

AMENDMENTS TO LB10

Introduced by Kintner, 2.

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

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

5 32-710 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. ~~One presidential elector shall be chosen from each congressional~~
19 ~~district, and two presidential electors shall be chosen at large.~~ The
20 officers of the convention shall certify the names of the electors to the
21 Governor and Secretary of State.

22 Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 32-713 (1) The certificates of appointment for presidential electors
25 shall be served by the Governor on each person appointed. The Governor
26 shall notify the presidential electors to be at the State Capitol at noon
27 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 as provided in section 32-714 ~~who received the highest number~~
22 ~~of votes in the state if I am an at-large presidential elector or the~~
23 ~~highest number of votes in my congressional district if I am a~~
24 ~~congressional district presidential elector.~~

25 Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement,
26 2014, is 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)(a) The Secretary of State shall provide each presidential
11 elector with a presidential and vice-presidential ballot. Except as
12 otherwise provided in subdivision (b) of this subsection, each ~~Each at-~~
13 ~~large~~ presidential elector shall mark his or her ballot for the
14 presidential and vice-presidential candidates who received the highest
15 number of votes in the state and consistent with his or her pledge. ~~Each~~
16 ~~congressional district presidential elector shall mark his or her ballot~~
17 ~~for the presidential and vice-presidential candidates who received the~~
18 ~~highest number of votes in his or her congressional district and~~
19 ~~consistent with his or her pledge.~~

20 (b) If the Secretary of State determines that fifteen states have
21 adopted a method of selection of some or all of its presidential electors
22 based on the results of a popular vote in the congressional districts of
23 the state, then beginning January 1 following the determination, (i) one
24 presidential elector shall be chosen from each congressional district and
25 two presidential electors shall be chosen at large, (ii) each at-large
26 presidential elector shall mark his or her ballot for the presidential
27 and vice-presidential candidates who received the highest number of votes
28 in the state and consistent with his or her pledge and each congressional
29 district presidential elector shall mark his or her ballot for the
30 presidential and vice-presidential candidates who received the highest
31 number of votes in his or her congressional district and consistent with

1 his or her pledge, and (iii) receipt by the presidential electors of a
2 party or a group of petitioners of the highest number of votes statewide
3 shall constitute election of the two at-large presidential electors of
4 that party or group of petitioners and receipt by the presidential
5 electors of a party or a group of petitioners of the highest number of
6 votes in a congressional district shall constitute election of the
7 congressional district presidential elector of that party or group of
8 petitioners.

9 (3) Each presidential elector shall present the completed ballot to
10 the Secretary of State. The Secretary of State shall examine each ballot
11 and accept as cast each ballot marked by a presidential elector
12 consistent with his or her pledge. The Secretary of State shall not
13 accept and shall not count the ballot if the presidential elector has not
14 marked the ballot or has marked the ballot in violation of his or her
15 pledge.

16 (4) A presidential elector who refuses to present a ballot, who
17 attempts to present an unmarked ballot, or who attempts to present a
18 ballot marked in violation of his or her pledge vacates the office of
19 presidential elector.

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

22 32-1038 (1) The board of state canvassers shall authorize the
23 Secretary of State to open the abstracts of votes from the various
24 counties and prepare an abstract stating the number of ballots cast for
25 each office, the names of all the persons voted for, for what office they
26 respectively received the votes, and the number of votes each received.
27 The abstract shall be signed by the members of the board and shall have
28 the seal of the state affixed by the Secretary of State. The canvass of
29 the votes for candidates for President and Vice President of the United
30 States and the return thereof shall be a canvass and return of the votes
31 cast for the presidential electors of the same party or group of

1 petitioners respectively, and the certificate of such election made by
2 the Governor shall be in accord with such return. Receipt by the
3 presidential electors of a party or a group of petitioners of the highest
4 number of votes statewide shall constitute election of the ~~two at-large~~
5 presidential electors of that party or group of petitioners except as
6 otherwise provided in section 32-714. ~~Receipt by the presidential~~
7 ~~electors of a party or a group of petitioners of the highest number of~~
8 ~~votes in a congressional district shall constitute election of the~~
9 ~~congressional district presidential elector of that party or group of~~
10 ~~petitioners.~~

11 (2) The board of state canvassers shall determine from the completed
12 abstract the names of those candidates who have been nominated or
13 elected. If any two or more persons are returned with an equal and the
14 highest number of votes, the board of state canvassers shall decide by
15 lot which of such persons is elected except for officers elected to the
16 executive branch. The board of state canvassers shall also declare those
17 measures carried which have received the required percentage of votes as
18 provided by law.

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