

AMENDMENTS TO LB 325

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 32-328, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-328 (1) The election commissioner or county clerk
6 shall, upon the personal application of any registered voter or
7 whenever informed of any error and after due investigation, correct
8 any error in the voter registration register. For such purpose,
9 the election commissioner or county clerk may summon witnesses and
10 compel their attendance to appear at the office of the election
11 commissioner or county clerk to give testimony pertaining to
12 residence, qualifications, or any other facts required to be
13 entered in the voter registration register. Such testimony shall be
14 transcribed and become a part of his or her records.

15 (2) If the name of any registered voter of any precinct
16 does not appear on the precinct list of registered voters through
17 an error and the election commissioner or county clerk informs
18 the precinct inspector or judge of election that credible evidence
19 exists that substantiates that an error has been made, the precinct
20 inspector or judge of election shall enter the correction in the
21 precinct list of registered voters, initial the correction, and
22 authorize the receiving board to issue the proper ballots to the
23 voter as directed by the election commissioner or county clerk

1 and receive his or her vote. The election commissioner or county
2 clerk shall designate whether the voter is entitled to a regular
3 ballot or a provisional ballot as provided in section 32-915. All
4 corrections shall be entered on the voter registration register as
5 soon as possible after the election.

6 Sec. 2. Section 32-329, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-329 (1) The Secretary of State with the assistance
9 of the election commissioners and county clerks shall perform
10 list maintenance with respect to the computerized statewide voter
11 registration list on a regular basis. The list maintenance shall be
12 conducted in a manner that ensures that:

13 (a) The name of each registered voter appears in the
14 computerized list;

15 (b) Only persons who have been entered into the register
16 in error or who are not eligible to vote are removed from the
17 computerized list; and

18 (c) Duplicate names are eliminated from the computerized
19 list.

20 (2) The election commissioner or county clerk shall
21 verify the voter registration register by using (a) the National
22 Change of Address program of the United States Postal Service
23 and a confirmation notice pursuant to subsection (3) of this
24 section or (b) the biennial mailing of a nonforwardable notice
25 to each registered voter. The Secretary of State shall provide
26 biennial training for the election commissioners and county clerks
27 responsible for maintaining voter registration lists. No name shall

1 be removed from the voter registration register for the sole reason
2 that such person has not voted for any length of time.

3 (3) When an election commissioner or county clerk
4 receives information from the National Change of Address program
5 of the United States Postal Service that a registered voter has
6 moved from the address at which he or she is registered to
7 vote, the election commissioner or county clerk shall ~~immediately~~
8 update the voter registration register to indicate that the voter
9 may have moved and mail a confirmation notice by forwardable
10 first-class mail. If a nonforwardable notice under subdivision
11 (2)(b) of this section is returned as undeliverable, the election
12 commissioner or county clerk shall mail a confirmation notice
13 by forwardable first-class mail. The confirmation notice shall
14 include a confirmation letter and a preaddressed, postage-paid
15 confirmation card. The confirmation letter shall contain statements
16 substantially as follows:

17 (a) The election commissioner or county clerk has
18 received information that you have moved to a different residence
19 address from that appearing on the voter registration register;

20 (b) If you have not moved or you have moved to a
21 new residence within this county, you should return the enclosed
22 confirmation card by the regular registration deadline prescribed
23 in section 32-302. If you fail to return the card by the deadline,
24 you will be required to affirm or confirm your address prior to
25 being allowed to vote. If you are required to affirm or confirm
26 your address, it may result in a delay at your polling place; and

27 (c) If you have moved out of the county, you must

1 reregister to be eligible to vote. This can be accomplished by mail
2 or in person. For further information, contact your local election
3 commissioner or county clerk.

4 (4) The election commissioner or county clerk shall
5 maintain for a period of not less than two years a record of
6 each confirmation letter indicating the date it was mailed and the
7 person to whom it was mailed.

8 (5) If information from the National Change of Address
9 program or the nonforwardable notice under subdivision (2)(b)
10 of this section indicates that the voter has moved outside the
11 jurisdiction and the election commissioner or county clerk receives
12 no response to the confirmation letter and the voter does not offer
13 to vote at any election held prior to and including the second
14 statewide federal general election following the mailing of the
15 confirmation notice, the voter's registration shall be canceled
16 and his or her name shall be deleted from the voter registration
17 register.

18 Sec. 3. Section 32-607, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-607 All candidate filing forms shall contain the
21 following statement: I hereby swear that I will abide by the laws
22 of the State of Nebraska regarding the results of the primary and
23 general elections, that I am a registered voter and qualified to be
24 elected, and that I will serve if elected. Candidate filing forms
25 shall be filed with the following filing officers:

26 (1) For candidates for national, state, or congressional
27 office, directors of public power and irrigation districts,

1 directors of reclamation districts, directors of natural resources
2 districts, members of the boards of educational service units,
3 members of governing boards of community colleges, delegates to
4 national conventions, and other offices filled by election held in
5 more than one county and judges desiring retention, in the office
6 of the Secretary of State;

7 (2) For officers elected within a county, in the office
8 of the election commissioner or county clerk. If the candidate is
9 not a resident of the county, he or she shall submit a certificate
10 of registration obtained under section 32-316 with the candidate
11 filing form;

12 (3) For officers in school districts which include land
13 in adjoining counties, in the office of the election commissioner
14 or county clerk of the county in which the greatest number of
15 registered voters entitled to vote for the officers reside. If the
16 candidate is not a resident of the county, he or she shall submit a
17 certificate of registration obtained under section 32-316 with the
18 candidate filing form; and

19 (4) For city or village officers, in the office of the
20 ~~city or village clerk, except that in the case of joint elections,~~
21 ~~the filing may be either in the office of the election commissioner~~
22 ~~or county clerk, or in the office of the city or village clerk with~~
23 ~~deputized personnel. When the city or village clerk is deputized to~~
24 ~~take filings, he or she shall return all filings to the office of~~
25 ~~the election commissioner or county clerk by the end of the next~~
26 ~~business day following the filing deadline.~~

27 Sec. 4. Section 32-914.02, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-914.02 If a person who is registered to vote moves
3 to a new residence within the same county and precinct and has
4 continuously resided in such county and precinct since registering
5 to vote but the voter registration register has not been changed
6 to reflect the move, the person shall be entitled to vote at the
7 polling place for the new residence. The election commissioner or
8 county clerk shall designate whether such a person is entitled
9 to a regular ballot upon completing a registration application to
10 update his or her voter registration record at the polling place
11 or a provisional ballot as provided in section 32-915. The election
12 commissioner or county clerk shall update the voter registration
13 register to reflect the change of address.

14 Sec. 5. Section 32-915, Reissue Revised Statutes of
15 Nebraska, is amended to read:

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

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

27 (b) Is not entitled to vote under section 32-914.01 or

1 32-914.02;

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

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

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

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

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

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

22 (b) My name did not appear on the precinct list of
23 registered voters;

24 (c) I registered to vote on or about this date
25

26 (d) I registered to vote
27 in person at the election office or a voter

1 registration site,

2 by mail,

3 on a form through the Department of Motor Vehicles,

4 on a form through another state agency,

5 in some other way;

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

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

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

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

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

27 Sec. 6. Section 32-930, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-930 If a person is challenged on the ground that he
3 or she is not eighteen years of age or, during the years in which
4 a statewide general election is held, that he or she will not be
5 eighteen years of age by the first Tuesday after the first Monday
6 in November of such year, the person shall answer the following
7 question on the form provided by the election commissioner or
8 county clerk: Will you be ~~eighteen years of age to the best of~~
9 ~~your knowledge and belief by the statewide general election of this~~
10 year? at least eighteen years of age on or before the first Tuesday
11 following the first Monday in November of this year?

12 Sec. 7. Original sections 32-328, 32-329, 32-607,
13 32-914.02, 32-915, and 32-930, Reissue Revised Statutes of
14 Nebraska, are repealed.