

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1048

Introduced by Murante, 49; Avery, 28; Lautenbaugh, 18; Mello, 5.

Read first time January 22, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political parties; to amend sections 32-613,
2 32-614, 32-701, 32-702, 32-703, 32-704, 32-719, and
3 32-720, Reissue Revised Statutes of Nebraska, and
4 sections 32-610 and 32-707, Revised Statutes Cumulative
5 Supplement, 2012; to change and eliminate provisions
6 relating to statewide primary elections and political
7 party conventions; to require delegate selection plans
8 for national political party conventions; to harmonize
9 provisions; to repeal the original sections; and to
10 outright repeal sections 32-706, 32-708, 32-709, and
11 32-711, Reissue Revised Statutes of Nebraska.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-610, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-610 No person shall be allowed to file a candidate
4 filing form as a partisan candidate or to have his or her name placed
5 upon a primary election ballot of a political party if subsection (2)
6 of section 32-720 applies to the political party. For any other
7 political party, no person shall be allowed to file a candidate
8 filing form as a partisan candidate or to have his or her name placed
9 upon a primary election ballot of a political party unless (1) he or
10 she is a registered voter of the political party if required pursuant
11 to section 32-702 and (2) at one of the two immediately preceding
12 statewide general elections, (a) a candidate nominated by the
13 political party polled at least five percent of the entire vote in
14 the state in a statewide race or (b) a combination of candidates
15 nominated by the political party for a combination of districts that
16 encompass all of the voters of the entire state polled at least five
17 percent of the vote in each of their respective districts. A
18 candidate filing form filed in violation of this section shall be
19 void.

20 Sec. 2. Section 32-613, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-613 Any petition to place a person's name on the
23 primary election ballot for President of the United States shall
24 contain the names of not less than one hundred voters registered with
25 the appropriate political party from each congressional district of

1 the state, except that if the political party dissolves as provided
2 in subsection (2) of section 32-720, the Secretary of State shall not
3 accept a petition under this section. The name of the candidate for
4 President shall be placed upon the ballot only when written consent
5 of such person has been filed with the Secretary of State not less
6 than sixty days before the primary election. The form of the petition
7 shall comply with the requirements of section 32-628 and shall as
8 nearly as possible conform to the form prescribed by the Secretary of
9 State.

10 Sec. 3. Section 32-614, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-614 The names of persons in the political party (1)
13 who are presented by petition of their supporters to be party
14 candidates for President of the United States or (2) who have been
15 determined by the Secretary of State to be generally advocated or
16 recognized as candidates in national news media throughout the United
17 States shall be printed on the primary election ballot for the office
18 of President of the United States. This section does not apply if the
19 political party dissolves as provided in subsection (2) of section
20 32-720.

21 If a person does not want his or her name on the Nebraska
22 primary election ballot, he or she shall, by March 10 of the
23 presidential election year, execute and file an affidavit with the
24 Secretary of State stating without qualification that he or she is
25 not now and does not intend to become a candidate for office of

1 President of the United States at the next presidential election in
2 Nebraska or any other state. If a presidential candidate files such
3 affidavit removing his or her name and subsequently becomes a
4 presidential candidate in another state, the candidate's affidavit in
5 Nebraska shall be purged and shall have no force and effect. The
6 Secretary of State shall then place such candidate's name on the
7 primary election ballot.

8 Sec. 4. Section 32-701, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 32-701 (1) Each political party which is organized in
11 Nebraska shall file a copy of the party's plan for selecting
12 delegates and alternate delegates to the party's national convention
13 with the Secretary of State on or before December 1 of the calendar
14 year prior to each presidential election year and shall include a
15 summary of the contents of the plan. The delegate selection plan
16 shall:

17 (a) Require that at least eighty percent of the delegates
18 and alternate delegates are committed to a candidate for President of
19 the United States based on the results of a caucus or the primary
20 election;

21 (b) Specify whether the delegates and alternate delegates
22 are committed to a candidate for President of the United States based
23 on the results of (i) a caucus system which is open to all Nebraska
24 residents who are affiliated with the party for purposes of
25 registering to vote in Nebraska or (ii) election at the statewide

1 primary election;

2 (c) Specify how the delegates and alternate delegates are
3 committed for purposes of voting for candidates for President of the
4 United States based on the results of the caucus or primary election;
5 and

6 (d) Provide that the delegates and alternate delegates
7 are either awarded to the winner of the caucus or primary election or
8 awarded proportionally, based on the number of votes received by each
9 presidential candidate at the caucus or primary election, to each
10 presidential candidate who received at least fifteen percent of the
11 votes for the nomination.

12 (2) When candidates for the office of President of the
13 United States are to be nominated, every registered voter of a
14 political party shall have the opportunity to vote his or her
15 preference on his or her party nominating ballot for his or her
16 choice for one person to be the candidate of his or her political
17 party for President of the United States by writing the name of the
18 person of his or her choice for President in the blank space to be
19 left upon the ballot for such purpose and making a cross or mark in
20 the square or oval opposite the written name or by making a cross or
21 mark in the square or oval opposite the printed name of the person of
22 his or her choice.

23 Sec. 5. Section 32-702, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-702 Any political party may, by the adoption of a

1 rule, require that any individual whose name is placed on such
2 party's partisan primary election ballot be a registered voter
3 affiliated with such party. If the political party adopts or revokes
4 the rule and notifies the Secretary of State by filing the rule or
5 notice of the revocation with the Secretary of State prior to
6 December 1 of the calendar year before a statewide primary election,
7 the rule or revocation is effective for the next and subsequent
8 statewide primary elections. If a rule or notice of revocation is
9 filed with the Secretary of State on or after December 1 of the
10 calendar year before a statewide primary election and on or before
11 the day of the statewide primary election, the rule or revocation is
12 effective for the subsequent statewide primary elections.

13 Sec. 6. Section 32-703, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-703 In each presidential election year, the total
16 number of delegates and alternate delegates representing this state
17 at the national conventions of the political parties and their method
18 of selection or election shall be determined by the rules of the
19 national political party holding the convention. The Secretary of
20 State in consultation with the Attorney General shall have the
21 authority to do all things necessary in the administration of the
22 Election Act, including ballot preparation, separation of ballots,
23 and ballot instructions, to comply with and carry out the intent of
24 national political party rules and court decisions. Whenever the act
25 is in conformity with national political party rules as to the

1 election of delegates, the election procedures found in the act shall
2 be followed. The state political party shall furnish a copy of the
3 national political party rules regarding selection of delegates to
4 the Secretary of State no later than ~~February-December~~ 1 of the year
5 preceding each presidential election year.

6 Sec. 7. Section 32-704, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-704 Any person seeking to be elected as a delegate or
9 alternate delegate to the national convention of a political party
10 shall submit a filing form under this section regardless of the
11 method of election used by the political party. The filing form for
12 nomination of a candidate for election as a delegate or alternate
13 delegate to the national convention of a political party shall (1)
14 contain a statement of the candidate's preference for the candidacy
15 commitment to a candidate for the office of President of the United
16 States or that he or she is uncommitted, (2) include a pledge that
17 the candidate, if elected, will use his or her best efforts at the
18 convention for the candidate indicated as his or her preference for
19 the office of President swearing to support the candidate for
20 President of the United States to which the candidate for delegate or
21 alternate delegate to the national convention is committed until (a)
22 such candidate receives less than thirty-five percent of the votes
23 for nomination by such convention or releases the delegate from such
24 pledge-commitment or (b) two convention nominating ballots have been
25 taken, and (3) be filed with the Secretary of State. No filing form

1 for nomination shall be accepted unless signed by the candidate. The
2 Secretary of State shall prescribe the filing form for nomination.

3 Sec. 8. Section 32-707, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 32-707 (1) ~~The county postprimary convention of a~~
6 ~~political party shall be held in the county any time during the first~~
7 ~~ten days in June following the statewide primary election at an hour~~
8 ~~and place to be designated by the chairperson of the county central~~
9 ~~committee of a political party. The county central committee~~
10 ~~chairperson shall, after appropriate consultation with the central~~
11 ~~committee, certify the date, time, and location of the convention to~~
12 ~~the election commissioner or county clerk not later than the first~~
13 ~~Tuesday in May preceding the primary election. The election~~
14 ~~commissioner or county clerk shall issue certificates of election to~~
15 ~~each person elected delegate to the county postprimary convention of~~
16 ~~a political party and shall notify each person elected of the time~~
17 ~~and place of the holding of such county postprimary convention. The~~
18 ~~county central committee chairperson shall cause to be published, at~~
19 ~~least fifteen days prior to the date of the county postprimary~~
20 ~~convention, an official notice of the date, time, and place of the~~
21 ~~convention in at least one newspaper of general circulation within~~
22 ~~the county.~~

23 (2) ~~The election commissioner or county clerk shall~~
24 ~~deliver to the temporary secretary of each county postprimary~~
25 ~~convention of a political party the roll, properly certified, showing~~

1 ~~the name and address of each delegate elected to such convention.~~
2 ~~Upon receipt of such roll, the convention shall organize and proceed~~
3 ~~with the transaction of business which is properly before it. A~~
4 ~~county chairperson, secretary, treasurer, and other officials may be~~
5 ~~elected. The authority reposed in delegates to the county postprimary~~
6 ~~convention by reason of their election shall be deemed personal in~~
7 ~~its nature, and no such delegate may, by power of attorney, by proxy,~~
8 ~~or in any other way, authorize any person in such delegate's name or~~
9 ~~on such delegate's behalf to appear at such county postprimary~~
10 ~~convention, cast ballots at the convention, or participate in the~~
11 ~~organization or transaction of any business of the convention. In~~
12 ~~case of a vacancy in the elected delegates, such elected delegates~~
13 ~~present shall have the power to fill any vacancy from the qualified~~
14 ~~registered voters of the precinct in which the vacancy exists.~~

15 (1) A political party may conduct county conventions at
16 an hour and place to be designated by a political party. The
17 political party shall cause to be published, at least seven days
18 prior to the date of the county convention, an official notice of the
19 date, time, and place of the convention. The political party may
20 elect to have delegates to the county convention register with the
21 election commissioner or county clerk.

22 (2) If a political party elects to have delegates to the
23 county convention register with the election commissioner or county
24 clerk, such delegates shall register with the election commissioner
25 or county clerk on or before March 1 of each year in which the

1 political party conducts a county convention. The election
2 commissioner or county clerk shall deliver to the state chairperson
3 of a political party the roll, properly certified, showing the name,
4 address, and precinct of each delegate registered for such
5 convention, no later than March 15 of each presidential election
6 year. If there is not a full quota of delegates for the county
7 convention as established by the political party, the delegates at
8 the county convention may select delegates to fill the quota from the
9 registered voters affiliated with the political party in the county.

10 Sec. 9. Section 32-719, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-719 At all ~~county, congressional district, and state~~
13 political party conventions held under ~~sections 32-707 to 32-711,~~
14 sections 32-707 and 32-710, each delegate shall be entitled to
15 register his or her individual vote, and it shall be unlawful to
16 attempt to bind any delegate by any political party or convention
17 rules requiring the delegates from any political subdivision to such
18 convention to vote as one unit.

19 Sec. 10. Section 32-720, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-720 (1) In case of a division of any political party,
22 the Secretary of State shall give the preference of party name to the
23 convention held at the time and place designated in the call of the
24 regularly constituted political party authorities, and if the other
25 faction presents no other party name, the Secretary of State shall

1 select a name or title and place the same on the ballot before the
2 list of candidates of such faction. The action of the preceding
3 national convention of such party, regularly called, shall determine
4 the action of the Secretary of State or the court in its decision.
5 The Secretary of State may be compelled by peremptory order of
6 mandamus to perform such duty.

7 (2) A political party may dissolve by filing a notice of
8 dissolution with the Secretary of State. The notice shall be filed by
9 the executive committee or state central committee of the political
10 party or, if no such committee exists, by an officer of the political
11 party. If the notice is filed prior to December 1 of the calendar
12 year before the statewide primary election, the Secretary of State
13 shall not accept any filings for the political party or place the
14 political party on the statewide primary election ballot for the
15 statewide primary election.

16 Sec. 11. Original sections 32-613, 32-614, 32-701,
17 32-702, 32-703, 32-704, 32-719, and 32-720, Reissue Revised Statutes
18 of Nebraska, and sections 32-610 and 32-707, Revised Statutes
19 Cumulative Supplement, 2012, are repealed.

20 Sec. 12. The following sections are outright repealed:
21 Sections 32-706, 32-708, 32-709, and 32-711, Reissue Revised Statutes
22 of Nebraska.