

32-703. Delegates to national convention; selection or election; national party rules; state political party; duty. In each presidential election year, the total number of delegates and alternate delegates representing this state at the national conventions of the political parties and their method of selection or election shall be determined by the rules of the national political party holding the convention. The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of the Election Act, including ballot preparation, separation of ballots, and ballot instructions, to comply with and carry out the intent of national political party rules and court decisions. Whenever the act is in conformity with national political party rules as to the election of delegates, the election procedures found in the act shall be followed. The state political party shall furnish a copy of the national political party rules regarding selection of delegates to the Secretary of State no later than February 1 of each presidential election year.

Source:

Laws 1994, LB 76, § 203; ; Laws 1997, LB 764, § 68. ;

32-704. Candidates; delegate to national convention; filing form; contents; Secretary of State; duties. The filing form for nomination of a candidate for election as a delegate to the national convention of a political party shall (1) contain a statement of the candidate's preference for the candidacy for the office of President of the United States or that he or she is uncommitted, (2) include a pledge that the candidate, if elected, will use his or her best efforts at the convention for the candidate indicated as his or her preference for the office of President until (a) such candidate receives less than thirty-five percent of the votes for nomination by such convention or releases the delegate from such pledge or (b) two convention nominating ballots have been taken, and (3) be filed with the Secretary of State. No filing form for nomination shall be accepted unless signed by the candidate. The Secretary of State shall prescribe the filing form for nomination.

Source:

Laws 1994, LB 76, § 204. ;

The expression of a preference for President by those voting at primary election does not control presidential electors, and is only morally binding on delegates to national party conventions. State ex rel. Nebraska Rep. State C. Com. v. Wait, 92 Neb. 313, 138 N.W. 159 (1912), 43 L.R.A.N.S. 282 (1912).

32-705. Delegates to national convention; certificates of election; Secretary of State shall issue. The Secretary of State shall issue certificates of election to persons elected as delegates to national conventions of the political parties. The certificate shall show the number of votes received in the state by each candidate of the political party for President represented by such delegate.
Source:

Laws 1994, LB 76, § 205. ;

32-706. Alternate delegates to national convention; procedure for selection; certification. Alternate delegates to the national political convention of a political party shall be selected in accordance with procedures adopted by the state central committee of each political party. A statement setting forth such procedure and certifying its adoption shall be filed in the office of the Secretary of State by the state chairperson of the political party not later than February 15 of each presidential election year. The names of those selected as alternate delegates shall be certified to the Secretary of State by the state chairperson immediately following their selection.
Source:

Laws 1994, LB 76, § 206. ;

32-712. President and Vice President; candidates; certification of names and addresses; time; Secretary of State; place names on ballot. Not later than September 8 prior to any general election at which candidates for President and Vice President of the United States are to be voted upon by the registered voters of the state, the appropriate officers of the various national political party conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The

Secretary of State shall then take appropriate steps to place the names of the presidential and vice-presidential candidates on the ballot.

Source:

Laws 1994, LB 76, § 212; ; Laws 2008, LB857, § 1.; Effective date July 18, 2008

Although Nebraska's statutes unconstitutionally deny an independent candidate access to appear on the ballot in presidential elections, the court directed the independent be included upon a determination he was a serious candidate, truly independent, with a satisfactory level of community support. *McCarthy v. Exon*, 424 F.Supp. 1143 (D. Neb. 1976).