

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 394

Introduced by Burling, 33

Read first time January 16, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Election Act; to amend sections 32-616,
2 32-617, 32-623, 32-627, and 32-710, Reissue Revised
3 Statutes of Nebraska; to change provisions relating
4 to nomination for office; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-616, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-616 (1) Any registered voter who was not a candidate
4 in the primary election may have his or her name placed on the
5 general election ballot for a partisan office by filing petitions
6 as prescribed in sections 32-617 to 32-621 or by nomination by
7 political party convention or committee pursuant to section 32-710.

8 (2) Any candidate who was defeated in the primary
9 election and any registered voter who was not a candidate in
10 the primary election may have his or her name placed on the general
11 election ballot if a vacancy exists on the ballot under subsection
12 (2) of section 32-625 and the candidate files for the office by
13 petition as prescribed in sections 32-617 and 32-618 or files as a
14 write-in candidate as prescribed in section 32-615.

15 Sec. 2. Section 32-617, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-617 (1) Petitions for nomination for partisan and
18 nonpartisan offices shall conform to the requirements of section
19 32-628. Petitions shall state the office to be filled and the name
20 and address of the candidate. Petitions for partisan office shall
21 also indicate the party affiliation of the candidate. Petitions
22 shall be signed by registered voters residing in the district or
23 political subdivision in which the officer is to be elected and
24 shall be filed with the filing officer in the same manner as
25 provided for candidate filing forms in section 32-607. Petition

1 signers and petition circulators shall conform to the requirements
2 of sections 32-629 and 32-630. No petition for nomination shall
3 be filed unless there is attached thereto a receipt showing the
4 payment of the filing fee required pursuant to section 32-608. Such
5 petitions shall be filed by September 1 in the year of the general
6 election.

7 (2) The filing officer shall verify the signatures
8 according to section 32-631. Within three days after the signatures
9 on a petition for nomination have been verified pursuant to such
10 section and the filing officer has determined that pursuant to
11 section 32-618 a sufficient number of registered voters signed
12 the petitions, the filing officer shall notify the candidate so
13 nominated by registered or certified mail, and the candidate shall,
14 prior to or within five days after the date of receiving such
15 notification, file with such officer his or her acceptance of the
16 nomination or his or her name will not be printed on the ballot.
17 The acceptance of the nomination may be submitted at the time of
18 filing the petition.

19 (3) A candidate placed on the ballot by petition shall
20 be termed a candidate by petition. The words BY PETITION shall
21 be printed upon the ballot after the name of each candidate by
22 petition.

23 Sec. 3. Section 32-623, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-623 (1) If any person nominated for elective office

1 notifies the filing officer with whom the candidate filing form or
2 other acceptance of nomination was filed by filing a statement,
3 in writing and duly acknowledged, that he or she declines
4 such nomination on or before September 1 before the election,
5 the person's name shall not be printed on the ballot, but no
6 declination shall be effective after such date.

7 (2) If the office involved is a partisan office, the ~~The~~
8 filing officer shall ~~inform~~ notify one or more persons whose names
9 are attached to the nomination if the candidate was nominated by a
10 political party convention ~~or committee~~ pursuant to section 32-627
11 or 32-721 or, if nominated at a primary election, the chairperson
12 or secretary of the ~~campaign~~ ~~or~~ political party committee of his
13 or her political party. If the office involved is a county office
14 and there is no organized county political party committee, the
15 filing officer shall notify the state political party committee.
16 The declination shall create a vacancy on the ballot and may be
17 filled as provided in section 32-627. ~~if there is one and, if~~
18 ~~not, at least three of the prominent members of the candidate's~~
19 ~~political party in the state that such candidate has declined the~~
20 ~~nomination by mailing or delivering to them personally notice of~~
21 ~~such fact, and three days shall be given such party committee or~~
22 ~~convention to nominate a person to fill such vacancy.~~

23 (3) In lieu of filing a declination with the Secretary
24 of State, the person so nominated may file a declination with the
25 election commissioner or county clerk in the county in which he or

1 she resides. Any election commissioner or county clerk receiving
2 such a declination shall within five days after its receipt forward
3 a copy of the written declination statement to the Secretary of
4 State. The Secretary of State shall make notifications required by
5 this section for all individuals for whom he or she receives a copy
6 of the written declination statement.

7 Sec. 4. Section 32-627, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-627 (1) If a vacancy on the ballot arises for any
10 partisan office except President and Vice President of the United
11 States before a general election, the vacancy shall be filled by
12 the majority vote of the ~~proper~~ central committee of the same
13 political party. If the vacancy exists for an office serving only
14 a particular district of the state, only those members of the
15 political party committee who reside within that district shall
16 participate in selecting the candidate to fill the vacancy. No
17 vacancy on the ballot shall be deemed to have occurred if a
18 political party makes no nomination of a candidate at the primary
19 election for the office. If a vacancy on the ballot arises for
20 Governor, the vacancy shall be filled by the majority vote of
21 the ~~proper~~ state central committee of the same political party,
22 and the candidate for Governor shall select a person of the same
23 political party to be the candidate for Lieutenant Governor on the
24 general election ballot. If a vacancy on the ballot arises for the
25 Lieutenant Governor on or before September 1, the candidate for

1 Governor shall select a new candidate for Lieutenant Governor in
2 the same manner as required in section 32-619.01.

3 (2) The chairperson and secretary of the ~~executive~~
4 central committee for the political party shall make and file
5 with the filing officer a certificate setting forth the cause of
6 the vacancy, the name of the person so nominated, the office for
7 which he or she was nominated, the name of the person for which
8 the new nominee is to be substituted, the place of residence of
9 the person so nominated, the street and number of the residence
10 or place of business of the person so nominated if such person
11 resides in a city, and the name of the political party with which
12 the person so nominated affiliates which such committee represents.
13 The certificate shall be signed by the chairperson and secretary
14 with the name and places of their residences and sworn to by
15 them before some officer authorized to administer oaths. If the
16 central committee by resolution authorizes such nomination to be
17 made by convention or if there is no ~~executive~~ central committee
18 of the political party, then a mass convention of the political
19 party shall fill the vacancy and the chairperson and secretary
20 of such convention shall make and file with the filing officer a
21 certificate in form and manner substantially as is required to be
22 filed by the chairperson and secretary of the ~~executive~~ central
23 committee under this subsection. The certificate shall be filed
24 by September 1 for a general election and have the same force
25 and effect as the candidate filing form provided for in section

1 32-607. The filing fee charged to candidates for such offices shall
2 accompany the filing of the certificate.

3 Sec. 5. Section 32-710, Reissue Revised Statutes of
4 Nebraska, is amended to read:

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

20 Sec. 6. Original sections 32-616, 32-617, 32-623, 32-627,
21 and 32-710, Reissue Revised Statutes of Nebraska, are repealed.