

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 3**

Introduced by Lippincott, 34; at the request of the Governor.

Read first time January 09, 2025

Committee:

- 1 A BILL FOR AN ACT relating to presidential electors; to amend sections
- 2 32-710, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska,
- 3 and section 32-713, Revised Statutes Cumulative Supplement, 2024; to
- 4 change provisions relating to selection of presidential electors;
- 5 and to repeal the original sections.
- 6 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. ~~Five One presidential~~  
16 ~~elector shall be chosen from each congressional district, and two~~  
17 presidential electors shall be selected ~~chosen at large~~. The officers of  
18 the convention shall certify the names of the electors to the Governor  
19 and Secretary of State.

20           **Sec. 2.** Section 32-713, Revised Statutes Cumulative Supplement,  
21 2024, is 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 meeting location  
25 designated by the Governor at noon on the first Tuesday after the second  
26 Wednesday in December after appointment and report to the Governor at the  
27 designated meeting location as being in attendance. The Governor shall  
28 serve the certificates of appointment by registered or certified mail. In  
29 submitting this state's certificate of ascertainment as required by 3  
30 U.S.C. 5, the Governor shall certify this state's presidential electors,  
31 include a security feature for purposes of verifying the authenticity of

1 the certificate, and state in the certificate that:

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

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

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

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

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

1 section 32-713. After all vacancies are filled, the presidential electors  
2 shall proceed with the election of a President of the United States and a  
3 Vice President of the United States and certify their votes in conformity  
4 with the Constitution and laws of the United States.

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

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

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

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

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

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

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

23 **Sec. 5.** Original sections 32-710, 32-714, and 32-1038, Reissue  
24 Revised Statutes of Nebraska, and section 32-713, Revised Statutes  
25 Cumulative Supplement, 2024, are repealed.