

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 785

Introduced by Groene, 42; Albrecht, 17; Arch, 14; Brewer, 43; Clements,
2; Erdman, 47; Geist, 25; Halloran, 33; Murman, 38;
Sanders, 45; Slama, 1.

Read first time January 05, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to elections; to amend sections 32-808,
- 2 32-942, and 32-943, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to early voting; and to repeal the original
- 4 sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-808, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-808 (1) Except as otherwise provided in section 32-939.02,
4 ballots for early voting to be mailed pursuant to section 32-941 shall be
5 mailed by nonforwardable first-class mail ready for delivery to
6 registered voters not sooner than twenty-two ~~at least thirty-five~~ days
7 prior to each statewide primary or general election and at least fifteen
8 days prior to all other elections.

9 (2) The election commissioner or county clerk shall not mail or
10 issue any ballot for early voting if the election to which such ballot
11 pertains has already been held.

12 (3) The election commissioner or county clerk shall publish in a
13 newspaper of general circulation in the county an application form to be
14 used by registered voters in making an application for a ballot for early
15 voting after the ballots become available. The publication of the
16 application shall not be required if the election is held by mail
17 pursuant to sections 32-952 to 32-959.

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

20 32-942 (1) Except as otherwise provided in subsection (2) of this
21 section, a registered voter of this state who anticipates being absent
22 from the county of his or her residence on the day of any election may
23 appear in person before the election commissioner or county clerk not
24 more than twenty-two ~~thirty~~ days prior to the day of election and obtain
25 his or her ballot. The registered voter shall vote the ballot in the
26 office of the election commissioner or county clerk or shall return the
27 ballot to the office not later than the closing of the polls on the day
28 of the election. A registered voter who is present in the county on the
29 day of the election and who chooses to vote on the day of the election
30 shall vote at the polling place assigned to the precinct in which he or
31 she resides unless he or she is returning a ballot for early voting or

1 voting pursuant to section 32-943.

2 (2) If a person registers to vote and requests a ballot at the same
3 time under this section, he or she shall (a)(i) present one of the
4 address confirmation documents as prescribed in subdivision (1)(a) of
5 section 32-318.01, (ii) present proof that he or she is a member of the
6 armed forces of the United States who by reason of active duty has been
7 absent from his or her place of residence where the member is otherwise
8 eligible to vote, is a member of the United States Merchant Marine who by
9 reason of service has been away from his or her place of residence where
10 the member is otherwise eligible to vote, is a spouse or dependent of a
11 member of the armed forces of the United States or United States Merchant
12 Marine who has been absent from his or her place of residence due to the
13 service of that member, or resides outside the United States and but for
14 such residence would be qualified to vote in the state if the state was
15 the last place in which the person was domiciled before leaving the
16 United States, or (iii) state that he or she is elderly or handicapped
17 and has requested to vote by alternative means other than by casting a
18 ballot at his or her polling place on election day or (b) vote a ballot
19 which is placed in an envelope with the voter's name and address and
20 other necessary identifying information and kept securely for counting as
21 provided in this subsection. This subsection does not extend the deadline
22 for voter registration specified in section 32-302. A ballot cast
23 pursuant to subdivision (b) of this subsection shall be rejected and
24 shall not be counted if the acknowledgment of registration sent to the
25 registrant pursuant to section 32-322 is returned as undeliverable for a
26 reason other than clerical error within ten days after it is mailed,
27 otherwise after such ten-day period, the ballot shall be counted.

28 (3) This section applies only to a person who appears in person to
29 obtain a ballot as provided in subsection (1) of this section and does
30 not apply to a ballot mailed to a voter pursuant to section 32-945.

31 Sec. 3. Section 32-943, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-943 (1) Any registered voter who is permitted to vote early
3 pursuant to section 32-938 may appoint an agent to (a) submit a request
4 for a ballot for early voting on his or her behalf of such voter or (b)
5 return a marked ballot to the election commissioner or county clerk on
6 behalf of such voter. The registered voter or his or her agent may
7 request that the ballot be sent to the registered voter by mail or
8 indicate on the request that the agent will personally pick up the ballot
9 for such registered voter from the office of the election commissioner or
10 county clerk. A registered voter or an agent acting on behalf of a
11 registered voter shall request a ballot in writing to the election
12 commissioner or county clerk in the county where the registered voter has
13 established his or her residence and shall indicate the voter's residence
14 address, the address to which the ballot is to be mailed if different,
15 and the voter's telephone number if available and precinct if known. The
16 registered voter or the voter's agent may use the form published by the
17 election commissioner or county clerk pursuant to section 32-808. The
18 registered voter or his or her agent shall sign the request.

19 (2) No person shall act as an agent pursuant to this section:

20 (a) If such person is a A candidate for office at such election or
21 and any person serving on a campaign committee for such a candidate,
22 shall not act as an agent for any registered voter requesting a ballot
23 pursuant to this section unless such person is a member of the registered
24 voter's family; or

25 (b) For . No person shall act as agent for more than two registered
26 voters in any election.

27 (3) The agent shall pick up the ballot before one hour prior to the
28 closing of the polls on election day and deliver the ballot to the
29 registered voter. The ballot shall be returned not later than the closing
30 of the polls on the day of the election.

31 (4) The election commissioner or county clerk shall adopt procedures

1 for the distribution of ballots under this section.

2 Sec. 4. Original sections 32-808, 32-942, and 32-943, Reissue

3 Revised Statutes of Nebraska, are repealed.