

AMENDMENTS TO LB10

Introduced by Chambers, 11.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 32-710, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5           32-710   (1) Each political party shall hold a state postprimary  
6 convention biennially on a date to be fixed by the state central  
7 committee but not later than September 1. Candidates for elective offices  
8 may be nominated at such conventions pursuant to section 32-627 or  
9 32-721. Such nominations shall be certified to the Secretary of State by  
10 the chairperson and secretary of the convention. The certificates shall  
11 have the same force and effect as nominations in primary elections. A  
12 political party may not nominate a candidate at the convention for an  
13 office for which the party did not nominate a candidate at the primary  
14 election except as provided for new political parties in section 32-621.  
15 The convention shall formulate and promulgate a state platform, select a  
16 state central committee, select electors for President and Vice President  
17 of the United States, and transact the business which is properly before  
18 it. ~~Five One presidential elector shall be chosen from each congressional~~  
19 ~~district, and two presidential electors shall be chosen by district as~~  
20 ~~provided in subsection (2) of this section at large.~~ The officers of the  
21 convention shall certify the names of the electors to the Governor and  
22 Secretary of State.

23           (2) The Secretary of State shall divide the state into five  
24 presidential elector districts, and one presidential elector shall be  
25 chosen from each district. The districts shall be compact and contiguous  
26 and substantially equal in population. The basis of apportionment shall  
27 be the population as determined by the most recent federal decennial

1 census. The Secretary of State shall redistrict the state after each  
2 federal decennial census. In any such redistricting, county lines shall  
3 be followed whenever practicable, and other established lines may be  
4 followed at the discretion of the Secretary of State.

5 Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:

7 32-713 (1) The certificates of appointment for presidential electors  
8 shall be served by the Governor on each person appointed. The Governor  
9 shall notify the presidential electors to be at the State Capitol at noon  
10 on the first Monday after the second Wednesday in December after  
11 appointment and report to the Governor at his or her office in the  
12 capitol as being in attendance. The Governor shall serve the certificates  
13 of appointment by registered or certified mail. In submitting this  
14 state's certificate of ascertainment as required by 3 U.S.C. 6, the  
15 Governor shall certify this state's presidential electors and state in  
16 the certificate that:

17 (a) The presidential electors will serve as presidential electors  
18 unless a vacancy occurs in the office of presidential elector before the  
19 end of the meeting at which the presidential electors cast their votes,  
20 in which case a substitute presidential elector will fill the vacancy;  
21 and

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

26 (2) The presidential electors shall convene at 2 p.m. of such Monday  
27 at the Governor's office in the capitol. Each presidential elector shall  
28 execute the following pledge: As a presidential elector duly selected (or  
29 appointed) for this position, I agree to serve and to mark my ballots for  
30 President and Vice President for the presidential and vice-presidential  
31 candidates who received the highest number of votes in the state ~~if I am~~

1 ~~an at-large presidential elector or the highest number of votes in my~~  
2 ~~congressional district if I am a congressional district~~ presidential  
3 ~~elector~~ district which I represent.

4 Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6 32-714 (1) The Governor shall provide each presidential elector with  
7 a list of all the presidential electors. If any presidential elector is  
8 absent or if there is a deficiency in the proper number of presidential  
9 electors, those present shall elect from the citizens of the state so  
10 many persons as will supply the deficiency and immediately issue a  
11 certificate of election, signed by those present or a majority of them,  
12 to the person or persons so chosen. In case of failure to elect as  
13 required in this subsection by 3 p.m. of such day or in case of a vacancy  
14 created under subsection (4) of this section, the Governor shall fill the  
15 vacancies by appointment. Each appointee shall execute the pledge in  
16 section 32-713. After all vacancies are filled, the presidential electors  
17 shall proceed with the election of a President of the United States and a  
18 Vice President of the United States and certify their votes in conformity  
19 with the Constitution and laws of the United States.

20 (2) The Secretary of State shall provide each presidential elector  
21 with a presidential and vice-presidential ballot. Each ~~at-large~~  
22 ~~presidential elector shall mark his or her ballot for the presidential~~  
23 ~~and vice-presidential candidates who received the highest number of votes~~  
24 ~~in the state and consistent with his or her pledge. Each congressional~~  
25 ~~district presidential elector shall mark his or her ballot for the~~  
26 ~~presidential and vice-presidential candidates who received the highest~~  
27 ~~number of votes in his or her~~ presidential elector ~~congressional~~ district  
28 and consistent with his or her pledge.

29 (3) Each presidential elector shall present the completed ballot to  
30 the Secretary of State. The Secretary of State shall examine each ballot  
31 and accept as cast each ballot marked by a presidential elector

1 consistent with his or her pledge. The Secretary of State shall not  
2 accept and shall not count the ballot if the presidential elector has not  
3 marked the ballot or has marked the ballot in violation of his or her  
4 pledge.

5 (4) A presidential elector who refuses to present a ballot, who  
6 attempts to present an unmarked ballot, or who attempts to present a  
7 ballot marked in violation of his or her pledge vacates the office of  
8 presidential elector.

9 Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

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

30 (2) The board of state canvassers shall determine from the completed  
31 abstract the names of those candidates who have been nominated or

1 elected. If any two or more persons are returned with an equal and the  
2 highest number of votes, the board of state canvassers shall decide by  
3 lot which of such persons is elected except for officers elected to the  
4 executive branch. The board of state canvassers shall also declare those  
5 measures carried which have received the required percentage of votes as  
6 provided by law.

7       Sec. 5.   Original section 32-1038, Reissue Revised Statutes of  
8 Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes  
9 Cumulative Supplement, 2014, are repealed.