
BWJ

BLANKENAU WILMOTH
JARECKE LLP

Dave Jarecke
Direct: 402-475-7084
dave@aqualawyers.com

January 6, 2015

Troy Bredenkamp
Nebraska Rural Electric Association
P.O. Box 82048
1244 K St.
Lincoln, NE 68501

RE: Oath of Office and Bonds for Public Power District Directors

Dear Troy:

In follow-up to the election I examined the procedures regarding a public power district director taking office. The procedures set out below apply to both newly elected directors and incumbent directors.

All newly elected directors, including incumbents, are required to take and subscribe to an oath which must be filed with the Secretary of State. A newly elected director must sign the oath either before a notary public or witness.

The oath shall be filed in the office of the Secretary of State.

NEB. REV. STAT. § 70-616 provides that:

Before entering upon the duties of his office, every member elected to membership on the Board [of a public power district] shall take and subscribe to an oath to support the Constitution of the United States and the Constitution of the State of Nebraska, and faithfully and impartially to perform the duties of his office, which oath shall be filed in the office of the Secretary of State.

There is no longer a requirement for a public power district director to post a bond.

A question may arise as to the timing of taking office and administering the oath of office. The first time that a newly elected director, including an incumbent, may take office is the first Thursday after the first Tuesday in January next succeeding his or her election. In this regard Neb. Const. art. XVII, § 5, provides:

Unless otherwise provided by this Constitution or by law the terms of all elected officers shall begin on the first Thursday after the first Tuesday in January next succeeding their election.

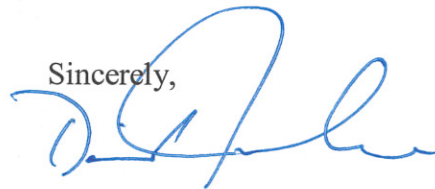
This year such date falls on **January 8, 2015**.

The fixed term of a public power district director ends when the successor qualifies for taking office. In that regard NEB. REV. STAT. § 32-572 provides that:

- (1) Every officer elected or appointed for a fixed term shall hold office until his or her successor is elected or appointed and is qualified. ...

In summary, all newly elected directors, including incumbents, are required to take and subscribe to an oath before they take office. The signature of such director on the written oath may either be acknowledged by a notary public or by a witness. The subscribed oath is required to be filed with the Secretary of State. Attached is the form of the oath which may be used. A bond is no longer required. There is no statutory time for filing the oath, but I would advise that it be filed soon after it has been administered and subscribed.

Sincerely,



David A. Jarecke

DAJ/cs
Enclosure

STATE OF NEBRASKA
OATH OF OFFICE

STATE OF NEBRASKA)
)ss.
County of _____)

“I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of the _____, according to the law, and to the best of my ability. And, I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence, so help me God.

(Signed) _____
(name)

Subscribed in my presence and sworn to before me this _____ day of _____, **20**_____.

SEAL

Either Notary or Witness Signature