

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 228

Introduced by Erdman, 47; Halloran, 33.

Read first time January 10, 2023

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 25-2221,
2 32-101, and 62-301, Revised Statutes Cumulative Supplement, 2022; to
3 provide for state holidays; to require in-person voting and
4 photographic identification for certain elections; to provide
5 exceptions; to require all ballots to be counted on election day; to
6 require all ballots to be counted at the precinct level; to provide
7 for further changes to the Election Act; to harmonize provisions; to
8 repeal the original sections; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2221, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 25-2221 Except as may be otherwise more specifically provided, the
4 period of time within which an act is to be done in any action or
5 proceeding shall be computed by excluding the day of the act, event, or
6 default after which the designated period of time begins to run. The last
7 day of the period so computed shall be included unless it is a Saturday,
8 a Sunday, or a day during which the offices of courts of record may be
9 legally closed as provided in this section, in which event the period
10 shall run until the end of the next day on which the office will be open.

11 All courts and their offices may be closed on Saturdays, Sundays,
12 days on which a specifically designated court is closed by order of the
13 Chief Justice of the Supreme Court, and these holidays: New Year's Day,
14 January 1; Birthday of Martin Luther King, Jr., the third Monday in
15 January; President's Day, the third Monday in February; Arbor Day, the
16 last Friday in April; statewide primary election day, the first Tuesday
17 after the second Monday in May in each even-numbered year; Memorial Day,
18 the last Monday in May; Juneteenth National Independence Day, June 19;
19 Independence Day, July 4; Labor Day, the first Monday in September;
20 Indigenous Peoples' Day and Columbus Day, the second Monday in October;
21 statewide general election day, the first Tuesday after the first Monday
22 in November in each even-numbered year; Veterans Day, November 11;
23 Thanksgiving Day, the fourth Thursday in November; the day after
24 Thanksgiving; Christmas Day, December 25; and all days declared by law or
25 proclamation of the Governor to be holidays. Such days shall be
26 designated as nonjudicial days. If any such holiday falls on Sunday, the
27 following Monday shall be a holiday. If any such holiday falls on
28 Saturday, the preceding Friday shall be a holiday. Court services shall
29 be available on all other days. If the date designated by the state for
30 observance of any legal holiday pursuant to this section, except Veterans
31 Day, is different from the date of observance of such holiday pursuant to

1 a federal holiday schedule, the federal holiday schedule shall be
2 observed.

3 Sec. 2. Section 32-101, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 32-101 Sections 32-101 to 32-1551 and section 3 of this act shall be
6 known and may be cited as the Election Act.

7 Sec. 3. (1) All persons voting on the day of the statewide primary
8 election or the statewide general election shall do so in person at their
9 polling place as designated by the election commissioner or county clerk
10 and shall present a photographic identification card approved by the
11 Secretary of State to the election worker at the polling place. Any
12 person who needs to vote prior to the date of the election may do so in
13 person at the office of the election commissioner or county clerk and
14 shall present a photographic identification card approved by the
15 Secretary of State. Only registered military personnel and those
16 registered to vote with a residence at a nursing home or an assisted-
17 living facility may vote by mail, and the ballot envelope must be
18 postmarked prior to the date of the election. All ballots shall be
19 counted on the day of the election. All ballots shall be counted at the
20 precinct level.

21 (2) The Legal Counsel for the Government, Military and Veterans
22 Affairs Committee of the Legislature shall prepare a committee amendment
23 to change the relevant portions of the Election Act to conform to this
24 section.

25 Sec. 4. Section 62-301, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 62-301 (1) For the purposes of the Uniform Commercial Code and
28 section 62-301.01, the following days shall be holidays: New Year's Day,
29 January 1; Birthday of Martin Luther King, Jr., the third Monday in
30 January; President's Day, the third Monday in February; Arbor Day, the
31 last Friday in April; statewide primary election day, the first Tuesday

1 after the second Monday in May each even-numbered year; Memorial Day, the
2 last Monday in May; Juneteenth National Independence Day, June 19;
3 Independence Day, July 4; Labor Day, the first Monday in September;
4 Indigenous Peoples' Day and Columbus Day, the second Monday in October;
5 statewide general election day, the first Tuesday after the first Monday
6 in November in each even-numbered year; Veterans Day, November 11, and
7 the federally recognized holiday therefor, or either of them;
8 Thanksgiving Day, the fourth Thursday in November; the day after
9 Thanksgiving; and Christmas Day, December 25. If any such holiday falls
10 on Sunday, the following Monday shall be a holiday. If the date
11 designated by the state for observance of any legal holiday enumerated in
12 this section, except Veterans Day, is different from the date of
13 observance of such holiday pursuant to a federal holiday schedule, the
14 federal holiday schedule shall be observed.

15 (2) Any bank doing business in this state may, by a brief written
16 notice at, on, or near its front door, fully dispense with or restrict,
17 to such extent as it may determine, the hours within which it will be
18 open for business.

19 (3) Any bank may close on Saturday if it states such fact by a brief
20 written notice at, on, or near its front door. When such bank will, in
21 observance of such a notice, not be open for general business, such day
22 shall, with respect to the particular bank, be the equivalent of a
23 holiday as fully as if such day were listed in subsection (1) of this
24 section, and any act authorized, required, or permitted to be performed
25 at, by, or with respect to such bank which will, in observance of such
26 notice, not be open for general business, acting in its own behalf or in
27 any capacity whatever, may be performed on the next succeeding business
28 day and no liability or loss of rights on the part of any person shall
29 result from such delay.

30 (4) Any bank which, by the notice provided for by subsection (3) of
31 this section, has created the holiday for such bank may, without

1 destroying the legal effect of the holiday for it and solely for the
2 convenience of its customers, remain open all or part of such day in a
3 limited fashion by treating every transaction with its customers on such
4 day as though the transaction had taken place immediately upon the
5 opening of such bank on the first following business day.

6 (5) Whenever the word bank is used in this section it includes
7 building and loan association, savings and loan association, credit
8 union, savings bank, trust company, investment company, and any other
9 type of financial institution.

10 Sec. 5. Original sections 25-2221, 32-101, and 62-301, Revised
11 Statutes Cumulative Supplement, 2022, are repealed.

12 Sec. 6. Since an emergency exists, this act takes effect when
13 passed and approved according to law.