

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 503**

Introduced by Pirsch, 4.

Read first time January 18, 2011

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to the Election Act; to amend sections 32-623 and
- 2 32-627, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to filling a vacancy on a ballot; and
- 4 to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-623, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-623 If any person nominated for elective office for  
4 the general election notifies the filing officer with whom the  
5 candidate filing form or other acceptance of nomination was filed by  
6 filing a statement, in writing and duly acknowledged, that he or she  
7 declines such nomination on or before September 1 before the  
8 election, the person's name shall not be printed on the ballot, but  
9 no declination shall be effective after such date. The filing officer  
10 shall inform one or more persons whose names are attached to the  
11 nomination if the candidate was nominated by a political party  
12 convention or committee or, if nominated at a primary election, the  
13 chairperson or secretary of the campaign or political party committee  
14 of his or her political party if there is one within the jurisdiction  
15 of the filing officer and, if not, at least three of the prominent  
16 members of the candidate's political party ~~in the state~~ within the  
17 jurisdiction of the filing officer that such candidate has declined  
18 the nomination by mailing or delivering to them personally notice of  
19 such fact. Such declination shall create a vacancy on the ballot  
20 which may be filled pursuant to section 32-627. ~~, and three days~~  
21 ~~shall be given such party committee or convention to nominate a~~  
22 ~~person to fill such vacancy.~~ In lieu of filing a declination with the  
23 Secretary of State, the person so nominated may file a declination  
24 with the election commissioner or county clerk in the county in which  
25 he or she resides. Any election commissioner or county clerk

1 receiving such a declination shall within five days after its receipt  
2 forward a copy of the written declination statement to the Secretary  
3 of State. The Secretary of State shall make notifications required by  
4 this section for all individuals for whom he or she receives a copy  
5 of the written declination statement.

6 Sec. 2. Section 32-627, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 32-627 (1) If a vacancy on the ballot arises for any  
9 partisan office except President and Vice President of the United  
10 States before a general election, the vacancy shall be filled by the  
11 majority vote of the proper committee of the same political party. If  
12 the vacancy exists for an office serving only a particular district  
13 of the state, only those members of the political party committee who  
14 reside within that district shall participate in selecting the  
15 candidate to fill the vacancy. No vacancy on the ballot shall be  
16 deemed to have occurred if a political party makes no nomination of a  
17 candidate at the primary election for the office. If a vacancy on the  
18 ballot arises for Governor, the vacancy shall be filled by the  
19 majority vote of the proper committee of the same political party,  
20 and the candidate for Governor shall select a person of the same  
21 political party to be the candidate for Lieutenant Governor on the  
22 general election ballot. If a vacancy on the ballot arises for the  
23 Lieutenant Governor on or before September 1, the candidate for  
24 Governor shall select a new candidate for Lieutenant Governor in the  
25 same manner as required in section 32-619.01.

1                   (2) The chairperson and secretary of the executive  
2 committee for the political party shall make and file with the filing  
3 officer a certificate setting forth the cause of the vacancy, the  
4 name of the person so nominated, the office for which he or she was  
5 nominated, the name of the person for which the new nominee is to be  
6 substituted, the place of residence of the person so nominated, the  
7 street and number of the residence or place of business of the person  
8 so nominated if such person resides in a city, and the name of the  
9 political party with which the person so nominated affiliates which  
10 such committee represents. The certificate shall be signed by the  
11 chairperson and secretary with the name and places of their  
12 residences and sworn to by them before some officer authorized to  
13 administer oaths. If there is no executive committee of the political  
14 party or in lieu of the executive committee filling such vacancy,  
15 ~~then~~ a mass convention of the political party ~~shall~~ may fill the  
16 vacancy and the chairperson and secretary of such convention shall  
17 make and file with the filing officer a certificate in form and  
18 manner substantially as is required to be filed by the chairperson  
19 and secretary of the executive committee under this subsection. The  
20 certificate shall be filed by September 1 for a general election and  
21 have the same force and effect as the candidate filing form provided  
22 for in section 32-607. The filing fee charged to candidates for such  
23 offices shall accompany the filing of the certificate.

24                   Sec. 3. Original sections 32-623 and 32-627, Reissue  
25 Revised Statutes of Nebraska, are repealed.