

August 12, 1992 LB 7, 9

should be on the ballot, everyone needs to...excuse me, everyone needs to petition to be on the ballot. Now I want to go to the language that we actually have, the actual wording that we have. And we have the following, on line 25, page 8, we have new language going into page 9 on LB 9, and with Section 4, starting with line 11 on page 8 talks about when a vacancy exists. And I'm going to line 19 now, on page 8. It says, a vacancy shall deem to exist when, and we go to the possible scenarios of the old law that is still the law now, any person ceases, for any reason, to be a candidate for office for which he or she is nominated in the primary. Number two, a vacancy will exist if no person was nominated for the office in the primary. (c) The number of candidates for office is less than twice the number of positions filled, or, and here's the new language, (d) the boundaries of a legislative district are changed by the Legislature between the primary and general elections. Now, when you analyze that, what we've done is put a new category for when a vacancy exists. Now we have a vacancy will exist when the Legislature, if we pass LB 7, or any other...

PRESIDENT MOUL: One minute.

SENATOR BERNARD-STEVENS: ...derivative of LB 7, we have a vacancy. But in the language no where have we stated that the primary election, that was held in District 17, was null and void. No where have we stated that the two candidates who hold a certificate of election, that says their names will be on the ballot, no where have we stated that those certificates of election are not...they're invalid now. So, what we technically have, in my judgment, are a couple scenarios. We have created a vacancy on the ballot in District 17. That can be determined to be a couple of things. One, it could mean that since we have not invalidated the primary election, that we have two candidates that should be on the general election ballot because they hold certificates of election, and since we put a new definition on vacancy, people now can...

PRESIDENT MOUL: Time.

SENATOR BERNARD-STEVENS: ...go on the process and on the ballot. And I'd like to continue that to press the point of the difficulty we have when I get another moment.

PRESIDENT MOUL: Thank you, Senator Bernard-Stevens. Senator Schimek.