

LEGISLATIVE BILL 856

Approved by the Governor March 10, 2008

Introduced by Lautenbaugh, 18.

FOR AN ACT relating to elections; to amend section 32-564, Revised Statutes Cumulative Supplement, 2006; to provide for a special election for congressional representatives as prescribed; and to repeal the original section.

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

Section 1. Section 32-564, Revised Statutes Cumulative Supplement, 2006, is amended to read:

32-564 (1) Except as otherwise provided in subsection (2) of this section:

(a) 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) (b)~~ 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; and -

~~(3) (c)~~ If a vacancy occurs in such office at any time other than as described in ~~subsection (1) or (2) of this section,~~ subdivision (a) or (b) or this subsection, 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.

(2) (a) If the Speaker of the United States House of Representatives announces that there are more than one hundred vacancies in the House of Representatives requiring special elections according to 2 U.S.C. 8, as such section existed on the effective date of this act, and there is any vacancy in the office of Representative in Congress representing Nebraska, the Governor shall issue a writ of election. The writ of election shall specify the date of a special election to fill such vacancy to be held within forty-nine days after the Speaker's announcement.

(b) The Secretary of State shall notify the chairperson and secretary of each political party which polled at least five percent of the entire vote in the district in which the vacancy occurs that the party 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 within seven days after notification by the Secretary of State. Any candidate so selected shall have his or her name placed on the ballot with the appropriate political party designation.

(c) The ballot for any voter meeting the criteria of section 32-939 shall be transmitted to such voter within fifteen days after the Speaker's announcement and shall be accepted if received by the election commissioner or county clerk within forty-five days after transmission to the voter.

(d) The candidate receiving the most votes at such special election shall serve for the remainder of the vacated term.

Sec. 2. Original section 32-564, Revised Statutes Cumulative Supplement, 2006, is repealed.