

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 654

Introduced by Christensen, 44.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-620, 32-714,
2 and 32-813, Reissue Revised Statutes of Nebraska; to
3 provide filing requirements for candidates for President
4 and Vice President of the United States; to provide
5 powers and duties for the Secretary of State; to prohibit
6 certain acts by presidential electors; to provide a
7 penalty; to harmonize provisions; to repeal the original
8 sections; and to outright repeal section 32-712, Reissue
9 Revised Statutes of Nebraska.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-620, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-620 (1) No later than September 8 prior to any general
4 election at which candidates for President and Vice President of the
5 United States are to be voted upon by the registered voters of this
6 state, the appropriate officer or officers of each national political
7 party convention shall certify to the Secretary of State the names
8 and addresses of the candidates for the offices of President and Vice
9 President of the United States which that party wishes to have appear
10 on the general election ballot. Such certification shall include the
11 affidavits and supporting documentation required under subsections
12 (4) through (6) of this section.

13 ~~Partisan candidates for the offices of President and Vice~~
14 ~~President of the United States on the general election ballot shall~~
15 ~~be certified to the Governor and Secretary of State by the national~~
16 ~~nominating convention as provided by law.~~

17 (2) Candidates for the offices of President and Vice
18 President of the United States of newly established political parties
19 or of nonpartisan status may obtain general election ballot position
20 by filing with the Secretary of State:

21 ~~(1)~~-(a) An application containing:

22 ~~(a)~~-(i) The name or names to be printed on the ballot;

23 ~~(b)~~-(ii) The status of the candidacy, whether nonpartisan
24 or partisan;

25 ~~(c)~~-(iii) The written consent of the designated vice-

1 presidential candidate to have his or her name printed on the ballot;

2 and

3 (iv) The affidavits and supporting documentation required
4 under subsections (4) through (6) of this section; and

5 ~~(d)~~(v) The names and addresses of the persons who will
6 represent the applicant as presidential elector candidates together
7 with the written consent of such persons to become candidates; and

8 ~~(2)~~(b) A petition signed by not less than two thousand
9 five hundred registered voters. Such petitions shall conform to the
10 requirements of section 32-628 and shall not be circulated until
11 after the date of the primary election in that election year.
12 Registered voters who voted in the primary election of any political
13 party that held a presidential preference primary election that year
14 shall be ineligible to sign the petitions of any other candidate for
15 president.

16 (3) If write-in candidates for President and Vice
17 President of the United States receive the most votes in a general
18 election as canvassed by the board of state canvassers, such
19 candidates shall file with the Secretary of State, within five days
20 after the canvass of votes, the affidavits and supporting
21 documentation required under subsections (4) through (6) of this
22 section. The Secretary of State shall make the determination and
23 certification of the candidates' eligibility in accordance with
24 subsection (7) of this section, except that such certification shall
25 be made within seven days after the canvassing of the votes. The

1 appeal process of subsection (7) of this section shall apply, except
2 that any appeal shall be filed within five days after the
3 determination by the Secretary of State.

4 (4) Each person who wishes to have his or her name placed
5 on the general election ballot as a candidate for President or Vice
6 President of the United States shall first meet the eligibility
7 requirements of Article II, section 1, of the Constitution of the
8 United States. Such person shall submit an affidavit to the Secretary
9 of State along with supporting documentation as specified in
10 subsections (5) and (6) of this section by September 8 of the year in
11 which the election is scheduled. The affidavit and supporting
12 documentation shall be a public record.

13 (5) The affidavit shall be sworn or affirmed before a
14 notary public and shall contain statements substantially as follows:

15 I was born a citizen of the United States of America and
16 was subject exclusively to the jurisdiction of the United States of
17 America, owing allegiance to no other country at the time of my
18 birth. On the day I was born, both my birth mother and birth father
19 were citizens of the United States of America. As further evidence of
20 the above statements, I have attached the items required in
21 subsection (6) of this section.

22 As of inauguration day, (insert year office will
23 be assumed upon election), I will have obtained the age of thirty-
24 five years and will have resided in the United States of America for
25 at least fourteen years, including the following periods at the

1 corresponding address(es)(add additional sheets if necessary):

2 (6)(a) Each candidate for President or Vice President of
3 the United States shall (i) attach documents as indicated in each of
4 the three requirements in the following subdivisions, some of which
5 require multiple documents, (ii) state in the affidavit which
6 required documents are attached that meet such requirements, and
7 (iii) include in the affidavit, statements substantially as indicated
8 in this subsection as applicable.

9 (b) Requirement number one: One of the following in
10 subdivision (i) or (ii) of this subdivision:

11 (i) A certified copy of my first original long-form birth
12 certificate issued shortly after the time of my birth; or

13 (ii) Only if the document described in subdivision (i) of
14 this subdivision is not obtainable under the laws of the state that
15 issued my birth certificate, then both documents described in
16 subdivisions (A) and (B) of this subdivision:

17 (A) A certified copy of my certification of live birth
18 which includes the names of my birth parents who are listed on my
19 first original long-form birth certificate issued shortly after the
20 time of my birth; and

21 (B) A sworn and acknowledged affidavit by me stating that
22 my parents names contained on my certification of live birth are the
23 same birth parent names as contained on my first original birth
24 certificate;

25 (C) Requirement number two: One of the following in

1 subdivision (i) or (ii) or (iii) or (iv) or (v) of this subdivision:

2 (i) A certified copy of my birth mother's long-form birth
3 certificate indicating her United States citizenship;

4 (ii) Only if the document described in subdivision (i) of
5 this subdivision is not obtainable under the laws of the state that
6 issued my mother's birth certificate, then both documents described
7 in subdivisions (A) and (B) of this subdivision:

8 (A) A certified copy of my mother's certification of live
9 birth indicating her United States citizenship; and

10 (B) A sworn and acknowledged affidavit by me stating my
11 mother's place of birth as denoted on her long-form birth certificate
12 and stating that her parents names contained on her certification of
13 live birth are the same parent names as contained on her long-form
14 birth certificate;

15 (iii) My birth mother's Certificate of United States
16 Naturalization showing she obtained United States citizenship prior
17 to my date of birth;

18 (iv) My birth mother's Certificate of United States
19 Citizenship showing she obtained United States citizenship prior to
20 my date of birth; or

21 (v) Certified copies of documents that indicate my mother
22 was a United States citizen prior to my birth, being the same
23 documents as those required to obtain a Certificate of United States
24 Citizenship; and

25 (c) Requirement number three: One of the following in

1 subdivision (i) or (ii) or (iii) or (iv) or (v) or (vi) of this
2 subdivision:

3 (i) A certified copy of my birth father's long-form birth
4 certificate indicating his United States citizenship;

5 (ii) Only if the document described in subdivision (i) of
6 this subdivision is not obtainable under the laws of the state that
7 issued my father's birth certificate, then both documents described
8 in subdivisions (A) and (B) of this subdivision:

9 (A) A certified copy of my father's certification of live
10 birth indicating his United States citizenship; and

11 (B) A sworn and acknowledged affidavit by me stating my
12 father's place of birth as denoted on his long-form birth certificate
13 and stating that his parents names contained on his certification of
14 live birth are the same parent names as contained on his long-form
15 birth certificate;

16 (iii) My birth father's Certificate of United States
17 Naturalization showing he obtained United States citizenship prior to
18 my date of birth;

19 (iv) My birth father's Certificate of United States
20 Citizenship showing he obtained United States citizenship prior to my
21 date of birth;

22 (v) Certified copies of documents that indicate my father
23 was a United States citizen prior to my birth, being the same
24 documents as those required to obtain a Certificate of United States
25 Citizenship; or

1 (vi) A sworn and acknowledged affidavit by me stating
2 that (A) no father is listed on my first original long-form birth
3 certificate, (B) I do not know who my birth father is and (C) I have
4 no reason to believe my birth father was not a United States citizen
5 at the time of my birth.

6 (7) The Secretary of State shall make the completed
7 affidavit and supporting documentation submitted pursuant to
8 subsections (4) through (6) of this section available for public
9 inspection at his or her office within one business day of receipt.
10 The Secretary of State shall determine and certify the candidates'
11 constitutional eligibility on or before September 17 of the year in
12 which the election is scheduled. The Secretary of State shall certify
13 only those candidates who have completed notarized affidavits as
14 prescribed in this section and who have provided all required
15 accompanying documentation. The certification of the Secretary of
16 State shall be final, except that a candidate or any registered voter
17 who was registered to vote in Nebraska prior to the certification may
18 appeal the determination to the district court of Lancaster County by
19 the following October 1. A person who files an appeal in accordance
20 with this section shall have standing in the district court with
21 regard to this matter.

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

24 32-714 (1) The Governor shall provide each presidential
25 elector with a list of all the electors. If any elector is absent or

1 if there is a deficiency in the proper number of electors, those
2 present shall elect from the citizens of the state so many persons as
3 will supply the deficiency and immediately issue a certificate of
4 election, signed by those present or a majority of them, to the
5 person or persons so chosen. In case of failure to elect by 3 p.m. of
6 such day, the Governor shall fill the vacancies by appointment. After
7 all vacancies are filled, the college of electors shall proceed with
8 the election of a President of the United States and a Vice President
9 of the United States and certify their votes in conformity with the
10 Constitution and laws of the United States.

11 (2) Each at-large presidential elector shall cast his or
12 her ballot for the presidential and vice-presidential candidates who
13 received the highest number of votes in the state. Each congressional
14 district presidential elector shall cast his or her ballot for the
15 presidential and vice-presidential candidates who received the
16 highest number of votes in his or her congressional district.

17 (3) It is unlawful for any presidential elector from
18 Nebraska to cast his or her electoral college vote for a candidate
19 who is not certified by the Secretary of State as constitutionally
20 eligible to serve in accordance with section 32-620. Any presidential
21 elector violating this subsection shall be guilty of a Class IV
22 felony.

23 Sec. 3. Section 32-813, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-813 (1) The names of all candidates and all proposals

1 to be voted upon at the general election shall be arranged upon the
2 ballot in parts separated from each other by bold lines in the order
3 the offices and proposals are set forth in this section. If any
4 office is not subject to the upcoming election, the office shall be
5 omitted from the ballot and the remaining offices shall move up so
6 that the same relative order is preserved. The order of any offices
7 may be altered to allow for the best utilization of ballot space in
8 order to avoid printing a second ballot when one ballot would be
9 sufficient if an optical-scan ballot is used. All proposals on the
10 ballot shall remain separate from the offices, and the proposals
11 shall follow all offices on the ballot.

12 (2)(a) If the election is in a year in which a President
13 of the United States is to be elected, the names and spaces for
14 voting for candidates for President and Vice President shall be
15 entitled Presidential Ticket in boldface type.

16 (b) The names of candidates for President and Vice
17 President for each political party shall be grouped together, and
18 each group shall be enclosed with brackets with the political party
19 name next to the brackets and one square or oval opposite the names
20 in which the voter indicates his or her choice.

21 (c) The names of candidates for President and Vice
22 President who have successfully petitioned on the ballot for the
23 general election shall be grouped together with the candidates
24 appearing on the same petition being grouped together, and each group
25 shall be enclosed with brackets with the words "By Petition" next to

1 the brackets and one square or oval opposite the names in which the
2 voter indicates his or her choice.

3 (d) Beneath the names of the candidates for President and
4 Vice President certified by the officers of the national political
5 party conventions pursuant to section ~~32-712~~32-620 and beneath the
6 names of all candidates for President and Vice President placed on
7 the general election ballot by petition, two write-in lines shall be
8 provided in which the voter may fill in the names of the candidates
9 of his or her choice. The lines shall be enclosed with brackets with
10 one square or oval opposite the names in which the voter indicates
11 his or her choice. The name appearing on the top line shall be
12 considered to be the candidate for President, and the name appearing
13 on the second line shall be considered to be the candidate for Vice
14 President.

15 (3) The names and spaces for voting for candidates for
16 United States Senator if any are to be elected shall be entitled
17 United States Senatorial Ticket in boldface type.

18 (4) The names and spaces for voting for candidates for
19 Representatives in Congress shall be entitled Congressional Ticket in
20 boldface type. Above the candidates' names, the office shall be
21 designated For Representative in Congress District.

22 (5) The names and spaces for voting for candidates for
23 the various state officers shall be entitled State Ticket in boldface
24 type. Each set of candidates shall be separated by lines across the
25 column, and above each set of candidates shall be designated the

1 office for which they are candidates, arranged in the order
2 prescribed by the Secretary of State. The candidates for Governor of
3 each political party receiving the highest number of votes in the
4 primary election shall be grouped together with their respective
5 candidates for Lieutenant Governor. Each group shall be enclosed with
6 brackets with the political party name next to the brackets and one
7 square or oval opposite the names in which the voter indicates his or
8 her choice for Governor and Lieutenant Governor jointly. The
9 candidates for Governor and Lieutenant Governor who have successfully
10 petitioned on the general election ballot shall be grouped together
11 with the candidates appearing on the same petition being grouped
12 together. Each group shall be enclosed with brackets with the words
13 "By Petition" next to the brackets and one square or oval opposite
14 the names in which the voter indicates his or her choice for Governor
15 and Lieutenant Governor jointly. Beneath the names of the candidates
16 for Governor nominated at a primary election by political party and
17 their respective candidates for Lieutenant Governor and beneath the
18 names of all candidates for Governor and Lieutenant Governor placed
19 on the general election ballot by petition, one write-in line shall
20 be provided in which the registered voter may fill in the name of the
21 candidate for Governor of his or her choice and one square or oval
22 opposite the line in which the voter indicates his or her choice for
23 Governor.

24 (6) The names and spaces for voting for nonpartisan
25 candidates shall be entitled Nonpartisan Ticket in boldface type. The

1 names of all nonpartisan candidates shall appear in the order listed
2 in this subsection, except that when using an optical-scan ballot,
3 the order of offices may be altered to allow for the best utilization
4 of ballot space to avoid printing a second ballot when one ballot
5 would be sufficient:

- 6 (a) Legislature;
- 7 (b) State Board of Education;
- 8 (c) Board of Regents of the University of Nebraska;
- 9 (d) Chief Justice of the Supreme Court;
- 10 (e) Judge of the Supreme Court;
- 11 (f) Judge of the Court of Appeals;
- 12 (g) Judge of the Nebraska Workers' Compensation Court;
- 13 (h) Judge of the District Court;
- 14 (i) Judge of the Separate Juvenile Court;
- 15 (j) Judge of the County Court; and
- 16 (k) County officers in the order prescribed by the
17 election commissioner or county clerk.

18 (7) The names and spaces for voting for the various
19 county offices and for measures submitted to the county vote only or
20 in only a part of the county shall be entitled County Ticket in
21 boldface type. If the election commissioner or county clerk deems it
22 advisable, the measures may be submitted on a separate ballot if
23 using a paper ballot or on either side of an optical-scan ballot if
24 the ballot is placed in a ballot envelope or sleeve before being
25 deposited in a ballot box.

1 (8) The candidates for office in the precinct only or in
2 the city or village only shall be printed on the ballot, except that
3 if the election commissioner or county clerk deems it advisable,
4 candidates for these offices may be submitted on a separate ballot if
5 using a paper ballot or on either side of an optical-scan ballot if
6 the ballot is placed in a ballot envelope or sleeve before being
7 deposited in a ballot box.

8 (9) All proposals submitted by initiative or referendum
9 and proposals for constitutional amendments shall be placed on a
10 separate ballot when a paper ballot is used which requires that the
11 ballot after being voted be folded before being deposited in a ballot
12 box. When an optical-scan ballot is used which requires a ballot
13 envelope or sleeve in which the ballot after being voted is placed
14 before being deposited in a ballot box, initiative or referendum
15 proposals and proposals for constitutional amendments may be placed
16 on either side of the ballot, shall be separated by a bold line, and
17 shall follow all other offices placed on the same side of the ballot.
18 Initiative or referendum proposals and constitutional amendments so
19 arranged shall constitute a separate ballot. Proposals for
20 constitutional amendments proposed by the Legislature shall be placed
21 on the ballot as provided in sections 49-201 to 49-211.

22 Sec. 4. Original sections 32-620, 32-714, and 32-813,
23 Reissue Revised Statutes of Nebraska, are repealed.

24 Sec. 5. The following section is outright repealed:
25 Section 32-712, Reissue Revised Statutes of Nebraska.