

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 631**

Introduced by Cook, 13.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-938 and  
2 32-941, Reissue Revised Statutes of Nebraska, and  
3 sections 32-101 and 32-808, Revised Statutes Cumulative  
4 Supplement, 2010; to provide for a permanent early voting  
5 request list; to provide powers and duties; to change  
6 provisions relating to early voting; to harmonize  
7 provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-101, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

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

5           Sec. 2. Section 32-808, Revised Statutes Cumulative  
6 Supplement, 2010, is amended to read:

7           32-808 (1) Except as otherwise provided in section  
8 32-939.02, ballots for early voting and applications shall be ready  
9 for delivery to registered voters at least thirty-five days prior to  
10 each statewide primary or general election and at least fifteen days  
11 prior to all other elections. The election commissioner or county  
12 clerk shall mail applications to request a ballot for early voting to  
13 registered voters on the permanent early voting request list as  
14 provided in section 5 of this act. The election commissioner or  
15 county clerk shall not forward any ballot for early voting if the  
16 election to which such ballot pertains has already been held.

17           (2) The election commissioner or county clerk shall  
18 publish in a newspaper of general circulation in the county an  
19 application form ~~to which may be used by registered voters in making~~  
20 ~~an application for~~ to request a ballot for early voting after the  
21 ballots become available. The publication of the application shall  
22 not be required if the election is held by mail pursuant to sections  
23 32-952 to 32-959.

24           (3) The application for a ballot for early voting  
25 delivered or published pursuant to this section shall include an

1 option for the voter to request to be placed on the permanent early  
2 voting request list as provided in section 5 of this act.

3           Sec. 3. Section 32-938, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-938 (1) A registered voter shall be permitted to vote  
6 early by requesting a ballot for early voting pursuant to section  
7 32-941 or 32-943 or section 5 of this act.

8           (2) Any person excluded from voting under section 32-313  
9 or 32-314 shall not be allowed to receive a ballot for early voting  
10 or to be placed on the permanent early voting request list.

11           (3) Any person who fails to register to vote by the voter  
12 registration deadline shall not be allowed to vote except as provided  
13 in section 32-940 or 32-941.

14           Sec. 4. Section 32-941, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           32-941 (1) Any registered voter permitted to vote early  
17 pursuant to section 32-938 may, not more than one hundred twenty days  
18 before any election and not later than 4 p.m. on the Wednesday  
19 preceding the election, request a ballot for the election to be  
20 mailed to a specific address. A registered voter shall request a  
21 ballot in writing to the election commissioner or county clerk in the  
22 county where the registered voter has established his or her home and  
23 shall indicate his or her residence address, the address to which the  
24 ballot is to be mailed if different, and his or her political party,  
25 telephone number if available, and precinct if known. The registered

1 voter may use the form published by the election commissioner or  
2 county clerk pursuant to section 32-808 or return the application  
3 mailed pursuant to section 5 of this act. The registered voter shall  
4 sign the request. A registered voter may use a facsimile machine for  
5 the submission of a request for a ballot.

6 (2) The election commissioner or county clerk shall  
7 include a registration application with the ballots if the person is  
8 not registered. Registration applications shall not be issued or  
9 mailed after the second Friday preceding the election. If the person  
10 is not registered to vote, the registration application shall be  
11 returned not later than the closing of the polls on the day of the  
12 election. No ballot issued under this section shall be counted unless  
13 such registration application is properly completed and processed.

14 Sec. 5. (1) A registered voter may request to be included  
15 on a permanent list of voters to receive an application to request a  
16 ballot for early voting for any election conducted pursuant to the  
17 Election Act. The election commissioner or county clerk shall  
18 maintain the permanent early voting request list and shall mail such  
19 applications to registered voters on the list in sufficient time to  
20 meet the requirements of section 32-941.

21 (2) In order to be included on the permanent early voting  
22 request list, the voter shall select the option on the application  
23 provided under subsection (3) of section 32-808 or make a request  
24 which includes the voter's name, residence address, mailing address  
25 in the voter's county of residence if different, and political party.

1           (3) On receipt of a request to be included on the  
2 permanent early voting request list, the election commissioner or  
3 county clerk shall make a note in the voter's voter registration  
4 record that the voter has made a permanent request for a ballot for  
5 early voting.

6           (4) Prior to each election conducted pursuant to the  
7 Election Act, the election commissioner or county clerk shall mail to  
8 all voters who are eligible for the election and who are included on  
9 the permanent early voting request list an application to request a  
10 ballot for early voting by nonforwardable mail that is marked with  
11 the statement required by the postmaster to receive an address  
12 correction notification.

13           (5) If the application is returned undeliverable by the  
14 United States Postal Service, the election commissioner or county  
15 clerk shall take the necessary steps to contact the voter at the  
16 voter's new residence address in order to update that voter's  
17 address.

18           (6) After a voter has requested to be included on the  
19 permanent early voting request list, the voter shall be sent an  
20 application to request a ballot for early voting by mail  
21 automatically for any election at which a voter at that residence  
22 address is eligible to vote until any of the following occurs:

23           (a) The voter requests in writing to be removed from the  
24 permanent early voting request list;

25           (b) The voter's registration or eligibility for

1 registration is canceled as otherwise provided in the Election Act or  
2 subject to subdivision (5)(b) of this section; or

3 (c) The application sent by the election commissioner or  
4 county clerk is returned undeliverable and the election commissioner  
5 or county clerk is unable to contact the voter to determine the  
6 voter's continued desire to remain on the list.

7 (7) A voter may make a written request at any time to be  
8 removed from the permanent early voting request list. The request  
9 shall include the voter's name, residence address, date of birth, and  
10 signature. On receipt of a completed request to remove a voter from  
11 the permanent early voting request list, the election commissioner or  
12 county clerk shall remove the voter's name from the list as soon as  
13 practicable.

14 (8) An absent uniformed services voter or overseas voter  
15 is eligible to be placed on the permanent early voting request list  
16 pursuant to this section.

17 (9) A voter's failure to return an application or vote an  
18 early ballot once received does not constitute grounds to remove the  
19 voter from the permanent early voting request list.

20 Sec. 6. Original sections 32-938 and 32-941, Reissue  
21 Revised Statutes of Nebraska, and sections 32-101 and 32-808, Revised  
22 Statutes Cumulative Supplement, 2010, are repealed.