

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 367**

Introduced by McCoy, 39.

Read first time January 13, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to presidential electors; to amend sections  
2 32-713 and 32-714, Reissue Revised Statutes of Nebraska;  
3 to require a pledge; to change balloting and vacancy  
4 provisions; and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-713, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-713 (1) The certificates of appointment for  
4 presidential electors shall be served by the Governor on each person  
5 appointed. The Governor shall notify the presidential electors to be  
6 at the State Capitol at noon on the first Monday after the second  
7 Wednesday in December after appointment and report to the Governor at  
8 his or her office in the capitol as being in attendance. The Governor  
9 shall serve the certificates of appointment by registered or  
10 certified mail. In submitting this state's certificate of  
11 ascertainment as required by 3 U.S.C. 6, the Governor shall certify  
12 this state's presidential electors and state in the certificate that:

13           (a) The presidential electors will serve as presidential  
14 electors unless a vacancy occurs in the office of presidential  
15 elector before the end of the meeting at which the presidential  
16 electors cast their votes, in which case a substitute presidential  
17 elector will fill the vacancy; and

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

22           (2) The presidential electors shall convene at 2 p.m. of  
23 such Monday at the Governor's office in the capitol. Each  
24 presidential elector shall execute the following pledge: As a  
25 presidential elector duly selected (or appointed) for this position,

1 I agree to serve and to mark my ballots for President and Vice  
2 President for the nominees for those offices of the party that  
3 selected me (or for which I was appointed).

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

6           32-714 (1) The Governor shall provide each presidential  
7 elector with a list of all the presidential electors. If any  
8 presidential elector is absent or if there is a deficiency in the  
9 proper number of presidential electors, those present shall elect  
10 from the citizens of the state so many persons as will supply the  
11 deficiency and immediately issue a certificate of election, signed by  
12 those present or a majority of them, to the person or persons so  
13 chosen. In case of failure to elect as required in this subsection by  
14 3 p.m. of such day or in case of a vacancy created under subsection  
15 (4) of this section, the Governor shall fill the vacancies by  
16 appointment. Each appointee shall execute the pledge in section  
17 32-713. After all vacancies are filled, the college of presidential  
18 electors shall proceed with the election of a President of the United  
19 States and a Vice President of the United States and certify their  
20 votes in conformity with the Constitution and laws of the United  
21 States.

22           (2) The Secretary of State shall provide each  
23 presidential elector with a presidential and vice-presidential  
24 ballot. Each at-large presidential elector shall ~~cast~~ mark his or her  
25 ballot for the presidential and vice-presidential candidates who

1 received the highest number of votes in the state and consistent with  
2 his or her pledge. Each congressional district presidential elector  
3 shall ~~cast~~ mark his or her ballot for the presidential and vice-  
4 presidential candidates who received the highest number of votes in  
5 his or her congressional district and consistent with his or her  
6 pledge.

7           (3) Each presidential elector shall present the completed  
8 ballot to the Secretary of State. The Secretary of State shall  
9 examine each ballot and accept as cast each ballot marked by a  
10 presidential elector consistent with his or her pledge. The Secretary  
11 of State shall not accept and shall not count the ballot if the  
12 presidential elector has not marked the ballot or has marked the  
13 ballot in violation of his or her pledge.

14           (4) A presidential elector who refuses to present a  
15 ballot, who attempts to present an unmarked ballot, or who attempts  
16 to present a ballot marked in violation of his or her pledge vacates  
17 the office of presidential elector.

18           Sec. 3. Original sections 32-713 and 32-714, Reissue  
19 Revised Statutes of Nebraska, are repealed.