

AMENDMENTS TO LB 239

(Amendments to Standing Committee amendments, AM727)

Introduced by Schumacher

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

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

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

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

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

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

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

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

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

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

1 was issued; and

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

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

7 Sec. 5. Secret-ballot envelope means the envelope that is
8 provided to the voter by the election commissioner or county clerk,
9 that bears no characteristics which would identify the voter and
10 into which a registered voter may place his or her voted ballot
11 before placing it in the return envelope to return the ballot to
12 the election commissioner or county clerk.

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

15 32-202 In addition to any other duties prescribed by law,
16 the Secretary of State shall:

17 (1) Supervise the conduct of primary and general
18 elections in this state;

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

22 (3) Enforce the Election Act;

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

25 (5) Provide periodic training for the agencies and their
26 agents and contractors in carrying out their duties under sections
27 32-308 to 32-310;

1 (6) Develop and print forms for use as required by
2 sections 32-308, 32-310, 32-320, 32-329, 32-947, 32-956, and
3 32-958;

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

6 (8) Require reporting to ensure compliance with sections
7 32-308 to 32-310;

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

10 (10) Develop and print a manual describing the
11 requirements of the initiative and referendum process and
12 distribute the manual to election commissioners and county clerks
13 for distribution to the public upon request;

14 (11) Develop and print pamphlets described in section
15 32-1405.01;

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

18 (13) Adopt and promulgate rules and regulations regarding
19 the procedure to remove secret-ballot envelopes from return
20 envelopes after verification of information on the return
21 envelopes, remove ballots from secret-ballot envelopes and return
22 envelopes if a voter did not use the secret-ballot envelope, and
23 count the ballots in a manner that does not impair the anonymity
24 of the voter; and

25 ~~(13)~~ (14) Establish a free access system, such as a
26 toll-free telephone number or an Internet web site, that any voter
27 who casts a provisional ballot may access to discover whether the

1 vote of that voter was counted and, if the vote was not counted,
2 the reason that the vote was not counted. The Secretary of State
3 shall establish and maintain reasonable procedures necessary to
4 protect the security, confidentiality, and integrity of personal
5 information collected, stored, or otherwise used by the free access
6 system. Access to information about an individual provisional
7 ballot shall be restricted to the individual who cast the ballot.

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

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

24 (2) The application shall contain substantially all
25 the information provided in section 32-312 and the following
26 informational statements:

27 (a) An applicant who is unable to sign his or her name

1 may affix his or her mark next to his or her name written on the
2 signature line by some other person;

3 (b) If the application is submitted by mail and the
4 applicant is registering in the state for the first time and has
5 not previously voted within the state, the applicant must submit
6 with the application a copy of a government-issued photographic
7 identification or other photo identification which is current and
8 valid or a copy of a utility bill, bank statement, government
9 check, paycheck, or other government document that is current and
10 that shows the name and address of the applicant as they appear
11 on the application in order to avoid additional identification
12 requirements when voting for the first time;

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

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

18 (i) Delivered by the applicant in person to the office of
19 the election commissioner or county clerk on or before the deadline
20 prescribed in section 32-302;

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

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

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

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

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

5 32-318.01 (1) (a) Except as provided by subsection (2) of
6 this section, a person who registers to vote by mail after January
7 1, 2003, and has not previously voted in an election within the
8 state shall present a government-issued photographic identification
9 or other photographic identification which is current and valid
10 or a copy of a utility bill, bank statement, government check,
11 paycheck, or other government document which is dated within the
12 sixty days immediately prior to the date of presentation and which
13 shows the same name and residence address of the person provided
14 on the registration application in order to avoid additional
15 identification requirements at the time of voting pursuant to
16 section 32-914 or 32-947.

17 (b) Such documentation may be presented at the time of
18 application for registration, after submission of the application
19 for registration, or at the time of voting. The documentation must
20 be received by the election commissioner or county clerk not later
21 than 6 p.m. on the second Friday preceding the election to avoid
22 additional identification requirements at the time of voting at
23 the polling place if the voter votes in person. If the voter is
24 voting using a ballot for early voting, the documentation must be
25 received by the election commissioner or county clerk prior to the
26 date on which the ballot is mailed to the voter to avoid additional
27 identification requirements at the time of voting. Documentation

1 received after the ballot has been mailed to the voter but not
2 later than 8 p.m. on election day will be considered timely for
3 purposes of determining the applicant's eligibility to vote in the
4 election.

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

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

10 (2) A person who registers to vote by mail after January
11 1, 2003, and has not previously voted in an election within the
12 state shall not be required to present additional identification if
13 he or she:

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

18 (b) Is a member of the armed forces of the United States
19 who by reason of active duty is absent from his or her place of
20 residence where the member is otherwise eligible to vote;

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

24 (d) Is a spouse or dependent of a member of the armed
25 forces of the United States or United States Merchant Marine who
26 is absent from his or her place of residence due to the service of
27 that member;

1 (e) Resides outside the United States and but for such
2 residence would be qualified to vote in the state if the state was
3 the last place in which the person was domiciled before leaving the
4 United States; or

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

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

10 32-809 (1) The form of the official ballot at the
11 statewide primary election shall be prescribed by the Secretary of
12 State. At the top of the ballot and over all else shall be printed
13 in boldface type the name of the political party, Official
14 Ballot, Primary Election 20.. . Each division containing the names
15 of the office and a list of candidates for such office shall be
16 separated from other groups by a bold line. The ballot shall list
17 at-large candidates and subdistrict candidates under appropriate
18 headings.

19 (2) All proposals for constitutional amendments,
20 candidates for delegates to the national political party
21 conventions, and candidates on the nonpartisan ballot shall be
22 submitted on a ballot where bold lines separate one office or issue
23 from another. Proposals for constitutional amendments proposed
24 by the Legislature shall be placed on the ballot as provided
25 in sections 49-201 to 49-211. Each candidate for delegate to
26 the national political party convention shall have his or her
27 preference for the candidacy for the office of President of the

1 United States or the fact that he or she is uncommitted shown on
2 the ballot in parenthesis and indented on the line immediately
3 below the name of the candidate. All constitutional amendments
4 shall be placed on a separate ballot when a paper ballot is used
5 which requires the ballot after being voted to be folded before
6 being deposited in a ballot box. When an optical-scan ballot is
7 used which requires a ~~ballot envelope~~ or secret-ballot envelope
8 or ballot sleeve in which the ballot after being voted is placed
9 before being deposited in a ballot box, constitutional amendments
10 may be printed on either side of the ballot and shall be separated
11 from other offices or issues by a bold line. Constitutional
12 amendments so arranged shall constitute a separate ballot.

13 (3) The statewide primary election ballot shall contain
14 the name of every candidate filing under sections 32-606, 32-611,
15 and 32-613 and no other names. No name of a candidate for member
16 of the Legislature or an elective office described in Article IV,
17 section 1, of the Constitution of Nebraska shall appear on any
18 ballot or any series of ballots at any primary election more than
19 once except for the names of candidates for the office of delegate
20 to a county, state, or national political party convention. When
21 two or more of the last names of candidates for the same office
22 at the primary election are the same in spelling or sound, the
23 official ballots may, on the request of any such candidate, have
24 his or her address printed immediately below his or her name in
25 capital and lowercase letters in lightface type of the same size as
26 the type in which the name of the candidate is printed.

27 Sec. 10. Section 32-813, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-813 (1) The names of all candidates and all proposals
3 to be voted upon at the general election shall be arranged upon
4 the ballot in parts separated from each other by bold lines in
5 the order the offices and proposals are set forth in this section.
6 If any office is not subject to the upcoming election, the office
7 shall be omitted from the ballot and the remaining offices shall
8 move up so that the same relative order is preserved. The order of
9 any offices may be altered to allow for the best utilization of
10 ballot space in order to avoid printing a second ballot when one
11 ballot would be sufficient if an optical-scan ballot is used. All
12 proposals on the ballot shall remain separate from the offices, and
13 the proposals shall follow all offices on the ballot.

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

18 (b) The names of candidates for President and Vice
19 President for each political party shall be grouped together, and
20 each group shall be enclosed with brackets with the political party
21 name next to the brackets and one square or oval opposite the names
22 in which the voter indicates his or her choice.

23 (c) The names of candidates for President and Vice
24 President who have successfully petitioned on the ballot for the
25 general election shall be grouped together with the candidates
26 appearing on the same petition being grouped together, and each
27 group shall be enclosed with brackets with the words "By Petition"

1 next to the brackets and one square or oval opposite the names in
2 which the voter indicates his or her choice.

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

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

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

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

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

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

1 utilization of ballot space to avoid printing a second ballot when
2 one ballot would be sufficient:

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

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

23 (8) The candidates for office in the precinct only or
24 in the city or village only shall be printed on the ballot,
25 except that if the election commissioner or county clerk deems
26 it advisable, candidates for these offices may be submitted on a
27 separate ballot if using a paper ballot or on either side of an

1 optical-scan ballot if the ballot is placed in a ~~ballot envelope or~~
2 secret-ballot envelope or ballot sleeve before being deposited in a
3 ballot box.

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

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

21 32-816 (1) A blank space shall be provided at the end of
22 each office division on the ballot for registered voters to fill in
23 the name of any person for whom they wish to vote and whose name
24 is not printed upon the ballot, except that at the primary election
25 there shall be no write-in space for delegates to the county
26 political party convention or delegates to the national political
27 party convention. A square or oval shall be printed opposite each

1 write-in space similar to the square or oval placed opposite other
2 candidates and issues on the ballot. The square or oval shall be
3 marked to vote for a write-in candidate whose name appears in the
4 write-in space provided.

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

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

18 32-902 (1) The election commissioner or county clerk
19 shall cause instructions for the guidance of registered voters in
20 preparing their ballots to be printed in large, clear type on
21 cards in English. He or she shall furnish at least five such cards
22 to each polling place in each precinct at the same time and in
23 the same manner as the printed ballots. The judges or clerks of
24 election shall post such cards in each voting booth on the day of
25 election. The card shall contain full instructions on preparing and
26 casting ballots, including how to cast a write-in vote. The form
27 and contents of the cards shall be approved by the Secretary of

1 State.

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

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

8 (b) Instructions for voters who registered to vote by
9 mail and first-time voters and for voters to present identification
10 or vote a provisional ballot;

11 (c) General information on voting rights under applicable
12 federal and state laws, including information on the right of an
13 individual to cast a provisional ballot and instructions on how to
14 contact the appropriate officials if these rights are alleged to
15 have been violated; and

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

18 Sec. 13. Section 32-914, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-914 (1) Official ballots shall be used at all
21 elections. No person shall receive a ballot or be entitled to
22 vote unless and until he or she is registered as a voter except
23 as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
24 32-936.

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

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

1 the clerk of election;

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

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

18 (d) For voters other than a voter subject to subdivision
19 (c) of this subsection, the voter has presented a government-issued
20 photographic identification except as provided in subdivision (e)
21 of this subsection;

22 (e) For voters unable to present a government-issued
23 photographic identification, the voter, immediately prior to being
24 handed a ballot:

25 (i) Signs a statement setting forth the voter's name and
26 current address and, if employed, the voter's place of employment;

27 (ii) Gives his or her thumb print or other identifying

1 biometric data in the manner required by the election commissioner
2 or county clerk which shall not be used for any purpose other than
3 prevention of voter fraud; and

4 (iii) Either (A) presents photographic identification in
5 a form consistent with the form registered with the Secretary
6 of State under this subdivision, which shows the voter's name
7 substantially as it appears in the precinct list of registered
8 voters, which fairly depicts the voter's facial features, and
9 which is issued by an accredited institution of education that has
10 registered its form of identification with the Secretary of State
11 for election purposes, or (B) submits to being photographed in a
12 manner prescribed by the election commissioner or county clerk;

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

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

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

25 32-915 (1) A person whose name does not appear on the
26 precinct list of registered voters at the polling place for the
27 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
3 address as described in section 32-914.02, ~~or~~ whose name appears
4 with a notation that he or she received a ballot for early voting,
5 or who does not present identification or documentation required
6 under subdivision (2)(c), (d), or (e) of section 32-914 may vote a
7 provisional ballot if he or she:

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

11 (b) Is not entitled to vote under section 32-914.01 or
12 32-914.02;

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

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

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

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

27 ~~(3)~~ (2) Each person voting by provisional ballot shall

1 ~~enclose~~ seal his or her ballot in ~~an~~ a secret-ballot envelope. The
2 voter shall place the secret-ballot envelope in a return envelope
3 marked Provisional Ballot and shall, by signing the certification
4 on the front of the envelope or a separate form attached to the
5 envelope, certify to the following 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
9 not presented identification or documentation required to otherwise
10 obtain a ballot;

11 (c) I registered to vote on or about this date
12

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

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

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

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

27 ~~(4)~~ (3) The voter shall sign the certification under

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

8 ~~(5)~~ (4) If the person's name does not appear on the
9 precinct list of registered voters for the polling place and the
10 judge or clerk of election determines that the person's residence
11 address is located in another precinct within the same county, the
12 judge or clerk of election shall direct the person to his or her
13 correct polling place to vote.

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

16 32-916 (1) Two judges of election or a precinct inspector
17 and a judge of election shall affix their initials to the official
18 ballots. The judge of election shall deliver a ballot to each
19 registered voter after complying with section 32-914.

20 (2) After voting the ballot, the registered voter shall,
21 as directed by the judge of election, fold his or her ballot or
22 place the ballot in the ~~ballot envelope~~ or secret-ballot envelope
23 or ballot sleeve so as to conceal the voting marks and to expose
24 the initials affixed on the ballot. The registered voter shall,
25 without delay and without exposing the voting marks upon the
26 ballot, deliver the ballot to the judge of election before leaving
27 the enclosure in which the voting booths are placed.

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

21 (4) Upon receiving a provisional ballot as provided in
22 section 32-915, the judge of election shall give the voter written
23 information that states that the voter may determine if his or
24 her vote was counted and, if not, the reason that the vote was
25 not counted by accessing the system created pursuant to section
26 32-202 and the judge of election shall ensure that the appropriate
27 information is on the outside of the return envelope in which

1 the secret-ballot envelope containing the ballot is enclosed or
2 attached to the return envelope, attach the statement required by
3 section 32-915 if not contained on the return envelope, and place
4 the entire return envelope into the ballot box. Upon receiving
5 a provisional ballot as provided in section 32-915.01, the judge
6 of election shall comply with the requirements for a provisional
7 ballot under this subsection, except that a provisional ballot cast
8 pursuant to section 32-915.01 shall be kept separate from the other
9 ballots cast at the election.

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

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

21 Certification of New (or Former) Resident Voter

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

27 The voter shall sign and date the certification upon the

1 return envelope. The election commissioner or county clerk shall
2 keep the return envelope in his or her office until delivered by
3 him or her to the counting board under section 32-1027.

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

6 32-938 (1) A registered voter shall be permitted to vote
7 early by requesting a ballot for early voting pursuant to section
8 32-941 or 32-943. A registered voter voting early shall not be
9 required to present identification or other documentation prior
10 to being issued a ballot for early voting except as provided in
11 subdivision (2) (b) of section 32-311.01.

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

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

18 Sec. 18. Section 32-947, Revised Statutes Supplement,
19 2011, is amended to read:

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

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

5 (2) ~~An unsealed identification~~ A secret-ballot envelope
6 and a return envelope shall be delivered with the ballot, and
7 upon the back of the return envelope shall be printed a form
8 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 a secret-ballot envelope and the ~~identification return~~
14 envelope, and sealed in such ~~envelope-~~ envelopes.

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

17 (a) I,, am a registered voter in
18 County;

19 (b) I reside in the State of Nebraska at
20

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

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

25 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
26 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION
27 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 sign below will
5 invalidate my ballot.

6 Signature

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

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

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

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

21 (a) A registration application, if the election
22 commissioner or county clerk has determined that the applicant
23 is not a registered voter pursuant to section 32-945, with
24 instructions that failure to return the completed and signed
25 application indicating the residence address as it appears on the
26 voter's request for a ballot to the election commissioner or county
27 clerk by the close of the polls on election day will result in the

1 ballot not being counted;

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

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

16 (5) The election commissioner or county clerk ~~may~~ shall
17 enclose with the ballot materials a ~~separate~~ return envelope
18 for the voter's use in returning his or her ~~identification~~
19 secret-ballot envelope containing the voted ballot, his or her
20 registration application, and any other materials that may be
21 required. The return envelope shall be of sufficient size that
22 the secret-ballot envelope, registration application, and other
23 materials can be conveniently placed within it.

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

26 32-949 (1) After a ballot for early voting is received by
27 a voter and before placing any marks thereon, the voter shall note

1 whether there are any voting marks on the ballot and whether there
2 is a signature or initials on the ballot in the space provided
3 for the election official's signature or initials. If there are
4 any voting marks or no signature or initials, the ballot shall be
5 returned immediately to the election commissioner or county clerk.
6 If there are no such marks, the voter shall cause the ballot to
7 be marked. If the ballot is voted in the office of the election
8 commissioner or county clerk, the registered voter shall return the
9 ballot, secret-ballot envelope, and ~~identification~~ return envelope
10 to the election commissioner or county clerk or an employee of
11 the election commissioner or county clerk who shall deposit the
12 secret-ballot envelope containing the ballot into a ballot box and
13 place the ~~identification~~ return envelope in a secure container.

14 (2) If the voter is mailing or otherwise delivering the
15 ballot to the election commissioner or county clerk, the voter
16 shall:

17 (a) Place the marked ballot in the secret-ballot envelope
18 and place the secret-ballot envelope in the identification return
19 envelope received for that purpose in such a manner that the
20 signature of the issuing officer on the ballot is visible;

21 (b) Complete and sign the voter's oath on the outside of
22 the ~~identification~~ return envelope under the penalty of election
23 falsification;

24 (c) Enclose, ~~in the identification envelope or~~ separately
25 in the return envelope, ~~if one has been provided,~~ his or her
26 completed registration application if one was provided pursuant
27 to section 32-945 or 32-946, a copy of his or her identification

1 document if such identification has been requested, and the oath
2 completed and signed by a voter without a residence address if
3 required pursuant to section 32-946;

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

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

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

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

15 32-950 Ballots issued under section 32-948 which are
16 returned not later than the hour established for the closing of
17 the polls shall be accepted for review by the counting board for
18 early voting. Such ballots received by the election commissioner
19 or county clerk after the close of the polls on election day
20 shall remain sealed in the return envelope on which the election
21 commissioner or county clerk shall write Rejected, received on,
22 and the date on which the ballot was received. If such a ballot
23 was received on election day but after the close of the polls,
24 the election commissioner or county clerk shall also write on
25 the return envelope the time at which the ballot was received.
26 Such rejected ballots shall be segregated and stored in a sealed
27 container designated for Rejected Early Ballots.

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

3 32-953 The election commissioner or county clerk shall
4 mail the official ballot to all registered voters of the political
5 subdivision at the addresses appearing on the voter registration
6 register on the same day. In an election held by mail, registered
7 voters shall not be required to present identification or other
8 documentation otherwise required under subdivision (2)(d) of
9 section 32-914 prior to being issued a ballot. The ballots shall
10 be mailed by nonforwardable first-class mail not sooner than the
11 twentieth day before the date set for the election and not later
12 than the tenth day before the date set for the election. The
13 election commissioner or county clerk shall include with the ballot
14 ~~an unsealed identification~~ a secret-ballot envelope and a return
15 envelope meeting the requirements of subsection (2) of section
16 32-947 and instructions sufficient to describe the voting process.

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

19 32-954 Upon receipt of the official ballot, the
20 registered voter shall mark it, seal the ballot in the
21 secret-ballot envelope, seal the secret-ballot envelope in the
22 ~~identification return envelope~~ supplied with the ballot, sign the
23 ~~identification return envelope~~, and comply with the instructions
24 provided with the ballot. The voter may return the ballot to
25 the election commissioner or county clerk by mailing it or by
26 personally delivering it to the office of the election commissioner
27 or county clerk. The deadline for receipt of the ballot is 5

1 p.m. on the date set for the election. The official ballot must
2 be sealed in the secret-ballot envelope and returned in the
3 ~~identification~~ return envelope. The registered voter shall, by
4 signing the return envelope, certify to the facts contained on the
5 return envelope. The election commissioner or county clerk shall
6 keep the ~~identification~~ return envelopes received from registered
7 voters unopened in a fireproof safe or other suitable location
8 which is locked until delivered to the counting board.

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

11 32-957 An official ballot under section 32-953 shall
12 be counted only if it is returned in the ~~identification~~ return
13 envelope, the return envelope is signed by the voter to whom
14 it was issued, and the signature is verified by the election
15 commissioner or county clerk. The election commissioner or county
16 clerk shall verify the signature on each ~~identification~~ return
17 envelope received in his or her office with the signature appearing
18 on the voter registration records. If the election commissioner
19 or county clerk is unable to verify a signature, the election
20 commissioner or county clerk shall contact the voter within
21 two days after determining that he or she is unable to verify
22 the signature to ascertain whether the voter cast a ballot.
23 The election commissioner or county clerk may request that the
24 registered voter sign and submit a current signature card pursuant
25 to section 32-318. The election commissioner or county clerk may
26 begin verifying the signatures as the return envelopes are received
27 in his or her office. If the election commissioner or county clerk

1 determines that a voter has voted more than once, no ballot cast
2 by that voter in that election shall be counted. The election
3 commissioner or county clerk shall not make public any record or
4 list of registered voters who have returned their ballots until the
5 election has been certified by the canvassing board.

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

8 32-1002 (1) As the ballots are removed from the ballot
9 box pursuant to sections 32-1012 to 32-1018, the receiving board
10 shall separate the return envelopes containing the provisional
11 ballots from the rest of the ballots and deliver them to the
12 election commissioner or county clerk.

13 (2) Upon receipt of a provisional ballot, the election
14 commissioner or county clerk shall verify that the certificate on
15 the front of the return envelope or the form attached to the return
16 envelope is in proper form and that the certification has been
17 signed by the voter.

18 (3) The election commissioner or county clerk shall
19 also (a) verify that such person has not voted anywhere else
20 in the county or been issued a ballot for early voting, (b)
21 investigate whether any credible evidence exists that the person
22 was properly registered to vote in the county before the deadline
23 for registration for the election, (c) investigate whether any
24 information has been received pursuant to section 32-309, 32-310,
25 or 32-324 that the person has resided, registered, or voted in
26 any other county or state since registering to vote in the county,
27 and (d) upon determining that credible evidence exists that the

1 person was properly registered to vote in the county, make the
2 appropriate changes to the voter registration register by entering
3 the information contained in the registration application completed
4 by the voter at the time of voting a provisional ballot.

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

7 (a) Credible evidence exists that the voter was properly
8 registered in the county before the deadline for registration for
9 the election;

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

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

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

17 (i) The residence address provided on the registration
18 application completed pursuant to subdivision (1)(e) of section
19 32-915 is located within the precinct in which the person voted;
20 and

21 (ii) If the voter is voting in a primary election,
22 the party affiliation provided on the registration application
23 completed prior to voting the provisional ballot is the same party
24 affiliation that appears on the voter's voter registration record
25 based on his or her previous registration application; and

26 (e) The certification on the front of the return envelope
27 or form attached to the return envelope is in the proper form and

1 signed by the voter.

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

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

6 (b) Information has been received pursuant to section
7 32-309, 32-310, or 32-324 that the voter has resided, registered,
8 or voted in any other county or state since registering to vote in
9 the county in which he or she cast the provisional ballot;

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

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

15 (e) The residence address provided on the registration
16 application completed pursuant to subdivision (1)(e) of section
17 32-915 is in a different county or in a different precinct than the
18 county or precinct in which the voter voted;

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

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

27 (6) An error or omission of information on the

1 registration application or the certification required under
2 section 32-915 shall not result in the provisional ballot not being
3 counted if:

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

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

8 (b) Both the registration application and the
9 certification are signed by the voter.

10 (7) Upon determining that the voter's provisional ballot
11 is eligible to be counted, the election commissioner or county
12 clerk shall remove the secret-ballot envelope from the return
13 envelope and open the secret-ballot envelope and remove the ballot
14 from the secret-ballot envelope, or remove the ballot from the
15 return envelope if the voter did not use the secret-ballot
16 envelope, without exposing the marks on the ballot and shall
17 place the ballot with the ballots to be counted by the county
18 canvassing board in a manner that does not impair the anonymity of
19 the voter as prescribed by the Secretary of State.

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

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

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

1 32-1006 If a vote is cast for a candidate whose
2 name is printed on the ballot and a name is filled in on
3 the line provided for that purpose for the same office, the
4 ballot shall be rejected for the office involved. The counting
5 board shall make the following notation on the ballot card and
6 on the ~~ballot~~ secret-ballot envelope if any: Rejected for the
7 office of, overvoted, and the counting board shall
8 immediately duplicate the overvoted ballot omitting the overvoted
9 portion of the ballot and number the original ballot, ~~ballot~~
10 secret-ballot envelope if any, and duplicate ballot with the same
11 identifying number. The identifying number shall be assigned in
12 numerical order, and the original ballot shall remain in the ~~ballot~~
13 secret-ballot envelope if any.

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

16 32-1027 (1) The election commissioner or county clerk
17 shall appoint two or more registered voters to the counting board
18 for early voting. One registered voter shall be appointed from the
19 political party casting the highest number of votes for Governor
20 or for President of the United States in the county in the
21 immediately preceding general election, and one registered voter
22 shall be appointed from the political party casting the next
23 highest vote for such office. The election commissioner or county
24 clerk may appoint additional registered voters to serve on the
25 counting board and may appoint registered voters to serve in case
26 of a vacancy among any of the members of the counting board.
27 Such appointees shall be balanced between the political parties

1 and may include registered voters unaffiliated with any political
2 party. The counting board may begin carrying out its duties not
3 earlier than the second Monday before the election and shall meet
4 as directed by the election commissioner or county clerk.

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

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

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

12 (b) The ballot has been received from the voter who
13 requested it and the residence address is the same address provided
14 on the voter's request for a ballot for early voting, by comparing
15 the information provided on the ~~identification~~ return envelope with
16 information recorded in the record of early voters or the voter's
17 request;

18 (c) A completed and signed registration application has
19 been received from the voter by the deadline in section 32-302,
20 32-321, or 32-325 or by the close of the polls pursuant to section
21 32-945;

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

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

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

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

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

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

15 (iii) The ~~identification~~ return envelope has been signed
16 by the voter;

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

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

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

26 (iii) The residence address provided on the
27 ~~identification~~ return envelope and on the registration application

1 is the same as the residence address as provided on the voter's
2 request for a ballot for early voting; and

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

5 (c) In the case of a ballot received from a voter without
6 a residence address who requested a ballot pursuant to section
7 32-946, the ballot shall be accepted for counting if:

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

11 (ii) A valid registration application completed and
12 signed by the voter, for whom the residence address is deemed
13 to be the address of the office of the election commissioner or
14 county clerk pursuant to section 32-946, has been received by the
15 election commissioner or county clerk prior to the close of the
16 polls on election day;

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

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

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

26 (i) The name on the ~~identification~~ return envelope
27 appears to be that of a registered voter to whom a ballot has

1 been issued or sent;

2 (ii) The residence address provided on the ~~identification~~
3 return envelope is the same address at which the voter is
4 registered or is in the same precinct and subdivision of a
5 precinct, if any;

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

9 (iv) The ~~identification~~ return envelope has been signed
10 by the voter.

11 (5) In opening the ~~identification envelope~~ or the return
12 envelope to determine if registration applications, oaths, or
13 identification documents have been enclosed by the voters from
14 whom they are required, the counting board shall make a good
15 faith effort to ensure that the ballot remains ~~folded~~ in the
16 secret-ballot envelope until the processing is complete and that
17 the secrecy of the vote is preserved, or if the voter did not use a
18 secret-ballot envelope, that the ballot is handled in a manner that
19 does not impair the anonymity of the voter, as prescribed by the
20 Secretary of State.

21 (6) The counting board may, on the second Monday before
22 the election, open all ~~identification~~ secret-ballot envelopes in
23 return envelopes which are approved, and if the signature of the
24 election commissioner or county clerk or his or her employee is on
25 the ballot, the ballot shall be unfolded, flattened for purposes
26 of using the optical scanner, and placed in a sealed container for
27 counting as directed by the election commissioner or county clerk.

1 At the discretion of the election commissioner or county clerk, the
2 counting board may begin counting early ballots no earlier than
3 twenty-four hours prior to the opening of the polls on the day of
4 the election.

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

17 (8) As soon as all ballots have been placed in the sealed
18 container and rejected ~~identification~~ return envelopes or ballots
19 have been sealed in the Rejected Ballots container, the counting
20 board shall count the ballots the same as all other ballots and an
21 unofficial count shall be reported to the election commissioner or
22 county clerk. No results shall be released prior to the closing of
23 the polls on election day.

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

26 32-1030 All ~~identification~~ return envelopes,
27 secret-ballot envelopes, voted ballots, and rejected ballots and

1 the Rejected Ballots container shall be placed in the container for
2 early voting materials, and the container shall be sealed.

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

4 Sec. 29. Original sections 32-103, 32-202, 32-311.01,
5 32-318.01, 32-809, 32-813, 32-902, 32-914, 32-916, 32-936,
6 32-938, 32-949, 32-950, 32-953, 32-954, 32-957, 32-1006, 32-1027,
7 and 32-1030, Reissue Revised Statutes of Nebraska, sections
8 32-101, 32-816, 32-915, and 32-1002, Revised Statutes Cumulative
9 Supplement, 2010, and section 32-947, Revised Statutes Supplement,
10 2011, are repealed.