

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1064

Introduced by Murante, 49.

Read first time January 17, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101
2 and 32-322, Reissue Revised Statutes of Nebraska; to require
3 election commissioners and county clerks to check voter registration
4 registers for deceased individuals as prescribed; to require the
5 Secretary of State to check the citizenship status of registered
6 voters and applicants for voter registration; to harmonize
7 provisions; to repeal the original sections; and to declare an
8 emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

5 Sec. 2. Section 32-322, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-322 Upon receipt by the election commissioner or county clerk of
8 a complete and correct registration application showing that the
9 registrant is qualified to be a registered voter pursuant to sections
10 32-312.01 to 32-312.05 and after completion of a citizenship check
11 pursuant to section 4 of this act, the registrant shall be a registered
12 voter and the election commissioner or county clerk shall send, by
13 nonforwardable first-class mail, an acknowledgment of registration to the
14 registrant at the postal address shown on the registration application.
15 If an acknowledgment of registration is returned as undeliverable, a
16 second nonforwardable first-class mailing shall be attempted. If a
17 registration application is a duplicate of a registration already on
18 file, the registrant shall be so notified.

19 Sec. 3. If an election commissioner or county clerk sends a notice
20 to a voter pursuant to 52 U.S.C. 20507(d)(2), as such section existed on
21 January 1, 2018, and the voter fails to return the card within thirty
22 days after the date of the notice, the election commissioner or county
23 clerk shall use the authority under section 32-327 to determine whether
24 the voter is deceased.

25 Sec. 4. (1) If the Secretary of State, an election commissioner, or
26 a county clerk receives a voter registration application from an
27 individual who is not currently registered to vote in Nebraska and the
28 Secretary of State has not checked the citizenship status of the
29 individual, for the purpose of determining the individual's eligibility
30 to vote, through the federal Systematic Alien Verification for
31 Entitlements Program administered by the United States Citizenship and

1 Immigration Services of the Department of Homeland Security, the
2 Secretary of State shall check the citizenship status of the applicant
3 through the federal Systematic Alien Verification for Entitlements
4 Program before the applicant is placed in the voter registration register
5 for the appropriate county through the computerized statewide voter
6 registration list.

7 (2) Prior to August 6, 2018, the Secretary of State shall check the
8 citizenship status of each registered voter on the computerized statewide
9 voter registration list through the federal Systematic Alien Verification
10 for Entitlements Program for the purpose of determining the voter's
11 eligibility to vote.

12 (3) If the Secretary of State checks the citizenship status of an
13 applicant or a registered voter through the federal Systematic Alien
14 Verification for Entitlements Program and determines that the individual
15 is ineligible to vote but has successfully registered to vote, the
16 Secretary of State shall remove the individual's voter registration
17 record from the voter registration register for the appropriate county by
18 changing the computerized statewide voter registration list. If an
19 individual is found to be ineligible to vote as a result of the check
20 conducted pursuant to subsection (2) of this section, the Secretary of
21 State shall remove the individual's voter registration record by August
22 7, 2018.

23 (4) If the Secretary of State checks the citizenship status of an
24 applicant or a registered voter through the federal Systematic Alien
25 Verification for Entitlements Program and determines that the individual
26 is ineligible to vote but either has attempted to register to vote or has
27 successfully registered to vote, the Secretary of State shall provide
28 that information to the Attorney General.

29 Sec. 5. Original sections 32-101 and 32-322, Reissue Revised
30 Statutes of Nebraska, are repealed.

31 Sec. 6. Since an emergency exists, this act takes effect when

1 passed and approved according to law.