

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 951

Introduced by Avery, 28; Krist, 10.

Read first time January 14, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-101, 32-808,
2 and 32-939, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to early voting; to repeal
4 the original sections; and to outright repeal section
5 32-939.01, Reissue Revised Statutes of Nebraska.
6 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 4 of this
4 act shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-808, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-808 (1) Ballets Except as otherwise provided in
8 section 4 of this act, ballots for early voting and applications
9 shall be ready for delivery to registered voters at least
10 thirty-five days prior to each statewide primary or general
11 election and at least fifteen days prior to all other elections. ~~(2)~~
12 ~~Notwithstanding subsection (1) of this section, upon request for a~~
13 ~~ballet, a ballot for early voting shall be forwarded to each voter~~
14 ~~meeting the criteria of section 32-939 at least forty-five days~~
15 ~~prior to any election. The election commissioner or county clerk~~
16 ~~shall not forward any ballot for early voting if the election to~~
17 ~~which such ballot pertains has already been held. If the ballot~~
18 ~~has not been printed in sufficient time to meet the requirements~~
19 ~~of this subsection, the election commissioner or county clerk shall~~
20 ~~issue a special ballot at least sixty days prior to an election to~~
21 ~~each voter meeting the criteria of section 32-939 upon the written~~
22 ~~request by such voter requesting the special ballot. A complete~~
23 ~~list of the nominated candidates and issues to be voted upon by a~~
24 ~~voter meeting the criteria of such section shall be included with~~
25 ~~the special ballot by the election commissioner or county clerk. A~~

1 notice shall be sent with the primary election ballot stating that
2 the voter must request a general election ballot unless such voter
3 has requested both the primary and general election ballots. If the
4 voter has requested both ballots, a notice shall be sent with the
5 primary election ballot stating that the general election ballot
6 will be sent to the same address unless otherwise notified.

7 ~~(3)~~ For purposes of this section, a special ballot means
8 a ballot prescribed by the Secretary of State which contains
9 the titles of all offices being contested at such election and
10 permits the voter to vote by writing in the names of the specific
11 candidates or the decision on any issue.

12 ~~(4)~~ (2) The election commissioner or county clerk shall
13 publish in a newspaper of general circulation in the county an
14 application form to be used by registered voters in making an
15 application for a ballot for early voting after the ballots become
16 available. The publication of the application shall not be required
17 if the election is held by mail pursuant to sections 32-952 to
18 32-959.

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

21 32-939 (1) The As provided in section 4 of this act, the
22 persons listed in this subsection who are residents of Nebraska
23 but who reside outside the United States shall be allowed to
24 simultaneously register to vote and make application for ballots
25 for all elections in a calendar year through the use of the Federal

1 Post Card Application or a personal letter which includes the same
2 information as appears on the Federal Post Card Application:

3 (a) Members of the armed forces of the United States or
4 the United States Merchant Marine, and their spouses and dependents
5 residing with them;

6 (b) Citizens temporarily residing outside of the United
7 States and the District of Columbia; and

8 (c) Overseas citizens.

9 ~~(2) An omission of required information, except the~~
10 ~~political party affiliation of the applicant, may prevent the~~
11 ~~processing of an application and mailing of ballots. The request~~
12 ~~for any ballots and a registration application shall be sent to~~
13 ~~the election commissioner or county clerk of the county of the~~
14 ~~applicant's residence. The request may be sent at any time in~~
15 ~~the same calendar year as the election, except that the request~~
16 ~~shall be received by the election commissioner or county clerk not~~
17 ~~later than the third Friday preceding an election to vote in that~~
18 ~~election. If so requested, ballots may be sent for all subsequent~~
19 ~~elections held in the county in that calendar year.~~

20 ~~(3) Any person meeting the criteria in subsection (1) of~~
21 ~~this section may cast a ballot by the use of the Federal Write-In~~
22 ~~Absentee Ballot. The Federal Write-In Absentee Ballot may be used~~
23 ~~for all elections. If a person casting a ballot using the Federal~~
24 ~~Write-In Absentee Ballot is not a registered voter, the information~~
25 ~~submitted in the Federal Write-In Absentee Ballot transmission~~

1 ~~envelope shall be treated as a voter registration application.~~

2 ~~(4) Any person meeting the criteria in subsection (1)~~
3 ~~of this section requesting a ballot under this section or the~~
4 ~~special ballot described in section 32-808 may receive and return~~
5 ~~the ballot and the oath prescribed in subsection (2) of section~~
6 ~~32-947 using any method of transmission authorized by the Secretary~~
7 ~~of State.~~

8 (2)(a) As provided in section 4 of this act, a person
9 who is the age of an elector and a citizen of the United States
10 residing outside the United States, who has never resided in the
11 United States, who has not registered to vote in any other state of
12 the United States, and who has a parent registered to vote within
13 this state shall be eligible to register to vote and vote in one
14 county in which either one of his or her parents is a registered
15 voter.

16 (b) A person registering to vote or voting pursuant
17 to this subsection shall sign and enclose with the registration
18 application and with the ballot being voted a form provided by
19 the election commissioner or county clerk substantially as follows:
20 I am the age of an elector and a citizen of the United States
21 residing outside the United States, I have never resided in the
22 United States, I have not registered to vote in any other state
23 of the United States, and I have a parent registered to vote
24 in County, Nebraska. I hereby declare, under penalty
25 of election falsification, a Class IV felony, that the statements

1 above are true to the best of my knowledge.

2 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT
3 FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS,
4 OR BOTH.

5 (Signature of Voter)

6 Sec. 4. (1) Upon request for a ballot, a ballot for early
7 voting shall be forwarded to each voter meeting the criteria of
8 section 32-939 at least forty-five days prior to any election.

9 (2) An omission of required information, except the
10 political party affiliation of the applicant, may prevent the
11 processing of an application for and mailing of ballots. The
12 request for any ballots and a registration application shall be
13 sent to the election commissioner or county clerk of the county of
14 the applicant's residence. The request may be sent at any time in
15 the same calendar year as the election, except that the request
16 shall be received by the election commissioner or county clerk
17 not later than the third Friday preceding an election to vote
18 in that election. If an applicant fails to indicate his or her
19 political party affiliation on the application, the applicant shall
20 be registered as nonpartisan.

21 (3) A person described in section 32-939 may register
22 to vote through the use of the Federal Post Card Application
23 or a personal letter which includes the same information as
24 appears on the Federal Post Card Application and may simultaneously
25 make application for ballots for all elections in a calendar

1 year. The person may indicate a preference for ballots and other
2 election materials to be delivered via facsimile transmission or
3 electronic mail by indicating such preference on the Federal Post
4 Card Application. If the person indicates such a preference, the
5 election commissioner or county clerk shall accommodate the voter's
6 preference.

7 (4) If the ballot for early voting has not been printed
8 in sufficient time to meet the request and special requirements
9 of a voter meeting the criteria of section 32-939, the election
10 commissioner or county clerk may issue a special ballot at least
11 sixty days prior to an election to such a voter upon a written
12 request by such voter requesting the special ballot. For purposes
13 of this subsection, a special ballot means a ballot prescribed by
14 the Secretary of State which contains the titles of all offices
15 being contested at such election and permits the voter to vote by
16 writing in the names of the specific candidates or the decision on
17 any issue. The election commissioner or county clerk shall include
18 with the special ballot a complete list of the nominated candidates
19 and issues to be voted upon by the voter which are known at the
20 time of the voter's request.

21 (5) Any person meeting the criteria in section 32-939 may
22 cast a ballot by the use of the Federal Write-In Absentee Ballot.
23 The Federal Write-In Absentee Ballot may be used for all elections.
24 If a person casting a ballot using the Federal Write-In Absentee
25 Ballot is not a registered voter, the information submitted in

1 the Federal Write-In Absentee Ballot transmission envelope shall be
2 treated as a voter registration application.

3 (6) Any person requesting a ballot under this section may
4 receive and return the ballot and the oath prescribed in subsection
5 (2) of section 32-947 using any method of transmission authorized
6 by the Secretary of State.

7 (7) The Secretary of State shall develop a process for a
8 person casting a ballot under this section to check the status of
9 his or her ballot via the Internet or a toll-free telephone call.

10 Sec. 5. Original sections 32-101, 32-808, and 32-939,
11 Reissue Revised Statutes of Nebraska, are repealed.

12 Sec. 6. The following section is outright repealed:
13 Section 32-939.01, Reissue Revised Statutes of Nebraska.