

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 841

Introduced by Brewer, 43.

Read first time January 06, 2022

Committee:

1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101,
2 32-103, and 32-939, Revised Statutes Cumulative Supplement, 2020; to
3 define a term; to provide for registration to vote and application
4 for ballots for members of the Nebraska National Guard; to provide
5 for applications for ballots for emergency response providers; to
6 harmonize provisions; and to repeal the original sections.

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

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 3 and 5 of this act
4 shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-103, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 32-103 For purposes of the Election Act, the definitions found in
8 sections 32-104 to 32-120 and section 3 of this act shall be used.

9 Sec. 3. Emergency response provider shall mean a person responding
10 to a state of emergency proclamation issued by the Governor or the
11 President of the United States who is temporarily assigned by a
12 governmental or nongovernmental relief agency or employer to provide
13 support to victims of an emergency or a natural disaster or to rebuild
14 the infrastructure of an area affected by such emergency or natural
15 disaster.

16 Sec. 4. Section 32-939, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 32-939 (1) As provided in section 32-939.02, the persons listed in
19 this subsection who are residents of Nebraska and but who reside outside
20 of Nebraska or the United States or are members of the Nebraska National
21 Guard ordered into the active service of the state or of the United
22 States shall be allowed to simultaneously register to vote and make
23 application for ballots for all elections in a calendar year through the
24 use of the Federal Post Card Application or a personal letter which
25 includes the same information as appears on the Federal Post Card
26 Application:

27 (a) Members of the armed forces of the United States or the United
28 States Merchant Marine, and their spouses and dependents residing with
29 them who are absent from the state;

30 (b) Members of the Nebraska National Guard ordered into the active
31 service of the state or of the United States;

1 (c) ~~(b)~~ Citizens temporarily residing outside of the United States
2 and the District of Columbia; and

3 (d) ~~(c)~~ Overseas citizens.

4 (2)(a) As provided in section 32-939.02, a person who is the age of
5 an elector and a citizen of the United States residing outside the United
6 States, who has never resided in the United States, who has not
7 registered to vote in any other state of the United States, and who has a
8 parent registered to vote within this state shall be eligible to register
9 to vote and vote in one county in which either one of his or her parents
10 is a registered voter.

11 (b) A person registering to vote or voting pursuant to this
12 subsection shall sign and enclose with the registration application and
13 with the ballot being voted a form provided by the election commissioner
14 or county clerk substantially as follows: I am the age of an elector and
15 a citizen of the United States residing outside the United States, I have
16 never resided in the United States, I have not registered to vote in any
17 other state of the United States, and I have a parent registered to vote
18 in County, Nebraska. I hereby declare, under penalty of
19 election falsification, a Class IV felony, that the statements above are
20 true to the best of my knowledge.

21 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO
22 YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED
23 TEN THOUSAND DOLLARS, OR BOTH.

24 (Signature of Voter)

25 Sec. 5. (1) A registered voter serving as an emergency response
26 provider outside of the voter's county of residence for a period
27 beginning on or after the forty-five days prior to any election may
28 request an early voting ballot via facsimile transmission or electronic
29 mail using a form prescribed by the Secretary of State. The election
30 commissioner or county clerk shall send the requested ballot if the
31 request is received not later than noon on election day and contains the

1 required information.

2 (2)(a) Any person requesting a ballot under this section may receive
3 and return the ballot and the oath prescribed in subdivision (b) of this
4 subsection using any method of transmission authorized by the Secretary
5 of State.

6 (b) An oath shall be delivered with the ballot and shall be in a
7 form substantially as provided in this subdivision.

8 VOTER'S OATH

9 I, the undersigned voter, declare that the ballot or ballots
10 contained no voting marks of any kind when I received them, and I caused
11 the ballot or ballots to be marked.

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

14 (1) I,, am a registered voter
15 in County;

16 (2) I have voted the ballot and am returning it in compliance with
17 Nebraska law; and

18 (3) I have not voted and will not vote in this election except by
19 this ballot.

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

26 I also understand that failure to sign below will invalidate my
27 ballot.

28 Signature

29 Sec. 6. Original sections 32-101, 32-103, and 32-939, Revised
30 Statutes Cumulative Supplement, 2020, are repealed.