

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 604

Introduced by Raybould, 28.

Read first time January 17, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to elections; to amend sections 32-941 and
- 2 32-950, Reissue Revised Statutes of Nebraska, and section 32-947,
- 3 Revised Statutes Cumulative Supplement, 2022; to change provisions
- 4 relating to voting early; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-941, Reissue Revised Statutes of Nebraska, 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 close of business on the second Friday
6 preceding the election, request a ballot for the election to be mailed to
7 a specific address. A registered voter may make the request for an early
8 voting ballot on the Secretary of State's website or ~~shall request a~~
9 ~~ballot~~ in writing to the election commissioner or county clerk in the
10 county where the registered voter has established his or her home and
11 shall indicate his or her residence address, the address to which the
12 ballot is to be mailed if different, and his or her telephone number if
13 available. The registered voter may use the form published by the
14 election commissioner or county clerk pursuant to section 32-808. The
15 registered voter shall sign the request. A registered voter may use a
16 facsimile machine or electronic mail for the submission of a request for
17 a ballot. The election commissioner or county clerk shall include a
18 registration application with the ballots if the person is not
19 registered. Registration applications shall not be mailed after the third
20 Friday preceding the election. If the person is not registered to vote,
21 the registration application shall be returned not later than the closing
22 of the polls on the day of the election. No ballot issued under this
23 section shall be counted unless such registration application is properly
24 completed and processed.

25 Sec. 2. Section 32-947, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 32-947 (1) Upon receipt of an application or other request for a
28 ballot to vote early, the election commissioner or county clerk shall
29 determine whether the applicant is a registered voter and is entitled to
30 vote as requested. If the election commissioner or county clerk
31 determines that the applicant is a registered voter entitled to vote

1 early and the application was received not later than the close of
 2 business on the second Friday preceding the election, the election
 3 commissioner or county clerk shall deliver a ballot to the applicant in
 4 person or by mail, postage paid. The election commissioner or county
 5 clerk or any employee of the election commissioner or county clerk shall
 6 write or cause to be affixed his or her customary signature or initials
 7 on the ballot. The election commissioner or county clerk shall establish
 8 a permanent list of voters requesting ballots for early voting and
 9 include on the list every voter for which such ballots are provided. The
 10 election commissioner or county clerk shall send each voter on the list
 11 an email, a text, or a postcard prior to each subsequent election asking
 12 if the voter would like to receive a ballot for early voting for that
 13 election to be mailed to the voter's residence or mailing address.

14 (2) An unsealed identification envelope shall be delivered with the
 15 ballot. The official title and post office address of the election
 16 commissioner or county clerk shall be printed on the face of such
 17 envelope. Upon ~~and upon~~ the back of the envelope shall be printed a
 18 form substantially as follows:

19 VOTER'S OATH

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

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

26 (a) I,, am a registered voter
 27 in County;

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

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

31 (d) I have not voted and will not vote in this election except by

1 this ballot.

2 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
3 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
4 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
5 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE
6 MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND
7 DOLLARS, OR BOTH.

8 I also understand that failure to sign below will invalidate my
9 ballot.

10 Signature

11 ~~(3) If the ballot and identification envelope will be returned by~~
12 ~~mail or by someone other than the voter, the election commissioner or~~
13 ~~county clerk shall include with the ballot an identification envelope~~
14 ~~upon the face of which shall be printed the official title and post~~
15 ~~office address of the election commissioner or county clerk.~~

16 (3) (4) The election commissioner or county clerk shall also enclose
17 with the ballot materials:

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

25 (b) A registration application and the oath pursuant to section
26 32-946, if the voter is without a residence address, with instructions
27 that the residence address of the voter shall be deemed that of the
28 office of the election commissioner or county clerk of the county of the
29 voter's prior residence and that failure to return the completed and
30 signed application and oath to the election commissioner or county clerk
31 by the close of the polls on election day will result in the ballot not

1 being counted; or

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

8 ~~(4) (5)~~ The election commissioner or county clerk shall ~~may~~ enclose
9 with the ballot materials a separate return envelope for the voter's use
10 in returning his or her identification envelope containing the voted
11 ballot, registration application, and other materials that may be
12 required. Such return envelope shall be postage-paid and preaddressed to
13 the election commissioner or county clerk.

14 Sec. 3. Section 32-950, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 32-950 Ballots issued under section 32-948 which are returned not
17 later than the hour established for the closing of the polls shall be
18 accepted for review by the counting board for early voting. Such ballots
19 received by the election commissioner or county clerk after the close of
20 the polls on election day shall remain sealed in the envelope on which
21 the election commissioner or county clerk shall write Rejected, received
22 on, and the date on which the ballot was received. If such a ballot was
23 received on election day but after the close of the polls, the election
24 commissioner or county clerk shall also write on the envelope the time at
25 which the ballot was received. Such rejected ballots shall be segregated
26 and stored in a sealed container designated for Rejected Early Ballots.
27 If the election commissioner or county clerk has record of a voter's
28 email address or telephone number, an email or text shall be sent to a
29 voter confirming that the ballot was received, the date of its receipt,
30 whether or not the ballot was accepted, and if applicable, the reason for
31 its rejection.

1 Sec. 4. Original sections 32-941 and 32-950, Reissue Revised
2 Statutes of Nebraska, and section 32-947, Revised Statutes Cumulative
3 Supplement, 2022, are repealed.