

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 21

Introduced by McCoy, 39.

Read first time January 06, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to presidential electors; to amend sections
2 32-710, 32-714, and 32-1038, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to ballots cast
4 by presidential electors; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-710, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-710 Each political party shall hold a state
4 postprimary convention biennially on a date to be fixed by the state
5 central committee but not later than September 1. Candidates for
6 elective offices may be nominated at such conventions. Such
7 nominations shall be certified to the Secretary of State by the
8 chairperson and secretary of the convention. The certificates shall
9 have the same force and effect as nominations in primary elections.
10 The convention shall formulate and promulgate a state platform,
11 select a state central committee, select electors for President and
12 Vice President of the United States, and transact the business which
13 is properly before it. ~~One presidential elector shall be chosen from~~
14 ~~each congressional district, and two presidential electors shall be~~
15 ~~chosen at large.~~ The officers of the convention shall certify the
16 names of the electors to the Governor and Secretary of State.

17 Sec. 2. Section 32-714, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-714 The Governor shall provide each presidential
20 elector with a list of all the electors. If any elector is absent or
21 if there is a deficiency in the proper number of electors, those
22 present shall elect from the citizens of the state so many persons as
23 will supply the deficiency and immediately issue a certificate of
24 election, signed by those present or a majority of them, to the
25 person or persons so chosen. In case of failure to elect by 3 p.m. of

1 such day, the Governor shall fill the vacancies by appointment. After
2 all vacancies are filled, the college of electors shall proceed with
3 the election of a President of the United States and a Vice President
4 of the United States and certify their votes in conformity with the
5 Constitution and laws of the United States. Each ~~at-large~~
6 presidential elector shall cast his or her ballot for the
7 presidential and vice-presidential candidates who received the
8 highest number of votes in the state. ~~Each congressional district~~
9 ~~presidential elector shall cast his or her ballot for the~~
10 ~~presidential and vice-presidential candidates who received the~~
11 ~~highest number of votes in his or her congressional district.~~

12 Sec. 3. Section 32-1038, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-1038 (1) The board of state canvassers shall authorize
15 the Secretary of State to open the abstracts of votes from the
16 various counties and prepare an abstract stating the number of
17 ballots cast for each office, the names of all the persons voted for,
18 for what office they respectively received the votes, and the number
19 of votes each received. The abstract shall be signed by the members
20 of the board and shall have the seal of the state affixed by the
21 Secretary of State. The canvass of the votes for candidates for
22 President and Vice President of the United States and the return
23 thereof shall be a canvass and return of the votes cast for the
24 presidential electors of the same party or group of petitioners
25 respectively, and the certificate of such election made by the

1 Governor shall be in accord with such return. Receipt by the
2 ~~presidential electors of a party or a group of petitioners of the~~
3 ~~highest number of votes statewide shall constitute election of the~~
4 ~~two at large presidential electors of that party or group of~~
5 ~~petitioners. Receipt by the presidential electors of a party or a~~
6 ~~group of petitioners of the highest number of votes in a~~
7 ~~congressional district shall constitute election of the congressional~~
8 ~~district presidential elector of that party or group of petitioners.~~

9 (2) The board of state canvassers shall determine from
10 the completed abstract the names of those candidates who have been
11 nominated or elected. If any two or more persons are returned with an
12 equal and the highest number of votes, the board of state canvassers
13 shall decide by lot which of such persons is elected except for
14 officers elected to the executive branch. The board of state
15 canvassers shall also declare those measures carried which have
16 received the required percentage of votes as provided by law.

17 Sec. 4. Original sections 32-710, 32-714, and 32-1038,
18 Reissue Revised Statutes of Nebraska, are repealed.