

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 959

Introduced by Murante, 49.

Read first time January 10, 2018

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Election Act; to amend section 32-1535,
- 2 Reissue Revised Statutes of Nebraska, and section 32-947, Revised
- 3 Statutes Supplement, 2017; to provide requirements for returning a
- 4 ballot for early voting on behalf of someone else; to provide a
- 5 penalty; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-947, Revised Statutes Supplement, 2017, is
2 amended to read:

3 32-947 (1) Upon receipt of an application or other request for a
4 ballot to vote early, the election commissioner or county clerk shall
5 determine whether the applicant is a registered voter and is entitled to
6 vote as requested. If the election commissioner or county clerk
7 determines that the applicant is a registered voter entitled to vote
8 early and the application was received not later than the close of
9 business on the second Friday preceding the election, the election
10 commissioner or county clerk shall deliver a ballot to the applicant in
11 person or by mail, postage paid. The election commissioner or county
12 clerk or any employee of the election commissioner or county clerk shall
13 write or cause to be affixed his or her customary signature or initials
14 on the ballot.

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

18 VOTER'S OATH

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

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

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

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

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

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

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

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

9 Signature

10 ~~(3)(a) (3)~~ If the ballot and identification envelope will be
11 returned by mail or by someone other than the voter, the election
12 commissioner or county clerk shall include with the ballot:

13 (i) A warning as follows: If you are returning this ballot for
14 someone else, you are subject to the penalties provided in section
15 32-1535 if you fail to return this ballot as required in this subsection;
16 and

17 (ii) An an identification envelope upon the face of which shall be
18 printed the official title and post office address of the election
19 commissioner or county clerk.

20 (b) If the ballot is to be returned by someone other than the voter
21 and the person returning the ballot does not reside in the same household
22 as the voter, the person returning the ballot shall do so within one
23 business day after receiving the ballot from the voter unless the voter
24 resides in a county that provides for twenty-four-hour drop-off of
25 ballots. If the voter resides in a county that provides for twenty-four-
26 hour drop-off of ballots, the ballot is to be returned by someone other
27 than the voter, and the person returning the ballot does not reside in
28 the same household as the voter, the person returning the ballot shall
29 return the ballot on the same calendar day that the ballot was received
30 from the voter by the person returning the ballot.

31 (4) The election commissioner or county clerk shall also enclose

1 with the ballot materials:

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

9 (b) A registration application and the oath pursuant to section
10 32-946, if the voter is without a residence address, with instructions
11 that the residence address of the voter shall be deemed that of the
12 office of the election commissioner or county clerk of the county of the
13 voter's prior residence and that failure to return the completed and
14 signed application and oath to the election commissioner or county clerk
15 by the close of the polls on election day will result in the ballot not
16 being counted; or

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

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

27 Sec. 2. Section 32-1535, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-1535 (1) Any person who removes any ballot from the polling room
30 before the closing of the polls except as otherwise authorized under the
31 Election Act shall be guilty of a Class V misdemeanor.

1 (2) Any person who is returning a ballot for early voting on behalf
2 of another person and who fails to comply with subsection (3) of section
3 32-947 shall be guilty of a Class IV misdemeanor.

4 Sec. 3. Original section 32-1535, Reissue Revised Statutes of
5 Nebraska, and section 32-947, Revised Statutes Supplement, 2017, are
6 repealed.