

LEGISLATIVE BILL 349

Approved by the Governor May 7, 2013

Introduced by Murante, 49.

FOR AN ACT relating to elections; to amend sections 32-620, 32-1005, 32-1007, and 32-1008, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ballot status for candidates for President and Vice President of the United States; to provide for a write-in campaign for the office of President; to change provisions regarding counting votes; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 32-101, Revised Statutes Cumulative Supplement, 2012, is amended to read:

32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be known and may be cited as the Election Act.

Sec. 2. Any person engaged in or pursuing a write-in campaign for the office of President of the United States shall file with the Secretary of State a notarized affidavit of his or her intent together with an application containing:

- (1) The name of the person pursuing the write-in campaign;
- (2) The written consent of the designated vice-presidential candidate; and
- (3) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates.

Sec. 3. Section 32-620, Reissue Revised Statutes of Nebraska, is amended to read:

32-620 (1) Partisan candidates for the offices of President and Vice President of the United States on the general election ballot shall be certified to the Governor and Secretary of State by the national nominating convention as provided by law.

(2) Candidates for the offices of President and Vice President of the United States of newly established political parties ~~or of nonpartisan status~~ may obtain general election ballot position by filing with the Secretary of State ~~+~~ (1) An application containing:

- (a) The name or names to be printed on the ballot;
- (b) The status of the candidacy, whether nonpartisan or partisan, name of the political party;
- (c) The written consent of the designated vice-presidential candidate to have his or her name printed on the ballot; and
- (d) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates. ~~+~~ and

(3) Candidates for the offices of President and Vice President of the United States of nonpartisan status may obtain general election ballot position by filing with the Secretary of State:

- (a) An application containing:
 - (i) The name or names to be printed on the ballot;
 - (ii) The status of the candidacy as nonpartisan;
 - (iii) The written consent of the designated vice-presidential candidate to have his or her name printed on the ballot; and
 - (iv) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates; and

~~(2) (b) A petition signed by not less than two thousand five hundred registered voters. Such petitions shall conform to the requirements of section 32-628 and shall not be circulated until after the date of the primary election in that election year. Registered voters who voted in the primary election of any political party that held a presidential preference primary election that year shall be ineligible to sign the petitions of any other candidate for president. be filed with the Secretary of State by August 1 in the year of the presidential general election.~~

Sec. 4. Section 32-1005, Reissue Revised Statutes of Nebraska, is amended to read:

32-1005 If the last name or a reasonably close spelling of the last name of a person engaged in or pursuing a write-in campaign pursuant to section 32-615 or section 2 of this act is written or printed on a line

provided for that purpose and the square or oval opposite such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. Except as provided in section 32-1007, a write-in vote for a person who is not engaged in or pursuing a write-in campaign pursuant to section 32-615 or section 2 of this act shall not be counted.

Sec. 5. Section 32-1007, Reissue Revised Statutes of Nebraska, is amended to read:

32-1007 ~~(1)~~ For members of a village board of trustees, township officers, or members of the school board of Class I or II school districts, if a first or generally recognized name and last name of a person is filled in on a line provided for that purpose and the square or oval opposite such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. If only the last name of a person is in the write-in space on the ballot and there is more than one person in the county having the same last name, the counting board shall reject the ballot for that office unless the last name is reasonably close to the proper spelling of the last name of a candidate engaged in or pursuing a write-in campaign pursuant to section 32-615. The counting board shall make the following notation on the rejected ballot: Rejected for the office of, no first or generally recognized name.

~~(2) For President and Vice President, if a first or generally recognized name and last name of a person is filled in on the lines provided for that purpose and the square or oval opposite such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. If only the last name of a person is in the write-in space on the ballot and there is no generally recognized candidate for President or Vice President with that name, the counting board shall reject the ballot. The counting board shall make the following notation on the rejected ballot: Rejected for the office of President and Vice President, no first or generally recognized name.~~

Sec. 6. Section 32-1008, Reissue Revised Statutes of Nebraska, is amended to read:

32-1008 If the write-in vote in the county for any particular office referred to in section 32-1007 or for a person pursuing a write-in campaign pursuant to section 32-615 or section 2 of this act totals less than five percent of the vote for such office in the county and the election commissioner or county clerk believes that such vote will not impact the outcome of the election, the number of write-in votes for that office may be counted and listed together as one total.

Sec. 7. Original sections 32-620, 32-1005, 32-1007, and 32-1008, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012, are repealed.