

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 503
Final Reading

Introduced by Pirsch, 4.

Read first time January 18, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Election Act; to amend sections 32-623 and
2 32-627, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to filling a vacancy on a ballot; and
4 to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-623, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-623 If any person nominated for elective office for
4 the general election notifies the filing officer with whom the
5 candidate filing form or other acceptance of nomination was filed by
6 filing a statement, in writing and duly acknowledged, that he or she
7 declines such nomination on or before September 1 before the
8 election, the person's name shall not be printed on the ballot, but
9 no declination shall be effective after such date. The filing officer
10 shall inform one or more persons whose names are attached to the
11 nomination if the candidate was nominated by a political party
12 convention or committee or, if nominated at a primary election, the
13 chairperson or secretary of the campaign or political party committee
14 of his or her political party if there is one within the jurisdiction
15 of the filing officer and, if not, at least three of the prominent
16 members of the candidate's political party ~~in the state~~ within the
17 jurisdiction of the filing officer that such candidate has declined
18 the nomination by mailing or delivering to them personally notice of
19 such fact. Such declination shall create a vacancy on the ballot
20 which may be filled pursuant to section 32-627. ~~, and three days~~
21 ~~shall be given such party committee or convention to nominate a~~
22 ~~person to fill such vacancy.~~ In lieu of filing a declination with the
23 Secretary of State, the person so nominated may file a declination
24 with the election commissioner or county clerk in the county in which
25 he or she resides. Any election commissioner or county clerk

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

6 Sec. 2. Section 32-627, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-627 (1) If a vacancy on the ballot arises for any
9 partisan office except President and Vice President of the United
10 States before a general election, the vacancy shall be filled by the
11 majority vote of the proper committee of the same political party. If
12 the vacancy exists for an office serving only a particular district
13 of the state, only those members of the political party committee who
14 reside within that district shall participate in selecting the
15 candidate to fill the vacancy. No vacancy on the ballot shall be
16 deemed to have occurred if a political party makes no nomination of a
17 candidate at the primary election for the office. If a vacancy on the
18 ballot arises for Governor, the vacancy shall be filled by the
19 majority vote of the proper committee of the same political party,
20 and the candidate for Governor shall select a person of the same
21 political party to be the candidate for Lieutenant Governor on the
22 general election ballot. If a vacancy on the ballot arises for the
23 Lieutenant Governor on or before September 1, the candidate for
24 Governor shall select a new candidate for Lieutenant Governor in the
25 same manner as required in section 32-619.01.

1 (2) The chairperson and secretary of the executive
2 committee for the political party shall make and file with the filing
3 officer a certificate setting forth the cause of the vacancy, the
4 name of the person so nominated, the office for which he or she was
5 nominated, the name of the person for which the new nominee is to be
6 substituted, the place of residence of the person so nominated, the
7 street and number of the residence or place of business of the person
8 so nominated if such person resides in a city, and the name of the
9 political party with which the person so nominated affiliates which
10 such committee represents. The certificate shall be signed by the
11 chairperson and secretary with the name and places of their
12 residences and sworn to by them before some officer authorized to
13 administer oaths. If there is no executive committee of the political
14 party or in lieu of the executive committee filling such vacancy,
15 ~~then~~ a mass convention of the political party ~~shall~~ may fill the
16 vacancy and the chairperson and secretary of such convention shall
17 make and file with the filing officer a certificate in form and
18 manner substantially as is required to be filed by the chairperson
19 and secretary of the executive committee under this subsection. The
20 certificate shall be filed by September 1 for a general election and
21 have the same force and effect as the candidate filing form provided
22 for in section 32-607. The filing fee charged to candidates for such
23 offices shall accompany the filing of the certificate.

24 Sec. 3. Original sections 32-623 and 32-627, Reissue
25 Revised Statutes of Nebraska, are repealed.