

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 163**

Introduced by Vargas, 7; Blood, 3; Chambers, 11; Kolowski, 31; Krist, 10;  
Linehan, 39; McDonnell, 5; Morfeld, 46; Wayne, 13; Wishart,  
27.

Read first time January 09, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-904,  
2 32-938, and 32-942, Reissue Revised Statutes of Nebraska; to provide  
3 for additional polling places prior to an election; to provide  
4 powers and duties; to harmonize provisions; and to repeal the  
5 original sections.

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

1 Section 1. Section 32-904, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-904 (1) The election commissioner or county clerk shall  
4 designate the polling places for each precinct at which the registered  
5 voters of the precinct will cast their votes. Polling places representing  
6 different precincts may be combined at a single location when potential  
7 sites cannot be found, contracts for utilizing polling sites cannot be  
8 obtained, or a potential site is not accessible to handicapped persons.  
9 When combining polling places at a single site for an election other than  
10 a special election, the election commissioner or county clerk shall  
11 clearly separate the polling places from each other and maintain separate  
12 receiving boards. When combining polling places at a single site for a  
13 special election, the election commissioner or county clerk may combine  
14 the polling places and receiving boards. Polling places shall not be  
15 changed between the statewide primary and general elections unless the  
16 election commissioner or county clerk has been authorized to make such  
17 change by the Secretary of State. If changes are authorized, the election  
18 commissioner or county clerk shall notify each state and local candidate  
19 affected by the change.

20 (2) Notwithstanding any other provision of the Election Act, the  
21 Secretary of State may adopt and promulgate rules and regulations, with  
22 the consent of the appropriate election commissioner or county clerk, for  
23 the establishment of polling places which may be used for voting pursuant  
24 to section 32-1041 for the twenty days preceding the day of election.  
25 Such polling places shall be in addition to the office of the election  
26 commissioner or county clerk and the polling places otherwise established  
27 pursuant to this section.

28 (3) The election commissioner in a county with a population of more  
29 than one hundred thousand inhabitants shall establish at least three  
30 locations in the county at which registered voters of the county may vote  
31 pursuant to section 32-942. Each location shall be in a different

1 legislative district. Each location shall meet the requirements for  
2 polling places in the Election Act other than hours for voting and shall  
3 be open beginning thirty days prior to the election through 5 p.m. on the  
4 Saturday preceding the election. Each location shall be open Monday  
5 through Friday, 8 a.m. until 8 p.m., and at least eight hours on  
6 Saturday.

7       Sec. 2. Section 32-938, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       32-938 (1) A registered voter shall be permitted to vote early by  
10 requesting a ballot for early voting pursuant to section 32-941, ~~32-942,~~  
11 or 32-943.

12       (2) Any person excluded from voting under section 32-313 or 32-314  
13 shall not be allowed to receive a ballot for early voting.

14       (3) Any person who fails to register to vote by the voter  
15 registration deadline shall not be allowed to vote except as provided in  
16 section 32-940 or 32-941.

17       Sec. 3. Section 32-942, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19       32-942 (1) Except as otherwise provided in subsection ~~(3)~~ ~~(2)~~ of  
20 this section, a registered voter of this state ~~who anticipates being~~  
21 ~~absent from the county of his or her residence on the day of any election~~  
22 may appear in person at the office of before the election commissioner or  
23 county clerk not more than thirty days prior to the day of election and  
24 obtain his or her ballot. The registered voter shall vote the ballot in  
25 the office of the election commissioner or county clerk or shall return  
26 the ballot to the office not later than the closing of the polls on the  
27 day of the election.

28       (2) Except as otherwise provided in subsection (3) of this section  
29 and in addition to subsection (1) of this section, a registered voter of  
30 any county with a population of more than one hundred thousand  
31 inhabitants may appear in person at any location required by subsection

1 (3) of section 32-904 not more than thirty days prior to the day of  
2 election and obtain his or her ballot. The registered voter shall vote  
3 the ballot at such location or shall return the ballot to such location  
4 not later than 5 p.m. on the Saturday preceding the election or to the  
5 office of the election commissioner not later than the closing of the  
6 polls on the day of the election.

7 (3) A registered voter who is present in the county on the day of  
8 the election and who chooses to vote on the day of the election shall  
9 vote at the polling place assigned to the precinct in which he or she  
10 resides unless he or she is returning a ballot for early voting or voting  
11 pursuant to section 32-943.

12 (4) ~~(2)~~ If a person registers to vote and requests a ballot at the  
13 same time under this section, he or she shall (a)(i) present one of the  
14 address confirmation documents as prescribed in subdivision (1)(a) of  
15 section 32-318.01, (ii) present proof that he or she is a member of the  
16 armed forces of the United States who by reason of active duty has been  
17 absent from his or her place of residence where the member is otherwise  
18 eligible to vote, is a member of the United States Merchant Marine who by  
19 reason of service has been away from his or her place of residence where  
20 the member is otherwise eligible to vote, is a spouse or dependent of a  
21 member of the armed forces of the United States or United States Merchant  
22 Marine who has been absent from his or her place of residence due to the  
23 service of that member, or resides outside the United States and but for  
24 such residence would be qualified to vote in the state if the state was  
25 the last place in which the person was domiciled before leaving the  
26 United States, or (iii) state that he or she is elderly or handicapped  
27 and has requested to vote by alternative means other than by casting a  
28 ballot at his or her polling place on election day or (b) vote a ballot  
29 which is placed in an envelope with the voter's name and address and  
30 other necessary identifying information and kept securely for counting as  
31 provided in this subsection. This subsection does not extend the deadline

1 for voter registration specified in section 32-302. A ballot cast  
2 pursuant to subdivision (b) of this subsection shall be rejected and  
3 shall not be counted if the acknowledgment of registration sent to the  
4 registrant pursuant to section 32-322 is returned as undeliverable for a  
5 reason other than clerical error within ten days after it is mailed,  
6 otherwise after such ten-day period, the ballot shall be counted.

7 (5) ~~(3)~~ This section applies only to a person who appears in person  
8 to obtain a ballot as provided in subsection (1) or (2) of this section  
9 and does not apply to a ballot mailed to a voter pursuant to section  
10 32-945.

11 Sec. 4. Original sections 32-904, 32-938, and 32-942, Reissue  
12 Revised Statutes of Nebraska, are repealed.