

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 764**

Introduced by Lippincott, 34.

Read first time January 18, 2023

Committee:

- 1 A BILL FOR AN ACT relating to presidential electors; to amend sections
- 2 32-710, 32-713, 32-714, and 32-1038, Reissue Revised Statutes of
- 3 Nebraska; to change provisions relating to ballots cast by
- 4 presidential electors; and to repeal the regional sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-710, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-710 Each political party shall hold a state convention biennially  
4 on a date to be fixed by the state central committee but not later than  
5 September 1. Candidates for elective offices may be nominated at such  
6 conventions pursuant to section 32-627 or 32-721. Such nominations shall  
7 be certified to the Secretary of State by the chairperson and secretary  
8 of the convention. The certificates shall have the same force and effect  
9 as nominations in primary elections. A political party may not nominate a  
10 candidate at the convention for an office for which the party did not  
11 nominate a candidate at the primary election except as provided for new  
12 political parties in section 32-621. The convention shall formulate and  
13 promulgate a state platform, select a state central committee, select  
14 electors for President and Vice President of the United States, and  
15 transact the business which is properly before it. ~~One presidential~~  
16 ~~elector shall be chosen from each congressional district, and two~~  
17 ~~presidential electors shall be chosen at large.~~ The officers of the  
18 convention shall certify the names of the electors to the Governor and  
19 Secretary of State.

20 Sec. 2. Section 32-713, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 32-713 (1) The certificates of appointment for presidential electors  
23 shall be served by the Governor on each person appointed. The Governor  
24 shall notify the presidential electors to be at the State Capitol at noon  
25 on the first Monday after the second Wednesday in December after  
26 appointment and report to the Governor at his or her office in the  
27 capitol as being in attendance. The Governor shall serve the certificates  
28 of appointment by registered or certified mail. In submitting this  
29 state's certificate of ascertainment as required by 3 U.S.C. 6, the  
30 Governor shall certify this state's presidential electors and state in  
31 the certificate that:

1 (a) The presidential electors will serve as presidential electors  
2 unless a vacancy occurs in the office of presidential elector before the  
3 end of the meeting at which the presidential electors cast their votes,  
4 in which case a substitute presidential elector will fill the vacancy;  
5 and

6 (b) If a substitute presidential elector is appointed to fill a  
7 vacancy, the Governor will submit an amended certificate of ascertainment  
8 stating the names on the final list of this state's presidential  
9 electors.

10 (2) The presidential electors shall convene at 2 p.m. of such Monday  
11 at the Governor's office in the capitol. Each presidential elector shall  
12 execute the following pledge: As a presidential elector duly selected (or  
13 appointed) for this position, I agree to serve and to mark my ballots for  
14 President and Vice President for the presidential and vice-presidential  
15 candidates who received the highest number of votes in the state ~~if I am~~  
16 ~~an at-large presidential elector or the highest number of votes in my~~  
17 ~~congressional district if I am a congressional district presidential~~  
18 ~~elector.~~

19 Sec. 3. Section 32-714, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 32-714 (1) The Governor shall provide each presidential elector with  
22 a list of all the presidential electors. If any presidential elector is  
23 absent or if there is a deficiency in the proper number of presidential  
24 electors, those present shall elect from the citizens of the state so  
25 many persons as will supply the deficiency and immediately issue a  
26 certificate of election, signed by those present or a majority of them,  
27 to the person or persons so chosen. In case of failure to elect as  
28 required in this subsection by 3 p.m. of such day or in case of a vacancy  
29 created under subsection (4) of this section, the Governor shall fill the  
30 vacancies by appointment. Each appointee shall execute the pledge in  
31 section 32-713. After all vacancies are filled, the presidential electors

1 shall proceed with the election of a President of the United States and a  
2 Vice President of the United States and certify their votes in conformity  
3 with the Constitution and laws of the United States.

4 (2) The Secretary of State shall provide each presidential elector  
5 with a presidential and vice-presidential ballot. Each at-large  
6 presidential elector shall mark his or her ballot for the presidential  
7 and vice-presidential candidates who received the highest number of votes  
8 in the state and consistent with his or her pledge. ~~Each congressional~~  
9 ~~district presidential elector shall mark his or her ballot for the~~  
10 ~~presidential and vice-presidential candidates who received the highest~~  
11 ~~number of votes in his or her congressional district and consistent with~~  
12 ~~his or her pledge.~~

13 (3) Each presidential elector shall present the completed ballot to  
14 the Secretary of State. The Secretary of State shall examine each ballot  
15 and accept as cast each ballot marked by a presidential elector  
16 consistent with his or her pledge. The Secretary of State shall not  
17 accept and shall not count the ballot if the presidential elector has not  
18 marked the ballot or has marked the ballot in violation of his or her  
19 pledge.

20 (4) A presidential elector who refuses to present a ballot, who  
21 attempts to present an unmarked ballot, or who attempts to present a  
22 ballot marked in violation of his or her pledge vacates the office of  
23 presidential elector.

24 Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 32-1038 (1) The board of state canvassers shall authorize the  
27 Secretary of State to open the abstracts of votes from the various  
28 counties and prepare an abstract stating the number of ballots cast for  
29 each office, the names of all the persons voted for, for what office they  
30 respectively received the votes, and the number of votes each received.  
31 The abstract shall be signed by the members of the board and shall have

1 the seal of the state affixed by the Secretary of State. The canvass of  
2 the votes for candidates for President and Vice President of the United  
3 States and the return thereof shall be a canvass and return of the votes  
4 cast for the presidential electors of the same party or group of  
5 petitioners respectively, and the certificate of such election made by  
6 the Governor shall be in accord with such return. Receipt by the  
7 presidential electors of a party or a group of petitioners of the highest  
8 number of votes statewide shall constitute election of the ~~two at large~~  
9 presidential electors of that party or group of petitioners. ~~Receipt by~~  
10 ~~the presidential electors of a party or a group of petitioners of the~~  
11 ~~highest number of votes in a congressional district shall constitute~~  
12 ~~election of the congressional district presidential elector of that party~~  
13 ~~or group of petitioners.~~

14 (2) The board of state canvassers shall determine from the completed  
15 abstract the names of those candidates who have been nominated or  
16 elected. If any two or more persons are returned with an equal and the  
17 highest number of votes, the board of state canvassers shall decide by  
18 lot which of such persons is elected except for officers elected to the  
19 executive branch. The board of state canvassers shall also declare those  
20 measures carried which have received the required percentage of votes as  
21 provided by law.

22 Sec. 5. Original sections 32-710, 32-713, 32-714, and 32-1038,  
23 Reissue Revised Statutes of Nebraska, are repealed.