

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 41

Introduced by Cook, 13.

Read first time January 10, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-910, 32-916,
 2 32-938, 32-943, 32-949, 32-950, 32-951, and 32-1027,
 3 Reissue Revised Statutes of Nebraska, and sections
 4 32-101, 32-808, 32-941, 32-942, and 32-1002, Revised
 5 Statutes Cumulative Supplement, 2012; to provide for a
 6 permanent early voting request list; to provide powers
 7 and duties; to change provisions relating to early
 8 voting; to permit return of ballots for early voting to
 9 polling places as prescribed; to harmonize provisions;
 10 and to repeal the original sections.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 7 of this
4 act shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-808, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 32-808 (1) Except as otherwise provided in section
8 32-939.02, ballots for early voting and applications shall be ready
9 for delivery to registered voters at least thirty-five days prior to
10 each statewide primary or general election and at least fifteen days
11 prior to all other elections. The election commissioner or county
12 clerk shall mail applications to request a ballot for early voting to
13 registered voters on the permanent early voting request list as
14 provided in section 7 of this act. The election commissioner or
15 county clerk shall not forward any ballot for early voting if the
16 election to which such ballot pertains has already been held.

17 (2) The election commissioner or county clerk shall
18 publish in a newspaper of general circulation in the county an
19 application form ~~to which may be used by registered voters in making~~
20 ~~an application for~~ to request a ballot for early voting after the
21 ballots become available. The publication of the application shall
22 not be required if the election is held by mail pursuant to sections
23 32-952 to 32-959.

24 (3) The application for a ballot for early voting
25 delivered or published pursuant to this section shall include an

1 option for the voter to request to be placed on the permanent early
2 voting request list as provided in section 7 of this act.

3 Sec. 3. Section 32-910, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-910 Any judge or clerk of election, precinct or
6 district inspector, sheriff, or other peace officer shall clear the
7 passageways and prevent obstruction of the doors or entries and
8 provide free ingress to and egress from the polling place or building
9 and shall arrest any person obstructing such passageways. Other than
10 a registered voter engaged in receiving, preparing, ~~or~~ marking, or
11 delivering a ballot, an agent of a registered voter delivering a
12 ballot, an election commissioner, a county clerk, a precinct
13 inspector, a district inspector, a judge of election, a clerk of
14 election, or a member of a counting board, no person shall be
15 permitted to be within eight feet of the ballot boxes or within eight
16 feet of any ballots being counted by a counting board.

17 Sec. 4. Section 32-916, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-916 (1) Two judges of election or a precinct inspector
20 and a judge of election shall affix their initials to the official
21 ballots. The judge of election shall deliver a ballot to each
22 registered voter after complying with section 32-914.

23 (2) After voting the ballot, the registered voter shall,
24 as directed by the judge of election, fold his or her ballot or place
25 the ballot in the ballot envelope or sleeve so as to conceal the

1 voting marks and to expose the initials affixed on the ballot. The
2 registered voter shall, without delay and without exposing the voting
3 marks upon the ballot, deliver the ballot to the judge of election
4 before leaving the enclosure in which the voting booths are placed.

5 (3) The judge of election shall, without exposing the
6 voting marks on the ballot, approve the exposed initials upon the
7 ballot and deposit the ballot in the ballot box in the presence of
8 the registered voter. ~~No~~ Except as otherwise provided in subsection
9 (5) or (6) of this section, no judge of election shall deposit any
10 ballot in a ballot box unless the ballot has been identified as
11 having the appropriate initials. Any ballot not properly identified
12 shall be rejected in the presence of the voter, the judge of election
13 shall make a notation on the ballot Rejected, not properly
14 identified, and another ballot shall be issued to the voter and the
15 voter shall then be permitted to cast his or her ballot. If the
16 ballot is in order, the judge shall deposit the ballot in the ballot
17 box in the presence of the voter and the voter shall promptly leave
18 the polling place. The judges of election shall maintain the secrecy
19 of the rejected ballots and shall cause the rejected ballots to be
20 made up in a sealed packet. The judges of election shall endorse the
21 packet with the words Rejected Ballots and the designation of the
22 precinct. The judges of election shall sign the endorsement label and
23 shall return the packet to the election commissioner or county clerk
24 with a statement by the judges of election showing the number of
25 ballots rejected.

1 (4) Upon receiving a provisional ballot as provided in
2 section 32-915, the judge of election shall give the voter written
3 information that states that the voter may determine if his or her
4 vote was counted and, if not, the reason that the vote was not
5 counted by accessing the system created pursuant to section 32-202
6 and the judge of election shall ensure that the appropriate
7 information is on the outside of the envelope in which the ballot is
8 enclosed or attached to the envelope, attach the statement required
9 by section 32-915 if not contained on the envelope, and place the
10 entire envelope into the ballot box. Upon receiving a provisional
11 ballot as provided in section 32-915.01, the judge of election shall
12 comply with the requirements for a provisional ballot under this
13 subsection, except that a provisional ballot cast pursuant to section
14 32-915.01 shall be kept separate from the other ballots cast at the
15 election.

16 (5) If a voter brings his or her ballot for early voting
17 to the polling place for the precinct in which he or she resides for
18 deposit in the ballot box, the clerk of election shall check that the
19 voter's name appears on the precinct list of registered voters with a
20 notation that he or she received a ballot for early voting and the
21 voter shall sign in the sign-in register prior to handing the signed
22 identification envelope to the judge for depositing in the ballot
23 box.

24 (6) If an agent of a voter brings the voter's ballot for
25 early voting to the polling place for the precinct in which the voter

1 resides for deposit in the ballot box, the clerk of election shall
2 check that the voter's name appears in the precinct list of
3 registered voters with a notation that the voter received a ballot
4 for early voting and the agent shall, prior to handing the signed
5 identification envelope to the judge for depositing in the ballot
6 box, sign an oath before a judge of election substantially as
7 follows: hereby swears that he or she is a friend or relative
8 of, a registered voter, who requested assistance in delivering
9 his or her ballot for early voting on this day of 20.... .

10 Sec. 5. Section 32-938, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-938 (1) A registered voter shall be permitted to vote
13 early by requesting a ballot for early voting pursuant to section
14 32-941 or 32-943 or section 7 of this act.

15 (2) Any person excluded from voting under section 32-313
16 or 32-314 shall not be allowed to receive a ballot for early voting
17 or to be placed on the permanent early voting request list.

18 (3) Any person who fails to register to vote by the voter
19 registration deadline shall not be allowed to vote except as provided
20 in section 32-940 or 32-941.

21 Sec. 6. Section 32-941, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 32-941 (1) Any registered voter permitted to vote early
24 pursuant to section 32-938 may, not more than one hundred twenty days
25 before any election and not later than 4 p.m. on the Wednesday

1 preceding the election, request a ballot for the election to be
2 mailed to a specific address. A registered voter shall request a
3 ballot in writing to the election commissioner or county clerk in the
4 county where the registered voter has established his or her home and
5 shall indicate his or her residence address, the address to which the
6 ballot is to be mailed if different, and his or her political party,
7 telephone number if available, and precinct if known. The registered
8 voter may use the form published by the election commissioner or
9 county clerk pursuant to section 32-808 or return the application
10 mailed pursuant to section 7 of this act. The registered voter shall
11 sign the request. A registered voter may use a facsimile machine for
12 the submission of a request for a ballot.

13 (2) The election commissioner or county clerk shall
14 include a registration application with the ballots if the person is
15 not registered. Registration applications shall not be mailed after
16 the third Friday preceding the election. If the person is not
17 registered to vote, the registration application shall be returned
18 not later than the closing of the polls on the day of the election.
19 No ballot issued under this section shall be counted unless such
20 registration application is properly completed and processed.

21 Sec. 7. (1) A registered voter may request to be included
22 on a permanent list of voters to receive an application to request a
23 ballot for early voting for any election conducted pursuant to the
24 Election Act. The election commissioner or county clerk shall
25 maintain the permanent early voting request list and shall mail such

1 applications to registered voters on the list in sufficient time to
2 meet the requirements of section 32-941.

3 (2) In order to be included on the permanent early voting
4 request list, the voter shall select the option on the application
5 provided under subsection (3) of section 32-808 or make a request
6 which includes the voter's name, residence address, mailing address
7 in the voter's county of residence if different, and political party.

8 (3) On receipt of a request to be included on the
9 permanent early voting request list, the election commissioner or
10 county clerk shall make a note in the voter's voter registration
11 record that the voter has made a permanent request for a ballot for
12 early voting.

13 (4) Prior to each election conducted pursuant to the
14 Election Act, the election commissioner or county clerk shall mail to
15 all voters who are eligible for the election and who are included on
16 the permanent early voting request list an application to request a
17 ballot for early voting by nonforwardable mail that is marked with
18 the statement required by the postmaster to receive an address
19 correction notification.

20 (5) If the application is returned undeliverable by the
21 United States Postal Service, the election commissioner or county
22 clerk shall take the necessary steps to contact the voter at the
23 voter's new residence address in order to update that voter's
24 address.

25 (6) After a voter has requested to be included on the

1 permanent early voting request list, the voter shall be sent an
2 application to request a ballot for early voting by mail
3 automatically for any election at which a voter at that residence
4 address is eligible to vote until any of the following occurs:

5 (a) The voter requests in writing to be removed from the
6 permanent early voting request list;

7 (b) The voter's registration or eligibility for
8 registration is canceled as otherwise provided in the Election Act or
9 subject to subdivision (5)(b) of this section; or

10 (c) The application sent by the election commissioner or
11 county clerk is returned undeliverable and the election commissioner
12 or county clerk is unable to contact the voter to determine the
13 voter's continued desire to remain on the list.

14 (7) A voter may make a written request at any time to be
15 removed from the permanent early voting request list. The request
16 shall include the voter's name, residence address, date of birth, and
17 signature. On receipt of a completed request to remove a voter from
18 the permanent early voting request list, the election commissioner or
19 county clerk shall remove the voter's name from the list as soon as
20 practicable.

21 (8) An absent uniformed services voter or overseas voter
22 is eligible to be placed on the permanent early voting request list
23 pursuant to this section.

24 (9) A voter's failure to return an application or vote an
25 early ballot once received does not constitute grounds to remove the

1 voter from the permanent early voting request list.

2 Sec. 8. Section 32-942, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 32-942 Any registered voter of this state who anticipates
5 being absent from the county of his or her residence on the day of
6 any election but who is present in the county after ballots are
7 available may appear in person before the election commissioner or
8 county clerk and obtain his or her ballot. The registered voter shall
9 vote in the office of the election commissioner or county clerk or
10 shall return the ballot to the office or his or her polling place not
11 later than the closing of the polls on the day of the election. A
12 registered voter who is present in the county on the day of the
13 election and who chooses to vote on the day of the election shall
14 vote at the polling place assigned to the precinct in which he or she
15 resides unless he or she is returning a ballot for early voting or
16 voting pursuant to section 32-943.

17 Sec. 9. Section 32-943, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-943 (1) Any registered voter who is permitted to vote
20 early pursuant to section 32-938 may appoint an agent to submit a
21 request for a ballot for early voting on his or her behalf. The
22 registered voter or his or her agent may request that the ballot be
23 sent to the registered voter by mail or indicate on the request that
24 the agent will personally pick up the ballot for such registered
25 voter from the office of the election commissioner or county clerk. A

1 registered voter or an agent acting on behalf of a registered voter
2 shall request a ballot in writing to the election commissioner or
3 county clerk in the county where the registered voter has established
4 his or her residence and shall indicate the voter's residence
5 address, the address to which the ballot is to be mailed if
6 different, and the voter's telephone number if available and precinct
7 if known. The registered voter or the voter's agent may use the form
8 published by the election commissioner or county clerk pursuant to
9 section 32-808. The registered voter or his or her agent shall sign
10 the request.

11 (2) A candidate for office at such election and any
12 person serving on a campaign committee for such a candidate shall not
13 act as an agent for any registered voter requesting a ballot pursuant
14 to this section unless such person is a member of the registered
15 voter's family. No person shall act as agent for more than two
16 registered voters in any election.

17 (3) The agent shall pick up the ballot before one hour
18 prior to the closing of the polls on election day and deliver the
19 ballot to the registered voter. The ballot shall be returned to the
20 office of the election commissioner or county clerk or to the polling
21 place of the registered voter not later than the closing of the polls
22 on the day of the election.

23 (4) The election commissioner or county clerk shall adopt
24 procedures for the distribution of ballots under this section.

25 Sec. 10. Section 32-949, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-949 (1) After a ballot for early voting is received by
3 a voter and before placing any marks thereon, the voter shall note
4 whether there are any voting marks on the ballot and whether there is
5 a signature or initials on the ballot in the space provided for the
6 election official's signature or initials. If there are any voting
7 marks or no signature or initials, the ballot shall be returned
8 immediately to the election commissioner or county clerk. If there
9 are no such marks, the voter shall cause the ballot to be marked. If
10 the ballot is voted in the office of the election commissioner or
11 county clerk, the registered voter shall return the ballot and
12 identification envelope to the election commissioner or county clerk
13 or an employee of the election commissioner or county clerk who shall
14 deposit the ballot into a ballot box and place the identification
15 envelope in a secure container.

16 (2) If the voter is mailing or otherwise delivering the
17 ballot to the election commissioner or county clerk or is delivering
18 the ballot or having the ballot delivered to his or her polling place
19 on election day, the voter shall:

20 (a) Place the marked ballot in the identification
21 envelope received for that purpose in such a manner that the
22 signature of the issuing officer on the ballot is visible;

23 (b) Complete and sign the voter's oath on the outside of
24 the identification envelope under the penalty of election
25 falsification;

1 (c) Enclose, in the identification envelope or separately
2 in the return envelope if one has been provided, his or her completed
3 registration application if one was provided pursuant to section
4 32-945 or 32-946, a copy of his or her identification document if
5 such identification has been requested, and the oath completed and
6 signed by a voter without a residence address if required pursuant to
7 section 32-946;

8 (d) Ensure that the identification envelope or return
9 envelope is sealed; and

10 (e) Mail, deliver, or cause to be delivered the envelope
11 containing the ballots and any required materials to the election
12 commissioner or county clerk from whom it was received or to the
13 voter's polling place on election day.

14 (3) All postage costs related to returning such ballots
15 and required materials, if any, to the election commissioner or
16 county clerk shall be paid by the applicant.

17 Sec. 11. Section 32-950, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-950 ~~Ballots~~ A ballot issued under section 32-948 which
20 ~~are~~ is returned not later than the hour established for the closing
21 of the polls at the office of the election commissioner or county
22 clerk or at the polling place of the voter shall be accepted for
23 review by the counting board for early voting. Such ballots received
24 by the election commissioner or county clerk or at a polling place
25 after the close of the polls on election day shall remain sealed in

1 the envelope on which the election commissioner or county clerk or
2 judge of election shall write Rejected, received on, and the date on
3 which the ballot was received. If such a ballot was received on
4 election day but after the close of the polls, the election
5 commissioner or county clerk or judge of election shall also write on
6 the envelope the time at which the ballot was received. Such rejected
7 ballots shall be segregated and stored in a sealed container
8 designated for Rejected Early Ballots.

9 Sec. 12. Section 32-951, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 32-951 No person shall:

12 (1) Impersonate or make a false representation in order
13 to obtain a ballot for early voting for his or her own use or for use
14 by another;

15 (2) Knowingly connive to help a person to vote such a
16 ballot illegally;

17 (3) Destroy, steal, mark, or mutilate any such ballot
18 after the same has been voted or aid or abet another to do so;

19 (4) Delay in delivering such a ballot to the election
20 commissioner or county clerk or to the voter's polling place to
21 prevent the ballot from arriving in time to be counted;

22 (5) In any manner aid or attempt to aid any person to
23 vote such a ballot unlawfully;

24 (6) Hinder or attempt to hinder a registered voter from
25 voting any such ballot; or

1 (7) Hinder or attempt to hinder any official from
2 delivering or counting any such ballot.

3 Sec. 13. Section 32-1002, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

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

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

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

1 registration register by entering the information contained in the
2 registration application completed by the voter at the time of voting
3 a provisional ballot.

4 (4) A provisional ballot cast by a voter pursuant to
5 section 32-915 shall be counted if:

6 (a) Credible evidence exists that the voter was properly
7 registered in the county before the deadline for registration for the
8 election;

9 (b) The voter has resided in the county continuously
10 since registering to vote in the county;

11 (c) The voter has not voted anywhere else in the county
12 or has not otherwise voted early using a ballot for early voting;

13 (d) The voter has completed a registration application
14 prior to voting as prescribed in subsection (6) of this section and:

15 (i) The residence address provided on the registration
16 application completed pursuant to subdivision (1)(e) of section
17 32-915 is located within the precinct in which the person voted; and

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

23 (e) The certification on the front of the envelope or
24 form attached to the envelope is in the proper form and signed by the
25 voter.

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

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

5 (b) Information has been received pursuant to section
6 32-309, 32-310, or 32-324 that the voter has resided, registered, or
7 voted in any other county or state since registering to vote in the
8 county in which he or she cast the provisional ballot;

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

11 (d) The voter failed to complete and sign a registration
12 application pursuant to subsection (6) of this section and
13 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 to
20 voting the provisional ballot is different than the party affiliation
21 that appears on the voter's voter registration record based on his or
22 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.

1 (6) An error or omission of information on the
2 registration application or the certification required under section
3 32-915 shall not result in the provisional ballot not being counted
4 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 (7) Upon determining that the voter's provisional ballot
12 is eligible to be counted, the election commissioner or county clerk
13 shall remove the ballot from the envelope without exposing the marks
14 on the ballot and shall place the ballot with the ballots to be
15 counted by the county canvassing board.

16 (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, the
19 reason the ballot was not counted.

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

22 Sec. 14. Section 32-1027, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-1027 (1) The election commissioner or county clerk
25 shall appoint two or more registered voters to the counting board for

1 early voting. One registered voter shall be appointed from the
2 political party casting the highest number of votes for Governor or
3 for President of the United States in the county in the immediately
4 preceding general election, and one registered voter shall be
5 appointed from the political party casting the next highest vote for
6 such office. The election commissioner or county clerk may appoint
7 additional registered voters to serve on the counting board and may
8 appoint registered voters to serve in case of a vacancy among any of
9 the members of the counting board. Such appointees shall be balanced
10 between the political parties and may include registered voters
11 unaffiliated with any political party. The counting board may begin
12 carrying out its duties not earlier than the second Monday before the
13 election and shall meet as directed by the election commissioner or
14 county clerk.

15 (2) The counting board shall ~~place~~assemble all
16 identification envelopes received prior to the closing of the polls
17 at the office of the election commissioner or county clerk or at the
18 appropriate polling place and place them in order and shall review
19 each returned identification envelope pursuant to verification
20 procedures prescribed in subsections (3) and (4) of this section.

21 (3) In its review, the counting board shall determine if:

22 (a) The voter has provided his or her name, residence
23 address, and signature on the voter identification envelope;

24 (b) The ballot has been received from the voter who
25 requested it and the residence address is the same address provided

1 on the voter's request for a ballot for early voting, by comparing
2 the information provided on the identification envelope with
3 information recorded in the record of early voters or the voter's
4 request;

5 (c) A completed and signed registration application has
6 been received from the voter by the deadline in section 32-302,
7 32-321, or 32-325 or by the close of the polls pursuant to section
8 32-945;

9 (d) An identification document has been received from the
10 voter not later than the close of the polls on election day if
11 required pursuant to section 32-318.01; and

12 (e) A completed and signed registration application and
13 oath has been received from the voter by the close of the polls on
14 election day if required pursuant to section 32-946.

15 (4) On the basis of its review, the counting board shall
16 determine whether the ballot shall be counted or rejected as follows:

17 (a) A ballot received from a voter who was properly
18 registered on or prior to the deadline for registration pursuant to
19 section 32-302 or 32-321 shall be accepted for counting without
20 further review if:

21 (i) The name on the identification envelope appears to be
22 that of a registered voter to whom a ballot for early voting has been
23 issued or sent;

24 (ii) The residence address provided on the identification
25 envelope is the same residence address at which the voter is

1 registered or is in the same precinct and subdivision of a precinct,
2 if any; and

3 (iii) The identification envelope has been signed by the
4 voter;

5 (b) In the case of a ballot received from a voter who was
6 not properly registered prior to the deadline for registration
7 pursuant to section 32-302 or 32-321, the ballot shall be accepted
8 for counting if:

9 (i) A valid registration application completed and signed
10 by the voter has been received by the election commissioner or county
11 clerk prior to the close of the polls on election day;

12 (ii) The name on the identification envelope appears to
13 be that of the person who requested the ballot;

14 (iii) The residence address provided on the
15 identification envelope and on the registration application is the
16 same as the residence address as provided on the voter's request for
17 a ballot for early voting; and

18 (iv) The identification envelope has been signed by the
19 voter;

20 (c) In the case of a ballot received from a voter without
21 a residence address who requested a ballot pursuant to section
22 32-946, the ballot shall be accepted for counting if:

23 (i) The name on the identification envelope appears to be
24 that of a registered voter to whom a ballot has been sent;

25 (ii) A valid registration application completed and

1 signed by the voter, for whom the residence address is deemed to be
2 the address of the office of the election commissioner or county
3 clerk pursuant to section 32-946, has been received by the election
4 commissioner or county clerk prior to the close of the polls on
5 election day;

6 (iii) The oath required pursuant to section 32-946 has
7 been completed and signed by the voter and received by the election
8 commissioner or county clerk by the close of the polls on election
9 day; and

10 (iv) The identification envelope has been signed by the
11 voter; and

12 (d) In the case of a ballot received from a registered
13 voter required to present identification before voting pursuant to
14 section 32-318.01, the ballot shall be accepted for counting if:

15 (i) The name on the identification envelope appears to be
16 that of a registered voter to whom a ballot has been issued or sent;

17 (ii) The residence address provided on the identification
18 envelope is the same address at which the voter is registered or is
19 in the same precinct and subdivision of a precinct, if any;

20 (iii) A copy of an identification document authorized in
21 section 32-318.01 has been received by the election commissioner or
22 county clerk prior to the close of the polls on election day; and

23 (iv) The identification envelope has been signed by the
24 voter.

25 (5) In opening the identification envelope or the return

1 envelope to determine if registration applications, oaths, or
2 identification documents have been enclosed by the voters from whom
3 they are required, the counting board shall make a good faith effort
4 to ensure that the ballot remains folded and that the secrecy of the
5 vote is preserved.

6 (6) The counting board may, on the second Monday before
7 the election, open all identification envelopes which are approved,
8 and if the signature of the election commissioner or county clerk or
9 his or her employee is on the ballot, the ballot shall be unfolded,
10 flattened for purposes of using the optical scanner, and placed in a
11 sealed container for counting as directed by the election
12 commissioner or county clerk. At the discretion of the election
13 commissioner or county clerk, the counting board may begin counting
14 early ballots no earlier than twenty-four hours prior to the opening
15 of the polls on the day of the election.

16 (7) If an identification envelope is rejected, the
17 counting board shall not open the identification envelope. The
18 counting board shall write Rejected on the identification envelope
19 and the reason for the rejection. If the ballot is rejected after
20 opening the identification envelope because of the absence of the
21 official signature on the ballot, the ballot shall be reinserted in
22 the identification envelope which shall be resealed and marked
23 Rejected, no official signature. The counting board shall place the
24 rejected identification envelopes and ballots in a container labeled
25 Rejected Ballots and seal it.

1 (8) As soon as all ballots have been placed in the sealed
2 container and rejected identification envelopes or ballots have been
3 sealed in the Rejected Ballots container, the counting board shall
4 count the ballots the same as all other ballots and an unofficial
5 count shall be reported to the election commissioner or county clerk.
6 No results shall be released prior to the closing of the polls on
7 election day.

8 Sec. 15. Original sections 32-910, 32-916, 32-938,
9 32-943, 32-949, 32-950, 32-951, and 32-1027, Reissue Revised Statutes
10 of Nebraska, and sections 32-101, 32-808, 32-941, 32-942, and
11 32-1002, Revised Statutes Cumulative Supplement, 2012, are repealed.