

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 605

Introduced by Conrad, 46.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-107, 32-108,
2 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-308,
3 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-813,
4 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912,
5 32-913, 32-914, 32-916, 32-917, 32-918, 32-919, 32-920,
6 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933,
7 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941,
8 32-944, 32-945, 32-947, 32-952, 32-953, 32-1001, 32-1027,
9 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503,
10 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530,
11 32-1531, and 32-1532, Reissue Revised Statutes of
12 Nebraska, and sections 32-101, 32-310, 32-816, 32-915,
13 and 32-1002, Revised Statutes Cumulative Supplement,
14 2010; to provide for voter registration on election day
15 as prescribed; to change provisions relating to voter
16 registration and voting; to require presentation of
17 identification to vote; to provide exceptions; to provide

1 for provisional ballots; to change requirements for
2 identification for certain first-time voters; to
3 harmonize provisions; to repeal the original sections;
4 and to outright repeal section 32-318.01, Reissue Revised
5 Statutes of Nebraska.

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

1 Section 1. Section 32-101, Revised Statutes Cumulative
2 Supplement, 2010, 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 or
8 of a county, city, village, or other political subdivision in which
9 all ~~registered voters~~ electors residing within the district are
10 entitled to participate in the election of any one or more candidates
11 or in the determination by election of any question or proposition.

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

14 32-108 Election shall mean any statewide or local
15 primary, special, joint, or general election at which ~~registered~~
16 ~~voters~~ electors of the state or the political subdivision holding the
17 election by ballot choose public officials or decide any questions
18 and propositions lawfully submitted to them.

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

21 32-114 Precinct shall mean a defined area established ~~by~~
22 in accordance with law within which all ~~registered voters cast their~~
23 ~~votes~~ electors vote at one polling place. Precinct may include any
24 ward or other division of territory in any city or village when
25 created and designated by ordinance for election purposes.

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

3 32-115 Registered voter shall mean an elector who has a
4 valid voter registration record ~~on file with~~ in the voter
5 registration register prepared by the election commissioner or county
6 clerk in the county of his or her residence.

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

9 32-221 (1) The election commissioner shall appoint
10 precinct and district inspectors, judges of election, and clerks of
11 election to assist the election commissioner in registering voters
12 and conducting elections on election day. In counties with a
13 population of less than three hundred thousand inhabitants, judges
14 and clerks of election and inspectors shall be appointed at least
15 thirty days prior to the statewide primary election, shall hold
16 office for terms of two years or until their successors are appointed
17 and qualified for the next statewide primary election, and shall
18 serve at all elections in the county during their terms of office. In
19 counties with a population of three hundred thousand or more
20 inhabitants, judges and clerks of election shall be appointed at
21 least thirty days prior to the first election for which appointments
22 are necessary and shall serve for at least four elections.

23 (2) Judges and clerks of election may be selected at
24 random from a cross section of the population of the county. All
25 qualified citizens shall have the opportunity to be considered for

1 service. All qualified citizens shall fulfill their obligation to
2 serve as judges or clerks of election as prescribed by the election
3 commissioner. No citizen shall be excluded from service as a result
4 of discrimination based upon race, color, religion, sex, national
5 origin, or economic status. No citizen shall be excluded from service
6 unless excused by reason of ill health or other good and sufficient
7 reason.

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

15 (4) If a vacancy occurs in the office of judge or clerk
16 of election or inspector, the election commissioner shall fill such
17 vacancy in accordance with section 32-223. If any judge or clerk of
18 election or inspector fails to appear at the hour appointed for the
19 opening of the polls, the remaining officers shall notify the
20 election commissioner, select a registered voter to serve in place of
21 the absent officer if so directed by the election commissioner, and
22 proceed to conduct the election. If the election commissioner finds
23 that a judge or clerk of election or inspector does not possess all
24 the qualifications prescribed in this section or if any judge or
25 clerk of election or inspector is guilty of neglecting the duties of

1 the office or of any official misconduct, the election commissioner
2 shall remove the person and fill the vacancy.

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

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

22 Sec. 8. Section 32-306, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-306 Deputy registrars shall register voters in teams
25 of at least two deputies, one of whom is not a member of the same

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

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

18 32-307 No materials advocating or advertising any
19 political issue, candidate, or party shall be displayed or
20 distributed within fifty feet of any voter registration site. No
21 alcohol shall be served within fifty feet of any voter registration
22 site. The registration procedure shall be conducted in a neutral
23 manner and shall not be connected with anything unrelated to the
24 object of registering electors except as otherwise provided in
25 sections 32-308 to 32-310 and section 14 of this act.

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

3 32-308 (1) The Secretary of State and the Director of
4 Motor Vehicles shall enter into an agreement to match information in
5 the computerized statewide voter registration list with information
6 in the data base of the Department of Motor Vehicles to the extent
7 required to enable each such official to verify the accuracy of the
8 information provided on applications for voter registration. The
9 Director of Motor Vehicles shall enter into an agreement with the
10 Commissioner of Social Security under section 205(r)(8) of the
11 federal Social Security Act, 42 U.S.C. 405(r)(8), as such section
12 existed on April 17, 2003, for purposes of the Election Act.

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

1 the license examiners of the department, and any other person who
2 issues operators' licenses or state identification cards. The
3 application shall be completed at the office of the county treasurer
4 or department by the close of business on the third Friday preceding
5 any election to be registered to vote at such election. A
6 registration application received by the county treasurer or
7 department after the deadline—third Friday preceding an election
8 shall not be processed by the election commissioner or county clerk
9 until after the election and shall be invalid if the elector
10 registers to vote on election day.

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

15 Sec. 11. Section 32-310, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 32-310 (1) The State Department of Education and the
18 Department of Health and Human Services shall provide the opportunity
19 to register to vote at the time of application, review, or change of
20 address for the following programs, as applicable: (a) The
21 Supplemental Nutrition Assistance Program; (b) the medicaid program;
22 (c) the WIC program as defined in section 71-2225; (d) the aid to
23 dependent children program; (e) the vocational rehabilitation
24 program; and (f) any other public assistance program or program
25 primarily for the purpose of providing services to persons with

1 disabilities. If the application, review, or change of address is
2 accomplished through an agent or contractor of the department, the
3 agent or contractor shall provide the opportunity to register to
4 vote. Any information on whether an applicant registers or declines
5 to register and the agency at which he or she registers shall be
6 confidential and shall only be used for voter registration purposes.

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

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

18 (4) The applicant may return the completed voter
19 registration application to the department, agent, or contractor or
20 may personally mail or deliver the application to the election
21 commissioner or county clerk as provided in section 32-321. If the
22 applicant returns the completed application to the department, agent,
23 or contractor, the department, agent, or contractor shall deliver the
24 application to the election commissioner or county clerk of the
25 county in which the office of the department, agent, or contractor is

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

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

19 Sec. 12. Section 32-311.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-311.01 (1) The Secretary of State shall prescribe and
22 distribute a registration application which may be used statewide to
23 register to vote and update voter registration records. An applicant
24 may use the application to register to vote or to update his or her
25 voter registration record with changes in his or her personal

1 information or other information related to his or her eligibility to
2 vote. An applicant may submit the application in person, through a
3 personal messenger or personal agent, or by mail. Every election
4 commissioner or county clerk shall accept such an application for
5 registration. If an applicant who is eligible to register to vote
6 submits the application in person at the office of the election
7 commissioner or county clerk, the information from the application
8 shall be entered into the voter registration register in the presence
9 of the applicant if possible.

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

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

16 (b) If the application is submitted by mail and the
17 applicant is registering in the state for the first time and has not
18 previously voted within the state, the applicant must submit with the
19 application a copy of ~~a photo identification which is current and~~
20 ~~valid or a copy of a utility bill, bank statement, government check,~~
21 ~~paycheck, or other government document that is current and that shows~~
22 ~~the name and address of the applicant as they appear on the~~
23 ~~application~~ an identification document as described in subdivision
24 (2)(c) of section 32-914 in order to avoid additional identification
25 requirements when voting for the first time if the voter votes early;

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

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

7 (i) Delivered by the applicant in person to the office of
8 the election commissioner or county clerk on or before the ~~deadline~~
9 second Friday preceding the election as prescribed in section 32-302;

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

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

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

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

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

24 32-314 (1) Any person going into another territory or
25 state and registering to vote or voting in that territory or state

1 shall lose his or her eligibility to vote in this state. Any person
2 going into another county of this state and registering to vote or
3 voting in that county shall lose his or her eligibility to vote in
4 the county where he or she was registered.

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

9 (3) A registered voter who changes his or her name or
10 residence within the county and has retained legal residence in the
11 county since the date of his or her last registration shall register
12 again or update his or her voter registration record to avoid
13 additional requirements at the time of voting as provided in sections
14 32-914 and 32-915 and may be entitled to vote pursuant to section
15 32-914.01, 32-914.02, or 32-915.

16 (4) A registered voter who wants to change his or her
17 party affiliation for purposes of a primary election shall complete a
18 registration application pursuant to section 32-312.04 and submit it
19 to the election commissioner or county clerk as provided in and prior
20 to the ~~deadline~~ second Friday preceding the election as prescribed by
21 section 32-302 or prior to the deadline for applications mailed as
22 prescribed by section 32-321.

23 Sec. 14. (1) An elector who has not registered to vote in
24 his or her county of residence may register to vote and vote on
25 election day by presenting proof of identification and residence and

1 completing a voter registration application at his or her polling
2 place as provided in section 30 of this act. The office shall accept
3 and process such voter registration applications on the day of
4 election and shall resume general registration and revision on the
5 day after an election.

6 (2) If the elector is registering in the state for the
7 first time and has not previously voted within the state, the elector
8 shall present with the application a photographic identification
9 which is current and valid or a utility bill, bank statement,
10 government check, paycheck, or other government document that is
11 current and that shows the name and address of the elector as they
12 appear on the application.

13 (3) If the elector is not registered in his or her county
14 of residence and has previously registered to vote in this state, the
15 elector shall present with the application:

16 (a) His or her driver's license, state identification
17 card, United States passport, United States military identification
18 card, employer's identification card, or student identification card
19 which is current and valid and which displays his or her photograph
20 or digital image; and

21 (b) If the address on his or her driver's license, state
22 identification card, United States passport, United States military
23 identification card, employer's identification card, or student
24 identification card does not match the application, a utility bill,
25 bank statement, government check, paycheck, or other government

1 document that is current and that shows the name and address of the
2 elector as they appear on the application.

3 (4) For purposes of this section, a photographic
4 identification provided pursuant to subsection (2) or subdivision (3)
5 (a) of this section is current and valid if it has not expired and is
6 not subject to suspension, revocation, impoundment, or other
7 disciplinary action and a utility bill, bank statement, government
8 check, paycheck, or other government document provided pursuant to
9 subsection (2) or subdivision (3)(b) of this section is current if it
10 is due or dated within thirty days before or after the applicable
11 election day.

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

14 32-321 (1) Any elector may request a voter registration
15 application from the office of the Secretary of State or the election
16 commissioner or county clerk. The Secretary of State and the election
17 commissioner or county clerk shall make registration applications
18 prescribed by the Secretary of State available and may place the
19 applications in public places. The Secretary of State and the
20 election commissioner or county clerk may require that all unused
21 applications be returned to his or her office and may place
22 reasonable limits on the amount of applications requested.

23 (2) If an elector returns the completed application to
24 the office of the Secretary of State, the office shall deliver the
25 application to the election commissioner or county clerk of the

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

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

17 (a)(i) The application shall be postmarked on or before
18 the third Friday before the next election; or

19 (ii) The application shall be received not later than the
20 second Tuesday before the next election if the postmark is
21 unreadable; and

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

25 (4) If the registration application arrives through the

1 mail, in person, or by agent after the applicable registration
2 deadline, the application shall not be processed until after the
3 election and shall be invalid if the elector registers to vote on
4 election day. Written notice shall be given to any applicant whose
5 registration application failed to meet the registration deadline or
6 was found to be incorrect or incomplete and shall state the specific
7 reason for rejection. If the application is incomplete, the election
8 commissioner or county clerk shall notify the applicant of the
9 failure to provide the required information, including failure to
10 provide identification if required, and provide the applicant with
11 the opportunity to submit an identification document as described in
12 subdivision (2)(c) of section ~~32-318.01~~-32-914 prior to the deadline
13 for voter registration or to complete and submit a corrected
14 registration application in a timely manner to allow for the proper
15 registration of the applicant prior to the next election. The notice
16 shall include a statement that the elector can register and vote on
17 election day at his or her polling place subject to additional
18 procedures. All postage costs related to returning registration
19 applications to the election commissioner or county clerk shall be
20 paid by the registrant.

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

23 32-325 (1) A registration application completed and
24 signed by a registered voter seeking to update his or her voter
25 registration record shall be completed in person at or delivered or

1 mailed to the office of the election commissioner or county clerk. To
2 avoid additional requirements at the polling place pursuant to
3 section 32-914.01, 32-914.02, or 32-915 or section 30 of this act, an
4 application to update a voter registration record must be:

5 (a) Completed at or delivered ~~by the applicant in person~~
6 ~~at to~~ the office of the election commissioner or county clerk by the
7 applicant in person on or before the ~~deadline second Friday preceding~~
8 the election as prescribed in section 32-302; or

9 (b) ~~Delivered~~ Mailed to the office of the election
10 commissioner or county clerk or delivered by a personal messenger or
11 personal agent ~~or mailed to the office~~ so that it is received by the
12 election commissioner or county clerk on or before the deadline
13 prescribed in subsection (3) of section 32-321.

14 (2) After verifying the signature on the previous
15 registration of the registered voter, the election commissioner or
16 county clerk shall make the change of name, party affiliation, or
17 address on all pertinent election records. The election commissioner
18 or county clerk shall send an acknowledgment card to the registered
19 voter indicating that the change of registration has been completed
20 and shall include the address of the registered voter's new polling
21 place.

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

24 32-807 The election commissioner, county clerk, or city
25 or village clerk shall print and deliver to each precinct or district

1 in the county, city, or village an approximate number of ballots
2 based upon what would appear sufficient at the time the ballots are
3 to be printed. Such totals shall take into consideration election-day
4 voter registration, increases in voter registration, early voting,
5 annexations, changes in boundaries, spoiled ballots, and any other
6 factor that may influence the total number of ballots needed.
7 Additional ballots shall be printed to meet any contingency in order
8 to provide a sufficient number of ballots for each precinct or
9 district in the county, city, or village.

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

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

24 (2)(a) If the election is in a year in which a President
25 of the United States is to be elected, the names and spaces for

1 voting for candidates for President and Vice President shall be
2 entitled Presidential Ticket in boldface type.

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

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

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

1 for Vice President.

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

5 (4) The names and spaces for voting for candidates for
6 Representatives in Congress shall be entitled Congressional Ticket in
7 boldface type. Above the candidates' names, the office shall be
8 designated For Representative in Congress District.

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

1 oval opposite the names in which the ~~voter~~elector indicates his or
2 her choice for Governor and Lieutenant Governor jointly. Beneath the
3 names of the candidates for Governor nominated at a primary election
4 by political party and their respective candidates for Lieutenant
5 Governor and beneath the names of all candidates for Governor and
6 Lieutenant Governor placed on the general election ballot by
7 petition, one write-in line shall be provided in which the ~~registered~~
8 ~~voter~~elector may fill in the name of the candidate for Governor of
9 his or her choice and one square or oval opposite the line in which
10 the ~~voter~~elector indicates his or her choice for Governor.

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

- 18 (a) Legislature;
- 19 (b) State Board of Education;
- 20 (c) Board of Regents of the University of Nebraska;
- 21 (d) Chief Justice of the Supreme Court;
- 22 (e) Judge of the Supreme Court;
- 23 (f) Judge of the Court of Appeals;
- 24 (g) Judge of the Nebraska Workers' Compensation Court;
- 25 (h) Judge of the District Court;

1 (i) Judge of the Separate Juvenile Court;

2 (j) Judge of the County Court; and

3 (k) County officers in the order prescribed by the
4 election commissioner or county clerk.

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

13 (8) The candidates for office in the precinct only or in
14 the city or village only shall be printed on the ballot, except that
15 if the election commissioner or county clerk deems it advisable,
16 candidates for these offices may be submitted on a separate ballot if
17 using a paper ballot or on either side of an optical-scan ballot if
18 the ballot is placed in a ballot envelope or sleeve before being
19 deposited in a ballot box.

20 (9) All proposals submitted by initiative or referendum
21 and proposals for constitutional amendments shall be placed on a
22 separate ballot when a paper ballot is used which requires that the
23 ballot after being voted be folded before being deposited in a ballot
24 box. When an optical-scan ballot is used which requires a ballot
25 envelope or sleeve in which the ballot after being voted is placed

1 before being deposited in a ballot box, initiative or referendum
2 proposals and proposals for constitutional amendments may be placed
3 on either side of the ballot, shall be separated by a bold line, and
4 shall follow all other offices placed on the same side of the ballot.
5 Initiative or referendum proposals and constitutional amendments so
6 arranged shall constitute a separate ballot. Proposals for
7 constitutional amendments proposed by the Legislature shall be placed
8 on the ballot as provided in sections 49-201 to 49-211.

9 Sec. 19. Section 32-816, Revised Statutes Cumulative
10 Supplement, 2010, is amended to read:

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

22 (2) The Secretary of State shall approve write-in space
23 for optical-scan ballots and electronic voting systems. Adequate
24 provision shall be made for write-in votes sufficient to allow one
25 write-in space for each office to be elected at any election except

1 offices for which write-in votes are specifically prohibited. The
2 write-in ballot shall clearly identify the office for which such
3 write-in vote is cast. The write-in space shall be a part of the
4 official ballot, may be on the envelope or a separate piece of paper
5 from the printed portion of the ballot, and shall allow the voter
6 adequate space to fill in the name of the candidate for whom he or
7 she desires to cast his or her ballot.

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

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

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

1 (3) To vote for a candidate or on a ballot question using
2 an electronic voting system, the ~~registered voter~~ elector shall
3 follow the instructions for using the electronic voting system to
4 cause a mark to be recorded opposite the candidate or ballot question
5 response for which the voter wishes to vote. Causing such mark to be
6 recorded constitutes a valid vote.

7 Sec. 21. Section 32-902, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

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

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

25 (b) Instructions for voters who registered to vote by

1 mail and first-time voters;

2 (c) Instructions for electors registering to vote on
3 election day;

4 (d) Instructions for voters to present identification or
5 vote a provisional ballot;

6 ~~(e)~~—(e) General information on voting rights under
7 applicable federal and state laws, including information on the right
8 of an individual to cast a provisional ballot and instructions on how
9 to contact the appropriate officials if these rights are alleged to
10 have been violated; and

11 ~~(d)~~—(f) General information on federal and state laws
12 regarding prohibitions on acts of fraud and misrepresentation.

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

15 32-904 The election commissioner or county clerk shall
16 designate the polling places for each precinct at which the
17 ~~registered voters~~ electors of the precinct will cast their votes.
18 Polling places representing different precincts may be combined at a
19 single location when potential sites cannot be found, contracts for
20 utilizing polling sites cannot be obtained, or a potential site is
21 not accessible to handicapped persons. When combining polling places
22 at a single site for an election other than a special election, the
23 election commissioner or county clerk shall clearly separate the
24 polling places from each other and maintain separate receiving
25 boards. When combining polling places at a single site for a special

1 election, the election commissioner or county clerk may combine the
2 polling places and receiving boards. Polling places shall not be
3 changed between the statewide primary and general elections unless
4 the election commissioner or county clerk has been authorized to make
5 such change by the Secretary of State. If changes are authorized, the
6 election commissioner or county clerk shall notify each state and
7 local candidate affected by the change. Notwithstanding any other
8 provision of the Election Act, the Secretary of State may adopt and
9 promulgate rules and regulations, with the consent of the appropriate
10 election commissioner or county clerk, for the establishment of
11 polling places which may be used for voting pursuant to section
12 32-1041 for the twenty days preceding the day of election. Such
13 polling places shall be in addition to the office of the election
14 commissioner or county clerk and the polling places otherwise
15 established pursuant to this section.

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

18 32-906 (1) The election commissioner or county clerk
19 shall provide each polling place with ballot boxes, ballot box locks
20 and keys, and a sufficient number of voting booths furnished with
21 supplies and conveniences to enable each ~~registered voter~~ elector to
22 prepare his or her ballot for voting and to secretly mark his or her
23 ballot. One voting booth shall be provided for approximately every
24 one hundred registered voters in the precinct. The election
25 commissioner or county clerk may increase or decrease the number of

1 voting booths to accommodate the expected voter turnout of any
2 election other than a statewide election.

3 (2) When there is no structure within the precinct
4 suitable for use as a polling place, the election commissioner or
5 county clerk may designate a polling place outside the precinct and
6 convenient thereto which shall be provided with voting booths
7 furnished with supplies and conveniences as are other polling places.

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

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

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

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

24 32-910 Any judge or clerk of election, precinct or
25 district inspector, sheriff, or other peace officer shall clear the

1 passageways and prevent obstruction of the doors or entries and
2 provide free ingress to and egress from the polling place or building
3 and shall arrest any person obstructing such passageways. Other than
4 ~~a registered voter~~ an elector engaged in receiving, preparing, or
5 marking a ballot, an election commissioner, a county clerk, a
6 precinct inspector, a district inspector, a judge of election, a
7 clerk of election, or a member of a counting board, no person shall
8 be permitted to be within eight feet of the ballot boxes or within
9 eight feet of any ballots being counted by a counting board.

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

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

1 affiliation is designated, partisan ballots as allowed under
2 subsections (2) and (3) of this section.

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

24 (3) A registered voter or elector registering to vote
25 under section 14 of this act who is not affiliated with a political

1 party and who desires to vote in the primary election for the office
2 of United States Senator or United States Representative may request
3 a partisan ballot for either or both of such offices from any
4 political party. The election commissioner or county clerk shall post
5 a notice in a conspicuous location, easily visible and readable by
6 voters prior to approaching the receiving board, that a registered
7 voter or elector who is not affiliated with a political party may
8 request such ballots. No such registered voter or elector shall
9 receive more than one such partisan ballot.

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

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

21 32-913 (1) The election commissioner or county clerk
22 shall provide each precinct with a list of all physical addresses in
23 the precinct and the corresponding ballot style for each address if
24 there is more than one ballot style in the precinct.

25 ~~(1)~~(2) The clerks of election shall have a list of

1 registered voters of the precinct and a sign-in register at the
2 polling place on election day. The list of registered voters shall be
3 used for guidance on election day and may be in the form of a
4 computerized, typed, or handwritten list or precinct registration
5 cards. ~~Registered voters~~ Electors of the precinct shall place and
6 record their signature in the sign-in register before receiving any
7 ballot. The list of registered voters and the sign-in register may be
8 combined into one document at the discretion of the election
9 commissioner or county clerk. If a combined document is used, a clerk
10 of election may list the names of the ~~registered voters~~ electors in a
11 separate book in the order in which they voted.

12 ~~(2)~~ (3) Within twenty-four hours after the polls close in
13 the precinct, the precinct inspector or one of the judges of election
14 shall deliver the precinct list of registered voters and the precinct
15 sign-in register to the election commissioner or county clerk. The
16 election commissioner or county clerk shall file and preserve the
17 list and register. No member of a receiving board who has custody or
18 charge of the precinct list of registered voters and the precinct
19 sign-in register shall permit the list or register to leave his or
20 her possession from the time of receipt until he or she delivers them
21 to another member of the receiving board or to the precinct inspector
22 or judge of election for delivery to the election commissioner or
23 county clerk.

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

1 32-914 (1) Official ballots shall be used at all
2 elections. No person shall receive a ballot or be entitled to vote
3 unless and until he or she is registered as a voter except as
4 provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
5 32-936 or section 30 of this act.

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

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

10 (b) The clerk has found that he or she is a registered
11 voter at the address as shown by the precinct list of registered
12 voters unless otherwise entitled to vote in the precinct under
13 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01 or section
14 30 of this act;

15 (c) The voter has presented ~~a photographic identification~~
16 his or her motor vehicle operator's license or state identification
17 card, United States passport, employee identification card with his
18 or her photograph or digital image issued by the United States
19 Government, by the State of Nebraska, or by a political subdivision
20 of the State of Nebraska, pilot's license, or United States military
21 identification with his or her photograph or digital image which is
22 current and valid at the time of the election, his or her medicare of
23 medicaid card, a certified copy of his or her birth certificate, a
24 certified document of his or her naturalization as a United States
25 citizen, or a copy of a utility bill, bank statement, paycheck,

1 government check, or other government document which is current at
2 the time of the election and which shows the same name and residence
3 address of the voter that is on the precinct list of registered
4 voters, ~~if the voter registered by mail after January 1, 2003, and~~
5 ~~has not previously voted in an election for a federal office within~~
6 ~~the county and a notation appears on the precinct list of registered~~
7 ~~voters that the voter has not previously presented identification to~~
8 ~~the election commissioner or county clerk;~~ unless the voter votes a
9 provisional ballot;

10 (d) As instructed by the clerk of election, the
11 registered voter has personally written his or her name (i) in the
12 precinct sign-in register on the appropriate line which follows the
13 last signature of any previous voter or (ii) in the combined document
14 containing the precinct list of registered voters and the sign-in
15 register; and

16 (e) The clerk has listed on the precinct list of
17 registered voters the corresponding line number and name of the
18 registered voter or has listed the name of the voter in a separate
19 book as provided in section 32-913.

20 Sec. 29. Section 32-915, Revised Statutes Cumulative
21 Supplement, 2010, is amended to read:

22 32-915 (1) A person who is a registered voter in the
23 precinct in which he or she resides and whose name does not appear on
24 the precinct list of registered voters at the polling place for the
25 precinct in which he or she resides, whose name appears on the

1 precinct list of registered voters at the polling place for the
2 precinct in which he or she resides at a different residence address
3 as described in section 32-914.02, ~~or~~ whose name appears with a
4 notation that he or she received a ballot for early voting, or who
5 does not present required identification may vote a provisional
6 ballot if he or she:

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

10 (b) Is not entitled to vote under section 32-914.01 or
11 32-914.02;

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

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

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

20 ~~(2) A voter whose name appears on the precinct list of~~
21 ~~registered voters for the polling place with a notation that the~~
22 ~~voter is required to present identification pursuant to section~~
23 ~~32-318.01 but fails to present identification may vote a provisional~~
24 ~~ballot if he or she completes and signs a registration application~~
25 ~~before voting.~~

1 ~~(3)~~(2) Each person voting by provisional ballot shall
2 enclose his or her ballot in an envelope marked Provisional Ballot
3 and shall, by signing the certification on the front of the envelope
4 or a separate form attached to the envelope, certify to the following
5 facts:

6 (a) I am a registered voter in County;

7 (b) My name or address did not correctly appear on the
8 precinct list of registered voters without a notation or I have not
9 presented required identification;

10 (c) I registered to vote on or about this
11 date

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

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

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

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

1 ~~(4)~~(3) The voter shall sign the certification under
2 penalty of election falsification. The following statements shall be
3 on the front of the envelope or on the attached form: By signing the
4 front of this envelope or the attached form you are certifying to the
5 information contained on this envelope or the attached form under
6 penalty of election falsification. Election falsification is a Class
7 IV felony and may be punished by up to five years imprisonment, a
8 fine of up to ten thousand dollars, or both.

9 ~~(5)~~(4) If the person's name does not appear on the
10 precinct list of registered voters for the polling place and the
11 judge or clerk of election determines that the person's residence
12 address is located in another precinct within the same county, the
13 judge or clerk of election shall direct the person to his or her
14 correct polling place to vote.

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

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

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

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

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

1 of the rejected ballots and shall cause the rejected ballots to be
2 made up in a sealed packet. The judges of election shall endorse the
3 packet with the words Rejected Ballots and the designation of the
4 precinct. The judges of election shall sign the endorsement label and
5 shall return the packet to the election commissioner or county clerk
6 with a statement by the judges of election showing the number of
7 ballots rejected.

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

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

25 32-917 Any ~~registered voter~~ elector who spoils his or her

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

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

14 32-918 (1) If a ~~registered voter~~ an elector declares to
15 the judge of election that he or she cannot read or that he or she
16 suffers blindness or other physical disability or handicap such that
17 the ~~registered voter~~ elector requires assistance in the marking of
18 his or her ballot, (a) the ~~registered voter~~ elector may be assisted
19 in marking his or her ballot by a relative or friend of his or her
20 selection or (b) one judge of election and one clerk of election of
21 different political parties may take the ballot or ballots from the
22 polling place to a convenient place within the building or to the
23 ~~registered voter's~~ elector's automobile if the automobile is within
24 one block of the polling place and the disabled or handicapped person
25 may cast his or her ballot in the general presence of the judge and

1 clerk. If a ~~registered voter~~ an elector declares to the judge of
2 election that he or she needs assistance in the operation of a voting
3 device, a judge or clerk of election may assist the voter in
4 operating the device.

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

16 (3) The judges of election shall enter Assistance
17 Rendered upon the precinct sign-in register near the name of any
18 ~~registered voter~~ elector who receives such assistance in casting his
19 or her ballot and shall include the name of such person rendering
20 assistance to the ~~registered voter~~ elector. The person rendering
21 assistance shall sign an oath before a judge of election
22 substantially as follows:, hereby swears that he or she
23 is a friend or relative of, a disabled ~~registered~~
24 ~~voter~~ elector who requested assistance in casting the ballot, that he
25 or she did enter the voting booth or aid such ~~voter~~ elector outside

1 of the voting booth and marked the ballot according to the intentions
2 and desires of the ~~registered voter,~~ elector, that he or she has kept
3 the ballot at all times in his or her possession, and that the ballot
4 was duly delivered to the judge of election on this day
5 of 20.... .

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

8 32-919 Every ~~registered voter~~ elector receiving a ballot
9 shall, before leaving the polling room, vote or, if he or she does
10 not wish to vote, return all ballots so received to be deposited into
11 the ballot box by a member of the receiving board. No person
12 receiving a ballot shall take the same from the polling room except
13 as authorized in the Election Act. No person shall remove any ballot
14 from the polling room before the closing of the polls except as
15 otherwise authorized under the Election Act. Any person taking a
16 ballot from the polling room in violation of this section shall
17 forfeit and lose his or her right to vote at the election. If an
18 inspector or a judge or clerk of election observes a person about to
19 violate this section, the inspector, judge, or clerk shall inform the
20 person of the penalties provided in this section and section 32-1535.

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

23 32-920 ~~A registered voter~~ An elector may take with him or
24 her into the polling place any printed or written memorandum or paper
25 to assist him or her in preparing or marking the ballot.

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

3 32-921 Except as provided in subsection (1) of section
4 32-918, no ~~registered voter~~ elector shall be allowed to occupy a
5 voting booth occupied by another. ~~A registered voter~~ An elector shall
6 not remain within the enclosure in which the voting booths are
7 situated more than twenty minutes unless he or she is in line waiting
8 to vote or voting. ~~A registered voter~~ An elector shall not occupy a
9 voting booth for more than ten minutes.

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

12 32-922 Any ~~registered voter~~ elector who does not have two
13 consecutive hours in the period between the time of the opening and
14 closing of the polls during which he or she is not required to be
15 present at work for an employer shall be entitled on election day to
16 be absent from employment for such a period of time as will in
17 addition to his or her nonworking time total two consecutive hours
18 between the time of the opening and closing of the polls. If the
19 ~~registered voter~~ elector applies for such leave of absence prior to
20 or on election day, the ~~registered voter~~ elector shall not be liable
21 for any penalty and no deduction shall be made from his or her salary
22 or wages on account of such absence. The employer may specify the
23 hours during which the employee may be absent.

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

1 32-923 ~~Registered voters~~ Electors shall in all cases,
2 except treason, felony, or breach of the peace, be privileged from
3 arrest during the attendance at elections and while going to and
4 returning from the same. No ~~registered voter~~ elector shall be obliged
5 to do military duty on election day except in time of war and public
6 danger.

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

9 32-925 If any person conducts himself or herself in a
10 noisy, riotous, or tumultuous manner at or about the polls so as to
11 disturb the election or insults or abuses the precinct or district
12 inspectors or judges or clerks of election and persists in such
13 conduct after being warned to desist, any election commissioner,
14 county clerk, inspector, judge of election, police officer, or
15 sheriff shall arrest him or her without warrant and bring him or her
16 before the county court. Such person shall be permitted to vote if he
17 or she is a ~~registered voter~~. an elector.

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

20 32-927 If any person offering to vote is challenged by an
21 inspector, judge or clerk of election, or registered voter, the
22 person shall, in the presence of an inspector or a judge of election,
23 affix his or her signature and print his or her name and address on
24 the following oath: I do solemnly swear that I will fully and truly
25 answer all such questions put to me related to my place of residence

1 and qualifications as a ~~registered voter~~ an elector at this election.
2 The inspector or judge of election shall require the ~~registered voter~~
3 elector to comply with sections 32-928 to 32-930 as applicable and
4 shall ask any other questions to the person challenged as necessary
5 to test his or her qualifications as a ~~registered voter~~ an elector at
6 that election.

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

9 32-929 If a person is challenged on the ground that he or
10 she is not a resident of this state, the county, or the precinct, the
11 person shall answer the following questions on the form provided by
12 the election commissioner or county clerk:

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

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

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

16 If a person has moved from one residence to another
17 within the precinct in which he or she is registered to vote, such
18 voter shall be entitled to vote as provided in section 32-914.02. If
19 a person has moved from one residence to another within the county in
20 which he or she is registered to vote, such voter shall be entitled
21 to vote a provisional ballot as provided in section 32-915. If a
22 person has moved from a residence outside of the county in which he
23 or she resides and has not registered to vote in such county, such
24 person shall be entitled to register and vote as provided in section
25 32-933 or section 30 of this act.

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

3 32-933 (1) Any person listed in this subsection shall be
4 eligible as a new resident to vote ~~for President and Vice President~~
5 ~~of the United States~~ at the statewide general election; ~~but for no~~
6 ~~other offices.~~

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

12 (b) Any registered voter who moves from one county to
13 another county within Nebraska after the close of the voter
14 registration period.

15 (2) Any registered voter who moves from Nebraska to
16 another state or to the District of Columbia for the purpose of
17 making such new location his or her place of residence after the
18 close of the voter registration period for such location shall be
19 eligible as a former resident to vote for President and Vice
20 President of the United States at the statewide general election but
21 for no other offices.

22 (3) Any person described in subsection (1) of this
23 section shall cast his or her ballot in the office of the election
24 commissioner or county clerk at any time between the close of the
25 voter registration period and the close of ~~the polls on election day.~~

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

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

13 32-934 Any person who desires to vote pursuant to section
 14 32-933 shall execute an affidavit in duplicate substantially as
 15 follows:

16 I,, do solemnly swear that:
 17 1. I am a citizen of the United States.
 18 2. Before moving, I resided at the following address
 19 (describing it by street and number if in a city or village and by
 20 section, township, and range if outside of a city or village, and the
 21 precinct, city, county, and state in which such residence is
 22 located):

23
 24

25 3. On the day of the next presidential election, I will

1 be at least the constitutionally prescribed age of a voter and I
2 reside at the following address:

3
4

5 4. I am unable to vote ~~for all offices~~ because the voter
6 registration deadline has passed and, ~~under the Election Act, I~~
7 ~~believe I am entitled to vote for the candidates for President and~~
8 ~~Vice President of the United States~~ I am unable to go to the polling
9 place and register and vote at the election to be held
10 ~~November....., 20.... .~~

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

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

17 32-935 The election commissioner or county clerk shall
18 immediately mail the duplicate of the affidavit described in section
19 32-934 to the appropriate official of the state ~~or county in Nebraska~~
20 in which the applicant last resided. Upon receipt, the election
21 commissioner or county clerk shall file each duplicate application or
22 other official information from another state ~~or county in Nebraska~~
23 or the District of Columbia indicating that a former resident of this
24 state ~~or county in Nebraska~~ has made application to vote at a
25 presidential election in another state ~~or county in Nebraska~~ or the

1 District of Columbia and shall maintain an alphabetical index of such
2 information for a period of twenty-two months after the election.

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

5 32-936 If satisfied that the application is proper and
6 that the applicant is qualified to vote under section 32-933, the
7 election commissioner or county clerk shall deliver to the applicant
8 a ballot for President and Vice President of the United States or the
9 statewide election, as applicable. After voting the ballot, the voter
10 shall securely seal the ballot in an envelope furnished by the
11 election commissioner or county clerk. On the back of the envelope
12 shall be imprinted a statement substantially as follows:

13 Certification of New (or Former) Resident Voter

14 I have qualified as a new (or former) resident voter in
15 this state or county. I have not applied nor do I intend to apply for
16 a ballot for early voting from the state, county in Nebraska, or
17 District of Columbia from which I have moved. I have not voted and I
18 will not vote at this election otherwise than by this ballot.

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

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

25 32-937 The election commissioner or county clerk shall

1 keep open to public inspection a list of all persons voting in the
2 county as new or former residents which shows their names, addresses,
3 and application dates. The election commissioner or county clerk
4 shall record the name of any person voting pursuant to section 32-933
5 in the list of voters book with a notation designating him or her as
6 a new or former resident voting ~~for President and Vice President of~~
7 ~~the United States only.~~ at such election.

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

10 32-938 (1) A registered voter shall be permitted to vote
11 early by requesting a ballot for early voting pursuant to section
12 32-941 or 32-943. A registered voter voting early shall not be
13 required to show identification prior to being issued a ballot for
14 early voting except as provided in subdivision (2)(b) of section
15 32-311.01.

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

18 (3) Any person who fails to register to vote by the voter
19 registration deadline shall not be allowed to vote except as provided
20 in section 32-940 or 32-941 or section 30 of this act.

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

23 32-940 Any person employed in federal service whose
24 status has been terminated by discharge from the armed forces or by
25 separation from employment outside the territorial limits of the

1 United States who was unable to register to vote may (1) register to
2 vote and vote on election day as provided in section 14 of this act
3 or (2) register to vote after the voter registration deadline by
4 completing the necessary voter registration application in the office
5 of the election commissioner or county clerk of the county of his or
6 her residence no later than noon of the day before the election.
7 ~~After completing the voter registration application, such person~~
8 ~~shall then be allowed to~~ and then vote in the election office.

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

11 32-941 Any registered voter permitted to vote early
12 pursuant to section 32-938 may, not more than one hundred twenty days
13 before any election and not later than 4 p.m. on the Wednesday
14 preceding the election, request a ballot for the election to be
15 mailed to a specific address. A registered voter shall request a
16 ballot in writing to the election commissioner or county clerk in the
17 county where the registered voter has established his or her home and
18 shall indicate his or her residence address, the address to which the
19 ballot is to be mailed if different, and his or her political party,
20 telephone number if available, and precinct if known. The registered
21 voter may use the form published by the election commissioner or
22 county clerk pursuant to section 32-808. The registered voter shall
23 sign the request. A registered voter may use a facsimile machine for
24 the submission of a request for a ballot. The election commissioner
25 or county clerk shall include a registration application with the

1 ballots if the person is not registered. Registration applications
2 shall not be issued or mailed after the second Friday preceding the
3 election, but a notice shall be sent to the person of the provision
4 to register and vote on election day under section 14 of this act. If
5 the person is not registered to vote, the registration application
6 shall be returned not later than the closing of the polls on the day
7 of the election. No ballot issued under this section shall be counted
8 unless such registration application is properly completed and
9 processed.

10 Sec. 50. Section 32-944, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-944 The election commissioner or county clerk may
13 train registered voters to act on behalf of the election commissioner
14 or county clerk in administering a ballot to residents of nursing
15 homes or hospitals who have requested ballots. Ballots shall be
16 administered by two registered voters who are not affiliated with the
17 same political party. A resident of a nursing home shall not be
18 required to present identification prior to being issued a ballot.
19 The election commissioner or county clerk shall adopt procedures to
20 carry out this section.

21 Sec. 51. Section 32-945, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 32-945 When a request for a ballot from a person who is
24 not registered to vote in the county reaches the election
25 commissioner or county clerk by mail, by facsimile transmission, or

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

17 Sec. 52. Section 32-947, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-947 (1) Upon receipt of an application or other
20 request for a ballot to vote early, the election commissioner or
21 county clerk shall determine whether the applicant is a registered
22 voter and is entitled to vote as requested. If the election
23 commissioner or county clerk determines that the applicant is a
24 registered voter entitled to vote early and the application was
25 received at or before 4 p.m. on the Wednesday preceding the election,

1 the election commissioner or county clerk shall deliver a ballot to
2 the applicant in person or by mail, postage paid. The election
3 commissioner or county clerk or any employee of the election
4 commissioner or county clerk shall write his or her customary
5 signature or initials on the ballot.

6 (2) An unsealed identification envelope shall be
7 delivered with the ballot, and upon the back of the envelope shall be
8 printed a form substantially as follows:

9 VOTER'S OATH

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

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

16 (a) I am a registered voter in County;

17 (b) I reside in the State of Nebraska at the address
18 printed below;

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

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

23 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
24 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION
25 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE

1 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS
2 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN
3 THOUSAND DOLLARS, OR BOTH.

4 I also understand that failure to complete the
5 information below will invalidate my ballot.

6 Signature

7 Printed Name

8 Residence Address

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

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

14 (3) If the ballot and identification envelope will be
15 returned by mail or by someone other than the voter, the election
16 commissioner or county clerk shall include with the ballot an
17 identification envelope upon the face of which shall be printed the
18 official title and post office address of the election commissioner
19 or county clerk.

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

22 (a) A registration application, if the election
23 commissioner or county clerk has determined that the applicant is not
24 a registered voter pursuant to section 32-945, with instructions that
25 failure to return the completed and signed application indicating the

1 residence address as it appears on the voter's request for a ballot
2 to the election commissioner or county clerk by the close of the
3 polls on election day will result in the ballot not being counted;

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

12 (c) Written instructions directing the voter to submit a
13 copy of ~~an identification document pursuant to section 32-318.01 a~~
14 required identification document if the voter is ~~required to present~~
15 ~~identification under such section registering to vote by mail and has~~
16 not previously voted in the state and advising the voter that failure
17 to submit such identification to the election commissioner or county
18 clerk ~~by the close of the polls on within ten days after~~ election day
19 will result in the ballot not being counted.

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

25 Sec. 53. Section 32-952, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-952 If a political subdivision decides to place an
3 issue on the ballot at a special election, the election commissioner
4 or county clerk may conduct the special election by mail as provided
5 in section 32-953 or conduct the special election as otherwise
6 authorized in the Election Act. In making a determination as to
7 whether to conduct the election by mail, the election commissioner or
8 county clerk shall consider whether all of the following conditions
9 are met:

10 (1) All ~~registered voters~~ electors of the political
11 subdivision who register to vote are eligible to vote on the issue or
12 issues submitted to the voters;

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

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

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

21 (5) The election commissioner or county clerk has
22 determined a date for the election which is not the same date as
23 another election in which the registered voters of the political
24 subdivision are eligible to vote;

25 (6) The clerk of the political subdivision will certify

1 the issue or issues to the election commissioner or county clerk at
2 least fifty days prior to the date of the election; and

3 (7) The Secretary of State has approved a written plan
4 for the conduct of the election, including a written timetable for
5 the conduct of the election, submitted by the election commissioner
6 or county clerk. The written plan shall include provisions for the
7 notice of election to be published and for the application for
8 ballots for early voting notwithstanding other statutory provisions
9 regarding the content and publication of a notice of election or the
10 application for ballots for early voting.

11 Sec. 54. Section 32-953, Reissue Revised Statutes of
12 Nebraska, is amended to read:

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

25 Sec. 55. 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 or
8 voids from the total before recording the total on the list and the
9 register. The receiving board shall certify to all matters pertaining
10 to casting of ballots and shall turn over the ballots, ballot boxes,
11 precinct list of registered voters, and precinct sign-in register to
12 the election commissioner or county clerk.

13 Sec. 56. Section 32-1002, Revised Statutes Cumulative
14 Supplement, 2010, 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 from
18 the rest of the ballots and deliver them to the election commissioner
19 or county clerk.

20 (2) Upon receipt of a provisional ballot, the election
21 commissioner or county clerk shall verify that the certificate on the
22 front of the envelope or the form attached to the envelope is in
23 proper form and that the certification has been signed by the voter.
24 If there is an indication on the envelope that the provisional ballot
25 was cast because the registered voter did not present identification,

1 the election commissioner shall separate those envelopes. If within
2 ten days after the election the voter presents the required
3 identification to the election commissioner or county clerk, the
4 voter's envelope shall be processed and the ballot counted as
5 otherwise provided by the Election Act.

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

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

3 (a) Credible evidence exists that the voter was properly
4 registered in the county before the deadline for registration for the
5 election;

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

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

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

12 (i) The residence address provided on the registration
13 application completed pursuant to subdivision (1)(e) of section
14 32-915 is located within the precinct in which the person voted; and

15 (ii) If the voter is voting in a primary election, the
16 party affiliation provided on the registration application completed
17 prior to voting the provisional ballot is the same party affiliation
18 that appears on the voter's voter registration record based on his or
19 her previous registration application; and

20 (e) The certification on the front of the envelope or
21 form attached to the envelope is in the proper form and signed by the
22 voter.

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

25 (a) The voter was not properly registered in the county

1 before the deadline for registration for the election;

2 (b) Information has been received pursuant to section
3 32-309, 32-310, or 32-324 that the voter has resided, registered, or
4 voted in any other county or state since registering to vote in the
5 county in which he or she cast the provisional ballot;

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

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

11 (e) The residence address provided on the registration
12 application completed pursuant to subdivision (1)(e) of section
13 32-915 is in a different county or in a different precinct than the
14 county or precinct in which the voter voted;

15 (f) If the voter is voting in a primary election, the
16 party affiliation on the registration application completed prior to
17 voting the provisional ballot is different than the party affiliation
18 that appears on the voter's voter registration record based on his or
19 her previous registration application; or

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

23 (6) An error or omission of information on the
24 registration application or the certification required under section
25 32-915 shall not result in the provisional ballot not being counted

1 if:

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

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

6 (b) Both the registration application and the
7 certification are signed by the voter.

8 (7) Upon determining that the voter's provisional ballot
9 is eligible to be counted, the election commissioner or county clerk
10 shall remove the ballot from the envelope without exposing the marks
11 on the ballot and shall place the ballot with the ballots to be
12 counted by the county canvassing board.

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

17 (9) The verification and investigation shall be completed
18 within ~~seven~~ten days after the election.

19 Sec. 57. Section 32-1027, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-1027 (1) The election commissioner or county clerk
22 shall appoint two or more registered voters to the counting board for
23 early voting. One registered voter shall be appointed from the
24 political party casting the highest number of votes for Governor or
25 for President of the United States in the county in the immediately

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

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

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

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

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

25 (c) A completed and signed registration application has

1 been received from the voter by the deadline in section 32-302,
2 32-321, or 32-325 or by the close of the polls pursuant to section
3 32-945;

4 (d) An identification document has been ~~received from~~
5 presented by the voter not later than the ~~close of the polls on ten~~
6 days after election day if required pursuant to section ~~32-318.01;~~
7 32-947; and

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

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

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

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

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

24 (iii) The identification envelope has been signed by the
25 voter;

1 (b) In the case of a ballot received from a voter who was
2 not properly registered prior to the deadline for registration
3 pursuant to section 32-302 or 32-321, the ballot shall be accepted
4 for counting if:

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

8 (ii) The name on the identification envelope appears to
9 be that of the person who requested the ballot;

10 (iii) The residence address provided on the
11 identification envelope and on the registration application is the
12 same as the residence address as provided on the voter's request for
13 a ballot for early voting; and

14 (iv) The identification envelope has been signed by the
15 voter;

16 (c) In the case of a ballot received from a voter without
17 a residence address who requested a ballot pursuant to section
18 32-946, the ballot shall be accepted for counting if:

19 (i) The name on the identification envelope appears to be
20 that of a registered voter to whom a ballot has been sent;

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

1 election day;

2 (iii) The oath required pursuant to section 32-946 has
3 been completed and signed by the voter and received by the election
4 commissioner or county clerk by the close of the polls on election
5 day; and

6 (iv) The identification envelope has been signed by the
7 voter; and

8 (d) In the case of a ballot received from a registered
9 voter required to present a government-issued photographic
10 identification before voting with the ballot to vote early pursuant
11 to section 32-318.01, 32-947, the ballot shall be accepted for
12 counting if:

13 (i) The name on the identification envelope appears to be
14 that of a registered voter to whom a ballot has been issued or sent;

15 (ii) The residence address provided on the identification
16 envelope is the same address at which the voter is registered or is
17 in the same precinct and subdivision of a precinct, if any;

18 (iii) A copy of ~~an~~ a government-issued photographic
19 identification document authorized in section 32-318.01 has been
20 received by the election commissioner or county clerk ~~prior to the~~
21 ~~close of the polls on~~ within ten days after election day; and

22 (iv) The identification envelope has been signed by the
23 voter.

24 (5) In opening the identification envelope or the return
25 envelope to determine if registration applications, oaths, or

1 identification documents have been enclosed by the voters from whom
2 they are required, the counting board shall make a good faith effort
3 to ensure that the ballot remains folded and that the secrecy of the
4 vote is preserved.

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

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

25 (8) As soon as all ballots have been placed in the sealed

1 container and rejected identification envelopes or ballots have been
2 sealed in the Rejected Ballots container, the counting board shall
3 count the ballots the same as all other ballots and an unofficial
4 count shall be reported to the election commissioner or county clerk.
5 No results shall be released prior to the closing of the polls on
6 election day.

7 Sec. 58. Section 32-1041, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

1 manner.

2 Sec. 59. Section 32-1302, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-1302 (1) Except for trustees of sanitary and
5 improvement districts, any elected official of a political
6 subdivision and any elected member of the governing bodies of cities,
7 villages, counties, irrigation districts, natural resources
8 districts, public power districts, school districts, community
9 college areas, educational service units, hospital districts, and
10 metropolitan utilities districts may be removed from office by recall
11 pursuant to sections 32-1301 to 32-1309. A trustee of a sanitary and
12 improvement district may be removed from office by recall pursuant to
13 sections 31-786 to 31-793.

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

19 (3) The recall procedure and special election provisions
20 of such sections shall apply to members of the governing bodies
21 listed in subsection (1) of this section, other than sanitary and
22 improvement districts, who are elected by precinct, district, or
23 subdistrict of the political subdivision. Only registered voters of
24 such member's precinct, district, or subdistrict may sign a recall
25 petition. Only electors of such member's precinct, district, or

1 subdistrict who register to vote may ~~or~~ vote at the recall election.
2 The recall election shall be held within the member's precinct,
3 district, or subdistrict. When an elected member is nominated by
4 precinct, district, or subdistrict in the primary election and
5 elected at large in the general election, the recall provisions shall
6 apply to the ~~registered voters~~ electors at the general election.

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

11 Sec. 60. Section 32-1307, Reissue Revised Statutes of
12 Nebraska, is amended to read:

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

25 Sec. 61. Section 32-1403, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-1403 A full and correct copy of the title and text of
3 the law or amendment to the Constitution of Nebraska to be proposed
4 by an initiative petition or the measure sought to be referred ~~to the~~
5 ~~registered voters~~ by a referendum petition shall be printed upon each
6 sheet of the petition which contains signatures. The petition may be
7 filed with the Secretary of State in numbered sections for
8 convenience in handling.

9 Sec. 62. Section 32-1502, Reissue Revised Statutes of
10 Nebraska, is amended to read:

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

25 Sec. 63. Section 32-1503, Reissue Revised Statutes of

1 Nebraska, is amended to read:

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

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

9 Sec. 64. Section 32-1504, Reissue Revised Statutes of
10 Nebraska, is amended to read:

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

17 Sec. 65. Section 32-1508, Reissue Revised Statutes of
18 Nebraska, is amended to read:

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

24 Sec. 66. Section 32-1512, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-1512 Irregularities or defects in the mode of
2 noticing, convening, holding, or conducting any registration or
3 revision of registration authorized by sections 32-301 to 32-330 and
4 section 14 of this act shall not constitute a defense to a
5 prosecution for a violation of any of the provisions of sections
6 32-1503 to 32-1511.

7 Sec. 67. Section 32-1519, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

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

25 Sec. 68. Section 32-1528, Reissue Revised Statutes of

1 Nebraska, is amended to read:

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

7 Sec. 69. Section 32-1530, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

19 Sec. 70. Section 32-1531, Reissue Revised Statutes of
20 Nebraska, is amended to read:

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

25 Sec. 71. Section 32-1532, Reissue Revised Statutes of

1 Nebraska, is amended to read:

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

13 Sec. 72. Original sections 32-107, 32-108, 32-114,
14 32-115, 32-221, 32-302, 32-306, 32-307, 32-308, 32-311.01, 32-314,
15 32-321, 32-325, 32-807, 32-813, 32-901, 32-902, 32-904, 32-906,
16 32-907, 32-910, 32-912, 32-913, 32-914, 32-916, 32-917, 32-918,
17 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929,
18 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941,
19 32-944, 32-945, 32-947, 32-952, 32-953, 32-1001, 32-1027, 32-1041,
20 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508,
21 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue
22 Revised Statutes of Nebraska, and sections 32-101, 32-310, 32-816,
23 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2010,
24 are repealed.

25 Sec. 73. The following section is outright repealed:

1 Section 32-318.01, Reissue Revised Statutes of Nebraska.