

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1123**

Introduced by Erdman, 47; Clements, 2; Groene, 42.

Read first time January 19, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to elections; to amend section 32-1027,
- 2 Revised Statutes Cumulative Supplement, 2020; to change procedures
- 3 for counting ballots; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-1027, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 32-1027 (1) The election commissioner or county clerk shall appoint  
4 two or more registered voters to the counting board for early voting. One  
5 registered voter shall be appointed from the political party casting the  
6 highest number of votes for Governor or for President of the United  
7 States in the county in the immediately preceding general election, and  
8 one registered voter shall be appointed from the political party casting  
9 the next highest vote for such office. The election commissioner or  
10 county clerk may appoint additional registered voters to serve on the  
11 counting board and may appoint registered voters to serve in case of a  
12 vacancy among any of the members of the counting board. Such appointees  
13 shall be balanced between the political parties and may include  
14 registered voters unaffiliated with any political party. The counting  
15 board may begin carrying out its duties not earlier than the second  
16 Friday before the election and shall meet as directed by the election  
17 commissioner or county clerk.

18 (2) The counting board shall place all identification envelopes in  
19 order and shall review each returned identification envelope pursuant to  
20 verification procedures prescribed in subsections (3) and (4) of this  
21 section.

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

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

25 (b) The ballot has been received from the voter who requested it and  
26 the residence address is the same address provided on the voter's request  
27 for a ballot for early voting, by comparing the information provided on  
28 the identification envelope with information recorded in the record of  
29 early voters or the voter's request;

30 (c) A completed and signed registration application has been  
31 received from the voter by the deadline in section 32-302, 32-321, or

1 32-325 or by the close of the polls pursuant to section 32-945;

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

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

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

10 (a) A ballot received from a voter who was properly registered on or  
11 prior to the deadline for registration pursuant to section 32-302 or  
12 32-321 shall be accepted for counting without further review if:

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

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

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

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

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

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

28 (iii) The residence address provided on the identification envelope  
29 and on the registration application is the same as the residence address  
30 as provided on the voter's request for a ballot for early voting; and

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

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

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

6 (ii) A valid registration application completed and signed by the  
7 voter, for whom the residence address is deemed to be the address of the  
8 office of the election commissioner or county clerk pursuant to section  
9 32-946, has been received by the election commissioner or county clerk  
10 prior to the close of the polls on election day;

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

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

16 (d) In the case of a ballot received from a registered voter  
17 required to present identification before voting pursuant to section  
18 32-318.01, the ballot shall be accepted for counting if:

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

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

24 (iii) A copy of an identification document authorized in section  
25 32-318.01 has been received by the election commissioner or county clerk  
26 prior to the close of the polls on election day; and

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

28 (5) In opening the identification envelope or the return envelope to  
29 determine if registration applications, oaths, or identification  
30 documents have been enclosed by the voters from whom they are required,  
31 the counting board shall make a good faith effort to ensure that the

1 ballot remains folded and that the secrecy of the vote is preserved.

2 (6) The counting board may, on the second Friday before the  
3 election, open all identification envelopes which are approved, and if  
4 the signature of the election commissioner or county clerk or his or her  
5 employee is on the ballot, the ballot shall be unfolded, flattened for  
6 purposes of using the optical scanner, and placed in a sealed container  
7 for counting as directed by the election commissioner or county clerk.  
8 ~~The At the discretion of the election commissioner or county clerk shall~~  
9 ~~not permit~~ ~~the counting board to may~~ begin counting ~~early~~ ballots,  
10 ~~whether such ballots were cast early in person, received by mail, or cast~~  
11 ~~in-person on the day of the election, until all polling places in the~~  
12 ~~state have closed no earlier than twenty-four hours prior to the opening~~  
13 ~~of the polls~~ on the day of the election.

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

23 (8) ~~Except as provided in subsection (6) of this section, as~~ As soon  
24 as all ballots have been placed in the sealed container and rejected  
25 identification envelopes or ballots have been sealed in the Rejected  
26 Ballots container, the counting board shall count the ballots the same as  
27 all other ballots and an unofficial count shall be reported to the  
28 election commissioner or county clerk. No results shall be released prior  
29 to the closing of the polls on election day.

30 Sec. 2. Original section 32-1027, Revised Statutes Cumulative  
31 Supplement, 2020, is repealed.