

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1032

Introduced by Murante, 49.

Read first time January 16, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to statewide presidential primary elections;
2 to amend sections 32-101, 32-206, 32-401, 32-613, 32-614, 32-701,
3 32-710, and 32-809, Reissue Revised Statutes of Nebraska; to provide
4 for statewide presidential primary elections; to change provisions
5 relating to primary elections; to harmonize provisions; and to
6 repeal the original sections.

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

1 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 4 of this act shall be
4 known and may be cited as the Election Act.

5 Sec. 2. Section 32-206, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-206 (1) The Secretary of State shall publish an official election
8 calendar by November 1 prior to the statewide primary election. Such
9 calendar, to be approved as to form by the Attorney General, shall set
10 forth the various election deadline dates and other pertinent data as
11 determined by the Secretary of State. The official election calendar
12 shall be merely a guideline and shall in no way legally bind the
13 Secretary of State or the Attorney General.

14 (2) For purposes of the statewide presidential primary election
15 conducted pursuant to section 4 of this act, the Secretary of State shall
16 include in the official calendar for each presidential election year the
17 applicable dates for conducting voter registration and conducting the
18 election, including, but not limited to, the dates for appointing,
19 providing notice to, and training poll workers, deadlines for voter
20 registration, providing extra office hours for voter registration,
21 issuance of voter registration lists to the political parties,
22 certification of the ballot, notice of the election, distribution of
23 sample ballots, notice for application for and issuance of ballots for
24 early voting, and counting and canvassing the ballots.

25 (3) {2} The Secretary of State shall deliver a copy of the official
26 election calendar to the state party headquarters of each recognized
27 political party within ten days after publication under subsection (1) of
28 this section.

29 (4) {3} Except as provided in sections 32-302 and 32-306, any filing
30 or other act required to be performed by a specified day shall be
31 performed by 5 p.m. of such day, except that if such day falls upon a

1 Saturday, Sunday, or legal holiday, performance shall be required on the
2 next business day.

3 Sec. 3. Section 32-401, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-401 The statewide primary election shall be held on the first
6 Tuesday after the second Monday in May in even-numbered years. The
7 statewide primary election shall be held for the purposes of (1)
8 nominating all candidates to be voted for at the statewide general
9 election except (a) candidates who were unopposed at the primary election
10 and not required to be on the ballot and (b) candidates who petition on
11 the ballot or are nominated by their political party, (2) electing
12 delegates to the county, state, and national political party conventions,
13 if applicable, ~~and (3) in each presidential election year, voting on a~~
14 ~~preference for President of the United States, and (4) electing officers~~
15 in political subdivisions which hold their general elections at the time
16 of the statewide primary election.

17 Sec. 4. In each presidential election year, a statewide
18 presidential primary election shall be held on the second Tuesday in
19 March for the sole purpose of voting on a preference for President of the
20 United States. The statewide presidential primary election shall be
21 conducted using the procedures in the Election Act applicable to the
22 statewide primary election to the extent possible.

23 Sec. 5. Section 32-613, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-613 Any petition to place a person's name on the statewide
26 presidential primary election ballot for President of the United States
27 conducted pursuant to section 4 of this act shall contain the names of
28 not less than one hundred voters registered with the appropriate
29 political party from each congressional district of the state, except
30 that if the political party dissolves as provided in subsection (2) of
31 section 32-720, the Secretary of State shall not accept a petition under

1 this section. The name of the candidate for President shall be placed
2 upon the ballot only when written consent of such person has been filed
3 with the Secretary of State not less than sixty days before the primary
4 election. The form of the petition shall comply with the requirements of
5 section 32-628 and shall as nearly as possible conform to the form
6 prescribed by the Secretary of State.

7 Sec. 6. Section 32-614, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-614 The names of persons in the political party (1) who are
10 presented by petition of their supporters to be party candidates for
11 President of the United States or (2) who have been determined by the
12 Secretary of State to be generally advocated or recognized as candidates
13 in national news media throughout the United States shall be printed on
14 the statewide presidential primary election ballot for the office of
15 President of the United States for the election conducted pursuant to
16 section 4 of this act. This section does not apply if the political party
17 dissolves as provided in subsection (2) of section 32-720.

18 If a person does not want his or her name on the ballot for the
19 Nebraska statewide presidential primary election conducted pursuant to
20 section 4 of this act ~~ballot~~, he or she shall, at least sixty days prior
21 to the statewide presidential primary election ~~by March 10 of the~~
22 ~~presidential election year~~, execute and file an affidavit with the
23 Secretary of State stating without qualification that he or she is not
24 now and does not intend to become a candidate for office of President of
25 the United States at the next statewide presidential primary election in
26 Nebraska or any other state. If a presidential candidate files such
27 affidavit removing his or her name and subsequently becomes a
28 presidential candidate in another state, the candidate's affidavit in
29 Nebraska shall be purged and shall have no force and effect. The
30 Secretary of State shall then place such candidate's name on the
31 statewide presidential primary election ballot.

1 Sec. 7. Section 32-701, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-701 (1) Each political party which is organized in Nebraska shall
4 file a copy of the party's plan for selecting delegates and alternate
5 delegates to the party's national convention with the Secretary of State
6 on or before December 1 of the calendar year prior to each presidential
7 election year and shall include a summary of the contents of the plan.
8 The delegate selection plan shall:

9 (a) Require that at least eighty percent of the delegates and
10 alternate delegates are committed to a candidate for President of the
11 United States based on the results of a caucus or the statewide
12 presidential primary election;

13 (b) Specify whether the delegates and alternate delegates are
14 committed to a candidate for President of the United States based on the
15 results of (i) a caucus system which is open to all Nebraska residents
16 who are affiliated with the party for purposes of registering to vote in
17 Nebraska, (ii) election at the statewide presidential primary election,
18 or (iii) a combination of the methods listed in subdivisions (i) and (ii)
19 of this subdivision;

20 (c) Specify how the delegates and alternate delegates are committed
21 for purposes of voting for candidates for President of the United States
22 based on the results of the caucus or statewide presidential primary
23 election; and

24 (d) Provide that the delegates and alternate delegates are either
25 awarded to the winner of the caucus or statewide presidential primary
26 election or awarded proportionally, based on the number of votes received
27 by each presidential candidate at the caucus or statewide presidential
28 primary election, to each presidential candidate who received at least
29 fifteen percent of the votes for the nomination.

30 (2) When candidates for the office of President of the United States
31 are to be nominated, every registered voter of a political party shall

1 have the opportunity to vote his or her preference on his or her party
2 nominating ballot for his or her choice for one person to be the
3 candidate of his or her political party for President of the United
4 States by writing the name of the person of his or her choice for
5 President in the blank space to be left upon the ballot for such purpose
6 and making a cross or mark in the square or oval opposite the written
7 name or by making a cross or mark in the square or oval opposite the
8 printed name of the person of his or her choice.

9 Sec. 8. Section 32-710, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

28 Sec. 9. Section 32-809, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 32-809 (1) The form of the official ballot at the statewide primary
31 election shall be prescribed by the Secretary of State. At the top of the

1 ballot and over all else shall be printed in boldface type the name of
2 the political party, Official Ballot, Primary Election 20.. .
3 Each division containing the names of the office and a list of candidates
4 for such office shall be separated from other groups by a bold line. The
5 ballot shall list at-large candidates and subdistrict candidates under
6 appropriate headings.

7 (2) All proposals for constitutional amendments, candidates for
8 delegates to the national political party conventions, and candidates on
9 the nonpartisan ballot shall be submitted on a ballot where bold lines
10 separate one office or issue from another. Proposals for constitutional
11 amendments proposed by the Legislature shall be placed on the ballot as
12 provided in sections 49-201 to 49-211. Each candidate for delegate to the
13 national political party convention shall have his or her preference for
14 the candidacy for the office of President of the United States or the
15 fact that he or she is uncommitted shown on the ballot in parenthesis and
16 indented on the line immediately below the name of the candidate. All
17 constitutional amendments shall be placed on a separate ballot when a
18 paper ballot is used which requires the ballot after being voted to be
19 folded before being deposited in a ballot box. When an optical-scan
20 ballot is used which requires a ballot envelope or sleeve in which the
21 ballot after being voted is placed before being deposited in a ballot
22 box, constitutional amendments may be printed on either side of the
23 ballot and shall be separated from other offices or issues by a bold
24 line. Constitutional amendments so arranged shall constitute a separate
25 ballot.

26 (3) Except as otherwise provided in section 32-811, the statewide
27 primary election ballot shall contain the name of every candidate filing
28 ~~or recognized~~ under subsection (1) of section 32-606 and section sections
29 32-611, ~~32-613, and 32-614~~ and no other names. No name of a candidate for
30 member of the Legislature or an elective office described in Article IV,
31 section 1, of the Constitution of Nebraska shall appear on any ballot or

1 any series of ballots at any statewide primary election more than once
2 except for the names of candidates for the office of delegate to a
3 county, state, or national political party convention. When two or more
4 of the last names of candidates for the same office at the statewide
5 primary election are the same in spelling or sound, the official ballots
6 may, on the request of any such candidate, have his or her address
7 printed immediately below his or her name in capital and lowercase
8 letters in lightface type of the same size as the type in which the name
9 of the candidate is printed.

10 Sec. 10. Original sections 32-101, 32-206, 32-401, 32-613, 32-614,
11 32-701, 32-710, and 32-809, Reissue Revised Statutes of Nebraska, are
12 repealed.