

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 773

Introduced by Davis, 43; Cook, 13; Crawford, 45; Dubas, 34;
Kolowski, 31; Schumacher, 22; Seiler, 33; Sullivan,
41; Wallman, 30.

Read first time January 09, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-912, Reissue
2 Revised Statutes of Nebraska, and section 32-312, Revised
3 Statutes Cumulative Supplement, 2012; to provide for
4 partisan ballots at primary elections for unaffiliated
5 voters; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 32-312, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-312 The registration application prescribed by the
4 Secretary of State pursuant to section 32-311.01 shall provide the
5 instructional statements and request the information from the
6 applicant as provided in this section.

7 CITIZENSHIP—"Are you a citizen of the United States of
8 America?" with boxes to check to indicate whether the applicant is or
9 is not a citizen of the United States.

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

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

17 NAME—the name of the applicant giving the first and last
18 name in full, the middle name in full or the middle initial, and the
19 maiden name of the applicant, if applicable.

20 RESIDENCE—the name and number of the street, avenue, or
21 other location of the dwelling where the applicant resides if there
22 is a number. If the registrant resides in a hotel, apartment,
23 tenement house, or institution, such additional information shall be
24 included as will give the exact location of such registrant's place
25 of residence. If the registrant lives in an incorporated or

1 unincorporated area not identified by the use of roads, road names,
2 or house numbers, the registrant shall state the section, township,
3 and range of his or her residence and the corporate name of the
4 school district as described in section 79-405 in which he or she is
5 located.

6 POSTAL ADDRESS—the address at which the applicant
7 receives mail if different from the residence address.

8 ADDRESS OF LAST REGISTRATION—the name and number of the
9 street, avenue, or other location of the dwelling from which the
10 applicant last registered.

11 TELEPHONE NUMBERS—the telephone number of the applicant
12 at work and at home. At the request of the applicant, a designation
13 shall be made that the telephone number is an unlisted number, and
14 such designation shall preclude the listing of the applicant's
15 telephone number on any list of voter registrations.

16 EMAIL ADDRESS—an email address of the applicant. At the
17 request of the applicant, a designation shall be made that the email
18 address is private, and such designation shall preclude the listing
19 of the applicant's email address on any list of voter registrations.

20 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL
21 SECURITY NUMBER—if the applicant has a Nebraska driver's license, the
22 license number, and if the applicant does not have a Nebraska
23 driver's license, the last four digits of the applicant's social
24 security number.

25 DATE OF APPLICATION FOR REGISTRATION—the month, day, and

1 year when the applicant presented himself or herself for registration
2 or when the applicant completed and signed the registration
3 application if the application was submitted by mail or delivered to
4 the election official by the applicant's personal messenger or
5 personal agent.

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

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

13 REGISTRATION TAKEN BY—show the signature of the
14 authorized official or staff member accepting the application
15 pursuant to section 32-309 or 32-310 or at least one of the deputy
16 registrars taking the application pursuant to section 32-306, if
17 applicable.

18 PARTY AFFILIATION—show the party affiliation of the
19 applicant as Democrat, Republican, or Other or show no party
20 affiliation as Nonpartisan. (Note: ~~If you wish to vote in both~~
21 ~~partisan and nonpartisan primary elections for state and local~~
22 ~~offices, you must indicate a political party affiliation on the~~
23 ~~registration application.~~ If you register without a political party
24 affiliation (nonpartisan), ~~you will receive only the nonpartisan~~
25 ~~ballots for state and local offices at primary elections. If you~~

1 ~~register without a political party affiliation,~~ you may vote in
2 partisan primary elections for state, local, and congressional
3 offices by requesting the partisan ballot for the political party of
4 your choice.)

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

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

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

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

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

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

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

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

25 APPLICANT'S SIGNATURE-require the applicant to affix his

1 or her signature to the application.

2 Sec. 2. Section 32-912, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-912 (1) Any registered voter desiring to vote in a
5 primary election held under the Election Act shall be entitled to
6 participate in such primary election upon presenting himself or
7 herself at the polling place for his or her residence. A registered
8 voter who is affiliated with a political party shall receive from the
9 receiving board all nonpartisan ballots and the partisan ballot of
10 the political party indicated on his or her voter registration.
11 Except as provided in subsections (2) and (3) of this section, a
12 registered voter who is not affiliated with any political party shall
13 receive only nonpartisan ballots at a primary election.

14 ~~(2) Any political party may allow registered voters who
15 are not affiliated with a political party to vote in the primary
16 election for any elective office for which the party has candidates
17 except for the office of delegate to the party's county, state, or
18 national convention. Any political party desiring to permit such
19 registered voters to vote for candidates of that party in the primary
20 election shall file a letter stating that the governing body of the
21 political party has adopted a rule allowing registered voters who are
22 not affiliated with a political party to vote in the primary election
23 for candidates of that party. The letter and copy of the adopted rule
24 shall be filed with the Secretary of State at least sixty days before
25 the primary election. The Secretary of State shall notify the~~

1 ~~appropriate election commissioners and county clerks in writing that~~
2 ~~the political party filing the letter will allow registered voters~~
3 ~~who are not affiliated with a political party to vote in the primary~~
4 ~~election for candidates of that party. Once filed, the rule allowing~~
5 ~~such voters to vote in such primary election shall be irrevocable and~~
6 ~~shall apply only to the primary election immediately following the~~
7 ~~adoption of the rule.~~

8 (2) A registered voter who is not affiliated with a
9 political party and who desires to vote in the primary election for
10 local, county, and state offices may request and receive the partisan
11 ballot for all such offices from any political party, except that the
12 registered voter shall not be permitted to vote for candidates for
13 the office of delegate to the party's county, state, or national
14 convention. The election commissioner or county clerk shall post a
15 notice in a conspicuous location, easily visible and readable by
16 voters prior to approaching the receiving board, that a registered
17 voter who is not affiliated with a political party may request such
18 ballots. No such registered voter shall be permitted to receive
19 ballots from more than one party at that primary election.

20 (3) A registered voter who is not affiliated with a
21 political party and who desires to vote in the primary election for
22 the office of United States Senator or United States Representative
23 may request a partisan ballot for either or both of such offices from
24 any political party. The election commissioner or county clerk shall
25 post a notice in a conspicuous location, easily visible and readable

1 by voters prior to approaching the receiving board, that a registered
2 voter who is not affiliated with a political party may request such
3 ballots. No such registered voter shall receive more than one such
4 partisan ballot.

5 (4) The registered voters residing in a political
6 subdivision may cast their ballots for candidates for the offices in
7 that subdivision and for issues proposed for that subdivision, except
8 that when officers are to be nominated or elected from a subdistrict
9 of the political subdivision, the registered voters residing in the
10 subdistrict may only vote for candidates from the subdistrict and for
11 candidates for officers to be elected at large from the whole
12 political subdivision.

13 Sec. 3. Original section 32-912, Reissue Revised Statutes
14 of Nebraska, and section 32-312, Revised Statutes Cumulative
15 Supplement, 2012, are repealed.