

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 588**

Introduced by Pansing Brooks, 28.

Read first time January 21, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend section 32-943, Reissue  
2 Revised Statutes of Nebraska, and sections 32-808 and 32-941,  
3 Revised Statutes Cumulative Supplement, 2014; to provide for  
4 application for ballots to vote early on the Secretary of State's  
5 web site; to harmonize provisions; and to repeal the original  
6 sections.

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

1 Section 1. Section 32-808, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 32-808 (1) Except as otherwise provided in section 32-939.02,  
4 ballots for early voting to be mailed pursuant to section 32-941 shall be  
5 ready for delivery to registered voters at least thirty-five days prior  
6 to each statewide primary or general election and at least fifteen days  
7 prior to all other elections.

8 (2) The election commissioner or county clerk shall not mail or  
9 issue any ballot for early voting if the election to which such ballot  
10 pertains has already been held.

11 (3) The election commissioner or county clerk shall publish in a  
12 newspaper of general circulation in the county an application form to be  
13 used by registered voters in making an application for a ballot for early  
14 voting after the ballots become available. The publication of the  
15 application shall not be required if the election is held by mail  
16 pursuant to sections 32-952 to 32-959.

17 (4)(a) The Secretary of State in conjunction with the Department of  
18 Motor Vehicles shall, on or before January 1, 2016, develop and implement  
19 an early voting application process which may be used statewide to apply  
20 electronically using the Secretary of State's web site to receive a  
21 ballot for early voting to vote by mail. An applicant who has a valid  
22 Nebraska motor vehicle operator's license or state identification card  
23 may use the application process to apply for a ballot for early voting  
24 after the ballots become available. For each electronic application, the  
25 Secretary of State shall verify the applicant's motor vehicle operator's  
26 license or state identification card number or the last four digits of  
27 the applicant's social security number with the records of the Department  
28 of Motor Vehicles relating to the applicant's motor vehicle operator's  
29 license or state identification card number and obtain a copy of the  
30 electronic representation of the applicant's signature from the records  
31 of the Department of Motor Vehicles relating to the applicant's motor

1 vehicle operator's license or state identification card for purposes of  
2 application verification. The Secretary of State shall forward a verified  
3 application to the election commissioner or county clerk of the county in  
4 which the applicant's address is located.

5 (b) If the request is received not more than one hundred twenty days  
6 before any election and not later than 4 p.m. on the Wednesday before the  
7 election, the election commissioner or county clerk shall mail a ballot  
8 for early voting to the applicant at the address designated on the  
9 application as the address to which the ballot is to be mailed. If the  
10 applicant designates an address to which the ballot is to be mailed other  
11 than the address at which he or she is registered to vote, the election  
12 commissioner or county clerk shall also mail a notice that the ballot has  
13 been mailed by nonforwardable, first-class mail to the address at which  
14 the applicant is registered to vote. If the applicant is not registered  
15 to vote, the election commissioner or county clerk shall include a voter  
16 registration application.

17 (c) An applicant who submits an application under this subsection  
18 knowing that any of the information in the application is false shall be  
19 guilty of election falsification and be subject to section 32-1502.

20 (d) The application shall contain substantially all the information  
21 requested in section 32-941, the applicant's motor vehicle operator's  
22 license number or state identification card number or the last four  
23 digits of the applicant's social security number, and the following  
24 informational statements:

25 (i) An applicant who submits this application electronically is  
26 affirming that the information in the application is true. Any applicant  
27 who submits this application electronically knowing that any of the  
28 information in the application is false is guilty of a Class IV felony  
29 under section 32-1502 of the statutes of Nebraska. The penalty for a  
30 Class IV felony is up to five years imprisonment, a fine of up to ten  
31 thousand dollars, or both;

1        (ii) An applicant who submits this application electronically is  
2 agreeing to having his or her motor vehicle operator's license or state  
3 identification card number or the last four digits of his or her social  
4 security number accessed in the records of the Department of Motor  
5 Vehicles and the use of his or her signature from the Department of Motor  
6 Vehicles' records of his or her motor vehicle operator's license or state  
7 identification card for purposes of application verification;

8        (iii) The completed application must be submitted not later than 4  
9 p.m. on the Wednesday before the election; and

10       (iv) The election commissioner or county clerk will, upon receipt of  
11 the application prior to the deadline, mail a ballot for early voting to  
12 the applicant at the address as indicated on the application, and if the  
13 address is different than the address at which the applicant is  
14 registered, the election commissioner or county clerk will mail a notice  
15 of the issuance of the ballot to the address at which the applicant is  
16 registered.

17       Sec. 2. Section 32-941, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19       32-941 Any registered voter permitted to vote early pursuant to  
20 section 32-938 may, not more than one hundred twenty days before any  
21 election and not later than 4 p.m. on the Wednesday preceding the  
22 election, request a ballot for the election to be mailed to a specific  
23 address. A registered voter shall request a ballot in writing to the  
24 election commissioner or county clerk in the county where the registered  
25 voter has established his or her home or electronically pursuant to  
26 subsection (4) of section 32-808 and shall indicate his or her residence  
27 address, the address to which the ballot is to be mailed if different,  
28 and his or her political party, telephone number if available, and  
29 precinct if known. The registered voter may use the form published by the  
30 election commissioner or county clerk pursuant to subsection (3) of  
31 section 32-808. The registered voter shall sign a the request made using

1 the form or any other written document. A registered voter may use a  
2 facsimile machine for the submission of a request for a ballot. The  
3 election commissioner or county clerk shall include a voter registration  
4 application with the ballots if the person is not registered.  
5 Registration applications shall not be mailed after the third Friday  
6 preceding the election. If the person is not registered to vote, the  
7 registration application shall be returned not later than the closing of  
8 the polls on the day of the election. No ballot issued under this section  
9 shall be counted unless such registration application is properly  
10 completed and processed.

11 Sec. 3. Section 32-943, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 32-943 (1) Any registered voter who is permitted to vote early  
14 pursuant to section 32-938 may appoint an agent to submit a request for a  
15 ballot for early voting on his or her behalf. The registered voter or his  
16 or her agent may request that the ballot be sent to the registered voter  
17 by mail or indicate on the request that the agent will personally pick up  
18 the ballot for such registered voter from the office of the election  
19 commissioner or county clerk. A registered voter or an agent acting on  
20 behalf of a registered voter shall request a ballot in writing to the  
21 election commissioner or county clerk in the county where the registered  
22 voter has established his or her residence and shall indicate the voter's  
23 residence address, the address to which the ballot is to be mailed if  
24 different, and the voter's telephone number if available and precinct if  
25 known. The registered voter or the voter's agent may use the form  
26 published by the election commissioner or county clerk pursuant to  
27 subsection (3) of section 32-808. The registered voter or his or her  
28 agent shall sign the request.

29 (2) A candidate for office at such election and any person serving  
30 on a campaign committee for such a candidate shall not act as an agent  
31 for any registered voter requesting a ballot pursuant to this section

1 unless such person is a member of the registered voter's family. No  
2 person shall act as agent for more than two registered voters in any  
3 election.

4 (3) The agent shall pick up the ballot before one hour prior to the  
5 closing of the polls on election day and deliver the ballot to the  
6 registered voter. The ballot shall be returned not later than the closing  
7 of the polls on the day of the election.

8 (4) The election commissioner or county clerk shall adopt procedures  
9 for the distribution of ballots under this section.

10 Sec. 4. Original section 32-943, Reissue Revised Statutes of  
11 Nebraska, and sections 32-808 and 32-941, Revised Statutes Cumulative  
12 Supplement, 2014, are repealed.