

AMENDMENTS TO LB1300

(Amendments to Standing Committee amendments, AM3227)

Introduced by Slama, 1.

1           1. Insert the following new sections:

2           Sec. 47. Section 32-710, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           32-710 Each political party shall hold a state convention biennially  
5 on a date to be fixed by the state central committee but not later than  
6 September 1. Candidates for elective offices may be nominated at such  
7 conventions pursuant to section 32-627 or 32-721. Such nominations shall  
8 be certified to the Secretary of State by the chairperson and secretary  
9 of the convention. The certificates shall have the same force and effect  
10 as nominations in primary elections. A political party may not nominate a  
11 candidate at the convention for an office for which the party did not  
12 nominate a candidate at the primary election except as provided for new  
13 political parties in section 32-621. The convention shall formulate and  
14 promulgate a state platform, select a state central committee, select  
15 electors for President and Vice President of the United States, and  
16 transact the business which is properly before it. ~~One presidential~~  
17 ~~elector shall be chosen from each congressional district, and two~~  
18 ~~presidential electors shall be chosen at large.~~ The officers of the  
19 convention shall certify the names of the electors to the Governor and  
20 Secretary of State.

21           Sec. 48. Section 32-713, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23           32-713 (1) The certificates of appointment for presidential electors  
24 shall be served by the Governor on each person appointed. The Governor  
25 shall notify the presidential electors to be at the State Capitol at noon  
26 on the first Monday after the second Wednesday in December after

1 appointment and report to the Governor at his or her office in the  
2 capitol as being in attendance. The Governor shall serve the certificates  
3 of appointment by registered or certified mail. In submitting this  
4 state's certificate of ascertainment as required by 3 U.S.C. 6, the  
5 Governor shall certify this state's presidential electors and state in  
6 the certificate that:

7 (a) The presidential electors will serve as presidential electors  
8 unless a vacancy occurs in the office of presidential elector before the  
9 end of the meeting at which the presidential electors cast their votes,  
10 in which case a substitute presidential elector will fill the vacancy;  
11 and

12 (b) If a substitute presidential elector is appointed to fill a  
13 vacancy, the Governor will submit an amended certificate of ascertainment  
14 stating the names on the final list of this state's presidential  
15 electors.

16 (2) The presidential electors shall convene at 2 p.m. of such Monday  
17 at the Governor's office in the capitol. Each presidential elector shall  
18 execute the following pledge: As a presidential elector duly selected (or  
19 appointed) for this position, I agree to serve and to mark my ballots for  
20 President and Vice President for the presidential and vice-presidential  
21 candidates who received the highest number of votes in the state ~~if I am~~  
22 ~~an at-large presidential elector or the highest number of votes in my~~  
23 ~~congressional district if I am a congressional district presidential~~  
24 ~~elector.~~

25 Sec. 49. Section 32-714, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 32-714 (1) The Governor shall provide each presidential elector with  
28 a list of all the presidential electors. If any presidential elector is  
29 absent or if there is a deficiency in the proper number of presidential  
30 electors, those present shall elect from the citizens of the state so  
31 many persons as will supply the deficiency and immediately issue a

1 certificate of election, signed by those present or a majority of them,  
2 to the person or persons so chosen. In case of failure to elect as  
3 required in this subsection by 3 p.m. of such day or in case of a vacancy  
4 created under subsection (4) of this section, the Governor shall fill the  
5 vacancies by appointment. Each appointee shall execute the pledge in  
6 section 32-713. After all vacancies are filled, the presidential electors  
7 shall proceed with the election of a President of the United States and a  
8 Vice President of the United States and certify their votes in conformity  
9 with the Constitution and laws of the United States.

10 (2) The Secretary of State shall provide each presidential elector  
11 with a presidential and vice-presidential ballot. Each at-large  
12 presidential elector shall mark his or her ballot for the presidential  
13 and vice-presidential candidates who received the highest number of votes  
14 in the state and consistent with his or her pledge. ~~Each congressional~~  
15 ~~district presidential elector shall mark his or her ballot for the~~  
16 ~~presidential and vice-presidential candidates who received the highest~~  
17 ~~number of votes in his or her congressional district and consistent with~~  
18 ~~his or her pledge.~~

19 (3) Each presidential elector shall present the completed ballot to  
20 the Secretary of State. The Secretary of State shall examine each ballot  
21 and accept as cast each ballot marked by a presidential elector  
22 consistent with his or her pledge. The Secretary of State shall not  
23 accept and shall not count the ballot if the presidential elector has not  
24 marked the ballot or has marked the ballot in violation of his or her  
25 pledge.

26 (4) A presidential elector who refuses to present a ballot, who  
27 attempts to present an unmarked ballot, or who attempts to present a  
28 ballot marked in violation of his or her pledge vacates the office of  
29 presidential elector.

30 Sec. 50. Section 32-1038, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           32-1038 (1) The board of state canvassers shall authorize the  
2 Secretary of State to open the abstracts of votes from the various  
3 counties and prepare an abstract stating the number of ballots cast for  
4 each office, the names of all the persons voted for, for what office they  
5 respectively received the votes, and the number of votes each received.  
6 The abstract shall be signed by the members of the board and shall have  
7 the seal of the state affixed by the Secretary of State. The canvass of  
8 the votes for candidates for President and Vice President of the United  
9 States and the return thereof shall be a canvass and return of the votes  
10 cast for the presidential electors of the same party or group of  
11 petitioners respectively, and the certificate of such election made by  
12 the Governor shall be in accord with such return. Receipt by the  
13 presidential electors of a party or a group of petitioners of the highest  
14 number of votes statewide shall constitute election of the ~~two at large~~  
15 ~~presidential electors of that party or group of petitioners. Receipt by~~  
16 ~~the presidential electors of a party or a group of petitioners of the~~  
17 ~~highest number of votes in a congressional district shall constitute~~  
18 ~~election of the congressional district presidential elector of that party~~  
19 ~~or group of petitioners.~~

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

28           2. Renumber the remaining sections and correct internal references  
29 accordingly.

30           3. Correct the operative date and repealer sections so that the  
31 sections added by this amendment become operative on their effective date

1 with the emergency clause.