

AMENDMENTS TO LB 325

(Amendments to E & R amendments, ER8138)

Introduced by Lathrop, 12.

1 1. Insert the following new section:

2 Sec. 7. Section 32-1002, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-1002 (1) As the ballots are removed from the ballot
5 box pursuant to sections 32-1012 to 32-1018, the receiving board
6 shall separate the envelopes containing the provisional ballots
7 from the rest of the ballots and deliver them to the election
8 commissioner or county clerk.

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

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

1 and (d) upon determining that credible evidence exists that the
2 person was properly registered to vote in the county, make the
3 appropriate changes to the voter registration register by entering
4 the information contained in the registration application completed
5 by the voter at the time of voting a provisional ballot.

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 as prescribed in subsection (6) of this section
17 and:

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

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

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

1 form attached to the envelope is in the proper form and signed by
2 the voter.

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

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

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

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

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

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

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

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

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

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

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

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

11 ~~(6)~~ (7) Upon determining that the voter's provisional
12 ballot is eligible to be counted, the election commissioner or
13 county clerk shall remove the ballot from the envelope without
14 exposing the marks on the ballot and shall place the ballot with
15 the ballots to be counted by the county canvassing board.

16 ~~(7)~~ (8) The election commissioner or county clerk shall
17 notify the system administrator of the system created pursuant to
18 section 32-202 as to whether the ballot was counted and, if not,
19 the reason the ballot was not counted.

20 ~~(8)~~ (9) The verification and investigation shall be
21 completed within seven days after the election.

22 2. On page 2, line 3; and page 6, line 15, after the
23 period insert "The election commissioner or county clerk shall
24 implement the policy regarding designation of ballots uniformly
25 throughout the county.".

26 3. Renumber the remaining sections and correct the
27 repealer accordingly.