

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1211

Introduced by Hansen, 16; Aguilar, 35; Albrecht, 17; Armendariz, 18; Ballard, 21; Bosn, 25; Bostelman, 23; Brewer, 43; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hardin, 48; Holdcroft, 36; Hughes, 24; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; Meyer, 41; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; von Gillern, 4.

Read first time January 16, 2024

Committee:

- 1 A BILL FOR AN ACT relating to elections; to amend section 32-808, Reissue
- 2 Revised Statutes of Nebraska, and section 32-942, Revised Statutes
- 3 Supplement, 2023; to change a deadline for delivery of ballots for
- 4 early voting; to change how early a registered voter may vote in
- 5 person; to repeal the original sections; and to declare an
- 6 emergency.
- 7 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 twenty-two ~~thirty-five~~
6 days prior to each statewide primary or general election and at least
7 fifteen days 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 Sec. 2. Section 32-942, Revised Statutes Supplement, 2023, is
18 amended to read:

19 32-942 (1)(a) A registered voter of this state who anticipates being
20 absent from the county of his or her residence on the day of any election
21 may appear in person before the election commissioner or county clerk not
22 more than twenty-two ~~thirty~~ days prior to the day of election, present
23 valid photographic identification, and obtain his or her ballot unless
24 otherwise entitled to vote in the office under section 32-915.03. The
25 registered voter shall vote the ballot in the office of the election
26 commissioner or county clerk or shall return the ballot to the office not
27 later than the closing of the polls on the day of the election.

28 (b) A registered voter who is present in the county on the day of
29 the election and who chooses to vote on the day of the election shall
30 vote at the polling place assigned to the precinct in which he or she
31 resides unless he or she is returning a ballot for early voting or voting

1 pursuant to section 32-943.

2 (2) If a person registers to vote and requests a ballot at the same
3 time under this section, he or she shall, in addition to the requirements
4 of subsection (1) of this section, (a)(i) present one of the address
5 confirmation documents as prescribed in subdivision (1)(a) of section
6 32-318.01, (ii) present proof that he or she is a member of the armed
7 forces of the United States who by reason of active duty has been absent
8 from his or her place of residence where the member is otherwise eligible
9 to vote, is a member of the United States Merchant Marine who by reason
10 of service has been away from his or her place of residence where the
11 member is otherwise eligible to vote, is a spouse or dependent of a
12 member of the armed forces of the United States or United States Merchant
13 Marine who has been absent from his or her place of residence due to the
14 service of that member, or resides outside the United States and but for
15 such residence would be qualified to vote in the state if the state was
16 the last place in which the person was domiciled before leaving the
17 United States, or (iii) state that he or she is elderly or handicapped
18 and has requested to vote by alternative means other than by casting a
19 ballot at his or her polling place on election day or (b) vote a ballot
20 which is placed in an envelope with the voter's name and address and
21 other necessary identifying information and kept securely for counting as
22 provided in this subsection. This subsection does not extend the deadline
23 for voter registration specified in section 32-302. A ballot cast
24 pursuant to subdivision (b) of this subsection shall be rejected and
25 shall not be counted if the acknowledgment of registration sent to the
26 registrant pursuant to section 32-322 is returned as undeliverable for a
27 reason other than clerical error within ten days after it is mailed,
28 otherwise after such ten-day period, the ballot shall be counted.

29 (3) This section applies only to a person who appears in person to
30 obtain a ballot as provided in subsection (1) of this section and does
31 not apply to a ballot mailed to a voter pursuant to section 32-945.

1 Sec. 3. Original section 32-808, Reissue Revised Statutes of
2 Nebraska, and section 32-942, Revised Statutes Supplement, 2023, are
3 repealed.

4 Sec. 4. Since an emergency exists, this act takes effect when
5 passed and approved according to law.