

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 764

Introduced by Lippincott, 34.

Read first time January 18, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to presidential electors; to amend sections
- 2 32-710, 32-713, 32-714, and 32-1038, Reissue Revised Statutes of
- 3 Nebraska; to change provisions relating to ballots cast by
- 4 presidential electors; and to repeal the regional sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-710, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-710 Each political party shall hold a state convention biennially
4 on a date to be fixed by the state central committee but not later than
5 September 1. Candidates for elective offices may be nominated at such
6 conventions pursuant to section 32-627 or 32-721. Such nominations shall
7 be certified to the Secretary of State by the chairperson and secretary
8 of the convention. The certificates shall have the same force and effect
9 as nominations in primary elections. A political party may not nominate a
10 candidate at the convention for an office for which the party did not
11 nominate a candidate at the primary election except as provided for new
12 political parties in section 32-621. The convention shall formulate and
13 promulgate a state platform, select a state central committee, select
14 electors for President and Vice President of the United States, and
15 transact the business which is properly before it. ~~One presidential~~
16 ~~elector shall be chosen from each congressional district, and two~~
17 ~~presidential electors shall be chosen at large.~~ The officers of the
18 convention shall certify the names of the electors to the Governor and
19 Secretary of State.

20 Sec. 2. Section 32-713, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-713 (1) The certificates of appointment for presidential electors
23 shall be served by the Governor on each person appointed. The Governor
24 shall notify the presidential electors to be at the State Capitol at noon
25 on the first Monday after the second Wednesday in December after
26 appointment and report to the Governor at his or her office in the
27 capitol as being in attendance. The Governor shall serve the certificates
28 of appointment by registered or certified mail. In submitting this
29 state's certificate of ascertainment as required by 3 U.S.C. 6, the
30 Governor shall certify this state's presidential electors and state in
31 the certificate that:

1 (a) The presidential electors will serve as presidential electors
2 unless a vacancy occurs in the office of presidential elector before the
3 end of the meeting at which the presidential electors cast their votes,
4 in which case a substitute presidential elector will fill the vacancy;
5 and

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

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

19 Sec. 3. Section 32-714, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-714 (1) The Governor shall provide each presidential elector with
22 a list of all the presidential electors. If any presidential elector is
23 absent or if there is a deficiency in the proper number of presidential
24 electors, those present shall elect from the citizens of the state so
25 many persons as will supply the deficiency and immediately issue a
26 certificate of election, signed by those present or a majority of them,
27 to the person or persons so chosen. In case of failure to elect as
28 required in this subsection by 3 p.m. of such day or in case of a vacancy
29 created under subsection (4) of this section, the Governor shall fill the
30 vacancies by appointment. Each appointee shall execute the pledge in
31 section 32-713. After all vacancies are filled, the presidential electors

1 shall proceed with the election of a President of the United States and a
2 Vice President of the United States and certify their votes in conformity
3 with the Constitution and laws of the United States.

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

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

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

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

26 32-1038 (1) The board of state canvassers shall authorize the
27 Secretary of State to open the abstracts of votes from the various
28 counties and prepare an abstract stating the number of ballots cast for
29 each office, the names of all the persons voted for, for what office they
30 respectively received the votes, and the number of votes each received.
31 The abstract shall be signed by the members of the board and shall have

1 the seal of the state affixed by the Secretary of State. The canvass of
2 the votes for candidates for President and Vice President of the United
3 States and the return thereof shall be a canvass and return of the votes
4 cast for the presidential electors of the same party or group of
5 petitioners respectively, and the certificate of such election made by
6 the Governor shall be in accord with such return. Receipt by the
7 presidential electors of a party or a group of petitioners of the highest
8 number of votes statewide shall constitute election of the ~~two at large~~
9 presidential electors of that party or group of petitioners. ~~Receipt by~~
10 ~~the presidential electors of a party or a group of petitioners of the~~
11 ~~highest number of votes in a congressional district shall constitute~~
12 ~~election of the congressional district presidential elector of that party~~
13 ~~or group of petitioners.~~

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

22 Sec. 5. Original sections 32-710, 32-713, 32-714, and 32-1038,
23 Reissue Revised Statutes of Nebraska, are repealed.