

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 541**

Introduced by Holdcroft, 36.

Read first time January 22, 2025

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-306,  
2 32-307, 32-310, 32-311.01, 32-312.05, 32-315, 32-320, 32-321,  
3 32-323, 32-325, 32-806, 32-808, 32-902, 32-938, 32-1118, and  
4 32-1119, Reissue Revised Statutes of Nebraska, and sections 32-101,  
5 32-103, 32-202, 32-203, 32-206, 32-308, 32-312, 32-941, 32-942,  
6 32-943, 32-947, 32-950.01, 32-960, 32-1002, 32-1041, and 32-1049,  
7 Revised Statutes Cumulative Supplement, 2024; to eliminate online  
8 voter registration; to restrict voter registration by mail; to  
9 change voter registration provisions; to require watermarks on  
10 official ballots; to provide requirements to vote by means of a  
11 ballot for early voting; to provide requirements for secure ballot  
12 drop-boxes; to provide requirements for hand counts; to change  
13 provisions relating to voting and counting methods; to eliminate  
14 obsolete provisions; to harmonize provisions; to repeal the original  
15 sections; and to outright repeal section 32-309, Reissue Revised  
16 Statutes of Nebraska, and sections 32-304 and 32-320.01, Revised  
17 Statutes Cumulative Supplement, 2024.  
18 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 32-101, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           32-101 Sections 32-101 to 32-1552 and sections 3 and 30 of this act  
4 shall be known and may be cited as the Election Act.

5           **Sec. 2.** Section 32-103, Revised Statutes Cumulative Supplement,  
6 2024, is amended to read:

7           32-103 For purposes of the Election Act, the definitions found in  
8 sections 32-104 to 32-120 and 32-123 and section 3 of this act shall be  
9 used.

10          **Sec. 3.** Hand count means to conduct a count or recount of ballots  
11 by hand as required by section 30 of this act, without the assistance of  
12 any electronic device or equipment, including, but not limited to,  
13 scanners. This definition shall not be construed to exclude the use of  
14 desktop or handheld calculators or adding machines.

15          **Sec. 4.** Section 32-202, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17          32-202 In addition to any other duties prescribed by law, the  
18 Secretary of State shall:

19           (1) Supervise the conduct of primary and general elections in this  
20 state;

21           (2) Provide training and support for election commissioners, county  
22 clerks, and other election officials in providing for day-to-day  
23 operations of the office, registration of voters, and the conduct of  
24 elections;

25           (3) Enforce the Election Act;

26           (4) With the assistance and advice of the Attorney General, make  
27 uniform interpretations of the act;

28           (5) Provide periodic training for the agencies and their agents and  
29 contractors in carrying out their duties under sections 32-308 and ~~to~~  
30 32-310;

31           (6) Develop and print forms for use as required by sections 32-308,

1 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

2 (7) Contract with the Department of Administrative Services for  
3 storage and distribution of the forms;

4 (8) Require reporting to ensure compliance with sections 32-308 and  
5 ~~to~~ 32-310;

6 (9) Prepare and transmit reports as required by the National Voter  
7 Registration Act of 1993, 52 U.S.C. 20501 et seq.;

8 (10) Develop and print a manual describing the requirements of the  
9 initiative and referendum process and distribute the manual to election  
10 commissioners and county clerks for distribution to the public upon  
11 request;

12 (11) Develop and print pamphlets described in section 32-1405.01;

13 (12) Adopt and promulgate rules and regulations as necessary for  
14 elections conducted under sections 32-952 to 32-959;

15 (13) Establish a free access system, such as a toll-free telephone  
16 number or an Internet website, that any voter who casts a provisional  
17 ballot may access to discover whether the vote of that voter was counted  
18 and, if the vote was not counted, the reason that the vote was not  
19 counted. The Secretary of State shall establish and maintain reasonable  
20 procedures necessary to protect the security, confidentiality, and  
21 integrity of personal information collected, stored, or otherwise used by  
22 the free access system. Access to information about an individual  
23 provisional ballot shall be restricted to the individual who cast the  
24 ballot;

25 (14) Provide a website dedicated to voter identification  
26 requirements and procedures. The Secretary of State shall establish,  
27 maintain, and regularly update on the website a document entitled "List  
28 of Acceptable Forms of Identification" that lists forms of identification  
29 that qualify as valid photographic identification for purposes of voter  
30 identification;

31 (15) Provide a public awareness campaign regarding the voter

1 identification requirements and procedures, including communication  
2 through multiple mediums and in-person events;

3 (16) Provide instructions and information to the Department of  
4 Health and Human Services, the Department of Motor Vehicles, and the  
5 State Department of Education for distribution by such agencies to  
6 Nebraska residents regarding the requirement to present valid  
7 photographic identification in order to vote and the way to obtain free  
8 valid photographic identification; and

9 (17) Not use or allow the use of citizenship information shared with  
10 or collected by the Secretary of State pursuant to the Election Act for  
11 any purpose other than maintenance of the voter registration list,  
12 including law enforcement purposes.

13 **Sec. 5.** Section 32-203, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15 32-203 In addition to any other powers prescribed by law, the  
16 Secretary of State may:

17 (1) Inspect, with or without the filing of a complaint by any  
18 person, and review the practices and procedures of election  
19 commissioners, county clerks, their employees, and other election  
20 officials in the day-to-day operations of the office, the conduct of  
21 primary and general elections, and the registration of qualified  
22 electors;

23 (2) Employ such personnel as necessary to efficiently carry out his  
24 or her powers and duties as prescribed in the Election Act;

25 (3) Adopt and promulgate rules and regulations in regard to the  
26 registration of voters and the conduct of elections, especially regarding  
27 returning ballots by agents under section 32-943 and secure ballot drop-  
28 boxes under section 32-950.01; and

29 (4) Enforce the act by injunctive action brought by the Attorney  
30 General in the district court for the county in which any violation of  
31 the act occurs.

1           **Sec. 6.** Section 32-206, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           32-206 (1) The Secretary of State shall publish an official election  
4 calendar by November 1 prior to the statewide primary election. Such  
5 calendar, to be approved as to form by the Attorney General, shall set  
6 forth the various election deadline dates and other pertinent data as  
7 determined by the Secretary of State. The official election calendar  
8 shall be merely a guideline and shall in no way legally bind the  
9 Secretary of State or the Attorney General.

10           (2) The Secretary of State shall deliver a copy of the official  
11 election calendar to the state party headquarters of each recognized  
12 political party within ten days after publication under subsection (1) of  
13 this section.

14           (3) Except as provided in sections 32-302 ~~32-304~~, and 32-306, any  
15 filing or other act required to be performed by a specified day shall be  
16 performed by 5 p.m. of such day, except that if such day falls upon a  
17 Saturday, Sunday, or legal holiday, performance shall be required on the  
18 next business day.

19           **Sec. 7.** Section 32-306, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           32-306 Deputy registrars shall register voters in teams of at least  
22 two deputies, one of whom is not a member of the same political party as  
23 the other or others. The deputy registrars shall only complete  
24 registration applications for applicants who present valid photographic  
25 identification. The deputy registrars shall return the completed  
26 registration applications to the office of the election commissioner or  
27 county clerk of the county in which the registrations are to be effective  
28 no later than the end of the next business day after the registrations  
29 are taken. The election commissioner or county clerk shall mail an  
30 acknowledgment of registration at least five days prior to the next  
31 election to each person registered by a deputy registrar. Deputy

1 registrars shall not register voters after 6 p.m. on the third Friday  
2 preceding any election. A registration application received after the  
3 deadline shall not be processed by the election commissioner or county  
4 clerk until after the election. This section shall not apply to  
5 registration done by the employees of the election commissioner or county  
6 clerk.

7 **Sec. 8.** Section 32-307, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 32-307 No materials advocating or advertising any political issue,  
10 candidate, or party shall be displayed or distributed within fifty feet  
11 of any voter registration site. No alcohol shall be served within fifty  
12 feet of any voter registration site. The registration procedure shall be  
13 conducted in a neutral manner and shall not be connected with anything  
14 unrelated to the object of registering electors except as otherwise  
15 provided in sections 32-308 and ~~to~~ 32-310.

16 **Sec. 9.** Section 32-308, Revised Statutes Cumulative Supplement,  
17 2024, is amended to read:

18 32-308 (1) The Secretary of State and the Director of Motor Vehicles  
19 shall enter into an agreement to match information in the computerized  
20 statewide voter registration list with information in the database of the  
21 Department of Motor Vehicles to the extent required to enable each such  
22 official to verify the accuracy of the information, including  
23 citizenship, provided on applications for voter registration. The  
24 Director of Motor Vehicles shall enter into an agreement with the  
25 Commissioner of Social Security under section 205(r)(8) of the federal  
26 Social Security Act, 42 U.S.C. 405(r)(8), as such section existed on  
27 April 17, 2003, for purposes of the Election Act.

28 (2) The Department of Motor Vehicles, with the assistance of the  
29 Secretary of State, shall prescribe a voter registration application  
30 which may be used to register to vote or change an elector's ~~his or her~~  
31 address for voting purposes at the same time an elector applies for an

1 original or renewal motor vehicle operator's license, an original or  
2 renewal state identification card, or a replacement thereof. The voter  
3 registration application shall contain the information required pursuant  
4 to section 32-312 and shall be designed so that it does not require the  
5 duplication of information in the application for the motor vehicle  
6 operator's license or state identification card, except that it may  
7 require a second signature of the applicant. The department and the  
8 Secretary of State shall make the voter registration application  
9 available to any person applying for an operator's license or state  
10 identification card. The application shall be completed at the office of  
11 the department by the close of business on the third Friday preceding any  
12 election to be registered to vote at such election. A registration  
13 application received after the deadline shall not be processed by the  
14 election commissioner or county clerk until after the election.

15 (3) The Department of Motor Vehicles, in conjunction with the  
16 Secretary of State, shall develop a process to electronically transmit  
17 voter registration application information received under subsection (2)  
18 of this section to the election commissioner or county clerk of the  
19 county in which the applicant resides ~~within the time limits prescribed~~  
20 ~~in subsection (4) of this section. The Director of Motor Vehicles shall~~  
21 ~~designate an implementation date for the process which shall be on or~~  
22 ~~before January 1, 2016.~~(4) The voter registration application information  
23 shall be transmitted to the election commissioner or county clerk of the  
24 county in which the applicant resides not later than ten days after  
25 receipt, except that if the voter registration application information is  
26 received within five days prior to the third Friday preceding any  
27 election, it shall be transmitted not later than five days after its  
28 original submission. Any information on whether an applicant registers or  
29 declines to register and the location of the office at which he or she  
30 registers shall be confidential and shall only be used for voter  
31 registration purposes.

1           (4) ~~(5)~~ For each voter registration application for which  
2 information is transmitted electronically pursuant to this section, the  
3 Secretary of State shall obtain a copy of the electronic representation  
4 of the applicant's digital image and signature from the Department of  
5 Motor Vehicles' records of his or her motor vehicle operator's license or  
6 state identification card for purposes of voter registration and voting.  
7 Each voter registration application electronically transmitted under this  
8 section shall include information provided by the applicant that includes  
9 whether the applicant is a citizen of the United States, whether the  
10 applicant is of sufficient age to register to vote, the applicant's  
11 residence address, the applicant's postal address if different from the  
12 residence address, the date of birth of the applicant, the party  
13 affiliation of the applicant or an indication that the applicant is not  
14 affiliated with any political party, the applicant's motor vehicle  
15 operator's license number, the applicant's previous registration location  
16 by city, county, or state, if applicable, and the applicant's signature.

17           (5) ~~(6)~~ State agency personnel involved in the voter registration  
18 process pursuant to this section ~~and section 32-309~~ shall not be  
19 considered deputy registrars or agents or employees of the election  
20 commissioner or county clerk.

21           **Sec. 10.** Section 32-310, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23           32-310 (1) The State Department of Education and the Department of  
24 Health and Human Services shall provide the opportunity to register to  
25 vote at the time of application, review, or change of address for the  
26 following programs, as applicable: (a) The Supplemental Nutrition  
27 Assistance Program; (b) the medicaid program; (c) the WIC program as  
28 defined in section 71-2225; (d) the aid to dependent children program;  
29 (e) the vocational rehabilitation program; and (f) any other public  
30 assistance program or program primarily for the purpose of providing  
31 services to persons with disabilities. If the application, review, or



1 change of address is accomplished through an agent or contractor of the  
2 department, the agent or contractor shall provide the opportunity to  
3 register to vote. Any information on whether an applicant registers or  
4 declines to register and the agency at which he or she registers shall be  
5 confidential and shall only be used for voter registration purposes.

6 (2) The department, agent, or contractor shall make the ~~mail-in~~  
7 registration application described in section 32-320 available at the  
8 time of application, review, or change of address, ~~and~~ shall provide  
9 assistance, if necessary, to the applicant in completing the application  
10 to register to vote, and shall only accept complete voter registration  
11 applications for applicants who present valid photographic  
12 identification. The department shall retain records indicating whether an  
13 applicant accepted or declined the opportunity to register to vote.

14 (3) Department personnel, agents, and contractors involved in the  
15 voter registration process pursuant to this section shall not be  
16 considered deputy registrars or agents or employees of the election  
17 commissioner or county clerk.

18 (4) ~~The applicant may return the completed voter registration~~  
19 ~~application to the department, agent, or contractor or may personally~~  
20 ~~mail or deliver the application to the election commissioner or county~~  
21 ~~clerk as provided in section 32-321. If the applicant returns the~~  
22 ~~completed application to the department, agent, or contractor, the~~  
23 department, agent, or contractor shall deliver the application to the  
24 election commissioner or county clerk of the county in which the office  
25 of the department, agent, or contractor is located not later than ten  
26 days after receipt by the department, agent, or contractor, except that  
27 if the application is completed ~~returned to the department, agent, or~~  
28 ~~contractor~~ within five days prior to the third Friday preceding any  
29 election, it shall be delivered not later than five days after the date  
30 it is returned. The election commissioner or county clerk shall, if  
31 necessary, forward the application to the election commissioner or county

1 clerk of the county in which the applicant resides within such prescribed  
2 time limits. ~~The application shall be completed and returned to the~~  
3 ~~department, agency, or contractor by the close of business on the third~~  
4 ~~Friday preceding any election to be registered to vote at such election.~~  
5 A registration application received after the deadline shall not be  
6 processed by the election commissioner or county clerk until after the  
7 election.

8 (5) The departments shall adopt and promulgate rules and regulations  
9 to ensure compliance with this section.

10 **Sec. 11.** Section 32-311.01, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 32-311.01 (1) The Secretary of State shall prescribe and distribute  
13 a registration application which may be used statewide to register to  
14 vote and update voter registration records. An applicant may use the  
15 application to register to vote or to update his or her voter  
16 registration record with changes in his or her personal information or  
17 other information related to his or her eligibility to vote. An applicant  
18 shall ~~may~~ submit the application in person along with valid photographic  
19 identification ~~, through a personal messenger or personal agent, or by~~  
20 ~~mail~~. Every election commissioner or county clerk shall accept such an  
21 application for registration. ~~The~~ If an applicant who is eligible to  
22 ~~register to vote submits the application in person at the office of the~~  
23 ~~election commissioner or county clerk, the information from the~~  
24 application shall be entered into the voter registration register in the  
25 presence of the applicant if possible.

26 (2) The application shall contain substantially all the information  
27 provided in section 32-312 and the following informational statements:

28 (a) An applicant who is unable to sign his or her name may affix his  
29 or her mark next to his or her name written on the signature line by some  
30 other person;

31 ~~(b) If the application is submitted by mail and the applicant is~~

1 ~~registering in the state for the first time and has not previously voted~~  
2 ~~within the state, the applicant must submit with the application a copy~~  
3 ~~of a photo identification which is current and valid or a copy of a~~  
4 ~~utility bill, bank statement, government check, paycheck, or other~~  
5 ~~government document that is current and that shows the name and address~~  
6 ~~of the applicant as they appear on the application in order to avoid~~  
7 ~~additional identification requirements when voting for the first time;~~

8 (b) ~~(e)~~ An applicant must ~~may~~ deliver the application to the office  
9 of the election commissioner or county clerk in person and present valid  
10 photographic identification , ~~through a personal messenger or personal~~  
11 ~~agent, or by mail;~~

12 (c) ~~(d)~~ To vote at the polling place on election day, the completed  
13 application must be delivered ~~:(i) Delivered~~ by the applicant in person  
14 to the office of the election commissioner or county clerk on or before  
15 the deadline prescribed in section 32-302; and

16 ~~(ii) Delivered by the applicant's personal messenger or personal~~  
17 ~~agent to the office of the election commissioner or county clerk on or~~  
18 ~~before the third Friday before the election; or~~

19 ~~(iii) Postmarked on or before the third Friday before the election~~  
20 ~~if the application is submitted by mail; and~~

21 (d) ~~(e)~~ The election commissioner or county clerk will, upon receipt  
22 of the application for registration, send an acknowledgment of  
23 registration to the applicant indicating whether the application is  
24 proper or not.

25 **Sec. 12.** Section 32-312, Revised Statutes Cumulative Supplement,  
26 2024, is amended to read:

27 32-312 The registration application prescribed by the Secretary of  
28 State pursuant to section ~~32-304~~ or 32-311.01 shall provide the  
29 instructional statements and request the information from the applicant  
30 as provided in this section.

31 CITIZENSHIP—"Are you a citizen of the United States of America?"

1 with boxes to check to indicate whether the applicant is or is not a  
2 citizen of the United States.

3 AGE—"Are you at least eighteen years of age or will you be eighteen  
4 years of age on or before the first Tuesday following the first Monday of  
5 November of this year?" with boxes to check to indicate whether or not  
6 the applicant will be eighteen years of age or older on election day.

7 WARNING—"If you checked 'no' in response to either of these  
8 questions, do not complete this application."

9 NAME—the name of the applicant giving the first and last name in  
10 full, the middle name in full or the middle initial, and the maiden name  
11 of the applicant, if applicable.

12 RESIDENCE—the name and number of the street, avenue, or other  
13 location of the dwelling where the applicant resides if there is a  
14 number. If the registrant resides in a hotel, apartment, tenement house,  
15 or institution, such additional information shall be included as will  
16 give the exact location of such registrant's place of residence. If the  
17 registrant lives in an incorporated or unincorporated area not identified  
18 by the use of roads, road names, or house numbers, the registrant shall  
19 state the section, township, and range of his or her residence and the  
20 corporate name of the school district as described in section 79-405 in  
21 which he or she is located.

22 POSTAL ADDRESS—the address at which the applicant receives mail if  
23 different from the residence address.

24 ADDRESS OF LAST REGISTRATION—the name and number of the street,  
25 avenue, or other location of the dwelling from which the applicant last  
26 registered.

27 TELEPHONE NUMBERS—the telephone numbers of the applicant. At the  
28 request of the applicant, a designation shall be made that a telephone  
29 number is an unlisted number, and such designation shall preclude the  
30 listing of such telephone number on any list of voter registrations.

31 EMAIL ADDRESS—an email address of the applicant. At the request of

1 the applicant, a designation shall be made that the email address is  
2 private, and such designation shall preclude the listing of the  
3 applicant's email address on any list of voter registrations.

4 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY  
5 NUMBER—if the applicant has a Nebraska driver's license, the license  
6 number, and if the applicant does not have a Nebraska driver's license,  
7 the last four digits of the applicant's social security number.

8 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when  
9 the applicant presented himself or herself for registration, or when the  
10 applicant completed and signed the registration application if the  
11 application was submitted by mail ~~or delivered to the election official~~  
12 ~~by the applicant's personal messenger or personal agent, or when the~~  
13 ~~completed application was submitted if the registration application was~~  
14 ~~completed pursuant to section 32-304.~~

15 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion  
16 where the applicant was born.

17 DATE OF BIRTH—show the date of the applicant's birth. The applicant  
18 shall be at least eighteen years of age or attain eighteen years of age  
19 on or before the first Tuesday after the first Monday in November to have  
20 the right to register and vote in any election in the present calendar  
21 year.

22 REGISTRATION TAKEN BY—show the signature of the authorized official  
23 or staff member accepting the application pursuant to section ~~32-309 or~~  
24 ~~32-310~~ or at least one of the deputy registrars taking the application  
25 pursuant to section 32-306, if applicable.

26 PARTY AFFILIATION—show the party affiliation of the applicant as  
27 Democratic, Republican, or Other ..... or show no party affiliation as  
28 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan  
29 primary elections for state and local offices, you must indicate a  
30 political party affiliation on the registration application. If you  
31 register without a political party affiliation (nonpartisan), you will

1 receive only the nonpartisan ballots for state and local offices at  
2 primary elections. If you register without a political party affiliation,  
3 you may vote in partisan primary elections for congressional offices.)

4 OTHER—information the Secretary of State determines will assist in  
5 the proper and accurate registration of the voter.

6 Immediately following the spaces for inserting information as  
7 provided in this section, the following statement shall be printed:

8 To the best of my knowledge and belief, I declare under penalty of  
9 election falsification that:

10 (1) I live in the State of Nebraska at the address provided in this  
11 application;

12 (2) I have not been convicted of a felony or, if convicted, I have  
13 completed my sentence for the felony, including any parole term;

14 (3) I have not been officially found to be non compos mentis  
15 (mentally incompetent); and

16 (4) I am a citizen of the United States.

17 Any registrant who signs this application knowing that any of the  
18 information in the application is false shall be guilty of a Class IV  
19 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
20 a Class IV felony is up to two years imprisonment and twelve months post-  
21 release supervision, a fine of up to ten thousand dollars, or both.

22 APPLICANT'S SIGNATURE—require the applicant to affix his or her  
23 signature to the application.

24 **Sec. 13.** Section 32-312.05, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 32-312.05 The date that a person's voter registration record or an  
27 update of his or her voter registration record becomes effective is the  
28 date the person presented himself or herself in person to register, the  
29 date the registration application was delivered to the election  
30 commissioner or county clerk, or the date the registration application  
31 was received by the election commissioner or county clerk if the person

1 submitted the registration application ~~by mail or~~ pursuant to section  
2 ~~32-304 or~~ 32-308.

3 **Sec. 14.** Section 32-315, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 32-315 Upon receiving a completed voter registration application  
6 pursuant to section 32-308 ~~, 32-309,~~ or 32-310 indicating that a voter  
7 who is registered in the county has changed his or her name or moved to  
8 another residence within the same county, the election commissioner or  
9 county clerk shall change the voter registration record of the registered  
10 voter to the new name or new address and shall send an acknowledgment  
11 card to the registered voter indicating that the change of registration  
12 has been completed and the address of the voter's new polling place.

13 **Sec. 15.** Section 32-320, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 32-320 The only ~~mail-in~~ forms which may be used to register to vote  
16 shall be the official registration application prescribed by the  
17 Secretary of State or the national mail voter registration application  
18 prescribed by the federal Election Assistance Commission. The Secretary  
19 of State shall provide such official registration applications to all  
20 recruitment offices of the United States Armed Forces in the State of  
21 Nebraska. The counties and state agencies listed in section 32-310 shall  
22 purchase such official registration applications from the Secretary of  
23 State. The Secretary of State shall remit proceeds from the sale of such  
24 applications to the State Treasurer for credit to the Election  
25 Administration Fund.

26 **Sec. 16.** Section 32-321, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 32-321 (1) Any elector may request a voter registration application  
29 from the office of the Secretary of State or the election commissioner or  
30 county clerk. The Secretary of State and the election commissioner or  
31 county clerk shall make registration applications prescribed by the

1 Secretary of State available and may place the applications in public  
2 places. The Secretary of State and the election commissioner or county  
3 clerk may require that all unused applications be returned to his or her  
4 office and may place reasonable limits on the amount of applications  
5 requested.

6 (2) If an elector returns the completed application to the office of  
7 the Secretary of State ~~or submits an application to the Secretary of~~  
8 ~~State pursuant to section 32-304,~~ the office shall deliver the  
9 application to the election commissioner or county clerk of the county in  
10 which the elector resides not later than ten days after receipt by the  
11 office, except that if the application is returned to the office ~~or~~  
12 ~~submitted pursuant to section 32-304~~ within five days prior to the third  
13 Friday preceding any election, it shall be delivered not later than five  
14 days after the date it is returned. The deadline for returning a  
15 completed application to the office of the Secretary of State ~~or~~  
16 ~~submitting an application pursuant to section 32-304~~ is the close of  
17 business on the third Friday preceding an election to be registered to  
18 vote at such election. A registration application received after the  
19 deadline shall not be processed by the election commissioner or county  
20 clerk until after the election. The office of the Secretary of State  
21 shall be a designated voter registration agency for purposes of section 7  
22 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as  
23 such section existed on March 11, 2008.

24 (3) The elector shall also present valid photographic identification  
25 to the election commissioner or county clerk of the county in which the  
26 elector resides. ~~If an elector mails the registration application to the~~  
27 ~~election commissioner or county clerk:~~

28 (a)(i) ~~The application shall be postmarked on or before the third~~  
29 ~~Friday before the next election; or~~

30 (ii) ~~The application shall be received not later than the second~~  
31 ~~Tuesday before the next election if the postmark is unreadable; and~~



1       ~~(b) The application shall be processed by the election office as a~~  
2 ~~proper registration for the voter to be entitled to vote on the day of~~  
3 ~~the next election.~~

4       (4) If the registration application arrives after the registration  
5 deadline, the application shall not be processed until after the  
6 election. Written notice shall be given to any applicant whose  
7 registration application failed to meet the registration deadline or was  
8 found to be incorrect or incomplete and shall state the specific reason  
9 for rejection. If the application is incomplete, the election  
10 commissioner or county clerk shall notify the applicant of the failure to  
11 provide the required information, including failure to provide valid  
12 photographic identification if required, and provide the applicant with  
13 the opportunity to submit an identification document ~~as described in~~  
14 ~~section 32-318.01~~ prior to the deadline for voter registration or to  
15 complete and submit a corrected registration application in a timely  
16 manner to allow for the proper registration of the applicant prior to the  
17 next election. ~~All postage costs related to returning registration~~  
18 ~~applications to the election commissioner or county clerk shall be paid~~  
19 ~~by the registrant.~~

20       **Sec. 17.** Section 32-323, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       32-323 Registration pursuant to section ~~32-304 or 32-308 or by mail~~  
23 shall not constitute a valid registration for purposes of signing any  
24 type of petition requiring the validation of the signatures of registered  
25 voters until a complete and correct registration application has been  
26 received by the election commissioner or county clerk and the applicant  
27 has presented valid photographic identification. A signature on a  
28 petition shall be considered a valid signature as of the date that the  
29 election commissioner or county clerk receives the registration  
30 application of the registrant and the registrant has presented valid  
31 photographic identification.

1           **Sec. 18.** Section 32-325, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           32-325 (1) A registration application completed and signed by a  
4 registered voter seeking to update his or her voter registration record  
5 shall be completed in person at or delivered ~~or mailed~~ to the office of  
6 the election commissioner or county clerk ~~or submitted pursuant to~~  
7 ~~section 32-304 to the Secretary of State.~~ To avoid additional  
8 requirements at the polling place pursuant to section 32-914.01,  
9 32-914.02, or 32-915, an application to update a voter registration  
10 record must be:

11           (a) Completed or delivered by the applicant in person at the office  
12 of the election commissioner or county clerk on or before the deadline  
13 prescribed in section 32-302; or

14           (b) Delivered by a personal messenger or personal agent ~~, submitted~~  
15 ~~pursuant to section 32-304, or mailed~~ so that it is received by the  
16 election commissioner or county clerk on or before the deadline  
17 prescribed in section 32-321.

18           (2) After verifying the signature on the previous registration of  
19 the registered voter, the election commissioner or county clerk shall  
20 make the change of name, party affiliation, or address on all pertinent  
21 election records. The election commissioner or county clerk shall send an  
22 acknowledgment card to the registered voter indicating that the change of  
23 registration has been completed and shall include the address of the  
24 registered voter's new polling place.

25           **Sec. 19.** Section 32-806, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           32-806 All official ballots prepared for elections conducted  
28 pursuant to the Election Act shall have a covert watermark that  
29 identifies the ballot as an official Nebraska ballot and shall be white  
30 in color, except that the election commissioner, county clerk, or city or  
31 village clerk may designate a distinctive color of ballot or ink for

1 city, village, or school elections or, when authorized by the Secretary  
2 of State, for elections of any other political subdivision. If a  
3 distinctive color is designated, the color of the ballot shall not be the  
4 same as the sample ballots as provided in section 32-804. The style and  
5 size of type on official ballots shall be as close as possible to the  
6 style used on the ballots furnished by the Secretary of State.

7 **Sec. 20.** Section 32-808, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 32-808 (1) Except as otherwise provided in section 32-939.02,  
10 ballots for early voting to be mailed pursuant to section 32-941 shall be  
11 ready for delivery to registered voters not more than twenty-two ~~at least~~  
12 ~~thirty-five~~ days prior to each ~~statewide primary or general~~ election and  
13 ~~at least fifteen days prior to all other elections.~~

14 (2) The election commissioner or county clerk shall not mail or  
15 issue any ballot for early voting if the election to which such ballot  
16 pertains has already been held.

17 (3) The election commissioner or county clerk shall publish in a  
18 newspaper of general circulation in the county an application form to be  
19 used by registered voters in making an application for a ballot for early  
20 voting after the ballots become available. The application form shall  
21 include the reasons a voter is permitted to apply for a ballot for early  
22 voting pursuant to section 32-938. The publication of the application  
23 shall not be required if the election is held by mail pursuant to  
24 sections 32-952 to 32-959.

25 **Sec. 21.** Section 32-902, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 32-902 (1) The election commissioner or county clerk shall cause  
28 instructions for the guidance of registered voters in preparing their  
29 ballots to be printed in large, clear type on cards in English. He or she  
30 shall furnish at least five such cards to each polling place in each  
31 precinct at the same time and in the same manner as the printed ballots.

1 The judges or clerks of election shall post such cards in each voting  
2 booth on the day of election. The card shall contain full instructions on  
3 preparing and casting ballots, including how to cast a write-in vote. The  
4 form and contents of the cards shall be approved by the Secretary of  
5 State.

6 (2) The election commissioner or county clerk shall cause voting  
7 information to be posted in each polling place on the day of election.  
8 The voting information shall include the following information as  
9 approved by the Secretary of State:

10 (a) Information regarding the date of the election and the hours  
11 during which polling places will be open;

12 (b) Instructions for voters who registered to vote ~~pursuant to~~  
13 ~~section 32-304~~ or by mail and first-time voters;

14 (c) General information on voting rights under applicable federal  
15 and state laws, including information on the right of an individual to  
16 cast a provisional ballot and instructions on how to contact the  
17 appropriate officials if these rights are alleged to have been violated;  
18 and

19 (d) General information on federal and state laws regarding  
20 prohibitions on acts of fraud and misrepresentation.

21 **Sec. 22.** Section 32-938, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 32-938 (1) For elections that are not conducted by mail pursuant to  
24 sections 32-952 to 32-960, a A registered voter shall be permitted to  
25 vote early by requesting a ballot for early voting pursuant to section  
26 32-941 or 32-943 for any one of the following reasons: -

27 (a) The registered voter expects to be absent from his or her county  
28 at the time the election is to be held;

29 (b) The registered voter will be eighty years of age or older on the  
30 day of the election;

31 (c) The registered voter is physically unable to go to the polling

1 place;

2 (d) The registered voter will be unable to go to the polling place  
3 on the day of the election due to his or her hospitalization for medical  
4 or surgical treatment;

5 (e) The registered voter will be unable to go to the polling place  
6 on the day of the election because the voter is the caretaker of a person  
7 who is hospitalized, ill, or disabled;

8 (f) The registered voter cannot go to the polling place on the day  
9 of the election because of the tenets of his or her religion;

10 (g) The registered voter will be unable to go to the polling place  
11 on the day of the election because he or she is confined by public order  
12 under the laws of (i) this state, (ii) any other state or territory of  
13 the United States or the District of Columbia, or (iii) the United  
14 States;

15 (h) The registered voter is legally blind;

16 (i) The registered voter has requested that his or her residence  
17 address remain confidential under section 32-331;

18 (j) The registered voter may be unable to vote in person due to jury  
19 duty; or

20 (k) The registered voter is a Nebraska resident and (i) a member of  
21 the armed forces of the United States or a spouse or dependent of such  
22 member, (ii) a citizen temporarily residing outside the United States or  
23 of the District of Columbia, or (iii) and overseas citizen.

24 (2) Any person excluded from voting under section 32-313 or 32-314  
25 shall not be allowed to receive a ballot for early voting.

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

29 **Sec. 23.** Section 32-941, Revised Statutes Cumulative Supplement,  
30 2024, is amended to read:

31 32-941 (1) Any registered voter who is permitted to vote early

1 pursuant to section 32-938 and who has presented valid photographic  
2 identification to the election commissioner or county clerk may, not more  
3 than one hundred twenty days before any election and not later than the  
4 close of business on the second Friday preceding the election, request a  
5 ballot for the election to be mailed to a specific address at which the  
6 voter has access to mail. A registered voter shall request a ballot in  
7 writing to the election commissioner or county clerk in the county where  
8 the registered voter has established his or her home, shall indicate his  
9 or her residence address, the address to which the ballot is to be mailed  
10 if different, ~~and~~ his or her telephone number if available, and the  
11 reason the voter is requesting the ballot as permitted in section 32-938,  
12 and shall include:

13 (a) The identification number of the voter's driver's license or  
14 state identification card issued by the State of Nebraska;

15 (b) A photocopy of any other valid photographic identification  
16 issued to or related to the voter; or

17 (c) The voter's reasonable impediment certification.

18 (2) If the identification number of the voter's driver's license or  
19 state identification card issued by the State of Nebraska is provided,  
20 the election commissioner or county clerk shall verify the driver's  
21 license or state identification card data with the information provided  
22 by the Department of Motor Vehicles pursuant to section 32-308.

23 (3) If such identification or certification is not provided or  
24 cannot be verified, the election commissioner or county clerk shall  
25 contact the voter and inform the voter that the ballot will not be issued  
26 until the voter provides the identification or certification required  
27 under this section.

28 (4) The registered voter may use the form published by the election  
29 commissioner or county clerk pursuant to section 32-808. The registered  
30 voter shall sign the request. A registered voter may use a facsimile  
31 machine or electronic mail for the submission of a request for a ballot.

1       ~~(5) The election commissioner or county clerk shall include a~~  
2 ~~registration application with the ballots if the person is not~~  
3 ~~registered. Registration applications shall not be mailed after the third~~  
4 ~~Friday preceding the election. If the person is not registered to vote,~~  
5 ~~the registration application shall be returned not later than the closing~~  
6 ~~of the polls on the day of the election. No ballot issued under this~~  
7 ~~section shall be counted unless such registration application is properly~~  
8 ~~completed and processed.~~

9       (5) ~~(6)~~ Subdivisions (1)(a) through (c) of this section do not apply  
10 to any voter who casts a ballot pursuant to section 32-939.02 or  
11 32-939.03.

12       **Sec. 24.** Section 32-942, Revised Statutes Cumulative Supplement,  
13 2024, is amended to read:

14       32-942 (1)(a) A registered voter of this state who anticipates being  
15 absent from the county of his or her residence on the day of any election  
16 may appear in person before the election commissioner or county clerk not  
17 more than thirty days prior to the day of election for a statewide  
18 primary or general election, ~~and not more than fifteen days prior to the~~  
19 ~~election for all other elections,~~ present valid photographic  
20 identification, and obtain his or her ballot unless otherwise entitled to  
21 vote in the office under section 32-915.03. The registered voter shall  
22 vote the ballot in the office of the election commissioner or county  
23 clerk ~~or shall return the ballot to the office not later than the closing~~  
24 ~~of the polls on the day of the election.~~

25       (b) A registered voter who is present in the county on the day of  
26 the election and who chooses to vote on the day of the election shall  
27 vote at the polling place assigned to the precinct in which he or she  
28 resides unless he or she is returning a ballot for early voting or voting  
29 pursuant to section 32-943.

30       (2) If a person registers to vote and requests a ballot at the same  
31 time under this section, he or she shall, in addition to the requirements

1 of subsection (1) of this section, (a)(i) present one of the address  
2 confirmation documents as prescribed in subdivision (1)(a) of section  
3 32-318.01, (ii) present proof that he or she is a member of the armed  
4 forces of the United States who by reason of active duty has been absent  
5 from his or her place of residence where the member is otherwise eligible  
6 to vote, is a member of the United States Merchant Marine who by reason  
7 of service has been away from his or her place of residence where the  
8 member is otherwise eligible to vote, is a spouse or dependent of a  
9 member of the armed forces of the United States or United States Merchant  
10 Marine who has been absent from his or her place of residence due to the  
11 service of that member, or resides outside the United States and but for  
12 such residence would be qualified to vote in the state if the state was  
13 the last place in which the person was domiciled before leaving the  
14 United States, or (iii) state that he or she is elderly or handicapped  
15 and has requested to vote by alternative means other than by casting a  
16 ballot at his or her polling place on election day or (b) vote a ballot  
17 which is placed in an envelope with the voter's name and address and  
18 other necessary identifying information and kept securely for counting as  
19 provided in this subsection. This subsection does not extend the deadline  
20 for voter registration specified in section 32-302. A ballot cast  
21 pursuant to subdivision (b) of this subsection shall be rejected and  
22 shall not be counted if the acknowledgment of registration sent to the  
23 registrant pursuant to section 32-322 is returned as undeliverable for a  
24 reason other than clerical error within ten days after it is mailed,  
25 otherwise after such ten-day period, the ballot shall be counted.

26 (3) This section applies only to a person who appears in person to  
27 obtain a ballot as provided in subsection (1) of this section and does  
28 not apply to a ballot mailed to a voter pursuant to section 32-945.

29 **Sec. 25.** Section 32-943, Revised Statutes Cumulative Supplement,  
30 2024, is amended to read:

31 32-943 (1) Any registered voter who is permitted to vote early



1 pursuant to section 32-938 and who has presented valid photographic  
2 identification to the election commissioner or county clerk may appoint  
3 an agent to (a) submit a request for a ballot for early voting on his or  
4 her behalf of such voter or (b) return a ballot to the election  
5 commissioner or county clerk on behalf of such voter. The registered  
6 voter or his or her agent may request that the ballot be sent to the  
7 registered voter by mail or indicate on the request that the agent will  
8 personally pick up the ballot for such registered voter from the office  
9 of the election commissioner or county clerk.

10 (2) A registered voter or an agent acting on behalf of a registered  
11 voter shall request a ballot in writing to the election commissioner or  
12 county clerk in the county where the registered voter has established his  
13 or her residence, shall indicate the voter's residence address, the  
14 address to which the ballot is to be mailed if different, and the voter's  
15 telephone number if available and precinct if known, and shall:

16 (a) Present a valid photographic identification of the voter; or

17 (b) Include, with the request:

18 (i) The identification number of the voter's driver's license or  
19 state identification card issued by the State of Nebraska;

20 (ii) A photocopy of valid photographic identification issued to or  
21 related to the voter; or

22 (iii) The voter's reasonable impediment certification. The  
23 certification shall be verified pursuant to section 32-1002.01.

24 (3) ~~(2)~~ The registered voter or the voter's agent may use the form  
25 published by the election commissioner or county clerk pursuant to  
26 section 32-808. The registered voter or his or her agent shall sign the  
27 request.

28 (4) ~~(3)~~ A candidate for office at such election and any person  
29 serving on a campaign committee for such a candidate shall not act as an  
30 agent for any registered voter requesting a ballot pursuant to this  
31 section unless such person is a member of the registered voter's family.

1 The employer of a registered voter shall not act as an agent for the  
2 registered voter requesting a ballot pursuant to this section unless the  
3 employer is a member of the registered voter's family. No agent of such  
4 an employer shall act as an agent pursuant to this section for any  
5 employee of such employer unless the agent is a member of the registered  
6 voter's family. No person shall act as agent for more than two registered  
7 voters in any election.

8       ~~(5)~~ ~~(4)~~ The agent shall pick up the ballot before one hour prior to  
9 the closing of the polls on election day and deliver the ballot to the  
10 registered voter. The ballot shall be returned not later than the closing  
11 of the polls on the day of the election and shall be returned in an  
12 identification envelope as provided in section 32-947.

13       ~~(6)~~ ~~(5)~~ The election commissioner or county clerk shall adopt  
14 procedures for the distribution of ballots under this section.

15       ~~(7)~~ ~~(6)~~ Subdivisions ~~(2)(a)~~ ~~(1)(a)~~ and (b) of this section do not  
16 apply to any voter who casts a ballot pursuant to section 32-939.02 or  
17 32-939.03.

18       **Sec. 26.** Section 32-947, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20       32-947 (1) Upon receipt of an application or other request for a  
21 ballot to vote early, the election commissioner or county clerk shall  
22 determine whether the applicant is a registered voter and is entitled to  
23 vote as requested. If the election commissioner or county clerk  
24 determines that the applicant is a registered voter entitled to vote  
25 early and the application was received not later than the close of  
26 business on the second Friday preceding the election, the election  
27 commissioner or county clerk shall deliver a ballot to the applicant in  
28 person or by nonforwardable first-class mail, postage paid. The election  
29 commissioner or county clerk or any employee of the election commissioner  
30 or county clerk shall write or cause to be affixed his or her customary  
31 signature or initials on the ballot.

1 (2) An unsealed identification envelope shall be delivered with the  
2 ballot, and upon the back of the envelope shall be printed a form  
3 substantially as follows:

4 VOTER'S OATH

5 I, the undersigned voter, declare that the enclosed ballot or  
6 ballots contained no voting marks of any kind when I received them, and I  
7 caused the ballot or ballots to be marked, enclosed in the identification  
8 envelope, and sealed in such envelope.

9 To the best of my knowledge and belief, I declare under penalty of  
10 election falsification that:

11 (a) I, ....., am a registered voter  
12 in ..... County;

13 (b) I reside in the State of Nebraska at .....

14 (c) I have voted the enclosed ballot and am returning it in  
15 compliance with Nebraska law; ~~and~~

16 (d) I have not voted and will not vote in this election except by  
17 this ballot; ~~and -~~

18 (e) I am permitted to apply for a ballot to vote early for the  
19 following reason:

20 (Applicant must check the true statement concerning his or her  
21 reason for voting a ballot for early voting.)

22 . . . I will be absent from the county at the time of the election.

23 . . . I will be eighty years of age or older on the date of the  
24 election.

25 . . . I am physically unable to go to the polling place.

26 . . . I will be unable to go to the polling place on the day of  
27 election because of hospitalization.

28 . . . I will be unable to go to the polling place on the day of the  
29 election because I am the caretaker of a person who is hospitalized, ill,  
30 or disabled.

31 . . . I cannot go to the polling place on the day of the election

1 because of the tenets of my religion.

2 . . . I will be unable to go to the polling place on the day of the  
3 election because of confinement by public order.

4 . . . I am legally blind.

5 . . . I have requested that my residence address remain confidential  
6 pursuant to law.

7 . . . I may be unable to vote in person due to jury duty.

8 . . . I am a Nebraska resident and (i) a member of the armed forces  
9 of the United States or a spouse or dependent of such member, (ii) a  
10 citizen temporarily residing outside the United States or of the District  
11 of Columbia, or (iii) an overseas citizen.

12 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION  
13 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS  
14 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY  
15 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE  
16 MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND  
17 DOLLARS, OR BOTH.

18 I also understand that failure to sign below will invalidate my  
19 ballot.

20 Signature .....

21 (3) If the ballot and identification envelope will be returned by  
22 mail or by someone other than the voter, the election commissioner or  
23 county clerk shall include with the ballot an identification envelope  
24 upon the face of which shall be printed the official title and post  
25 office address of the election commissioner or county clerk.

26 (4) The election commissioner or county clerk shall also enclose  
27 with the ballot materials:

28 (a) A registration application, if the election commissioner or  
29 county clerk has determined that the applicant is not a registered voter  
30 pursuant to section 32-945, with instructions that failure to return the  
31 completed and signed application indicating the residence address as it

1 appears on the voter's request for a ballot to the election commissioner  
2 or county clerk by the close of the polls on election day will result in  
3 the ballot not being counted;

4 (b) A registration application and the oath pursuant to section  
5 32-946, if the voter is without a residence address, with instructions  
6 that the residence address of the voter shall be deemed that of the  
7 office of the election commissioner or county clerk of the county of the  
8 voter's prior residence and that failure to return the completed and  
9 signed application and oath to the election commissioner or county clerk  
10 by the close of the polls on election day will result in the ballot not  
11 being counted; or

12 (c) Written instructions directing the voter to submit a copy of an  
13 identification document pursuant to section 32-318.01 if the voter is  
14 required to present identification under such section and advising the  
15 voter that failure to submit identification to the election commissioner  
16 or county clerk by the close of the polls on election day will result in  
17 the ballot not being counted.

18 (5) The election commissioner or county clerk may enclose with the  
19 ballot materials a separate return envelope for the voter's use in  
20 returning his or her identification envelope containing the voted ballot,  
21 registration application, and other materials that may be required.

22 **Sec. 27.** Section 32-950.01, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 32-950.01 (1) If an election commissioner or county clerk maintains  
25 a secure ballot drop-box for voters to deposit completed ballots, the  
26 election commissioner or county clerk shall ensure that the secure ballot  
27 drop-box:

28 (a) Is conspicuously marked as a secure ballot drop-off location and  
29 placed in a well-lit and easily accessible location;

30 (b) Is under video surveillance at all times;

31 (c) ~~(a)~~ Is securely fastened to the ground or a concrete slab

1 connected to the ground;

2 (d) (b) Is tamper-resistant and secured by a lock that can only be  
3 opened by the election commissioner or county clerk or by an election  
4 official designated by the election commissioner or county clerk; and

5 (e) (c) Complies with the federal Americans with Disabilities Act of  
6 1990 and is accessible as determined by the election commissioner or  
7 county clerk.

8 (2) The election commissioner or county clerk shall inform the  
9 Secretary of State of each secure ballot drop-box's location no later  
10 than forty-two days prior to any statewide primary or general election.

11 (3)(a) The election commissioner or county clerk or an election  
12 official designated by the election commissioner or county clerk shall  
13 examine each secure ballot drop-box at least thirty days prior to each  
14 election for which the drop-box will be accessible to make sure:

15 (i) The mechanism for depositing ballots is working correctly;

16 (ii) The drop-box interior is clean and in good condition; and

17 (iii) The drop-box exterior and signage are clean and in good  
18 condition, both physically and cosmetically.

19 (b) Any person who examines a secure ballot drop-box shall notify  
20 the election commissioner or county clerk regarding concerns or defects,  
21 and the election commissioner or county clerk shall immediately provide  
22 for repairs or resolution. Repairs shall be completed no later than the  
23 sixth Friday prior to any statewide primary or general election and no  
24 later than the fourth Friday prior to any special election.

25 (4) The election commissioner or county clerk shall post a sign on  
26 or near each secure ballot drop-box indicating that the drop-box is under  
27 twenty-four-hour video surveillance.

28 (5) (3) Except for a secure ballot drop-box for an election  
29 conducted under section 32-960, the election commissioner or county clerk  
30 or an election official designated by the election commissioner or county  
31 clerk shall open each secure ballot drop-box no later than the sixth

1 Friday prior to any statewide primary or general election and no later  
2 than the fourth Friday prior to any special election. For any statewide  
3 primary or general election, each secure ballot drop-box shall remain  
4 accessible to voters until the deadline for the receipt of ballots as  
5 provided in section 32-908. For any special election, at least one secure  
6 ballot drop-box shall remain accessible to voters until the deadline for  
7 the receipt of ballots as provided in section 32-954.

8 (6) ~~(4)~~ After a secure ballot drop-box is made available for  
9 depositing ballots, the election commissioner or county clerk shall  
10 ensure that ballots deposited in such secure ballot drop-box are  
11 collected and returned to the office of the election commissioner or  
12 county clerk at least once during each business day.

13 (7) Immediately upon the deadline for receipt of ballots, the  
14 election commissioner or county clerk or an election official designated  
15 by the election commissioner or county clerk shall (a) close each secure  
16 ballot drop-box in such a way that ballots may not be deposited after  
17 such deadline for deposit has passed and (b) cause the drop-box to remain  
18 closed until the next election at which it will be used.

19 (8) The election commissioner or county clerk shall install a video  
20 recording device for each secure ballot drop-box. The recordings shall  
21 capture the location of such drop-box and evidence the date and time of  
22 each such recording beginning on the thirtieth day preceding an election  
23 until the last retrieval of ballots from such drop-box at the close of  
24 the polls at such election. Each such recording shall immediately be made  
25 publicly available from the date of recording, but in no case later than  
26 five days after such last retrieval of ballots, without the necessity of  
27 a subpoena or other legal proceedings. The election commissioner or  
28 county clerk shall retain each such recording for a period of twenty-two  
29 months and may destroy the recording at the end of such period, except  
30 that such period may be extended as necessary in response to a pending  
31 investigation, an order of the Secretary of State, or an order of a court

1 of competent jurisdiction.

2 **Sec. 28.** Section 32-960, Revised Statutes Cumulative Supplement,  
3 2024, is amended to read:

4 32-960 (1) In any county with a population of less than ten thousand  
5 inhabitants, the county clerk may apply to the Secretary of State to mail  
6 ballots for all elections held after approval of the application to  
7 registered voters of any or all of the precincts in the county. The  
8 application shall include a written plan for the conduct of the election  
9 which complies with this section, including a timetable for the conduct  
10 of the election and provisions for the notice of election to be published  
11 and for the application for ballots for early voting notwithstanding  
12 other statutory provisions regarding the content and publication of a  
13 notice of election or the application for ballots for early voting. If  
14 the Secretary of State approves such application for one or more  
15 precincts in the county, the county clerk shall follow the applicable  
16 procedures in sections 32-953 to 32-959 for conducting elections by mail,  
17 except that the deadline for receipt of the ballots shall be the deadline  
18 specified in subsection (2) of section 32-908.

19 (2) The county clerk of a county that has an approved application  
20 pursuant to subsection (1) of this section:

21 (a) Shall allow a voter to return the ballot by hand-delivering it  
22 to the office of the county clerk;

23 (b) Shall maintain at least one secure ballot drop-box available for  
24 voters to deposit completed ballots twenty-four hours per day, starting  
25 at least ten days before the election through the deadline provided in  
26 subsection (1) of this section for the receipt of ballots;

27 (c) Shall maintain at least one in-person voting location at the  
28 office of the county clerk at which a voter in a precinct subject to a  
29 plan under this section approved by the Secretary of State may receive  
30 and cast a ballot which shall be open on the day of the election from the  
31 time for opening the polls pursuant to section 32-908 through the



1 deadline provided in subsection (1) of this section for the receipt of  
2 ballots;

3 (d) Shall maintain in-person early voting opportunities as described  
4 in section 32-942; and

5 (e) May provide ~~additional~~ secure ballot drop-boxes and in-person  
6 voting locations in addition ~~that need not be open according~~ to the  
7 requirements of subdivisions (b) and (c) of this subsection.

8 **Sec. 29.** Section 32-1002, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10 32-1002 (1) As the ballots are removed from the ballot box pursuant  
11 to sections 32-1012 to 32-1018, the receiving board shall separate the  
12 envelopes containing the provisional ballots from the rest of the ballots  
13 and deliver them to the election commissioner or county clerk.

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

18 (3) The election commissioner or county clerk shall also (a) verify  
19 that such person has not voted anywhere else in the county or been issued  
20 a ballot for early voting, (b) investigate whether any credible evidence  
21 exists that the person was properly registered to vote in the county  
22 before the deadline for registration for the election, (c) investigate  
23 whether any information has been received pursuant to section 32-308,  
24 ~~32-309~~, 32-310, or 32-324 that the person has resided, registered, or  
25 voted in any other county or state since registering to vote in the  
26 county, and (d) upon determining that credible evidence exists that the  
27 person was properly registered to vote in the county, make the  
28 appropriate changes to the voter registration register by entering the  
29 information contained in the registration application completed by the  
30 voter at the time of voting a provisional ballot.

31 (4) A provisional ballot cast by a voter pursuant to section 32-915

1 shall be counted if:

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

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

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

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

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

13 (ii) If the voter is voting in a primary election, the party  
14 affiliation provided on the registration application completed prior to  
15 voting the provisional ballot is the same party affiliation that appears  
16 on the voter's voter registration record based on his or her previous  
17 registration application; and

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

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

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

24 (b) Information has been received pursuant to section 32-308,  
25 ~~32-309~~, 32-310, or 32-324 that the voter has resided, registered, or  
26 voted in any other county or state since registering to vote in the  
27 county in which he or she cast the provisional ballot;

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

30 (d) The voter failed to complete and sign a registration application  
31 pursuant to subsection (6) of this section and subdivision (1)(e) of

1 section 32-915;

2 (e) The residence address provided on the registration application  
3 completed pursuant to subdivision (1)(e) of section 32-915 is in a  
4 different county or in a different precinct than the county or precinct  
5 in which the voter voted;

6 (f) If the voter is voting in a primary election, the party  
7 affiliation on the registration application completed prior to voting the  
8 provisional ballot is different than the party affiliation that appears  
9 on the voter's voter registration record based on his or her previous  
10 registration application; or

11 (g) The voter failed to complete and sign the certification on the  
12 envelope or form attached to the envelope pursuant to subsection (3) of  
13 section 32-915.

14 (6) An error or omission of information on the registration  
15 application or the certification required under section 32-915 shall not  
16 result in the provisional ballot not being counted if:

17 (a)(i) The errant or omitted information is contained elsewhere on  
18 the registration application or certification; or

19 (ii) The information is not necessary to determine the eligibility  
20 of the voter to cast a ballot; and

21 (b) Both the registration application and the certification are  
22 signed by the voter.

23 (7) Upon determining that the voter's provisional ballot is eligible  
24 to be counted, the election commissioner or county clerk shall remove the  
25 ballot from the envelope without exposing the marks on the ballot and  
26 shall place the ballot with the ballots to be counted by the county  
27 canvassing board.

28 (8) The election commissioner or county clerk shall notify the  
29 system administrator of the system created pursuant to section 32-202 as  
30 to whether the ballot was counted and, if not, the reason the ballot was  
31 not counted.

1 (9) The verification and investigation shall be completed within  
2 seven business days after the election.

3 **Sec. 30.** (1) A hand count shall include only the actual voted paper  
4 ballots, physically marked by the actual voter or pursuant to section  
5 32-1016, and not the voter's choices reproduced via any electronic device  
6 or equipment, including, but not limited to, printers, except that any  
7 ballot voted by a person with disabilities using a machine to assist in  
8 marking the ballot shall be included in the hand count.

9 (2) A hand count shall also include providing for (a) verification  
10 of the covert watermark and (b) the comparison and verification of the  
11 signature on the envelope holding a ballot for early voting with the  
12 signature on file with the election commissioner or county clerk for the  
13 respective voter who requested the ballot for early voting.

14 **Sec. 31.** Section 32-1041, Revised Statutes Cumulative Supplement,  
15 2024, is amended to read:

16 32-1041 (1) The election commissioner or county clerk may use  
17 optical-scan ballots or voting systems approved by the Secretary of State  
18 to allow registered voters to cast their votes at any election. The  
19 election commissioner or county clerk may (a) conduct a hand count or (b)  
20 use vote counting devices and voting systems approved as provided in  
21 subsection (3) of this section by the Secretary of State for tabulating  
22 the votes cast at any election. Vote counting devices shall include  
23 electronic counting devices such as optical scanners.

24 (2) No electronic voting system shall be used under the Election  
25 Act.

26 (3) The election commissioner or county clerk shall only use a Any  
27 new voting or counting system that is shall be approved prior to each  
28 statewide primary election by the Secretary of State, each election  
29 commissioner appointed by the Governor, one election commissioner chosen  
30 by rotation from each congressional district from the remaining counties  
31 that have a separate office of election commissioner, one county clerk

1 chosen by rotation from each congressional district from a county in  
2 which the county clerk also serves as the election commissioner, and an  
3 independent information technology company that is qualified to assess  
4 such system and that is not associated with any political party or the  
5 vendor of the system prior to use by an election commissioner or county  
6 clerk. The Secretary of State may adopt and promulgate rules and  
7 regulations to establish different procedures and locations for voting  
8 and counting votes pursuant to the use of the any new voting or counting  
9 system. The procedures shall be designed to preserve the secrecy, safety,  
10 and confidentiality of each vote cast and the secrecy and security and  
11 transparency of the counting process, to establish security provisions  
12 for the prevention of fraud and the prevention of interference by  
13 malicious actors, and to ensure that the election is conducted in a fair  
14 manner.

15 **Sec. 32.** Section 32-1049, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 32-1049 Any election commissioner or county clerk using a vote  
18 counting device to count ballots in a centralized location shall:

19 (1) Provide for the proper sealing of the containers and the  
20 security of the ballots when transported from each polling place to the  
21 centralized location and when removed from their containers and delivered  
22 to the personnel who operate the vote counting devices;

23 (2) Provide a process of counting which allows for the ballots of  
24 each precinct to be placed in a sealed container and placed in a secure  
25 location after the counting process has been completed;

26 (3) Provide for a method of overseeing the ballots that have been  
27 overvoted or damaged which does not involve judging voter intent to  
28 assure that these ballots have not been or will not be intentionally  
29 mismarked;

30 (4) Provide for a procedure for counting write-in votes when such  
31 votes and names of write-in candidates are to be counted and recorded;

1 (5) Provide for at least three independent tests to be conducted  
2 before counting begins to verify the accuracy of the counting process,  
3 which includes the computerized program installed for counting various  
4 ballots by vote counting devices, by (a) the election commissioner or  
5 county clerk, (b) the chief deputy election commissioner or a registered  
6 voter with a different party affiliation than that of the election  
7 commissioner or county clerk, and (c) the person who installed the  
8 program in the vote counting device or the person in charge of operating  
9 the device;

10 (6) Provide for storing and safeguarding the magnetic tapes or  
11 computer chips of the vote counting devices for the required period of  
12 time;

13 (7) Provide the appropriate security personnel or measures necessary  
14 to safeguard the secrecy and security of the counting process;

15 (8) Develop a procedure for picking up and counting ballots during  
16 election day at the discretion of the election commissioner or county  
17 clerk. No report or tabulation of vote totals for such ballots shall be  
18 produced or generated prior to one hour before the closing of the polls;

19 (9) Develop a procedure for picking up and transporting ballots from  
20 a secure ballot drop-box to the office of the election commissioner or  
21 county clerk; ~~and~~

22 (10) Submit a written plan to the Secretary of State specifically  
23 outlining the procedures that will be followed on election day to  
24 implement this section. The plan shall be submitted no later than twenty-  
25 five days before the election and shall be modified, as necessary, for  
26 each primary, general, or special election; and -

27 (11) Provide for a procedure to hand count at least twenty-five  
28 percent of the ballots at each election to verify the tabulation of votes  
29 by the vote counting devices.

30 **Sec. 33.** Section 32-1118, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           32-1118 (1) The apparent loser at a general election for a seat in  
2 the Legislature may secure a recount of the ballots cast at such election  
3 by filing a petition for a recount in duplicate with the Secretary of  
4 State no later than the fourth Monday after the election. The petition  
5 shall be accompanied by a corporate surety bond in the penal sum of two  
6 thousand five hundred dollars conditioned for the payment of costs  
7 pursuant to section 32-1116 if the recount fails to change the results of  
8 the election. If at any stage of the recount the amount of the bond  
9 becomes inadequate, the Secretary of State may order an increase in the  
10 amount of such bond. The petition shall specify if a hand count is  
11 requested by the person filing the petition.

12           (2) The Secretary of State shall, by certified or registered mail,  
13 give notice of the filing of a petition under this section not later than  
14 the day following the filing of the petition and deliver a copy of the  
15 petition to the declared winner. The Secretary of State shall also, by  
16 the most practicable means of communication, direct the election  
17 commissioner or county clerk of each county involved to deliver the  
18 ballot boxes to the office of the election commissioner or county clerk  
19 designated by the Secretary of State no later than the following Monday.

20           (3) After the ballot boxes have been received at the designated  
21 office, they shall be opened and the ballots for member of the  
22 Legislature shall be recounted under the supervision of the Secretary of  
23 State. The Secretary of State may employ such persons as may be necessary  
24 to conduct the recount and fix their compensation. If a hand count is  
25 requested pursuant to subsection (1) of this section, the recount shall  
26 be conducted by hand count.

27           (4) The Secretary of State shall, on or before December 20, certify  
28 the results of the recount to each of the parties to the recount and to  
29 the Clerk of the Legislature.

30           **Sec. 34.** Section 32-1119, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           32-1119 (1) If it appears as evidenced by the abstract of votes that  
2 any candidate failed to be nominated or elected by a margin of (a) one  
3 percent or less of the votes received by the candidate who received the  
4 highest number of votes for the office at an election in which more than  
5 five hundred total votes were cast or (b) two percent or less of the  
6 votes received by the candidate who received the highest number of votes  
7 for the office at an election in which five hundred or less total votes  
8 were cast, then such candidate shall be entitled to a recount. Any losing  
9 candidate may waive the ~~his or her~~ right to a recount by filing a written  
10 statement with the Secretary of State, election commissioner, or county  
11 clerk with whom such candidate ~~he or she~~ made his or her filing. All  
12 expenses of a recount under this section shall be paid by those political  
13 subdivisions involved in the recount.

14           (2) Recounts shall be made by the county canvassing board which  
15 officiated in making the official county canvass of the election returns.  
16 If any member of the county canvassing board cannot participate in the  
17 recount, another person shall be appointed by the election commissioner  
18 or county clerk to take the member's place.

19           (3) Recounts for candidates who filed with the Secretary of State  
20 shall be made on the fifth Wednesday after the election and shall  
21 commence at 9 a.m. The Secretary of State shall inform each election  
22 commissioner or county clerk of the names of the candidates for which the  
23 board of state canvassers deems a recount to be necessary.

24           (4) The election commissioner or county clerk shall be responsible  
25 for recounting the ballots for those candidates for whom the county  
26 canvassing board deems a recount to be necessary. The recount shall be  
27 made as soon as possible after the adjournment of the county canvassing  
28 board, except that if a recount is required under subsection (3) of this  
29 section, the recounts may be conducted concurrently.

30           (5) The Secretary of State, election commissioner, or county clerk  
31 shall notify all candidates whose ballots will be recounted of the time,



1 date, and place of the recount. Candidates whose ballots will be  
2 recounted may be present or be represented by an agent appointed by the  
3 candidate.

4 (6) The procedures for the recounting of ballots shall be the same  
5 as those used for the counting of ballots on election day, except that  
6 any election commissioner or county clerk shall have the option to  
7 recount the ballots manually by hand count. The recount shall be  
8 conducted at the county courthouse, except that if vote counting devices  
9 are used for the counting or recounting, such counting or recounting may  
10 be accomplished at the site of the devices. Counties counting ballots by  
11 using a vote counting device shall first recount the ballots by use of  
12 the device. If substantial changes are found, the ballots shall then be  
13 counted using such device in any precinct which might reflect a  
14 substantial change.

15 **Sec. 35.** Original sections 32-306, 32-307, 32-310, 32-311.01,  
16 32-312.05, 32-315, 32-320, 32-321, 32-323, 32-325, 32-806, 32-808,  
17 32-902, 32-938, 32-1118, and 32-1119, Reissue Revised Statutes of  
18 Nebraska, and sections 32-101, 32-103, 32-202, 32-203, 32-206, 32-308,  
19 32-312, 32-941, 32-942, 32-943, 32-947, 32-950.01, 32-960, 32-1002,  
20 32-1041, and 32-1049, Revised Statutes Cumulative Supplement, 2024, are  
21 repealed.

22 **Sec. 36.** The following sections are outright repealed: Section  
23 32-309, Reissue Revised Statutes of Nebraska, and sections 32-304 and  
24 32-320.01, Revised Statutes Cumulative Supplement, 2024.