LB10
2015

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 10

Introduced by McCoy, 39.
Read first time January 08, 2015
Committee: Government, Military and Veterans Affairs

1  A BILL FOR AN ACT relating to presidential electors; to amend section
2   32-1038, Reissue Revised Statutes of Nebraska, and sections 32-710,
3   32-713, and 32-714, Revised Statutes Cumulative Supplement, 2014; to
4   change provisions relating to ballots cast by presidential electors;
5   and to repeal the original sections.
6  Be it enacted by the people of the State of Nebraska,
Section 1. Section 32-710, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-710 Each political party shall hold a state postprimary convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions pursuant to section 32-627 or 32-721. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. A political party may not nominate a candidate at the convention for an office for which the party did not nominate a candidate at the primary election except as provided for new political parties in section 32-621. The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-713 (1) The certificates of appointment for presidential electors shall be served by the Governor on each person appointed. The Governor shall notify the presidential electors to be at the State Capitol at noon on the first Monday after the second Wednesday in December after appointment and report to the Governor at his or her office in the capitol as being in attendance. The Governor shall serve the certificates of appointment by registered or certified mail. In submitting this state's certificate of ascertainment as required by 3 U.S.C. 6, the Governor shall certify this state's presidential electors and state in the certificate that:
(a) The presidential electors will serve as presidential electors unless a vacancy occurs in the office of presidential elector before the end of the meeting at which the presidential electors cast their votes, in which case a substitute presidential elector will fill the vacancy; and

(b) If a substitute presidential elector is appointed to fill a vacancy, the Governor will submit an amended certificate of ascertainment stating the names on the final list of this state's presidential electors.

(2) The presidential electors shall convene at 2 p.m. of such Monday at the Governor's office in the capitol. Each presidential elector shall execute the following pledge: As a presidential elector duly selected (or appointed) for this position, I agree to serve and to mark my ballots for President and Vice President for the presidential and vice-presidential candidates who received the highest number of votes in the state if I am an at-large presidential elector or the highest number of votes in my congressional district if I am a congressional district presidential elector.

Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-714 (1) The Governor shall provide each presidential elector with a list of all the presidential electors. If any presidential elector is absent or if there is a deficiency in the proper number of presidential electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect as required in this subsection by 3 p.m. of such day or in case of a vacancy created under subsection (4) of this section, the Governor shall fill the vacancies by appointment. Each appointee shall execute the pledge in section 32-713. After all vacancies are filled, the presidential electors
shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the Constitution and laws of the United States.

(2) The Secretary of State shall provide each presidential elector with a presidential and vice-presidential ballot. Each at-large presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state and consistent with his or her pledge. Each congressional district presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district and consistent with his or her pledge.

(3) Each presidential elector shall present the completed ballot to the Secretary of State. The Secretary of State shall examine each ballot and accept as cast each ballot marked by a presidential elector consistent with his or her pledge. The Secretary of State shall not accept and shall not count the ballot if the presidential elector has not marked the ballot or has marked the ballot in violation of his or her pledge.

(4) A presidential elector who refuses to present a ballot, who attempts to present an unmarked ballot, or who attempts to present a ballot marked in violation of his or her pledge vacates the office of presidential elector.

Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is amended to read:

32-1038 (1) The board of state canvassers shall authorize the Secretary of State to open the abstracts of votes from the various counties and prepare an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each received. The abstract shall be signed by the members of the board and shall have
the seal of the state affixed by the Secretary of State. The canvass of
the votes for candidates for President and Vice President of the United
States and the return thereof shall be a canvass and return of the votes
cast for the presidential electors of the same party or group of
petitioners respectively, and the certificate of such election made by
the Governor shall be in accord with such return. Receipt by the
presidential electors of a party or a group of petitioners of the highest
number of votes statewide shall constitute election of the two at-large
presidential electors of that party or group of petitioners. Receipt by
the presidential electors of a party or a group of petitioners of the
highest number of votes in a congressional district shall constitute
election of the congressional district presidential elector of that party
or group of petitioners.

(2) The board of state canvassers shall determine from the completed
abstract the names of those candidates who have been nominated or
elected. If any two or more persons are returned with an equal and the
highest number of votes, the board of state canvassers shall decide by
lot which of such persons is elected except for officers elected to the
executive branch. The board of state canvassers shall also declare those
measures carried which have received the required percentage of votes as
provided by law.

Sec. 5. Original section 32-1038, Reissue Revised Statutes of
Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes
Cumulative Supplement, 2014, are repealed.