

AMENDMENTS TO LB575

Introduced by Schumacher, 22.

1 1. Insert the following new sections:

2 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

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

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

8 32-103 For purposes of the Election Act, the definitions found in
9 sections 32-104 to 32-120 and sections 3 and 4 of this act shall be used.

10 Sec. 3. Return envelope means the envelope delivered to a voter in
11 which he or she places the secret-ballot envelope and accompanying
12 materials.

13 Sec. 4. Secret-ballot envelope means a ballot sleeve open only on
14 one end or an envelope, which sleeve or envelope (1) is provided to the
15 voter by the election commissioner or county clerk, (2) bears no
16 characteristics which would identify the voter, (3) may be used by a
17 registered voter to insert his or her voted ballot before placing it in
18 the return envelope to return the ballot to the election commissioner or
19 county clerk, and (4) has a notch, cutout, window, or other design that
20 permits the examination of the ballot for the presence of the authorized
21 signature required for ballots for early voting or the authorized
22 initials required for provisional ballots cast at the polling place
23 without requiring the removal of the ballot or the revelation of any
24 votes marked on the ballot.

25 Sec. 5. Section 32-202, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-202 In addition to any other duties prescribed by law, the

1 Secretary of State shall:

2 (1) Supervise the conduct of primary and general elections in this
3 state;

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

7 (3) Enforce the Election Act;

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

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

12 (6) Develop and print forms for use as required by sections 32-308,
13 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

16 (8) Require reporting to ensure compliance with sections 32-308 to
17 32-310;

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

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

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

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

27 (13) Adopt and promulgate rules and regulations regarding the
28 procedure to remove secret-ballot envelopes from return envelopes after
29 verification of information on the return envelopes, remove ballots from
30 secret-ballot envelopes and from return envelopes for voters that did not
31 use the secret-ballot envelopes, and count the ballots in a manner that

1 does not impair the anonymity of the voter; and

2 (14 13) Establish a free access system, such as a toll-free
3 telephone number or an Internet web site, that any voter who casts a
4 provisional ballot may access to discover whether the vote of that voter
5 was counted and, if the vote was not counted, the reason that the vote
6 was not counted. The Secretary of State shall establish and maintain
7 reasonable procedures necessary to protect the security, confidentiality,
8 and integrity of personal information collected, stored, or otherwise
9 used by the free access system. Access to information about an individual
10 provisional ballot shall be restricted to the individual who cast the
11 ballot.

12 Sec. 6. Section 32-809, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

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

22 (2) All proposals for constitutional amendments, candidates for
23 delegates to the national political party conventions, and candidates on
24 the nonpartisan ballot shall be submitted on a ballot where bold lines
25 separate one office or issue from another. Proposals for constitutional
26 amendments proposed by the Legislature shall be placed on the ballot as
27 provided in sections 49-201 to 49-211. Each candidate for delegate to the
28 national political party convention shall have his or her preference for
29 the candidacy for the office of President of the United States or the
30 fact that he or she is uncommitted shown on the ballot in parenthesis and
31 indented on the line immediately below the name of the candidate. All

1 constitutional amendments shall be placed on a separate ballot when a
2 paper ballot is used which requires the ballot after being voted to be
3 folded before being deposited in a ballot box. When an optical-scan
4 ballot is used which requires a secret-ballot envelope or ballot envelope
5 ~~or~~ sleeve in which the ballot after being voted is placed before being
6 deposited in a ballot box, constitutional amendments may be printed on
7 either side of the ballot and shall be separated from other offices or
8 issues by a bold line. Constitutional amendments so arranged shall
9 constitute a separate ballot.

10 (3) Except as otherwise provided in section 32-811, the statewide
11 primary election ballot shall contain the name of every candidate filing
12 or recognized under subsection (1) of section 32-606 and sections 32-611,
13 32-613, and 32-614 and no other names. No name of a candidate for member
14 of the Legislature or an elective office described in Article IV, section
15 1, of the Constitution of Nebraska shall appear on any ballot or any
16 series of ballots at any primary election more than once except for the
17 names of candidates for the office of delegate to a county, state, or
18 national political party convention. When two or more of the last names
19 of candidates for the same office at the primary election are the same in
20 spelling or sound, the official ballots may, on the request of any such
21 candidate, have his or her address printed immediately below his or her
22 name in capital and lowercase letters in lightface type of the same size
23 as the type in which the name of the candidate is printed.

24 Sec. 7. Section 32-813, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-813 (1) The names of all candidates and all proposals to be voted
27 upon at the general election shall be arranged upon the ballot in parts
28 separated from each other by bold lines in the order the offices and
29 proposals are set forth in this section. If any office is not subject to
30 the upcoming election, the office shall be omitted from the ballot and
31 the remaining offices shall move up so that the same relative order is

1 preserved. The order of any offices may be altered to allow for the best
2 utilization of ballot space in order to avoid printing a second ballot
3 when one ballot would be sufficient if an optical-scan ballot is used.
4 All proposals on the ballot shall remain separate from the offices, and
5 the proposals shall follow all offices on the ballot.

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

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

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

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

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

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

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

1 the voter indicates his or her choice for Governor.

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

8 (a) Legislature;

9 (b) State Board of Education;

10 (c) Board of Regents of the University of Nebraska;

11 (d) Chief Justice of the Supreme Court;

12 (e) Judge of the Supreme Court;

13 (f) Judge of the Court of Appeals;

14 (g) Judge of the Nebraska Workers' Compensation Court;

15 (h) Judge of the District Court;

16 (i) Judge of the Separate Juvenile Court;

17 (j) Judge of the County Court; and

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

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

28 (8) The candidates for office in the precinct only or in the city or
29 village only shall be printed on the ballot, except that if the election
30 commissioner or county clerk deems it advisable, candidates for these
31 offices may be submitted on a separate ballot if using a paper ballot or

1 on either side of an optical-scan ballot if the ballot is placed in a
2 secret-ballot envelope or ballot envelope or sleeve before being
3 deposited in a ballot box.

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

18 Sec. 8. Section 32-816, Revised Statutes Cumulative Supplement,
19 2014, is amended to read:

20 32-816 (1) A blank space shall be provided at the end of each office
21 division on the ballot for registered voters to fill in the name of any
22 person for whom they wish to vote and whose name is not printed upon the
23 ballot, except that at the primary election there shall be no write-in
24 space for delegates to the county political party convention or delegates
25 to the national political party convention. A square or oval shall be
26 printed opposite each write-in space similar to the square or oval placed
27 opposite other candidates and issues on the ballot. The square or oval
28 shall be marked to vote for a write-in candidate whose name appears in
29 the write-in space provided.

30 (2) The Secretary of State shall approve write-in space for optical-
31 scan ballots and electronic voting systems. Adequate provision shall be

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

9 Sec. 9. Section 32-915, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 32-915 (1) A person whose name does not appear on the precinct list
12 of registered voters at the polling place for the precinct in which he or
13 she resides, whose name appears on the precinct list of registered voters
14 at the polling place for the precinct in which he or she resides at a
15 different residence address as described in section 32-914.02, or whose
16 name appears with a notation that he or she received a ballot for early
17 voting may vote a provisional ballot if he or she:

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

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

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

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

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

28 (2) A voter whose name appears on the precinct list of registered
29 voters for the polling place with a notation that the voter is required
30 to present identification pursuant to section 32-318.01 but fails to
31 present identification may vote a provisional ballot if he or she

1 completes and signs a registration application before voting.

2 (3) Each person voting by provisional ballot shall insert ~~encl~~ose
3 his or her ballot in a secret-ballot envelope. The voter shall place the
4 secret-ballot envelope in a return ~~an~~ envelope marked Provisional Ballot
5 and shall, by signing the certification on the front of the return
6 envelope or a separate form attached to the return envelope, certify to
7 the following facts:

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

9 (b) My name or address did not correctly appear on the precinct list
10 of registered voters;

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

12 (d) I registered to vote

13 in person at the election office or a voter registration site,

14 by mail,

15 by using the Secretary of State's web site,

16 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 outside of
20 this county since registering to vote in this county;

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

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

25 (4) The voter shall sign the certification under penalty of election
26 falsification. The following statements shall be on the front of the
27 return envelope or on the attached form: By signing the front of this
28 return envelope or the attached form you are certifying to the
29 information contained on this return envelope or the attached form under
30 penalty of election falsification. Election falsification is a Class IV
31 felony and may be punished by up to five years imprisonment, a fine of up

1 to ten thousand dollars, or both.

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

7 Sec. 10. Section 32-916, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-916 (1) Two judges of election or a precinct inspector and a
10 judge of election shall affix their initials to the official ballots. The
11 judge of election shall deliver a ballot to each registered voter after
12 complying with section 32-914.

13 (2) After voting the ballot, the registered voter shall, as directed
14 by the judge of election, fold his or her ballot or insert ~~place~~ the
15 ballot in the secret-ballot envelope or ballot envelope ~~or sleeve~~ so as
16 to conceal the voting marks and to expose the initials affixed on the
17 ballot. The registered voter shall, without delay and without exposing
18 the voting marks upon the ballot, deliver the ballot to the judge of
19 election before leaving the enclosure in which the voting booths are
20 placed.

21 (3) The judge of election shall, without exposing the voting marks
22 on the ballot, approve the exposed initials upon the ballot and either
23 deposit the ballot in the ballot box in the presence of the registered
24 voter or ask the voter to seal the secret-ballot envelope in the return
25 envelope and give the return envelope to the judge to place the return
26 envelope in the ballot box in the presence of the voter as provided in
27 subsection (4) of this section. No judge of election shall deposit any
28 ballot in a ballot box unless the ballot has been identified as having
29 the appropriate initials. Any ballot not properly identified shall be
30 rejected in the presence of the voter, the judge of election shall make a
31 notation on the ballot Rejected, not properly identified, and another

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

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

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

29 32-936 If satisfied that the application is proper and that the
30 applicant is qualified to vote under section 32-933, the election
31 commissioner or county clerk shall deliver to the applicant a ballot for

1 President and Vice President of the United States. After voting the
2 ballot, the voter shall insert ~~securely seal~~ the ballot in a secret-
3 ballot envelope and place the secret-ballot envelope in a return an
4 envelope furnished by the election commissioner or county clerk. On the
5 back of the return envelope shall be imprinted a statement substantially
6 as follows:

7 Certification of New (or Former) Resident Voter

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

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

17 Sec. 12. Section 32-942, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 32-942 (1) Except as otherwise provided in subsection (2) of this
20 section, a registered voter of this state who anticipates being absent
21 from the county of his or her residence on the day of any election may
22 appear in person before the election commissioner or county clerk not
23 more than thirty days prior to the day of election and obtain his or her
24 ballot. The registered voter shall vote in the office of the election
25 commissioner or county clerk or shall return the ballot to the office not
26 later than the closing of the polls on the day of the election. A
27 registered voter who is present in the county on the day of the election
28 and who chooses to vote on the day of the election shall vote at the
29 polling place assigned to the precinct in which he or she resides unless
30 he or she is returning a ballot for early voting or voting pursuant to
31 section 32-943.

1 (2) If a person registers to vote and requests a ballot at the same
2 time, he or she shall vote a ballot which is inserted in a secret-ballot
3 envelope and the secret-ballot envelope is placed in a return ~~an~~ envelope
4 with the voter's name and address and other necessary identifying
5 information, and the ballot shall be kept securely for counting as
6 provided in this subsection. This subsection does not extend the deadline
7 for voter registration specified in section 32-302. A ballot cast
8 pursuant to this subsection shall be rejected and shall not be counted if
9 the acknowledgment of registration sent to the registrant pursuant to
10 section 32-322 is returned as undeliverable for a reason other than
11 clerical error within ten days after it is mailed, otherwise after such
12 ten-day period, the ballot shall be counted.

13 Sec. 13. Section 32-947, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 32-947 (1) Upon receipt of an application or other request for a
16 ballot to vote early, the election commissioner or county clerk shall
17 determine whether the applicant is a registered voter and is entitled to
18 vote as requested. If the election commissioner or county clerk
19 determines that the applicant is a registered voter entitled to vote
20 early and the application was received at or before 4 p.m. on the
21 Wednesday preceding the election, the election commissioner or county
22 clerk shall deliver a ballot to the applicant in person or by mail,
23 postage paid. The election commissioner or county clerk or any employee
24 of the election commissioner or county clerk shall write or cause to be
25 affixed his or her customary signature or initials on the ballot.

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

29 VOTER'S OATH

30 I, the undersigned voter, declare that the enclosed ballot or
31 ballots contained no voting marks of any kind when I received them, and I

1 caused the ballot or ballots to be marked, enclosed in a secret-ballot
2 envelope and the return ~~the identification~~ envelope, and sealed in the
3 return ~~such~~ envelope.

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

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

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

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

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

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

18 I also understand that failure to sign below will invalidate my
19 ballot.

20 Signature

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

23 Ballots contained in this envelope are for the (primary,
24 general, or special) election to be held on the day of
25 20.. .

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

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

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

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

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

24 (5) The election commissioner or county clerk shall ~~may~~ enclose with
25 the ballot materials a ~~separate~~ return envelope for the voter's use in
26 returning his or her ~~secret-ballot identification~~ envelope containing the
27 voted ballot, his or her registration application, and any other
28 materials that may be required. The return envelope shall be of
29 sufficient size that the secret-ballot envelope, registration
30 application, and other materials can be conveniently placed within it.

31 Sec. 14. Section 32-949, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-949 (1) After a ballot for early voting is received by a voter
3 and before placing any marks thereon, the voter shall note whether there
4 are any voting marks on the ballot and whether there is a signature or
5 initials on the ballot in the space provided for the election official's
6 signature or initials. If there are any voting marks or no signature or
7 initials, the ballot shall be returned immediately to the election
8 commissioner or county clerk. If there are no such marks, the voter shall
9 cause the ballot to be marked. If the ballot is voted in the office of
10 the election commissioner or county clerk, the registered voter shall
11 return the ballot, secret-ballot envelope, and return identification
12 envelope to the election commissioner or county clerk or an employee of
13 the election commissioner or county clerk who shall deposit the ballot
14 into a ballot box, ~~and place the return identification envelope in a~~
15 secure container, ~~and reuse or dispose of the secret-ballot envelope.~~

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

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

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

24 (c) Enclose, ~~in the identification envelope or~~ separately in the
25 return envelope ~~if one has been provided~~, his or her completed
26 registration application if one was provided pursuant to section 32-945
27 or 32-946, a copy of his or her identification document if such
28 identification has been requested, and the oath completed and signed by a
29 voter without a residence address if required pursuant to section 32-946;

30 (d) Ensure that the secret-ballot envelope is in the identification
31 ~~envelope or return envelope~~ and the return envelope is sealed; and

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

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

8 Sec. 15. Section 32-950, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 32-950 Ballots issued under section 32-948 which are returned not
11 later than the hour established for the closing of the polls shall be
12 accepted for review by the counting board for early voting. Such ballots
13 received by the election commissioner or county clerk after the close of
14 the polls on election day shall remain sealed in the return envelope on
15 which the election commissioner or county clerk shall write Rejected,
16 received on, and the date on which the ballot was received. If such a
17 ballot was received on election day but after the close of the polls, the
18 election commissioner or county clerk shall also write on the return
19 envelope the time at which the ballot was received. Such rejected ballots
20 shall be segregated and stored in a sealed container designated for
21 Rejected Early Ballots.

22 Sec. 16. Section 32-953, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 32-953 (1) Except as otherwise provided in subsection (2) of this
25 section, the election commissioner or county clerk shall mail the
26 official ballot to all registered voters of the political subdivision at
27 the addresses appearing on the voter registration register on the same
28 day. The ballots shall be mailed by nonforwardable first-class mail not
29 sooner than the twentieth day before the date set for the election and
30 not later than the tenth day before the date set for the election. The
31 election commissioner or county clerk shall include with the ballot a

1 ~~secret-ballot envelope and a return an unsealed identification~~ envelope
2 meeting the requirements of subsection (2) of section 32-947 and
3 instructions sufficient to describe the voting process.

4 (2) The election commissioner or county clerk may choose not to mail
5 a ballot to all registered voters who have been sent a notice pursuant to
6 section 32-329 and failed to respond to the notice. If the election
7 commissioner or county clerk chooses not to mail a ballot to such voters,
8 he or she shall mail a notice to all such registered voters explaining
9 how to obtain a ballot and stating the applicable deadlines.

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

12 32-954 Upon receipt of the official ballot, the registered voter
13 shall mark it, ~~insert seal~~ the ballot in the secret-ballot envelope, ~~seal~~
14 the secret-ballot envelope in the return identification envelope supplied
15 with the ballot, sign the return identification envelope, and comply with
16 the instructions provided with the ballot. The voter may return the
17 ballot to the election commissioner or county clerk by mailing it or by
18 personally delivering it to the office of the election commissioner or
19 county clerk. The deadline for receipt of the ballot is 5 p.m. on the
20 date set for the election. The official ballot may be inserted in the
21 secret-ballot envelope and must be returned in the return identification
22 envelope. The registered voter shall, by signing the return envelope,
23 certify to the facts contained on the return envelope. The election
24 commissioner or county clerk shall keep the return identification
25 envelopes received from registered voters unopened in a fireproof safe or
26 other suitable location which is locked until delivered to the counting
27 board.

28 Sec. 18. Section 32-957, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 32-957 An official ballot under section 32-953 shall be counted only
31 if it is returned in the return identification envelope, the return

1 envelope is signed by the voter to whom it was issued, and the signature
2 is verified by the election commissioner or county clerk. The election
3 commissioner or county clerk shall verify the signature on each return
4 ~~identification~~ envelope received in his or her office with the signature
5 appearing on the voter registration records. If the election commissioner
6 or county clerk is unable to verify a signature, the election
7 commissioner or county clerk shall contact the voter within two days
8 after determining that he or she is unable to verify the signature to
9 ascertain whether the voter cast a ballot. The election commissioner or
10 county clerk may request that the registered voter sign and submit a
11 current signature card pursuant to section 32-318. The election
12 commissioner or county clerk may begin verifying the signatures as the
13 return envelopes are received in his or her office. If the election
14 commissioner or county clerk determines that a voter has voted more than
15 once, no ballot cast by that voter in that election shall be counted. The
16 election commissioner or county clerk shall make public any record or
17 list of registered voters who have returned their ballots.

18 Sec. 19. Section 32-1002, Revised Statutes Cumulative Supplement,
19 2014, is amended to read:

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

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

28 (3) The election commissioner or county clerk shall also (a) verify
29 that such person has not voted anywhere else in the county or been issued
30 a ballot for early voting, (b) investigate whether any credible evidence
31 exists that the person was properly registered to vote in the county

1 before the deadline for registration for the election, (c) investigate
2 whether any information has been received pursuant to section 32-308,
3 32-309, 32-310, or 32-324 that the person has resided, registered, or
4 voted in any other county or state since registering to vote in the
5 county, and (d) upon determining that credible evidence exists that the
6 person was properly registered to vote in the county, make the
7 appropriate changes to the voter registration register by entering the
8 information contained in the registration application completed by the
9 voter at the time of voting a provisional ballot.

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

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

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

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

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

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

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

28 (e) The certification on the front of the return envelope or form
29 attached to the return envelope is in the proper form and signed by the
30 voter.

31 (5) A provisional ballot cast by a voter pursuant to section 32-915

1 shall not be counted if:

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

4 (b) Information has been received pursuant to section 32-308,
5 32-309, 32-310, or 32-324 that the voter has resided, registered, or
6 voted in any other county or state since registering to vote in the
7 county in which he or she cast the provisional ballot;

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

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

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

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

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

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

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

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

1 (b) Both the registration application and the certification are
2 signed by the voter.

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

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

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

18 Sec. 20. Section 32-1006, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-1006 If a vote is cast for a candidate whose name is printed on
21 the ballot and a name is filled in on the line provided for that purpose
22 for the same office, the ballot shall be rejected for the office
23 involved. The counting board shall make the following notation on the
24 ballot card and on the secret-ballot ballot envelope if any: Rejected for
25 the office of, overvoted, and the counting board shall
26 immediately duplicate the overvoted ballot omitting the overvoted portion
27 of the ballot and number the original ballot, secret-ballot ballot
28 envelope if any, and duplicate ballot with the same identifying number.
29 The identifying number shall be assigned in numerical order, and the
30 original ballot shall remain in the secret-ballot ballot envelope if any.

31 Sec. 21. Section 32-1027, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-1027 (1) The election commissioner or county clerk shall appoint
3 two or more registered voters to the counting board for early voting. One
4 registered voter shall be appointed from the political party casting the
5 highest number of votes for Governor or for President of the United
6 States in the county in the immediately preceding general election, and
7 one registered voter shall be appointed from the political party casting
8 the next highest vote for such office. The election commissioner or
9 county clerk may appoint additional registered voters to serve on the
10 counting board and may appoint registered voters to serve in case of a
11 vacancy among any of the members of the counting board. Such appointees
12 shall be balanced between the political parties and may include
13 registered voters unaffiliated with any political party. The counting
14 board may begin carrying out its duties not earlier than the second
15 Monday before the election and shall meet as directed by the election
16 commissioner or county clerk.

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

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

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

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

29 (c) A completed and signed registration application has been
30 received from the voter by the deadline in section 32-302, 32-321, or
31 32-325 or by the close of the polls pursuant to section 32-945;

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

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

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

9 (a) A ballot received from a voter who was properly registered on or
10 prior to the deadline for registration pursuant to section 32-302 or
11 32-321 shall be accepted for counting without further review if:

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

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

18 (iii) The return identification envelope has been signed by the
19 voter;

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

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

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

28 (iii) The residence address provided on the return identification
29 envelope and on the registration application is the same as the residence
30 address as provided on the voter's request for a ballot for early voting;
31 and

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

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

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

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

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

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

19 (d) In the case of a ballot received from a registered voter
20 required to present identification before voting pursuant to section
21 32-318.01, the ballot shall be accepted for counting if:

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

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

27 (iii) A copy of an identification document authorized in section
28 32-318.01 has been received by the election commissioner or county clerk
29 prior to the close of the polls on election day; and

30 (iv) The return ~~identification~~ envelope has been signed by the
31 voter.

1 (5) ~~If it is necessary to open~~ ~~In opening the identification~~
2 ~~envelope~~ or the return envelope to determine if registration
3 applications, oaths, or identification documents have been enclosed by
4 the voters from whom they are required, the counting board shall make a
5 good faith effort to ensure that the ballot remains in the secret-ballot
6 envelope and the secret-ballot envelope is returned to its return
7 envelope for processing as prescribed in subsection (6) of this section
8 ~~folded~~ and that the secrecy of the vote is preserved, or if the voter did
9 not use a secret-ballot envelope, that the ballot is handled in a manner
10 that does not impair the anonymity of the voter, as prescribed by the
11 Secretary of State.

12 (6) The counting board may, on the second Monday before the
13 election, open all return envelopes, including those processed under
14 subsection (5) of this section, which have not been rejected and examine
15 the secret-ballot envelopes. If the signature of the election
16 commissioner or county clerk or his or her employee is visible on the
17 ballot, the secret-ballot envelope shall be disassociated from the return
18 envelope and accumulated with other similarly processed secret-ballot
19 envelopes. If the signature of the election commissioner or county clerk
20 or his or her employee is not initially visible on the ballot, the ballot
21 shall be removed and examined for such required signature in a manner
22 that does not impair the anonymity of the voter, as prescribed by the
23 Secretary of State, and those ballots having the required signature shall
24 be returned to the secret-ballot envelope which shall then be
25 disassociated from the return envelope for processing in the same manner
26 as those where the required signature was initially visible. The ballot
27 in the secret-ballot envelope shall then be removed and, together with
28 those approved without the use of the secret-ballot envelope,
29 ~~identification envelopes which are approved, and if the signature of the~~
30 ~~election commissioner or county clerk or his or her employee is on the~~
31 ~~ballot, the ballot shall be unfolded, flattened for purposes of using the~~

1 optical scanner, and placed in a sealed container for counting as
2 directed by the election commissioner or county clerk. At the discretion
3 of the election commissioner or county clerk, the counting board may
4 begin counting early ballots no earlier than twenty-four hours prior to
5 the opening of the polls on the day of the election.

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

17 (8) As soon as all ballots have been placed in the sealed container
18 and rejected return identification envelopes, secret-ballot envelopes, or
19 ballots 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 county
22 clerk. No results shall be released prior to the closing of the polls on
23 election day.

24 Sec. 22. Section 32-1030, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-1030 All return envelopes, secret-ballot identification
27 envelopes, voted ballots, and rejected ballots and the Rejected Ballots
28 container shall be placed in the container for early voting materials,
29 and the container shall be sealed.

30 Sec. 23. Original sections 32-103, 32-202, 32-813, 32-916, 32-936,
31 32-949, 32-950, 32-954, 32-1006, 32-1027, and 32-1030, Reissue Revised

1 Statutes of Nebraska, and sections 32-101, 32-809, 32-816, 32-915,
2 32-942, 32-947, 32-953, 32-957, and 32-1002, Revised Statutes Cumulative
3 Supplement, 2014, are repealed.

4 2. Renumber the remaining sections, correct internal references, and
5 correct the operative date section so that the sections added by this
6 amendment become operative on January 1, 2016.