

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 565

Introduced by Nelson, 6; Lautenbaugh, 18; Price, 3.

Read first time January 23, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-938, Reissue
2 Revised Statutes of Nebraska, and sections 32-941 and
3 32-947, Revised Statutes Cumulative Supplement, 2012; to
4 prohibit a person from registering to vote and requesting
5 a ballot for early voting on the same day; to harmonize
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 32-938, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-938 (1) ~~A-Except as otherwise provided in subsection~~
4 (4) of this section, a registered voter shall be permitted to vote
5 early by requesting a ballot for early voting pursuant to section
6 32-941 or 32-943.

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

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

12 (4) A person shall not be permitted to register to vote
13 and to apply for or vote a ballot to vote early on the same day.

14 Sec. 2. Section 32-941, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 32-941 Any registered voter permitted to vote early
17 pursuant to section 32-938 may, not more than one hundred twenty days
18 before any election and not later than 4 p.m. on the Wednesday
19 preceding the election, request a ballot for the election to be
20 mailed to a specific address. A registered voter shall request a
21 ballot in writing to the election commissioner or county clerk in the
22 county where the registered voter has established his or her home and
23 shall indicate his or her residence address, the address to which the
24 ballot is to be mailed if different, and his or her political party,
25 telephone number if available, and precinct if known. The registered

1 voter may use the form published by the election commissioner or
2 county clerk pursuant to section 32-808. The registered voter shall
3 sign the request. A registered voter may use a facsimile machine for
4 the submission of a request for a ballot. The election commissioner
5 or county clerk shall ~~include mail~~ a registration application with
6 instead of the ballots if the person is not registered. Registration
7 applications shall not be mailed after the third Friday preceding the
8 election. ~~If the person is not registered to vote, the registration~~
9 ~~application shall be returned not later than the closing of the polls~~
10 ~~on the day of the election. No ballot issued under this section shall~~
11 ~~be counted unless such registration application is properly completed~~
12 ~~and processed.~~

13 Sec. 3. Section 32-947, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 32-947 (1) Upon receipt of an application or other
16 request for a ballot to vote early, the election commissioner or
17 county clerk shall determine whether the applicant is a registered
18 voter and is entitled to vote as requested. The election commissioner
19 or county clerk shall not deliver an application for a ballot to vote
20 early or a ballot, in person or by mail, on the same day on which the
21 applicant registered to vote. If the election commissioner or county
22 clerk determines that the applicant is a registered voter entitled to
23 vote early and the application was received at or before 4 p.m. on
24 the Wednesday preceding the election, the election commissioner or
25 county clerk shall deliver a ballot to the applicant in person or by

1 mail, postage paid. The election commissioner or county clerk or any
2 employee of the election commissioner or county clerk shall write or
3 cause to be affixed his or her customary signature or initials on the
4 ballot.

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

8 VOTER'S OATH

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

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

15 (a) I,, am a registered voter
16 in County;

17 (b) I reside in the State of Nebraska
18 at

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

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

23 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
24 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION
25 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE

1 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS
2 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN
3 THOUSAND DOLLARS, OR BOTH.

4 I also understand that failure to sign below will
5 invalidate my ballot.

6 Signature

7 The primary election ballot, if any, within this envelope
8 is a primary election ballot of the party.

9 Ballots contained in this envelope are for the
10 (primary, general, or special) election to be held on the day
11 of 20.. .

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

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

1 ~~ballot not being counted; (b) A registration application and the oath~~
2 ~~pursuant to section 32-946, if the voter is without a residence~~
3 ~~address, with instructions that the residence address of the voter~~
4 ~~shall be deemed that of the office of the election commissioner or~~
5 ~~county clerk of the county of the voter's prior residence and that~~
6 ~~failure to return the completed and signed application and oath to~~
7 ~~the election commissioner or county clerk by the close of the polls~~
8 ~~on election day will result in the ballot not being counted; or (c)~~
9 ~~Written~~ written instructions directing the voter to submit a copy of
10 an identification document pursuant to section 32-318.01 if the voter
11 is required to present identification under such section and advising
12 the voter that failure to submit identification to the election
13 commissioner or county clerk by the close of the polls on election
14 day will result in the ballot not being counted.

15 (5) The election commissioner or county clerk may enclose
16 with the ballot materials a separate return envelope for the voter's
17 use in returning his or her identification envelope containing the
18 voted ballot, ~~registration application,~~ and other materials that may
19 be required.

20 Sec. 4. Original section 32-938, Reissue Revised Statutes
21 of Nebraska, and sections 32-941 and 32-947, Revised Statutes
22 Cumulative Supplement, 2012, are repealed.