MEMORANDUM:

TO THE BOARD:

SUBJECT: Amendment to Policy 12.7 – General Manager – Monthly Report

DATE: August 5, 2004

FROM: Rich Jansen, Chairperson

At the July 8, 2004 Board meeting, the Board tabled adoption of the following amendment to District Policy 12.7 General Manager – Monthly Report (pursuant to policy 1.5):

12.7 General Manager - Monthly Report. The General Manager shall report to the Board monthly, such report to include the following:

A. Information/Education Report

B. A personnel report, to include personnel development, i.e., conferences/seminars attended by staff, hiring of new employees, etc.

C. A report on the authorized programs and projects of the District.

D. A report on construction services, professional services and personal property purchases authorized by management.

E. A report on state legislative proposals contemplated or recommended by Management.

[December 5, 1986; November 9, 1993; December 12, 2002; August 12, 2004]

The board needs to take the following actions:

1. Take amendments to District Policy 12.7 from the table.

2. Move to adopt the amendments to District Policy 12.7 and include in the District Policy Manual.
MEMORANDUM

TO: THE BOARD

SUBJECT: Standing Subcommittee Appointments

DATE: August 9, 2004

FROM: Rich Jansen, Chairperson

To assist in making Subcommittee appointments, pursuant to District Policy 5.0, I would appreciate it if you would indicate below, i.e., 1st, 2nd, 3rd, your preference for Subcommittee assignments. A copy of the current Standing Subcommittee Roster and excerpts from the Directors Policy Manual indicating the duties of each Standing Subcommittee is attached for your review and information.

Please fill out and return the bottom portion of this memo in the attached self addressed envelope by August 23, 2004, or return it to me at the August Board meeting.

******************************

Finance, Expenditure and Legal

Personnel, Legislative and Public Affairs

Programs, Projects and Operations

Name
5.0 Subcommittees - Appointment. The standing Subcommittees of the Board, other than the Executive Subcommittee, shall consist of Directors appointed by the Chairperson as regular or alternate members with the approval of the Board.

[December 5, 1986; March 3, 1988; May 9, 1991; March 12, 1992; August 12, 1993; July 13, 1995]

5.1 Subcommittees - Term. Regular and Alternate members of Subcommittees shall serve at the pleasure of the Chairperson.

[December 5, 1986; May 9, 1991; March 12, 1992; July 13, 1995]

5.2 Subcommittees - Officers. The officers of Subcommittees shall be a Subcommittee Chairperson and a Subcommittee Vice Chairperson. Officers of Subcommittees other than the Executive Subcommittee shall be appointed by and serve at the pleasure of the Chairperson.

[December 5, 1986; March 12, 1992]

5.3 Subcommittees - Notice of Meetings. Notice of meetings of Subcommittees shall be e-mailed to all Directors at least five days prior to the date of the meeting, with the exception that notice of meetings of the Finance, Expenditure and Legal Subcommittee for the purpose of reviewing bills or making recommendations for disbursements of District funds may be given by telephone at least forty-eight hours prior to the meeting. Public notice of the meetings of subcommittees shall be posted, mailed and published in the same manner as provided for regular board meetings by Policy 4.4.

[December 5, 1986; March 3, 1988; May 9, 1991; March 12, 1992; August 12, 1993; July 13, 1995; October 9, 2003]

5.4 Subcommittees - Conduct of Meetings. A quorum of a Subcommittee, other than the Executive Subcommittee, shall consist of the Subcommittee Chairperson or the Subcommittee Vice Chairperson and one other regular member or one other alternate member attending in place of a regular member of the Subcommittee. A quorum of the Executive Subcommittee shall consist of two members of the Subcommittee. Each member of a Subcommittee, or alternate member attending in place of a regular member of the Subcommittee, shall be entitled to vote upon the matters before the Subcommittee. In the event a regular member of a subcommittee is unable to attend a subcommittee meeting, such member shall arrange to have an alternate member of the subcommittee attend in his or her place, or shall notify the Subcommittee Chairperson or Vice-Chairperson of such member’s inability to arrange such attendance by an alternate member of the subcommittee.

[December 5, 1986; March 3, 1988; May 9, 1991; March 12, 1992; July 13, 1995]
5.5 Subcommittees Rules of Order. (See Policy 4.6.)

[December 5, 1986]

5.6 Subcommittees - Minutes. All Subcommittee meetings shall be tape-recorded and the recordings retained for 18 months.

[December 5, 1986]

5.7 Subcommittees - Bad Weather Postponement of Meetings. If, prior to the Subcommittee meeting time the General Manager and the Chairperson of the Subcommittee determine that weather conditions are or will be dangerous for travel to and from the meeting, the date, time and place of the meeting shall be determined by the Subcommittee Chairperson. The General Manager shall cause every reasonable effort to be made to notify each member of the Subcommittee of such postponement.

[December 5, 1986; December 12, 2002]

5.8 Subcommittees - Authority. Each of the standing subcommittees of the Board shall have authority to make recommendations for Board action with respect to subjects within its jurisdiction and, with the assistance of the General Manager, may conduct such investigations and negotiations, and provide such responses to inquiries, as may be necessary for the formulation of its recommendations.

[March 12, 1992]

5.9 Subcommittees - Meeting Materials Distribution.

A. Meeting materials will be posted to the District web site at www.papionrd.org pursuant to the following:

Subcommittee Information: Subcommittee Agendas and background information will be posted to the website at least 5 days prior to the Subcommittee meeting date. Agendas and staff recommendation memos will be e-mailed to Directors at least 5 days prior to the Subcommittee meeting date.

B. Except with the consent of two-thirds of the entire Subcommittee, and with the exception of matters related to litigation, the Subcommittee shall not consider personnel matters or give initial consideration to a new project unless the available informational materials relating thereto are e-mailed to the Directors and posted to the web site at least five days prior to the day of the meeting.

[September 8, 1994; October 9, 2003]
7.0 Finance, Expenditure and Legal Subcommittee - Appointment. (See Policy 5.0)

[December 5, 1986; March 12, 1992]

7.1 Finance, Expenditure and Legal Subcommittee - Term. (See Policy 5.1)

[December 5, 1986; March 12, 1992]

7.2 Finance, Expenditure and Legal Subcommittee - Officers. (See Policy 5.2)

[December 5, 1986; March 12, 1992]

7.3 Finance, Expenditure and Legal Subcommittee - Jurisdiction. The Finance, Expenditure and Legal Subcommittee shall have jurisdiction with respect to:

   A. The annual budget of the District;
   B. the District's periodic financial reports and annual audit;
   C. deposits and investments of District funds;
   D. review of District bills and recommendations for disbursement of District funds;
   E. acquisition and disposal of land, easements or rights-of-way;
   F. litigation involving the District; and,
   G. the District's insurance coverage.

[December 5, 1986; March 12, 1992; August 12, 1993]

7.4 Finance, Expenditure and Legal Subcommittee - Meetings. Meetings of the Finance, Expenditure and Legal Subcommittee shall be called by the Chairperson or by the Subcommittee Chairperson. Meetings of the Finance, Expenditure and Legal Subcommittee for the purpose of reviewing bills or making recommendations for disbursements of District funds shall be called by the Chairperson or by the Subcommittee Chairperson at the request of any member or such Subcommittee and held during the hour prior to the regular monthly meeting of the Board when those bills or disbursements will be discussed.

[December 5, 1986; March 12, 1992; August 12, 1993]

7.5 Finance, Expenditure and Legal Subcommittee - Budgetary Oversight. If, at any time during the fiscal year, the District expenditures from any budgetary account, for which more than $10,000 was budgeted for that fiscal year, exceed the amount budgeted by more than 10%, the Chairperson of the Finance, Expenditure and Legal Subcommittee may call a meeting of such Subcommittee to consider recommendations to the Board with respect to such account.

[July 9, 1992]
8.0 Personnel, Legislative and Public Affairs Subcommittee - Appointment. (See Policy 5.0)

[December 5, 1986; March 12, 1992]

8.1 Personnel, Legislative and Public Affairs Subcommittee - Term. (See Policy 5.1)

[December 5, 1986; March 12, 1992]

8.2 Personnel, Legislative and Public Affairs Subcommittee - Officers. (See Policy 5.2)

[December 5, 1986; March 12, 1992]

8.3 Personnel, Legislative and Public Affairs Subcommittee - Jurisdiction. The Personnel, Legislative and Public Affairs Subcommittee shall have jurisdiction with respect to:

A. Personnel requirements of the District;
B. wages, salaries and benefits due to District employees;
C. grievances of District employees;
D. annual evaluation of the District's General Manager;
E. legislation affecting the District and the District's legislative activities; and,
F. the information and education activities of the District.

[December 5, 1986; March 12, 1992]

8.4 Personnel, Legislative and Public Affairs Subcommittee - Meetings. Meetings of the Personnel, Legislative and Public Affairs Subcommittee shall be called by the Chairperson or by the Subcommittee Chairperson.

[December 5, 1986; March 12, 1992]
9.0 Programs, Projects and Operations Subcommittee - Appointment. (See Policy 5.0)

[December 5, 1986; March 3, 1988; May 9, 1991; March 12, 1992]

9.1 Programs, Projects and Operations Subcommittee - Term. (See Policy 5.1)

[December 5, 1986; May 9, 1991; March 12, 1992]

9.2 Programs, Projects and Operations Subcommittee - Officers. (See Policy 5.2)

[December 5, 1986; March 12, 1992]

9.3 Programs, Projects and Operations Subcommittee - Jurisdiction. The Programs, Projects and Operations Subcommittee shall have jurisdiction with respect to:

   A. Formulation of District goals and objectives;

   B. establishment of District projects and programs;

   C. implementation and administration of existing District projects and programs;

   D. purchase and disposal of equipment, supplies and other personal property;

   E. acquisition of services; and,

   F. coordination of District activities with the activities of other governmental entities.

[December 5, 1986; March 12, 1992]

9.4 Programs, Projects and Operations Subcommittee - Meeting. Meetings of the Programs, Projects and Operations Subcommittee shall be called by the Chairperson or by the Subcommittee Chairperson.

[December 5, 1986; May 9, 1991; March 12, 1992]
MEMORANDUM

TO: The Board

SUBJECT: Melissa Gardner Resignation

DATE: August 11, 2004

FROM: Rich Jansen, Chairperson

Attached is a letter from Director Melissa Gardner indicating that she is moving to Colorado and is resigning from the Board as of August 11, 2004.

The policy for Director Vacancies is as follows:

2.1 Directors - Vacancies. Sec. 2-3215 R.R.S., 1943, governs when a vacancy exists in the office of directors. Any such vacancy shall be filled in the following manner: (1) Notice of such vacancy shall be given by the Chairperson to the Board at the first regular meeting of the Board after notification has been received by the Chairperson of the vacancy; (2) the General Manager then shall publish notice of such vacancy and in such notice request that persons interested in being considered for appointment to the position submit a letter of application to the Board no later than two weeks prior to the next regular meeting of the Board; and, (3) at such next regular meeting of the Board candidates may appear before the Board, and, at such meeting, from such slate of applicants, the Board shall nominate two persons by secret ballot, and by majority resolution elect one of such nominees to fill such vacancy.

[December 5, 1986]

There are two options available:

Option 1 – Follow policy as written and appoint a Director to fill the vacancy.

Option 2 – Seeing that the Subdistrict 7 seat is up for election in 2004, the Board could waive the policy and leave the seat vacant until the duly elected Director from Subdistrict #7 is elected and sworn in.

Director Gardner has contacted the Secretary of State’s office requesting that her name be withdrawn from the November general election ballot (see attached letter). Several Directors have inquired about the statutory process if other citizens desire to get on the November 2 General Election ballot. Nebraska State Statue 32-618 (1)(a) (see attached) states:
(1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district election in the district or political subdivision in States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected .......

In the 2000 general election, 16,296 votes were cast for P-MRN RD Director for Subdistrict #7. Assuming that more ballots were cast for Governor than P-MRN RD Director, approximately 1,600 – 1,800 signatures would need to be submitted to the Secretary of State’s office in order to be placed on the November general election ballot. The deadline for submitting the petition to the Secretary of State’s office is 5:00 p.m., September 1, 2004.
TO: Rich Jansen: Chair, Papio-Missouri Natural Resources District Board
FROM: Melissa Gardner, Director of the Papio-Missouri Natural Resources District Board
RE: Board Resignation
DATE: August 11, 2004

This is to notify you that effective immediately I am resigning as a Director of the Papio-Missouri Natural Resources District Board as I will be moving to Colorado shortly. I offer you my best wishes in your new position as Board Chair in the upcoming year.

[Signature]

Melissa A. Gardner
TO: Ms. Amy Bracht, Deputy Election Director  
   Nebraska Secretary of State Office

From: Melissa A. Gardner  
   Candidate for Subdistrict 7, Papio-Missouri Natural Resources District, Nebraska

Re: 2004 Fall Election

Date: August 9, 2004

Effective immediately, please remove my name from the 2004 election ballot for the office of Director for Subdistrict 7 of the Papio-Missouri Natural Resources District in Nebraska.

Please notify me in writing that this has been done.

Please call me at (402) 556-5198 or cell phone (402) 639-5888 if you have any questions regarding this request.

Thank you for your prompt attention to this matter.

Sincerely,

[Signature]

Melissa A. Gardner  
758 N. 57th Ave.  
Omaha, NE 68132

cc: Douglas County Election Commission Office
Nomination for general election: other methods.

32-616. Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in sections 32-617 to 32-621 or by nomination by political party convention or committee.

Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (1) of section 32-626 and the candidate files for the office by petition as prescribed in sections 32-617 and 32-618.

Nomination by petition: requirements: procedure.

32-617. (1) Petitions for nomination for partisan and nonpartisan offices shall conform to the requirements of section 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the district or political subdivision in which the officer is to be elected and shall be filed with the filing officer in the same manner as provided for candidate filing forms in section 32-607. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a county treasurer's receipt from the county of such nominee's residence showing the payment of the filing fee required pursuant to section 32-608. Such petitions shall be filed by September 1 in the year of the general election.

(2) The filing officer shall verify the signatures according to section 32-631. Within three days after the signatures on a petition for nomination have been verified pursuant to such section and the filing officer has determined that pursuant to section 32-618 a sufficient number of registered voters signed the petitions, the filing officer shall notify the candidate so nominated by registered or certified mail, and the candidate shall, within five days after the date of receiving such notification, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

(3) A candidate placed on the ballot by petition shall be termed a candidate by petition. The words BY PETITION shall be printed upon the ballot after the name of each candidate by petition.

Nomination by petition: number of signatures required.

32-618. (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected. If the district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall be obtained in each county comprising the district; and

(b) For board members of a Class III school district, at least twenty percent of the total number of votes cast for the board member receiving the highest number of votes at the immediately preceding general election in the school district.

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the registered voters of the entire state, at least two thousand;

(b) For each partisan office to be filled by the registered voters of a county or political subdivision other than a township or precinct, at least twenty percent of the total vote for Governor or President of the United States at the immediately preceding general election within the county or political subdivision, not to exceed two thousand; and

(c) For each partisan office to be filled by the registered voters of a township or precinct, fifty. The number of signatures shall not be required to exceed one-fourth of the total number of registered voters voting for the office at the immediately preceding general election when the nomination is for a partisan office to be filled by the registered voters of a county, township, or precinct.

Petitions: requirements.

32-628. (1) All petitions prepared or filed pursuant to the Election Act or any petition which requires the election commissioner or county clerk to verify signatures by utilizing the voter registration record shall provide a space at least two and one-half inches long for written signatures, a space at least two inches long for printed names, and sufficient space for date of birth and street name and number, city or village, and zip code. Lines on each petition shall not be less
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. Petitions shall provide for no more than twenty signatures per page.

(2) For the purpose of preventing fraud, deception, and misrepresentation, every sheet of every petition containing signatures shall have upon it, above the signatures, statements printed in boldface type in substantially the following form:

WARNING TO PETITION SIGNERS—VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not, at the time of signing or circulating the petition, a registered voter and qualified to sign or circulate the petition except as provided for initiative and referendum petitions shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator’s affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

(3) Every sheet of a petition which contains signatures shall have upon it, below the signatures, an affidavit in substantially the following form:

STATE OF NEBRASKA

) ss.

COUNTY OF ............


............................................., (name of circulator) being first, duly sworn, deposes and says that he or she is the circulator of this petition containing ........ signatures, that he or she is a registered voter of the State of Nebraska, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

.............................................

Circulator

.............................................

Address

Subscribed and sworn to before me, a notary public, this ...... day of .......... 20.... at ...............

Nebraska.

.............................................

Notary Public

(4) Each sheet of a petition shall have upon its face and in plain view of persons who sign the petition a statement in letters not smaller than sixteen-point type in red print on the petition. If the petition is circulated by a paid circulator, the statement shall be as follows: This petition is circulated by a paid circulator. If the petition is circulated by a circulator who is not being paid, the statement shall be as follows: This petition is circulated by a volunteer circulator.

Petitions; signers and circulators; qualifications; exception.

32-629. Only a registered voter of the State of Nebraska shall qualify as a valid signer or circulator of a petition and may sign or circulate petitions under the Election Act, except that any person who is or will be a registered voter in the State of Nebraska on or before the date on which the petition is required to be filed with the Secretary of State may sign an initiative or referendum petition.

Petition; signers and circulators; duties; prohibited acts.

32-630. (1) Each person who signs a petition shall, at the time of and in addition to signing, personally affix the date, print his or her last name and first name in full, and affix his or her date of birth and address, including the street and number or a designation of a rural route or voting precinct and the city or village or a post office address. A person signing a petition may use his or her initials in place of his or her first name if such person is registered to vote under such initials. No signer shall use ditto marks as a means of personally affixing the date or address to any petition. A wife shall not use her husband’s first name when she signs a petition but shall personally affix her first name and her last name by marriage or her surname. Any signature using ditto marks as a means of personally affixing the date or address to any petition or any signature using a spouse’s first name instead of his or her own shall be invalid.

(2) Each circulator of a petition shall personally witness the signatures on the petition and shall sign the circulator’s affidavit.

(3) No person shall:
(a) Sign any name other than his or her own to any petition;
(b) Knowingly sign his or her name more than once for the same petition effort or measure;
(c) Sign or circulate a petition if he or she is not a registered voter and qualified to sign or circulate
the same except as provided in section 32-629;
(d) Falsely swear to any signature upon any such petition;
(e) Accept money or other thing of value for signing any petition; or
(f) Offer money or other thing of value in exchange for a signature upon any petition.

Petitions; signature verification; procedure.
32-631. (1) All petitions that are presented to the election commissioner or county clerk for signature
verification shall be retained in the election office and shall be open to public inspection.
Upon receipt of the pages of a petition, the election commissioner or county clerk shall issue a written
receipt indicating the number of pages of the petition in his or her custody to the person presenting the
petition for signature verification. Petitions may be destroyed twenty-two months after the election to
which they apply.
(2) The election commissioner or county clerk shall determine the validity and sufficiency of
such petition by comparing the names, dates of birth if applicable, and addresses of the signers and
circulators with the voter registration records to determine if the signers and circulators were
registered voters on the date of signing the petition. If it is determined that a signer has affixed his or
her signature more than once to any petition and that only one person is registered by that name, the
election commissioner or county clerk shall strike from the pages of the petition all but one such
signature. Only one of the duplicate signatures shall be added to the total number of valid signatures. All
signatures, dates of birth, and addresses shall be presumed to be valid if the election commissioner
or county clerk has found the signers to be registered voters on or before the date on which the
petition was signed. This presumption shall not be conclusive and may be rebutted by any credible
evidence which the election commissioner or county clerk finds sufficient.
(3) If the election commissioner or county clerk verifies signatures in excess of one hundred ten
percent of the number necessary for the issue to be placed on the ballot, the election commissioner or
county clerk may cease verifying signatures and certify the number of signatures verified to the
person who delivered the petitions for verification.
(4) If the number of signatures verified does not equal or exceed the number necessary to place
the issue on the ballot upon completion of the comparison of names and addresses with the voter
registration records, the election commissioner or county clerk shall prepare in writing a certification
under seal setting forth the name and address of each signer or circulator found not to be a registered
voter and the petition page number and line number where the signature is found. If the signature or
address is challenged for a reason other than the nonregistration of the signer, the election
commissioner or county clerk shall set forth the reasons for the challenge of the signature.

Petition; removal of name; procedure.
32-632. Any person may remove his or her name from a petition by an affidavit signed and
sworn to by such person before the election commissioner, the county clerk, or a notary public. The
affidavit shall be presented to the Secretary of State, election commissioner, or county clerk prior to or
on the day of the petition filing deadline.
PETITION FOR OFFICE FOR GENERAL ELECTION (revised 3/04)

November 2, 2004

Name of Candidate: ____________________________________________

Residence Address: ____________________________________________

City, State, Zip Code: __________________________________________

Name of Office: ________________________________________________ District (if applicable): ______

Party Affiliation: _____________________________________________

WARNING TO PETITION SIGNERS - VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not, at the time of signing the petition, a registered voter and qualified to sign the petition except as provided for initiative and referendum petitions shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

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STATE OF NEBRASKA

) ss.

COUNTY OF ________________

(Name of Circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing ______ signatures, that each
eron whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the
tition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or
ost address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer before he or she affixed his or her signature the purpose of this
tition.

__________________________
Circulator’s Signature

FOR OFFICE USE ONLY

__________________________
Circulator’s Address

Subscribed and sworn to before me, a notary public, this ______ day of

19 at ___________________, Nebraska.

__________________________
Notary Public