

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 682

Introduced by Craighead, 6.

Read first time January 06, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend section 32-949.01,
2 Revised Statutes Cumulative Supplement, 2014, and sections 32-941,
3 32-947, and 32-953, Revised Statutes Supplement, 2015; to change
4 deadlines for ballots for early voting and special elections by
5 mail; to provide an operative date; to repeal the original sections;
6 and to declare an emergency.

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

1 Section 1. Section 32-941, Revised Statutes Supplement, 2015, is
2 amended to read:

3 32-941 Any registered voter permitted to vote early pursuant to
4 section 32-938 may, not more than one hundred twenty days before any
5 election and not later than the second Friday 4 p.m. on the Wednesday
6 preceding the election, request a ballot for the election to be mailed to
7 a specific address. A registered voter shall request a ballot in writing
8 to the election commissioner or county clerk in the county where the
9 registered voter has established his or her home and shall indicate his
10 or her residence address, the address to which the ballot is to be mailed
11 if different, and his or her telephone number if available. The
12 registered voter may use the form published by the election commissioner
13 or county clerk pursuant to section 32-808. The registered voter shall
14 sign the request. A registered voter may use a facsimile machine or
15 electronic mail for the submission of a request for a ballot. The
16 election commissioner or county clerk shall include a registration
17 application with the ballots if the person is not registered.
18 Registration applications shall not be mailed after the third Friday
19 preceding the election. If the person is not registered to vote, the
20 registration application shall be returned not later than the closing of
21 the polls on the day of the election. No ballot issued under this section
22 shall be counted unless such registration application is properly
23 completed and processed.

24 Sec. 2. Section 32-947, Revised Statutes Supplement, 2015, is
25 amended to read:

26 32-947 (1) Upon receipt of an application or other request for a
27 ballot to vote early, the election commissioner or county clerk shall
28 determine whether the applicant is a registered voter and is entitled to
29 vote as requested. If the election commissioner or county clerk
30 determines that the applicant is a registered voter entitled to vote
31 early and the application was received not later than the second Friday

1 ~~at or before 4 p.m. on the Wednesday~~ preceding the election, the election
2 commissioner or county clerk shall deliver a ballot to the applicant in
3 person or by mail, postage paid. The election commissioner or county
4 clerk or any employee of the election commissioner or county clerk shall
5 write or cause to be affixed his or her customary signature or initials
6 on the ballot.

7 (2) An unsealed identification envelope shall be delivered with the
8 ballot, and upon the back of the envelope shall be printed a form
9 substantially as follows:

10 VOTER'S OATH

11 I, the undersigned voter, declare that the enclosed ballot or
12 ballots contained no voting marks of any kind when I received them, and I
13 caused the ballot or ballots to be marked, enclosed in the identification
14 envelope, and sealed in such envelope.

15 To the best of my knowledge and belief, I declare under penalty of
16 election falsification that:

17 (a) I,, am a registered voter
18 in County;

19 (b) I reside in the State of Nebraska at

20 (c) I have voted the enclosed ballot and am returning it in
21 compliance with Nebraska law; and

22 (d) I have not voted and will not vote in this election except by
23 this ballot.

24 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
25 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
26 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
27 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE
28 NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

29 I also understand that failure to sign below will invalidate my
30 ballot.

31 Signature

1 (3) If the ballot and identification envelope will be returned by
2 mail or by someone other than the voter, the election commissioner or
3 county clerk shall include with the ballot an identification envelope
4 upon the face of which shall be printed the official title and post
5 office address of the election commissioner or county clerk.

6 (4) The election commissioner or county clerk shall also enclose
7 with the ballot materials:

8 (a) A registration application, if the election commissioner or
9 county clerk has determined that the applicant is not a registered voter
10 pursuant to section 32-945, with instructions that failure to return the
11 completed and signed application indicating the residence address as it
12 appears on the voter's request for a ballot to the election commissioner
13 or county clerk by the close of the polls on election day will result in
14 the ballot not being counted;

15 (b) A registration application and the oath pursuant to section
16 32-946, if the voter is without a residence address, with instructions
17 that the residence address of the voter shall be deemed that of the
18 office of the election commissioner or county clerk of the county of the
19 voter's prior residence and that failure to return the completed and
20 signed application and oath to the election commissioner or county clerk
21 by the close of the polls on election day will result in the ballot not
22 being counted; or

23 (c) Written instructions directing the voter to submit a copy of an
24 identification document pursuant to section 32-318.01 if the voter is
25 required to present identification under such section and advising the
26 voter that failure to submit identification to the election commissioner
27 or county clerk by the close of the polls on election day will result in
28 the ballot not being counted.

29 (5) The election commissioner or county clerk may enclose with the
30 ballot materials a separate return envelope for the voter's use in
31 returning his or her identification envelope containing the voted ballot,

1 registration application, and other materials that may be required.

2 Sec. 3. Section 32-949.01, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 32-949.01 If a ballot for early voting is destroyed, spoiled, lost,
5 or not received by the registered voter, the voter may cast a provisional
6 ballot pursuant to section 32-915 at the voter's polling place on
7 election day or may obtain a replacement ballot from the election
8 commissioner or county clerk by signing a statement verified on oath or
9 affirmation on a form prescribed by the Secretary of State that the
10 original ballot for early voting was destroyed, spoiled, lost, or not
11 received and delivering the statement to the election commissioner or
12 county clerk. To receive a replacement ballot in person, the voter shall
13 return the statement to the office of the election commissioner or county
14 clerk by 8 p.m. on the day of the election. To receive a replacement
15 ballot by mail, the voter shall return the statement to such office prior
16 to the close of business on the second Friday preceding ~~fourth business~~
17 ~~day~~ before the election. If the election commissioner or county clerk
18 receives a statement meeting the requirements of this section, he or she
19 shall deliver a replacement ballot to the voter if the voter is present
20 in the office or shall mail a replacement ballot to the voter at the
21 address shown on the statement. The election commissioner or county clerk
22 shall keep a record of all replacement ballots issued under this section.

23 Sec. 4. Section 32-953, Revised Statutes Supplement, 2015, is
24 amended to read:

25 32-953 (1) Except as otherwise provided in subsection (2) of this
26 section, the election commissioner or county clerk shall mail the
27 official ballot to all registered voters of the political subdivision or
28 the district or ward of the political subdivision at the addresses
29 appearing on the voter registration register on the same day. The ballots
30 shall be mailed by nonforwardable first-class mail not sooner than the
31 twenty-second ~~twentieth~~ day before the date set for the election and not

1 later than the tenth day before the date set for the election. The
2 election commissioner or county clerk shall include with the ballot an
3 unsealed identification envelope meeting the requirements of subsection
4 (2) of section 32-947 and instructions sufficient to describe the voting
5 process.

6 (2) The election commissioner or county clerk may choose not to mail
7 a ballot to all registered voters who have been sent a notice pursuant to
8 section 32-329 and failed to respond to the notice. If the election
9 commissioner or county clerk chooses not to mail a ballot to such voters,
10 he or she shall mail a notice to all such registered voters explaining
11 how to obtain a ballot and stating the applicable deadlines.

12 Sec. 5. This act becomes operative on June 1, 2016.

13 Sec. 6. Original section 32-949.01, Revised Statutes Cumulative
14 Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised
15 Statutes Supplement, 2015, are repealed.

16 Sec. 7. Since an emergency exists, this act takes effect when
17 passed and approved according to law.