

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 491

Introduced by Morfeld, 46.

Read first time January 20, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-107,
2 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-311.01,
3 32-314, 32-807, 32-813, 32-901, 32-904, 32-906, 32-907, 32-910,
4 32-912, 32-913, 32-914, 32-916, 32-917, 32-918, 32-919, 32-920,
5 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-938, 32-940,
6 32-945, 32-952, 32-1001, 32-1041, 32-1302, 32-1307, 32-1403,
7 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528,
8 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska,
9 and sections 32-101, 32-308, 32-310, 32-311, 32-321, 32-325, 32-816,
10 32-902, 32-915, 32-933, 32-941, and 32-1002, Revised Statutes
11 Cumulative Supplement, 2014; to provide for an election day voter
12 registration pilot project as prescribed; to create a task force; to
13 change provisions relating to registration, voting, and penalty
14 provisions; to harmonize provisions; and to repeal the original
15 sections.

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

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

3 32-101 Sections 32-101 to 32-1551 and sections 7, 16, and 32 of this
4 act shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-107, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-107 District shall mean a subdivision of the state or of a
8 county, city, village, or other political subdivision in which all
9 electors registered voters residing within the district are entitled to
10 participate in the election of any one or more candidates or in the
11 determination by election of any question or proposition.

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

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

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

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

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

28 32-115 Registered voter shall mean an elector who has a valid voter
29 registration record in the voter registration register prepared by on
30 file with the election commissioner or county clerk in the county of his
31 or her residence.

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

3 32-221 (1) The election commissioner shall appoint precinct and
4 district inspectors, judges of election, and clerks of election to assist
5 the election commissioner in conducting elections and registering voters,
6 if applicable, on election day. In counties with a population of less
7 than three hundred thousand inhabitants, judges and clerks of election
8 and inspectors shall be appointed at least thirty days prior to the
9 statewide primary election, shall hold office for terms of two years or
10 until their successors are appointed and qualified for the next statewide
11 primary election, and shall serve at all elections in the county during
12 their terms of office. In counties with a population of three hundred
13 thousand or more inhabitants, judges and clerks of election shall be
14 appointed at least thirty days prior to the first election for which
15 appointments are necessary and shall serve for at least four elections.

16 (2) Judges and clerks of election may be selected at random from a
17 cross section of the population of the county. All qualified citizens
18 shall have the opportunity to be considered for service. All qualified
19 citizens shall fulfill their obligation to serve as judges or clerks of
20 election as prescribed by the election commissioner. No citizen shall be
21 excluded from service as a result of discrimination based upon race,
22 color, religion, sex, national origin, or economic status. No citizen
23 shall be excluded from service unless excused by reason of ill health or
24 other good and sufficient reason.

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

31 (4) If a vacancy occurs in the office of judge or clerk of election

1 or inspector, the election commissioner shall fill such vacancy in
2 accordance with section 32-223. If any judge or clerk of election or
3 inspector fails to appear at the hour appointed for the opening of the
4 polls, the remaining officers shall notify the election commissioner,
5 select a registered voter to serve in place of the absent officer if so
6 directed by the election commissioner, and proceed to conduct the
7 election. If the election commissioner finds that a judge or clerk of
8 election or inspector does not possess all the qualifications prescribed
9 in this section or if any judge or clerk of election or inspector is
10 guilty of neglecting the duties of the office or of any official
11 misconduct, the election commissioner shall remove the person and fill
12 the vacancy.

13 Sec. 7. (1) There is created, beginning on October 1, 2015, and
14 ending on January 1, 2019, an election day voter registration pilot
15 project as described in this section.

16 (2) A county may participate in the pilot project if the election
17 commissioner or county clerk submits to the Secretary of State a written
18 application to participate in the pilot project that contains:

19 (a) The name of the county;

20 (b) A request that the county be permitted to participate in the
21 pilot project;

22 (c) An estimate of the extent to which election day voter
23 registration may increase voter participation; and

24 (d) Any other reasons that the county desires to participate in the
25 pilot project.

26 (3) Within ten business days after the day on which the Secretary of
27 State receives an application described in subsection (2) of this
28 section, the Secretary of State shall approve the application if:

29 (a) The application complies with the requirements described in
30 subsection (2) of this section; and

31 (b) The Secretary of State determines, based on the information

1 contained in the application, that implementing the pilot project in the
2 county:

3 (i) Will yield valuable information to determine whether election
4 day voter registration should be implemented on a permanent, statewide
5 basis; and

6 (ii) Will not adversely affect the rights of voters or candidates.

7 (4) For a county that is approved by the Secretary of State to
8 participate in the pilot project, if, under section 32-302, a voter
9 registration application is submitted to the election commissioner or
10 county clerk on the date of the election or after 6 p.m. on the second
11 Friday before an election, the election commissioner or county clerk
12 shall:

13 (a) If the person desires to vote in the pending election, inform
14 the person that the person must, on election day, register to vote by
15 casting a provisional ballot in accordance with subsection (9) of this
16 section; or

17 (b) If the person does not desire to vote in the pending election:

18 (i) Accept a voter registration application from the person if, on
19 the date of the election, the person will be legally qualified and
20 entitled to vote in a voting precinct in the county; and

21 (ii) Inform the person that the person will be registered to vote
22 but may not vote in the pending election because the person registered
23 too late and chose not to register and vote as described in subdivision
24 (4)(a) of this section.

25 (5) For a county that is approved by the Secretary of State to
26 participate in the pilot project, if, under section 32-321, the election
27 commissioner or county clerk receives a correctly completed mail-in voter
28 registration application that is postmarked after the voter registration
29 deadline in subsection (3) of section 32-321, the election commissioner
30 or county clerk shall:

31 (a) Unless the applicant registers on election day by casting a

1 provisional ballot in accordance with subsection (9) of this section,
2 register the applicant for the next election; and

3 (b) If possible, promptly notify the applicant before the election,
4 by telephone, first-class mail, or email if the applicant consented to
5 email notification, that:

6 (i) The applicant's registration will not be effective until after
7 the election; and

8 (ii) The applicant may register to vote on election day by casting a
9 provisional ballot in accordance with subsection (9) of this section.

10 (6) For a county that is approved by the Secretary of State to
11 participate in the pilot project, if, under sections 32-308 and 32-309,
12 the election commissioner or county clerk receives a correctly completed
13 voter registration application that is dated after the deadline under
14 section 32-309, the election commissioner or county clerk shall:

15 (a) Unless the applicant registers to vote on election day by
16 casting a provisional ballot in accordance with subsection (9) of this
17 section, register the applicant after the next election; and

18 (b) If possible, promptly notify the applicant before the election,
19 by telephone, first-class mail, or email if the applicant consented to
20 email notification, that:

21 (i) The applicant's registration will not be effective until after
22 the election; and

23 (ii) The applicant may register to vote on election day by casting a
24 provisional ballot in accordance with subsection (9) of this section.

25 (7) For a county that is approved by the Secretary of State to
26 participate in the pilot project, if, under section 32-310, the election
27 commissioner or county clerk receives a correctly completed voter
28 registration application that is dated after the deadline under section
29 32-310, the election commissioner or county clerk shall:

30 (a) Unless the applicant registers to vote on election day by
31 casting a provisional ballot in accordance with subsection (9) of this

1 section, register the applicant after the next election; and

2 (b) If possible, promptly notify the applicant before the election,
3 by telephone, first-class mail, or email if the applicant consented to
4 email notification, that:

5 (i) The applicant's registration will not be effective until after
6 the election; and

7 (ii) The applicant may register to vote on election day by casting a
8 provisional ballot in accordance with subsection (9) of this section.

9 (8) For a county that is approved by the Secretary of State to
10 participate in the pilot project, if, under section 32-304, an individual
11 applies to register to vote during the ten calendar days before an
12 election, the election commissioner or county clerk shall:

13 (a) If the individual desires to vote in the pending election,
14 inform the individual that the individual must, on election day, register
15 to vote by casting a provisional ballot in accordance with subsection (9)
16 of this section; or

17 (b) If the individual does not desire to vote in the pending
18 election:

19 (i) Accept the application for registration if the individual, on
20 the date of the election, will be legally qualified and entitled to vote
21 in a voting precinct in the state; and

22 (ii) Inform the individual that the individual is registered to vote
23 but may not vote in the pending election because the individual
24 registered too late and chose not to register and vote as described in
25 subdivision (8)(a) of this section.

26 (9) For a county that is approved by the Secretary of State to
27 participate in the pilot project:

28 (a) The election commissioner or county clerk shall take the action
29 described in subdivision (b) of this subsection in relation to a
30 provisional ballot if the election commissioner or county clerk
31 determines that:

1 (i) The person who voted the ballot is not registered to vote but is
2 otherwise legally entitled to vote the ballot according to section
3 32-1002;

4 (ii) The ballot that the person voted is identical to the ballot for
5 the precinct in which the person resides;

6 (iii) The information on the envelope containing the provisional
7 ballot is complete according to section 32-1002; and

8 (iv) The person provided valid voter identification and proof of
9 residence to the clerk of election on election day as required under
10 section 16 of this act;

11 (b) If the provisional ballot and the person who voted the
12 provisional ballot comply with the requirements described in subdivision
13 (a) of this subsection, the election commissioner or county clerk shall:

14 (i) Consider the provisional ballot a voter registration
15 application;

16 (ii) Place the ballot with the ballots for early voting, to be
17 counted with the ballots for early voting by the counting board for early
18 voting; and

19 (iii) As soon as reasonably possible, register the person to vote;
20 and

21 (c) Except as provided in subsection (10) of this section, the
22 election commissioner or county clerk shall retain a provisional ballot
23 envelope, unopened, and not count the ballot as specified in subsection
24 (5) of section 32-1002 if the election commissioner or county clerk
25 determines that the person who voted the ballot:

26 (i)(A) Is not registered to vote in this state; and

27 (B) Is not eligible for registration under this subsection; or

28 (ii) Is not legally entitled to vote the ballot that the person
29 voted.

30 (10) Subdivision (9)(c) of this section does not apply if a court
31 orders the election commissioner or county clerk to produce or count the

1 provisional ballot.

2 (11) For a county that is approved by the Secretary of State to
3 participate in the pilot project, if, under section 32-1002, the election
4 commissioner or county clerk determines that the person is not registered
5 to vote in this state, that the information on the provisional ballot
6 envelope is complete, and that the provisional ballot and the person who
7 voted the provisional ballot do not comply with the requirements
8 described in subdivision (9)(a) of this section, the election
9 commissioner or county clerk shall:

10 (a) Consider the provisional ballot envelope a voter registration
11 application for the person's county of residence; and

12 (b)(i) Register the person if the voter's residence is within the
13 county; or

14 (ii) Forward the voter registration form to the election
15 commissioner or county clerk of the person's county of residence, which
16 election commissioner or county clerk shall register the person.

17 (12) The election commissioner or county clerk of a county that is
18 approved to participate in the pilot project shall provide training for
19 the judges and clerks of election and precinct and district inspectors of
20 the county on administering the pilot program.

21 (13) The Secretary of State and each county that is approved by the
22 Secretary of State to participate in the pilot project shall:

23 (a) Report to the Election Day Registration Pilot Program Task
24 Force, on or before September 30 of each year that the pilot project is
25 in effect, regarding:

26 (i) The implementation of the pilot project;

27 (ii) The number of ballots cast by voters who registered on election
28 day;

29 (iii) Any difficulties resulting from the pilot project; and

30 (iv) Whether, in the opinion of the Secretary of State or the
31 county, the state would benefit from implementing election day voter

1 registration permanently and on a statewide basis; and
2 (b) On or before December 31, 2018, report electronically to the
3 Government, Military and Veterans Affairs Committee of the Legislature
4 regarding the matters described in subdivision (a) of this subsection.

5 (14) The Election Day Registration Pilot Program Task Force shall
6 study and make a recommendation to the Legislature on or before December
7 31, 2018, regarding whether to implement election day voter registration
8 on a permanent, statewide basis. The recommendation shall be submitted
9 electronically.

10 (15) The Election Day Registration Pilot Project Task Force shall
11 consist of the Secretary of State, three members of the Legislature
12 appointed by the Speaker of the Legislature, two election commissioners
13 from counties with a population of one hundred thousand or more
14 inhabitants, and two election commissioners or county clerks from
15 counties with a population of less than one hundred thousand inhabitants.

16 (16) This section terminates on January 1, 2019.

17 Sec. 8. Section 32-302, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-302 The office of the election commissioner or county clerk shall
20 remain open during the usual business days of the year for purposes of
21 general registration and revision and for the transaction of the business
22 of the office. Such registration and revision shall be carried on at all
23 times during the regular business hours of the office of the election
24 commissioner or county clerk ending at 6 p.m. on the second Friday
25 preceding any election and resuming on election day under section 7 of
26 this act, if applicable. The election commissioner or county clerk may,
27 during any of the seven days immediately preceding the second Friday
28 preceding any election deadline for registration, cause his or her office
29 to be open at times in addition to the hours during which it is required
30 by law to be open in order for electors to register to vote. The office
31 of the election commissioner or county clerk shall be a designated voter

1 registration agency for purposes of section 7 of the National Voter
2 Registration Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on
3 March 11, 2008.

4 Sec. 9. Section 32-306, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-306 Deputy registrars shall register voters in teams of at least
7 two deputies, one of whom is not a member of the same political party as
8 the other or others. The deputy registrars shall return the completed
9 registration applications to the office of the election commissioner or
10 county clerk of the county in which the registrations are to be effective
11 no later than the end of the next business day after the registrations
12 are taken. The election commissioner or county clerk shall mail an
13 acknowledgment of registration at least five days prior to the next
14 election to each person registered by a deputy registrar. Deputy
15 registrars shall not register voters after 6 p.m. on the third Friday
16 preceding any election. A registration application received after the
17 deadline shall not be processed by the election commissioner or county
18 clerk until after the election and shall be invalid if the elector
19 registers to vote on election day in accordance with section 7 of this
20 act. This section shall not apply to registration done by the employees
21 of the election commissioner or county clerk.

22 Sec. 10. Section 32-307, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 32-307 No materials advocating or advertising any political issue,
25 candidate, or party shall be displayed or distributed within fifty feet
26 of any voter registration site. No alcohol shall be served within fifty
27 feet of any voter registration site. The registration procedure shall be
28 conducted in a neutral manner and shall not be connected with anything
29 unrelated to the object of registering electors except as otherwise
30 provided in sections 32-308 to 32-310 and section 7 of this act.

31 Sec. 11. Section 32-308, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 32-308 (1) The Secretary of State and the Director of Motor Vehicles
3 shall enter into an agreement to match information in the computerized
4 statewide voter registration list with information in the data base of
5 the Department of Motor Vehicles to the extent required to enable each
6 such official to verify the accuracy of the information provided on
7 applications for voter registration. The Director of Motor Vehicles shall
8 enter into an agreement with the Commissioner of Social Security under
9 section 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)
10 (8), as such section existed on April 17, 2003, for purposes of the
11 Election Act.

12 (2) The Department of Motor Vehicles, with the assistance of the
13 Secretary of State, shall prescribe a voter registration application
14 which may be used to register to vote or change his or her address for
15 voting purposes at the same time an elector applies for an original or
16 renewal motor vehicle operator's license, an original or renewal state
17 identification card, or a replacement thereof. The voter registration
18 application shall contain the information required pursuant to section
19 32-312 and shall be designed so that it does not require the duplication
20 of information in the application for the motor vehicle operator's
21 license or state identification card, except that it may require a second
22 signature of the applicant. The department and the Secretary of State
23 shall make the voter registration application available to any person
24 applying for an operator's license or state identification card. The
25 application shall be completed at the office of the department by the
26 close of business on the third Friday preceding any election to be
27 registered to vote at such election. A registration application received
28 by the department after the third Friday preceding an election deadline
29 shall not be processed by the election commissioner or county clerk until
30 after the election and shall be invalid if the elector registers to vote
31 on election day in accordance with section 7 of this act.

1 (3) The Department of Motor Vehicles, in conjunction with the
2 Secretary of State, shall develop a process to electronically transmit
3 voter registration application information received under subsection (2)
4 of this section to the election commissioner or county clerk of the
5 county in which the applicant resides within the time limits prescribed
6 in subsection (4) of this section. The Director of Motor Vehicles shall
7 designate an implementation date for the process which shall be on or
8 before January 1, 2016.

9 (4) The voter registration application information shall be
10 transmitted to the election commissioner or county clerk of the county in
11 which the applicant resides not later than ten days after receipt, except
12 that if the voter registration application information is received within
13 five days prior to the third Friday preceding any election, it shall be
14 transmitted not later than five days after its original submission. Any
15 information on whether an applicant registers or declines to register and
16 the location of the office at which he or she registers shall be
17 confidential and shall only be used for voter registration purposes.

18 (5) For each voter registration application for which information is
19 transmitted electronically pursuant to this section, the Secretary of
20 State shall obtain a copy of the electronic representation of the
21 applicant's signature from the Department of Motor Vehicles' records of
22 his or her motor vehicle operator's license or state identification card
23 for purposes of voter registration. Each voter registration application
24 electronically transmitted under this section shall include information
25 provided by the applicant that includes whether the applicant is a
26 citizen of the United States, whether the applicant is of sufficient age
27 to register to vote, the applicant's residence address, the applicant's
28 postal address if different from the residence address, the date of birth
29 of the applicant, the party affiliation of the applicant or an indication
30 that the applicant is not affiliated with any political party, the
31 applicant's motor vehicle operator's license number, the applicant's

1 previous registration location by city, county, or state, if applicable,
2 and the applicant's signature.

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

7 Sec. 12. Section 32-310, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 32-310 (1) The State Department of Education and the Department of
10 Health and Human Services shall provide the opportunity to register to
11 vote at the time of application, review, or change of address for the
12 following programs, as applicable: (a) The Supplemental Nutrition
13 Assistance Program; (b) the medicaid program; (c) the WIC program as
14 defined in section 71-2225; (d) the aid to dependent children program;
15 (e) the vocational rehabilitation program; and (f) any other public
16 assistance program or program primarily for the purpose of providing
17 services to persons with disabilities. If the application, review, or
18 change of address is accomplished through an agent or contractor of the
19 department, the agent or contractor shall provide the opportunity to
20 register to vote. Any information on whether an applicant registers or
21 declines to register and the agency at which he or she registers shall be
22 confidential and shall only be used for voter registration purposes.

23 (2) The department, agent, or contractor shall make the mail-in
24 registration application described in section 32-320 available at the
25 time of application, review, or change of address and shall provide
26 assistance, if necessary, to the applicant in completing the application
27 to register to vote. The department shall retain records indicating
28 whether an applicant accepted or declined the opportunity to register to
29 vote.

30 (3) Department personnel, agents, and contractors involved in the
31 voter registration process pursuant to this section shall not be

1 considered deputy registrars or agents or employees of the election
2 commissioner or county clerk.

3 (4) The applicant may return the completed voter registration
4 application to the department, agent, or contractor or may personally
5 mail or deliver the application to the election commissioner or county
6 clerk as provided in section 32-321. If the applicant returns the
7 completed application to the department, agent, or contractor, the
8 department, agent, or contractor shall deliver the application to the
9 election commissioner or county clerk of the county in which the office
10 of the department, agent, or contractor is located not later than ten
11 days after receipt by the department, agent, or contractor, except that
12 if the application is returned to the department, agent, or contractor
13 within five days prior to the third Friday preceding any election, it
14 shall be delivered not later than five days after the date it is
15 returned. The election commissioner or county clerk shall, if necessary,
16 forward the application to the election commissioner or county clerk of
17 the county in which the applicant resides within such prescribed time
18 limits. The application shall be completed and returned to the
19 department, agency, or contractor by the close of business on the third
20 Friday preceding any election to be registered to vote at such election.
21 A registration application received by the department, agency, or
22 contractor after the third Friday preceding an election deadline shall
23 not be processed by the election commissioner or county clerk until after
24 the election and shall be invalid if the elector registers to vote on
25 election day in accordance with section 7 of this act.

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

28 Sec. 13. Section 32-311, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 32-311 Any elector may personally apply to register to vote at (1)
31 the office of the election commissioner or county clerk, (2) a

1 registration site at which a deputy registrar is in attendance, (3) a
2 department listed in section 32-310 at the time of an application,
3 review, or change of address as provided in such section, or (4) the
4 Department of Motor Vehicles while applying for a motor vehicle
5 operator's license or state identification card as provided in section
6 32-308, or (5) another location, if applicable, in accordance with
7 section 32 of this act.

8 Sec. 14. Section 32-311.01, Reissue Revised Statutes of Nebraska, is
9 amended to read:

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

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

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

28 (b) If the application is submitted by mail and the applicant is
29 registering in the state for the first time and has not previously voted
30 within the state, the applicant must submit with the application a copy
31 of a photo identification which is current and valid or a copy of a

1 utility bill, bank statement, government check, paycheck, or other
2 government document that is current and that shows the name and address
3 of the applicant as they appear on the application in order to avoid
4 additional identification requirements when voting for the first time;

5 (c) An applicant may deliver the application to the office of the
6 election commissioner or county clerk in person, through a personal
7 messenger or personal agent, ~~or by mail, or at the time he or she casts~~
8 ~~his or her ballot in accordance with section 32 of this act, if~~
9 applicable;

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

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

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

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

20 (iv) Delivered by the applicant in person at the time he or she
21 casts his or her ballot on election day, if applicable, in accordance
22 with section 32 of this act; and

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

26 Sec. 15. Section 32-314, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-314 (1) Any person going into another territory or state and
29 registering to vote or voting in that territory or state shall lose his
30 or her eligibility to vote in this state. Any person going into another
31 county of this state and registering to vote or voting in that county

1 shall lose his or her eligibility to vote in the county where he or she
2 was registered.

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

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

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

20 Sec. 16. In a county participating in the election day voter
21 registration pilot project under section 7 of this act, an elector who
22 has not registered to vote in his or her county of residence may register
23 to vote and vote on election day by completing a voter registration
24 application at the office of the election commissioner or county clerk or
25 at a location designated by the election commissioner or county clerk as
26 provided in section 32 of this act. The office of the election
27 commissioner or county clerk shall accept and process such voter
28 registration applications on the day of election and shall resume general
29 registration and revision on the day after an election. The elector shall
30 present with the voter registration application valid voter
31 identification and proof of residence which means a copy of a photo

1 identification which is current and valid or a copy of two of the
2 following: A utility bill, bank statement, government check, paycheck, or
3 other government document that is current and that shows the name and
4 address of the elector as they appear on the application.

5 Sec. 17. Section 32-321, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 32-321 (1) Any elector may request a voter registration application
8 from the office of the Secretary of State or the election commissioner or
9 county clerk. The Secretary of State and the election commissioner or
10 county clerk shall make registration applications prescribed by the
11 Secretary of State available and may place the applications in public
12 places. The Secretary of State and the election commissioner or county
13 clerk may require that all unused applications be returned to his or her
14 office and may place reasonable limits on the amount of applications
15 requested.

16 (2) If an elector returns the completed application to the office of
17 the Secretary of State or submits an application to the Secretary of
18 State pursuant to section 32-304, the office shall deliver the
19 application to the election commissioner or county clerk of the county in
20 which the elector resides not later than ten days after receipt by the
21 office, except that if the application is returned to the office or
22 submitted pursuant to section 32-304 within five days prior to the third
23 Friday preceding any election, it shall be delivered not later than five
24 days after the date it is returned. The deadline for returning a
25 completed application to the office of the Secretary of State or
26 submitting an application pursuant to section 32-304 is the close of
27 business on the third Friday preceding an election to be registered to
28 vote at such election. A registration application received after the
29 deadline shall not be processed by the election commissioner or county
30 clerk until after the election and shall be invalid if the elector
31 registers to vote on election day in accordance with section 7 of this

1 act. The office of the Secretary of State shall be a designated voter
2 registration agency for purposes of section 7 of the National Voter
3 Registration Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on
4 March 11, 2008.

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

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

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

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

14 (4) If the registration application arrives through the mail, in
15 person, or by agent after the applicable registration deadline, the
16 application shall not be processed until after the electionand shall be
17 invalid if the elector registers to vote on election day in accordance
18 with section 7 of this act. Written notice shall be given to any
19 applicant whose registration application failed to meet the registration
20 deadline or was found to be incorrect or incomplete and shall state the
21 specific reason for rejection. If the application is incomplete, the
22 election commissioner or county clerk shall notify the applicant of the
23 failure to provide the required information, including failure to provide
24 identification if required, and provide the applicant with the
25 opportunity to submit an identification document as described in section
26 32-318.01 prior to the deadline for voter registration or to complete and
27 submit a corrected registration application in a timely manner to allow
28 for the proper registration of the applicant prior to the next election.
29 If the county is participating in the election day voter registration
30 pilot project, the notice shall include a statement that the elector can
31 register and vote on election day, if applicable, subject to additional

1 procedures in accordance with section 32 of this act. All postage costs
2 related to returning registration applications to the election
3 commissioner or county clerk shall be paid by the registrant.

4 Sec. 18. Section 32-325, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 32-325 (1) A registration application completed and signed by a
7 registered voter seeking to update his or her voter registration record
8 shall be completed in person at or delivered or mailed to the office of
9 the election commissioner or county clerk or submitted pursuant to
10 section 32-304 to the Secretary of State. To avoid additional
11 requirements at the polling place pursuant to section 32-914.01,
12 32-914.02, or 32-915 or section 32 of this act, an application to update
13 a voter registration record must be:

14 (a) Completed at or delivered to by the applicant in person at the
15 office of the election commissioner or county clerk by the applicant in
16 person on or before the second Friday preceding the election as deadline
17 prescribed in section 32-302; or

18 (b) Mailed to the office of the election commissioner or county
19 clerk, delivered Delivered by a personal messenger or personal agent, or
20 submitted pursuant to section 32-304, or mailed so that it is received by
21 the election commissioner or county clerk on or before the deadline
22 prescribed in section 32-321.

23 (2) After verifying the signature on the previous registration of
24 the registered voter, the election commissioner or county clerk shall
25 make the change of name, party affiliation, or address on all pertinent
26 election records. The election commissioner or county clerk shall send an
27 acknowledgment card to the registered voter indicating that the change of
28 registration has been completed and shall include the address of the
29 registered voter's new polling place.

30 Sec. 19. Section 32-807, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-807 The election commissioner, county clerk, or city or village
2 clerk shall print and deliver to each precinct or district in the county,
3 city, or village an approximate number of ballots based upon what would
4 appear sufficient at the time the ballots are to be printed. Such totals
5 shall take into consideration election day voter registration, increases
6 in voter registration, early voting, annexations, changes in boundaries,
7 spoiled ballots, and any other factor that may influence the total number
8 of ballots needed. Additional ballots shall be printed to meet any
9 contingency in order to provide a sufficient number of ballots for each
10 precinct or district in the county, city, or village.

11 Sec. 20. Section 32-813, Reissue Revised Statutes of Nebraska, is
12 amended to read:

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

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

28 (b) The names of candidates for President and Vice President for
29 each political party shall be grouped together, and each group shall be
30 enclosed with brackets with the political party name next to the brackets
31 and one square or oval opposite the names in which the elector voter

1 indicates his or her choice.

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

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

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

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

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

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

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

- 27 (a) Legislature;
28 (b) State Board of Education;
29 (c) Board of Regents of the University of Nebraska;
30 (d) Chief Justice of the Supreme Court;
31 (e) Judge of the Supreme Court;

1 (f) Judge of the Court of Appeals;
2 (g) Judge of the Nebraska Workers' Compensation Court;
3 (h) Judge of the District Court;
4 (i) Judge of the Separate Juvenile Court;
5 (j) Judge of the County Court; and
6 (k) County officers in the order prescribed by the election
7 commissioner or county clerk.

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

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

21 (9) All proposals submitted by initiative or referendum and
22 proposals for constitutional amendments shall be placed on a separate
23 ballot when a paper ballot is used which requires that the ballot after
24 being voted be folded before being deposited in a ballot box. When an
25 optical-scan ballot is used which requires a ballot envelope or sleeve in
26 which the ballot after being voted is placed before being deposited in a
27 ballot box, initiative or referendum proposals and proposals for
28 constitutional amendments may be placed on either side of the ballot,
29 shall be separated by a bold line, and shall follow all other offices
30 placed on the same side of the ballot. Initiative or referendum proposals
31 and constitutional amendments so arranged shall constitute a separate

1 ballot. Proposals for constitutional amendments proposed by the
2 Legislature shall be placed on the ballot as provided in sections 49-201
3 to 49-211.

4 Sec. 21. Section 32-816, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

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

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

26 Sec. 22. Section 32-901, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-901 (1) To vote for a candidate or on a ballot question using a
29 paper ballot that is to be manually counted, the elector registered voter
30 shall make a cross or other clear, discernable mark in the square
31 opposite the name of every candidate, including write-in candidates, for

1 whom he or she desires to vote and, in the case of a ballot question,
2 opposite the answer he or she wishes to give. Making a cross or other
3 clear, discernable mark in the square constitutes a valid vote.

4 (2) To vote for a candidate or on a ballot question using a ballot
5 that is to be counted by optical scanner, the ~~elector registered voter~~
6 shall fill in the oval or other space provided opposite the name of every
7 candidate, including write-in candidates, for whom he or she desires to
8 vote and, in the case of a ballot question, opposite the answer he or she
9 wishes to give. A mark in the oval or provided space that is discernable
10 by the scanner constitutes a valid vote.

11 (3) To vote for a candidate or on a ballot question using an
12 electronic voting system, the ~~elector registered voter~~ shall follow the
13 instructions for using the electronic voting system to cause a mark to be
14 recorded opposite the candidate or ballot question response for which the
15 voter wishes to vote. Causing such mark to be recorded constitutes a
16 valid vote.

17 Sec. 23. Section 32-902, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

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

29 (2) The election commissioner or county clerk shall cause voting
30 information to be posted in each polling place on the day of election.
31 The voting information shall include the following information as

1 approved by the Secretary of State:

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

4 (b) Instructions for voters who registered to vote pursuant to
5 section 32-304 or by mail and first-time voters;

6 (c) Instructions for electors registering to vote on election day in
7 counties participating in the election day voter registration pilot
8 project in accordance with section 7 of this act;

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

14 (e f) General information on federal and state laws regarding
15 prohibitions on acts of fraud and misrepresentation.

16 Sec. 24. Section 32-904, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-904 The election commissioner or county clerk shall designate the
19 polling places for each precinct at which the electors ~~registered voters~~
20 of the precinct will cast their votes. Polling places representing
21 different precincts may be combined at a single location when potential
22 sites cannot be found, contracts for utilizing polling sites cannot be
23 obtained, or a potential site is not accessible to handicapped persons.
24 When combining polling places at a single site for an election other than
25 a special election, the election commissioner or county clerk shall
26 clearly separate the polling places from each other and maintain separate
27 receiving boards. When combining polling places at a single site for a
28 special election, the election commissioner or county clerk may combine
29 the polling places and receiving boards. Polling places shall not be
30 changed between the statewide primary and general elections unless the
31 election commissioner or county clerk has been authorized to make such

1 change by the Secretary of State. If changes are authorized, the election
2 commissioner or county clerk shall notify each state and local candidate
3 affected by the change. Notwithstanding any other provision of the
4 Election Act, the Secretary of State may adopt and promulgate rules and
5 regulations, with the consent of the appropriate election commissioner or
6 county clerk, for the establishment of polling places which may be used
7 for voting pursuant to section 32-1041 for the twenty days preceding the
8 day of election. Such polling places shall be in addition to the office
9 of the election commissioner or county clerk and the polling places
10 otherwise established pursuant to this section.

11 Sec. 25. Section 32-906, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 32-906 (1) The election commissioner or county clerk shall provide
14 each polling place with ballot boxes, ballot box locks and keys, and a
15 sufficient number of voting booths furnished with supplies and
16 conveniences to enable each elector registered voter to prepare his or
17 her ballot for voting and to secretly mark his or her ballot. One voting
18 booth shall be provided for approximately every one hundred registered
19 voters in the precinct. The election commissioner or county clerk may
20 increase or decrease the number of voting booths to accommodate the
21 expected voter turnout of any election other than a statewide election.

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

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

29 Sec. 26. Section 32-907, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-907 All polling places shall be accessible to all electors

1 ~~registered voters~~ and shall be in compliance with the federal Americans
2 with Disabilities Act of 1990, as amended. All polling places shall be
3 modified or relocated to architecturally barrier-free buildings to
4 provide unobstructed access to such polling places by people with
5 physical limitations. At least one voting booth shall be so constructed
6 as to provide easy access for people with limitations and shall
7 accommodate a wheelchair. The modifications required by this section may
8 be of a temporary nature to provide such unobstructed access only on
9 election day.

10 Sec. 27. Section 32-910, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-910 Any judge or clerk of election, precinct or district
13 inspector, sheriff, or other peace officer shall clear the passageways
14 and prevent obstruction of the doors or entries and provide free ingress
15 to and egress from the polling place or building and shall arrest any
16 person obstructing such passageways. Other than ~~an elector a registered~~
17 voter engaged in receiving, preparing, or marking a ballot, an election
18 commissioner, a county clerk, a precinct inspector, a district inspector,
19 a judge of election, a clerk of election, or a member of a counting
20 board, no person shall be permitted to be within eight feet of the ballot
21 boxes or within eight feet of any ballots being counted by a counting
22 board.

23 Sec. 28. Section 32-912, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-912 (1) Any registered voter desiring to vote in a primary
26 election held under the Election Act shall be entitled to participate in
27 such primary election upon presenting himself or herself at the polling
28 place for his or her residence. In any county participating in the
29 election day voter registration pilot project pursuant to section 7 of
30 this act, any elector who is not registered to vote and who desires to
31 vote in a primary election held under the Election Act shall be entitled

1 to participate in such primary election as provided in section 32 of this
2 act. A registered voter who is affiliated with a political party shall
3 receive from the receiving board all nonpartisan ballots and the partisan
4 ballot of the political party indicated on his or her voter registration.
5 Except as provided in subsections (2) and (3) of this section, a
6 registered voter who is not affiliated with any political party shall
7 receive only nonpartisan ballots at a primary election. An elector who
8 registers to vote under section 16 of this act shall receive (a)
9 nonpartisan ballots, (b) if he or she designates a political party
10 affiliation on his or her voter registration application, the partisan
11 ballots of that party, and (c) if no political party affiliation is
12 designated, partisan ballots as allowed under subsections (2) and (3) of
13 this section.

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

1 primary election immediately following the adoption of the rule.

2 (3) A registered voter or elector registering to vote under section
3 16 of this act who is not affiliated with a political party and who
4 desires to vote in the primary election for the office of United States
5 Senator or United States Representative may request a partisan ballot for
6 either or both of such offices from any political party. The election
7 commissioner or county clerk shall post a notice in a conspicuous
8 location, easily visible and readable by voters prior to approaching the
9 receiving board, that a registered voter or elector who is not affiliated
10 with a political party may request such ballots. No such registered voter
11 or elector shall receive more than one such partisan ballot.

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

20 Sec. 29. Section 32-913, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-913 (1) In any county participating in the election day voter
23 registration pilot project pursuant to section 7 of this act, the
24 election commissioner or county clerk shall have a list of all physical
25 addresses in the county and the corresponding ballot style for each
26 address if there is more than one ballot style in the county.

27 (2) The clerks of election shall have a list of registered voters of
28 the precinct and a sign-in register at the polling place on election day.
29 The list of registered voters shall be used for guidance on election day
30 and may be in the form of a computerized, typed, or handwritten list or
31 precinct registration cards. Registered voters, or electors if

1 applicable, of the precinct shall place and record their signature in the
2 sign-in register before receiving any ballot. The list of registered
3 voters and the sign-in register may be combined into one document at the
4 discretion of the election commissioner or county clerk. If a combined
5 document is used, a clerk of election may list the names of the
6 registered voters, or electors if applicable, in a separate book in the
7 order in which they voted.

8 (3 2) Within twenty-four hours after the polls close in the
9 precinct, the precinct inspector or one of the judges of election shall
10 deliver the precinct list of registered voters and the precinct sign-in
11 register to the election commissioner or county clerk. The election
12 commissioner or county clerk shall file and preserve the list and
13 register. No member of a receiving board who has custody or charge of the
14 precinct list of registered voters and the precinct sign-in register
15 shall permit the list or register to leave his or her possession from the
16 time of receipt until he or she delivers them to another member of the
17 receiving board or to the precinct inspector or judge of election for
18 delivery to the election commissioner or county clerk.

19 Sec. 30. Section 32-914, Reissue Revised Statutes of Nebraska, is
20 amended to read:

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

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

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

29 (b) The clerk has found that he or she is a registered voter at the
30 address as shown by the precinct list of registered voters unless
31 otherwise entitled to vote in the precinct under section 32-328,

1 32-914.01, 32-914.02, 32-915, or 32-915.01 or section 32 of this act;

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

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

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

21 Sec. 31. Section 32-915, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 32-915 (1) A person who is a registered voter in the precinct in
24 which he or she resides and whose name either does not appear on the
25 precinct list of registered voters at the polling place for the precinct
26 in which he or she resides, ~~whose name~~ appears on the precinct list of
27 registered voters at the polling place for the precinct in which he or
28 she resides at a different residence address as described in section
29 32-914.02, or ~~whose name~~ appears with a notation that he or she received
30 a ballot for early voting may vote a provisional ballot if he or she:

31 (a) Claims that he or she is a registered voter who has continuously

1 resided in the county in which the precinct is located since registering
2 to vote;

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

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

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

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

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

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

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

20 (b) My name or address did not correctly appear on the precinct list
21 of registered voters without a notation;

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

23 (d) I registered to vote

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

25 by mail,

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

27 through the Department of Motor Vehicles,

28 on a form through another state agency,

29 in some other way;

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

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

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

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

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

18 Sec. 32. If an elector is not registered to vote in the county of
19 his or her place of residence in a county participating in the election
20 day voter registration pilot project pursuant to section 7 of this act,
21 he or she is entitled to vote on election day upon completing and signing
22 a voter registration application as provided in section 16 of this act at
23 the office of the election commissioner or county clerk or at a location
24 designated by the election commissioner or county clerk in the county of
25 his or her place of residence. If the election is conducted by mail as
26 provided in sections 32-953 to 32-959, the elector shall register to vote
27 and vote at the office of the election commissioner or county clerk.

28 Sec. 33. Section 32-916, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 32-916 (1) Two judges of election or a precinct inspector and a
31 judge of election shall affix their initials to the official ballots. The

1 judge of election shall deliver a ballot to each registered voter, or
2 elector if applicable, after complying with section 32-914.

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

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

30 (4) Upon receiving a provisional ballot as provided in section
31 32-915, the judge of election shall give the voter written information

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

13 Sec. 34. Section 32-917, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-917 Any registered voter, or elector if applicable, who spoils
16 his or her ballot may receive another ballot after returning the spoiled
17 ballot. No registered voter, or elector if applicable, shall receive more
18 than four ballots in all. The registered voter, or elector if applicable,
19 shall write invalid or void on the spoiled ballot and return it to the
20 judges of election. The judges of election shall maintain the secrecy of
21 the spoiled ballots and shall cause the spoiled ballots to be made up in
22 a sealed packet. The judges of election shall endorse the packet with the
23 words Spoiled Ballots and the designation of the precinct. The judges of
24 election shall sign such endorsement label and shall return the packet to
25 the election commissioner or county clerk with a statement by the judges
26 of election showing the number of ballots spoiled.

27 Sec. 35. Section 32-918, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-918 (1) If a registered voter, or elector if applicable, declares
30 to the judge of election that he or she cannot read or that he or she
31 suffers blindness or other physical disability or handicap such that the

1 registered voter, or elector if applicable, requires assistance in the
2 marking of his or her ballot, (a) the registered voter, or elector if
3 applicable, may be assisted in marking his or her ballot by a relative or
4 friend of his or her selection or (b) one judge of election and one clerk
5 of election of different political parties may take the ballot or ballots
6 from the polling place to a convenient place within the building or to
7 the registered voter's, or elector's if applicable, automobile if the
8 automobile is within one block of the polling place and the disabled or
9 handicapped person may cast his or her ballot in the general presence of
10 the judge and clerk. If a registered voter, or elector if applicable,
11 declares to the judge of election that he or she needs assistance in the
12 operation of a voting device, a judge or clerk of election may assist the
13 voter in operating the device.

14 (2) The judge and clerk shall give no information regarding the
15 casting of the ballot. Any registered voter, or elector if applicable,
16 receiving assistance in voting the ballot from a judge and clerk shall
17 declare to the judge and clerk the name of the candidates and the
18 measures for which he or she desires to vote, and the judge and clerk
19 shall cast his or her ballot only as he or she so requests. No person
20 other than the registered voter, or elector if applicable, who is
21 receiving assistance shall divulge to anyone within the polling place the
22 name of any candidate for whom he or she intends to vote or ask or
23 receive assistance within the polling place in the preparation of his or
24 her ballot.

25 (3) The judges of election shall enter Assistance Rendered upon the
26 precinct sign-in register near the name of any registered voter, or
27 elector if applicable, who receives such assistance in casting his or her
28 ballot and shall include the name of such person rendering assistance to
29 the registered voter, or elector if applicable. The person rendering
30 assistance shall sign an oath before a judge of election substantially as
31 follows: hereby swears that he or she is a friend or

1 relative of , a disabled registered voter, or elector if
2 applicable, who requested assistance in casting the ballot, that he or
3 she did enter the voting booth or aid such voter outside of the voting
4 booth and marked the ballot according to the intentions and desires of
5 the registered voter, or elector if applicable, that he or she has kept
6 the ballot at all times in his or her possession, and that the ballot was
7 duly delivered to the judge of election on this day of

8 20.... .

9 Sec. 36. Section 32-919, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

24 Sec. 37. Section 32-920, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-920 A registered voter, or elector if applicable, may take with
27 him or her into the polling place any printed or written memorandum or
28 paper to assist him or her in preparing or marking the ballot.

29 Sec. 38. Section 32-921, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-921 Except as provided in subsection (1) of section 32-918, no

1 registered voter, or elector if applicable, shall be allowed to occupy a
2 voting booth occupied by another. A registered voter, or elector if
3 applicable, shall not remain within the enclosure in which the voting
4 booths are situated more than twenty minutes unless he or she is in line
5 waiting to vote or voting. A registered voter, or elector if applicable,
6 shall not occupy a voting booth for more than ten minutes.

7 Sec. 39. Section 32-922, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-922 Any registered voter, or elector if applicable, who does not
10 have two consecutive hours in the period between the time of the opening
11 and closing of the polls during which he or she is not required to be
12 present at work for an employer shall be entitled on election day to be
13 absent from employment for such a period of time as will in addition to
14 his or her nonworking time total two consecutive hours between the time
15 of the opening and closing of the polls. If the registered voter, or
16 elector if applicable, applies for such leave of absence prior to or on
17 election day, the registered voter, or elector if applicable, shall not
18 be liable for any penalty and no deduction shall be made from his or her
19 salary or wages on account of such absence. The employer may specify the
20 hours during which the employee may be absent.

21 Sec. 40. Section 32-923, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-923 Registered voters, or electors if applicable, shall in all
24 cases, except treason, felony, or breach of the peace, be privileged from
25 arrest during the attendance at elections and while going to and
26 returning from the same. No registered voter, or elector if applicable,
27 shall be obliged to do military duty on election day except in time of
28 war and public danger.

29 Sec. 41. Section 32-925, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-925 If any person conducts himself or herself in a noisy,

1 riotous, or tumultuous manner at or about the polls so as to disturb the
2 election or insults or abuses the precinct or district inspectors or
3 judges or clerks of election and persists in such conduct after being
4 warned to desist, any election commissioner, county clerk, inspector,
5 judge of election, police officer, or sheriff shall arrest him or her
6 without warrant and bring him or her before the county court. Such person
7 shall be permitted to vote if he or she is a registered voter, or an
8 elector if applicable.

9 Sec. 42. Section 32-927, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-927 If any person offering to vote is challenged by an inspector,
12 judge or clerk of election, or registered voter, the person shall, in the
13 presence of an inspector or a judge of election, affix his or her
14 signature and print his or her name and address on the following oath: I
15 do solemnly swear that I will fully and truly answer all such questions
16 put to me related to my place of residence and qualifications as a
17 registered voter, or elector if applicable, at this election. The
18 inspector or judge of election shall require the registered voter, or
19 elector if applicable, to comply with sections 32-928 to 32-930 as
20 applicable and shall ask any other questions to the person challenged as
21 necessary to test his or her qualifications as a registered voter, or
22 elector if applicable, at that election.

23 Sec. 43. Section 32-929, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-929 If a person is challenged on the ground that he or she is not
26 a resident of this state, the county, or the precinct, the person shall
27 answer the following questions on the form provided by the election
28 commissioner or county clerk:

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

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

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

1 If a person has moved from one residence to another within the
2 precinct in which he or she is registered to vote, such voter shall be
3 entitled to vote as provided in section 32-914.02. If a person has moved
4 from one residence to another within the county in which he or she is
5 registered to vote, such voter shall be entitled to vote a provisional
6 ballot as provided in section 32-915. If a person has moved from a
residence outside of the county in which he or she resides and has not
registered to vote in such county and if such county is participating in
the election day voter registration pilot project pursuant to section 7
of this act, such person shall be entitled to register and vote as
provided in sections 16 and 32 of this act.

12 Sec. 44. Section 32-933, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 32-933 (1) Except as otherwise provided in subsection (4) of this
15 section, any Any person listed in this subsection shall be eligible as a
16 new resident to vote for President and Vice President of the United
17 States at the statewide general election but for no other offices:

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

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

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

30 (3) Any person described in subsection (1) of this section shall
31 cast his or her ballot in the office of the election commissioner or

1 county clerk at any time between the close of the voter registration
2 period and the close of the polls on election day. Such ballots shall be
3 available after the close of the voter registration period. Ballots for
4 former residents under subsection (2) of this section shall be available
5 thirty days prior to the election. The ballots may be voted in the office
6 of the election commissioner or county clerk at any time between thirty
7 days prior to the election and the close of the polls on election day, or
8 the ballots may be mailed to the office and counted if they arrive before
9 the close of the polls on election day.

10 (4) In any county participating in the election day voter
11 registration pilot project pursuant to section 7 of this act, any citizen
12 of the United States who is at least the constitutionally prescribed age
13 of a voter and who comes into Nebraska after the voter registration
14 period is closed pursuant to section 32-302 for the purpose of making
15 Nebraska his or her place of residence and any registered voter who moves
16 from one county to another county within Nebraska after the close of the
17 voter registration period may, in lieu of voting as a new resident
18 pursuant to subsection (3) of this section, register and vote on election
19 day pursuant to sections 16 and 32 of this act.

20 Sec. 45. Section 32-938, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-938 (1) A registered voter shall be permitted to vote early by
23 requesting a ballot for early voting pursuant to section 32-941 or
24 32-943.

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

27 (3) Any person who fails to register to vote by the voter
28 registration deadline shall not be allowed to vote except as provided in
29 section 32-940 or 32-941 or section 32 of this act if applicable.

30 Sec. 46. Section 32-940, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-940 (1) Except as otherwise provided in subsection (2) of this
2 section, any Any person employed in federal service whose status has been
3 terminated by discharge from the armed forces or by separation from
4 employment outside the territorial limits of the United States who was
5 unable to register to vote may register to vote after the voter
6 registration deadline by completing the necessary voter registration
7 application in the office of the election commissioner or county clerk of
8 the county of his or her residence no later than noon of the day before
9 the election. After completing the voter registration application, such
10 person shall then be allowed to vote in the election office.

11 (2) Any federal employee described in subsection (1) of this section
12 who resides in a county participating in the election day voter
13 registration pilot project pursuant to section 7 of this act may, in lieu
14 of registering and voting as described in subsection (1) of this section,
15 register and vote as provided in sections 16 and 32 of this act.

16 Sec. 47. Section 32-941, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

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

1 application with the ballots if the person is not registered.
2 Registration applications shall not be mailed after the third Friday
3 preceding the election, but a notice shall be sent to the elector in any
4 county participating in the election day voter registration pilot project
5 pursuant to section 7 of this act notifying the elector of the procedure
6 to register and vote as provided in sections 16 and 32 of this act. If
7 the person is not registered to vote, the registration application shall
8 be returned not later than the closing of the polls on the day of the
9 election. No ballot issued under this section shall be counted unless
10 such registration application is properly completed and processed.

11 Sec. 48. Section 32-945, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 32-945 When a request for a ballot from a person who is not
14 registered to vote in the county reaches the election commissioner or
15 county clerk by mail, by facsimile transmission, or by means other than
16 by application in person on or prior to the third Friday preceding the
17 election, the election commissioner or county clerk shall mail to the
18 applicant the registration application with the ballot. No ballot shall
19 be sent by mail to any person after the third Friday preceding the
20 election if such person is not a registered voter, but a notice shall be
21 sent to the elector in any county participating in the election day voter
22 registration pilot project pursuant to section 7 of this act notifying
23 the elector of the procedure to register and vote as provided in sections
24 16 and 32 of this act. When an application for a ballot from a person who
25 is registered in the county reaches the county clerk or election
26 commissioner by mail, facsimile transmission, or other means than by
27 application in person and the application indicates that the applicant
28 has changed his or her residence within the county, the county clerk or
29 election commissioner shall change the address on the applicant's voter
30 registration and mail to such applicant an acknowledgment of change of
31 registration and the ballot as provided by section 32-947.

1 Sec. 49. Section 32-952, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

12 (2) Only registered voters of the political subdivision are eligible
13 to vote on the issue or issues submitted to the voters;

14 (3) Only issues and not candidates are submitted to the registered
15 voters;

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

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

21 (6) The clerk of the political subdivision will certify the issue or
22 issues to the election commissioner or county clerk at least fifty days
23 prior to the date of the election; and

24 (7) The Secretary of State has approved a written plan for the
25 conduct of the election, including a written timetable for the conduct of
26 the election, submitted by the election commissioner or county clerk. The
27 written plan shall include provisions for the notice of election to be
28 published and for the application for ballots for early voting
29 notwithstanding other statutory provisions regarding the content and
30 publication of a notice of election or the application for ballots for
31 early voting. In any county participating in the election day voter

1 registration pilot project pursuant to section 7 of this act, the written
2 plan shall include provisions for delivering voter registration
3 applications and ballots to all electors and instructions for returning
4 the applications and ballots.

5 Sec. 50. Section 32-1001, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-1001 After the polls have closed, the precinct list of registered
8 voters and the precinct sign-in register shall be signed by all members
9 of the receiving board, the names of the ~~registered~~ voters shall be
10 counted, and the number shall be recorded where designated on the list
11 and the register. If a line is missed or a name is voided, the receiving
12 board shall subtract such omissions or voids from the total before
13 recording the total on the list and the register. The receiving board
14 shall certify to all matters pertaining to casting of ballots and shall
15 turn over the ballots, ballot boxes, precinct list of registered voters,
16 and precinct sign-in register to the election commissioner or county
17 clerk.

18 Sec. 51. 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 envelopes containing the provisional ballots from the rest of the ballots
23 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 envelope or the form attached to the envelope is in proper form and that
27 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, and (e) upon
10 determining that credible evidence exists that the person is eligible to
11 register and vote on election day as provided in sections 16 and 32 of
12 this act in a county participating in the election day voter registration
13 pilot project pursuant to section 7 of this act, make the appropriate
14 entries in the voter registration register to create a voter registration
15 record for such person based on the information contained in the voter
16 registration application completed by such person at the time of voting.

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

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

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

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

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

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

30 (ii) If the voter is voting in a primary election, the party
31 affiliation provided on the registration application completed prior to

1 voting the provisional ballot is the same party affiliation that appears
2 on the voter's voter registration record based on his or her previous
3 registration application; and

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

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

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

10 (b) Information has been received pursuant to section 32-308,
11 32-309, 32-310, or 32-324 that the voter has resided, registered, or
12 voted in any other county or state since registering to vote in the
13 county in which he or she cast the provisional ballot;

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

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

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

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

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

31 (6) An error or omission of information on the registration

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

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

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

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

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

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

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

20 Sec. 52. Section 32-1041, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-1041 The election commissioner or county clerk may use optical-
23 scan ballots or voting systems approved by the Secretary of State to
24 allow electors registered voters to cast their votes at any election. The
25 election commissioner or county clerk may use vote counting devices and
26 voting systems approved by the Secretary of State for tabulating the
27 votes cast at any election. Vote counting devices shall include
28 electronic counting devices such as optical scanners. Any new voting or
29 counting system shall be approved by the Secretary of State prior to use
30 by an election commissioner or county clerk. Notwithstanding any other
31 provision of the Election Act, the Secretary of State may adopt and

1 promulgate rules and regulations to establish different procedures and
2 locations for voting and counting votes pursuant to the use of any new
3 voting or counting system. The procedures shall be designed to preserve
4 the safety and confidentiality of each vote cast and the secrecy and
5 security of the counting process, to establish security provisions for
6 the prevention of fraud, and to ensure that the election is conducted in
7 a fair manner.

8 Sec. 53. Section 32-1302, Reissue Revised Statutes of Nebraska, is
9 amended to read:

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

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

23 (3) The recall procedure and special election provisions of such
24 sections shall apply to members of the governing bodies listed in
25 subsection (1) of this section, other than sanitary and improvement
26 districts, who are elected by precinct, district, or subdistrict of the
27 political subdivision. Only registered voters of such member's precinct,
28 district, or subdistrict may sign a recall petition. Only electors of
29 such member's precinct, district, or subdistrict who register to vote may
30 or vote at the recall election. The recall election shall be held within
31 the member's precinct, district, or subdistrict. When an elected member

1 is nominated by precinct, district, or subdistrict in the primary
2 election and elected at large in the general election, the recall
3 provisions shall apply to those entitled to vote ~~the registered voters~~ at
4 the general election.

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

9 Sec. 54. Section 32-1307, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-1307 The form of the official ballot at a recall election held
12 pursuant to section 32-1306 shall conform to the requirements of this
13 section. With respect to each person whose removal is sought, the
14 question shall be submitted: Shall (name of person) be removed from the
15 office of (name of office)? Immediately following each such question
16 there shall be printed on the ballot the two responses: Yes and No. Next
17 to each response shall be placed a square or oval in which the ~~registered~~
18 voters may vote for one of the responses by making a cross or other
19 clear, identifiable mark. The name of the official which shall appear on
20 the ballot shall be the name of the official that appeared on the ballot
21 of the previous general election that included his or her name.

22 Sec. 55. Section 32-1403, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 32-1403 A full and correct copy of the title and text of the law or
25 amendment to the Constitution of Nebraska to be proposed by an initiative
26 petition or the measure sought to be referred ~~to the registered voters~~ by
27 a referendum petition shall be printed upon each sheet of the petition
28 which contains signatures. The petition may be filed with the Secretary
29 of State in numbered sections for convenience in handling.

30 Sec. 56. Section 32-1502, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-1502 A person shall be guilty of election falsification if,
2 orally or in writing, he or she purposely states a falsehood under oath
3 lawfully administered or in a statement made under penalty of election
4 falsification (1) as to a material matter relating to an election in a
5 proceeding before a court, tribunal, or public official or (2) in a
6 matter in relation to which an oath or statement under penalty of
7 election falsification is authorized by law, including a statement
8 required for verifying or filing a voter registration application, or
9 voting early, or voting provisionally or a statement required by a new or
10 former resident to enable him or her to vote for President or Vice
11 President of the United States. Any person committing election
12 falsification shall be guilty of a Class IV felony.

13 Sec. 57. Section 32-1503, Reissue Revised Statutes of Nebraska, is
14 amended to read:

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

1 or to be registered from duly exercising such right, (8) knowingly,
2 willfully, or fraudulently compels, induces, or attempts or offers to
3 compel or induce, by any unlawful means, any deputy registrar to register
4 any person not lawfully entitled to registration ~~in such precinct~~ or to
5 register any false, assumed, or fictitious name or any name of any other
6 person, (9) knowingly, willfully, or fraudulently interferes with,
7 hinders, or delays any deputy registrar in the discharge of his or her
8 duties, (10) counsels, advises, induces, or attempts to induce any deputy
9 registrar to refuse to perform or neglect to comply with his or her
10 duties or to violate any of the provisions of the Election Act, or (11)
11 aids, counsels, procures, or advises any person to do any act forbidden
12 by this section or to omit to do any act by law directed to be done shall
13 be guilty of a Class IV felony.

14 Sec. 58. Section 32-1504, Reissue Revised Statutes of Nebraska, is
15 amended to read:

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

22 Sec. 59. Section 32-1508, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 32-1508 Any person who is guilty of willful or corrupt false
25 swearing in taking an oath prescribed by or upon any examination provided
26 for in sections 32-301 to 32-330 and section 16 of this act or upon being
27 challenged as unqualified to register to vote shall be guilty of a Class
28 IV felony.

29 Sec. 60. Section 32-1512, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-1512 Irregularities or defects in the mode of noticing,

1 convening, holding, or conducting any registration or revision of
2 registration authorized by sections 32-301 to 32-330 and section 16 of
3 this act shall not constitute a defense to a prosecution for a violation
4 of any of the provisions of sections 32-1503 to 32-1511.

5 Sec. 61. Section 32-1519, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-1519 (1) Any judge of election who (a) knowingly receives or
8 sanctions the reception of an improper or illegal vote ~~from any person~~
9 ~~who is not a registered voter,~~ (b) receives or sanctions the reception of
10 a ballot from any person who refuses to answer any question which is put
11 to him or her in accordance with the Election Act, (c) refuses to take
12 the oath prescribed by the act, (d) sanctions the refusal by any other
13 judge of election to administer any oath required by the act when such
14 oath is required, or (e) refuses to receive or sanctions the rejection of
15 a ballot from any registered voter, or elector if applicable under
16 section 7 of this act, at the place where such registered voter, or
17 elector if applicable, properly and legally offers to vote shall be
18 guilty of a Class III misdemeanor.

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

23 Sec. 62. Section 32-1528, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-1528 Any person who votes a ballot in any election held for a
26 school district, village, or precinct of a city in this state in which he
27 or she does not actually reside or into which he or she has come for
28 merely temporary purposes shall be guilty of a Class III misdemeanor.

29 Sec. 63. Section 32-1530, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-1530 Any person who votes (1) who is not a resident of this

1 state, who is not registered to vote in the county in which he or she
2 voted or did not register to vote in such county as otherwise provided by
3 the Election Act, or registered in the county or who at the time of
4 election is not of the constitutionally prescribed age of a registered
5 voter, (2) who is not a citizen of the United States, or (3) after being
6 disqualified by law by reason of his or her conviction of a felony and
7 prior to the end of the two-year period after completing the sentence,
8 including any parole term, shall be guilty of a Class IV felony.

9 Sec. 64. Section 32-1531, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-1531 Any Except as provided in sections 32-933 to 32-937, any
12 person who is a resident of this state and who goes or comes into any
13 county of which he or she is not an actual resident and votes in such
14 county shall be guilty of a Class IV felony.

15 Sec. 65. Section 32-1532, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-1532 Any person who procures, aids, assists, counsels, or advises
18 another to give his or her vote, knowing that such other person is not a
19 resident of this state or a registered voter of the county as required by
20 law at the time of election, is not registered to vote in the county in
21 which such other person would be voting or does not intend to register to
22 vote in such county as otherwise provided by the Election Act, is not of
23 the constitutionally prescribed age of a registered voter, is not a
24 citizen of the United States, or is not duly qualified as a result of any
25 other disability to vote at the place where and the time when the vote is
26 to be given shall be guilty of a Class IV felony.

27 Sec. 66. Original sections 32-107, 32-108, 32-114, 32-115, 32-221,
28 32-302, 32-306, 32-307, 32-311.01, 32-314, 32-807, 32-813, 32-901,
29 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-916, 32-917,
30 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929,
31 32-938, 32-940, 32-945, 32-952, 32-1001, 32-1041, 32-1302, 32-1307,

1 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528,
2 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska, and
3 sections 32-101, 32-308, 32-310, 32-311, 32-321, 32-325, 32-816, 32-902,
4 32-915, 32-933, 32-941, and 32-1002, Revised Statutes Cumulative
5 Supplement, 2014, are repealed.