

LEGISLATIVE BILL 271

Approved by the Governor April 24, 2013

Introduced by Lautenbaugh, 18.

FOR AN ACT relating to elections; to amend section 32-933, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-942, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to voting early; and to repeal the original sections.

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

Section 1. Section 32-808, Revised Statutes Cumulative Supplement, 2012, is amended to read:

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

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

~~(2)~~ (3) The election commissioner or county clerk shall publish in a newspaper of general circulation in the county an application form to be used by registered voters in making an application for a ballot for early voting after the ballots become available. The publication of the application shall not be required if the election is held by mail pursuant to sections 32-952 to 32-959.

Sec. 2. Section 32-933, Reissue Revised Statutes of Nebraska, is amended to read:

32-933 (1) Any person listed in this subsection shall be eligible as a new resident to vote for President and Vice President of the United States at the statewide general election but for no other offices:

(a) Any citizen of the United States who is at least the constitutionally prescribed age of a voter and who comes into Nebraska after the voter registration period is closed pursuant to section 32-302 for the purpose of making Nebraska his or her place of residence; and

(b) Any registered voter who moves from one county to another county within Nebraska after the close of the voter registration period.

(2) Any registered voter who moves from Nebraska to another state or to the District of Columbia for the purpose of making such new location his or her place of residence after the close of the voter registration period for such location shall be eligible as a former resident to vote for President and Vice President of the United States at the statewide general election but for no other offices.

(3) Any person described in subsection (1) of this section shall cast his or her ballot in the office of the election commissioner or county clerk at any time between the close of the voter registration period and the close of the polls on election day. Such ballots shall be available after the close of the voter registration period. Ballots for former residents under subsection (2) of this section shall be available ~~thirty-five~~ thirty days prior to the election. The ballots may be voted in the office of the election commissioner or county clerk at any time between ~~thirty-five~~ thirty days prior to the election and the close of the polls on election day, or the ballots may be mailed to the office and counted if they arrive before the close of the polls on election day.

Sec. 3. Section 32-942, Revised Statutes Cumulative Supplement, 2012, is amended to read:

32-942 Any registered voter of this state who anticipates being absent from the county of his or her residence on the day of any election ~~but who is present in the county after ballots are available~~ may appear in person before the election commissioner or county clerk not more than thirty days prior to the day of election and obtain his or her ballot. The registered voter shall vote in the office of the election commissioner or county clerk or shall return the ballot to the office not later than the closing of the polls on the day of the election. A registered voter who is present in the county on the day of the election and who chooses to vote on the day of the election shall vote at the polling place assigned to the precinct in which he or she resides unless he or she is returning a ballot for early voting or voting pursuant to section 32-943.

Sec. 4. Original section 32-933, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-942, Revised Statutes Cumulative

Supplement, 2012, are repealed.