

AMENDMENTS TO LB 239

(Amendments to Standing Committee amendments, AM727)

Introduced by Schumacher

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 32-101, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:

5           32-101 Sections 32-101 to 32-1551 and sections 3, 4, and  
6 5 of this act shall be known and may be cited as the Election Act.

7           Sec. 2. Section 32-103, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           32-103 For purposes of the Election Act, the definitions  
10 found in sections 32-104 to 32-120 and sections 3, 4, and 5 of this  
11 act shall be used.

12           Sec. 3. Government-issued photographic identification  
13 means:

14           (1) A motor vehicle operator's license or state  
15 identification card issued under the Motor Vehicle Operator's  
16 License Act which carries an expiration date no earlier than five  
17 years prior to the election;

18           (2) A document issued by the United States which shows:

19           (a) The name of the individual to whom the document was  
20 issued and the name conforms to the name in the voter's voter  
21 registration record;

22           (b) A photograph of the individual to whom the document

1 was issued; and

2 (c) An expiration date no earlier than five years prior  
3 to the election; or

4 (3) A document issued by an official Indian tribe in the  
5 United States which shows:

6 (a) The name of the individual to whom the document was  
7 issued and the name conforms to the name in the voter's voter  
8 registration record;

9 (b) A photograph of the individual to whom the document  
10 was issued; and

11 (c) An expiration date no earlier than five years prior  
12 to the election.

13 Sec. 4. Return envelope means the envelope delivered to  
14 a registered voter in which he or she places the secret-ballot  
15 envelope and accompanying materials.

16 Sec. 5. Secret-ballot envelope means the envelope that is  
17 provided to the voter by the election commissioner or county clerk,  
18 that bears no characteristics which would identify the voter and  
19 into which a registered voter may place his or her voted ballot  
20 before placing it in the return envelope to return the ballot to  
21 the election commissioner or county clerk.

22 Sec. 6. Section 32-202, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 32-202 In addition to any other duties prescribed by law,  
25 the Secretary of State shall:

26 (1) Supervise the conduct of primary and general  
27 elections in this state;

1           (2) Provide training for election commissioners, county  
2 clerks, and other election officials in providing for registration  
3 of voters and the conduct of elections;

4           (3) Enforce the Election Act;

5           (4) With the assistance and advice of the Attorney  
6 General, make uniform interpretations of the act;

7           (5) Provide periodic training for the agencies and their  
8 agents and contractors in carrying out their duties under sections  
9 32-308 to 32-310;

10           (6) Develop and print forms for use as required by  
11 sections 32-308, 32-310, 32-320, 32-329, 32-947, 32-956, and  
12 32-958;

13           (7) Contract with the Department of Administrative  
14 Services for storage and distribution of the forms;

15           (8) Require reporting to ensure compliance with sections  
16 32-308 to 32-310;

17           (9) Prepare and transmit reports as required by the  
18 National Voter Registration Act of 1993, 42 U.S.C. 1973gg et seq.;

19           (10) Develop and print a manual describing the  
20 requirements of the initiative and referendum process and  
21 distribute the manual to election commissioners and county clerks  
22 for distribution to the public upon request;

23           (11) Develop and print pamphlets described in section  
24 32-1405.01;

25           (12) Adopt and promulgate rules and regulations for  
26 elections conducted under sections 32-952 to 32-959; and

27           (13) Adopt and promulgate rules and regulations regarding

1 the procedure to remove secret-ballot envelopes from return  
2 envelopes after verification of information on the return  
3 envelopes, remove ballots from secret-ballot envelopes and return  
4 envelopes if a voter did not use the secret-ballot envelope, and  
5 count the ballots in a manner that does not impair the anonymity  
6 of the voter; and

7           ~~(13)~~ (14) Establish a free access system, such as a  
8 toll-free telephone number or an Internet web site, that any voter  
9 who casts a provisional ballot may access to discover whether the  
10 vote of that voter was counted and, if the vote was not counted,  
11 the reason that the vote was not counted. The Secretary of State  
12 shall establish and maintain reasonable procedures necessary to  
13 protect the security, confidentiality, and integrity of personal  
14 information collected, stored, or otherwise used by the free access  
15 system. Access to information about an individual provisional  
16 ballot shall be restricted to the individual who cast the ballot.

17           Sec. 7. Section 32-311.01, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           32-311.01 (1) The Secretary of State shall prescribe and  
20 distribute a registration application which may be used statewide  
21 to register to vote and update voter registration records. An  
22 applicant may use the application to register to vote or to update  
23 his or her voter registration record with changes in his or her  
24 personal information or other information related to his or her  
25 eligibility to vote. An applicant may submit the application in  
26 person, through a personal messenger or personal agent, or by mail.  
27 Every election commissioner or county clerk shall accept such an

1 application for registration. If an applicant who is eligible to  
2 register to vote submits the application in person at the office of  
3 the election commissioner or county clerk, the information from the  
4 application shall be entered into the voter registration register  
5 in the presence of the applicant if possible.

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

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

12 (b) If the application is submitted by mail and the  
13 applicant is registering in the state for the first time and has  
14 not previously voted within the state, the applicant must submit  
15 with the application a copy of a government-issued photographic  
16 identification or other photo identification which is current and  
17 valid or a copy of a utility bill, bank statement, government  
18 check, paycheck, or other government document that is current and  
19 that shows the name and address of the applicant as they appear  
20 on the application in order to avoid additional identification  
21 requirements when voting for the first time;

22 (c) An applicant may deliver the application to the  
23 office of the election commissioner or county clerk in person,  
24 through a personal messenger or personal agent, or by mail;

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

27 (i) Delivered by the applicant in person to the office of

1 the election commissioner or county clerk on or before the deadline  
2 prescribed in section 32-302;

3 (ii) Delivered by the applicant's personal messenger or  
4 personal agent to the office of the election commissioner or county  
5 clerk on or before the third Friday before the election; or

6 (iii) Postmarked on or before the third Friday before the  
7 election if the application is submitted by mail; and

8 (e) The election commissioner or county clerk will, upon  
9 receipt of the application for registration, send an acknowledgment  
10 of registration to the applicant indicating whether the application  
11 is proper or not.

12 Sec. 8. Section 32-318.01, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 32-318.01 (1)(a) Except as provided by subsection (2) of  
15 this section, a person who registers to vote by mail after January  
16 1, 2003, and has not previously voted in an election within the  
17 state shall present a government-issued photographic identification  
18 or other photographic identification which is current and valid  
19 or a copy of a utility bill, bank statement, government check,  
20 paycheck, or other government document which is dated within the  
21 sixty days immediately prior to the date of presentation and which  
22 shows the same name and residence address of the person provided  
23 on the registration application in order to avoid additional  
24 identification requirements at the time of voting pursuant to  
25 section 32-914 or 32-947.

26 (b) Such documentation may be presented at the time of  
27 application for registration, after submission of the application

1 for registration, or at the time of voting. The documentation must  
2 be received by the election commissioner or county clerk not later  
3 than 6 p.m. on the second Friday preceding the election to avoid  
4 additional identification requirements at the time of voting at  
5 the polling place if the voter votes in person. If the voter is  
6 voting using a ballot for early voting, the documentation must be  
7 received by the election commissioner or county clerk prior to the  
8 date on which the ballot is mailed to the voter to avoid additional  
9 identification requirements at the time of voting. Documentation  
10 received after the ballot has been mailed to the voter but not  
11 later than 8 p.m. on election day will be considered timely for  
12 purposes of determining the applicant's eligibility to vote in the  
13 election.

14 (c) Such documentation may be presented in person, by  
15 mail, or by facsimile transmission.

16 (d) Failure to present such documentation may result in  
17 the ballot not being counted pursuant to verification procedures  
18 prescribed in sections 32-1002 and 32-1027.

19 (2) A person who registers to vote by mail after January  
20 1, 2003, and has not previously voted in an election within the  
21 state shall not be required to present additional identification if  
22 he or she:

23 (a) Has provided his or her Nebraska driver's license  
24 number or the last four digits of his or her social security number  
25 and the election commissioner or county clerk verifies the number  
26 provided pursuant to subsection (2) of section 32-312.03;

27 (b) Is a member of the armed forces of the United States

1 who by reason of active duty is absent from his or her place of  
2 residence where the member is otherwise eligible to vote;

3 (c) Is a member of the United States Merchant Marine who  
4 by reason of service is away from his or her place of residence  
5 where the member is otherwise eligible to vote;

6 (d) Is a spouse or dependent of a member of the armed  
7 forces of the United States or United States Merchant Marine who  
8 is absent from his or her place of residence due to the service of  
9 that member;

10 (e) Resides outside the United States and but for such  
11 residence would be qualified to vote in the state if the state was  
12 the last place in which the person was domiciled before leaving the  
13 United States; or

14 (f) Is elderly or handicapped and has requested to vote  
15 by alternative means other than by casting a ballot at his or her  
16 polling place on election day.

17 Sec. 9. Section 32-809, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 32-809 (1) The form of the official ballot at the  
20 statewide primary election shall be prescribed by the Secretary of  
21 State. At the top of the ballot and over all else shall be printed  
22 in boldface type the name of the political party, ..... Official  
23 Ballot, Primary Election 20.. . Each division containing the names  
24 of the office and a list of candidates for such office shall be  
25 separated from other groups by a bold line. The ballot shall list  
26 at-large candidates and subdistrict candidates under appropriate  
27 headings.



1                   (2) All proposals for constitutional amendments,  
2 candidates for delegates to the national political party  
3 conventions, and candidates on the nonpartisan ballot shall be  
4 submitted on a ballot where bold lines separate one office or issue  
5 from another. Proposals for constitutional amendments proposed  
6 by the Legislature shall be placed on the ballot as provided  
7 in sections 49-201 to 49-211. Each candidate for delegate to  
8 the national political party convention shall have his or her  
9 preference for the candidacy for the office of President of the  
10 United States or the fact that he or she is uncommitted shown on  
11 the ballot in parenthesis and indented on the line immediately  
12 below the name of the candidate. All constitutional amendments  
13 shall be placed on a separate ballot when a paper ballot is used  
14 which requires the ballot after being voted to be folded before  
15 being deposited in a ballot box. When an optical-scan ballot is  
16 used which requires a ~~ballot envelope~~ or secret-ballot envelope  
17 or ballot sleeve in which the ballot after being voted is placed  
18 before being deposited in a ballot box, constitutional amendments  
19 may be printed on either side of the ballot and shall be separated  
20 from other offices or issues by a bold line. Constitutional  
21 amendments so arranged shall constitute a separate ballot.

22                   (3) The statewide primary election ballot shall contain  
23 the name of every candidate filing under sections 32-606, 32-611,  
24 and 32-613 and no other names. No name of a candidate for member  
25 of the Legislature or an elective office described in Article IV,  
26 section 1, of the Constitution of Nebraska shall appear on any  
27 ballot or any series of ballots at any primary election more than

1 once except for the names of candidates for the office of delegate  
2 to a county, state, or national political party convention. When  
3 two or more of the last names of candidates for the same office  
4 at the primary election are the same in spelling or sound, the  
5 official ballots may, on the request of any such candidate, have  
6 his or her address printed immediately below his or her name in  
7 capital and lowercase letters in lightface type of the same size as  
8 the type in which the name of the candidate is printed.

9           Sec. 10. Section 32-813, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           32-813 (1) The names of all candidates and all proposals  
12 to be voted upon at the general election shall be arranged upon  
13 the ballot in parts separated from each other by bold lines in  
14 the order the offices and proposals are set forth in this section.  
15 If any office is not subject to the upcoming election, the office  
16 shall be omitted from the ballot and the remaining offices shall  
17 move up so that the same relative order is preserved. The order of  
18 any offices may be altered to allow for the best utilization of  
19 ballot space in order to avoid printing a second ballot when one  
20 ballot would be sufficient if an optical-scan ballot is used. All  
21 proposals on the ballot shall remain separate from the offices, and  
22 the proposals shall follow all offices on the ballot.

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

27           (b) The names of candidates for President and Vice

1 President for each political party shall be grouped together, and  
2 each group shall be enclosed with brackets with the political party  
3 name next to the brackets and one square or oval opposite the names  
4 in which the voter indicates his or her choice.

5 (c) The names of candidates for President and Vice  
6 President who have successfully petitioned on the ballot for the  
7 general election shall be grouped together with the candidates  
8 appearing on the same petition being grouped together, and each  
9 group shall be enclosed with brackets with the words "By Petition"  
10 next to the brackets and one square or oval opposite the names in  
11 which the voter indicates his or her choice.

12 (d) Beneath the names of the candidates for President and  
13 Vice President certified by the officers of the national political  
14 party conventions pursuant to section 32-712 and beneath the names  
15 of all candidates for President and Vice President placed on the  
16 general election ballot by petition, two write-in lines shall be  
17 provided in which the voter may fill in the names of the candidates  
18 of his or her choice. The lines shall be enclosed with brackets  
19 with one square or oval opposite the names in which the voter  
20 indicates his or her choice. The name appearing on the top line  
21 shall be considered to be the candidate for President, and the  
22 name appearing on the second line shall be considered to be the  
23 candidate for Vice President.

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

27 (4) The names and spaces for voting for candidates for

1 Representatives in Congress shall be entitled Congressional Ticket  
2 in boldface type. Above the candidates' names, the office shall be  
3 designated For Representative in Congress ..... District.

4 (5) The names and spaces for voting for candidates for  
5 the various state officers shall be entitled State Ticket in  
6 boldface type. Each set of candidates shall be separated by lines  
7 across the column, and above each set of candidates shall be  
8 designated the office for which they are candidates, arranged in  
9 the order prescribed by the Secretary of State. The candidates  
10 for Governor of each political party receiving the highest number  
11 of votes in the primary election shall be grouped together with  
12 their respective candidates for Lieutenant Governor. Each group  
13 shall be enclosed with brackets with the political party name  
14 next to the brackets and one square or oval opposite the names  
15 in which the voter indicates his or her choice for Governor  
16 and Lieutenant Governor jointly. The candidates for Governor and  
17 Lieutenant Governor who have successfully petitioned on the general  
18 election ballot shall be grouped together with the candidates  
19 appearing on the same petition being grouped together. Each group  
20 shall be enclosed with brackets with the words "By Petition" next  
21 to the brackets and one square or oval opposite the names in which  
22 the voter indicates his or her choice for Governor and Lieutenant  
23 Governor jointly. Beneath the names of the candidates for Governor  
24 nominated at a primary election by political party and their  
25 respective candidates for Lieutenant Governor and beneath the names  
26 of all candidates for Governor and Lieutenant Governor placed on  
27 the general election ballot by petition, one write-in line shall be

1 provided in which the registered voter may fill in the name of the  
2 candidate for Governor of his or her choice and one square or oval  
3 opposite the line in which the voter indicates his or her choice  
4 for Governor.

5 (6) The names and spaces for voting for nonpartisan  
6 candidates shall be entitled Nonpartisan Ticket in boldface type.  
7 The names of all nonpartisan candidates shall appear in the order  
8 listed in this subsection, except that when using an optical-scan  
9 ballot, the order of offices may be altered to allow for the best  
10 utilization of ballot space to avoid printing a second ballot when  
11 one ballot would be sufficient:

- 12 (a) Legislature;
- 13 (b) State Board of Education;
- 14 (c) Board of Regents of the University of Nebraska;
- 15 (d) Chief Justice of the Supreme Court;
- 16 (e) Judge of the Supreme Court;
- 17 (f) Judge of the Court of Appeals;
- 18 (g) Judge of the Nebraska Workers' Compensation Court;
- 19 (h) Judge of the District Court;
- 20 (i) Judge of the Separate Juvenile Court;
- 21 (j) Judge of the County Court; and
- 22 (k) County officers in the order prescribed by the  
23 election commissioner or county clerk.

24 (7) The names and spaces for voting for the various  
25 county offices and for measures submitted to the county vote only  
26 or in only a part of the county shall be entitled County Ticket in  
27 boldface type. If the election commissioner or county clerk deems

1 it advisable, the measures may be submitted on a separate ballot if  
2 using a paper ballot or on either side of an optical-scan ballot if  
3 the ballot is placed in a ~~ballot envelope~~ or secret-ballot envelope  
4 or ballot sleeve before being deposited in a ballot box.

5 (8) The candidates for office in the precinct only or  
6 in the city or village only shall be printed on the ballot,  
7 except that if the election commissioner or county clerk deems  
8 it advisable, candidates for these offices may be submitted on a  
9 separate ballot if using a paper ballot or on either side of an  
10 optical-scan ballot if the ballot is placed in a ~~ballot envelope~~ or  
11 secret-ballot envelope or ballot sleeve before being deposited in a  
12 ballot box.

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

1           Sec. 11. Section 32-816, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           32-816 (1) A blank space shall be provided at the end of  
4 each office division on the ballot for registered voters to fill in  
5 the name of any person for whom they wish to vote and whose name  
6 is not printed upon the ballot, except that at the primary election  
7 there shall be no write-in space for delegates to the county  
8 political party convention or delegates to the national political  
9 party convention. A square or oval shall be printed opposite each  
10 write-in space similar to the square or oval placed opposite other  
11 candidates and issues on the ballot. The square or oval shall be  
12 marked to vote for a write-in candidate whose name appears in the  
13 write-in space provided.

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

25           Sec. 12. Section 32-902, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           32-902 (1) The election commissioner or county clerk

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

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

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

17 (b) Instructions for voters who registered to vote by  
18 mail and first-time voters and for voters to present identification  
19 or vote a provisional ballot;

20 (c) General information on voting rights under applicable  
21 federal and state laws, including information on the right of an  
22 individual to cast a provisional ballot and instructions on how to  
23 contact the appropriate officials if these rights are alleged to  
24 have been violated; and

25 (d) General information on federal and state laws  
26 regarding prohibitions on acts of fraud and misrepresentation.

27 Sec. 13. Section 32-914, Reissue Revised Statutes of



1 Nebraska, is amended to read:

2           32-914 (1) Official ballots shall be used at all  
3 elections. No person shall receive a ballot or be entitled to  
4 vote unless and until he or she is registered as a voter except  
5 as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or  
6 32-936.

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

9           (a) He or she announces his or her name and address to  
10 the clerk of election;

11           (b) The clerk has found that he or she is a registered  
12 voter at the address as shown by the precinct list of registered  
13 voters unless otherwise entitled to vote in the precinct under  
14 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01;

15           (c) The voter has presented a government-issued  
16 photographic identification ~~which is current and valid at the time~~  
17 ~~of the election,~~ or a copy of a utility bill, bank statement,  
18 paycheck, government check, or other government document which  
19 is current at the time of the election and which shows the same  
20 name and residence address of the voter that is on the precinct  
21 list of registered voters, if the voter registered by mail after  
22 January 1, 2003, and has not previously voted in an election for  
23 a federal office within the county and a notation appears on  
24 the precinct list of registered voters that the voter has not  
25 previously presented identification to the election commissioner  
26 or county clerk;

27           (d) For voters other than a voter subject to subdivision

1 (c) of this subsection, the voter has presented a government-issued  
2 photographic identification except as provided in subdivision (e)  
3 of this subsection;

4 (e) For voters unable to present a government-issued  
5 photographic identification, the voter, immediately prior to being  
6 handed a ballot:

7 (i) Signs a statement setting forth the voter's name and  
8 current address; and

9 (ii) Either (A) presents photographic identification with  
10 an expiration date no earlier than five years prior to the  
11 election in a form consistent with the form registered with  
12 the Secretary of State under this subdivision, which shows the  
13 voter's name substantially as it appears in the precinct list of  
14 registered voters and which is issued by an accredited institution  
15 of education that has registered its form of identification with  
16 the Secretary of State for election purposes, (B) submits to being  
17 photographed in a manner prescribed by the election commissioner or  
18 county clerk, or (C) has a written certification from a pollworker  
19 that the voter is personally known by the pollworker at the  
20 precinct at the time the voter is requesting a ballot;

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

27 ~~(e)~~ (g) The clerk has listed on the precinct list of

1 registered voters the corresponding line number and name of the  
2 registered voter or has listed the name of the voter in a separate  
3 book as provided in section 32-913.

4 Sec. 14. Section 32-915, Revised Statutes Cumulative  
5 Supplement, 2010, is amended to read:

6 32-915 (1) A person whose name does not appear on the  
7 precinct list of registered voters at the polling place for the  
8 precinct in which he or she resides, whose name appears on the  
9 precinct list of registered voters at the polling place for the  
10 precinct in which he or she resides at a different residence  
11 address as described in section 32-914.02, ~~or~~ whose name appears  
12 with a notation that he or she received a ballot for early voting,  
13 or who does not present identification or documentation required  
14 under subdivision (2) (c), (d), or (e) of section 32-914 may vote a  
15 provisional ballot if he or she:

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

19 (b) Is not entitled to vote under section 32-914.01 or  
20 32-914.02;

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

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

27 (e) Completes and signs a registration application before

1 voting.

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

8 ~~(3)~~ (2) Each person voting by provisional ballot shall  
9 enclose seal his or her ballot in an a secret-ballot envelope. The  
10 voter shall place the secret-ballot envelope in a return envelope  
11 marked Provisional Ballot and shall, by signing the certification  
12 on the front of the envelope or a separate form attached to the  
13 envelope, certify to the following facts:

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

15 (b) My name or address did not correctly appear on the  
16 precinct list of registered voters without a notation or I have  
17 not presented identification or documentation required to otherwise  
18 obtain a ballot;

19 (c) I registered to vote on or about this date  
20 .....

21 (d) I registered to vote  
22 .... in person at the election office or a voter  
23 registration site,  
24 .... by mail,  
25 .... on a form through the Department of Motor Vehicles,  
26 .... on a form through another state agency,  
27 .... in some other way;

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

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

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

8           ~~(4)~~ (3) The voter shall sign the certification under  
9 penalty of election falsification. The following statements shall  
10 be on the front of the envelope or on the attached form: By signing  
11 the front of this envelope or the attached form you are certifying  
12 to the information contained on this envelope or the attached form  
13 under penalty of election falsification. Election falsification  
14 is a Class IV felony and may be punished by up to five years  
15 imprisonment, a fine of up to ten thousand dollars, or both.

16           ~~(5)~~ (4) If the person's name does not appear on the  
17 precinct list of registered voters for the polling place and the  
18 judge or clerk of election determines that the person's residence  
19 address is located in another precinct within the same county, the  
20 judge or clerk of election shall direct the person to his or her  
21 correct polling place to vote.

22           Sec. 15. Section 32-916, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           32-916 (1) Two judges of election or a precinct inspector  
25 and a judge of election shall affix their initials to the official  
26 ballots. The judge of election shall deliver a ballot to each  
27 registered voter after complying with section 32-914.

1                   (2) After voting the ballot, the registered voter shall,  
2 as directed by the judge of election, fold his or her ballot or  
3 place the ballot in the ~~ballot envelope~~ or secret-ballot envelope  
4 or ballot sleeve so as to conceal the voting marks and to expose  
5 the initials affixed on the ballot. The registered voter shall,  
6 without delay and without exposing the voting marks upon the  
7 ballot, deliver the ballot to the judge of election before leaving  
8 the enclosure in which the voting booths are placed.

9                   (3) The judge of election shall, without exposing the  
10 voting marks on the ballot, approve the exposed initials upon the  
11 ballot and deposit the ballot in the ballot box in the presence of  
12 the registered voter. No judge of election shall deposit any ballot  
13 in a ballot box unless the ballot has been identified as having the  
14 appropriate initials. Any ballot not properly identified shall be  
15 rejected in the presence of the voter, the judge of election shall  
16 make a notation on the ballot Rejected, not properly identified,  
17 and another ballot shall be issued to the voter and the voter shall  
18 then be permitted to cast his or her ballot. If the ballot is in  
19 order, the judge shall deposit the ballot in the ballot box in  
20 the presence of the voter and the voter shall promptly leave the  
21 polling place. The judges of election shall maintain the secrecy  
22 of the rejected ballots and shall cause the rejected ballots to be  
23 made up in a sealed packet. The judges of election shall endorse  
24 the packet with the words Rejected Ballots and the designation of  
25 the precinct. The judges of election shall sign the endorsement  
26 label and shall return the packet to the election commissioner or  
27 county clerk with a statement by the judges of election showing the

1 number of ballots rejected.

2 (4) Upon receiving a provisional ballot as provided in  
3 section 32-915, the judge of election shall give the voter written  
4 information that states that the voter may determine if his or  
5 her vote was counted and, if not, the reason that the vote was  
6 not counted by accessing the system created pursuant to section  
7 32-202 and the judge of election shall ensure that the appropriate  
8 information is on the outside of the return envelope in which  
9 the secret-ballot envelope containing the ballot is enclosed or  
10 attached to the return envelope, attach the statement required by  
11 section 32-915 if not contained on the return envelope, and place  
12 the entire return envelope into the ballot box. Upon receiving  
13 a provisional ballot as provided in section 32-915.01, the judge  
14 of election shall comply with the requirements for a provisional  
15 ballot under this subsection, except that a provisional ballot cast  
16 pursuant to section 32-915.01 shall be kept separate from the other  
17 ballots cast at the election.

18 Sec. 16. Section 32-936, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 32-936 If satisfied that the application is proper and  
21 that the applicant is qualified to vote under section 32-933,  
22 the election commissioner or county clerk shall deliver to the  
23 applicant a ballot for President and Vice President of the  
24 United States. After voting the ballot, the voter shall securely  
25 seal the ballot in ~~an~~ a secret-ballot envelope and place the  
26 secret-ballot envelope in a return envelope furnished by the  
27 election commissioner or county clerk. On the back of the return

1 envelope shall be imprinted a statement substantially as follows:

2           Certification of New (or Former) Resident Voter

3           I have qualified as a new (or former) resident voter in  
4 this state or county. I have not applied nor do I intend to apply  
5 for a ballot for early voting from the state, county in Nebraska,  
6 or District of Columbia from which I have moved. I have not voted  
7 and I will not vote otherwise than by this ballot.

8           The voter shall sign and date the certification upon the  
9 return envelope. The election commissioner or county clerk shall  
10 keep the return envelope in his or her office until delivered by  
11 him or her to the counting board under section 32-1027.

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

14           32-938 (1) A registered voter shall be permitted to vote  
15 early by requesting a ballot for early voting pursuant to section  
16 32-941 or 32-943. A registered voter voting early shall not be  
17 required to present identification or other documentation prior  
18 to being issued a ballot for early voting except as provided in  
19 subdivision (2)(b) of section 32-311.01.

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

23           (3) Any person who fails to register to vote by the  
24 voter registration deadline shall not be allowed to vote except as  
25 provided in section 32-940 or 32-941.

26           Sec. 18. Section 32-947, Revised Statutes Supplement,  
27 2011, is amended to read:



1                   32-947 (1) Upon receipt of an application or other  
2 request for a ballot to vote early, the election commissioner or  
3 county clerk shall determine whether the applicant is a registered  
4 voter and is entitled to vote as requested. If the election  
5 commissioner or county clerk determines that the applicant is a  
6 registered voter entitled to vote early and the application was  
7 received at or before 4 p.m. on the Wednesday preceding the  
8 election, the election commissioner or county clerk shall deliver  
9 a ballot to the applicant in person or by mail, postage paid.  
10 The election commissioner or county clerk or any employee of the  
11 election commissioner or county clerk shall write or cause to be  
12 affixed his or her customary signature or initials on the ballot.

13                   (2) ~~An unsealed identification~~ A secret-ballot envelope  
14 and a return envelope shall be delivered with the ballot, and  
15 upon the back of the return envelope shall be printed a form  
16 substantially as follows:

17                   VOTER'S OATH

18                   I, the undersigned voter, declare that the enclosed  
19 ballot or ballots contained no voting marks of any kind when I  
20 received them, and I caused the ballot or ballots to be marked,  
21 enclosed in a secret-ballot envelope and the ~~identification return~~  
22 envelope, and sealed in such ~~envelope.~~ envelopes.

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

25                   (a) I, ....., am a registered voter in  
26 ..... County;

27                   (b) I reside in the State of Nebraska at

1 .....;

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

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

6 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE  
7 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION  
8 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE  
9 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS  
10 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN  
11 THOUSAND DOLLARS, OR BOTH.

12 I also understand that failure to sign below will  
13 invalidate my ballot.

14 Signature .....

15 The primary election ballot, if any, within this envelope  
16 is a primary election ballot of the ..... party.

17 Ballots contained in this envelope are for the .....  
18 (primary, general, or special) election to be held on the ..... day  
19 of ..... 20.. .

20 (3) ~~If the ballot and identification envelope will be~~  
21 ~~returned by mail or by someone other than the voter, the~~ The  
22 election commissioner or county clerk shall include a secret-ballot  
23 envelope with the ballot an identification and a return envelope.  
24 Upon ~~upon~~ the face of which the return envelope shall be printed  
25 the official title and post office address of the election  
26 commissioner or county clerk.

27 (4) The election commissioner or county clerk shall also

1 enclose with the ballot materials:

2 (a) A registration application, if the election  
3 commissioner or county clerk has determined that the applicant  
4 is not a registered voter pursuant to section 32-945, with  
5 instructions that failure to return the completed and signed  
6 application indicating the residence address as it appears on the  
7 voter's request for a ballot to the election commissioner or county  
8 clerk by the close of the polls on election day will result in the  
9 ballot not being counted;

10 (b) A registration application and the oath pursuant to  
11 section 32-946, if the voter is without a residence address, with  
12 instructions that the residence address of the voter shall be  
13 deemed that of the office of the election commissioner or county  
14 clerk of the county of the voter's prior residence and that failure  
15 to return the completed and signed application and oath to the  
16 election commissioner or county clerk by the close of the polls on  
17 election day will result in the ballot not being counted; or

18 (c) Written instructions directing the voter to submit a  
19 copy of an identification document pursuant to section 32-318.01 if  
20 the voter is required to present identification under such section  
21 and advising the voter that failure to submit identification to the  
22 election commissioner or county clerk by the close of the polls on  
23 election day will result in the ballot not being counted.

24 (5) The election commissioner or county clerk ~~may~~ shall  
25 enclose with the ballot materials a ~~separate~~ return envelope  
26 for the voter's use in returning his or her ~~identification~~  
27 secret-ballot envelope containing the voted ballot, his or her

1 registration application, and any other materials that may be  
2 required. The return envelope shall be of sufficient size that  
3 the secret-ballot envelope, registration application, and other  
4 materials can be conveniently placed within it.

5 Sec. 19. Section 32-949, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 32-949 (1) After a ballot for early voting is received by  
8 a voter and before placing any marks thereon, the voter shall note  
9 whether there are any voting marks on the ballot and whether there  
10 is a signature or initials on the ballot in the space provided  
11 for the election official's signature or initials. If there are  
12 any voting marks or no signature or initials, the ballot shall be  
13 returned immediately to the election commissioner or county clerk.  
14 If there are no such marks, the voter shall cause the ballot to  
15 be marked. If the ballot is voted in the office of the election  
16 commissioner or county clerk, the registered voter shall return the  
17 ballot, secret-ballot envelope, and ~~identification~~ return envelope  
18 to the election commissioner or county clerk or an employee of  
19 the election commissioner or county clerk who shall deposit the  
20 secret-ballot envelope containing the ballot into a ballot box and  
21 place the ~~identification~~ return envelope in a secure container.

22 (2) If the voter is mailing or otherwise delivering the  
23 ballot to the election commissioner or county clerk, the voter  
24 shall:

25 (a) Place the marked ballot in the secret-ballot envelope  
26 and place the secret-ballot envelope in the ~~identification~~ return  
27 envelope received for that purpose in such a manner that the

1 signature of the issuing officer on the ballot is visible;

2 (b) Complete and sign the voter's oath on the outside of  
3 the ~~identification~~ return envelope under the penalty of election  
4 falsification;

5 (c) Enclose, ~~in the identification envelope or~~ separately  
6 in the return envelope, ~~if one has been provided,~~ his or her  
7 completed registration application if one was provided pursuant  
8 to section 32-945 or 32-946, a copy of his or her identification  
9 document if such identification has been requested, and the oath  
10 completed and signed by a voter without a residence address if  
11 required pursuant to section 32-946;

12 (d) Ensure that the secret-ballot envelope and the  
13 ~~identification envelope or~~ return envelope ~~is~~ are sealed; and

14 (e) Mail, deliver, or cause to be delivered the return  
15 envelope containing the ~~ballots~~ secret-ballot envelope and ballot  
16 and any required materials to the election commissioner or county  
17 clerk from whom it was received.

18 (3) All postage costs related to returning ~~such~~  
19 the ballots and required materials, if any, to the election  
20 commissioner or county clerk shall be paid by the applicant.

21 Sec. 20. Section 32-950, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 32-950 Ballots issued under section 32-948 which are  
24 returned not later than the hour established for the closing of  
25 the polls shall be accepted for review by the counting board for  
26 early voting. Such ballots received by the election commissioner  
27 or county clerk after the close of the polls on election day

1 shall remain sealed in the return envelope on which the election  
2 commissioner or county clerk shall write Rejected, received on,  
3 and the date on which the ballot was received. If such a ballot  
4 was received on election day but after the close of the polls,  
5 the election commissioner or county clerk shall also write on  
6 the return envelope the time at which the ballot was received.  
7 Such rejected ballots shall be segregated and stored in a sealed  
8 container designated for Rejected Early Ballots.

9           Sec. 21. Section 32-953, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           32-953 The election commissioner or county clerk shall  
12 mail the official ballot to all registered voters of the political  
13 subdivision at the addresses appearing on the voter registration  
14 register on the same day. In an election held by mail, registered  
15 voters shall not be required to present identification or other  
16 documentation otherwise required under subdivision (2)(d) of  
17 section 32-914 prior to being issued a ballot. The ballots shall  
18 be mailed by nonforwardable first-class mail not sooner than the  
19 twentieth day before the date set for the election and not later  
20 than the tenth day before the date set for the election. The  
21 election commissioner or county clerk shall include with the ballot  
22 an unsealed identification a secret-ballot envelope and a return  
23 envelope meeting the requirements of subsection (2) of section  
24 32-947 and instructions sufficient to describe the voting process.

25           Sec. 22. Section 32-954, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           32-954 Upon receipt of the official ballot, the

1 registered voter shall mark it, seal the ballot in the  
2 secret-ballot envelope, seal the secret-ballot envelope in the  
3 ~~identification return~~ envelope supplied with the ballot, sign the  
4 ~~identification return~~ envelope, and comply with the instructions  
5 provided with the ballot. The voter may return the ballot to  
6 the election commissioner or county clerk by mailing it or by  
7 personally delivering it to the office of the election commissioner  
8 or county clerk. The deadline for receipt of the ballot is 5  
9 p.m. on the date set for the election. The official ballot must  
10 be sealed in the secret-ballot envelope and returned in the  
11 ~~identification return~~ envelope. The registered voter shall, by  
12 signing the return envelope, certify to the facts contained on the  
13 return envelope. The election commissioner or county clerk shall  
14 keep the ~~identification return~~ envelopes received from registered  
15 voters unopened in a fireproof safe or other suitable location  
16 which is locked until delivered to the counting board.

17           Sec. 23. Section 32-957, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           32-957 An official ballot under section 32-953 shall  
20 be counted only if it is returned in the ~~identification return~~  
21 envelope, the return envelope is signed by the voter to whom  
22 it was issued, and the signature is verified by the election  
23 commissioner or county clerk. The election commissioner or county  
24 clerk shall verify the signature on each ~~identification return~~  
25 envelope received in his or her office with the signature appearing  
26 on the voter registration records. If the election commissioner  
27 or county clerk is unable to verify a signature, the election

1 commissioner or county clerk shall contact the voter within  
2 two days after determining that he or she is unable to verify  
3 the signature to ascertain whether the voter cast a ballot.  
4 The election commissioner or county clerk may request that the  
5 registered voter sign and submit a current signature card pursuant  
6 to section 32-318. The election commissioner or county clerk may  
7 begin verifying the signatures as the return envelopes are received  
8 in his or her office. If the election commissioner or county clerk  
9 determines that a voter has voted more than once, no ballot cast  
10 by that voter in that election shall be counted. The election  
11 commissioner or county clerk shall not make public any record or  
12 list of registered voters who have returned their ballots until the  
13 election has been certified by the canvassing board.

14           Sec. 24. Section 32-1002, Revised Statutes Cumulative  
15 Supplement, 2010, is amended to read:

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

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

26           (3) The election commissioner or county clerk shall  
27 also (a) verify that such person has not voted anywhere else



1 in the county or been issued a ballot for early voting, (b)  
2 investigate whether any credible evidence exists that the person  
3 was properly registered to vote in the county before the deadline  
4 for registration for the election, (c) investigate whether any  
5 information has been received pursuant to section 32-309, 32-310,  
6 or 32-324 that the person has resided, registered, or voted in  
7 any other county or state since registering to vote in the county,  
8 and (d) upon determining that credible evidence exists that the  
9 person was properly registered to vote in the county, make the  
10 appropriate changes to the voter registration register by entering  
11 the information contained in the registration application completed  
12 by the voter at the time of voting a provisional ballot.

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

15 (a) Credible evidence exists that the voter was properly  
16 registered in the county before the deadline for registration for  
17 the election;

18 (b) The voter has resided in the county continuously  
19 since registering to vote in the county;

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

22 (d) The voter has completed a registration application  
23 prior to voting as prescribed in subsection (6) of this section  
24 and:

25 (i) The residence address provided on the registration  
26 application completed pursuant to subdivision (1)(e) of section  
27 32-915 is located within the precinct in which the person voted;

1 and

2 (ii) If the voter is voting in a primary election,  
3 the party affiliation provided on the registration application  
4 completed prior to voting the provisional ballot is the same party  
5 affiliation that appears on the voter's voter registration record  
6 based on his or her previous registration application; and

7 (e) The certification on the front of the return envelope  
8 or form attached to the return envelope is in the proper form and  
9 signed by the voter.

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

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

14 (b) Information has been received pursuant to section  
15 32-309, 32-310, or 32-324 that the voter has resided, registered,  
16 or voted in any other county or state since registering to vote in  
17 the county in which he or she cast the provisional ballot;

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

20 (d) The voter failed to complete and sign a registration  
21 application pursuant to subsection (6) of this section and  
22 subdivision (1)(e) of section 32-915;

23 (e) The residence address provided on the registration  
24 application completed pursuant to subdivision (1)(e) of section  
25 32-915 is in a different county or in a different precinct than the  
26 county or precinct in which the voter voted;

27 (f) If the voter is voting in a primary election, the

1 party affiliation on the registration application completed prior  
2 to voting the provisional ballot is different than the party  
3 affiliation that appears on the voter's voter registration record  
4 based on his or her previous registration application; or

5 (g) The voter failed to complete and sign the  
6 certification on the return envelope or form attached to the return  
7 envelope pursuant to subsection ~~(3)~~ (2) of section 32-915.

8 (6) An error or omission of information on the  
9 registration application or the certification required under  
10 section 32-915 shall not result in the provisional ballot not being  
11 counted if:

12 (a) (i) The errant or omitted information is contained  
13 elsewhere on the registration application or certification; or

14 (ii) The information is not necessary to determine the  
15 eligibility of the voter to cast a ballot; and

16 (b) Both the registration application and the  
17 certification are signed by the voter.

18 (7) Upon determining that the voter's provisional ballot  
19 is eligible to be counted, the election commissioner or county  
20 clerk shall remove the secret-ballot envelope from the return  
21 envelope and open the secret-ballot envelope and remove the ballot  
22 from the secret-ballot envelope, or remove the ballot from the  
23 return envelope if the voter did not use the secret-ballot  
24 envelope, without exposing the marks on the ballot and shall  
25 place the ballot with the ballots to be counted by the county  
26 canvassing board in a manner that does not impair the anonymity of  
27 the voter as prescribed by the Secretary of State.

1           (8) The election commissioner or county clerk shall  
2 notify the system administrator of the system created pursuant to  
3 section 32-202 as to whether the ballot was counted and, if not,  
4 the reason the ballot was not counted.

5           (9) The verification and investigation shall be completed  
6 within seven days after the election.

7           Sec. 25. Section 32-1006, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           32-1006 If a vote is cast for a candidate whose  
10 name is printed on the ballot and a name is filled in on  
11 the line provided for that purpose for the same office, the  
12 ballot shall be rejected for the office involved. The counting  
13 board shall make the following notation on the ballot card and  
14 on the ~~ballot~~ secret-ballot envelope if any: Rejected for the  
15 office of ....., overvoted, and the counting board shall  
16 immediately duplicate the overvoted ballot omitting the overvoted  
17 portion of the ballot and number the original ballot, ~~ballot~~  
18 secret-ballot envelope if any, and duplicate ballot with the same  
19 identifying number. The identifying number shall be assigned in  
20 numerical order, and the original ballot shall remain in the ~~ballot~~  
21 secret-ballot envelope if any.

22           Sec. 26. Section 32-1027, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           32-1027 (1) The election commissioner or county clerk  
25 shall appoint two or more registered voters to the counting board  
26 for early voting. One registered voter shall be appointed from the  
27 political party casting the highest number of votes for Governor

1 or for President of the United States in the county in the  
2 immediately preceding general election, and one registered voter  
3 shall be appointed from the political party casting the next  
4 highest vote for such office. The election commissioner or county  
5 clerk may appoint additional registered voters to serve on the  
6 counting board and may appoint registered voters to serve in case  
7 of a vacancy among any of the members of the counting board.  
8 Such appointees shall be balanced between the political parties  
9 and may include registered voters unaffiliated with any political  
10 party. The counting board may begin carrying out its duties not  
11 earlier than the second Monday before the election and shall meet  
12 as directed by the election commissioner or county clerk.

13 (2) The counting board shall place all ~~identification~~  
14 return envelopes in order and shall review each ~~returned~~  
15 ~~identification~~ return envelope pursuant to verification procedures  
16 prescribed in subsections (3) and (4) of this section.

17 (3) In its review, the counting board shall determine if:

18 (a) The voter has provided his or her name, residence  
19 address, and signature on the ~~voter identification~~ return envelope;

20 (b) The ballot has been received from the voter who  
21 requested it and the residence address is the same address provided  
22 on the voter's request for a ballot for early voting, by comparing  
23 the information provided on the ~~identification~~ return envelope with  
24 information recorded in the record of early voters or the voter's  
25 request;

26 (c) A completed and signed registration application has  
27 been received from the voter by the deadline in section 32-302,

1 32-321, or 32-325 or by the close of the polls pursuant to section  
2 32-945;

3 (d) An identification document has been received from the  
4 voter not later than the close of the polls on election day if  
5 required pursuant to section 32-318.01; and

6 (e) A completed and signed registration application and  
7 oath has been received from the voter by the close of the polls on  
8 election day if required pursuant to section 32-946.

9 (4) On the basis of its review, the counting board  
10 shall determine whether the ballot shall be counted or rejected as  
11 follows:

12 (a) A ballot received from a voter who was properly  
13 registered on or prior to the deadline for registration pursuant  
14 to section 32-302 or 32-321 shall be accepted for counting without  
15 further review if:

16 (i) The name on the ~~identification~~ return envelope  
17 appears to be that of a registered voter to whom a ballot for  
18 early voting has been issued or sent;

19 (ii) The residence address provided on the ~~identification~~  
20 return envelope is the same residence address at which the voter  
21 is registered or is in the same precinct and subdivision of a  
22 precinct, if any; and

23 (iii) The ~~identification~~ return envelope has been signed  
24 by the voter;

25 (b) In the case of a ballot received from a voter who  
26 was not properly registered prior to the deadline for registration  
27 pursuant to section 32-302 or 32-321, the ballot shall be accepted

1 for counting if:

2 (i) A valid registration application completed and signed  
3 by the voter has been received by the election commissioner or  
4 county clerk prior to the close of the polls on election day;

5 (ii) The name on the ~~identification~~ return envelope  
6 appears to be that of the person who requested the ballot;

7 (iii) The residence address provided on the  
8 ~~identification~~ return envelope and on the registration application  
9 is the same as the residence address as provided on the voter's  
10 request for a ballot for early voting; and

11 (iv) The ~~identification~~ return envelope has been signed  
12 by the voter;

13 (c) In the case of a ballot received from a voter without  
14 a residence address who requested a ballot pursuant to section  
15 32-946, the ballot shall be accepted for counting if:

16 (i) The name on the ~~identification~~ return envelope  
17 appears to be that of a registered voter to whom a ballot has  
18 been sent;

19 (ii) A valid registration application completed and  
20 signed by the voter, for whom the residence address is deemed  
21 to be the address of the office of the election commissioner or  
22 county clerk pursuant to section 32-946, has been received by the  
23 election commissioner or county clerk prior to the close of the  
24 polls on election day;

25 (iii) The oath required pursuant to section 32-946 has  
26 been completed and signed by the voter and received by the election  
27 commissioner or county clerk by the close of the polls on election

1 day; and

2 (iv) The ~~identification~~ return envelope has been signed  
3 by the voter; and

4 (d) In the case of a ballot received from a registered  
5 voter required to present identification before voting pursuant to  
6 section 32-318.01, the ballot shall be accepted for counting if:

7 (i) The name on the ~~identification~~ return envelope  
8 appears to be that of a registered voter to whom a ballot has  
9 been issued or sent;

10 (ii) The residence address provided on the ~~identification~~  
11 return envelope is the same address at which the voter is  
12 registered or is in the same precinct and subdivision of a  
13 precinct, if any;

14 (iii) A copy of an identification document authorized in  
15 section 32-318.01 has been received by the election commissioner or  
16 county clerk prior to the close of the polls on election day; and

17 (iv) The ~~identification~~ return envelope has been signed  
18 by the voter.

19 (5) In opening the ~~identification envelope~~ or the return  
20 envelope to determine if registration applications, oaths, or  
21 identification documents have been enclosed by the voters from  
22 whom they are required, the counting board shall make a good  
23 faith effort to ensure that the ballot remains ~~folded~~ in the  
24 secret-ballot envelope until the processing is complete and that  
25 the secrecy of the vote is preserved, or if the voter did not use a  
26 secret-ballot envelope, that the ballot is handled in a manner that  
27 does not impair the anonymity of the voter, as prescribed by the



1 Secretary of State.

2           (6) The counting board may, on the second Monday before  
3 the election, open all ~~identification~~ secret-ballot envelopes in  
4 return envelopes which are approved, and if the signature of the  
5 election commissioner or county clerk or his or her employee is on  
6 the ballot, the ballot shall be unfolded, flattened for purposes  
7 of using the optical scanner, and placed in a sealed container for  
8 counting as directed by the election commissioner or county clerk.  
9 At the discretion of the election commissioner or county clerk, the  
10 counting board may begin counting early ballots no earlier than  
11 twenty-four hours prior to the opening of the polls on the day of  
12 the election.

13           (7) If ~~an identification~~ a return envelope is rejected,  
14 the counting board shall not open the ~~identification~~ return  
15 envelope. The counting board shall write Rejected on the  
16 ~~identification~~ return envelope and the reason for the rejection.  
17 If the ballot is rejected after opening the ~~identification~~ return  
18 envelope because of the absence of the official signature on  
19 the ballot, the ballot shall be reinserted in the secret-ballot  
20 envelope, if any, and placed in the ~~identification~~ return envelope  
21 which shall be resealed and marked Rejected, no official signature.  
22 The counting board shall place the rejected ~~identification~~ return  
23 envelopes and ballots in a container labeled Rejected Ballots and  
24 seal it.

25           (8) As soon as all ballots have been placed in the sealed  
26 container and rejected ~~identification~~ return envelopes or ballots  
27 have been sealed in the Rejected Ballots container, the counting

1 board shall count the ballots the same as all other ballots and an  
2 unofficial count shall be reported to the election commissioner or  
3 county clerk. No results shall be released prior to the closing of  
4 the polls on election day.

5           Sec. 27. Section 32-1030, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           32-1030     All     ~~identification~~     return envelopes,  
8 secret-ballot envelopes, voted ballots, and rejected ballots and  
9 the Rejected Ballots container shall be placed in the container for  
10 early voting materials, and the container shall be sealed.

11           Sec. 28. This act becomes operative on January 1, 2013.

12           Sec. 29. Original sections 32-103, 32-202, 32-311.01,  
13 32-318.01, 32-809, 32-813, 32-902, 32-914, 32-916, 32-936,  
14 32-938, 32-949, 32-950, 32-953, 32-954, 32-957, 32-1006, 32-1027,  
15 and 32-1030, Reissue Revised Statutes of Nebraska, sections  
16 32-101, 32-816, 32-915, and 32-1002, Revised Statutes Cumulative  
17 Supplement, 2010, and section 32-947, Revised Statutes Supplement,  
18 2011, are repealed.