

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 319

Introduced by Smith, 14; Morfeld, 46.

Read first time January 15, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to elections; to amend section 32-952, Reissue
- 2 Revised Statutes of Nebraska, and sections 32-953 and 32-960,
- 3 Revised Statutes Cumulative Supplement, 2014; to change provisions
- 4 relating to elections conducted by mail; to harmonize provisions;
- 5 and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-952, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-952 If a political subdivision decides to place an issue on the
4 ballot at a special election, the election commissioner or county clerk
5 may conduct the special election by mail as provided in section 32-953 or
6 conduct the special election as otherwise authorized in the Election Act.
7 In making a determination as to whether to conduct the election by mail,
8 the election commissioner or county clerk shall consider whether all of
9 the following conditions are met:

10 (1) All registered voters of the political subdivision or a district
11 or ward of the political subdivision are eligible to vote on all
12 candidates and ~~the issue or~~ issues submitted to the voters;

13 (2) Only registered voters of the political subdivision or the
14 district or ward of the political subdivision are eligible to vote on all
15 candidates and ~~the issue or~~ issues submitted to the voters;

16 ~~(3) Only issues and not candidates are submitted to the registered~~
17 ~~voters;~~

18 (3 4) A review has been conducted of the costs and the expected
19 voter turnout which may result from holding the election by mail;

20 (4 5) The election commissioner or county clerk has determined a
21 date for the election which is not the same date as another election in
22 which the registered voters of the political subdivision are eligible to
23 vote;

24 (5 6) The clerk of the political subdivision will certify all
25 candidates and ~~the issue or~~ issues to the election commissioner or county
26 clerk at least fifty days prior to the date of the election; and

27 (6 7) The Secretary of State has approved a written plan for the
28 conduct of the election, including a written timetable for the conduct of
29 the election, submitted by the election commissioner or county clerk. The
30 written plan shall include provisions for the notice of election to be
31 published and for the application for ballots for early voting

1 notwithstanding other statutory provisions regarding the content and
2 publication of a notice of election or the application for ballots for
3 early voting.

4 Sec. 2. Section 32-953, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 32-953 (1) Except as otherwise provided in subsection (2) of this
7 section, the election commissioner or county clerk shall mail the
8 official ballot to all registered voters of the political subdivision or
9 the district or ward of the political subdivision at the addresses
10 appearing on the voter registration register on the same day. The ballots
11 shall be mailed by nonforwardable first-class mail not sooner than the
12 twentieth day before the date set for the election and not later than the
13 tenth day before the date set for the election. The election commissioner
14 or county clerk shall include with the ballot an unsealed identification
15 envelope meeting the requirements of subsection (2) of section 32-947 and
16 instructions sufficient to describe the voting process.

17 (2) The election commissioner or county clerk may choose not to mail
18 a ballot to all registered voters who have been sent a notice pursuant to
19 section 32-329 and failed to respond to the notice. If the election
20 commissioner or county clerk chooses not to mail a ballot to such voters,
21 he or she shall mail a notice to all such registered voters explaining
22 how to obtain a ballot and stating the applicable deadlines.

23 Sec. 3. Section 32-960, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 32-960 The election commissioner or ~~In any county with less than~~
26 ~~ten thousand inhabitants,~~ the county clerk may apply to the Secretary of
27 State to mail ballots for all elections held after approval of the
28 application to registered voters of any or all of the precincts in the
29 county in lieu of establishing polling places for such precincts. The
30 application shall include a written plan for the conduct of the election,
31 including a timetable for the conduct of the election and provisions for

1 the notice of election to be published and for the application for
2 ballots for early voting notwithstanding other statutory provisions
3 regarding the content and publication of a notice of election or the
4 application for ballots for early voting. If the Secretary of State
5 approves such application for one or more precincts in the county, the
6 election commissioner or county clerk shall follow the applicable
7 procedures in sections 32-953 to 32-959 for conducting elections by mail,
8 except that the deadline for receipt of the ballots shall be 8 p.m. on
9 the day of the election.

10 Sec. 4. Original section 32-952, Reissue Revised Statutes of
11 Nebraska, and sections 32-953 and 32-960, Revised Statutes Cumulative
12 Supplement, 2014, are repealed.