

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 11**

Introduced by Blood, 3.

Read first time January 07, 2021

Committee:

- 1 A BILL FOR AN ACT relating to the Election Act; to amend sections  
2 32-312.02, 32-808, 32-941, and 32-943, Reissue Revised Statutes of  
3 Nebraska, and sections 32-312 and 32-330, Revised Statutes  
4 Cumulative Supplement, 2020; to change requirements to register to  
5 vote, availability of voter registration information, and provisions  
6 regarding ballots for early voting; to harmonize provisions; and to  
7 repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-312, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 32-312 The registration application prescribed by the Secretary of  
4 State pursuant to section 32-304 or 32-311.01 shall provide the  
5 instructional statements and request the information from the applicant  
6 as provided in this section.

7 CITIZENSHIP—"Are you a citizen of the United States of America?"  
8 with boxes to check to indicate whether the applicant is or is not a  
9 citizen of the United States.

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

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

16 NAME—the name of the applicant giving the first and last name in  
17 full, the middle name in full or the middle initial, and the maiden name  
18 of the applicant, if applicable.

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

29 POSTAL ADDRESS—the address at which the applicant receives mail if  
30 different from the residence address.

31 ADDRESS OF LAST REGISTRATION—the name and number of the street,

1 avenue, or other location of the dwelling from which the applicant last  
2 registered.

3 TELEPHONE NUMBERS—the telephone numbers of the applicant. At the  
4 request of the applicant, a designation shall be made that a telephone  
5 number is an unlisted number, and such designation shall preclude the  
6 listing of such telephone number on any list of voter registrations.

7 EMAIL ADDRESS—an email address of the applicant. At the request of  
8 the applicant, a designation shall be made that the email address is  
9 private, and such designation shall preclude the listing of the  
10 applicant's email address on any list of voter registrations.

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

15 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when  
16 the applicant presented himself or herself for registration, when the  
17 applicant completed and signed the registration application if the  
18 application was submitted by mail or delivered to the election official  
19 by the applicant's personal messenger or personal agent, or when the  
20 completed application was submitted if the registration application was  
21 completed pursuant to section 32-304.

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

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

29 REGISTRATION TAKEN BY—show the signature of the authorized official  
30 or staff member accepting the application pursuant to section 32-309 or  
31 32-310 or at least one of the deputy registrars taking the application

1 pursuant to section 32-306, if applicable.

2 PARTY AFFILIATION—show the party affiliation of the applicant as  
3 Democrat, Republican, or Other ..... or show no party affiliation as  
4 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan  
5 primary elections for state and local offices, you must indicate a  
6 political party affiliation on the registration application. If you  
7 register without a political party affiliation (nonpartisan), you will  
8 receive only the nonpartisan ballots for state and local offices at  
9 primary elections. If you register without a political party affiliation,  
10 you may vote in partisan primary elections for congressional offices.)

11 PERMANENT REQUEST FOR BALLOT FOR EARLY VOTING—Do you want a ballot  
12 for early voting to be mailed for every statewide primary and general  
13 election? with boxes to check to indicate "Yes" or "No".

14 OTHER—information the Secretary of State determines will assist in  
15 the proper and accurate registration of the voter.

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

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

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

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

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

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

28 Any registrant who signs this application knowing that any of the  
29 information in the application is false shall be guilty of a Class IV  
30 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
31 a Class IV felony is up to two years imprisonment and twelve months post-

1 release supervision, a fine of up to ten thousand dollars, or both.

2 APPLICANT'S SIGNATURE—require the applicant to affix his or her  
3 signature to the application.

4 Sec. 2. Section 32-312.02, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 32-312.02 To avoid rejection of an application for registration or a  
7 delay in the processing of the application, the information provided by  
8 the applicant pursuant to section 32-312 who is applying to register for  
9 the first time in the state or following a cancellation of the person's  
10 prior registration shall include:

11 (1) The name of the applicant;

12 (2) A description of the location of the applicant's residence that  
13 is sufficient to allow the election commissioner or county clerk to  
14 accurately assign the applicant to the appropriate precinct, including a  
15 political subdivision of the precinct if the applicant resides in a  
16 precinct which is divided into political subdivisions and the voters  
17 residing within each subdivision are entitled to participate in an  
18 election of any one or more candidates or in the determination by  
19 election of any question or proposition specific to the political  
20 subdivision;

21 (3) The postal address if different than the person's residence  
22 address;

23 (4) The date of birth of the applicant;

24 (5) The party affiliation of the applicant or an indication that the  
25 applicant is not affiliated with any political party;

26 (6) The applicant's Nebraska driver's license number or, if the  
27 applicant does not have a Nebraska driver's license, the last four digits  
28 of the applicant's social security number if the applicant has one;—and

29 (7) Indication of "Yes" or "No" regarding the Permanent Request for  
30 Ballot for Early Voting; and

31 (8) (7) The signature of the applicant.

1           Sec. 3. Section 32-330, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3           32-330 (1) Except as otherwise provided in subsection (3) of section  
4 32-301, the voter registration register shall be a public record. Any  
5 person may examine the register at the office of the election  
6 commissioner or county clerk, but no person other than the Secretary of  
7 State, the election commissioner, the county clerk, or law enforcement  
8 shall be allowed to make copies of the register. Copies of the register  
9 shall only be used for list maintenance as provided in section 32-329 or  
10 law enforcement purposes. The electronic records of the original voter  
11 registrations created pursuant to section 32-301 may constitute the voter  
12 registration register. The Secretary of State, election commissioner, or  
13 county clerk shall withhold information in the register designated as  
14 confidential under section 32-331. No portion of the register made  
15 available to the public and no list distributed pursuant to this section  
16 shall include the digital signature of any voter.

17           (2) The Secretary of State, election commissioner, or county clerk  
18 shall make available a list of registered voters that contains no more  
19 than the information authorized in subsection (3) of this section and, if  
20 requested, a list that only contains such information for registered  
21 voters who have voted in an election held more than thirty days prior to  
22 the request for the list. The Secretary of State, election commissioner,  
23 or county clerk shall establish the price of the lists at a rate that  
24 fairly covers the actual production cost of the lists, not to exceed  
25 three cents per name. Lists shall be used solely for purposes related to  
26 elections, political activities, voter registration, law enforcement, or  
27 jury selection. Lists shall not be used for commercial purposes.

28           (3)(a) The Secretary of State, election commissioner, or county  
29 clerk shall withhold from any list of registered voters distributed  
30 pursuant to subsection (2) of this section any information in the voter  
31 registration records which is designated as confidential under section

1 32-331 or marked private on the voter registration application or voter  
2 registration record.

3 (b) Except as otherwise provided in subdivision (a) of this  
4 subsection, a list of registered voters distributed pursuant to  
5 subsection (2) of this section shall contain no more than the following  
6 information:

- 7 (i) The registrant's name;
- 8 (ii) The registrant's residential address;
- 9 (iii) The registrant's mailing address;
- 10 (iv) The registrant's telephone number;
- 11 (v) The registrant's voter registration status;
- 12 (vi) The registrant's voter identification number;
- 13 (vii) The registrant's date of birth;
- 14 (viii) The registrant's date of voter registration;
- 15 (ix) The registrant's voting precinct;
- 16 (x) The registrant's polling site;
- 17 (xi) The registrant's political party affiliation;
- 18 (xii) The political subdivisions in which the registrant resides;

19 and

- 20 (xiii) The registrant's voter history; and
- 21 (xiv) Whether the registrant has requested to be placed on the list  
22 to receive ballots for early voting for statewide primary and general  
23 elections.

24 (4) Any person who acquires a list of registered voters under  
25 subsection (2) of this section shall provide his or her name, address,  
26 telephone number, email address, and campaign committee name or  
27 organization name, if applicable, and the state of organization, if  
28 applicable, and shall take and subscribe to an oath in substantially the  
29 following form:

30 I hereby swear that I will use the list of registered voters  
31 of ..... County, Nebraska, (or the State of Nebraska) only for the

1 purposes prescribed in section 32-330 and for no other purpose and that I  
2 will not permit the use or copying of such list for unauthorized  
3 purposes.

4 I hereby declare under the penalty of election falsification that  
5 the statements above are true to the best of my knowledge.

6 The penalty for election falsification is a Class IV felony.

7 (Signature of person acquiring list) .....

8 Subscribed and sworn to before me this .... day of ..... 20.. .

9 (Signature of officer) .....

10 (Name and official title of officer) .....

11 (5) The Secretary of State, election commissioner, or county clerk  
12 shall provide, upon request and free of charge, a complete and current  
13 listing of all registered voters and their addresses to the Clerk of the  
14 United States District Court for the District of Nebraska. Such list  
15 shall be provided no later than December 31 of each even-numbered year.

16 (6) The Secretary of State, election commissioner, or county clerk  
17 shall provide, upon request and free of charge, a complete and current  
18 listing of all registered voters containing only the information  
19 authorized under subsection (3) of this section to the state party  
20 headquarters of each political party and to the county chairperson of  
21 each political party.

22 Sec. 4. Section 32-808, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 32-808 (1) Except as otherwise provided in section 32-939.02,  
25 ballots for early voting to be mailed pursuant to section 32-941 shall be  
26 ready for delivery to registered voters at least thirty-five days prior  
27 to each statewide primary or general election and at least fifteen days  
28 prior to all other elections.

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



1           (3) The Secretary of State election commissioner or county clerk  
2 shall create and publish, on the Secretary of State's web site and in a  
3 newspaper of general circulation in each ~~the~~ county, an application form  
4 to be used by registered voters in making an application for a ballot for  
5 early voting after the ballots become available. The publication of the  
6 application shall not be required if the election is held by mail  
7 pursuant to sections 32-952 to 32-959.

8           Sec. 5. Section 32-941, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           32-941 (1)(a) Any registered voter permitted to vote early pursuant  
11 to section 32-938 may, not more than one hundred twenty days before any  
12 election and not later than the close of business on the second Friday  
13 preceding the election, request a ballot for the election to be mailed to  
14 a specific address. A registered voter shall request a ballot in writing  
15 to the election commissioner or county clerk in the county where the  
16 registered voter has established his or her home and shall indicate his  
17 or her residence address, the address to which the ballot is to be mailed  
18 if different, and his or her telephone number if available. The  
19 registered voter may use the form published by the Secretary of State  
20 ~~election commissioner or county clerk~~ pursuant to section 32-808. The  
21 registered voter shall sign the request. A registered voter may use a  
22 facsimile machine or electronic mail for the submission of a request for  
23 a ballot.

24           (b) The election commissioner or county clerk shall include a  
25 registration application with the ballots if the person is not  
26 registered. Registration applications shall not be mailed after the third  
27 Friday preceding the election. If the person is not registered to vote,  
28 the registration application shall be returned not later than the closing  
29 of the polls on the day of the election. No ballot issued under this  
30 subsection ~~section~~ shall be counted unless such registration application  
31 is properly completed and processed.

1       (2)(a) The Secretary of State shall, in conjunction with the  
2 Department of Motor Vehicles, implement an electronic process for a  
3 registered voter to request a ballot for early voting using the Secretary  
4 of State's web site. A registered voter who has a valid Nebraska motor  
5 vehicle operator's license or state identification card may use the  
6 process to request a ballot.

7       (b) A request under this subsection shall contain substantially all  
8 of the information required in subsection (1) of this section and the  
9 following statements:

10       (i) A registered voter who submits this request for a ballot for  
11 early voting is affirming that the information in the request is true;  
12 and

13       (ii) A registered voter who submits this request for a ballot for  
14 early voting is agreeing to the use of the voter's digital signature from  
15 the Department of Motor Vehicles' records of the voter's motor vehicle  
16 operator's license or state identification card for purposes of  
17 requesting a ballot for early voting.

18       (c) The election commissioner or county clerk shall, upon receipt of  
19 the request for a ballot under this subsection, send an electronic  
20 acknowledgment to the registered voter indicating whether the request is  
21 approved.

22       (3) If a request for a ballot under this section is denied, the  
23 election commissioner or county clerk shall notify the registered voter  
24 in writing that the request was denied, the reason or reasons for the  
25 denial, whether the registered voter can resubmit or provide additional  
26 information to complete the request for the ballot for the same election,  
27 and if so, how to comply with the requirements.

28       (4) The Secretary of State shall provide a process for a registered  
29 voter to request to be placed on a list to receive a ballot for early  
30 voting for every statewide primary and general election. The Secretary of  
31 State shall include this option on the application to register to vote

1 pursuant to section 32-312 and on every request for a ballot under  
2 subsection (1) or (2) of this section. The process shall include  
3 submission of substantially all of the information required in subsection  
4 (1) of this section.

5       Sec. 6. Section 32-943, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       32-943 (1) Any registered voter who is permitted to vote early  
8 pursuant to section 32-938 may appoint an agent to submit a request for a  
9 ballot for early voting on his or her behalf. The registered voter or his  
10 or her agent may request that the ballot be sent to the registered voter  
11 by mail or indicate on the request that the agent will personally pick up  
12 the ballot for such registered voter from the office of the election  
13 commissioner or county clerk. A registered voter or an agent acting on  
14 behalf of a registered voter shall request a ballot in writing to the  
15 election commissioner or county clerk in the county where the registered  
16 voter has established his or her residence and shall indicate the voter's  
17 residence address, the address to which the ballot is to be mailed if  
18 different, and the voter's telephone number if available and precinct if  
19 known. The registered voter or the voter's agent may use the form  
20 published by the Secretary of State ~~election commissioner or county clerk~~  
21 pursuant to section 32-808. The registered voter or his or her agent  
22 shall sign the request.

23       (2) A candidate for office at such election and any person serving  
24 on a campaign committee for such a candidate shall not act as an agent  
25 for any registered voter requesting a ballot pursuant to this section  
26 unless such person is a member of the registered voter's family. No  
27 person shall act as agent for more than two registered voters in any  
28 election.

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

1 of the polls on the day of the election.

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

4 Sec. 7. Original sections 32-312.02, 32-808, 32-941, and 32-943,  
5 Reissue Revised Statutes of Nebraska, and sections 32-312 and 32-330,  
6 Revised Statutes Cumulative Supplement, 2020, are repealed.