

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 390

Introduced by Clements, 2; Ballard, 21; Brewer, 43; Halloran, 33; Hansen, B., 16; Hardin, 48; Lippincott, 34; Murman, 38; Riepe, 12; Sanders, 45; Slama, 1.

Read first time January 12, 2023

Committee:

- 1 A BILL FOR AN ACT relating to elections; to amend sections 32-808 and
- 2 32-943, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to delivery of ballots for early voting; to provide for
- 4 return of a ballot for early voting by a voter-appointed agent; to
- 5 change an agent restriction; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-808, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-808 (1) Except as otherwise provided in section 32-939.02,
4 ballots for early voting to be mailed pursuant to section 32-941 shall be
5 mailed by nonforwardable first-class mail ready for delivery to
6 registered voters not more than thirty at least thirty-five days prior to
7 each statewide primary or general election and at least fifteen days
8 prior to all other elections.

9 (2) The election commissioner or county clerk shall not mail or
10 issue any ballot for early voting if the election to which such ballot
11 pertains has already been held.

12 (3) The election commissioner or county clerk shall publish in a
13 newspaper of general circulation in the county an application form to be
14 used by registered voters in making an application for a ballot for early
15 voting after the ballots become available. The publication of the
16 application shall not be required if the election is held by mail
17 pursuant to sections 32-952 to 32-959.

18 Sec. 2. Section 32-943, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-943 (1) Any registered voter who is permitted to vote early
21 pursuant to section 32-938 may appoint an agent to (a) submit a request
22 for a ballot for early voting on his or her behalf of such voter or (b)
23 return a voted ballot to the election commissioner or county clerk on
24 behalf of such voter. The registered voter or his or her agent may
25 request that the ballot be sent to the registered voter by mail or
26 indicate on the request that the agent will personally pick up the ballot
27 for such registered voter from the office of the election commissioner or
28 county clerk. A registered voter or an agent acting on behalf of a
29 registered voter shall request a ballot in writing to the election
30 commissioner or county clerk in the county where the registered voter has
31 established his or her residence and shall indicate the voter's residence

1 address, the address to which the ballot is to be mailed if different,
2 and the voter's telephone number if available and precinct if known. The
3 registered voter or the voter's agent may use the form published by the
4 election commissioner or county clerk pursuant to section 32-808. The
5 registered voter or his or her agent shall sign the request.

6 (2) A candidate for office at such election, ~~and~~ any person serving
7 on a campaign committee for such a candidate, or a registered voters'
8 employer or agent of such employer shall not act as an agent for any
9 registered voter requesting a ballot or returning a voted ballot pursuant
10 to this section unless such person is a member of the registered voter's
11 family. No person shall act as an agent as described in either
12 subdivision (1)(a) or (b) of this section for more than two registered
13 voters in any election.

14 (3) The agent shall pick up the ballot before one hour prior to the
15 closing of the polls on election day and deliver the ballot to the
16 registered voter. The ballot shall be returned not later than the closing
17 of the polls on the day of the election.

18 (4) The election commissioner or county clerk shall adopt procedures
19 for the distribution of ballots under this section.

20 Sec. 3. Original sections 32-808 and 32-943, Reissue Revised
21 Statutes of Nebraska, are repealed.