

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 750

Introduced by Aguilar, 35.

Read first time January 09, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-302, Reissue
2 Revised Statutes of Nebraska, and sections 32-311.01 and
3 32-321, Revised Statutes Cumulative Supplement, 2006;
4 to provide for voter registration applications to be
5 distributed and returned to the office of the Secretary
6 of State; to repeal the original sections; and to declare
7 an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-302, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-302 The office of the election commissioner or county
4 clerk shall remain open during the usual business days of the
5 year for purposes of general registration and revision and for
6 the transaction of the business of the office. Such registration
7 and revision shall be carried on at all times during the regular
8 business hours of the office of the election commissioner or
9 county clerk ending at 6 p.m. on the second Friday preceding any
10 election. The election commissioner or county clerk may, during
11 any of the seven days immediately preceding the deadline for
12 registration, cause his or her office to be open at times in
13 addition to the hours during which it is required by law to be
14 open in order for electors to register to vote. The office of
15 the election commissioner or county clerk shall be a designated
16 voter registration agency for purposes of section 7 of the National
17 Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as such section
18 existed on the effective date of this act.

19 Sec. 2. Section 32-311.01, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 32-311.01 (1) The Secretary of State shall prescribe and
22 distribute a registration application which may be used statewide
23 to register to vote and update voter registration records. An
24 applicant may use the application to register to vote or to update
25 his or her voter registration record with changes in his or her

1 personal information or other information related to his or her
2 eligibility to vote. An applicant may submit the application in
3 person, through a personal messenger or personal agent, or by mail.
4 Every election commissioner or county clerk shall accept such an
5 application for registration. If an applicant who is eligible to
6 register to vote submits the application in person at the office of
7 the election commissioner or county clerk, the information from the
8 application shall be entered into the voter registration register
9 in the presence of the applicant if possible.

10 (2) The application shall contain substantially all
11 the information provided in section 32-312 and the following
12 informational statements:

13 (a) An applicant who is unable to sign his or her name
14 may affix his or her mark next to his or her name written on the
15 signature line by some other person;

16 (b) If the application is submitted by mail and the
17 applicant is registering in the state for the first time and has
18 not previously voted within the state, the applicant must submit
19 with the application a copy of a photo identification which is
20 current and valid or a copy of a utility bill, bank statement,
21 government check, paycheck, or other government document that is
22 current and that shows the name and address of the applicant
23 as they appear on the application in order to avoid additional
24 identification requirements when voting for the first time;

25 (c) An applicant may deliver the application to the

1 office of the election commissioner or county clerk in person,
2 through a personal messenger or personal agent, or by mail;

3 (d) To vote at the polling place on election day, the
4 completed application must be:

5 (i) Delivered by the applicant in person to the office of
6 the election commissioner or county clerk on or before the deadline
7 prescribed in section 32-302;

8 (ii) Delivered by the applicant's personal messenger or
9 personal agent to the office of the election commissioner or county
10 clerk on or before the third Friday before the election; or

11 (iii) Postmarked on or before the third Friday before the
12 election if the application is submitted by mail; and

13 (e) The election commissioner or county clerk will, upon
14 receipt of the application for registration, send an acknowledgment
15 of registration to the applicant indicating whether the application
16 is proper or not.

17 Sec. 3. Section 32-321, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 32-321 (1) Any elector may request a voter registration
20 application from the office of the Secretary of State or the
21 election commissioner or county clerk. The Secretary of State and
22 the election commissioner or county clerk shall make registration
23 applications prescribed by the Secretary of State available and may
24 place the applications in public places. The Secretary of State
25 and the election commissioner or county clerk may require that all

1 unused applications be returned to his or her office and may place
2 reasonable limits on the amount of applications requested.

3 (2) If an elector returns the completed application to
4 the office of the Secretary of State, the office shall deliver
5 the application to the election commissioner or county clerk of
6 the county in which the elector resides not later than ten days
7 after receipt by the office, except that if the application is
8 returned to the office within five days prior to the third Friday
9 preceding any election, it shall be delivered not later than five
10 days after the date it is returned. The deadline for returning a
11 completed application to the office of the Secretary of State is
12 the close of business on the third Friday preceding an election to
13 be registered to vote at such election. A registration application
14 received after the deadline shall not be processed by the election
15 commissioner or county clerk until after the election. The office
16 of the Secretary of State shall be a designated voter registration
17 agency for purposes of section 7 of the National Voter Registration
18 Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on the
19 effective date of this act.

20 ~~(2)~~ (3) If an elector mails the registration application
21 to the election commissioner or county clerk:

22 (a) (i) The application shall be postmarked on or before
23 the third Friday before the next election; or

24 (ii) The application shall be received not later than
25 the second Tuesday before the next election if the postmark is

1 unreadable; and

2 (b) The application shall be processed by the election
3 office as a proper registration for the voter to be entitled to
4 vote on the day of the next election.

5 ~~(3)~~ (4) If the registration application arrives after the
6 registration deadline, the application shall not be processed
7 until after the election. Written notice shall be given to
8 any applicant whose registration application failed to meet the
9 registration deadline or was found to be incorrect or incomplete
10 and shall state the specific reason for rejection. If the
11 application is incomplete, the election commissioner or county
12 clerk shall notify the applicant of the failure to provide the
13 required information, including failure to provide identification
14 if required, and provide the applicant with the opportunity to
15 submit an identification document as described in section 32-318.01
16 prior to the deadline for voter registration or to complete and
17 submit a corrected registration application in a timely manner to
18 allow for the proper registration of the applicant prior to the
19 next election. All postage costs related to returning registration
20 applications to the election commissioner or county clerk shall be
21 paid by the registrant.

22 Sec. 4. Original section 32-302, Reissue Revised Statutes
23 of Nebraska, and sections 32-311.01 and 32-321, Revised Statutes
24 Cumulative Supplement, 2006, are repealed.

25 Sec. 5. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.