

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 499
Final Reading

Introduced by Price, 3.

Read first time January 18, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Election Act; to amend sections 32-602,
2 32-617, 32-632, 32-941, and 32-942, Reissue Revised
3 Statutes of Nebraska, and section 32-939, Revised
4 Statutes Cumulative Supplement, 2010; to change
5 provisions relating to filing for office, petitions for
6 nomination, registration to vote, and voting; and to
7 repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-602, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-602 (1) Any person seeking an elective office shall be
4 a registered voter at the time of filing for the office pursuant to
5 section 32-606 or 32-611.

6 (2) Any person filing for office shall meet the
7 constitutional and statutory requirements of the office for which he
8 or she is filing. If a person is filing for a partisan office, he or
9 she shall be a registered voter affiliated with the appropriate
10 political party if required pursuant to section 32-702. If the person
11 is required to sign a contract or comply with a bonding or equivalent
12 commercial insurance policy requirement prior to holding such office,
13 he or she shall be at least nineteen years of age at the time of
14 filing for the office.

15 (3) A person shall not be eligible to file for an office
16 if he or she holds the office and his or her term of office expires
17 after the beginning of the term of office for which he or she would
18 be filing. This subsection does not apply to filing for an office to
19 represent a different district, ward, subdistrict, or subdivision of
20 the same governmental entity as the office held at the time of
21 filing.

22 ~~(3)~~(4) The governing body of the political subdivision
23 swearing in the officer shall determine whether the person meets all
24 requirements prior to swearing in the officer.

25 Sec. 2. Section 32-617, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-617 (1) Petitions for nomination for partisan and
3 nonpartisan offices shall conform to the requirements of section
4 32-628. Petitions shall state the office to be filled and the name
5 and address of the candidate. Petitions for partisan office shall
6 also indicate the party affiliation of the candidate. A sample copy
7 of the petition shall be filed with the filing officer prior to
8 circulation. Petitions shall be signed by registered voters residing
9 in the district or political subdivision in which the officer is to
10 be elected and shall be filed with the filing officer in the same
11 manner as provided for candidate filing forms in section 32-607.
12 Petition signers and petition circulators shall conform to the
13 requirements of sections 32-629 and 32-630. No petition for
14 nomination shall be filed unless there is attached thereto a receipt
15 showing the payment of the filing fee required pursuant to section
16 32-608. Such petitions shall be filed by September 1 in the year of
17 the general election.

18 (2) The filing officer shall verify the signatures
19 according to section 32-631. Within three days after the signatures
20 on a petition for nomination have been verified pursuant to such
21 section and the filing officer has determined that pursuant to
22 section 32-618 a sufficient number of registered voters signed the
23 petitions, the filing officer shall notify the candidate so nominated
24 by registered or certified mail, and the candidate shall, within five
25 days after the date of receiving such notification, file with such

1 officer his or her acceptance of the nomination or his or her name
2 will not be printed on the ballot.

3 (3) A candidate placed on the ballot by petition shall be
4 termed a candidate by petition. The words BY PETITION shall be
5 printed upon the ballot after the name of each candidate by petition.

6 Sec. 3. Section 32-632, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-632 Any person may remove his or her name from a
9 petition by an affidavit signed and sworn to by such person before
10 the election commissioner, the county clerk, or a notary public. The
11 affidavit shall be presented to the Secretary of State, election
12 commissioner, or county clerk prior to or on the day ~~of~~ the petition
13 filing deadline. is filed for verification with the election
14 commissioner or county clerk.

15 Sec. 4. Section 32-939, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 32-939 (1) As provided in section 32-939.02, the persons
18 listed in this subsection who are residents of Nebraska but who
19 reside outside of Nebraska or the United States shall be allowed to
20 simultaneously register to vote and make application for ballots for
21 all elections in a calendar year through the use of the Federal Post
22 Card Application or a personal letter which includes the same
23 information as appears on the Federal Post Card Application:

24 (a) Members of the armed forces of the United States or
25 the United States Merchant Marine, and their spouses and dependents

1 residing with them who are absent from the state;

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

4 (c) Overseas citizens.

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

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

23 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT
24 FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR
25 BOTH.

1 (Signature of Voter)

2 Sec. 5. Section 32-941, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-941 Any registered voter permitted to vote early
5 pursuant to section 32-938 may, not more than one hundred twenty days
6 before any election and not later than 4 p.m. on the Wednesday
7 preceding the election, request a ballot for the election to be
8 mailed to a specific address. A registered voter shall request a
9 ballot in writing to the election commissioner or county clerk in the
10 county where the registered voter has established his or her home and
11 shall indicate his or her residence address, the address to which the
12 ballot is to be mailed if different, and his or her political party,
13 telephone number if available, and precinct if known. The registered
14 voter may use the form published by the election commissioner or
15 county clerk pursuant to section 32-808. The registered voter shall
16 sign the request. A registered voter may use a facsimile machine for
17 the submission of a request for a ballot. The election commissioner
18 or county clerk shall include a registration application with the
19 ballots if the person is not registered. Registration applications
20 shall not be ~~issued or mailed~~ after the ~~second~~third Friday preceding
21 the election. If the person is not registered to vote, the
22 registration application shall be returned not later than the closing
23 of the polls on the day of the election. No ballot issued under this
24 section shall be counted unless such registration application is
25 properly completed and processed.

1 Sec. 6. Section 32-942, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-942 Any registered voter of this state who anticipates
4 being absent from the county of his or her residence on the day of
5 any election but who is present in the county after ballots are
6 available may appear in person before the election commissioner or
7 county clerk and obtain his or her ballot. The registered voter shall
8 vote in the office of the election commissioner or county clerk or
9 shall return the ballot to the office not later than the closing of
10 the polls on the day of the election. A registered voter who is
11 present in the county on the day of the election and who chooses to
12 vote on the day of the election shall vote at the polling place
13 assigned to the precinct in which he or she resides unless he or she
14 is returning a ballot for early voting or voting pursuant to section
15 32-943.

16 Sec. 7. Original sections 32-602, 32-617, 32-632, 32-941,
17 and 32-942, Reissue Revised Statutes of Nebraska, and section 32-939,
18 Revised Statutes Cumulative Supplement, 2010, are repealed.