

AMENDMENTS TO LB382

Introduced by Haar

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 32-710, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

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

1           Sec. 2. Section 32-714, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-714 The Governor shall provide each presidential  
4 elector with a list of all the electors. If any elector is  
5 absent or if there is a deficiency in the proper number of  
6 electors, those present shall elect from the citizens of the state  
7 so many persons as will supply the deficiency and immediately issue  
8 a certificate of election, signed by those present or a majority  
9 of them, to the person or persons so chosen. In case of failure to  
10 elect by 3 p.m. of such day, the Governor shall fill the vacancies  
11 by appointment. After all vacancies are filled, the college of  
12 electors shall proceed with the election of a President of the  
13 United States and a Vice President of the United States and certify  
14 their votes in conformity with the Constitution and laws of the  
15 United States. ~~Each at-large presidential elector shall cast his~~  
16 ~~or her ballot for the presidential and vice-presidential candidates~~  
17 ~~who received the highest number of votes in the state. Each~~  
18 ~~congressional district presidential elector shall cast his or her~~  
19 ~~ballot for the presidential and vice-presidential candidates who~~  
20 ~~received the highest number of votes in his or her congressional~~  
21 ~~district. The presidential electors shall be divided among nominees~~  
22 ~~for President of the United States by multiplying the number of~~  
23 ~~presidential electors by the percentage of the statewide popular~~  
24 ~~vote received by a nominee for President of the United States and~~  
25 ~~rounding up to the nearest whole number, subject to the following:~~

26           (1) If the total number of presidential electors  
27 allocated to all candidates is greater than the number of available

1 electors, the number of presidential electors allocated to the  
2 nominee with the smallest percentage of the statewide popular vote  
3 shall be reduced by one; and

4 (2) If necessary, the process in subdivision (1) of this  
5 section shall be repeated, starting with the nominee for President  
6 of the United States who finished next to last in the statewide  
7 popular vote and ending with the nominee for President of the  
8 United States who finished second in the statewide popular vote.

9           Sec. 3. Section 32-1038, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           32-1038 (1) The board of state canvassers shall authorize  
12 the Secretary of State to open the abstracts of votes from the  
13 various counties and prepare an abstract stating the number of  
14 ballots cast for each office, the names of all the persons voted  
15 for, for what office they respectively received the votes, and  
16 the number of votes each received. The abstract shall be signed  
17 by the members of the board and shall have the seal of the  
18 state affixed by the Secretary of State. The canvass of the votes  
19 for candidates for President and Vice President of the United  
20 States and the return thereof shall be a canvass and return of  
21 the votes cast for the presidential electors of the same party  
22 or group of petitioners respectively, and the certificate of  
23 such election made by the Governor shall be in accord with such  
24 return. Receipt by the presidential electors of a party or a group  
25 of petitioners of the highest number of votes statewide shall  
26 constitute election of the two at-large presidential electors of  
27 that party or group of petitioners. Receipt by the presidential

1 ~~electors of a party or a group of petitioners of the highest number~~  
2 ~~of votes in a congressional district shall constitute election of~~  
3 ~~the congressional district presidential elector of that party or~~  
4 ~~group of petitioners.~~

5           (2) The board of state canvassers shall determine from  
6 the completed abstract the names of those candidates who have been  
7 nominated or elected. If any two or more persons are returned  
8 with an equal and the highest number of votes, the board of state  
9 canvassers shall decide by lot which of such persons is elected  
10 except for officers elected to the executive branch. The board of  
11 state canvassers shall also declare those measures carried which  
12 have received the required percentage of votes as provided by law.

13           Sec. 4. Original sections 32-714 and 32-1038, Reissue  
14 Revised Statutes of Nebraska, and section 32-710, Revised Statutes  
15 Cumulative Supplement, 2012, are repealed.