

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1211**

Introduced by Hansen, 16; Aguilar, 35; Albrecht, 17; Armendariz, 18; Ballard, 21; Bosn, 25; Bostelman, 23; Brewer, 43; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hardin, 48; Holdcroft, 36; Hughes, 24; Jacobson, 42; Kauth, 31; Linehan, 39; Lippincott, 34; Lowe, 37; Meyer, 41; Moser, 22; Murman, 38; Riepe, 12; Sanders, 45; von Gillern, 4.

Read first time January 16, 2024

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend section 32-808, Reissue  
2 Revised Statutes of Nebraska, and section 32-942, Revised Statutes  
3 Supplement, 2023; to change a deadline for delivery of ballots for  
4 early voting; to change how early a registered voter may vote in  
5 person; to repeal the original sections; and to declare an  
6 emergency.

7 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 ready for delivery to registered voters at least twenty-two ~~thirty-five~~  
6 days prior to each statewide primary or general election and at least  
7 fifteen days prior to all other elections.

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

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

17 Sec. 2. Section 32-942, Revised Statutes Supplement, 2023, is  
18 amended to read:

19 32-942 (1)(a) A registered voter of this state who anticipates being  
20 absent from the county of his or her residence on the day of any election  
21 may appear in person before the election commissioner or county clerk not  
22 more than twenty-two ~~thirty~~ days prior to the day of election, present  
23 valid photographic identification, and obtain his or her ballot unless  
24 otherwise entitled to vote in the office under section 32-915.03. The  
25 registered voter shall vote the ballot in the office of the election  
26 commissioner or county clerk or shall return the ballot to the office not  
27 later than the closing of the polls on the day of the election.

28 (b) A registered voter who is present in the county on the day of  
29 the election and who chooses to vote on the day of the election shall  
30 vote at the polling place assigned to the precinct in which he or she  
31 resides unless he or she is returning a ballot for early voting or voting

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

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

1           Sec. 3.    Original section 32-808, Reissue Revised Statutes of  
2 Nebraska, and section 32-942, Revised Statutes Supplement, 2023, are  
3 repealed.

4           Sec. 4.    Since an emergency exists, this act takes effect when  
5 passed and approved according to law.