

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 382**

Introduced by Janssen, 15.

Read first time January 18, 2013

Committee:

A BILL

1 FOR AN ACT relating to presidential electors; to amend sections  
2 32-714 and 32-1038, Reissue Revised Statutes of Nebraska,  
3 and section 32-710, Revised Statutes Cumulative  
4 Supplement, 2012; to change provisions relating to  
5 ballots cast by presidential electors; and to repeal the  
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-710, Revised Statutes Cumulative  
2 Supplement, 2012, 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 pursuant to  
7 section 32-627 or 32-721. Such nominations shall be certified to the  
8 Secretary of State by the chairperson and secretary of the  
9 convention. The certificates shall have the same force and effect as  
10 nominations in primary elections. A political party may not nominate  
11 a candidate at the convention for an office for which the party did  
12 not nominate a candidate at the primary election except as provided  
13 for new political parties in section 32-621. The convention shall  
14 formulate and promulgate a state platform, select a state central  
15 committee, select electors for President and Vice President of the  
16 United States, and transact the business which is properly before it.  
17 ~~One presidential elector shall be chosen from each congressional~~  
18 ~~district, and two presidential electors shall be chosen at large.~~ The  
19 officers of the convention shall certify the names of the electors to  
20 the Governor and Secretary of State.

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

23           32-714 The Governor shall provide each presidential  
24 elector with a list of all the electors. If any elector is absent or  
25 if there is a deficiency in the proper number of electors, those

1 present shall elect from the citizens of the state so many persons as  
2 will supply the deficiency and immediately issue a certificate of  
3 election, signed by those present or a majority of them, to the  
4 person or persons so chosen. In case of failure to elect by 3 p.m. of  
5 such day, the Governor shall fill the vacancies by appointment. After  
6 all vacancies are filled, the college of electors shall proceed with  
7 the election of a President of the United States and a Vice President  
8 of the United States and certify their votes in conformity with the  
9 Constitution and laws of the United States. Each ~~at-large~~  
10 presidential elector shall cast his or her ballot for the  
11 presidential and vice-presidential candidates who received the  
12 highest number of votes in the state. ~~Each congressional district~~  
13 ~~presidential elector shall cast his or her ballot for the~~  
14 ~~presidential and vice presidential candidates who received the~~  
15 ~~highest number of votes in his or her congressional district.~~

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

18           32-1038 (1) The board of state canvassers shall authorize  
19 the Secretary of State to open the abstracts of votes from the  
20 various counties and prepare an abstract stating the number of  
21 ballots cast for each office, the names of all the persons voted for,  
22 for what office they respectively received the votes, and the number  
23 of votes each received. The abstract shall be signed by the members  
24 of the board and shall have the seal of the state affixed by the  
25 Secretary of State. The canvass of the votes for candidates for

1 President and Vice President of the United States and the return  
2 thereof shall be a canvass and return of the votes cast for the  
3 presidential electors of the same party or group of petitioners  
4 respectively, and the certificate of such election made by the  
5 Governor shall be in accord with such return. ~~Receipt by the~~  
6 ~~presidential electors of a party or a group of petitioners of the~~  
7 ~~highest number of votes statewide shall constitute election of the~~  
8 ~~two at large presidential electors of that party or group of~~  
9 ~~petitioners. Receipt by the presidential electors of a party or a~~  
10 ~~group of petitioners of the highest number of votes in a~~  
11 ~~congressional district shall constitute election of the congressional~~  
12 ~~district presidential elector of that party or group of petitioners.~~

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

21 Sec. 4. Original sections 32-714 and 32-1038, Reissue  
22 Revised Statutes of Nebraska, and section 32-710, Revised Statutes  
23 Cumulative Supplement, 2012, are repealed.