

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 125

Introduced by Avery, 28.

Read first time January 09, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-101, 32-107,  
2 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307,  
3 32-308, 32-310, 32-311.01, 32-314, 32-321, 32-325,  
4 32-807, 32-813, 32-816, 32-901, 32-902, 32-904, 32-906,  
5 32-907, 32-910, 32-912, 32-913, 32-914, 32-915, 32-916,  
6 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923,  
7 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936,  
8 32-937, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1001,  
9 32-1002, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502,  
10 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528,  
11 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes  
12 of Nebraska; to provide for voter registration on  
13 election day as prescribed; to change provisions relating  
14 to registration and voting; to harmonize provisions; and

1                   to repeal the original sections.

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

1           Section 1. Section 32-101, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-101 Sections 32-101 to 32-1551 and sections 14 and 30  
4 of this act shall be known and may be cited as the Election Act.

5           Sec. 2. Section 32-107, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           32-107 District shall mean a subdivision of the state  
8 or of a county, city, village, or other political subdivision in  
9 which all ~~registered voters~~ electors residing within the district  
10 are entitled to participate in the election of any one or more  
11 candidates or in the determination by election of any question or  
12 proposition.

13           Sec. 3. Section 32-108, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           32-108 Election shall mean any statewide or local  
16 primary, special, joint, or general election at which ~~registered~~  
17 ~~voters~~ electors of the state or the political subdivision holding  
18 the election by ballot choose public officials or decide any  
19 questions and propositions lawfully submitted to them.

20           Sec. 4. Section 32-114, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           32-114 Precinct shall mean a defined area established  
23 by in accordance with law within which all ~~registered voters~~  
24 ~~cast their votes~~ electors vote at one polling place. Precinct  
25 may include any ward or other division of territory in any city

1 or village when created and designated by ordinance for election  
2 purposes.

3 Sec. 5. Section 32-115, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-115 Registered voter shall mean an elector who has  
6 a valid voter registration record ~~on file with~~ in the voter  
7 registration register prepared by the election commissioner or  
8 county clerk in the county of his or her residence.

9 Sec. 6. Section 32-221, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 32-221 (1) The election commissioner shall appoint  
12 precinct and district inspectors, judges of election, and clerks  
13 of election to assist the election commissioner in registering  
14 voters and conducting elections on election day. In counties with  
15 a population of less than three hundred thousand inhabitants,  
16 judges and clerks of election and inspectors shall be appointed at  
17 least thirty days prior to the statewide primary election, shall  
18 hold office for terms of two years or until their successors are  
19 appointed and qualified for the next statewide primary election,  
20 and shall serve at all elections in the county during their  
21 terms of office. In counties with a population of three hundred  
22 thousand or more inhabitants, judges and clerks of election shall  
23 be appointed at least thirty days prior to the first election for  
24 which appointments are necessary and shall serve for at least four  
25 elections.

1           (2) Judges and clerks of election may be selected at  
2 random from a cross section of the population of the county. All  
3 qualified citizens shall have the opportunity to be considered for  
4 service. All qualified citizens shall fulfill their obligation to  
5 serve as judges or clerks of election as prescribed by the election  
6 commissioner. No citizen shall be excluded from service as a result  
7 of discrimination based upon race, color, religion, sex, national  
8 origin, or economic status. No citizen shall be excluded from  
9 service unless excused by reason of ill health or other good and  
10 sufficient reason.

11           (3) All persons appointed shall be of good repute and  
12 character, be able to read and write the English language, and  
13 except as otherwise provided in subsection (5) of section 32-223,  
14 be registered voters in the county. No candidate at an election  
15 shall be appointed as a judge or clerk of election or inspector  
16 for such election other than a candidate for delegate to a county,  
17 state, or national political party convention.

18           (4) If a vacancy occurs in the office of judge or clerk  
19 of election or inspector, the election commissioner shall fill such  
20 vacancy in accordance with section 32-223. If any judge or clerk  
21 of election or inspector fails to appear at the hour appointed for  
22 the opening of the polls, the remaining officers shall notify the  
23 election commissioner, select a registered voter to serve in place  
24 of the absent officer if so directed by the election commissioner,  
25 and proceed to conduct the election. If the election commissioner

1 finds that a judge or clerk of election or inspector does not  
2 possess all the qualifications prescribed in this section or if any  
3 judge or clerk of election or inspector is guilty of neglecting the  
4 duties of the office or of any official misconduct, the election  
5 commissioner shall remove the person and fill the vacancy.

6           Sec. 7. Section 32-302, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           32-302 The office of the election commissioner or county  
9 clerk shall remain open during the usual business days of the  
10 year for purposes of general registration and revision and for  
11 the transaction of the business of the office. Such registration  
12 and revision shall be carried on at all times during the regular  
13 business hours of the office of the election commissioner or county  
14 clerk ending at 6 p.m. on the second Friday preceding any election  
15 and resuming on election day as provided in section 14 of this  
16 act. The election commissioner or county clerk may, during any of  
17 the seven days immediately preceding the ~~deadline for registration,~~  
18 second Friday preceding any election, cause his or her office to be  
19 open at times in addition to the hours during which it is required  
20 by law to be open in order for electors to register to vote. The  
21 office of the election commissioner or county clerk shall be a  
22 designated voter registration agency for purposes of section 7 of  
23 the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as  
24 such section existed on March 11, 2008.

25           Sec. 8. Section 32-306, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           32-306 Deputy registrars shall register voters in teams  
3 of at least two deputies, one of whom is not a member of the same  
4 political party as the other or others. The deputy registrars shall  
5 return the completed registration applications to the office of the  
6 election commissioner or county clerk of the county in which the  
7 registrations are to be effective no later than the end of the  
8 next business day after the registrations are taken. The election  
9 commissioner or county clerk shall mail an acknowledgment of  
10 registration at least five days prior to the next election to each  
11 person registered by a deputy registrar. Deputy registrars shall  
12 not register voters after 6 p.m. on the third Friday preceding any  
13 election. A registration application received after the deadline  
14 shall not be processed by the election commissioner or county  
15 clerk until after the election and shall be invalid if the elector  
16 registers to vote on election day. This section shall not apply to  
17 registration done by the employees of the election commissioner or  
18 county clerk.

19           Sec. 9. Section 32-307, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           32-307 No materials advocating or advertising any  
22 political issue, candidate, or party shall be displayed or  
23 distributed within fifty feet of any voter registration site. No  
24 alcohol shall be served within fifty feet of any voter registration  
25 site. The registration procedure shall be conducted in a neutral

1 manner and shall not be connected with anything unrelated to the  
2 object of registering electors except as otherwise provided in  
3 sections 32-308 to 32-310 and section 14 of this act.

4           Sec. 10. Section 32-308, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           32-308 (1) The Secretary of State and the Director of  
7 Motor Vehicles shall enter into an agreement to match information  
8 in the computerized statewide voter registration list with  
9 information in the data base of the Department of Motor Vehicles  
10 to the extent required to enable each such official to verify the  
11 accuracy of the information provided on applications for voter  
12 registration. The Director of Motor Vehicles shall enter into an  
13 agreement with the Commissioner of Social Security under section  
14 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)(8),  
15 as such section existed on April 17, 2003, for purposes of the  
16 Election Act.

17           (2) The Department of Motor Vehicles, with the assistance  
18 of the Secretary of State, shall prescribe a voter registration  
19 application which may be used to register to vote or change his or  
20 her address for voting purposes at the same time an elector applies  
21 for an original or renewal motor vehicle operator's license, an  
22 original or renewal state identification card, or a replacement  
23 or duplicate thereof. The voter registration application shall  
24 contain the information required pursuant to section 32-312 and  
25 shall be designed so that it does not require the duplication of



1 information in the application for the motor vehicle operator's  
2 license or state identification card, except that it may require  
3 a second signature of the applicant. The department and the  
4 Secretary of State shall make the voter registration application  
5 available to the county treasurer, the license examiners of the  
6 department, and any other person who issues operators' licenses  
7 or state identification cards. The application shall be completed  
8 at the office of the county treasurer or department by the close  
9 of business on the third Friday preceding any election to be  
10 registered to vote at such election. A registration application  
11 received by the county treasurer or department after the deadline  
12 third Friday preceding an election shall not be processed by the  
13 election commissioner or county clerk until after the election and  
14 shall be invalid if the elector registers to vote on election day.

15 (3) State agency personnel and county treasurers involved  
16 in the voter registration process pursuant to this section and  
17 section 32-309 shall not be considered deputy registrars or agents  
18 or employees of the election commissioner or county clerk.

19 Sec. 11. Section 32-310, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 32-310 (1) The State Department of Education and  
22 the Department of Health and Human Services shall provide the  
23 opportunity to register to vote at the time of application, review,  
24 or change of address for the following programs, as applicable:  
25 (a) The food stamp program; (b) the medicaid program; (c) the WIC

1 program as defined in section 71-2225; (d) the aid to dependent  
2 children program; (e) the vocational rehabilitation program; and  
3 (f) any other public assistance program or program primarily for  
4 the purpose of providing services to persons with disabilities.  
5 If the application, review, or change of address is accomplished  
6 through an agent or contractor of the department, the agent or  
7 contractor shall provide the opportunity to register to vote.  
8 Any information on whether an applicant registers or declines  
9 to register and the agency at which he or she registers shall  
10 be confidential and shall only be used for voter registration  
11 purposes.

12 (2) The department, agent, or contractor shall make  
13 the mail-in registration application described in section 32-320  
14 available at the time of application, review, or change of address  
15 and shall provide assistance, if necessary, to the applicant in  
16 completing the application to register to vote. The department  
17 shall retain records indicating whether an applicant accepted or  
18 declined the opportunity to register to vote.

19 (3) Department personnel, agents, and contractors  
20 involved in the voter registration process pursuant to this section  
21 shall not be considered deputy registrars or agents or employees of  
22 the election commissioner or county clerk.

23 (4) The applicant may return the completed voter  
24 registration application to the department, agent, or contractor  
25 or may personally mail or deliver the application to the election

1 commissioner or county clerk as provided in section 32-321. If  
2 the applicant returns the completed application to the department,  
3 agent, or contractor, the department, agent, or contractor shall  
4 deliver the application to the election commissioner or county  
5 clerk of the county in which the office of the department, agent,  
6 or contractor is located not later than ten days after receipt  
7 by the department, agent, or contractor, except that if the  
8 application is returned to the department, agent, or contractor  
9 within five days prior to the third Friday preceding any election,  
10 it shall be delivered not later than five days after the date it  
11 is returned. The election commissioner or county clerk shall, if  
12 necessary, forward the application to the election commissioner or  
13 county clerk of the county in which the applicant resides within  
14 such prescribed time limits. The application shall be completed  
15 and returned to the department, agency, or contractor by the close  
16 of business on the third Friday preceding any election to be  
17 registered to vote at such election. A registration application  
18 received by the department, agency, or contractor after the  
19 deadline third Friday preceding an election shall not be processed  
20 by the election commissioner or county clerk until after the  
21 election and shall be invalid if the elector registers to vote on  
22 election day.

23 (5) The departments shall adopt and promulgate rules and  
24 regulations to ensure compliance with this section.

25 Sec. 12. Section 32-311.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           32-311.01 (1) The Secretary of State shall prescribe and  
3 distribute a registration application which may be used statewide  
4 to register to vote and update voter registration records. An  
5 applicant may use the application to register to vote or to update  
6 his or her voter registration record with changes in his or her  
7 personal information or other information related to his or her  
8 eligibility to vote. An applicant may submit the application in  
9 person, through a personal messenger or personal agent, or by mail.  
10 Every election commissioner or county clerk shall accept such an  
11 application for registration. If an applicant who is eligible to  
12 register to vote submits the application in person at the office of  
13 the election commissioner or county clerk, the information from the  
14 application shall be entered into the voter registration register  
15 in the presence of the applicant if possible.

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

19           (a) An applicant who is unable to sign his or her name  
20 may affix his or her mark next to his or her name written on the  
21 signature line by some other person;

22           (b) If the application is submitted by mail and the  
23 applicant is registering in the state for the first time and has  
24 not previously voted within the state, the applicant must submit  
25 with the application a copy of a photo identification which is

1 current and valid or a copy of a utility bill, bank statement,  
2 government check, paycheck, or other government document that is  
3 current and that shows the name and address of the applicant  
4 as they appear on the application in order to avoid additional  
5 identification requirements when voting for the first time;

6 (c) An applicant may deliver the application to the  
7 office of the election commissioner or county clerk in person,  
8 through a personal messenger or personal agent, ~~or~~ by mail, or  
9 through his or her polling place;

10 (d) To vote at the polling place on election day, the  
11 completed application must be:

12 (i) Delivered by the applicant in person to the office  
13 of the election commissioner or county clerk on or before the  
14 deadline second Friday preceding the election as prescribed in  
15 section 32-302;

16 (ii) Delivered by the applicant's personal messenger or  
17 personal agent to the office of the election commissioner or county  
18 clerk on or before the third Friday before the election; ~~or~~

19 (iii) Postmarked on or before the third Friday before the  
20 election if the application is submitted by mail; ~~and~~ or

21 (iv) Delivered by the applicant in person to the polling  
22 place on election day, subject to submission of identification  
23 documents as described in section 14 of this act; and

24 (e) The election commissioner or county clerk will, upon  
25 receipt of the application for registration, send an acknowledgment

1 of registration to the applicant indicating whether the application  
2 is proper or not.

3 Sec. 13. Section 32-314, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-314 (1) Any person going into another territory or  
6 state and registering to vote or voting in that territory or state  
7 shall lose his or her eligibility to vote in this state. Any person  
8 going into another county of this state and registering to vote or  
9 voting in that county shall lose his or her eligibility to vote in  
10 the county where he or she was registered.

11 (2) A registered voter who changes his or her residence  
12 in one county to a residence address in a different county in the  
13 state shall register again or update his or her voter registration  
14 record in order to be eligible to vote.

15 (3) A registered voter who changes his or her name or  
16 residence within the county and has retained legal residence in  
17 the county since the date of his or her last registration shall  
18 register again or update his or her voter registration record to  
19 avoid additional requirements at the time of voting as provided in  
20 sections 32-914 and 32-915 and may be entitled to vote pursuant to  
21 section 32-914.01, 32-914.02, or 32-915.

22 (4) A registered voter who wants to change his or her  
23 party affiliation for purposes of a primary election shall complete  
24 a registration application pursuant to section 32-312.04 and submit  
25 it to the election commissioner or county clerk as provided in

1 and prior to the deadline second Friday preceding the election  
2 as prescribed by section 32-302 or prior to the deadline for  
3 applications mailed as prescribed by section 32-321.

4           Sec. 14. An elector who has not registered to vote in  
5 his or her county of residence may register to vote and vote on  
6 election day by completing a voter registration application at the  
7 office of the election commissioner or county clerk in his or her  
8 county of residence or at his or her polling place as provided  
9 in section 30 of this act. The office shall accept and process  
10 such voter registration applications on the day of election and  
11 shall resume general registration and revision on the day after an  
12 election. If the elector is registering in the state for the first  
13 time and has not previously voted within the state, the elector  
14 shall present with the application a copy of a photo identification  
15 which is current and valid or a copy of a utility bill, bank  
16 statement, government check, paycheck, or other government document  
17 that is current and that shows the name and address of the elector  
18 as they appear on the application.

19           Sec. 15. Section 32-321, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           32-321 (1) Any elector may request a voter registration  
22 application from the office of the Secretary of State or the  
23 election commissioner or county clerk. The Secretary of State and  
24 the election commissioner or county clerk shall make registration  
25 applications prescribed by the Secretary of State available and may

1 place the applications in public places. The Secretary of State  
2 and the election commissioner or county clerk may require that all  
3 unused applications be returned to his or her office and may place  
4 reasonable limits on the amount of applications requested.

5 (2) If an elector returns the completed application to  
6 the office of the Secretary of State, the office shall deliver the  
7 application to the election commissioner or county clerk of the  
8 county in which the elector resides not later than ten days after  
9 receipt by the office, except that if the application is returned  
10 to the office within five days prior to the third Friday preceding  
11 any election, it shall be delivered not later than five days after  
12 the date it is returned. The deadline for returning a completed  
13 application to the office of the Secretary of State is the close of  
14 business on the third Friday preceding an election to be registered  
15 to vote at such election. A registration application received after  
16 the deadline shall not be processed by the election commissioner  
17 or county clerk until after the election and shall be invalid if  
18 the elector registers to vote on election day. The office of the  
19 Secretary of State shall be a designated voter registration agency  
20 for purposes of section 7 of the National Voter Registration Act  
21 of 1993, 42 U.S.C. 1973gg-5, as such section existed on March 11,  
22 2008.

23 (3) If an elector mails the registration application to  
24 the election commissioner or county clerk:

25 (a)(i) The application shall be postmarked on or before



1 the third Friday before the next election; or

2 (ii) The application shall be received not later than  
3 the second Tuesday before the next election if the postmark is  
4 unreadable; and

5 (b) The application shall be processed by the election  
6 office as a proper registration for the voter to be entitled to  
7 vote on the day of the next election.

8 (4) If the registration application arrives through the  
9 mail, in person, or by agent after the applicable registration  
10 deadline, the application shall not be processed until after  
11 the election and shall be invalid if the elector registers  
12 to vote on election day. Written notice shall be given to  
13 any applicant whose registration application failed to meet the  
14 registration deadline or was found to be incorrect or incomplete  
15 and shall state the specific reason for rejection. If the  
16 application is incomplete, the election commissioner or county  
17 clerk shall notify the applicant of the failure to provide the  
18 required information, including failure to provide identification  
19 if required, and provide the applicant with the opportunity to  
20 submit an identification document as described in section 32-318.01  
21 prior to the deadline for voter registration or to complete and  
22 submit a corrected registration application in a timely manner  
23 to allow for the proper registration of the applicant prior to  
24 the next election. The notice shall include a statement that the  
25 elector can register and vote on election day at the office of

1 the election commissioner or county clerk or at his or her polling  
2 place subject to additional procedures. All postage costs related  
3 to returning registration applications to the election commissioner  
4 or county clerk shall be paid by the registrant.

5           Sec. 16. Section 32-325, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           32-325 (1) A registration application completed and  
8 signed by a registered voter seeking to update his or her voter  
9 registration record shall be completed in person at or delivered or  
10 mailed to the office of the election commissioner or county clerk.  
11 To avoid additional requirements at the polling place pursuant to  
12 section 32-914.01, 32-914.02, or 32-915 or section 30 of this act,  
13 an application to update a voter registration record must be:

14           (a) Completed at or delivered by the applicant in person  
15 at to the office of the election commissioner or county clerk by  
16 the applicant in person on or before the deadline second Friday  
17 preceding the election as prescribed in section 32-302; or

18           (b) ~~Delivered~~ Mailed to the office of the election  
19 commissioner or county clerk or delivered by a personal messenger  
20 or personal agent ~~or mailed to the office~~ so that it is received by  
21 the election commissioner or county clerk on or before the deadline  
22 prescribed in subsection (3) of section 32-321.

23           (2) After verifying the signature on the previous  
24 registration of the registered voter, the election commissioner or  
25 county clerk shall make the change of name, party affiliation,

1 or address on all pertinent election records. The election  
2 commissioner or county clerk shall send an acknowledgment card to  
3 the registered voter indicating that the change of registration  
4 has been completed and shall include the address of the registered  
5 voter's new polling place.

6 Sec. 17. Section 32-807, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 32-807 The election commissioner, county clerk, or city  
9 or village clerk shall print and deliver to each precinct or  
10 district in the county, city, or village an approximate number  
11 of ballots based upon what would appear sufficient at the time  
12 the ballots are to be printed. Such totals shall take into  
13 consideration election-day voter registration, increases in voter  
14 registration, early voting, annexations, changes in boundaries,  
15 spoiled ballots, and any other factor that may influence the total  
16 number of ballots needed. Additional ballots shall be printed to  
17 meet any contingency in order to provide a sufficient number of  
18 ballots for each precinct or district in the county, city, or  
19 village.

20 Sec. 18. Section 32-813, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 32-813 (1) The names of all candidates and all proposals  
23 to be voted upon at the general election shall be arranged upon  
24 the ballot in parts separated from each other by bold lines in  
25 the order the offices and proposals are set forth in this section.

1 If any office is not subject to the upcoming election, the office  
2 shall be omitted from the ballot and the remaining offices shall  
3 move up so that the same relative order is preserved. The order of  
4 any offices may be altered to allow for the best utilization of  
5 ballot space in order to avoid printing a second ballot when one  
6 ballot would be sufficient if an optical-scan ballot is used. All  
7 proposals on the ballot shall remain separate from the offices, and  
8 the proposals shall follow all offices on the ballot.

9 (2) (a) If the election is in a year in which a President  
10 of the United States is to be elected, the names and spaces for  
11 voting for candidates for President and Vice President shall be  
12 entitled Presidential Ticket in boldface type.

13 (b) The names of candidates for President and Vice  
14 President for each political party shall be grouped together, and  
15 each group shall be enclosed with brackets with the political party  
16 name next to the brackets and one square or oval opposite the names  
17 in which the ~~voter~~ elector indicates his or her choice.

18 (c) The names of candidates for President and Vice  
19 President who have successfully petitioned on the ballot for the  
20 general election shall be grouped together with the candidates  
21 appearing on the same petition being grouped together, and each  
22 group shall be enclosed with brackets with the words "By Petition"  
23 next to the brackets and one square or oval opposite the names in  
24 which the ~~voter~~ elector indicates his or her choice.

25 (d) Beneath the names of the candidates for President and

1 Vice President certified by the officers of the national political  
2 party conventions pursuant to section 32-712 and beneath the names  
3 of all candidates for President and Vice President placed on the  
4 general election ballot by petition, two write-in lines shall be  
5 provided in which the ~~voter~~ elector may fill in the names of the  
6 candidates of his or her choice. The lines shall be enclosed with  
7 brackets with one square or oval opposite the names in which the  
8 ~~voter~~ elector indicates his or her choice. The name appearing on  
9 the top line shall be considered to be the candidate for President,  
10 and the name appearing on the second line shall be considered to be  
11 the candidate for Vice President.

12 (3) The names and spaces for voting for candidates for  
13 United States Senator if any are to be elected shall be entitled  
14 United States Senatorial Ticket in boldface type.

15 (4) The names and spaces for voting for candidates for  
16 Representatives in Congress shall be entitled Congressional Ticket  
17 in boldface type. Above the candidates' names, the office shall be  
18 designated For Representative in Congress ..... District.

19 (5) The names and spaces for voting for candidates for  
20 the various state officers shall be entitled State Ticket in  
21 boldface type. Each set of candidates shall be separated by lines  
22 across the column, and above each set of candidates shall be  
23 designated the office for which they are candidates, arranged in  
24 the order prescribed by the Secretary of State. The candidates  
25 for Governor of each political party receiving the highest number

1 of votes in the primary election shall be grouped together with  
2 their respective candidates for Lieutenant Governor. Each group  
3 shall be enclosed with brackets with the political party name next  
4 to the brackets and one square or oval opposite the names in  
5 which the ~~voter~~ elector indicates his or her choice for Governor  
6 and Lieutenant Governor jointly. The candidates for Governor and  
7 Lieutenant Governor who have successfully petitioned on the general  
8 election ballot shall be grouped together with the candidates  
9 appearing on the same petition being grouped together. Each group  
10 shall be enclosed with brackets with the words "By Petition" next  
11 to the brackets and one square or oval opposite the names in which  
12 the ~~voter~~ elector indicates his or her choice for Governor and  
13 Lieutenant Governor jointly. Beneath the names of the candidates  
14 for Governor nominated at a primary election by political party  
15 and their respective candidates for Lieutenant Governor and beneath  
16 the names of all candidates for Governor and Lieutenant Governor  
17 placed on the general election ballot by petition, one write-in  
18 line shall be provided in which the ~~registered voter~~ elector may  
19 fill in the name of the candidate for Governor of his or her choice  
20 and one square or oval opposite the line in which the ~~voter~~ elector  
21 indicates his or her choice for Governor.

22 (6) The names and spaces for voting for nonpartisan  
23 candidates shall be entitled Nonpartisan Ticket in boldface type.  
24 The names of all nonpartisan candidates shall appear in the order  
25 listed in this subsection, except that when using an optical-scan

1 ballot, the order of offices may be altered to allow for the best  
2 utilization of ballot space to avoid printing a second ballot when  
3 one ballot would be sufficient:

- 4 (a) Legislature;
- 5 (b) State Board of Education;
- 6 (c) Board of Regents of the University of Nebraska;
- 7 (d) Chief Justice of the Supreme Court;
- 8 (e) Judge of the Supreme Court;
- 9 (f) Judge of the Court of Appeals;
- 10 (g) Judge of the Nebraska Workers' Compensation Court;
- 11 (h) Judge of the District Court;
- 12 (i) Judge of the Separate Juvenile Court;
- 13 (j) Judge of the County Court; and
- 14 (k) County officers in the order prescribed by the  
15 election commissioner or county clerk.

16 (7) The names and spaces for voting for the various  
17 county offices and for measures submitted to the county vote only  
18 or in only a part of the county shall be entitled County Ticket in  
19 boldface type. If the election commissioner or county clerk deems  
20 it advisable, the measures may be submitted on a separate ballot if  
21 using a paper ballot or on either side of an optical-scan ballot if  
22 the ballot is placed in a ballot envelope or sleeve before being  
23 deposited in a ballot box.

24 (8) The candidates for office in the precinct only or  
25 in the city or village only shall be printed on the ballot,

1 except that if the election commissioner or county clerk deems  
2 it advisable, candidates for these offices may be submitted on a  
3 separate ballot if using a paper ballot or on either side of an  
4 optical-scan ballot if the ballot is placed in a ballot envelope or  
5 sleeve before being deposited in a ballot box.

6 (9) All proposals submitted by initiative or referendum  
7 and proposals for constitutional amendments shall be placed on a  
8 separate ballot when a paper ballot is used which requires that  
9 the ballot after being voted be folded before being deposited in  
10 a ballot box. When an optical-scan ballot is used which requires  
11 a ballot envelope or sleeve in which the ballot after being voted  
12 is placed before being deposited in a ballot box, initiative or  
13 referendum proposals and proposals for constitutional amendments  
14 may be placed on either side of the ballot, shall be separated  
15 by a bold line, and shall follow all other offices placed on the  
16 same side of the ballot. Initiative or referendum proposals and  
17 constitutional amendments so arranged shall constitute a separate  
18 ballot. Proposals for constitutional amendments proposed by the  
19 Legislature shall be placed on the ballot as provided in sections  
20 49-201 to 49-211.

21 Sec. 19. Section 32-816, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 32-816 (1) A blank space shall be provided at the  
24 end of each office division on the ballot for ~~registered voters~~  
25 electors to fill in the name of any person for whom they wish



1 to vote and whose name is not printed upon the ballot, except  
2 that (a) at the primary election there shall be no write-in  
3 space for delegates to the county political party convention,  
4 delegates to the national political party convention, directors of  
5 natural resources districts, or directors of public power districts  
6 and (b) at the general election there shall be no write-in  
7 space for directors of reclamation districts, members of the  
8 board of educational service units, directors of natural resources  
9 districts, directors of public power districts, or members of  
10 county weed district boards. A square or oval shall be printed  
11 opposite each write-in space similar to the square or oval placed  
12 opposite other candidates and issues on the ballot. The square or  
13 oval shall be marked to vote for a write-in candidate whose name  
14 appears in the write-in space provided.

15 (2) The Secretary of State shall approve write-in space  
16 for optical-scan ballots and electronic voting systems. Adequate  
17 provision shall be made for write-in votes sufficient to allow one  
18 write-in space for each office to be elected at any election except  
19 offices for which write-in votes are specifically prohibited. The  
20 write-in ballot shall clearly identify the office for which such  
21 write-in vote is cast. The write-in space shall be a part of the  
22 official ballot, may be on the envelope or a separate piece of  
23 paper from the printed portion of the ballot, and shall allow the  
24 voter adequate space to fill in the name of the candidate for whom  
25 he or she desires to cast his or her ballot.

1           Sec. 20. Section 32-901, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-901 (1) To vote for a candidate or on a ballot  
4 question using a paper ballot that is to be manually counted, the  
5 ~~registered voter~~ elector shall make a cross or other clear,  
6 discernable mark in the square opposite the name of every  
7 candidate, including write-in candidates, for whom he or she  
8 desires to vote and, in the case of a ballot question, opposite the  
9 answer he or she wishes to give. Making a cross or other clear,  
10 discernable mark in the square constitutes a valid vote.

11           (2) To vote for a candidate or on a ballot question  
12 using a ballot that is to be counted by optical scanner, the  
13 ~~registered voter~~ elector shall fill in the oval or other space  
14 provided opposite the name of every candidate, including write-in  
15 candidates, for whom he or she desires to vote and, in the case of  
16 a ballot question, opposite the answer he or she wishes to give.  
17 A mark in the oval or provided space that is discernable by the  
18 scanner constitutes a valid vote.

19           (3) To vote for a candidate or on a ballot question using  
20 an electronic voting system, the ~~registered voter~~ elector shall  
21 follow the instructions for using the electronic voting system  
22 to cause a mark to be recorded opposite the candidate or ballot  
23 question response for which the voter wishes to vote. Causing such  
24 mark to be recorded constitutes a valid vote.

25           Sec. 21. Section 32-902, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           32-902 (1) The election commissioner or county clerk  
3 shall cause instructions for the guidance of ~~registered voters~~  
4 electors in preparing their ballots to be printed in large, clear  
5 type on cards in English. He or she shall furnish at least five  
6 such cards to each polling place in each precinct at the same time  
7 and in the same manner as the printed ballots. The judges or clerks  
8 of election shall post such cards in each voting booth on the day  
9 of election. The card shall contain full instructions on preparing  
10 and casting ballots, including how to cast a write-in vote. The  
11 form and contents of the cards shall be approved by the Secretary  
12 of State.

13           (2) The election commissioner or county clerk shall cause  
14 voting information to be posted in each polling place on the day  
15 of election. The voting information shall include the following  
16 information as approved by the Secretary of State:

17           (a) Information regarding the date of the election and  
18 the hours during which polling places will be open;

19           (b) Instructions for voters who registered to vote by  
20 mail and first-time voters;

21           (c) Instructions for electors registering to vote on  
22 election day;

23           ~~(e)~~ (d) General information on voting rights under  
24 applicable federal and state laws, including information on  
25 the right of an individual to cast a provisional ballot and

1 instructions on how to contact the appropriate officials if these  
2 rights are alleged to have been violated; and

3 ~~(d)~~ (e) General information on federal and state laws  
4 regarding prohibitions on acts of fraud and misrepresentation.

5 Sec. 22. Section 32-904, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 32-904 The election commissioner or county clerk shall  
8 designate the polling places for each precinct at which the  
9 ~~registered voters~~ electors of the precinct will cast their votes.  
10 Polling places representing different precincts may be combined at  
11 a single location when potential sites cannot be found, contracts  
12 for utilizing polling sites cannot be obtained, or a potential site  
13 is not accessible to handicapped persons. When combining polling  
14 places at a single site for an election other than a special  
15 election, the election commissioner or county clerk shall clearly  
16 separate the polling places from each other and maintain separate  
17 receiving boards. When combining polling places at a single site  
18 for a special election, the election commissioner or county clerk  
19 may combine the polling places and receiving boards. Polling places  
20 shall not be changed between the statewide primary and general  
21 elections unless the election commissioner or county clerk has  
22 been authorized to make such change by the Secretary of State. If  
23 changes are authorized, the election commissioner or county clerk  
24 shall notify each state and local candidate affected by the change.  
25 Notwithstanding any other provision of the Election Act, the

1 Secretary of State may adopt and promulgate rules and regulations,  
2 with the consent of the appropriate election commissioner or  
3 county clerk, for the establishment of polling places which may  
4 be used for voting pursuant to section 32-1041 for the twenty  
5 days preceding the day of election. Such polling places shall be  
6 in addition to the office of the election commissioner or county  
7 clerk and the polling places otherwise established pursuant to this  
8 section.

9           Sec. 23. Section 32-906, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           32-906 (1) The election commissioner or county clerk  
12 shall provide each polling place with ballot boxes, ballot box  
13 locks and keys, and a sufficient number of voting booths furnished  
14 with supplies and conveniences to enable each ~~registered voter~~  
15 elector to prepare his or her ballot for voting and to secretly  
16 mark his or her ballot. One voting booth shall be provided for  
17 approximately every one hundred registered voters in the precinct.  
18 The election commissioner or county clerk may increase or decrease  
19 the number of voting booths to accommodate the expected voter  
20 turnout of any election other than a statewide election.

21           (2) When there is no structure within the precinct  
22 suitable for use as a polling place, the election commissioner or  
23 county clerk may designate a polling place outside the precinct  
24 and convenient thereto which shall be provided with voting booths  
25 furnished with supplies and conveniences as are other polling

1 places.

2 (3) Standards for polling places shall include any  
3 applicable standards developed under sections 81-5,147 and  
4 81-5,148.

5 Sec. 24. Section 32-907, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 32-907 All polling places shall be accessible to all  
8 ~~registered voters~~ electors and shall be in compliance with the  
9 federal Americans with Disabilities Act of 1990, as amended. All  
10 polling places shall be modified or relocated to architecturally  
11 barrier-free buildings to provide unobstructed access to such  
12 polling places by people with physical limitations. At least one  
13 voting booth shall be so constructed as to provide easy access  
14 for people with limitations and shall accommodate a wheelchair. The  
15 modifications required by this section may be of a temporary nature  
16 to provide such unobstructed access only on election day.

17 Sec. 25. Section 32-910, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 32-910 Any judge or clerk of election, precinct or  
20 district inspector, sheriff, or other peace officer shall clear  
21 the passageways and prevent obstruction of the doors or entries  
22 and provide free ingress to and egress from the polling place or  
23 building and shall arrest any person obstructing such passageways.  
24 Other than a ~~registered voter~~ an elector engaged in receiving,  
25 preparing, or marking a ballot, an election commissioner, a county

1 clerk, a precinct inspector, a district inspector, a judge of  
2 election, a clerk of election, or a member of a counting board, no  
3 person shall be permitted to be within eight feet of the ballot  
4 boxes or within eight feet of any ballots being counted by a  
5 counting board.

6 Sec. 26. Section 32-912, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 32-912 (1) Any ~~registered voter~~ elector desiring to vote  
9 in a primary election held under the Election Act shall be entitled  
10 to participate in such primary election upon presenting himself  
11 or herself at the polling place for his or her residence. A  
12 registered voter who is affiliated with a political party shall  
13 receive from the receiving board all nonpartisan ballots and the  
14 partisan ballot of the political party indicated on his or her  
15 voter registration. Except as provided in subsections (2) and (3)  
16 of this section, a registered voter who is not affiliated with  
17 any political party shall receive only nonpartisan ballots at a  
18 primary election. An elector who registers to vote under section  
19 14 of this act shall receive (a) nonpartisan ballots, (b) if he  
20 or she designates a political party affiliation on his or her  
21 voter registration application, the partisan ballots of that party,  
22 and (c) if no political party affiliation is designated, partisan  
23 ballots as allowed under subsections (2) and (3) of this act.

24 (2) Any political party may allow registered voters or  
25 electors registering to vote under section 14 of this act who

1 are not affiliated with a political party to vote in the primary  
2 election for any elective office for which the party has candidates  
3 except for the office of delegate to the party's county, state,  
4 or national convention. Any political party desiring to permit  
5 such registered voters or electors to vote for candidates of that  
6 party in the primary election shall file a letter stating that  
7 the governing body of the political party has adopted a rule  
8 allowing registered voters or electors who are not affiliated with  
9 a political party to vote in the primary election for candidates  
10 of that party. The letter and copy of the adopted rule shall  
11 be filed with the Secretary of State at least sixty days before  
12 the primary election. The Secretary of State shall notify the  
13 appropriate election commissioners and county clerks in writing  
14 that the political party filing the letter will allow registered  
15 voters or electors who are not affiliated with a political party  
16 to vote in the primary election for candidates of that party. Once  
17 filed, the rule allowing such voters or electors to vote in such  
18 primary election shall be irrevocable and shall apply only to the  
19 primary election immediately following the adoption of the rule.

20 (3) A registered voter or elector registering to vote  
21 under section 14 of this act who is not affiliated with a political  
22 party and who desires to vote in the primary election for the  
23 office of United States Senator or United States Representative  
24 may request a partisan ballot for either or both of such offices  
25 from any political party. The election commissioner or county clerk



1 shall post a notice in a conspicuous location, easily visible and  
2 readable by voters prior to approaching the receiving board, that a  
3 registered voter or elector who is not affiliated with a political  
4 party may request such ballots. No such registered voter or elector  
5 shall receive more than one such partisan ballot.

6 (4) The registered voters and electors registering to  
7 vote under section 14 of this act residing in a political  
8 subdivision may cast their ballots for candidates for the offices  
9 in that subdivision and for issues proposed for that subdivision,  
10 except that when officers are to be nominated or elected from a  
11 subdistrict of the political subdivision, the registered voters and  
12 electors residing in the subdistrict may only vote for candidates  
13 from the subdistrict and for candidates for officers to be elected  
14 at large from the whole political subdivision.

15 Sec. 27. Section 32-913, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 32-913 (1) The clerks of election shall have a list of  
18 registered voters of the precinct and a sign-in register at the  
19 polling place on election day. The list of registered voters shall  
20 be used for guidance on election day and may be in the form of a  
21 computerized, typed, or handwritten list or precinct registration  
22 cards. ~~Registered voters~~ Electors of the precinct shall place and  
23 record their signature in the sign-in register before receiving any  
24 ballot. The list of registered voters and the sign-in register may  
25 be combined into one document at the discretion of the election

1 commissioner or county clerk. If a combined document is used, a  
2 clerk of election may list the names of the ~~registered voters~~  
3 electors in a separate book in the order in which they voted.

4 (2) Within twenty-four hours after the polls close in the  
5 precinct, the precinct inspector or one of the judges of election  
6 shall deliver the precinct list of registered voters and the  
7 precinct sign-in register to the election commissioner or county  
8 clerk. The election commissioner or county clerk shall file and  
9 preserve the list and register. No member of a receiving board who  
10 has custody or charge of the precinct list of registered voters and  
11 the precinct sign-in register shall permit the list or register to  
12 leave his or her possession from the time of receipt until he or  
13 she delivers them to another member of the receiving board or to  
14 the precinct inspector or judge of election for delivery to the  
15 election commissioner or county clerk.

16 Sec. 28. Section 32-914, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 32-914 (1) Official ballots shall be used at all  
19 elections. No person shall receive a ballot or be entitled to  
20 vote unless and until he or she is registered as a voter except  
21 as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or  
22 32-936 or section 30 of this act.

23 (2) Except as otherwise specifically provided, no ballot  
24 shall be handed to any voter at any election until:

25 (a) He or she announces his or her name and address to

1 the clerk of election;

2 (b) The clerk has found that he or she is a registered  
3 voter at the address as shown by the precinct list of registered  
4 voters unless otherwise entitled to vote in the precinct under  
5 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01 or  
6 section 30 of this act;

7 (c) The voter has presented a photographic identification  
8 which is current and valid at the time of the election, or a  
9 copy of a utility bill, bank statement, paycheck, government check,  
10 or other government document which is current at the time of the  
11 election and which shows the same name and residence address of  
12 the voter that is on the precinct list of registered voters, if  
13 the voter registered by mail after January 1, 2003, and has not  
14 previously voted in an election for a federal office within the  
15 county and a notation appears on the precinct list of registered  
16 voters that the voter has not previously presented identification  
17 to the election commissioner or county clerk;

18 (d) As instructed by the clerk of election, the  
19 registered voter has personally written his or her name (i) in the  
20 precinct sign-in register on the appropriate line which follows  
21 the last signature of any previous voter or (ii) in the combined  
22 document containing the precinct list of registered voters and the  
23 sign-in register; and

24 (e) The clerk has listed on the precinct list of  
25 registered voters the corresponding line number and name of the

1 registered voter or has listed the name of the voter in a separate  
2 book as provided in section 32-913.

3 Sec. 29. Section 32-915, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-915 (1) A person who is a registered voter in the  
6 precinct in which he or she resides and whose name does not appear  
7 on the precinct list of registered voters at the polling place for  
8 the precinct in which he or she resides or whose name appears with  
9 a notation that he or she received a ballot for early voting may  
10 vote a provisional ballot if he or she:

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

14 (b) Is not entitled to vote under section 32-914.01 or  
15 32-914.02;

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

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

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

24 (2) A voter whose name appears on the precinct list  
25 of registered voters for the polling place with a notation

1 that the voter is required to present identification pursuant  
2 to section 32-318.01 but fails to present identification may vote a  
3 provisional ballot if he or she completes and signs a registration  
4 application before voting.

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

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

11 (b) My name did not appear on the precinct list of  
12 registered voters;

13 (c) I registered to vote on or about this date  
14 .....

15 (d) I registered to vote  
16 .... in person at the election office or a voter  
17 registration site,  
18 .... by mail,  
19 .... on a form through the Department of Motor Vehicles,  
20 .... on a form through another state agency,  
21 .... in some other way;

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

24 (f) My current address is shown on the registration  
25 application completed as a requirement for voting by provisional

1 ballot; and

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

4 (4) The voter shall sign the certification under penalty  
5 of election falsification. The following statements shall be on  
6 the front of the envelope or on the attached form: By signing the  
7 front of this envelope or the attached form you are certifying to  
8 the information contained on this envelope or the attached form  
9 under penalty of election falsification. Election falsification  
10 is a Class IV felony and may be punished by up to five years  
11 imprisonment, a fine of up to ten thousand dollars, or both.

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

18 Sec. 30. If an elector is not registered to vote in the  
19 county of his or her residence, he or she is entitled to vote  
20 on election day upon completing and signing a voter registration  
21 application as provided in section 14 of this act at the office of  
22 the election commissioner or county clerk of the county for his or  
23 her place of residence or at the polling place for his or her place  
24 of residence. If the election is conducted by mail as provided in  
25 sections 32-953 to 32-959, the elector shall register to vote and

1 vote at the office of the election commissioner or county clerk.

2           Sec. 31. Section 32-916, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           32-916 (1) Two judges of election or a precinct inspector  
5 and a judge of election shall affix their initials to the official  
6 ballots. The judge of election shall deliver a ballot to each  
7 ~~registered voter~~ elector after complying with section 32-914.

8           (2) After voting the ballot, the ~~registered voter~~ elector  
9 shall, as directed by the judge of election, fold his or her ballot  
10 or place the ballot in the ballot envelope or sleeve so as to  
11 conceal the voting marks and to expose the initials affixed on  
12 the ballot. The ~~registered voter~~ elector shall, without delay and  
13 without exposing the voting marks upon the ballot, deliver the  
14 ballot to the judge of election before leaving the enclosure in  
15 which the voting booths are placed.

16           (3) The judge of election shall, without exposing the  
17 voting marks on the ballot, approve the exposed initials upon the  
18 ballot and deposit the ballot in the ballot box in the presence of  
19 the ~~registered voter~~. elector. No judge of election shall deposit  
20 any ballot in a ballot box unless the ballot has been identified as  
21 having the appropriate initials. Any ballot not properly identified  
22 shall be rejected in the presence of the voter, the judge of  
23 election shall make a notation on the ballot Rejected, not properly  
24 identified, and another ballot shall be issued to the voter and  
25 the voter shall then be permitted to cast his or her ballot. If

1 the ballot is in order, the judge shall deposit the ballot in  
2 the ballot box in the presence of the voter and the voter shall  
3 promptly leave the polling place. The judges of election shall  
4 maintain the secrecy of the rejected ballots and shall cause the  
5 rejected ballots to be made up in a sealed packet. The judges of  
6 election shall endorse the packet with the words Rejected Ballots  
7 and the designation of the precinct. The judges of election shall  
8 sign the endorsement label and shall return the packet to the  
9 election commissioner or county clerk with a statement by the  
10 judges of election showing the number of ballots rejected.

11 (4) Upon receiving a provisional ballot as provided in  
12 section 32-915, the judge of election shall give the voter written  
13 information that states that the voter may determine if his or  
14 her vote was counted and, if not, the reason that the vote was  
15 not counted by accessing the system created pursuant to section  
16 32-202 and the judge of election shall ensure that the appropriate  
17 information is on the outside of the envelope in which the ballot  
18 is enclosed or attached to the envelope, attach the statement  
19 required by section 32-915 if not contained on the envelope, and  
20 place the entire envelope into the ballot box. Upon receiving a  
21 provisional ballot as provided in section 32-915.01, the judge  
22 of election shall comply with the requirements for a provisional  
23 ballot under this subsection, except that a provisional ballot cast  
24 pursuant to section 32-915.01 shall be kept separate from the other  
25 ballots cast at the election.



1           Sec. 32. Section 32-917, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-917 Any ~~registered voter~~ elector who spoils his or  
4 her ballot may receive another ballot after returning the spoiled  
5 ballot. No ~~registered voter~~ elector shall receive more than four  
6 ballots in all. The ~~registered voter~~ elector shall write invalid  
7 or void on the spoiled ballot and return it to the judges of  
8 election. The judges of election shall maintain the secrecy of the  
9 spoiled ballots and shall cause the spoiled ballots to be made up  
10 in a sealed packet. The judges of election shall endorse the packet  
11 with the words Spoiled Ballots and the designation of the precinct.  
12 The judges of election shall sign such endorsement label and shall  
13 return the packet to the election commissioner or county clerk with  
14 a statement by the judges of election showing the number of ballots  
15 spoiled.

16           Sec. 33. Section 32-918, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           32-918 (1) If a ~~registered voter~~ an elector declares  
19 to the judge of election that he or she cannot read or that he  
20 or she suffers blindness or other physical disability or handicap  
21 such that the ~~registered voter~~ elector requires assistance in the  
22 marking of his or her ballot, (a) the ~~registered voter~~ elector may  
23 be assisted in marking his or her ballot by a relative or friend  
24 of his or her selection or (b) one judge of election and one clerk  
25 of election of different political parties may take the ballot

1 or ballots from the polling place to a convenient place within  
2 the building or to the ~~registered voter's~~ elector's automobile if  
3 the automobile is within one block of the polling place and the  
4 disabled or handicapped person may cast his or her ballot in the  
5 general presence of the judge and clerk. If a ~~registered voter~~ an  
6 elector declares to the judge of election that he or she needs  
7 assistance in the operation of a voting device, a judge or clerk of  
8 election may assist the voter in operating the device.

9 (2) The judge and clerk shall give no information  
10 regarding the casting of the ballot. Any ~~registered voter~~ elector  
11 receiving assistance in voting the ballot from a judge and clerk  
12 shall declare to the judge and clerk the name of the candidates and  
13 the measures for which he or she desires to vote, and the judge and  
14 clerk shall cast his or her ballot only as he or she so requests.  
15 No person other than the ~~registered voter~~ elector who is receiving  
16 assistance shall divulge to anyone within the polling place the  
17 name of any candidate for whom he or she intends to vote or ask or  
18 receive assistance within the polling place in the preparation of  
19 his or her ballot.

20 (3) The judges of election shall enter Assistance  
21 Rendered upon the precinct sign-in register near the name of any  
22 ~~registered voter~~ elector who receives such assistance in casting  
23 his or her ballot and shall include the name of such person  
24 rendering assistance to the ~~registered voter.~~ elector. The person  
25 rendering assistance shall sign an oath before a judge of election

1 substantially as follows: ....., hereby swears that he  
 2 or she is a friend or relative of ....., a disabled  
 3 ~~registered voter~~ elector who requested assistance in casting the  
 4 ballot, that he or she did enter the voting booth or aid such voter  
 5 outside of the voting booth and marked the ballot according to the  
 6 intentions and desires of the ~~registered voter,~~ elector, that he or  
 7 she has kept the ballot at all times in his or her possession, and  
 8 that the ballot was duly delivered to the judge of election on this  
 9 ..... day of ..... 20.... .

10           Sec. 34. Section 32-919, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:

12           32-919 Every ~~registered voter~~ elector receiving a ballot  
 13 shall, before leaving the polling room, vote or, if he or she does  
 14 not wish to vote, return all ballots so received to be deposited  
 15 into the ballot box by a member of the receiving board. No person  
 16 receiving a ballot shall take the same from the polling room except  
 17 as authorized in the Election Act. No person shall remove any  
 18 ballot from the polling room before the closing of the polls except  
 19 as otherwise authorized under the Election Act. Any person taking  
 20 a ballot from the polling room in violation of this section shall  
 21 forfeit and lose his or her right to vote at the election. If  
 22 an inspector or a judge or clerk of election observes a person  
 23 about to violate this section, the inspector, judge, or clerk shall  
 24 inform the person of the penalties provided in this section and  
 25 section 32-1535.

1           Sec. 35. Section 32-920, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-920 ~~A registered voter~~ An elector may take with him  
4 or her into the polling place any printed or written memorandum or  
5 paper to assist him or her in preparing or marking the ballot.

6           Sec. 36. Section 32-921, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           32-921 Except as provided in subsection (1) of section  
9 32-918, no ~~registered voter~~ elector shall be allowed to occupy a  
10 voting booth occupied by another. A ~~registered voter~~ An elector  
11 shall not remain within the enclosure in which the voting booths  
12 are situated more than twenty minutes unless he or she is in line  
13 waiting to vote or voting. A ~~registered voter~~ An elector shall not  
14 occupy a voting booth for more than ten minutes.

15           Sec. 37. Section 32-922, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           32-922 Any ~~registered voter~~ elector who does not have two  
18 consecutive hours in the period between the time of the opening and  
19 closing of the polls during which he or she is not required to be  
20 present at work for an employer shall be entitled on election day  
21 to be absent from employment for such a period of time as will in  
22 addition to his or her nonworking time total two consecutive hours  
23 between the time of the opening and closing of the polls. If the  
24 ~~registered voter~~ elector applies for such leave of absence prior  
25 to or on election day, the ~~registered voter~~ elector shall not be

1 liable for any penalty and no deduction shall be made from his or  
2 her salary or wages on account of such absence. The employer may  
3 specify the hours during which the employee may be absent.

4           Sec. 38. Section 32-923, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           32-923 ~~Registered voters~~ Electors shall in all cases,  
7 except treason, felony, or breach of the peace, be privileged  
8 from arrest during the attendance at elections and while going to  
9 and returning from the same. No ~~registered voter~~ elector shall be  
10 obliged to do military duty on election day except in time of war  
11 and public danger.

12           Sec. 39. Section 32-925, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           32-925 If any person conducts himself or herself in a  
15 noisy, riotous, or tumultuous manner at or about the polls so as to  
16 disturb the election or insults or abuses the precinct or district  
17 inspectors or judges or clerks of election and persists in such  
18 conduct after being warned to desist, any election commissioner,  
19 county clerk, inspector, judge of election, police officer, or  
20 sheriff shall arrest him or her without warrant and bring him or  
21 her before the county court. Such person shall be permitted to vote  
22 if he or she is a ~~registered voter~~, an elector.

23           Sec. 40. Section 32-927, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           32-927 If any person offering to vote is challenged by

1 an inspector, judge or clerk of election, or registered voter,  
2 the person shall, in the presence of an inspector or a judge of  
3 election, affix his or her signature and print his or her name and  
4 address on the following oath: I do solemnly swear that I will  
5 fully and truly answer all such questions put to me related to  
6 my place of residence and qualifications as a ~~registered voter~~ an  
7 elector at this election. The inspector or judge of election shall  
8 require the ~~registered voter~~ elector to comply with sections 32-928  
9 to 32-930 as applicable and shall ask any other questions to the  
10 person challenged as necessary to test his or her qualifications as  
11 a ~~registered voter~~ an elector at that election.

12           Sec. 41. Section 32-929, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           32-929 If a person is challenged on the ground that  
15 he or she is not a resident of this state, the county, or the  
16 precinct, the person shall answer the following questions on the  
17 form provided by the election commissioner or county clerk:

18           Do you have a residence in this state: Yes or No?

19           Do you have a residence in this county: Yes or No?

20           Do you have a residence in this precinct: Yes or No?

21           If a person has moved from one residence to another  
22 within the precinct in which he or she is registered to vote, such  
23 voter shall be entitled to vote as provided in section 32-914.02.  
24 If a person has moved from one residence to another within the  
25 county in which he or she is registered to vote, such voter shall

1 be entitled to vote a provisional ballot as provided in section  
2 32-915. If a person has moved from a residence outside of the  
3 county in which he or she resides and has not registered to vote in  
4 such county, such person shall be entitled to register and vote as  
5 provided in section 32-933 or section 30 of this act.

6           Sec. 42. Section 32-933, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           32-933 (1) Any person listed in this subsection shall be  
9 eligible as a new resident to vote ~~for President and Vice President~~  
10 ~~of the United States~~ at the statewide general election; ~~but for no~~  
11 ~~other offices.~~

12           (a) Any citizen of the United States who is at least  
13 the constitutionally prescribed age of a voter and who comes into  
14 Nebraska after the voter registration period is closed pursuant to  
15 section 32-302 for the purpose of making Nebraska his or her place  
16 of residence; and

17           (b) Any registered voter who moves from one county  
18 to another county within Nebraska after the close of the voter  
19 registration period.

20           (2) Any registered voter who moves from Nebraska to  
21 another state or to the District of Columbia for the purpose of  
22 making such new location his or her place of residence after the  
23 close of the voter registration period for such location shall  
24 be eligible as a former resident to vote for President and Vice  
25 President of the United States at the statewide general election

1 but for no other offices.

2 (3) Any person described in subsection (1) of this  
3 section shall cast his or her ballot in the office of the election  
4 commissioner or county clerk at any time between the close of the  
5 voter registration period and the close of ~~the polls on election~~  
6 ~~day.~~ Such ballots shall be available after the close of the voter  
7 registration period, business on the day prior to election day or  
8 may register and vote on election day as provided in sections 14  
9 and 30 of this act. Ballots for former residents under subsection  
10 (2) of this section shall be available thirty-five days prior to  
11 the election. ~~The ballots~~ and may be (a) voted in the office  
12 of the election commissioner or county clerk at any time between  
13 thirty-five days prior to the election and the close of the polls  
14 on election day, ~~or the ballots may be (b)~~ mailed to the office and  
15 counted if they arrive before the close of the polls on election  
16 day.

17 Sec. 43. Section 32-934, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 32-934 Any person who desires to vote pursuant to section  
20 32-933 shall execute an affidavit in duplicate substantially as  
21 follows:

22 I, ....., do solemnly swear that:

23 1. I am a citizen of the United States.

24 2. Before moving, I resided at the following address  
25 (describing it by street and number if in a city or village and by



1 section, township, and range if outside of a city or village, and  
2 the precinct, city, county, and state in which such residence is  
3 located):

4 .....  
5 .....

6 3. On the day of the next presidential election, I will  
7 be at least the constitutionally prescribed age of a voter and I  
8 reside at the following address:

9 .....  
10 .....

11 4. I am unable to vote ~~for all offices~~ because the voter  
12 registration deadline has passed and, ~~under the Election Act,~~ I  
13 believe I am entitled to vote for the candidates for President  
14 and Vice President of the United States. I am unable to go to the  
15 polling place and register and vote at the election to be held  
16 November ....., 20.... .

17 5. I hereby make application for a presidential and  
18 vice-presidential ballot or a statewide election ballot, as  
19 applicable. I have not voted and will not vote otherwise than by  
20 this ballot ~~for President and Vice President.~~ at this election.

21 Sec. 44. Section 32-935, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 32-935 The election commissioner or county clerk shall  
24 immediately mail the duplicate of the affidavit described in  
25 section 32-934 to the appropriate official of the state ~~or county~~

1 ~~in Nebraska~~ in which the applicant last resided. Upon receipt, the  
2 election commissioner or county clerk shall file each duplicate  
3 application or other official information from another state ~~or~~  
4 ~~county in Nebraska~~ or the District of Columbia indicating that  
5 a former resident of this state ~~or county in Nebraska~~ has made  
6 application to vote at a presidential election in another state  
7 ~~or county in Nebraska~~ or the District of Columbia and shall  
8 maintain an alphabetical index of such information for a period of  
9 twenty-two months after the election.

10           Sec. 45. Section 32-936, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           32-936 If satisfied that the application is proper and  
13 that the applicant is qualified to vote under section 32-933,  
14 the election commissioner or county clerk shall deliver to the  
15 applicant a ballot for President and Vice President of the United  
16 States or the statewide general election, as applicable. After  
17 voting the ballot, the voter shall securely seal the ballot in  
18 an envelope furnished by the election commissioner or county  
19 clerk. On the back of the envelope shall be imprinted a statement  
20 substantially as follows:

21           Certification of New (or Former) Resident Voter

22           I have qualified as a new (or former) resident voter in  
23 this state or county. I have not applied nor do I intend to apply  
24 for a ballot for early voting from the state, county in Nebraska,  
25 or District of Columbia from which I have moved. I have not voted

1 and I will not vote at this election otherwise than by this ballot.

2           The voter shall sign and date the certification upon the  
3 envelope. The election commissioner or county clerk shall keep the  
4 envelope in his or her office until delivered by him or her to the  
5 counting board under section 32-1027.

6           Sec. 46. Section 32-937, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           32-937 The election commissioner or county clerk shall  
9 keep open to public inspection a list of all persons voting in  
10 the county as new or former residents which shows their names,  
11 addresses, and application dates. The election commissioner or  
12 county clerk shall record the name of any person voting pursuant  
13 to section 32-933 in the list of voters book with a notation  
14 designating him or her as a new or former resident voting ~~for~~  
15 ~~President and Vice President of the United States only.~~ at the  
16 statewide general election.

17           Sec. 47. Section 32-938, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           32-938 (1) A registered voter shall be permitted to vote  
20 early by requesting a ballot for early voting pursuant to section  
21 32-941 or 32-943.

22           (2) Any person excluded from voting under section 32-313  
23 or 32-314 shall not be allowed to receive a ballot for early  
24 voting.

25           (3) Any person who fails to register to vote by the

1 voter registration deadline shall not be allowed to vote except as  
2 provided in section 32-940 or 32-941 or section 30 of this act.

3 Sec. 48. Section 32-940, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-940 Any person employed in federal service whose  
6 status has been terminated by discharge from the armed forces or  
7 by separation from employment outside the territorial limits of the  
8 United States who was unable to register to vote may (1) register  
9 to vote and vote on election day as provided in section 14 of this  
10 act or (2) register to vote after the voter registration deadline  
11 by completing the necessary voter registration application in the  
12 office of the election commissioner or county clerk of the county  
13 of his or her residence no later than noon of the day before the  
14 election. After completing the voter registration application, such  
15 person shall then be allowed to and then vote in the election  
16 office.

17 Sec. 49. Section 32-941, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 32-941 Any registered voter permitted to vote early  
20 pursuant to section 32-938 may, not more than one hundred twenty  
21 days before any election and not later than 4 p.m. on the Wednesday  
22 preceding the election, request a ballot for the election to be  
23 mailed to a specific address. A registered voter shall request a  
24 ballot in writing to the election commissioner or county clerk in  
25 the county where the registered voter has established his or her

1 home and shall indicate his or her residence address, the address  
2 to which the ballot is to be mailed if different, and his or  
3 her political party, telephone number if available, and precinct  
4 if known. The registered voter may use the form published by the  
5 election commissioner or county clerk pursuant to section 32-808.  
6 The registered voter shall sign the request. A registered voter  
7 may use a facsimile machine for the submission of a request for  
8 a ballot. The election commissioner or county clerk shall include  
9 a registration application with the ballots if the person is not  
10 registered. Registration applications shall not be issued or mailed  
11 after the second Friday preceding the election, but a notice shall  
12 be sent to the person of the provision to register and vote on  
13 election day under section 14 of this act. If the person is not  
14 registered to vote, the registration application shall be returned  
15 not later than the closing of the polls on the day of the election.  
16 No ballot issued under this section shall be counted unless such  
17 registration application is properly completed and processed.

18           Sec. 50. Section 32-945, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           32-945 When a request for a ballot from a person who  
21 is not registered to vote in the county reaches the election  
22 commissioner or county clerk by mail, by facsimile transmission,  
23 or by means other than by application in person on or prior to  
24 the third Friday preceding the election, the election commissioner  
25 or county clerk shall mail to the applicant the registration

1 application with the ballot. No ballot shall be sent by mail to any  
2 person after the third Friday preceding the election if such person  
3 is not a registered voter, but a notice shall be sent to the person  
4 of the provision to register and vote on election day under section  
5 14 of this act. When an application for a ballot from a person who  
6 is registered in the county reaches the county clerk or election  
7 commissioner by mail, facsimile transmission, or other means than  
8 by application in person and the application indicates that the  
9 applicant has changed his or her residence within the county, the  
10 county clerk or election commissioner shall change the address on  
11 the applicant's voter registration and mail to such applicant an  
12 acknowledgment of change of registration and the ballot as provided  
13 by section 32-947.

14           Sec. 51. Section 32-952, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           32-952 If a political subdivision decides to place  
17 an issue on the ballot at a special election, the election  
18 commissioner or county clerk may conduct the special election  
19 by mail as provided in section 32-953 or conduct the special  
20 election as otherwise authorized in the Election Act. In making a  
21 determination as to whether to conduct the election by mail, the  
22 election commissioner or county clerk shall consider whether all of  
23 the following conditions are met:

24           (1) All ~~registered voters~~ electors of the political  
25 subdivision who register to vote are eligible to vote on the issue

1 or issues submitted to the voters;

2 (2) Only ~~registered voters~~ electors of the political  
3 subdivision who register to vote are eligible to vote on the issue  
4 or issues submitted to the voters;

5 (3) Only issues and not candidates are submitted to the  
6 ~~registered~~ voters;

7 (4) A review has been conducted of the costs and the  
8 expected voter turnout which may result from holding the election  
9 by mail;

10 (5) The election commissioner or county clerk has  
11 determined a date for the election which is not the same date as  
12 another election in which the ~~registered~~ voters of the political  
13 subdivision are eligible to vote;

14 (6) The clerk of the political subdivision will certify  
15 the issue or issues to the election commissioner or county clerk at  
16 least fifty days prior to the date of the election; and

17 (7) The Secretary of State has approved a written plan  
18 for the conduct of the election, including a written timetable for  
19 the conduct of the election, submitted by the election commissioner  
20 or county clerk. The written plan shall include provisions for the  
21 notice of election to be published and for the application for  
22 ballots for early voting notwithstanding other statutory provisions  
23 regarding the content and publication of a notice of election or  
24 the application for ballots for early voting.

25 Sec. 52. Section 32-1001, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           32-1001 After the polls have closed, the precinct list of  
3 registered voters and the precinct sign-in register shall be signed  
4 by all members of the receiving board, the names of the ~~registered~~  
5 voters shall be counted, and the number shall be recorded where  
6 designated on the list and the register. If a line is missed or a  
7 name is voided, the receiving board shall subtract such omissions  
8 or voids from the total before recording the total on the list  
9 and the register. The receiving board shall certify to all matters  
10 pertaining to casting of ballots and shall turn over the ballots,  
11 ballot boxes, precinct list of registered voters, and precinct  
12 sign-in register to the election commissioner or county clerk.

13           Sec. 53. Section 32-1002, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           32-1002 (1) As the ballots are removed from the ballot  
16 box pursuant to sections 32-1012 to 32-1018, the receiving board  
17 shall separate the envelopes containing the provisional ballots  
18 from the rest of the ballots and deliver them to the election  
19 commissioner or county clerk.

20           (2) Upon receipt of a provisional ballot, the election  
21 commissioner or county clerk shall verify that the certificate on  
22 the front of the envelope or the form attached to the envelope is  
23 in proper form and that the certification has been signed by the  
24 voter.

25           (3) The election commissioner or county clerk shall



1 also (a) verify that such person has not voted anywhere else  
2 in the county or been issued a ballot for early voting, (b)  
3 investigate whether any credible evidence exists that the person  
4 was properly registered to vote in the county before the deadline  
5 for registration for the election, (c) investigate whether any  
6 information has been received pursuant to section 32-309, 32-310,  
7 or 32-324 that the person has resided, registered, or voted in  
8 any other county or state since registering to vote in the county,  
9 ~~and~~ (d) upon determining that credible evidence exists that the  
10 person was properly registered to vote in the county, make the  
11 appropriate changes to the voter registration register by entering  
12 the information contained in the registration application completed  
13 by the voter at the time of voting a provisional ballot, and (e)  
14 upon determining that credible evidence exists that the person  
15 is eligible to register and vote on election day as provided in  
16 section 30 of this act, make the appropriate entries in the voter  
17 registration register to create a voter registration record for  
18 such person based on the information contained in the registration  
19 application completed by such person at the time of voting.

20 (4) A provisional ballot cast by a voter pursuant to  
21 section 32-915 shall be counted if:

22 (a) Credible evidence exists that the voter was properly  
23 registered in the county before the deadline for registration for  
24 the election;

25 (b) The voter has resided in the county continuously

1 since registering to vote in the county;

2 (c) The voter has not voted anywhere else in the county  
3 or has not otherwise voted early using a ballot for early voting;

4 (d) The voter has completed a registration application  
5 prior to voting and:

6 (i) The residence address provided on the registration  
7 application completed pursuant to subdivision (1)(e) of section  
8 32-915 is located within the precinct in which the person voted;  
9 and

10 (ii) If the voter is voting in a primary election,  
11 the party affiliation provided on the registration application  
12 completed prior to voting the provisional ballot is the same party  
13 affiliation that appears on the voter's voter registration record  
14 based on his or her previous registration application; and

15 (e) The certification on the front of the envelope or  
16 form attached to the envelope is in the proper form and signed by  
17 the voter.

18 (5) A provisional ballot cast by a voter pursuant to  
19 section 32-915 shall not be counted if:

20 (a) The voter was not properly registered in the county  
21 before the deadline for registration for the election;

22 (b) Information has been received pursuant to section  
23 32-309, 32-310, or 32-324 that the voter has resided, registered,  
24 or voted in any other county or state since registering to vote in  
25 the county in which he or she cast the provisional ballot;

1           (c) Credible evidence exists that the voter has voted  
2 elsewhere or has otherwise voted early;

3           (d) The voter failed to complete and sign a registration  
4 application pursuant to subdivision (1)(e) of section 32-915;

5           (e) The residence address provided on the registration  
6 application completed pursuant to subdivision (1)(e) of section  
7 32-915 is in a different county or in a different precinct than the  
8 county or precinct in which the voter voted;

9           (f) If the voter is voting in a primary election, the  
10 party affiliation on the registration application completed prior  
11 to voting the provisional ballot is different than the party  
12 affiliation that appears on the voter's voter registration record  
13 based on his or her previous registration application; or

14           (g) The voter failed to complete and sign the  
15 certification on the envelope or form attached to the envelope  
16 pursuant to subsection (3) of section 32-915.

17           (6) Upon determining that the voter's provisional ballot  
18 is eligible to be counted, the election commissioner or county  
19 clerk shall remove the ballot from the envelope without exposing  
20 the marks on the ballot and shall place the ballot with the ballots  
21 to be counted by the county canvassing board.

22           (7) The election commissioner or county clerk shall  
23 notify the system administrator of the system created pursuant to  
24 section 32-202 as to whether the ballot was counted and, if not,  
25 the reason the ballot was not counted.

1           (8) The verification and investigation shall be completed  
2 within seven days after the election.

3           Sec. 54. Section 32-1041, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-1041 The election commissioner or county clerk may use  
6 optical-scan ballots or voting systems approved by the Secretary  
7 of State to allow ~~registered voters~~ electors to cast their votes  
8 at any election. The election commissioner or county clerk may  
9 use vote counting devices and voting systems approved by the  
10 Secretary of State for tabulating the votes cast at any election.  
11 Vote counting devices shall include electronic counting devices  
12 such as optical scanners. Any new voting or counting system  
13 shall be approved by the Secretary of State prior to use by an  
14 election commissioner or county clerk. Notwithstanding any other  
15 provision of the Election Act, the Secretary of State may adopt and  
16 promulgate rules and regulations to establish different procedures  
17 and locations for voting and counting votes pursuant to the use of  
18 any new voting or counting system. The procedures shall be designed  
19 to preserve the safety and confidentiality of each vote cast and  
20 the secrecy and security of the counting process, to establish  
21 security provisions for the prevention of fraud, and to ensure that  
22 the election is conducted in a fair manner.

23           Sec. 55. Section 32-1302, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           32-1302 (1) Except for trustees of sanitary and

1 improvement districts, any elected official of a political  
2 subdivision and any elected member of the governing bodies of  
3 cities, villages, counties, irrigation districts, natural resources  
4 districts, public power districts, school districts, community  
5 college areas, educational service units, hospital districts, and  
6 metropolitan utilities districts may be removed from office by  
7 recall pursuant to sections 32-1301 to 32-1309. A trustee of a  
8 sanitary and improvement district may be removed from office by  
9 recall pursuant to sections 31-786 to 31-793.

10 (2) If due to reapportionment the boundaries of the area  
11 served by the official or body change, the recall procedure and  
12 special election provisions of sections 32-1301 to 32-1309 shall  
13 apply to ~~the registered voters~~ those residing within the boundaries  
14 of the new area.

15 (3) The recall procedure and special election provisions  
16 of such sections shall apply to members of the governing bodies  
17 listed in subsection (1) of this section, other than sanitary and  
18 improvement districts, who are elected by precinct, district, or  
19 subdistrict of the political subdivision. Only registered voters  
20 of such member's precinct, district, or subdistrict may sign a  
21 recall petition. Only electors of such member's precinct, district,  
22 or subdistrict who register to vote may ~~ex~~ vote at the recall  
23 election. The recall election shall be held within the member's  
24 precinct, district, or subdistrict. When an elected member is  
25 nominated by precinct, district, or subdistrict in the primary

1 election and elected at large in the general election, the recall  
2 provisions shall apply to the ~~registered voters~~ electors at the  
3 general election.

4 (4) The recall procedure and special election provisions  
5 shall apply to the mayor and members of the city council  
6 of municipalities with a home rule charter notwithstanding any  
7 contrary provisions of the home rule charter.

8 Sec. 56. Section 32-1307, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 32-1307 The form of the official ballot at a recall  
11 election held pursuant to section 32-1306 shall conform to the  
12 requirements of this section. With respect to each person whose  
13 removal is sought, the question shall be submitted: Shall (name of  
14 person) be removed from the office of (name of office)? Immediately  
15 following each such question there shall be printed on the ballot  
16 the two responses: Yes and No. Next to each response shall be  
17 placed a square or oval in which the ~~registered voters~~ electors may  
18 vote for one of the responses by making a cross or other clear,  
19 identifiable mark. The name of the official which shall appear on  
20 the ballot shall be the name of the official that appeared on the  
21 ballot of the previous general election that included his or her  
22 name.

23 Sec. 57. Section 32-1403, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 32-1403 A full and correct copy of the title and text

1 of the law or amendment to the Constitution of Nebraska to be  
2 proposed by an initiative petition or the measure sought to be  
3 referred ~~to the registered voters~~ by a referendum petition shall be  
4 printed upon each sheet of the petition which contains signatures.  
5 The petition may be filed with the Secretary of State in numbered  
6 sections for convenience in handling.

7           Sec. 58. Section 32-1502, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           32-1502 A person shall be guilty of election  
10 falsification if, orally or in writing, he or she purposely states  
11 a falsehood under oath lawfully administered or in a statement made  
12 under penalty of election falsification (1) as to a material matter  
13 relating to an election in a proceeding before a court, tribunal,  
14 or public official or (2) in a matter in relation to which an oath  
15 or statement under penalty of election falsification is authorized  
16 by law, including a statement required for verifying or filing a  
17 voter registration application, election-day voter registration, or  
18 voting early, ~~or~~ a statement required by a ~~new~~ ~~or~~ former resident  
19 to enable him or her to vote for President or Vice President of  
20 the United States, or a statement required by a new resident to  
21 enable him or her to vote in the statewide general election. Any  
22 person committing election falsification shall be guilty of a Class  
23 IV felony.

24           Sec. 59. Section 32-1503, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           32-1503 Any person who (1) falsely impersonates an  
2 elector and registers or attempts or offers to register in the  
3 name of such elector, (2) knowingly or fraudulently registers or  
4 offers to, attempts to, or makes application to register in or  
5 under the name of any other person, in or under any false, assumed,  
6 or fictitious name, or in or under any name not his or her own, (3)  
7 knowingly or fraudulently registers in two election districts, (4)  
8 having registered in one district, fraudulently attempts or offers  
9 to register at any other election district in which he or she does  
10 not have a lawful right to register, (5) knowingly or willfully  
11 does any unlawful act to secure registration for himself or herself  
12 or any other person, (6) knowingly, willfully, or fraudulently, by  
13 false impersonation or by any unlawful means, causes, procures, or  
14 attempts to cause or procure the name of any registered voter in  
15 any election precinct to be erased or stricken from any register  
16 of the voters of such precinct, (7) by force, threat, menace,  
17 intimidation, bribery, reward, offer or promise of reward, or other  
18 unlawful means, prevents, hinders, or delays any person having a  
19 lawful right to register or to be registered from duly exercising  
20 such right, (8) knowingly, willfully, or fraudulently compels,  
21 induces, or attempts or offers to compel or induce, by any unlawful  
22 means, any deputy registrar to register any person not lawfully  
23 entitled to registration ~~in such precinct~~ or to register any false,  
24 assumed, or fictitious name or any name of any other person, (9)  
25 knowingly, willfully, or fraudulently interferes with, hinders, or



1 delays any deputy registrar in the discharge of his or her duties,  
2 (10) counsels, advises, induces, or attempts to induce any deputy  
3 registrar to refuse to perform or neglect to comply with his or her  
4 duties or to violate any of the provisions of the Election Act, or  
5 (11) aids, counsels, procures, or advises any person to do any act  
6 forbidden by this section or to omit to do any act by law directed  
7 to be done shall be guilty of a Class IV felony.

8           Sec. 60. Section 32-1504, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           32-1504 Any deputy registrar who is guilty of any willful  
11 neglect of his or her duty or of any corrupt or fraudulent conduct  
12 or practice in the execution of his or her duty or who willfully  
13 neglects or, when called upon, willfully declines to exercise the  
14 powers conferred on him or her by sections 32-301 to 32-330 and  
15 section 14 of this act shall be guilty of a Class IV felony.

16           Sec. 61. Section 32-1508, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           32-1508 Any person who is guilty of willful or corrupt  
19 false swearing in taking an oath prescribed by or upon any  
20 examination provided for in sections 32-301 to 32-330 and section  
21 14 of this act or upon being challenged as unqualified to register  
22 to vote shall be guilty of a Class IV felony.

23           Sec. 62. Section 32-1512, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           32-1512 Irregularities or defects in the mode of

1 noticing, convening, holding, or conducting any registration or  
2 revision of registration authorized by sections 32-301 to 32-330  
3 and section 14 of this act shall not constitute a defense to a  
4 prosecution for a violation of any of the provisions of sections  
5 32-1503 to 32-1511.

6           Sec. 63. Section 32-1519, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           32-1519 (1) Any judge of election who (a) knowingly  
9 receives or sanctions the reception of an improper or illegal vote,  
10 ~~from any person who is not a registered voter,~~ (b) receives or  
11 sanctions the reception of a ballot from any person who refuses  
12 to answer any question which is put to him or her in accordance  
13 with the Election Act, (c) refuses to take the oath prescribed by  
14 the act, (d) sanctions the refusal by any other judge of election  
15 to administer any oath required by the act when such oath is  
16 required, or (e) refuses to receive or sanctions the rejection of  
17 a ballot from any ~~registered voter~~ elector at the place where such  
18 ~~registered voter~~ elector properly and legally offers to vote shall  
19 be guilty of a Class III misdemeanor.

20           (2) Any judge or clerk of election on whom any duty is  
21 enjoined by the act who willfully neglects any such duty or who  
22 engages in any corrupt conduct in the discharge of his or her duty  
23 shall be guilty of a Class III misdemeanor.

24           Sec. 64. Section 32-1528, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           32-1528 Any person who votes a ballot in any election  
2 held for a school district, village, or precinct of a city in this  
3 state in which he or she does not actually reside or into which he  
4 or she has come for merely temporary purposes shall be guilty of a  
5 Class III misdemeanor.

6           Sec. 65. Section 32-1530, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           32-1530 Any person who votes (1) who is not a resident of  
9 this state, who is not registered to vote in the county in which  
10 he or she voted or did not register to vote in such county as  
11 otherwise provided by the Election Act, ~~or registered in the county~~  
12 or who at the time of election is not of the constitutionally  
13 prescribed age of a registered voter, (2) who is not a citizen of  
14 the United States, or (3) after being disqualified by law by reason  
15 of his or her conviction of a felony and prior to the end of the  
16 two-year period after completing the sentence, including any parole  
17 term, shall be guilty of a Class IV felony.

18           Sec. 66. Section 32-1531, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           32-1531 ~~Except as provided in sections 32-933 to 32-937,~~  
21 any Any person who is a resident of this state and who goes or  
22 comes into any county of which he or she is not an actual resident  
23 and votes in such county shall be guilty of a Class IV felony.

24           Sec. 67. Section 32-1532, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           32-1532 Any person who procures, aids, assists, counsels,  
2 or advises another to give his or her vote, knowing that such  
3 other person is not a resident of this state ~~or a registered voter~~  
4 ~~of the county~~ as required by law at the time of election, is  
5 not registered to vote in the county in which such other person  
6 would be voting or does not intend to register to vote in such  
7 county as otherwise provided by the Election Act, is not of the  
8 constitutionally prescribed age of a registered voter, is not a  
9 citizen of the United States, or is not duly qualified as a result  
10 of any other disability to vote at the place where and the time  
11 when the vote is to be given shall be guilty of a Class IV felony.

12           Sec. 68. Original sections 32-101, 32-107, 32-108,  
13 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-308, 32-310,  
14 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-813, 32-816, 32-901,  
15 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914,  
16 32-915, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922,  
17 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936,  
18 32-937, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1001, 32-1002,  
19 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504,  
20 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532,  
21 Reissue Revised Statutes of Nebraska, are repealed.