

AMENDMENTS TO LB111

(Amendments to Standing Committee amendments, AM233)

Introduced by Murante, 49.

1 1. Insert the following new amendments:

2 1. Strike original sections 6, 8, 9, 10, and 11 and insert the
3 following new sections:

4 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

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

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

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

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

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

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

3 32-202 In addition to any other duties prescribed by law, the
4 Secretary of State shall:

5 (1) Supervise the conduct of primary and general elections in this
6 state;

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

10 (3) Enforce the Election Act;

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

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

15 (6) Develop and print forms for use as required by sections 32-308,
16 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

19 (8) Require reporting to ensure compliance with sections 32-308 to
20 32-310;

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

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

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

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

30 (13) Adopt and promulgate rules and regulations regarding the
31 procedure to remove secret-ballot envelopes from return envelopes after

1 verification of information on the return envelopes, remove ballots from
2 secret-ballot envelopes and from return envelopes for voters that did not
3 use the secret-ballot envelopes, and count the ballots in a manner that
4 does not impair the anonymity of the voter; and

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

15 Sec. 9. Section 32-809, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

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

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

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

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

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

29 32-813 (1) The names of all candidates and all proposals to be voted
30 upon at the general election shall be arranged upon the ballot in parts
31 separated from each other by bold lines in the order the offices and

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

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

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

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

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

1 name appearing on the top line shall be considered to be the candidate
2 for President, and the name appearing on the second line shall be
3 considered to be the candidate for Vice President.

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

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

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

1 election ballot by petition, one write-in line shall be provided in which
2 the registered voter may fill in the name of the candidate for Governor
3 of his or her choice and one square or oval opposite the line in which
4 the voter indicates his or her choice for Governor.

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

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

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

31 (8) The candidates for office in the precinct only or in the city or

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

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

21 Sec. 11. Section 32-816, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

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

1 the write-in space provided.

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

12 Sec. 14. Section 32-915, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 32-915 (1) A person whose name does not appear on the precinct list
15 of registered voters at the polling place for the precinct in which he or
16 she resides, whose name appears on the precinct list of registered voters
17 at the polling place for the precinct in which he or she resides at a
18 different residence address as described in section 32-914.02, ~~or~~ whose
19 name appears with a notation that he or she received a ballot for early
20 voting, or who does not comply with subdivision (2)(c)(i) or (ii) of
21 section 32-914 may vote a provisional ballot if he or she:

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

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

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

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

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

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

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

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

13 (b) My name or address did not correctly appear on the precinct list
14 of registered voters without a notation or I have not presented a
15 government-issued photographic identification;

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

17 (d) I registered to vote

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

19 by mail,

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

21 through the Department of Motor Vehicles,

22 on a form through another state agency,

23 in some other way;

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

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

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

30 (3 ~~4~~) The voter shall sign the certification under penalty of
31 election falsification. The following statements shall be on the front of

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

7 (4 5) If the person's name does not appear on the precinct list of
8 registered voters for the polling place and the judge or clerk of
9 election determines that the person's residence address is located in
10 another precinct within the same county, the judge or clerk of election
11 shall direct the person to his or her correct polling place to vote.

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

14 32-916 (1) Two judges of election or a precinct inspector and a
15 judge of election shall affix their initials to the official ballots. The
16 judge of election shall deliver a ballot to each registered voter after
17 complying with section 32-914.

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

26 (3) The judge of election shall, without exposing the voting marks
27 on the ballot, approve the exposed initials upon the ballot and either
28 deposit the ballot in the ballot box in the presence of the registered
29 voter or ask the voter to seal the secret-ballot envelope in the return
30 envelope and give the return envelope to the judge to place the return
31 envelope in the ballot box in the presence of the voter as provided in

1 subsection (4) of this section. No judge of election shall deposit any
2 ballot in a ballot box unless the ballot has been identified as having
3 the appropriate initials. Any ballot not properly identified shall be
4 rejected in the presence of the voter, the judge of election shall make a
5 notation on the ballot Rejected, not properly identified, and another
6 ballot shall be issued to the voter and the voter shall then be permitted
7 to cast his or her ballot. If the ballot is in order, the judge shall
8 deposit the ballot in the ballot box in the presence of the voter and the
9 voter shall promptly leave the polling place. The judges of election
10 shall maintain the secrecy of the rejected ballots and shall cause the
11 rejected ballots to be made up in a sealed packet. The judges of election
12 shall endorse the packet with the words Rejected Ballots and the
13 designation of the precinct. The judges of election shall sign the
14 endorsement label and shall return the packet to the election
15 commissioner or county clerk with a statement by the judges of election
16 showing the number of ballots rejected.

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

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

3 32-936 If satisfied that the application is proper and that the
4 applicant is qualified to vote under section 32-933, the election
5 commissioner or county clerk shall deliver to the applicant a ballot for
6 President and Vice President of the United States. After voting the
7 ballot, the voter shall insert ~~securely seal~~ the ballot in a secret-
8 ballot envelope and place the secret-ballot envelope in a return an
9 envelope furnished by the election commissioner or county clerk. On the
10 back of the return envelope shall be imprinted a statement substantially
11 as follows:

12 Certification of New (or Former) Resident Voter

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

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

22 Sec. 18. Section 32-942, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 32-942 (1) Except as otherwise provided in subsection (2) of this
25 section, a registered voter of this state who anticipates being absent
26 from the county of his or her residence on the day of any election may
27 appear in person before the election commissioner or county clerk not
28 more than thirty days prior to the day of election and obtain his or her
29 ballot. The registered voter shall vote in the office of the election
30 commissioner or county clerk or shall return the ballot to the office not
31 later than the closing of the polls on the day of the election. A

1 registered voter who is present in the county on the day of the election
2 and who chooses to vote on the day of the election shall vote at the
3 polling place assigned to the precinct in which he or she resides unless
4 he or she is returning a ballot for early voting or voting pursuant to
5 section 32-943.

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

18 Sec. 19. Section 32-947, Revised Statutes Cumulative Supplement,
19 2014, is amended to read:

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

31 (2) A secret-ballot envelope and a return ~~An unsealed identification~~

1 envelope shall be delivered with the ballot, and upon the back of the
2 return envelope shall be printed a form substantially as follows:

3 VOTER'S OATH

4 I, the undersigned voter, declare that the enclosed ballot or
5 ballots contained no voting marks of any kind when I received them, and I
6 caused the ballot or ballots to be marked, enclosed in a secret-ballot
7 envelope and the return ~~the identification~~ envelope, and sealed in the
8 return ~~such~~ envelope.

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

11 (a) I,, am a registered voter
12 in County;

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

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

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

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

23 I also understand that failure to sign below will invalidate my
24 ballot.

25 Signature

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

28 Ballots contained in this envelope are for the (primary,
29 general, or special) election to be held on the day of
30 20.. .

31 (3) ~~The If the ballot and identification envelope will be returned~~

1 ~~by mail or by someone other than the voter,~~ the election commissioner or
2 county clerk shall include a secret-ballot envelope with the ballot and a
3 return ~~an identification~~ envelope. Upon ~~upon~~ the face of the return
4 envelope ~~which~~ shall be printed the official title and post office
5 address of the election commissioner or county clerk.

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

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

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

23 (c) Written instructions directing the voter to submit a copy of a
24 government-issued photographic identification ~~an identification document~~
25 ~~pursuant to section 32-318.01~~ if the voter is registering to vote by mail
26 and has not previously voted in the state ~~required to present~~
27 ~~identification under such section~~ and advising the voter that failure to
28 submit identification to the election commissioner or county clerk by the
29 close of the polls on election day will result in the ballot not being
30 counted.

31 (5) The election commissioner or county clerk shall ~~may~~ enclose with

1 the ballot materials a ~~separate~~ return envelope for the voter's use in
2 returning his or her ~~secret-ballot identification~~ envelope containing the
3 voted ballot, his or her registration application, and any other
4 materials that may be required. The return envelope shall be of
5 sufficient size that the secret-ballot envelope, registration
6 application, and other materials can be conveniently placed within it.

7 Sec. 20. Section 32-949, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

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

25 (a) ~~Insert~~ Place the marked ballot in the secret-ballot
26 ~~identification~~ envelope received for that purpose in such a manner that
27 the signature of the issuing officer on the ballot is visible and place
28 the secret-ballot envelope in the return envelope;

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

31 (c) Enclose, ~~in the identification envelope or~~ separately in the

1 return envelope ~~if one has been provided~~, his or her completed
2 registration application if one was provided pursuant to section 32-945
3 or 32-946, a copy of his or her identification document if such
4 identification has been requested, and the oath completed and signed by a
5 voter without a residence address if required pursuant to section 32-946;

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

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

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

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

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

29 Sec. 22. Section 32-953, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 32-953 (1) Except as otherwise provided in subsection (2) of this

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

14 (2) The election commissioner or county clerk may choose not to mail
15 a ballot to all registered voters who have been sent a notice pursuant to
16 section 32-329 and failed to respond to the notice. If the election
17 commissioner or county clerk chooses not to mail a ballot to such voters,
18 he or she shall mail a notice to all such registered voters explaining
19 how to obtain a ballot and stating the applicable deadlines.

20 Sec. 23. Section 32-954, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-954 Upon receipt of the official ballot, the registered voter
23 shall mark it, insert seal the ballot in the secret-ballot envelope, seal
24 the secret-ballot envelope in the return identification envelope supplied
25 with the ballot, sign the return identification envelope, and comply with
26 the instructions provided with the ballot. The voter may return the
27 ballot to the election commissioner or county clerk by mailing it or by
28 personally delivering it to the office of the election commissioner or
29 county clerk. The deadline for receipt of the ballot is 5 p.m. on the
30 date set for the election. The official ballot may be inserted in the
31 secret-ballot envelope and must be returned in the return identification

1 envelope. The registered voter shall, by signing the return envelope,
2 certify to the facts contained on the return envelope. The election
3 commissioner or county clerk shall keep the return identification
4 envelopes received from registered voters unopened in a fireproof safe or
5 other suitable location which is locked until delivered to the counting
6 board.

7 Sec. 24. Section 32-957, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 32-957 An official ballot under section 32-953 shall be counted only
10 if it is returned in the return identification envelope, the return
11 envelope is signed by the voter to whom it was issued, and the signature
12 is verified by the election commissioner or county clerk. The election
13 commissioner or county clerk shall verify the signature on each return
14 ~~identification~~ envelope received in his or her office with the signature
15 appearing on the voter registration records. If the election commissioner
16 or county clerk is unable to verify a signature, the election
17 commissioner or county clerk shall contact the voter within two days
18 after determining that he or she is unable to verify the signature to
19 ascertain whether the voter cast a ballot. The election commissioner or
20 county clerk may request that the registered voter sign and submit a
21 current signature card pursuant to section 32-318. The election
22 commissioner or county clerk may begin verifying the signatures as the
23 return envelopes are received in his or her office. If the election
24 commissioner or county clerk determines that a voter has voted more than
25 once, no ballot cast by that voter in that election shall be counted. The
26 election commissioner or county clerk shall make public any record or
27 list of registered voters who have returned their ballots.

28 Sec. 25. Section 32-1002, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 32-1002 (1) As the ballots are removed from the ballot box pursuant
31 to sections 32-1012 to 32-1018, the receiving board shall separate the

1 return envelopes containing the provisional ballots from the rest of the
2 ballots and deliver them to the election commissioner or county clerk.

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

7 (3) The election commissioner or county clerk shall also (a) verify
8 that such person has not voted anywhere else in the county or been issued
9 a ballot for early voting, (b) investigate whether any credible evidence
10 exists that the person was properly registered to vote in the county
11 before the deadline for registration for the election, (c) investigate
12 whether any information has been received pursuant to section 32-308,
13 32-309, 32-310, or 32-324 that the person has resided, registered, or
14 voted in any other county or state since registering to vote in the
15 county, and (d) upon determining that credible evidence exists that the
16 person was properly registered to vote in the county, make the
17 appropriate changes to the voter registration register by entering the
18 information contained in the registration application completed by the
19 voter at the time of voting a provisional ballot.

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

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

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

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

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

30 (i) The residence address provided on the registration application
31 completed pursuant to subdivision (1)(e) of section 32-915 is located

1 within the precinct in which the person voted; and

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

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

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

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

14 (b) Information has been received pursuant to section 32-308,
15 32-309, 32-310, or 32-324 that the voter has resided, registered, or
16 voted in any other county or state since registering to vote in the
17 county in which he or she cast the provisional ballot;

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

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

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

27 (f) If the voter is voting in a primary election, the party
28 affiliation on the registration application completed prior to voting the
29 provisional ballot is different than the party affiliation that appears
30 on the voter's voter registration record based on his or her previous
31 registration application; or

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

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

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

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

11 (b) Both the registration application and the certification are
12 signed by the voter.

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

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

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

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

30 32-1006 If a vote is cast for a candidate whose name is printed on
31 the ballot and a name is filled in on the line provided for that purpose

1 for the same office, the ballot shall be rejected for the office
2 involved. The counting board shall make the following notation on the
3 ballot card and on the secret-ballot ~~ballot~~ envelope if any: Rejected for
4 the office of, overvoted, and the counting board shall
5 immediately duplicate the overvoted ballot omitting the overvoted portion
6 of the ballot and number the original ballot, secret-ballot ~~ballot~~
7 envelope if any, and duplicate ballot with the same identifying number.
8 The identifying number shall be assigned in numerical order, and the
9 original ballot shall remain in the secret-ballot ~~ballot~~ envelope if any.

10 Sec. 27. Section 32-1027, Reissue Revised Statutes of Nebraska, is
11 amended to read:

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

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

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

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

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

8 (c) A completed and signed registration application has been
9 received from the voter by the deadline in section 32-302, 32-321, or
10 32-325 or by the close of the polls pursuant to section 32-945;

11 (d) A government-issued photographic identification has been
12 presented by ~~An identification document has been received from~~ the voter
13 not later than the close of the polls on election day if required
14 pursuant to section 32-947 ~~32-318.01~~; and

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

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

20 (a) A ballot received from a voter who was properly registered on or
21 prior to the deadline for registration pursuant to section 32-302 or
22 32-321 shall be accepted for counting without further review if:

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

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

29 (iii) The return ~~identification~~ envelope has been signed by the
30 voter;

31 (b) In the case of a ballot received from a voter who was not

1 properly registered prior to the deadline for registration pursuant to
2 section 32-302 or 32-321, the ballot shall be accepted for counting if:

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

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

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

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

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

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

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

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

28 (iv) The return identification envelope has been signed by the
29 voter; and

30 (d) In the case of a ballot received from a registered voter
31 required to present a government-issued photographic identification with

1 ~~the ballot to vote early identification before voting~~ pursuant to section
2 ~~32-947 32-318.01~~, the ballot shall be accepted for counting if:

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

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

8 (iii) A copy of a government-issued photographic identification an
9 ~~identification document authorized in section 32-318.01~~ has been received
10 by the election commissioner or county clerk prior to the close of the
11 polls on election day; and

12 (iv) The ~~return identification~~ envelope has been signed by the
13 voter.

14 (5) If it is necessary to open ~~In opening the identification~~
15 ~~envelope or the return envelope to determine if registration~~
16 ~~applications, oaths, or identification documents have been enclosed by~~
17 ~~the voters from whom they are required, the counting board shall make a~~
18 ~~good faith effort to ensure that the ballot remains~~ in the secret-ballot
19 envelope and the secret-ballot envelope is returned to its return
20 envelope for processing as prescribed in subsection (6) of this section
21 ~~folded~~ and that the secrecy of the vote is preserved, or if the voter did
22 not use a secret-ballot envelope, that the ballot is handled in a manner
23 that does not impair the anonymity of the voter, as prescribed by the
24 Secretary of State.

25 (6) The counting board may, on the second Monday before the
26 election, open all return envelopes, including those processed under
27 subsection (5) of this section, which have not been rejected and examine
28 the secret-ballot envelopes. If the signature of the election
29 commissioner or county clerk or his or her employee is visible on the
30 ballot, the secret-ballot envelope shall be disassociated from the return
31 envelope and accumulated with other similarly processed secret-ballot

1 envelopes. If the signature of the election commissioner or county clerk
2 or his or her employee is not initially visible on the ballot, the ballot
3 shall be removed and examined for such required signature in a manner
4 that does not impair the anonymity of the voter, as prescribed by the
5 Secretary of State, and those ballots having the required signature shall
6 be returned to the secret-ballot envelope which shall then be
7 disassociated from the return envelope for processing in the same manner
8 as those where the required signature was initially visible. The ballot
9 in the secret-ballot envelope shall then be removed and, together with
10 those approved without the use of the secret-ballot envelope,
11 identification envelopes which are approved, and if the signature of the
12 election commissioner or county clerk or his or her employee is on the
13 ballot, the ballot shall be unfolded, flattened for purposes of using the
14 optical scanner, and placed in a sealed container for counting as
15 directed by the election commissioner or county clerk. At the discretion
16 of the election commissioner or county clerk, the counting board may
17 begin counting early ballots no earlier than twenty-four hours prior to
18 the opening of the polls on the day of the election.

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

30 (8) As soon as all ballots have been placed in the sealed container
31 and rejected return identification envelopes, secret-ballot envelopes, or

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

6 Sec. 28. Section 32-1030, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

12 2. Renumber the remaining sections and correct the repealer
13 accordingly.

14 2. Strike amendment 3.

15 3. Renumber the remaining amendments accordingly.