

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 197**

Introduced by Kolowski, 31.

Read first time January 10, 2017

Committee:

- 1 A BILL FOR AN ACT relating to elections; to amend sections 32-808,
- 2 32-941, and 32-943, Reissue Revised Statutes of Nebraska; to provide
- 3 for application for ballots to vote early on the Secretary of
- 4 State's web site; to harmonize provisions; and to repeal the
- 5 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 ready for delivery to registered voters at least thirty-five days prior  
6 to each statewide primary or general election and at least fifteen days  
7 prior to all other elections.

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

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

17 (4)(a) The Secretary of State in conjunction with the Department of  
18 Motor Vehicles shall, on or before January 1, 2019, develop and implement  
19 an early voting application process which may be used statewide to apply  
20 electronically using the Secretary of State's web site to receive a  
21 ballot for early voting to vote by mail. The Secretary of State shall not  
22 use any General Fund appropriation to develop and implement the early  
23 voting application process but shall use funds available in the Election  
24 Administration Fund. An applicant who has a valid Nebraska motor vehicle  
25 operator's license or state identification card may use the application  
26 process to apply for a ballot for early voting after the ballots become  
27 available. For each electronic application, the Secretary of State shall  
28 verify the applicant's motor vehicle operator's license or state  
29 identification card number or the last four digits of the applicant's  
30 social security number with the records of the Department of Motor  
31 Vehicles relating to the applicant's motor vehicle operator's license or

1 state identification card number and obtain a copy of the electronic  
2 representation of the applicant's signature from the records of the  
3 Department of Motor Vehicles relating to the applicant's motor vehicle  
4 operator's license or state identification card for purposes of  
5 application verification. The Secretary of State shall forward a verified  
6 application to the election commissioner or county clerk of the county in  
7 which the applicant's address is located.

8 (b) If the request is received not more than one hundred twenty days  
9 before any election and not later than the close of business on the  
10 second Friday before the election, the election commissioner or county  
11 clerk shall mail a ballot for early voting to the applicant at the  
12 address designated on the application as the address to which the ballot  
13 is to be mailed. If the applicant designates an address to which the  
14 ballot is to be mailed other than the address at which he or she is  
15 registered to vote, the election commissioner or county clerk shall also  
16 mail a notice by nonforwardable, first-class mail to the address at which  
17 the applicant is registered to vote. The notice shall state that a ballot  
18 has been mailed to the voter at a separate address. If the applicant is  
19 not registered to vote, the election commissioner or county clerk shall  
20 include a voter registration application with the ballot.

21 (c) An applicant who submits an application under this subsection  
22 knowing that any of the information in the application is false shall be  
23 guilty of election falsification and be subject to section 32-1502.

24 (d) The application shall contain substantially all the information  
25 requested in section 32-941, the applicant's motor vehicle operator's  
26 license number or state identification card number or the last four  
27 digits of the applicant's social security number, and the following  
28 informational statements:

29 (i) An applicant who submits this application electronically is  
30 affirming that the information in the application is true. Any applicant  
31 who submits this application electronically knowing that any of the

1 information in the application is false is guilty of a Class IV felony  
2 under section 32-1502 of the statutes of Nebraska. The penalty for a  
3 Class IV felony is up to two years imprisonment and twelve months post-  
4 release supervision, a fine of up to ten thousand dollars, or both;

5 (ii) An applicant who submits this application electronically is  
6 agreeing to having his or her motor vehicle operator's license or state  
7 identification card number or the last four digits of his or her social  
8 security number accessed in the records of the Department of Motor  
9 Vehicles and the use of his or her signature from the Department of Motor  
10 Vehicles' records of his or her motor vehicle operator's license or state  
11 identification card for purposes of application verification;

12 (iii) The completed application must be submitted not later than the  
13 close of business on the second Friday before the election; and

14 (iv) The election commissioner or county clerk will, upon receipt of  
15 the application prior to the deadline, mail a ballot for early voting to  
16 the applicant at the address as indicated on the application, and if the  
17 address is different than the address at which the applicant is  
18 registered, the election commissioner or county clerk will mail a notice  
19 of the issuance of the ballot to the address at which the applicant is  
20 registered.

21 Sec. 2. Section 32-941, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 32-941 Any registered voter permitted to vote early pursuant to  
24 section 32-938 may, not more than one hundred twenty days before any  
25 election and not later than the close of business on the second Friday  
26 preceding the election, request a ballot for the election to be mailed to  
27 a specific address. A registered voter shall request a ballot in writing  
28 to the election commissioner or county clerk in the county where the  
29 registered voter has established his or her home or electronically  
30 pursuant to subsection (4) of section 32-808 and shall indicate his or  
31 her residence address, the address to which the ballot is to be mailed if

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

15 Sec. 3. Section 32-943, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 32-943 (1) Any registered voter who is permitted to vote early  
18 pursuant to section 32-938 may appoint an agent to submit a request for a  
19 ballot for early voting on his or her behalf. The registered voter or his  
20 or her agent may request that the ballot be sent to the registered voter  
21 by mail or indicate on the request that the agent will personally pick up  
22 the ballot for such registered voter from the office of the election  
23 commissioner or county clerk. A registered voter or an agent acting on  
24 behalf of a registered voter shall request a ballot in writing to the  
25 election commissioner or county clerk in the county where the registered  
26 voter has established his or her residence and shall indicate the voter's  
27 residence address, the address to which the ballot is to be mailed if  
28 different, and the voter's telephone number if available and precinct if  
29 known. The registered voter or the voter's agent may use the form  
30 published by the election commissioner or county clerk pursuant to  
31 subsection (3) of section 32-808. The registered voter or his or her

1 agent shall sign the request.

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

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

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

14 Sec. 4. Original sections 32-808, 32-941, and 32-943, Reissue  
15 Revised Statutes of Nebraska, are repealed.