

AMENDMENTS TO LB 951

Introduced by Avery, 28.

1 1. Insert the following new sections:

2 Sec. 2. Section 32-604, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-604 (1) Except as provided in subsection (2) or (4) of
5 this section, no person shall be precluded from being elected or
6 appointed to or holding an elective office for the reason that he
7 or she has been elected or appointed to or holds another elective
8 office.

9 (2) No person serving as a member of the Legislature or
10 in an elective office described in Article IV, section 1 or 20,
11 or Article VII, section 3 or 10, of the Constitution of Nebraska
12 shall simultaneously serve in any other elective office, except
13 that such a person may simultaneously serve in another elective
14 office which is filled at an election held in conjunction with the
15 annual meeting of a public body.

16 (3) Whenever an incumbent serving as a member of the
17 Legislature or in an elective office described in Article IV,
18 section 1 or 20, or Article VII, section 3 or 10, of the
19 Constitution of Nebraska assumes another elective office, except
20 an elective office filled at an election held in conjunction with
21 the annual meeting of a public body, the office first held by the
22 incumbent shall be deemed vacant.

23 (4) No person serving in a high elective office shall

1 simultaneously serve in any other high elective office, except that
2 a county attorney may serve as the county attorney for more than
3 one county if appointed under subsection (2) of section 23-1201.01.

4 (5) Notwithstanding ~~subsections (2) through~~ subsection
5 (4) of this section, any person holding more than one high elective
6 office upon ~~September 13, 1997,~~ the effective date of this act,
7 shall be entitled to serve the remainder of all terms for which he
8 or she was elected or appointed.

9 (6) For purposes of this section, (a) elective office has
10 the meaning found in section 32-109 and includes an office which is
11 filled at an election held in conjunction with the annual meeting
12 of a public body created by an act of the Legislature but does
13 not include a member of a learning community coordinating council
14 appointed pursuant to subsection (5) or (7) of section 32-546.01
15 and (b) high elective office means a member of the Legislature,
16 an elective office described in Article IV, section 1 or 20, or
17 Article VII, section 3 or 10, of the Constitution of Nebraska, or a
18 county, city, community college area, learning community, or school
19 district elective office.

20 Sec. 4. Section 32-915, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-915 (1) A person whose name does not appear on the
23 precinct list of registered voters at the polling place for the
24 precinct in which he or she resides or whose name appears with a
25 notation that he or she received a ballot for early voting may vote
26 a provisional ballot if he or she:

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

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

3 (b) Is not entitled to vote under section 32-914.01 or
4 32-914.02;

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

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

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

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

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

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

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

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

1;

2 (d) I registered to vote

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

5 by mail,

6 on a form through the Department of Motor Vehicles,

7 on a form through another state agency,

8 in some other way;

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

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

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

16 (4) The voter shall sign the certification under penalty
17 of election falsification. The following statements shall be on
18 the front of the envelope or on the attached form: By signing the
19 front of this envelope or the attached form you are certifying to
20 the information contained on this envelope or the attached form
21 under penalty of election falsification. Election falsification
22 is a Class IV felony and may be punished by up to five years
23 imprisonment, a fine of up to ten thousand dollars, or both.

24 (5) If the person's name does not appear on the precinct
25 list of registered voters for the polling place and the judge or
26 clerk of election determines that the person's residence address is
27 located in another precinct within the same county, the judge or

1 clerk of election shall direct the person to his or her correct
2 polling place to vote.

3 Sec. 7. In addition to the requirements of 20 U.S.C.
4 1094(a)(23), the University of Nebraska, each state college, and
5 each community college shall provide information furnished by
6 the Secretary of State on early voting prior to each statewide
7 primary and general election to each student enrolled in a
8 degree or certificate program and physically in attendance at
9 the institution. The information shall include instructions on
10 early voting and an application to request a ballot for early
11 voting. The institution may provide the information electronically.

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