

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 408

Introduced by Flood, 19; Erdman, 47; Foley, 29; Heidemann, 1;
Langemeier, 23; Mines, 18; Stuthman, 22

Read first time January 12, 2005

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-101 and
2 32-939, Reissue Revised Statutes of Nebraska; to allow
3 certain persons residing outside the country to register
4 and vote in Nebraska; to change provisions relating to
5 receipt and return of ballots by voters outside the
6 country; to harmonize provisions; and to repeal the
7 original sections.

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

1 Section 1. Section 32-101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-101. Sections 32-101 to 32-1551 and section 2 of this
4 act shall be known and may be cited as the Election Act.

5 Sec. 2. A person who is the age of an elector and a
6 citizen of the United States residing outside the United States,
7 who has not resided in the United States, and who has a parent
8 registered to vote within the state shall be eligible to register
9 to vote and vote in the county in which his or her parent is a
10 registered voter.

11 Sec. 3. Section 32-939, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 32-939. (1) The persons listed in this subsection who
14 are residents of Nebraska but who reside outside the United States
15 shall be allowed to simultaneously register to vote and make
16 application for absentee ballots for all elections in a calendar
17 year through the use of the Federal Post Card Application or a
18 personal letter which includes the same information as appears on
19 the Federal Post Card Application:

20 (a) Members of the armed forces of the United States and
21 their spouses and dependents residing with them;

22 (b) Citizens temporarily residing outside of the United
23 States and the District of Columbia; and

24 (c) Overseas citizens.

25 (2) An omission of required information, except the
26 political party affiliation of the applicant, may prevent the
27 processing of an application and mailing of absentee ballots. The
28 request for absentee ballots and registration forms shall be sent

1 to the election commissioner or county clerk of the county of the
2 applicant's residence at any time in the same calendar year but
3 prior to any election. If so requested, absentee ballots may be
4 sent for all elections held in the county in that calendar year.

5 (3) Any person meeting the criteria in subsection (1) of
6 this section may cast a ballot by the use of the Federal Write-In
7 Absentee Ballot. The Federal Write-In Absentee Ballot may be used
8 for all elections. If a person casting a ballot using the Federal
9 Write-In Absentee Ballot is not a registered voter, the information
10 submitted in the Federal Write-In Absentee Ballot transmission
11 envelope shall be treated as a voter registration application.

12 (4) Any person meeting the criteria in subsection (1) of
13 this section requesting an absentee ballot under this section or
14 the special absentee ballot described in section 32-808 may receive
15 and return the ballot and the oath prescribed in subsection (2) of
16 section 32-947 by facsimile but shall return the cast ballot and
17 completed oath by mail using any method of transmission authorized
18 by the Secretary of State.

19 Sec. 4. Original sections 32-101 and 32-939, Reissue
20 Revised Statutes of Nebraska, are repealed.