

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 202

Introduced by Davis, 43.

Read first time January 13, 2015

Committee:

- 1 A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue
- 2 Revised Statutes of Nebraska, and section 32-312, Revised Statutes
- 3 Cumulative Supplement, 2014; to provide for partisan ballots at
- 4 primary elections for unaffiliated voters; to harmonize provisions;
- 5 and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-312, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 32-312 The registration application prescribed by the Secretary of
4 State pursuant to section 32-304 or 32-311.01 shall provide the
5 instructional statements and request the information from the applicant
6 as provided in this section.

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

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

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

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

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

29 POSTAL ADDRESS—the address at which the applicant receives mail if
30 different from the residence address.

31 ADDRESS OF LAST REGISTRATION—the name and number of the street,

1 avenue, or other location of the dwelling from which the applicant last
2 registered.

3 TELEPHONE NUMBERS—the telephone number of the applicant at work and
4 at home. At the request of the applicant, a designation shall be made
5 that the telephone number is an unlisted number, and such designation
6 shall preclude the listing of the applicant's telephone number on any
7 list of voter registrations.

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

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

16 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
17 the applicant presented himself or herself for registration, when the
18 applicant completed and signed the registration application if the
19 application was submitted by mail or delivered to the election official
20 by the applicant's personal messenger or personal agent, or when the
21 completed application was submitted if the registration application was
22 completed pursuant to section 32-304.

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

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

30 REGISTRATION TAKEN BY—show the signature of the authorized official
31 or staff member accepting the application pursuant to section 32-309 or

1 32-310 or at least one of the deputy registrars taking the application
2 pursuant to section 32-306, if applicable.

3 PARTY AFFILIATION—show the party affiliation of the applicant as
4 Democrat, Republican, or Other or show no party affiliation as
5 Nonpartisan. (Note: ~~If you wish to vote in both partisan and nonpartisan~~
6 ~~primary elections for state and local offices, you must indicate a~~
7 ~~political party affiliation on the registration application. If you~~
8 register without a political party affiliation (nonpartisan), ~~you will~~
9 ~~receive only the nonpartisan ballots for state and local offices at~~
10 ~~primary elections. If you register without a political party affiliation,~~
11 you may vote in partisan primary elections for state, local, and
12 congressional offices by requesting the partisan ballot for the political
13 party of your choice.)

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

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

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

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

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

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

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

28 Any registrant who signs this application knowing that any of the
29 information in the application is false shall be guilty of a Class IV
30 felony under section 32-1502 of the statutes of Nebraska. The penalty for
31 a Class IV felony is up to five years imprisonment, a fine of up to ten

1 thousand dollars, or both.

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

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

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

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

1 ~~irrevocable and shall apply only to the primary election immediately~~
2 ~~following the adoption of the rule.~~

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

14 (3) A registered voter who is not affiliated with a political party
15 and who desires to vote in the primary election for the office of United
16 States Senator or United States Representative may request a partisan
17 ballot for either or both of such offices from any political party. The
18 election commissioner or county clerk shall post a notice in a
19 conspicuous location, easily visible and readable by voters prior to
20 approaching the receiving board, that a registered voter who is not
21 affiliated with a political party may request such ballots. No such
22 registered voter shall receive more than one such partisan ballot.

23 (4) The registered voters residing in a political subdivision may
24 cast their ballots for candidates for the offices in that subdivision and
25 for issues proposed for that subdivision, except that when officers are
26 to be nominated or elected from a subdistrict of the political
27 subdivision, the registered voters residing in the subdistrict may only
28 vote for candidates from the subdistrict and for candidates for officers
29 to be elected at large from the whole political subdivision.

30 Sec. 3. Original section 32-912, Reissue Revised Statutes of
31 Nebraska, and section 32-312, Revised Statutes Cumulative Supplement,

1 2014, are repealed.