

## LEGISLATIVE BILL 1158

Approved by the Governor April 18, 1998

Introduced by D. Pederson, 42

AN ACT relating to laws; to amend sections 24-806 and 49-905, Reissue Revised Statutes of Nebraska; to change nominating provisions for membership on judicial nominating commissions; to change provisions relating to reimbursement for members of the Commission on Uniform State Laws; to change membership provisions; and to repeal the original sections.

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

Section 1. Section 24-806, Reissue Revised Statutes of Nebraska, is amended to read:

24-806. (1) Lawyer members and alternate lawyer members of any judicial nominating commission shall be members of the bar of the State of Nebraska and shall reside in the judicial district or area of the state served by the commission except as provided in subsection (2) of this section. Not more than two lawyer members of each commission shall be registered members of the same political party or category, and not more than two alternate lawyer members shall be registered members of the same political party or category. Nominations for lawyer members of each commission shall be solicited in writing by the Clerk of the Supreme Court from all the lawyers of the district or area served on or before September 1 of each even-numbered year. Nominations of lawyer members shall be made in writing and filed in the office of the Clerk of the Supreme Court on or before October 1 of each even-numbered year. Each nomination of a lawyer member shall be accompanied by a written consent of the nominee to serve as a member of the commission if elected. The nominations shall be solicited and distributed on the ballot by the Clerk of the Supreme Court from the legally recognized political parties and in such a manner as will permit the final selection to be made within the required political party. ~~At least two qualified lawyers shall be nominated for each position.~~

(2) If ~~solicited nominations are insufficient~~ ~~insufficient nominations are made~~ to provide ~~two~~ candidates from the permissible political parties for each vacancy, the Executive Council of the Nebraska State Bar Association, within ten days after the last day for filing nominations, shall nominate additional candidates for the position so that there shall be ~~a~~ ~~two~~ qualified ~~candidate~~ ~~candidates~~ for each position. Such candidates need not reside in the judicial district or area served by such judicial nominating commission.

(3) The Clerk of the Supreme Court shall mail a ballot with the name of each nominee to all members of the bar of Nebraska residing in the judicial district or area designating a date at least ten days and not more than fourteen days after the date of such mailing by the Clerk of the Supreme Court when the ballots will be opened and counted. The ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary of State, and the Attorney General or by alternates designated by any of them to serve in his or her place. The Clerk of the Supreme Court shall insure that the election is so conducted as to maintain the secrecy of the ballot and the validity of the results. The candidate of the required political party receiving the highest number of votes shall be considered as having been elected to the commission. The candidate of the required political party receiving the next highest number of votes shall be considered as having been elected an alternate lawyer member of the commission and shall serve as a lawyer member of the commission in the event of a lawyer member vacancy of the same political party or category on the commission created either by resignation or disqualification. In the case of a resignation, an alternate lawyer member shall continue to serve as a member of the commission until the term of office of his or her predecessor expires.

(4) In any election when more than one lawyer member of a judicial nominating commission is to be elected, the nominees shall be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest number of votes shall be considered as having been elected for the longest term. The candidate receiving the next highest number of votes shall be deemed to have been elected for next to the longest term, and if an alternate lawyer member or members are to be elected, the candidate or candidates receiving the third and fourth highest number of votes shall be

deemed elected as the alternate lawyer member or members. In case of ties the determination shall be made by lot by the counting board.

Sec. 2. Section 49-905, Reissue Revised Statutes of Nebraska, is amended to read:

49-905. There may be appropriated a sum sufficient to reimburse appointed members of the Commission on Uniform State Laws for their necessary expenses in performing the duties of their offices as provided in sections 81-1174 to 81-1177, ~~for state employees,~~ to defray the cost of printing the commission's reports, and to make a contribution for the said purposes set forth herein, in section 49-904 on behalf of this state, to the National Conference of Commissioners on Uniform State Laws.

Sec. 3. Until the effective date of this act, the Revisor of Statutes shall continue to serve as an associate member of the National Conference of Commissioners on Uniform State Laws. On and after the effective date of this act, the Revisor of Statutes shall serve as a commissioner.

Sec. 4. Original sections 24-806 and 49-905, Reissue Revised Statutes of Nebraska, are repealed.