

E AND R AMENDMENTS TO LB 325

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following 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, Revised Statutes Supplement,
19 2009, 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
24 be elected, and that I will serve if elected. Candidate filing
25 forms shall also contain the candidate's name; residence address;
26 mailing address if different from the residence address; telephone
27 number; office sought; and party affiliation if the office sought

1 is a partisan office. Candidate filing forms shall be filed with
2 the following filing officers:

3 (1) For candidates for national, state, or congressional
4 office, directors of public power and irrigation districts,
5 directors of reclamation districts, directors of natural resources
6 districts, members of the boards of educational service units,
7 members of governing boards of community colleges, delegates to
8 national conventions, and other offices filled by election held in
9 more than one county and judges desiring retention, in the office
10 of the Secretary of State;

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

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

23 (4) For city or village officers, in the office of the
24 ~~city or village clerk, except that in the case of joint elections,~~
25 ~~the filing may be either in the office of the election commissioner~~
26 ~~or county clerk, or in the office of the city or village clerk with~~
27 ~~deputized personnel. When the city or village clerk is deputized to~~

1 ~~take filings, he or she shall return all filings to the office of~~
2 ~~the election commissioner or county clerk by the end of the next~~
3 ~~business day following the filing deadline.~~

4 Sec. 4. Section 32-914.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

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

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

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

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

4 (b) Is not entitled to vote under section 32-914.01 or
5 32-914.02;

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

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

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

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

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

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

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

1 (c) I registered to vote on or about this date
2;

3 (d) I registered to vote
4 in person at the election office or a voter
5 registration site,
6 by mail,
7 on a form through the Department of Motor Vehicles,
8 on a form through another state agency,
9 in some other way;

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

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

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

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

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

1 located in another precinct within the same county, the judge or
2 clerk of election shall direct the person to his or her correct
3 polling place to vote.

4 Sec. 6. Section 32-930, Reissue Revised Statutes of
5 Nebraska, is amended to read:

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

16 Sec. 7. Original sections 32-328, 32-329, 32-914.02,
17 32-915, and 32-930, Reissue Revised Statutes of Nebraska, and
18 section 32-607, Revised Statutes Supplement, 2009, are repealed.

19 2. On page 1, strike beginning with "32-228" in line 1
20 through line 10 and insert "32-328, 32-329, 32-914.02, 32-915, and
21 32-930, Reissue Revised Statutes of Nebraska, and section 32-607,
22 Revised Statutes Supplement, 2009; to change provisions relating to
23 clerical errors on the precinct list of registered voters, updates
24 of registration records due to change of address, candidate filing
25 forms, provisional ballots, and challenges to voters; to harmonize
26 provisions; and to repeal the original sections."