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FLOOR DEBATE

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vacancies in the Senate, which can be filled by appointment by the Governor, the U.S. Constitution requires an election to fill a vacancy in the House of Representatives. The Secretary of State, along with the Governor, felt that a recent circuit court decision on filling vacancies in the House warranted a review of our laws on this topic. The case, ACLU of Ohio v. Taft, was heard by the Sixth Circuit. You may remember Representative Traficant from Ohio, who was expelled from Congress on July 24, 2002. The Governor of Ohio announced he would not call a special session to fill the House vacancy. Congress was scheduled to adjourn on October 3, but did not adjourn sine die until November 22. At the general election, a new congressman was elected, but he didn't take office until January 3 of 2003. In other words, the district was unrepresented from July 2002 to January 2003. The court held that the U.S. Constitution imposed a mandatory duty upon the Governor to hold an election to fill the vacancy, and although there may be situations where an election is not necessary because the time remaining in Congress is de minimis, that was not the situation in Ohio. In order to ensure Nebraska meets the standards articulated in the Sixth Circuit Court case, and to provide the Governor with more specific guidelines on when to order a special election, this bill was introduced. The specific provisions of the bill are as follows: If a vacancy occurs on or after August 1 and before the statewide election in an even-numbered year, the Governor will order a special election to be held in conjunction with the statewide general election, and you can actually follow along on your orange sheet as I'm reading the text here. The only candidates who may appear on the ballot, in that first column then, are candidates who were nominated at the statewide primary election or who comply with the current provisions for filling a vacancy for a partisan office. The candidate receiving the most votes at such special election will serve for the remainder of office...remainder of the vacated term and for the succeeding term of office. So those candidates, under the first column, would all (A) already be on the ballot, or they would be nominated through the partisan vacancy provisions. In other words, they would be nominated by their political party. Or they would be a person who filed petitions pursuant to Section 32-616, and that's going to be the committee amendment,