

LEGISLATIVE BILL 57

Approved by the Governor February 4, 1975

Introduced by Executive Board, Mahoney, 5, Chmn.; Savage, 10; Stull, 49; Schmit, 23

AN ACT to amend section 24-806, Revised Statutes Supplement, 1974, relating to selection of judges; to harmonize provisions; and to repeal the original section.

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

Section 1. That section 24-806, Revised Statutes Supplement, 1974, be amended to read as follows:

24-806. Lawyer members of any judicial nominating commission ~~must~~ shall be members of the bar of the State of Nebraska residing in the judicial district or area of the state served by said judicial nominating commission, and not more than two lawyer members of each commission shall be registered members of the same political party or category. Nominations for lawyer members of each commission shall be solicited in writing by the Clerk of the Supreme Court from all the lawyers of the district or area served on May 25, 1973 and thereafter on or before September 1 of each ~~odd-numbered~~ even-numbered year. Nominations of lawyer members shall be made in writing, filed in the office of the Clerk of the Supreme Court within thirty days after May 25, 1973, and thereafter on or before October 1 of each ~~odd-numbered~~ even-numbered year. Each nomination of said lawyer member shall be accompanied by a written consent of the nominee to serve as a member of said judicial nominating commission, if elected. The nominations shall be solicited and distributed on the ballot by the Clerk of the Supreme Court from the legally recognized political parties and in such a manner as will permit the final selection to be made within the required political party. At least two qualified lawyers must be nominated for each position and if insufficient nominations are made to provide two candidates from the permissible political parties, the Executive Council of the Nebraska State Bar Association, within ten days after the last day for filing nominations, shall nominate additional candidates for said position so that there shall be two qualified candidates for each position. The Clerk of the Supreme Court shall then mail a ballot, with the names of each nominee, to all members of the bar of Nebraska residing in such district or area, designating a date at least ten days and not more than fourteen days after the

date of such mailing by the Clerk of the Supreme Court when said ballots will be opened and counted. Said ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary of State, and the Attorney General or by alternates designated by any of them to serve in his place. The Clerk of the Supreme Court shall insure that said election is so conducted as to maintain the secrecy of said ballot and the validity of the results. In any election where more than one lawyer member of a nominating commission is to be elected the nominees shall be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest vote shall be considered as having been elected for the longest term. The candidate receiving the next highest number of votes shall be deemed to have been elected for next to the longest term and, if a third member is to be elected, the candidate receiving the third highest vote shall be deemed elected to the shortest term. In case of ties the determination shall be made by lot by the counting board.

Sec. 2. That original section 24-806, Revised Statutes Supplement, 1974, is repealed.