

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1181

Introduced by Groene, 42; Albrecht, 17; Brewer, 43; Clements, 2; Erdman, 47; Halloran, 33; Hansen, B., 16; Lowe, 37; Murman, 38; Sanders, 45.

Read first time January 19, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to elections; to amend sections 32-318.01 and
- 2 32-914, Reissue Revised Statutes of Nebraska, and section 32-947,
- 3 Revised Statutes Cumulative Supplement, 2020; to change provisions
- 4 relating to required identification documents for registering to
- 5 vote and voting in person or by mail; to change provisions relating
- 6 to early voting procedures; to harmonize provisions; and to repeal
- 7 the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-318.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 32-318.01 (1)(a) Except as provided by subsection (2) of this
4 section, a person who registers to vote by mail ~~after January 1, 2003,~~
5 ~~and has not previously voted in an election within the state~~ shall
6 present a photographic identification which is current and valid or a
7 copy of a utility bill, bank statement, government check, paycheck, or
8 other government document which is dated within the sixty days
9 immediately prior to the date of presentation and which shows the same
10 name and residence address of the person provided on the registration
11 application in order to avoid identification requirements at the time of
12 voting pursuant to section 32-914 or 32-947.

13 (b) Such documentation may be presented at the time of application
14 for registration, after submission of the application for registration,
15 or at the time of voting. The documentation must be received by the
16 election commissioner or county clerk not later than 6 p.m. on the second
17 Friday preceding the election to avoid additional identification
18 requirements at the time of voting at the polling place if the voter
19 votes in person. If the voter is voting using a ballot for early voting,
20 the documentation must be received by the election commissioner or county
21 clerk prior to the date on which the ballot is mailed to the voter to
22 avoid additional identification requirements at the time of voting.
23 Documentation received after the ballot has been mailed to the voter but
24 not later than 8 p.m. on election day will be considered timely for
25 purposes of determining the applicant's eligibility to vote in the
26 election.

27 (c) Such documentation may be presented in person, by mail, or by
28 facsimile transmission.

29 (d) Failure to present such documentation may result in the ballot
30 not being counted pursuant to verification procedures prescribed in
31 sections 32-1002 and 32-1027.

1 (2) A person who registers to vote by mail ~~after January 1, 2003,~~
2 ~~and has not previously voted in an election within the state~~ shall not be
3 required to present identification if he or she:

4 (a) Has provided his or her Nebraska driver's license number or the
5 last four digits of his or her social security number and the election
6 commissioner or county clerk verifies the number provided pursuant to
7 subsection (2) of section 32-312.03;

8 (b) Is a member of the armed forces of the United States who by
9 reason of active duty is absent from his or her place of residence where
10 the member is otherwise eligible to vote;

11 (c) Is a member of the United States Merchant Marine who by reason
12 of service is away from his or her place of residence where the member is
13 otherwise eligible to vote;

14 (d) Is a spouse or dependent of a member of the armed forces of the
15 United States or United States Merchant Marine who is absent from his or
16 her place of residence due to the service of that member;

17 (e) Resides outside the United States and but for such residence
18 would be qualified to vote in the state if the state was the last place
19 in which the person was domiciled before leaving the United States; or

20 (f) Is elderly or handicapped and has requested to vote by
21 alternative means other than by casting a ballot at his or her polling
22 place on election day.

23 Sec. 2. Section 32-914, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-914 (1) Official ballots shall be used at all elections. No
26 person shall receive a ballot or be entitled to vote unless and until he
27 or she is registered as a voter except as provided in section 32-914.01,
28 32-914.02, 32-915, 32-915.01, or 32-936.

29 (2) Except as otherwise specifically provided, no ballot shall be
30 handed to any voter at any election until:

31 (a) He or she announces his or her name and address to the clerk of

1 election;

2 (b) The clerk has found that he or she is a registered voter at the
3 address as shown by the precinct list of registered voters unless
4 otherwise entitled to vote in the precinct under section 32-328,
5 32-914.01, 32-914.02, 32-915, or 32-915.01;

6 (c) Except as provided under subsection (2) of section 32-318.01,
7 the ~~The~~ voter has presented a photographic identification which is
8 current and valid at the time of the election, or a copy of a utility
9 bill, bank statement, paycheck, government check, or other government
10 document which is dated within the sixty days immediately prior to the
11 date of presentation ~~current at the time of the election~~ and which shows
12 the same name and residence address of the voter that is on the precinct
13 list of registered voters, ~~if the voter registered by mail after January~~
14 ~~1, 2003, and has not previously voted in an election for a federal office~~
15 ~~within the county and a notation appears on the precinct list of~~
16 ~~registered voters that the voter has not previously presented~~
17 ~~identification to the election commissioner or county clerk;~~

18 (d) As instructed by the clerk of election, the registered voter has
19 personally written his or her name (i) in the precinct sign-in register
20 on the appropriate line which follows the last signature of any previous
21 voter or (ii) in the combined document containing the precinct list of
22 registered voters and the sign-in register; and

23 (e) The clerk has listed on the precinct list of registered voters
24 the corresponding line number and name of the registered voter or has
25 listed the name of the voter in a separate book as provided in section
26 32-913.

27 Sec. 3. Section 32-947, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 32-947 (1) Upon receipt of an application or other request for a
30 ballot to vote early, the election commissioner or county clerk shall
31 determine whether the applicant is a registered voter and is entitled to

1 vote as requested. If the election commissioner or county clerk
2 determines that the applicant is a registered voter entitled to vote
3 early and the application was received not later than the close of
4 business on the second Friday preceding the election, the election
5 commissioner or county clerk shall deliver a ballot to the applicant in
6 person or by mail, postage paid. The election commissioner or county
7 clerk or any employee of the election commissioner or county clerk shall
8 write or cause to be affixed his or her customary signature or initials
9 on the ballot.

10 (2) An unsealed identification envelope shall be delivered with the
11 ballot. As an integral component, the identification envelope shall have
12 a separate, sealable pocket compartment on the outside of the envelope
13 where the voter shall insert and seal the copy of the identification
14 document required under subsection (3) of this section. Upon ~~and upon~~
15 the back of the unsealed identification envelope shall be printed a form
16 substantially as follows:

17 VOTER'S OATH

18 I, the undersigned voter, declare that the enclosed ballot or
19 ballots contained no voting marks of any kind when I received them, and I
20 caused the ballot or ballots to be marked, enclosed in the identification
21 envelope, and sealed in such envelope.

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

24 (a) I,, am a registered voter
25 in County;

26 (b) I reside in the State of Nebraska at

27 (c) I have voted the enclosed ballot and am returning it in
28 compliance with Nebraska law; and

29 (d) I have not voted and will not vote in this election except by
30 this ballot.

31 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION

1 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
2 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
3 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE
4 MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND
5 DOLLARS, OR BOTH.

6 I also understand that failure to include a copy of an
7 identification document or failure to sign below will invalidate my
8 ballot.

9 Signature

10 (3)(a) If a ballot will be returned by mail by the voter or by a
11 person other than the voter, the voter must insert in the separate,
12 sealable pocket provided on the identification envelope a copy of the
13 voter's photographic identification which is current and valid, or a copy
14 of a utility bill, bank statement, paycheck, government check, or other
15 government document which is dated within the sixty days immediately
16 prior to the date of the election and which shows the same name and
17 residence address of the voter that is on the precinct list of registered
18 voters.

19 (b) Upon the separate, sealable pocket compartment shall be printed:
20 Insert in this pocket a copy of your current and valid photographic
21 identification or a copy of a utility bill, bank statement, paycheck,
22 government check, or other government document which is dated within the
23 sixty days immediately prior to the date of the election and which shows
24 your same name and residence address.

25 (4) {3} If the ballot and identification envelope will be returned
26 by mail or by a person ~~someone~~ other than the voter, the election
27 commissioner or county clerk shall include with the ballot an
28 identification envelope upon the face of which shall be printed the
29 official title and post office address of the election commissioner or
30 county clerk.

31 (5) {4} The election commissioner or county clerk shall also enclose

1 with the ballot materials:

2 (a) A registration application, if the election commissioner or
3 county clerk has determined that the applicant is not a registered voter
4 pursuant to section 32-945, with instructions that failure to return the
5 completed and signed application indicating the residence address as it
6 appears on the voter's request for a ballot to the election commissioner
7 or county clerk by the close of the polls on election day will result in
8 the ballot not being counted;

9 (b) A registration application and the oath pursuant to section
10 32-946, if the voter is without a residence address, with instructions
11 that the residence address of the voter shall be deemed that of the
12 office of the election commissioner or county clerk of the county of the
13 voter's prior residence and that failure to return the completed and
14 signed application and oath to the election commissioner or county clerk
15 by the close of the polls on election day will result in the ballot not
16 being counted; or

17 (c) Written instructions directing the voter to submit a copy of an
18 identification document pursuant to section 32-318.01 if the voter is
19 required to present identification under such section and advising the
20 voter that failure to submit identification to the election commissioner
21 or county clerk by the close of the polls on election day will result in
22 the ballot not being counted.

23 (6) ~~(5)~~ The election commissioner or county clerk may enclose with
24 the ballot materials a separate return envelope for the voter's use in
25 returning his or her identification envelope containing the voted ballot,
26 registration application, and other materials that may be required.

27 Sec. 4. Original sections 32-318.01 and 32-914, Reissue Revised
28 Statutes of Nebraska, and section 32-947, Revised Statutes Cumulative
29 Supplement, 2020, are repealed.