

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 686

Introduced by Karpisek, 32; Wallman, 30

Read first time January 17, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-912, Reissue
2 Revised Statutes of Nebraska, and section 32-312, Revised
3 Statutes Cumulative Supplement, 2006; to provide for
4 partisan ballots for unaffiliated voters at primary
5 elections; to harmonize provisions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-312, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 32-312 The registration application prescribed by the
4 Secretary of State pursuant to section 32-311.01 shall provide
5 the instructional statements and request the information from the
6 applicant as provided in this section.

7 CITIZENSHIP—"Are you a citizen of the United States of
8 America?" with boxes to check to indicate whether the applicant is
9 or is not a citizen of the United States.

10 AGE—"Are you at least eighteen years of age or will you
11 be eighteen years of age on or before the first Tuesday following
12 the first Monday of November of this year?" with boxes to check to
13 indicate whether or not the applicant will be eighteen years of age
14 or older on election day.

15 WARNING—"If you checked 'no' in response to either of
16 these questions, do not complete this application."

17 NAME—the name of the applicant giving the first and last
18 name in full, the middle name in full or the middle initial, and
19 the maiden name of the applicant, if applicable.

20 RESIDENCE—the name and number of the street, avenue, or
21 other location of the dwelling where the applicant resides if there
22 is a number. If the registrant resides in a hotel, apartment,
23 tenement house, or institution, such additional information shall
24 be included as will give the exact location of such registrant's
25 place of residence. If the registrant lives in an incorporated or

1 unincorporated area not identified by the use of roads, road names,
2 or house numbers, the registrant shall state the section, township,
3 and range of his or her residence and the corporate name of the
4 school district as described in section 79-405 in which he or she
5 is located.

6 POSTAL ADDRESS—the address at which the applicant
7 receives mail if different from the residence address.

8 ADDRESS OF LAST REGISTRATION—the name and number of the
9 street, avenue, or other location of the dwelling from which the
10 applicant last registered.

11 TELEPHONE NUMBERS—the telephone number of the applicant
12 at work and at home. At the request of the applicant, a designation
13 shall be made that the telephone number is an unlisted number,
14 and such designation shall preclude the listing of the applicant's
15 telephone number on any list of voter registrations.

16 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL
17 SECURITY NUMBER—if the applicant has a Nebraska driver's license,
18 the license number, and if the applicant does not have a Nebraska
19 driver's license, the last four digits of the applicant's social
20 security number.

21 DATE OF APPLICATION FOR REGISTRATION—the month, day,
22 and year when the applicant presented himself or herself for
23 registration or when the applicant completed and signed the
24 registration application if the application was submitted by mail
25 or delivered to the election official by the applicant's personal

1 messenger or personal agent.

2 PLACE OF BIRTH—show the state, country, kingdom, empire,
3 or dominion where the applicant was born.

4 DATE OF BIRTH—show the date of the applicant’s birth.
5 The applicant shall be at least eighteen years of age or attain
6 eighteen years of age on or before the first Tuesday after the
7 first Monday in November to have the right to register and vote in
8 any election in the present calendar year.

9 REGISTRATION TAKEN BY—show the signature of the
10 authorized official or staff member accepting the application
11 pursuant to section 32-309 or 32-310 or at least one of the deputy
12 registrars taking the application pursuant to section 32-306, if
13 applicable.

14 PARTY AFFILIATION—show the party affiliation of the
15 applicant as Democrat, Republican, or Other or show
16 no party affiliation as Nonpartisan. (Note: If you wish to vote in
17 both partisan and nonpartisan primary elections for state and local
18 offices, you must indicate a political party affiliation on the
19 registration application. If you register without a political party
20 affiliation (nonpartisan), you will receive only the nonpartisan
21 ballots for state and local offices at primary elections. If you
22 register without a political party affiliation, you may vote in
23 partisan primary elections for state, local, and congressional
24 offices by indicating your choice of political party ballot at the
25 primary election.)

1 OTHER-information the Secretary of State determines will
2 assist in the proper and accurate registration of the voter.

3 Immediately following the spaces for inserting
4 information as provided in this section, the following statement
5 shall be printed:

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

8 (1) I live in the State of Nebraska at the address
9 provided in this application;

10 (2) I have not been convicted of a felony or, if
11 convicted, it has been at least two years since I completed my
12 sentence for the felony, including any parole term;

13 (3) I have not been officially found to be non compos
14 mentis (mentally incompetent); and

15 (4) I am a citizen of the United States.

16 Any registrant who signs this application knowing that
17 any of the information in the application is false shall be guilty
18 of a Class IV felony under section 32-1502 of the statutes of
19 Nebraska. The penalty for a Class IV felony is up to five years
20 imprisonment, a fine of up to ten thousand dollars, or both.

21 APPLICANT'S SIGNATURE-require the applicant to affix his
22 or her signature to the application.

23 Sec. 2. Section 32-912, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-912 (1) Any registered voter desiring to vote in a

1 primary election held under the Election Act shall be entitled to
2 participate in such primary election upon presenting himself or
3 herself at the polling place for his or her residence. A registered
4 voter who is affiliated with a political party shall receive from
5 the receiving board all nonpartisan ballots and the partisan ballot
6 of the political party indicated on his or her voter registration.
7 Except as provided in subsections (2) and (3) of this section, a
8 registered voter who is not affiliated with any political party
9 shall receive only nonpartisan ballots at a primary election.

10 (2) A registered voter who is not affiliated with a
11 political party and who desires to vote in the primary election
12 for local, county, and state offices may request and receive the
13 partisan ballot for all such offices from any political party,
14 except that the registered voter shall not be permitted to vote for
15 candidates for the office of delegate to the party's county, state,
16 or national convention. The election commissioner or county clerk
17 shall post a notice in a conspicuous location, easily visible and
18 readable by voters prior to approaching the receiving board, that a
19 registered voter who is not affiliated with a political party may
20 request such ballots. No such registered voter shall be permitted
21 to receive ballots from more than one party at that primary
22 election. Any political party may allow registered voters who are
23 not affiliated with a political party to vote in the primary
24 election for any elective office for which the party has candidates
25 except for the office of delegate to the party's county, state, or

1 national convention. Any political party desiring to permit such
2 registered voters to vote for candidates of that party in the
3 primary election shall file a letter stating that the governing
4 body of the political party has adopted a rule allowing registered
5 voters who are not affiliated with a political party to vote in
6 the primary election for candidates of that party. The letter and
7 copy of the adopted rule shall be filed with the Secretary of State
8 at least sixty days before the primary election. The Secretary
9 of State shall notify the appropriate election commissioners and
10 county clerks in writing that the political party filing the
11 letter will allow registered voters who are not affiliated with a
12 political party to vote in the primary election for candidates of
13 that party. Once filed, the rule allowing such voters to vote in
14 such primary election shall be irrevocable and shall apply only
15 to the primary election immediately following the adoption of the
16 rule.

17 (3) A registered voter who is not affiliated with a
18 political party and who desires to vote in the primary election for
19 the office of United States Senator or United States Representative
20 may request a partisan ballot for either or both of such offices
21 from any political party. The election commissioner or county clerk
22 shall post a notice in a conspicuous location, easily visible and
23 readable by voters prior to approaching the receiving board, that a
24 registered voter who is not affiliated with a political party may
25 request such ballots. No such registered voter shall receive more

1 than one such partisan ballot.

2 (4) The registered voters residing in a political
3 subdivision may cast their ballots for candidates for the offices
4 in that subdivision and for issues proposed for that subdivision,
5 except that when officers are to be nominated or elected from a
6 subdistrict of the political subdivision, the registered voters
7 residing in the subdistrict may only vote for candidates from the
8 subdistrict and for candidates for officers to be elected at large
9 from the whole political subdivision.

10 Sec. 3. Original section 32-912, Reissue Revised Statutes
11 of Nebraska, and section 32-312, Revised Statutes Cumulative
12 Supplement, 2006, are repealed.