AMENDMENTS TO LB 325

(Amendments to E & R amendments, ER8138)

Introduced by Haar, 21.

1   1. Insert the following new sections:

2   Sec. 6. Section 32-916, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4   32-916 (1) Two judges of election or a precinct inspector

5 and a judge of election shall affix their initials to the official

6 ballots. The judge of election shall deliver a ballot to each

7 registered voter after complying with section 32-914.

8   (2) After voting the ballot, the registered voter shall,

9 as directed by the judge of election, fold his or her ballot or

10 place the ballot in the ballot envelope or sleeve so as to conceal

11 the voting marks and to expose the initials affixed on the ballot.

12 The registered voter shall, without delay and without exposing the

13 voting marks upon the ballot, deliver the ballot to the judge of

14 election before leaving the enclosure in which the voting booths

15 are placed.

16   (3) The judge of election shall, without exposing the

17 voting marks on the ballot, approve the exposed initials upon the

18 ballot and deposit the ballot in the ballot box in the presence of

19 the registered voter. No judge of election shall deposit any ballot

20 in a ballot box unless the ballot has been identified as having the

21 appropriate initials. Any ballot not properly identified shall be

22 rejected in the presence of the voter, the judge of election shall

1   make a notation on the ballot Rejected, not properly identified,

2   and another ballot shall be issued to the voter and the voter shall

3   then be permitted to cast his or her ballot. If the ballot is in

4   order, the judge shall deposit the ballot in the ballot box in

5   the presence of the voter and the voter shall promptly leave the

6   polling place. The judges of election shall maintain the secrecy

7   of the rejected ballots and shall cause the rejected ballots to be

8   made up in a sealed packet. The judges of election shall endorse

9   the packet with the words Rejected Ballots and the designation of

10 the precinct. The judges of election shall sign the endorsement

11 label and shall return the packet to the election commissioner or

12 county clerk with a statement by the judges of election showing the

13 number of ballots rejected.

14   (4) Upon receiving a provisional ballot as provided in

15 section 32-915, the judge of election shall give the voter written

16 information that states that the voter will receive a postcard from

17 the election commissioner or county clerk indicating if the voter's

18 vote was counted and, if not, the reason that the vote was not

19 counted and that the voter also may determine if his or her vote

20 was counted and, if not, the reason that the vote was not counted

21 by accessing the system created pursuant to section 32-202. The and

22 the judge of election shall ensure that the appropriate information

23 is on the outside of the envelope in which the ballot is enclosed

24 or attached to the envelope, attach the statement required by

25 section 32-915 if not contained on the envelope, and place the

26 entire envelope into the ballot box. Upon receiving a provisional

27 ballot as provided in section 32-915.01, the judge of election

1 shall comply with the requirements for a provisional ballot under

2 this subsection, except that a provisional ballot cast pursuant to

3 section 32-915.01 shall be kept separate from the other ballots

4 cast at the election.

5   Sec. 8. Section 32-1002, Reissue Revised Statutes of

6 Nebraska, is amended to read:

7   32-1002 (1) As the ballots are removed from the ballot

8 box pursuant to sections 32-1012 to 32-1018, the receiving board

9 shall separate the envelopes containing the provisional ballots

10 from the rest of the ballots and deliver them to the election

11 commissioner or county clerk.

12   (2) Upon receipt of a provisional ballot, the election

13 commissioner or county clerk shall verify that the certificate on

14 the front of the envelope or the form attached to the envelope is

15 in proper form and that the certification has been signed by the

16 voter.

17   (3) The election commissioner or county clerk shall

18 also (a) verify that such person has not voted anywhere else

19 in the county or been issued a ballot for early voting, (b)

20 investigate whether any credible evidence exists that the person

21 was properly registered to vote in the county before the deadline

22 for registration for the election, (c) investigate whether any

23 information has been received pursuant to section 32-309, 32-310,

24 or 32-324 that the person has resided, registered, or voted in

25 any other county or state since registering to vote in the county,

26 ~~and~~ (d) upon determining that credible evidence exists that the

27 person was properly registered to vote in the county, make the

1   appropriate changes to the voter registration register by entering

2   the information contained in the registration application completed

3   by the voter at the time of voting a provisional ballot<u>, and (e)</u>

4   <u>mail a postcard to the voter indicating if the voter's vote counted</u>

5   <u>and, if not, the reason that the vote was not counted</u>.

6   (4) A provisional ballot cast by a voter pursuant to

7   section 32-915 shall be counted if:

8   (a) Credible evidence exists that the voter was properly

9   registered in the county before the deadline for registration for

10 the election;

11   (b) The voter has resided in the county continuously

12 since registering to vote in the county;

13   (c) The voter has not voted anywhere else in the county

14 or has not otherwise voted early using a ballot for early voting;

15   (d) The voter has completed a registration application

16 prior to voting and:

17   (i) The residence address provided on the registration

18 application completed pursuant to subdivision (1)(e) of section

19 32-915 is located within the precinct in which the person voted;

20 and

21   (ii) If the voter is voting in a primary election,

22 the party affiliation provided on the registration application

23 completed prior to voting the provisional ballot is the same party

24 affiliation that appears on the voter's voter registration record

25 based on his or her previous registration application; and

26   (e) The certification on the front of the envelope or

27 form attached to the envelope is in the proper form and signed by

1   the voter.

2   (5) A provisional ballot cast by a voter pursuant to

3   section 32-915 shall not be counted if:

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

5   before the deadline for registration for the election;

6   (b) Information has been received pursuant to section

7   32-309, 32-310, or 32-324 that the voter has resided, registered,

8   or voted in any other county or state since registering to vote in

9   the county in which he or she cast the provisional ballot;

10   (c) Credible evidence exists that the voter has voted

11   elsewhere or has otherwise voted early;

12   (d) The voter failed to complete and sign a registration

13   application pursuant to subdivision (1)(e) of section 32-915;

14   (e) The residence address provided on the registration

15   application completed pursuant to subdivision (1)(e) of section

16   32-915 is in a different county or in a different precinct than the

17   county or precinct in which the voter voted;

18   (f) If the voter is voting in a primary election, the

19   party affiliation on the registration application completed prior

20   to voting the provisional ballot is different than the party

21   affiliation that appears on the voter's voter registration record

22   based on his or her previous registration application; or

23   (g) The voter failed to complete and sign the

24   certification on the envelope or form attached to the envelope

25   pursuant to subsection (3) of section 32-915.

26   (6) Upon determining that the voter's provisional ballot

27   is eligible to be counted, the election commissioner or county

1   clerk shall remove the ballot from the envelope without exposing

2   the marks on the ballot and shall place the ballot with the ballots

3   to be counted by the county canvassing board.

4   (7) The election commissioner or county clerk shall

5   notify the system administrator of the system created pursuant to

6   section 32-202 as to whether the ballot was counted and, if not,

7   the reason the ballot was not counted.

8   (8) The verification and investigation shall be completed

9   within seven days after the election.

10   2. Renumber the remaining sections and correct the

11   repealer accordingly.