

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 841**

Introduced by Brewer, 43.

Read first time January 06, 2022

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101,  
2 32-103, and 32-939, Revised Statutes Cumulative Supplement, 2020; to  
3 define a term; to provide for registration to vote and application  
4 for ballots for members of the Nebraska National Guard; to provide  
5 for applications for ballots for emergency response providers; to  
6 harmonize provisions; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

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

5 Sec. 2. Section 32-103, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 32-103 For purposes of the Election Act, the definitions found in  
8 sections 32-104 to 32-120 and section 3 of this act shall be used.

9 Sec. 3. Emergency response provider shall mean a person responding  
10 to a state of emergency proclamation issued by the Governor or the  
11 President of the United States who is temporarily assigned by a  
12 governmental or nongovernmental relief agency or employer to provide  
13 support to victims of an emergency or a natural disaster or to rebuild  
14 the infrastructure of an area affected by such emergency or natural  
15 disaster.

16 Sec. 4. Section 32-939, Revised Statutes Cumulative Supplement,  
17 2020, is amended to read:

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

27 (a) Members of the armed forces of the United States or the United  
28 States Merchant Marine, and their spouses and dependents residing with  
29 them who are absent from the state;

30 (b) Members of the Nebraska National Guard ordered into the active  
31 service of the state or of the United States;

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

3           (d) ~~(c)~~ Overseas citizens.

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

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

21           THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO  
22 YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED  
23 TEN THOUSAND DOLLARS, OR BOTH.

24           (Signature of Voter) .....

25           Sec. 5. (1) A registered voter serving as an emergency response  
26 provider outside of the voter's county of residence for a period  
27 beginning on or after the forty-five days prior to any election may  
28 request an early voting ballot via facsimile transmission or electronic  
29 mail using a form prescribed by the Secretary of State. The election  
30 commissioner or county clerk shall send the requested ballot if the  
31 request is received not later than noon on election day and contains the

1 required information.

2 (2)(a) Any person requesting a ballot under this section may receive  
3 and return the ballot and the oath prescribed in subdivision (b) of this  
4 subsection using any method of transmission authorized by the Secretary  
5 of State.

6 (b) An oath shall be delivered with the ballot and shall be in a  
7 form substantially as provided in this subdivision.

8 VOTER'S OATH

9 I, the undersigned voter, declare that the ballot or ballots  
10 contained no voting marks of any kind when I received them, and I caused  
11 the ballot or ballots to be marked.

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

14 (1) I, ....., am a registered voter  
15 in ..... County;

16 (2) I have voted the ballot and am returning it in compliance with  
17 Nebraska law; and

18 (3) I have not voted and will not vote in this election except by  
19 this ballot.

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

26 I also understand that failure to sign below will invalidate my  
27 ballot.

28 Signature .....

29 Sec. 6. Original sections 32-101, 32-103, and 32-939, Revised  
30 Statutes Cumulative Supplement, 2020, are repealed.