

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 314

Introduced by Murante, 49.

Read first time January 12, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 18-2713,
2 32-301, 32-304, 32-312, 32-915, 32-939, and 32-947, Reissue Revised
3 Statutes of Nebraska; to change deadlines for submitting economic
4 development programs to a vote; to eliminate provisions relating to
5 funding; to conform statutory language to penalties previously
6 changed by the Legislature; and to repeal the original sections.

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

1 Section 1. Section 18-2713, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-2713 Before adopting an economic development program, a city
4 shall submit the question of its adoption to the registered voters at an
5 election. The governing body of the city shall order the submission of
6 the question by filing a certified copy of the resolution proposing the
7 economic development program with the election commissioner or county
8 clerk not later than fifty ~~forty-one~~ days prior to a special election or
9 not later than March 1 ~~fifty~~ days prior to a primary election or
10 September 1 prior to a general election. The question on the ballot shall
11 briefly set out the terms, conditions, and goals of the proposed economic
12 development program, including the length of time during which the
13 program will be in existence, the year or years within which the funds
14 from local sources of revenue are to be collected, the source or sources
15 from which the funds are to be collected, the total amount to be
16 collected for the program from local sources of revenue, and whether the
17 city proposes to issue bonds pursuant to the Local Option Municipal
18 Economic Development Act to provide funds to carry out the economic
19 development program. The ballot question shall also specify whether
20 additional funds from other noncity sources will be sought beyond those
21 derived from local sources of revenue. In addition to all other
22 information, if the funds are to be derived from the city's property tax,
23 the ballot question shall state the present annual cost of the economic
24 development program per ten thousand dollars of assessed valuation based
25 upon the most recent valuation of the city certified to the Property Tax
26 Administrator pursuant to section 77-1613.01. The ballot question shall
27 state: "Shall the city of (name of the city) establish an economic
28 development program as described here by appropriating annually from
29 local sources of revenue \$..... for years?". If the only city
30 revenue source for the proposed economic development program is a local
31 option sales tax that has not yet been approved at an election, the

1 ballot question specifications in this section may be repeated in the
2 sales tax ballot question.

3 If a majority of those voting on the issue vote in favor of the
4 question, the governing body may implement the proposed economic
5 development program upon the terms set out in the resolution. If a
6 majority of those voting on the economic development program vote in
7 favor of the question when the only city revenue source is a proposed
8 sales tax and a majority of those voting on the local option sales tax
9 vote against the question, the governing body shall not implement the
10 economic development program, and it shall become null and void. If a
11 majority of those voting on the issue vote against the question, the
12 governing body shall not implement the economic development program.

13 Sec. 2. Section 32-301, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-301 (1) The Secretary of State shall implement, in a uniform and
16 nondiscriminatory manner, a single, uniform, official, centralized,
17 interactive computerized statewide voter registration list defined,
18 maintained, and administered at the office of the Secretary of State that
19 contains the name and registration information of every legally
20 registered voter in the state and assigns a unique identifier to each
21 legally registered voter in the state. The computerized list shall serve
22 as the single system for storing and managing the official list of
23 registered voters throughout the state and shall comprise the voter
24 registration register. The computerized list shall be coordinated with
25 other agency data bases within the state and shall be available for
26 electronic access by election commissioners and county clerks. The
27 computerized list shall serve as the official voter registration list for
28 the conduct of all elections under the Election Act. The Secretary of
29 State shall provide such support as may be required so that election
30 commissioners and county clerks are able to electronically enter voter
31 registration information obtained by such officials on an expedited basis

1 at the time the information is received. The Secretary of State shall
2 provide adequate technological security measures to prevent unauthorized
3 access to the computerized list. ~~No General Funds shall be appropriated~~
4 ~~for purposes of this list, and funds available in the Election~~
5 ~~Administration Fund may be used for such purposes.~~

6 (2) The election commissioner or county clerk shall provide for the
7 registration of the electors of the county. Upon receipt of a voter
8 registration application in his or her office from an eligible elector,
9 the election commissioner or county clerk shall enter the information
10 from the application in the voter registration register and may create an
11 electronic image, photograph, microphotograph, or reproduction in an
12 electronic digital format to be used as the voter registration record.
13 The election commissioner or county clerk shall provide a precinct list
14 of registered voters for each precinct for the use of judges and clerks
15 of election in their respective precincts on election day. An
16 electronically prepared list of registered voters in a form prescribed by
17 the Secretary of State shall meet the requirements for a precinct list of
18 registered voters.

19 Sec. 3. Section 32-304, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-304 (1) The Secretary of State in conjunction with the Department
22 of Motor Vehicles shall, on or before September 1, 2015, develop and
23 implement a registration application process which may be used statewide
24 to register to vote and update voter registration records electronically
25 using the Secretary of State's web site. An applicant who has a valid
26 Nebraska motor vehicle operator's license or state identification card
27 may use the application process to register to vote or to update his or
28 her voter registration record with changes in his or her personal
29 information or other information related to his or her eligibility to
30 vote. For each electronic application, the Secretary of State shall
31 obtain a copy of the electronic representation of the applicant's

1 signature from the Department of Motor Vehicles' records of his or her
2 motor vehicle operator's license or state identification card for
3 purposes of voter registration.

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

6 (a) An applicant who submits this application electronically is
7 affirming that the information in the application is true. Any applicant
8 who submits this application electronically knowing that any of the
9 information in the application is false shall be guilty of a Class IV
10 felony under section 32-1502 of the statutes of Nebraska. The penalty for
11 a Class IV felony is up to two five years imprisonment and twelve months
12 of post-release supervision, a fine of up to ten thousand dollars, or
13 both;

14 (b) An applicant who submits this application electronically is
15 agreeing to the use of his or her signature from the Department of Motor
16 Vehicles' records of his or her motor vehicle operator's license or state
17 identification card for purposes of voter registration;

18 (c) To vote at the polling place on election day, the completed
19 application must be submitted on or before the third Friday before the
20 election; and

21 (d) The election commissioner or county clerk will, upon receipt of
22 the application for registration, send an acknowledgment of registration
23 to the applicant indicating whether the application is proper or not.

24 Sec. 4. Section 32-312, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-312 The registration application prescribed by the Secretary of
27 State pursuant to section 32-304 or 32-311.01 shall provide the
28 instructional statements and request the information from the applicant
29 as provided in this section.

30 CITIZENSHIP—"Are you a citizen of the United States of America?"
31 with boxes to check to indicate whether the applicant is or is not a

1 citizen of the United States.

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

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

8 NAME—the name of the applicant giving the first and last name in
9 full, the middle name in full or the middle initial, and the maiden name
10 of the applicant, if applicable.

11 RESIDENCE—the name and number of the street, avenue, or other
12 location of the dwelling where the applicant resides if there is a
13 number. If the registrant resides in a hotel, apartment, tenement house,
14 or institution, such additional information shall be included as will
15 give the exact location of such registrant's place of residence. If the
16 registrant lives in an incorporated or unincorporated area not identified
17 by the use of roads, road names, or house numbers, the registrant shall
18 state the section, township, and range of his or her residence and the
19 corporate name of the school district as described in section 79-405 in
20 which he or she is located.

21 POSTAL ADDRESS—the address at which the applicant receives mail if
22 different from the residence address.

23 ADDRESS OF LAST REGISTRATION—the name and number of the street,
24 avenue, or other location of the dwelling from which the applicant last
25 registered.

26 TELEPHONE NUMBERS—the telephone number of the applicant at work and
27 at home. At the request of the applicant, a designation shall be made
28 that the telephone number is an unlisted number, and such designation
29 shall preclude the listing of the applicant's telephone number on any
30 list of voter registrations.

31 EMAIL ADDRESS—an email address of the applicant. At the request of

1 the applicant, a designation shall be made that the email address is
2 private, and such designation shall preclude the listing of the
3 applicant's email address on any list of voter registrations.

4 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY
5 NUMBER—if the applicant has a Nebraska driver's license, the license
6 number, and if the applicant does not have a Nebraska driver's license,
7 the last four digits of the applicant's social security number.

8 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
9 the applicant presented himself or herself for registration, when the
10 applicant completed and signed the registration application if the
11 application was submitted by mail or delivered to the election official
12 by the applicant's personal messenger or personal agent, or when the
13 completed application was submitted if the registration application was
14 completed pursuant to section 32-304.

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

17 DATE OF BIRTH—show the date of the applicant's birth. The applicant
18 shall be at least eighteen years of age or attain eighteen years of age
19 on or before the first Tuesday after the first Monday in November to have
20 the right to register and vote in any election in the present calendar
21 year.

22 REGISTRATION TAKEN BY—show the signature of the authorized official
23 or staff member accepting the application pursuant to section 32-309 or
24 32-310 or at least one of the deputy registrars taking the application
25 pursuant to section 32-306, if applicable.

26 PARTY AFFILIATION—show the party affiliation of the applicant as
27 Democrat, Republican, or Other or show no party affiliation as
28 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan
29 primary elections for state and local offices, you must indicate a
30 political party affiliation on the registration application. If you
31 register without a political party affiliation (nonpartisan), you will

1 receive only the nonpartisan ballots for state and local offices at
2 primary elections. If you register without a political party affiliation,
3 you may vote in partisan primary elections for congressional offices.)

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

6 Immediately following the spaces for inserting information as
7 provided in this section, the following statement shall be printed:

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

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

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

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

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

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

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

26 Sec. 5. Section 32-915, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-915 (1) A person whose name does not appear on the precinct list
29 of registered voters at the polling place for the precinct in which he or
30 she resides, whose name appears on the precinct list of registered voters
31 at the polling place for the precinct in which he or she resides at a

1 different residence address as described in section 32-914.02, or whose
2 name appears with a notation that he or she received a ballot for early
3 voting may vote a provisional ballot if he or she:

4 (a) Claims that he or she is a registered voter who has continuously
5 resided in the county in which the precinct is located since registering
6 to vote;

7 (b) Is not entitled to vote under section 32-914.01 or 32-914.02;

8 (c) Has not registered to vote or voted in any other county since
9 registering to vote in the county in which the precinct is located;

10 (d) Has appeared to vote at the polling place for the precinct to
11 which the person would be assigned based on his or her residence address;
12 and

13 (e) Completes and signs a registration application before voting.

14 (2) A voter whose name appears on the precinct list of registered
15 voters for the polling place with a notation that the voter is required
16 to present identification pursuant to section 32-318.01 but fails to
17 present identification may vote a provisional ballot if he or she
18 completes and signs a registration application before voting.

19 (3) Each person voting by provisional ballot shall enclose his or
20 her ballot in an envelope marked Provisional Ballot and shall, by signing
21 the certification on the front of the envelope or a separate form
22 attached to the envelope, certify to the following facts:

23 (a) I am a registered voter in County;

24 (b) My name or address did not correctly appear on the precinct list
25 of registered voters;

26 (c) I registered to vote on or about this date

27 (d) I registered to vote

28 in person at the election office or a voter registration site,

29 by mail,

30 by using the Secretary of State's web site,

31 through the Department of Motor Vehicles,

1 on a form through another state agency,
2 in some other way;

3 (e) I have not resided outside of this county or voted outside of
4 this county since registering to vote in this county;

5 (f) My current address is shown on the registration application
6 completed as a requirement for voting by provisional ballot; and

7 (g) I am eligible to vote in this election and I have not voted and
8 will not vote in this election except by this ballot.

9 (4) The voter shall sign the certification under penalty of election
10 falsification. The following statements shall be on the front of the
11 envelope or on the attached form: By signing the front of this envelope
12 or the attached form you are certifying to the information contained on
13 this envelope or the attached form under penalty of election
14 falsification. Election falsification is a Class IV felony and may be
15 punished by up to two five years imprisonment and twelve months of post-
16 release supervision, a fine of up to ten thousand dollars, or both.

17 (5) If the person's name does not appear on the precinct list of
18 registered voters for the polling place and the judge or clerk of
19 election determines that the person's residence address is located in
20 another precinct within the same county, the judge or clerk of election
21 shall direct the person to his or her correct polling place to vote.

22 Sec. 6. Section 32-939, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 32-939 (1) As provided in section 32-939.02, the persons listed in
25 this subsection who are residents of Nebraska but who reside outside of
26 Nebraska or the United States shall be allowed to simultaneously register
27 to vote and make application for ballots for all elections in a calendar
28 year through the use of the Federal Post Card Application or a personal
29 letter which includes the same information as appears on the Federal Post
30 Card Application:

31 (a) Members of the armed forces of the United States or the United

1 States Merchant Marine, and their spouses and dependents residing with
2 them who are absent from the state;

3 (b) Citizens temporarily residing outside of the United States and
4 the District of Columbia; and

5 (c) Overseas citizens.

6 (2)(a) As provided in section 32-939.02, a person who is the age of
7 an elector and a citizen of the United States residing outside the United
8 States, who has never resided in the United States, who has not
9 registered to vote in any other state of the United States, and who has a
10 parent registered to vote within this state shall be eligible to register
11 to vote and vote in one county in which either one of his or her parents
12 is a registered voter.

13 (b) A person registering to vote or voting pursuant to this
14 subsection shall sign and enclose with the registration application and
15 with the ballot being voted a form provided by the election commissioner
16 or county clerk substantially as follows: I am the age of an elector and
17 a citizen of the United States residing outside the United States, I have
18 never resided in the United States, I have not registered to vote in any
19 other state of the United States, and I have a parent registered to vote
20 in County, Nebraska. I hereby declare, under penalty of
21 election falsification, a Class IV felony, that the statements above are
22 true to the best of my knowledge.

23 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO
24 FIVE YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO
25 EXCEED TEN THOUSAND DOLLARS, OR BOTH.

26 (Signature of Voter)

27 Sec. 7. Section 32-947, Reissue Revised Statutes of Nebraska, is
28 amended to read:

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

1 vote as requested. If the election commissioner or county clerk
2 determines that the applicant is a registered voter entitled to vote
3 early and the application was received not later than the close of
4 business on the second Friday preceding the election, the election
5 commissioner or county clerk shall deliver a ballot to the applicant in
6 person or by mail, postage paid. The election commissioner or county
7 clerk or any employee of the election commissioner or county clerk shall
8 write or cause to be affixed his or her customary signature or initials
9 on the ballot.

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

13 VOTER'S OATH

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

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

20 (a) I,, am a registered voter
21 in County;

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

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

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

27 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
28 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
29 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
30 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO FIVE YEARS AND
31 TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN

1 THOUSAND DOLLARS, OR BOTH.

2 I also understand that failure to sign below will invalidate my
3 ballot.

4 Signature

5 (3) If the ballot and identification envelope will be returned by
6 mail or by someone other than the voter, the election commissioner or
7 county clerk shall include with the ballot an identification envelope
8 upon the face of which shall be printed the official title and post
9 office address of the election commissioner or county clerk.

10 (4) The election commissioner or county clerk shall also enclose
11 with the ballot materials:

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

19 (b) A registration application and the oath pursuant to section
20 32-946, if the voter is without a residence address, with instructions
21 that the residence address of the voter shall be deemed that of the
22 office of the election commissioner or county clerk of the county of the
23 voter's prior residence and that failure to return the completed and
24 signed application and oath to the election commissioner or county clerk
25 by the close of the polls on election day will result in the ballot not
26 being counted; or

27 (c) Written instructions directing the voter to submit a copy of an
28 identification document pursuant to section 32-318.01 if the voter is
29 required to present identification under such section and advising the
30 voter that failure to submit identification to the election commissioner
31 or county clerk by the close of the polls on election day will result in

1 the ballot not being counted.

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

6 Sec. 8. Original sections 18-2713, 32-301, 32-304, 32-312, 32-915,
7 32-939, and 32-947, Reissue Revised Statutes of Nebraska, are repealed.