

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 959**

Introduced by Murante, 49.

Read first time January 10, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Election Act; to amend section 32-1535,
- 2 Reissue Revised Statutes of Nebraska, and section 32-947, Revised
- 3 Statutes Supplement, 2017; to provide requirements for returning a
- 4 ballot for early voting on behalf of someone else; to provide a
- 5 penalty; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-947, Revised Statutes Supplement, 2017, is  
2 amended to read:

3 32-947 (1) Upon receipt of an application or other request for a  
4 ballot to vote early, the election commissioner or county clerk shall  
5 determine whether the applicant is a registered voter and is entitled to  
6 vote as requested. If the election commissioner or county clerk  
7 determines that the applicant is a registered voter entitled to vote  
8 early and the application was received not later than the close of  
9 business on the second Friday preceding the election, the election  
10 commissioner or county clerk shall deliver a ballot to the applicant in  
11 person or by mail, postage paid. The election commissioner or county  
12 clerk or any employee of the election commissioner or county clerk shall  
13 write or cause to be affixed his or her customary signature or initials  
14 on the ballot.

15 (2) An unsealed identification envelope shall be delivered with the  
16 ballot, and upon the back of the envelope shall be printed a form  
17 substantially as follows:

18 VOTER'S OATH

19 I, the undersigned voter, declare that the enclosed ballot or  
20 ballots contained no voting marks of any kind when I received them, and I  
21 caused the ballot or ballots to be marked, enclosed in the identification  
22 envelope, and sealed in such envelope.

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

25 (a) I, ....., am a registered voter  
26 in ..... County;

27 (b) I reside in the State of Nebraska at .....

28 (c) I have voted the enclosed ballot and am returning it in  
29 compliance with Nebraska law; and

30 (d) I have not voted and will not vote in this election except by  
31 this ballot.

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

7 I also understand that failure to sign below will invalidate my  
8 ballot.

9 Signature .....

10 ~~(3)(a) (3)~~ If the ballot and identification envelope will be  
11 returned by mail or by someone other than the voter, the election  
12 commissioner or county clerk shall include with the ballot:

13 (i) A warning as follows: If you are returning this ballot for  
14 someone else, you are subject to the penalties provided in section  
15 32-1535 if you fail to return this ballot as required in this subsection;  
16 and

17 (ii) An an identification envelope upon the face of which shall be  
18 printed the official title and post office address of the election  
19 commissioner or county clerk.

20 (b) If the ballot is to be returned by someone other than the voter  
21 and the person returning the ballot does not reside in the same household  
22 as the voter, the person returning the ballot shall do so within one  
23 business day after receiving the ballot from the voter unless the voter  
24 resides in a county that provides for twenty-four-hour drop-off of  
25 ballots. If the voter resides in a county that provides for twenty-four-  
26 hour drop-off of ballots, the ballot is to be returned by someone other  
27 than the voter, and the person returning the ballot does not reside in  
28 the same household as the voter, the person returning the ballot shall  
29 return the ballot on the same calendar day that the ballot was received  
30 from the voter by the person returning the ballot.

31 (4) The election commissioner or county clerk shall also enclose

1 with the ballot materials:

2 (a) A registration application, if the election commissioner or  
3 county clerk has determined that the applicant is not a registered voter  
4 pursuant to section 32-945, with instructions that failure to return the  
5 completed and signed application indicating the residence address as it  
6 appears on the voter's request for a ballot to the election commissioner  
7 or county clerk by the close of the polls on election day will result in  
8 the ballot not being counted;

9 (b) A registration application and the oath pursuant to section  
10 32-946, if the voter is without a residence address, with instructions  
11 that the residence address of the voter shall be deemed that of the  
12 office of the election commissioner or county clerk of the county of the  
13 voter's prior residence and that failure to return the completed and  
14 signed application and oath to the election commissioner or county clerk  
15 by the close of the polls on election day will result in the ballot not  
16 being counted; or

17 (c) Written instructions directing the voter to submit a copy of an  
18 identification document pursuant to section 32-318.01 if the voter is  
19 required to present identification under such section and advising the  
20 voter that failure to submit identification to the election commissioner  
21 or county clerk by the close of the polls on election day will result in  
22 the ballot not being counted.

23 (5) The election commissioner or county clerk may enclose with the  
24 ballot materials a separate return envelope for the voter's use in  
25 returning his or her identification envelope containing the voted ballot,  
26 registration application, and other materials that may be required.

27 Sec. 2. Section 32-1535, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 32-1535 (1) Any person who removes any ballot from the polling room  
30 before the closing of the polls except as otherwise authorized under the  
31 Election Act shall be guilty of a Class V misdemeanor.

1           (2) Any person who is returning a ballot for early voting on behalf  
2 of another person and who fails to comply with subsection (3) of section  
3 32-947 shall be guilty of a Class IV misdemeanor.

4           Sec. 3.   Original section 32-1535, Reissue Revised Statutes of  
5 Nebraska, and section 32-947, Revised Statutes Supplement, 2017, are  
6 repealed.