

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 314**

Introduced by Murante, 49.

Read first time January 12, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 18-2713,  
2 32-301, 32-304, 32-312, 32-915, 32-939, and 32-947, Reissue Revised  
3 Statutes of Nebraska; to change deadlines for submitting economic  
4 development programs to a vote; to eliminate provisions relating to  
5 funding; to conform statutory language to penalties previously  
6 changed by the Legislature; and to repeal the original sections.

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

1 Section 1. Section 18-2713, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 18-2713 Before adopting an economic development program, a city  
4 shall submit the question of its adoption to the registered voters at an  
5 election. The governing body of the city shall order the submission of  
6 the question by filing a certified copy of the resolution proposing the  
7 economic development program with the election commissioner or county  
8 clerk not later than fifty ~~forty-one~~ days prior to a special election or  
9 not later than March 1 ~~fifty~~ days prior to a primary election or  
10 September 1 prior to a general election. The question on the ballot shall  
11 briefly set out the terms, conditions, and goals of the proposed economic  
12 development program, including the length of time during which the  
13 program will be in existence, the year or years within which the funds  
14 from local sources of revenue are to be collected, the source or sources  
15 from which the funds are to be collected, the total amount to be  
16 collected for the program from local sources of revenue, and whether the  
17 city proposes to issue bonds pursuant to the Local Option Municipal  
18 Economic Development Act to provide funds to carry out the economic  
19 development program. The ballot question shall also specify whether  
20 additional funds from other noncity sources will be sought beyond those  
21 derived from local sources of revenue. In addition to all other  
22 information, if the funds are to be derived from the city's property tax,  
23 the ballot question shall state the present annual cost of the economic  
24 development program per ten thousand dollars of assessed valuation based  
25 upon the most recent valuation of the city certified to the Property Tax  
26 Administrator pursuant to section 77-1613.01. The ballot question shall  
27 state: "Shall the city of (name of the city) establish an economic  
28 development program as described here by appropriating annually from  
29 local sources of revenue \$..... for ..... years?". If the only city  
30 revenue source for the proposed economic development program is a local  
31 option sales tax that has not yet been approved at an election, the

1 ballot question specifications in this section may be repeated in the  
2 sales tax ballot question.

3 If a majority of those voting on the issue vote in favor of the  
4 question, the governing body may implement the proposed economic  
5 development program upon the terms set out in the resolution. If a  
6 majority of those voting on the economic development program vote in  
7 favor of the question when the only city revenue source is a proposed  
8 sales tax and a majority of those voting on the local option sales tax  
9 vote against the question, the governing body shall not implement the  
10 economic development program, and it shall become null and void. If a  
11 majority of those voting on the issue vote against the question, the  
12 governing body shall not implement the economic development program.

13 Sec. 2. Section 32-301, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 32-301 (1) The Secretary of State shall implement, in a uniform and  
16 nondiscriminatory manner, a single, uniform, official, centralized,  
17 interactive computerized statewide voter registration list defined,  
18 maintained, and administered at the office of the Secretary of State that  
19 contains the name and registration information of every legally  
20 registered voter in the state and assigns a unique identifier to each  
21 legally registered voter in the state. The computerized list shall serve  
22 as the single system for storing and managing the official list of  
23 registered voters throughout the state and shall comprise the voter  
24 registration register. The computerized list shall be coordinated with  
25 other agency data bases within the state and shall be available for  
26 electronic access by election commissioners and county clerks. The  
27 computerized list shall serve as the official voter registration list for  
28 the conduct of all elections under the Election Act. The Secretary of  
29 State shall provide such support as may be required so that election  
30 commissioners and county clerks are able to electronically enter voter  
31 registration information obtained by such officials on an expedited basis

1 at the time the information is received. The Secretary of State shall  
2 provide adequate technological security measures to prevent unauthorized  
3 access to the computerized list. ~~No General Funds shall be appropriated~~  
4 ~~for purposes of this list, and funds available in the Election~~  
5 ~~Administration Fund may be used for such purposes.~~

6 (2) The election commissioner or county clerk shall provide for the  
7 registration of the electors of the county. Upon receipt of a voter  
8 registration application in his or her office from an eligible elector,  
9 the election commissioner or county clerk shall enter the information  
10 from the application in the voter registration register and may create an  
11 electronic image, photograph, microphotograph, or reproduction in an  
12 electronic digital format to be used as the voter registration record.  
13 The election commissioner or county clerk shall provide a precinct list  
14 of registered voters for each precinct for the use of judges and clerks  
15 of election in their respective precincts on election day. An  
16 electronically prepared list of registered voters in a form prescribed by  
17 the Secretary of State shall meet the requirements for a precinct list of  
18 registered voters.

19 Sec. 3. Section 32-304, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 32-304 (1) The Secretary of State in conjunction with the Department  
22 of Motor Vehicles shall, on or before September 1, 2015, develop and  
23 implement a registration application process which may be used statewide  
24 to register to vote and update voter registration records electronically  
25 using the Secretary of State's web site. An applicant who has a valid  
26 Nebraska motor vehicle operator's license or state identification card  
27 may use the application process to register to vote or to update his or  
28 her voter registration record with changes in his or her personal  
29 information or other information related to his or her eligibility to  
30 vote. For each electronic application, the Secretary of State shall  
31 obtain a copy of the electronic representation of the applicant's

1 signature from the Department of Motor Vehicles' records of his or her  
2 motor vehicle operator's license or state identification card for  
3 purposes of voter registration.

4 (2) The application shall contain substantially all the information  
5 provided in section 32-312 and the following informational statements:

6 (a) An applicant who submits this application electronically is  
7 affirming that the information in the application is true. Any applicant  
8 who submits this application electronically knowing that any of the  
9 information in the application is false shall be guilty of a Class IV  
10 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
11 a Class IV felony is up to two five years imprisonment and twelve months  
12 of post-release supervision, a fine of up to ten thousand dollars, or  
13 both;

14 (b) An applicant who submits this application electronically is  
15 agreeing to the use of his or her signature from the Department of Motor  
16 Vehicles' records of his or her motor vehicle operator's license or state  
17 identification card for purposes of voter registration;

18 (c) To vote at the polling place on election day, the completed  
19 application must be submitted on or before the third Friday before the  
20 election; and

21 (d) The election commissioner or county clerk will, upon receipt of  
22 the application for registration, send an acknowledgment of registration  
23 to the applicant indicating whether the application is proper or not.

24 Sec. 4. Section 32-312, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 32-312 The registration application prescribed by the Secretary of  
27 State pursuant to section 32-304 or 32-311.01 shall provide the  
28 instructional statements and request the information from the applicant  
29 as provided in this section.

30 CITIZENSHIP—"Are you a citizen of the United States of America?"  
31 with boxes to check to indicate whether the applicant is or is not a

1 citizen of the United States.

2 AGE—"Are you at least eighteen years of age or will you be eighteen  
3 years of age on or before the first Tuesday following the first Monday of  
4 November of this year?" with boxes to check to indicate whether or not  
5 the applicant will be eighteen years of age or older on election day.

6 WARNING—"If you checked 'no' in response to either of these  
7 questions, do not complete this application.".

8 NAME—the name of the applicant giving the first and last name in  
9 full, the middle name in full or the middle initial, and the maiden name  
10 of the applicant, if applicable.

11 RESIDENCE—the name and number of the street, avenue, or other  
12 location of the dwelling where the applicant resides if there is a  
13 number. If the registrant resides in a hotel, apartment, tenement house,  
14 or institution, such additional information shall be included as will  
15 give the exact location of such registrant's place of residence. If the  
16 registrant lives in an incorporated or unincorporated area not identified  
17 by the use of roads, road names, or house numbers, the registrant shall  
18 state the section, township, and range of his or her residence and the  
19 corporate name of the school district as described in section 79-405 in  
20 which he or she is located.

21 POSTAL ADDRESS—the address at which the applicant receives mail if  
22 different from the residence address.

23 ADDRESS OF LAST REGISTRATION—the name and number of the street,  
24 avenue, or other location of the dwelling from which the applicant last  
25 registered.

26 TELEPHONE NUMBERS—the telephone number of the applicant at work and  
27 at home. At the request of the applicant, a designation shall be made  
28 that the telephone number is an unlisted number, and such designation  
29 shall preclude the listing of the applicant's telephone number on any  
30 list of voter registrations.

31 EMAIL ADDRESS—an email address of the applicant. At the request of

1 the applicant, a designation shall be made that the email address is  
2 private, and such designation shall preclude the listing of the  
3 applicant's email address on any list of voter registrations.

4 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY  
5 NUMBER—if the applicant has a Nebraska driver's license, the license  
6 number, and if the applicant does not have a Nebraska driver's license,  
7 the last four digits of the applicant's social security number.

8 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when  
9 the applicant presented himself or herself for registration, when the  
10 applicant completed and signed the registration application if the  
11 application was submitted by mail or delivered to the election official  
12 by the applicant's personal messenger or personal agent, or when the  
13 completed application was submitted if the registration application was  
14 completed pursuant to section 32-304.

15 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion  
16 where the applicant was born.

17 DATE OF BIRTH—show the date of the applicant's birth. The applicant  
18 shall be at least eighteen years of age or attain eighteen years of age  
19 on or before the first Tuesday after the first Monday in November to have  
20 the right to register and vote in any election in the present calendar  
21 year.

22 REGISTRATION TAKEN BY—show the signature of the authorized official  
23 or staff member accepting the application pursuant to section 32-309 or  
24 32-310 or at least one of the deputy registrars taking the application  
25 pursuant to section 32-306, if applicable.

26 PARTY AFFILIATION—show the party affiliation of the applicant as  
27 Democrat, Republican, or Other ..... or show no party affiliation as  
28 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan  
29 primary elections for state and local offices, you must indicate a  
30 political party affiliation on the registration application. If you  
31 register without a political party affiliation (nonpartisan), you will

1 receive only the nonpartisan ballots for state and local offices at  
2 primary elections. If you register without a political party affiliation,  
3 you may vote in partisan primary elections for congressional offices.)

4 OTHER—information the Secretary of State determines will assist in  
5 the proper and accurate registration of the voter.

6 Immediately following the spaces for inserting information as  
7 provided in this section, the following statement shall be printed:

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

10 (1) I live in the State of Nebraska at the address provided in this  
11 application;

12 (2) I have not been convicted of a felony or, if convicted, it has  
13 been at least two years since I completed my sentence for the felony,  
14 including any parole term;

15 (3) I have not been officially found to be non compos mentis  
16 (mentally incompetent); and

17 (4) I am a citizen of the United States.

18 Any registrant who signs this application knowing that any of the  
19 information in the application is false shall be guilty of a Class IV  
20 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
21 a Class IV felony is up to two five years imprisonment and twelve months  
22 of post-release supervision, a fine of up to ten thousand dollars, or  
23 both.

24 APPLICANT'S SIGNATURE—require the applicant to affix his or her  
25 signature to the application.

26 Sec. 5. Section 32-915, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 32-915 (1) A person whose name does not appear on the precinct list  
29 of registered voters at the polling place for the precinct in which he or  
30 she resides, whose name appears on the precinct list of registered voters  
31 at the polling place for the precinct in which he or she resides at a

1 different residence address as described in section 32-914.02, or whose  
2 name appears with a notation that he or she received a ballot for early  
3 voting may vote a provisional ballot if he or she:

4 (a) Claims that he or she is a registered voter who has continuously  
5 resided in the county in which the precinct is located since registering  
6 to vote;

7 (b) Is not entitled to vote under section 32-914.01 or 32-914.02;

8 (c) Has not registered to vote or voted in any other county since  
9 registering to vote in the county in which the precinct is located;

10 (d) Has appeared to vote at the polling place for the precinct to  
11 which the person would be assigned based on his or her residence address;  
12 and

13 (e) Completes and signs a registration application before voting.

14 (2) A voter whose name appears on the precinct list of registered  
15 voters for the polling place with a notation that the voter is required  
16 to present identification pursuant to section 32-318.01 but fails to  
17 present identification may vote a provisional ballot if he or she  
18 completes and signs a registration application before voting.

19 (3) Each person voting by provisional ballot shall enclose his or  
20 her ballot in an envelope marked Provisional Ballot and shall, by signing  
21 the certification on the front of the envelope or a separate form  
22 attached to the envelope, certify to the following facts:

23 (a) I am a registered voter in ..... County;

24 (b) My name or address did not correctly appear on the precinct list  
25 of registered voters;

26 (c) I registered to vote on or about this date .....

27 (d) I registered to vote  
28 .... in person at the election office or a voter registration site,  
29 .... by mail,  
30 .... by using the Secretary of State's web site,  
31 .... through the Department of Motor Vehicles,

1           .... on a form through another state agency,  
2           .... in some other way;

3           (e) I have not resided outside of this county or voted outside of  
4 this county since registering to vote in this county;

5           (f) My current address is shown on the registration application  
6 completed as a requirement for voting by provisional ballot; and

7           (g) I am eligible to vote in this election and I have not voted and  
8 will not vote in this election except by this ballot.

9           (4) The voter shall sign the certification under penalty of election  
10 falsification. The following statements shall be on the front of the  
11 envelope or on the attached form: By signing the front of this envelope  
12 or the attached form you are certifying to the information contained on  
13 this envelope or the attached form under penalty of election  
14 falsification. Election falsification is a Class IV felony and may be  
15 punished by up to two five years imprisonment and twelve months of post-  
16 release supervision, a fine of up to ten thousand dollars, or both.

17           (5) If the person's name does not appear on the precinct list of  
18 registered voters for the polling place and the judge or clerk of  
19 election determines that the person's residence address is located in  
20 another precinct within the same county, the judge or clerk of election  
21 shall direct the person to his or her correct polling place to vote.

22           Sec. 6. Section 32-939, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           32-939 (1) As provided in section 32-939.02, the persons listed in  
25 this subsection who are residents of Nebraska but who reside outside of  
26 Nebraska or the United States shall be allowed to simultaneously register  
27 to vote and make application for ballots for all elections in a calendar  
28 year through the use of the Federal Post Card Application or a personal  
29 letter which includes the same information as appears on the Federal Post  
30 Card Application:

31           (a) Members of the armed forces of the United States or the United

1 States Merchant Marine, and their spouses and dependents residing with  
2 them who are absent from the state;

3 (b) Citizens temporarily residing outside of the United States and  
4 the District of Columbia; and

5 (c) Overseas citizens.

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

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

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

26 (Signature of Voter) .....

27 Sec. 7. Section 32-947, Reissue Revised Statutes of Nebraska, is  
28 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, and upon the back of the envelope shall be printed a form  
12 substantially as follows:

13 VOTER'S OATH

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

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

20 (a) I, ....., am a registered voter  
21 in ..... County;

22 (b) I reside in the State of Nebraska at .....

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

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

27 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION  
28 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS  
29 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY  
30 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO FIVE YEARS AND  
31 TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN

1 THOUSAND DOLLARS, OR BOTH.

2 I also understand that failure to sign below will invalidate my  
3 ballot.

4 Signature .....

5 (3) If the ballot and identification envelope will be returned by  
6 mail or by someone other than the voter, the election commissioner or  
7 county clerk shall include with the ballot an identification envelope  
8 upon the face of which shall be printed the official title and post  
9 office address of the election commissioner or county clerk.

10 (4) The election commissioner or county clerk shall also enclose  
11 with the ballot materials:

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

19 (b) A registration application and the oath pursuant to section  
20 32-946, if the voter is without a residence address, with instructions  
21 that the residence address of the voter shall be deemed that of the  
22 office of the election commissioner or county clerk of the county of the  
23 voter's prior residence and that failure to return the completed and  
24 signed application and oath to the election commissioner or county clerk  
25 by the close of the polls on election day will result in the ballot not  
26 being counted; or

27 (c) Written instructions directing the voter to submit a copy of an  
28 identification document pursuant to section 32-318.01 if the voter is  
29 required to present identification under such section and advising the  
30 voter that failure to submit identification to the election commissioner  
31 or county clerk by the close of the polls on election day will result in

1 the ballot not being counted.

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

6 Sec. 8. Original sections 18-2713, 32-301, 32-304, 32-312, 32-915,  
7 32-939, and 32-947, Reissue Revised Statutes of Nebraska, are repealed.