

LEGISLATIVE BILL 682

Approved by the Governor May 13, 2005

Introduced by Schimek, 27; Brashear, 4; Price, 26

AN ACT relating to elections; to amend sections 32-564 and 32-571, Reissue Revised Statutes of Nebraska; to change provisions relating to filling a vacancy in the office of Representative in Congress; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 32-564, Reissue Revised Statutes of Nebraska, is amended to read:

32-564. When a vacancy occurs in the office of Representative in Congress and the Congress will convene prior to the next general election, the Governor shall order a special election to fill such vacancy at the earliest practicable time and shall give notice of such election. Candidates for the office of Representative in Congress at a special election shall be nominated at large at a special primary election in the congressional district. No other names shall be placed upon the official ballot to be used at the special general election except those selected at the special primary election. The special primary election shall be held not less than twenty nor more than thirty days after the notice of such election by the Governor, and the special general election shall be held four weeks after the special primary election. Any person desiring to become a candidate shall, at least ten days prior to the date of holding the special primary election, file with the Secretary of State nomination papers as provided for at a regular primary election for the office of Representative in Congress. All other provisions for holding primary and general elections shall be followed. (1) If a vacancy occurs in the office of Representative in Congress on or after August 1 in an even-numbered year and prior to the statewide general election in such year, the Governor shall order a special election to be held in conjunction with such statewide general election. The only candidates who may appear on the ballot for such office at such special election are those who were nominated at the statewide primary election in such year, those who comply with section 32-616, and those who comply with section 32-627 to fill a vacancy on the ballot if such a vacancy exists. The candidate receiving the most votes at such special election shall serve for the remainder of the vacated term and for the succeeding term of office.

(2) If a vacancy occurs in the office of Representative in Congress on or after the day of the statewide general election and prior to the end of the term of the office which is vacated, no special election shall be called.

(3) If a vacancy occurs in such office at any time other than as described in subsection (1) or (2) of this section, the Governor shall order a special election to be held within ninety days after the vacancy occurs. Each political party which polled at least five percent of the entire vote in the district in which the vacancy occurs may select a candidate following the applicable procedures in subsection (2) of section 32-627, except that the certificate and filing fee shall be submitted at least sixty-five days prior to the day of the election. Any candidate so selected shall have his or her name placed on the ballot with the appropriate political party designation. Any other person may have his or her name placed on the ballot without a political party designation by filing petitions pursuant to sections 32-617 and 32-618 and paying the filing fee as provided by section 32-608, except that the deadline for filing the petitions and paying the fee shall be sixty-five days prior to the day of the election. The candidate receiving the most votes at such special election shall serve for the remainder of the vacated term.

Sec. 2. Section 32-571, Reissue Revised Statutes of Nebraska, is amended to read:

32-571. Appointments made pursuant to sections ~~32-564~~ 32-565 to 32-570 and 32-573 shall be in writing and shall continue for the unexpired term and until a successor is elected and qualified except as otherwise provided in such sections. The written appointment shall be filed with the Secretary of State or county or township clerk. No person shall be appointed to fill a vacancy unless he or she has the qualifications required to be elected to such office at the time of the appointment unless otherwise specifically provided.

Sec. 3. Original sections 32-564 and 32-571, Reissue Revised Statutes of Nebraska, are repealed.