5 by a majority of the remaining members of the board, when a member is  
6 absent from the district for a continuous period of sixty days at one  
7 time or from more than two consecutive regular meetings of the board. The  
8 resignation of a member or any other reason for a vacancy shall be made a  
9 part of the minutes of the school board. The school board shall give  
10 notice of the date the vacancy occurred, the office vacated, and the  
11 length of the unexpired term (a) in writing to the election commissioner  
12 or county clerk and (b) by a notice published in a newspaper of general  
13 circulation in the school district.

14 (2) A person appointed to fill a vacancy on the school board of a  
15 Class I school district by the remaining members of the board shall hold  
16 office until the beginning of the next school year. A board member of a  
17 Class I school district elected to fill a vacancy at a regular or special  
18 school district meeting shall serve for the remainder of the unexpired  
19 term or until a successor is elected and qualified.

20 (3) Except as provided in subsection (4) of this section, a vacancy  
21 in the membership of a school board of a Class II, III, IV, V, or VI  
22 school district resulting from any cause other than the expiration of a  
23 term shall be filled by appointment of a qualified registered voter by  
24 the remaining members of the board. ~~If the vacancy occurs in a Class II~~  
25 ~~school district prior to July 1 preceding the general election in the~~  
26 ~~middle of the vacated term, the appointee shall serve until a registered~~  
27 ~~voter is elected at such general election for the remainder of the~~  
28 ~~unexpired term. If the vacancy occurs in a Class III, IV, or VI school~~  
29 ~~district prior to February 1 preceding the general election in the middle~~  
30 ~~of the vacated term, the appointee shall serve until a registered voter~~  
31 ~~is nominated at the next primary election and elected at the following~~

1 ~~general election for the remainder of the unexpired term. If the vacancy~~  
2 ~~occurs on or after the applicable deadline, the appointment shall be for~~  
3 ~~the remainder of the unexpired term. A registered voter appointed or~~  
4 ~~elected pursuant to this subsection shall meet the same requirements as~~  
5 ~~the member whose office is vacant.~~

6 (4) Any vacancy in the membership of a school board of a school  
7 district described in section 79-549 which does not nominate candidates  
8 at a primary election and elect members at the following general election  
9 shall be filled by appointment of a qualified registered voter by the  
10 remaining members of the board. ~~If the vacancy occurs at least twenty~~  
11 ~~days prior to the first regular caucus to be held during the term that~~  
12 ~~was vacated, the appointee shall serve until a registered voter is~~  
13 ~~nominated and elected to fill the vacancy for the remainder of the term~~  
14 ~~in the manner provided for nomination and election of board members in~~  
15 ~~the district. If the vacancy occurred less than twenty days prior to the~~  
16 ~~first regular caucus and at least twenty days prior to the second regular~~  
17 ~~caucus to be held during the term that was vacated, the appointee shall~~  
18 ~~serve until a registered voter is nominated and elected to fill the~~  
19 ~~vacancy for the remainder of the term in the manner provided for~~  
20 ~~nomination and election of board members in the district. If the vacancy~~  
21 ~~occurred less than twenty days prior to the second regular caucus held~~  
22 ~~during the term that was vacated or after such caucus, the appointment~~  
23 ~~shall be for the remainder of the unexpired term.~~

24 (5) ~~A vacancy in the membership of a school board of a Class V~~  
25 ~~school district resulting from any cause other than the expiration of a~~  
26 ~~term shall be filled by appointment of a qualified registered voter by~~  
27 ~~the remaining members of the board for the remainder of the unexpired~~  
28 ~~term. A registered voter appointed pursuant to this subsection shall meet~~  
29 ~~the same requirements as the member whose office is vacant.~~

30 (5 6) If any school board fails to fill a vacancy on the board, the  
31 vacancy may be filled by election at a special election or school

1 district meeting called for that purpose. Such election or meeting shall  
2 be called in the same manner and subject to the same procedures as other  
3 special elections or school district meetings.

4 (6 7) If there are vacancies in the offices of one-half or more of  
5 the members of a school board, the Secretary of State shall conduct a  
6 special school district election to fill such vacancies.

7 Sec. 2. Original section 32-570, Revised Statutes Cumulative  
8 Supplement, 2014, is repealed.