

LEGISLATIVE BILL 253

Approved by the Governor March 1, 2001

Introduced by Schimek, 27

AN ACT relating to recounts; to amend section 32-1122, Reissue Revised Statutes of Nebraska; to change procedures for determining the winner of a primary election resulting in a tie vote; and to repeal the original section.

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

Section 1. Section 32-1122, Reissue Revised Statutes of Nebraska, is amended to read:

32-1122. (1) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for the same nomination for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be nominated. The election commissioner or county clerk shall notify such candidates by certified mail to appear at his or her office on a given day and hour to determine the same before the county canvassing board. The election commissioner or county clerk shall make a certificate of nomination for the person so nominated and shall cause such certificate to be delivered to the person entitled thereto.

(2) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be elected. The election commissioner or county clerk shall notify such candidates by certified mail to appear at his or her office on a given day and hour to determine the same before the county canvassing board. The election commissioner or county clerk shall make a certificate of election for the person so elected and shall cause such certificate to be delivered to the person entitled thereto.

(3) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for nomination to an office canvassed by the board of state canvassers, the board shall decide by lot which of such persons is nominated. ~~for the office of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, or other officer elected to an executive department, the Legislature shall choose one of such persons for nomination to the office.~~

(4) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for the office of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, or other officer elected to an executive department, the Legislature shall choose one of such persons for the office.

(5) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for nomination to an office canvassed by the board of state canvassers, the board shall decide by lot which of such persons is nominated, ~~except officers elected to the executive department.~~

~~(6)~~ If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for an office canvassed by the board of state canvassers, the board shall decide by lot which of such persons is elected, ~~except officers elected to the executive department.~~

Sec. 2. Original section 32-1122, Reissue Revised Statutes of Nebraska, is repealed.