

LEGISLATIVE BILL 358

Approved by the Governor May 13, 2003

Introduced by Government, Military and Veterans Affairs Committee:
Schimek, 27, Chairperson; Aguilar, 35; Burling, 33; Combs, 32;
McDonald, 41; Smith, 48; Vrtiska, 1

AN ACT relating to elections; to amend sections 32-103, 32-202, 32-216, 32-320, 32-803, 32-809, 32-817, 32-901 to 32-903, 32-906, 32-909, 32-913, 32-918, 32-921, 32-929, 32-1006, 32-1012, 32-1019, 32-1026, 32-1041 to 32-1045, 32-1202, and 32-1307, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-223, 32-230, 32-810, 32-813, 32-816, 32-914, 32-914.02, 32-915, 32-916, 32-1002, 32-1005, and 32-1007, Revised Statutes Supplement, 2002; to provide for an access system for certain voting information; to require the posting of certain voting information; to change and eliminate provisions relating to voter registration, voting, ballots, instructions to voters, and counting and canvassing ballots; to remove authority for punch card voting systems and voting machines; to create the Vote Nebraska Initiative; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1046 to 32-1048, Reissue Revised Statutes of Nebraska, and section 32-914.03, Revised Statutes Supplement, 2002.

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

Section 1. Section 32-101, Revised Statutes Supplement, 2002, is amended to read:

32-101. Sections 32-101 to 32-1551 and sections 3, 4, and 25 of this act shall be known and may be cited as the Election Act.

Sec. 2. Section 32-103, Reissue Revised Statutes of Nebraska, is amended to read:

32-103. For purposes of the Election Act, the definitions found in sections 32-104 to 32-120 and sections 3 and 4 of this act shall be used.

Sec. 3. Electronic voting system means a voting system in which each part of the process is done electronically.

Sec. 4. Voting system means the process of creating, casting, and counting ballots.

Sec. 5. Section 32-202, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(2) Provide training for election commissioners, county clerks, and other election officials in providing for registration of voters and the conduct of elections;

(3) Enforce the Election Act;

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

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

(6) Develop and print forms for use as required by sections 32-308, 32-310, 32-320, 32-329, 32-955, 32-956, and 32-958;

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

(8) Require reporting to ensure compliance with sections 32-308 to 32-310;

(9) Prepare and transmit reports as required by the National ~~Voting Rights~~ Voter Registration Act of 1993, 42 U.S.C. 1973gg et seq.;

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

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

~~and~~ (12) Adopt and promulgate rules and regulations for elections conducted under sections 32-952 to 32-959; and

(13) Establish a free access system, such as a toll-free telephone number or an Internet website, that any voter who casts a provisional ballot may access to discover whether the vote of that voter was counted and, if the vote was not counted, the reason that the vote was not counted. The Secretary

of State shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system. Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

Sec. 6. Section 32-216, Reissue Revised Statutes of Nebraska, is amended to read:

32-216. (1) The county board of each county which has an election commissioner pursuant to section 32-207 or 32-211 shall provide an office for the election commissioner suitable for the preservation of the records of his or her office and the performance of his or her duties. The expense of providing and furnishing such office shall be the responsibility of the county. All books, documents, papers, records, and election equipment or appurtenances held or used by or under the control of any officer of any such county or any city, village, or political subdivision of the county and relating to or used in the conduct of elections and registration of voters shall, upon request of the election commissioner, be transferred to the care, custody, and control of the election commissioner. The election commissioner shall prepare and file the annual inventory statement with the county board of all county personal property in his or her custody or possession as provided in sections 23-346 to 23-350.

(2) The county shall provide all necessary supplies, materials, equipment, and services for the registration of voters, for the conduct of elections, and for every incidental purpose connected with registration or elections in accordance with the County Purchasing Act. The county shall allow the election commissioner to purchase or acquire any material, equipment, or service needed to meet any emergency or any situation in which the procedures of the County Purchasing Act cannot be implemented in a reasonable amount of time to comply with any registration or election process required by the Election Act. Purchases related to ~~the procurement of ballot paper, the printing of ballots, and contract services for programming and operation of voting machines and vote counting devices~~ voting systems, including creating, casting, and counting ballots, shall be subject to the bid procedure in accordance with the County Purchasing Act, except that the election commissioner may waive any bid procedure and purchase ~~ballot paper, order the printing of ballots,~~ supplies and contract for services for programming and operation of voting machines and vote counting devices systems whenever such bid procedure would in any way interfere with the timely and proper administration and conduct of an election.

Sec. 7. Section 32-223, Revised Statutes Supplement, 2002, is amended to read:

32-223. (1) For each precinct except as provided in subsection (2) of this section, the election commissioner shall appoint a precinct inspector and a receiving board to consist of at least two judges and two clerks of election. The election commissioner may appoint district inspectors to aid the election commissioner in the performance of his or her duties and supervise a group of precincts on election day.

(2) In precincts in which ~~voting machines or punch card~~ electronic voting systems are used, the receiving board shall have at least three members. ~~When more than one voting machine is used, there shall be one additional member for each additional machine. When more than one punch card voting device is used, the election commissioner shall appoint additional members if necessary.~~

(3) The election commissioner may allow persons serving on a receiving board as judges and clerks of election and precinct inspectors to serve for part of the time the polls are open and appoint other judges and clerks of election and precinct inspectors to serve on the same receiving board for the remainder of the time the polls are open.

(4) On each receiving board at any one time, one judge and one clerk of election shall be registered voters of the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge and one clerk of election shall be registered voters of the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, except that one judge or clerk of election may be a registered voter who is not affiliated with either of such parties. If a third judge is appointed, such judge shall be a registered voter of the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. All precinct and district inspectors shall be divided between all political parties as nearly as practicable in proportion to the number of votes cast in such county at the

immediately preceding general election for Governor or for President of the United States by the parties, respectively.

Sec. 8. Section 32-230, Revised Statutes Supplement, 2002, is amended to read:

32-230. (1) As provided in subsection (5) of this section, the precinct committeeman and committeewoman of each political party shall appoint a receiving board consisting of three judges of election and two clerks of election except as provided in subsection (3) of this section and a counting board if required pursuant to section 32-234 consisting of two judges of election and two clerks of election. The chairperson of the county central committee of each political party shall send the names of the appointments to the county clerk no later than February 1 prior to the primary election.

(2) If no names are submitted by the chairperson, the county clerk shall appoint judges or clerks of election from the appropriate political party. Judges and clerks of election may be selected at random from a cross section of the population of the county. All qualified citizens shall have the opportunity to be considered for service. All qualified citizens shall fulfill their obligation to serve as judges or clerks of election as prescribed by the county clerk. No citizen shall be excluded from service as a result of discrimination based upon race, color, religion, sex, national origin, or economic status. No citizen shall be excluded from service unless excused by reason of ill health or other good and sufficient reason.

(3) In precincts in which ~~voting machines or punch card~~ electronic voting systems are used, the receiving board shall have at least three members. ~~When more than one voting machine is used, there shall be one additional member for each additional machine. When more than one punch card voting device is used, the county clerk shall appoint additional members if necessary.~~

(4) The county clerk may allow persons serving on a receiving board to serve for part of the time the polls are open and appoint other persons to serve on the same receiving board for the remainder of the time the polls are open.

(5) In each precinct at any one time, one judge and one clerk of election shall be appointed from the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, one judge and one clerk shall be appointed from the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge shall be appointed from the political party casting the third highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. If the political party casting the third highest number of votes cast less than ten percent of the total vote cast in the county at the immediately preceding general election, the political party casting the highest number of votes at the immediately preceding general election shall be entitled to two judges and one clerk. If a counting board is required pursuant to section 32-234, one judge and one clerk of election shall be appointed to be members of the counting board from the political party casting the highest number of votes for Governor or for President of the United States in the county in the immediately preceding general election and one judge and one clerk of election shall be appointed to be members of the counting board from the political party casting the next highest number of votes.

(6) The county clerk may appoint registered voters to serve in case of a vacancy among any of the judges or clerks of election or in addition to the judges and clerks in any precinct when necessary to meet any situation that requires additional judges and clerks. Such appointees may include registered voters unaffiliated with any political party. Such appointees shall serve at subsequent or special elections as determined by the county clerk.

Sec. 9. Section 32-320, Reissue Revised Statutes of Nebraska, is amended to read:

32-320. The only mail-in forms which may be used to register to vote shall be the official registration form prescribed by the Secretary of State or the national mail voter registration application prescribed by the ~~Federal Election~~ federal Election Assistance Commission. The Secretary of State shall provide such official registration forms to all recruitment offices of the United States Armed Forces. The counties and state agencies listed in section 32-310 shall purchase such official registration forms from the Secretary of State. The Secretary of State shall remit proceeds from the sale of such forms to the State Treasurer for credit to the Voter Registration Cash Fund.

Sec. 10. Section 32-803, Reissue Revised Statutes of Nebraska, is amended to read:

32-803. A sample of the official ballot shall be printed in one or more newspapers of general circulation in the county, city, or village as designated by the election commissioner, county clerk, city council, or village board. The sample shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance ~~Amendments~~ Act of 1992. Such publication shall be made not more than fifteen nor less than two days before the day of election, and the same shall appear in only one regular issue of each paper. The form of the ballot so published shall conform in all respects to the form prescribed for official ballots as set forth in sections 32-806, 32-809, and 32-812, but larger or smaller type may be used. When voting machines or punch card voting systems are paper ballots are not being used, a reduced-size facsimile of the official ballot shall be published as it appears on the voting machine ~~or punch card voting device system~~. Such publication shall include suitable instructions to the voters for operation of the voting machine or punch card voting device casting their ballots using the voting system being used at the election. The rate charged by the newspapers and paid by the county board for the publication of such sample ballot shall not exceed the rate regularly charged for display advertising in such newspaper in which the publication is made.

Sec. 11. Section 32-809, Reissue Revised Statutes of Nebraska, is amended to read:

32-809. (1) The form of the official ballot at the statewide primary election shall be prescribed by the Secretary of State. At the top of the ballot and over all else shall be printed in boldface type the name of the political party, Official Ballot, Primary Election ~~19--~~ 20... Each division containing the names of the office and a list of candidates for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and subdistrict candidates under appropriate headings.

(2) All proposals for constitutional amendments, candidates for delegates to the national political party conventions, and candidates on the nonpartisan ballot shall be submitted on a ballot where bold lines separate one office or issue from another. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211. Each candidate for delegate to the national political party convention shall have his or her preference for the candidacy for the office of President of the United States or the fact that he or she is uncommitted shown on the ballot in parenthesis and indented on the line immediately below the name of the candidate. All constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires the ballot after being voted to be folded before being deposited in a ballot box. When a ~~punch card or~~ an optical-scan ballot is used which requires a ballot envelope, ~~jacket,~~ or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, constitutional amendments may be printed on either side of the ballot and shall be separated from other offices or issues by a bold line. Constitutional amendments so arranged shall constitute a separate ballot.

(3) The statewide primary election ballot shall contain the name of every candidate filing under sections 32-606, 32-611, and 32-613 and no other names. No name of a candidate for member of the Legislature or an elective office described in Article IV, section 1, of the Constitution of Nebraska shall appear on any ballot or any series of ballots at any primary election more than once except for the names of candidates for the office of delegate to a county, state, or national political party convention. When two or more of the last names of candidates for the same office at the primary election are the same in spelling or sound, the official ballots may, on the request of any such candidate, have his or her address printed immediately below his or her name in capital and lowercase letters in lightface type of the same size as the type in which the name of the candidate is printed.

Sec. 12. Section 32-810, Revised Statutes Supplement, 2002, is amended to read:

32-810. (1) The election commissioner or county clerk shall place the names of all partisan candidates certified to him or her by the Secretary of State and of those partisan candidates filing in his or her office on a primary election ballot headed with the political party designation. The names of each nonpartisan candidate certified by the Secretary of State and of each nonpartisan candidate filing in the office of the election commissioner or county clerk shall be placed on the primary election ballot headed by the words Nonpartisan Ticket.

(2) If any office is not subject to the upcoming election, the

office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a ~~punch card~~ ~~or~~ an optical-scan ballot is used. All proposals on the ballot submitted by a political subdivision shall follow all offices on the ballot for such political subdivision.

(3) The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. At the primary election, on the first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour as certified by the Secretary of State and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk. When there are more candidates than vacancies for the same office, the names of all partisan and nonpartisan candidates at a primary election shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

Sec. 13. Section 32-813, Revised Statutes Supplement, 2002, is amended to read:

32-813. (1) The names of all candidates and all proposals to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by bold lines in the order the offices and proposals are set forth in this section. If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a ~~punch card~~ ~~or~~ an optical-scan ballot is used. All proposals on the ballot shall remain separate from the offices, and the proposals shall follow all offices on the ballot.

(2)(a) If the election is in a year in which a President of the United States is to be elected, the names and spaces for voting for candidates for President and Vice President shall be entitled Presidential Ticket in boldface type.

(b) The names of candidates for President and Vice President for each political party shall be grouped together, and each group shall be enclosed with brackets with the political party name ~~to the right~~ next to the brackets and one square or oval ~~to the left~~ opposite the names in which the voter indicates his or her choice.

(c) The names of candidates for President and Vice President who have successfully petitioned on the ballot for the general election shall be grouped together with the candidates appearing on the same petition being grouped together, and each group shall be enclosed with brackets with the words "By Petition" ~~to the right~~ next to the brackets and one square or oval ~~to the left~~ opposite the names in which the voter indicates his or her choice.

(d) Beneath the names of the candidates for President and Vice President certified by the officers of the national political party conventions pursuant to section 32-712 and beneath the names of all candidates for President and Vice President placed on the general election ballot by petition, two write-in lines shall be provided in which the voter may ~~write~~ fill in the names of the candidates of his or her choice. The lines shall be enclosed with brackets with one square or oval ~~to the left~~ opposite the names in which the voter indicates his or her choice. The name appearing on the top line shall be considered to be the candidate for President, and the name appearing on the second line shall be considered to be the candidate for Vice President.

(3) The names and spaces for voting for candidates for United States Senator if any are to be elected shall be entitled United States Senatorial Ticket in boldface type.

(4) The names and spaces for voting for candidates for Representatives in Congress shall be entitled Congressional Ticket in boldface type. Above the candidates' names, the office shall be designated For Representative in Congress District.

(5) The names and spaces for voting for candidates for the various state officers shall be entitled State Ticket in boldface type. Each set of candidates shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates, arranged in the order prescribed by the Secretary of State. The candidates

for Governor of each political party receiving the highest number of votes in the primary election shall be grouped together with their respective candidates for Lieutenant Governor. Each group shall be enclosed with brackets with the political party name ~~to the right~~ next to the brackets and one square or oval ~~to the left~~ opposite the names in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. The candidates for Governor and Lieutenant Governor who have successfully petitioned on the general election ballot shall be grouped together with the candidates appearing on the same petition being grouped together. Each group shall be enclosed with brackets with the words "By Petition" ~~to the right~~ next to the brackets and one square or oval ~~to the left~~ opposite the names in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. Beneath the names of the candidates for Governor nominated at a primary election by political party and their respective candidates for Lieutenant Governor and beneath the names of all candidates for Governor and Lieutenant Governor placed on the general election ballot by petition, one write-in line shall be provided in which the registered voter may ~~write~~ fill in the name of the candidate for Governor of his or her choice and one square or oval opposite the line in which the voter indicates his or her choice for Governor.

(6) The names and spaces for voting for nonpartisan candidates shall be entitled Nonpartisan Ticket in boldface type. The names of all nonpartisan candidates shall appear in the order listed in this subsection, except that when using a ~~punch card~~ or an optical-scan ballot, the order of offices may be altered to allow for the best utilization of ballot space to avoid printing a second ballot when one ballot would be sufficient:

- (a) Legislature;
- (b) State Board of Education;
- (c) Board of Regents of the University of Nebraska;
- (d) Chief Justice of the Supreme Court;
- (e) Judge of the Supreme Court;
- (f) Judge of the Court of Appeals;
- (g) Judge of the Nebraska Workers' Compensation Court;
- (h) Judge of the District Court;
- (i) Judge of the Separate Juvenile Court;
- (j) Judge of the County Court; and
- (k) County officers in the order prescribed by the election commissioner or county clerk.

(7) The names and spaces for voting for the various county offices and for measures submitted to the county vote only or in only a part of the county shall be entitled County Ticket in boldface type. If the election commissioner or county clerk deems it advisable, the measures may be submitted on a separate ballot if using a paper ballot or on either side of a ~~punch card~~ or an optical-scan ballot if the ballot is placed in a ballot envelope, ~~jacket~~, or sleeve before being deposited in a ballot box.

(8) The candidates for office in the precinct only or in the city or village only shall be printed on the ballot, except that if the election commissioner or county clerk deems it advisable, candidates for these offices may be submitted on a separate ballot if using a paper ballot or on either side of a ~~punch card~~ or an optical-scan ballot if the ballot is placed in a ballot envelope, ~~jacket~~, or sleeve before being deposited in a ballot box.

(9) All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires that the ballot after being voted be folded before being deposited in a ballot box. When an optical-scan ballot is used which requires a ballot envelope, ~~jacket~~, or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, initiative or referendum proposals and proposals for constitutional amendments may be placed on either side of the ballot, shall be separated by a bold line, and shall follow all other offices placed on the same side of the ballot. Initiative or referendum proposals and constitutional amendments so arranged shall constitute a separate ballot. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211.

Sec. 14. Section 32-816, Revised Statutes Supplement, 2002, is amended to read:

32-816. (1) A blank space shall be provided at the end of each office division on the ballot for registered voters to ~~write~~ fill in the name of any person for whom they wish to vote and whose name is not printed upon the ballot, except that (a) at the primary election there shall be no write-in space for delegates to the county political party convention, delegates to the national political party convention, directors of natural resources districts,

or directors of public power districts and (b) at the general election there shall be no write-in space for directors of reclamation districts, members of the board of educational service units, directors of natural resources districts, directors of public power districts, or members of county weed district boards. A square or oval shall be printed ~~to the left of~~ opposite each write-in space similar to the square or oval placed ~~before~~ opposite other candidates and issues on the ballot. The square or oval shall be marked to vote for a write-in candidate whose name appears in the write-in space provided.

(2) The Secretary of State shall approve write-in space for ~~voting machines and punch card and~~ optical-scan ballots and electronic voting systems. Adequate provision shall be made for write-in votes sufficient to allow one write-in space for each office to be elected at any election except offices for which write-in votes are specifically prohibited. The write-in ballot shall clearly identify the office for which such write-in vote is cast. The write-in space shall be a part of the official ballot, may be on the envelope or a separate piece of paper from the printed portion of the ballot, and shall allow the voter adequate space to ~~write~~ fill in the name of the candidate for whom he or she desires to cast his or her ballot.

Sec. 15. Section 32-817, Reissue Revised Statutes of Nebraska, is amended to read:

32-817. The names of the candidates shall be set in boldface type using capital and lowercase letters. A square or oval shall be printed ~~at the beginning of each line by~~ opposite the name of ~~the~~ each candidate. At the general election, the name of the party represented by a candidate for partisan office shall be printed in capital and lowercase letters ~~at the right side of~~ next to the name. Proposals submitted by initiative or referendum or for constitutional amendments shall be printed in capital and lowercase letters, but the title heading and number thereof shall be in boldface type, and the square or oval for voting thereon shall be printed ~~at the left side of the column~~ opposite the text so that it is clear for which issue the voter is casting a vote. Ballots shall be printed with substantially the same appearance, including type and form, as the sample ballot furnished by the Secretary of State.

Sec. 16. Section 32-901, Reissue Revised Statutes of Nebraska, is amended to read:

32-901. (1) To vote for a candidate or on a ballot question using a paper ballot that is manually counted or a paper ballot that is counted by optical scanners, the registered voter shall make a cross or other clear, intelligible mark in the square or ~~fill in the oval to the left of~~ opposite the name of every candidate, including write-in candidates, for whom he or she desires to vote and, in the case of a ballot question, ~~opposite to the left of~~ the answer he or she wishes to give. Filling in the oval or making a cross or other clear, intelligible mark in the square constitutes a valid vote.

(2) To vote for a candidate or on a ballot question using ~~voting machines~~ electronic voting systems, the registered voter shall ~~move a lever to the voting position and using punch cards the registered voter shall punch the card, making a hole in the card. The registered voter using punch cards shall mark any write-in candidate on the ballot jacket or envelope, designate the office for which the write-in vote is cast, and place a cross or intelligible mark in the square or oval to the left of the name of the write-in candidate~~ follow the instructions for using the electronic voting system to cause a mark to be recorded opposite the candidate or ballot question response for which the voter wishes to vote. Causing such mark to be recorded constitutes a valid vote.

Sec. 17. Section 32-902, Reissue Revised Statutes of Nebraska, is amended to read:

32-902. (1) The election commissioner or county clerk shall cause instructions for the guidance of registered voters in preparing their ballots to be printed in large, clear type on cards in English. He or she shall furnish at least five such cards to each polling place in each precinct at the same time and in the same manner as the printed ballots. The judges or clerks of election shall post such cards in each voting booth ~~or compartment~~ on the day of election. The card shall contain full instructions on preparing and casting ballots, including how to cast a write-in vote. using a voting machine or punch card voting system if appropriate. The form and contents of the cards shall be approved by the Secretary of State.

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

(a) Information regarding the date of the election and the hours

during which polling places will be open;

(b) Instructions for voters who registered to vote by mail and first-time voters;

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

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

Sec. 18. Section 32-903, Reissue Revised Statutes of Nebraska, is amended to read:

32-903. (1) The election commissioner or county clerk shall create precincts composed of compact and contiguous territory within the boundary lines of legislative districts. The precincts shall contain not less than seventy-five nor more than one thousand registered voters based on the number of voters voting at the last statewide general election, except that a precinct may contain less than seventy-five registered voters if in the judgment of the election commissioner or county clerk it is necessary to avoid creating an undue hardship on the registered voters in the precinct. The election commissioner or county clerk shall create precincts based on the number of votes cast at the immediately preceding presidential election or the current list of registered voters for the precinct. The election commissioner or county clerk shall revise and rearrange the precincts and increase or decrease them at such times as may be necessary to make the precincts contain as nearly as practicable not less than seventy-five nor more than one thousand registered voters voting at the last statewide general election. The election commissioner or county clerk shall, when necessary and possible, readjust precinct boundaries to coincide with the boundaries of cities, villages, and school districts which are divided into districts or wards for election purposes. The election commissioner or county clerk shall not make any precinct changes in precinct boundaries between the statewide primary and general elections unless he or she has been authorized to do so by the Secretary of State. If changes are authorized, the election commissioner or county clerk shall notify each state and local candidate affected by the change.

(2) The election commissioner or county clerk may alter and divide the existing precincts, except that when any city of the first class by ordinance divides any ward of such city into two or more voting districts or polling places, the election commissioner or county clerk shall establish precincts or polling places in conformity with such ordinance.

(3) All precincts and polling places may be consolidated for the use of ~~voting machines or punch card voting devices~~ electronic voting systems into fewer and larger precincts as deemed necessary and advisable by the election commissioner or county clerk. Such precincts, consolidated for ~~voting machines or punch card voting devices~~ electronic voting systems only, may have as many registered voters therein as deemed advisable in the interest of economy and efficiency. At least one ~~voting machine~~ electronic voting device shall be provided for every five hundred registered voters voting in the consolidated precinct or polling place at the immediately preceding general election. ~~At least one punch card voting device shall be provided for every one hundred registered voters voting in the consolidated precinct or polling place at the immediately preceding general election.~~

Sec. 19. Section 32-906, Reissue Revised Statutes of Nebraska, is amended to read:

32-906. (1) The election commissioner or county clerk shall provide each polling place with ballot boxes, ballot box locks and keys, and a sufficient number of voting booths ~~or compartments~~ furnished with supplies and conveniences to enable each registered voter to prepare his or her ballot for voting and to secretly mark his or her ballot. One voting booth ~~or compartment~~ shall be provided for approximately every one hundred registered voters in the precinct. The election commissioner or county clerk may increase or decrease the number of voting booths ~~or compartments~~ to accommodate the expected voter turnout of any election other than a statewide election. In precincts required to have a counting board pursuant to section 32-224 or 32-234, the county shall provide an enclosed compartment for the use of the counting board.

(2) When there is no structure within the precinct suitable for use as a polling place, the election commissioner or county clerk may designate a polling place outside the precinct and convenient thereto which shall be provided with voting booths ~~or compartments~~ furnished with supplies and conveniences and, when utilized, an enclosed compartment for use of the counting board as are other polling places.

(3) Standards for polling places shall include any applicable standards developed under sections 81-5,147 and 81-5,148.

Sec. 20. Section 32-909, Reissue Revised Statutes of Nebraska, is amended to read:

32-909. ~~(1)~~ Before any ballot is deposited in the ballot box, the ballot box shall be publicly opened and exhibited and the judges and clerks of election shall see that no ballot is in the box. The ballot box shall then be locked and the key delivered to one of the judges of election or, in counties having an election commissioner, to the precinct inspector. The ballot box shall not be opened again until opened by the counting board. In counties using punch card electronic voting systems or optical scanners, the ballot boxes may be opened prior to the hour established by law for the closing of the polls at the discretion of the election commissioner or county clerk.

~~(2) When voting machines are used, all members of the receiving board in each precinct shall, before the polls are opened, examine all registering counters in all voting machines to be used in the precinct, sign a certificate stating that it was done and that all such registering counters were found to start at 000 for every candidate and every question, and examine the ballot labels on each voting machine and sign a certificate stating that it was done and that all ballot labels were found to be correct. If any discrepancy is found, the custodian of the voting machines shall be notified and he or she shall correct any such discrepancy before such voting machine is used for voting. If the machine is equipped with a device for printing or photographing the returns, the receiving board in each precinct shall determine by obtaining a printed or photographic record that all registering counters were found to start at 000 for every candidate and every question before the polls open.~~

~~(3) When punch card voting systems are used, the judges and clerks of election shall examine the accessory ballot assembly and punch card voting devices furnished by the election commissioner or county clerk immediately before the opening of the polls on election day and shall sign a certificate stating that such examination was conducted and that all candidates' names were found to be correct, that the seal upon such ballot assembly provided by the election commissioner or county clerk was found to be in place, and that the ballot assemblies and punch card voting devices were in all respects correct and proper.~~

Sec. 21. Section 32-913, Reissue Revised Statutes of Nebraska, is amended to read:

32-913. (1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot. The list of registered voters and the sign-in register may be combined into one document.

~~(2) When voting machines are used, the registered voter's consecutive number shall be inserted opposite his or her name on the registration list and he or she shall be issued a slip with his or her number on it. The slip shall be turned in to the judge or clerk of election at the voting machine before the registered voter is permitted to vote.~~

~~(3) Within twenty-four hours after the polls close in the precinct, the precinct inspector or one of the judges of election shall deliver the precinct list of registered voters and the precinct sign-in register to the election commissioner or county clerk. The election commissioner or county clerk shall file and preserve the list and register. No clerk of election who has custody or charge of the precinct list of registered voters and the precinct sign-in register shall permit the list or register to leave his or her possession from the time of receipt until he or she delivers them to the precinct inspector or judge of election for delivery to the election commissioner or county clerk.~~

Sec. 22. Section 32-914, Revised Statutes Supplement, 2002, is amended to read:

32-914. Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 32-914.01, 32-914.02, ~~32-914.03~~, 32-915, or 32-936 or section 25 of this act. Except as otherwise specifically provided, no ballot shall be handed to any registered voter at any election until (1) he or she announces his or her name and address to the clerk of election, (2) the clerk has found that he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 32-328, 32-914.01,

32-914.02, ~~32-914.03~~, or 32-915 or section 25 of this act, (3) the clerk has instructed the registered voter to personally write his or her name in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter, and (4) the clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.

Sec. 23. Section 32-914.02, Revised Statutes Supplement, 2002, is amended to read:

32-914.02. If a person who is registered to vote moves to a new residence within the same county and precinct and has continuously resided in such county and precinct since registering to vote but the voter registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence upon completing a change of address form at the polling place. The election commissioner or county clerk shall update the voter registration register to reflect the change of address.

Sec. 24. Section 32-915, Revised Statutes Supplement, 2002, is amended to read:

32-915. (1) If a person is registered to vote but (a) his or her name does not appear in the voter registration register, (b) he or she is not entitled to vote under section 32-914.01 or 32-914.02, and (c) he or she has continuously resided in such county since registering to vote whether or not he or she has moved within the county, the person shall be notified by a judge or clerk of election or precinct inspector that the person is entitled to vote upon completing a voter registration form at the polling place for his or her place of residence.

(2) The person shall enclose his or her ballot in an envelope marked Provisional Ballot and shall, by signing the front of the envelope or a separate form attached to the envelope, certify to the following facts:

(a) I am a registered voter in County;

(b) (i) I registered to vote on approximately (write the approximate date you registered to vote) and I registered to vote (check one):

.... in person at the election office or a voter registration site,

.... by mail,

.... on a form through the Department of Motor Vehicles,

.... on a form through another state agency,

.... in some other way; or

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

(c) My current address is shown on the voter registration form; and

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

(3) The certification shall be signed under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars, or both. If a person who is registered to vote moves to a new residence within the same county and has continuously resided in such county since registering to vote but his or her new residence is in a different precinct and the voter registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence upon completing a change of address form at the polling place. The person shall enclose his or her ballot in an envelope marked Conditional Ballot and shall, by signing the front of the envelope or a separate form attached to the envelope, certify to the following facts:

(1) I am a registered voter in County;

(2) I have not resided outside of the county since registering to vote in this county;

(3) My current address is shown on the change of address form; and

(4) I have not voted and will not vote in this election except by this ballot.

The certification shall be signed under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars, or both.

Sec. 25. Any person who votes in an election for federal office as a result of a federal or state court order or any other order extending the time established for closing the polls pursuant to a state law in effect ten days before the date of that election may only vote in that election by casting a provisional ballot as described in section 32-915.

Sec. 26. Section 32-916, Revised Statutes Supplement, 2002, is amended to read:

32-916. (1) Two judges of election or a precinct or district inspector and a judge of election shall affix their initials to the official ballots, ~~and ballot jackets if any. Before issuing any punch card ballot,~~ the card shall be stamped with a rubber stamp designating that the ballot card is an official ballot and the county in which the card is to be used. The stamp shall be placed on the portion of the ballot card which carries the ballot position numbers and on the stub which is to be reviewed by a judge of election. The stamp shall be furnished to each receiving board by the ~~election commissioner or county clerk.~~ The judge of election shall deliver a ballot to each registered voter after complying with section 32-914.

(2) After voting the ballot, the registered voter shall, as directed by the judge of election, fold his or her ballot or place the ballot in the ballot envelope, ~~jacket,~~ or sleeve so as to conceal the voting marks and to expose the initials affixed on the ballot. The registered voter shall, without delay and without exposing the voting marks upon the ballot, deliver the ballot to the judge of election before leaving the enclosure in which the voting booths ~~or compartments~~ are placed.

(3) The judge of election shall, without exposing the voting marks on the ballot, approve the exposed initials upon the ballot and deposit the ballot in the ballot box in the presence of the registered voter. ~~When punch card ballots are used, the judge of election shall inspect the official initials on the ballot jacket and the official stamp on the stub of the official ballot card which is inside the ballot jacket and shall remove the stub before depositing the ballot in the ballot box.~~ No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the appropriate initials. ~~No judge of election shall deposit any ballot jacket in any ballot box unless the ballot jacket is properly identified.~~ Any ballot ~~or ballot jacket~~ not properly identified shall be rejected in the presence of the voter, the judge of election shall make a notation on the ballot ~~and the ballot jacket~~ Rejected, not properly identified, and another ballot shall be issued to the voter and the voter shall then be permitted to cast his or her ballot. If the ballot ~~and ballot jacket~~ are is in order, the judge shall deposit the ballot ~~and ballot jacket~~ in the ballot box in the presence of the voter and the voter shall promptly leave the polling place. The judges of election shall maintain the secrecy of the rejected ballots and shall cause the rejected ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Rejected Ballots and the designation of the precinct. The judges of election shall sign the endorsement label and shall return the packet to the election commissioner or county clerk with a statement by the judges of election showing the number of ballots rejected.

(4) Upon receiving a conditional ballot as provided in section 32-915 or a provisional ballot as provided in section 32-914.03, 32-915, the judge of election shall give the voter written information that states that the voter may determine if his or her vote was counted and, if not, the reason that the vote was not counted by accessing the system created pursuant to section 32-202 and the judge of election shall copy the information from the change of address form onto the envelope in which the ballot is enclosed or attach the form to the envelope, attach the statement required by section 32-914.03 or 32-915 if not contained on the envelope, and place the entire envelope into the ballot box. Upon receiving a provisional ballot as provided in section 25 of this act, the judge of election shall comply with the requirements for a provisional ballot under this subsection, except that a provisional ballot cast pursuant to section 25 of this act shall be kept separate from the other ballots cast at the election.

Sec. 27. Section 32-918, Reissue Revised Statutes of Nebraska, is amended to read:

32-918. (1) If a registered voter declares to the judge of election that he or she cannot read or that he or she suffers blindness or other physical disability or handicap such that the registered voter requires assistance in the marking of his or her ballot, (a) the registered voter may be assisted in marking his or her ballot by a relative or friend of his or her selection or (b) one judge of election and one clerk of election of different political parties may take the ballot or ballots from the polling place to a convenient place within the building or to the registered voter's automobile

if the automobile is within one block of the polling place and the disabled or handicapped person may cast his or her ballot in the general presence of the judge and clerk. If a registered voter declares to the judge of election that he or she needs assistance in the ~~mechanical~~ operation of a ~~the~~ voting machine device, a judge or clerk of election may assist the voter in operating the machine device.

(2) The judge and clerk shall give no information regarding the casting of the ballot. Any registered voter receiving assistance in voting the ballot from a judge and clerk shall declare to the judge and clerk the name of the candidates and the measures for which he or she desires to vote, and the judge and clerk shall cast his or her ballot only as he or she so requests. No person other than the registered voter who is receiving assistance shall divulge to anyone within the polling place the name of any candidate for whom he or she intends to vote or ask or receive assistance within the polling place in the preparation of his or her ballot.

(3) The judges of election shall enter Assistance Rendered upon the precinct sign-in register near the name of any registered voter who receives such assistance in casting his or her ballot and shall include the name of such person rendering assistance to the registered voter. The person rendering assistance shall sign an oath before a judge of election substantially as follows:, hereby swears that he or she is a friend or relative of, a disabled registered voter who requested assistance in casting the ballot, that he or she did enter the voting booth or aid such voter outside of the voting booth and marked the ballot according to the intentions and desires of the registered voter, that he or she has kept the ballot at all times in his or her possession, and that the ballot was duly delivered to the judge of election on this day of 19 20.... .

Sec. 28. Section 32-921, Reissue Revised Statutes of Nebraska, is amended to read:

32-921. Except as provided in subsection (1) of section 32-918, no registered voter shall be allowed to occupy a voting booth ~~or compartment~~ occupied by another. No registered voter shall remain within the enclosure in which the voting booths ~~or compartments~~ are situated more than twenty minutes or occupy a voting booth ~~or compartment~~ for more than five minutes.

Sec. 29. Section 32-929, Reissue Revised Statutes of Nebraska, is amended to read:

32-929. If a person is challenged on the ground that he or she is not a resident of this state, the county, or the precinct, the person shall answer the following questions on the form provided by the election commissioner or county clerk:

- Do you have a residence in this state: Yes or No?
- Do you have a residence in this county: Yes or No?
- Do you have a residence in this precinct: Yes or No?

If a person has moved from one residence to another within the precinct in which he or she is registered to vote, such voter shall be entitled to vote as provided in section 32-914.02. If a person has moved from one residence to another within the county in which he or she is registered to vote, such voter shall be entitled to vote a ~~conditional~~ provisional ballot as provided in section 32-915.

Sec. 30. Section 32-1002, Revised Statutes Supplement, 2002, is amended to read:

32-1002. (1) As the ballots are removed from the ballot box pursuant to sections 32-1011 to 32-1026, the receiving board or counting board shall separate the envelopes containing the ~~conditional~~ and provisional ballots from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) ~~Upon receipt of a conditional ballot, the election commissioner or county clerk shall copy the information from the envelope containing the conditional ballot, verify that it is in proper form and that such person has not voted anywhere else in the county, and make the appropriate changes to the voter registration register. The verification shall be completed within ten days after the election. Upon verifying the form, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.~~

~~(3)~~ Upon receipt of a provisional ballot, the election commissioner or county clerk shall copy the information from the envelope containing the provisional ballot, verify that it is in proper form and that such person has not voted anywhere else in the county, and make the appropriate changes to the voter registration register. The election commissioner or county clerk shall investigate whether any credible evidence exists that the person was properly

registered to vote before the election. The verification and investigation shall be completed within ~~ten~~ seven days after the election. Upon verifying the form and the existence of credible evidence that the person was properly registered to vote before the election, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board. The election commissioner or county clerk shall notify the system administrator of the system created pursuant to section 32-202 as to whether the ballot was counted and, if not, the reason the ballot was not counted.

Sec. 31. Section 32-1005, Revised Statutes Supplement, 2002, is amended to read:

32-1005. If the last name or a reasonably close spelling of the last name of a person engaged in or pursuing a write-in campaign pursuant to section 32-615 is written or printed on a line provided for that purpose and the square or oval ~~to the left of~~ opposite such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. Except as provided in section 32-1007, a write-in vote for a person who is not engaged in or pursuing a write-in campaign pursuant to section 32-615 shall not be counted.

Sec. 32. Section 32-1006, Reissue Revised Statutes of Nebraska, is amended to read:

32-1006. If a vote is cast for a candidate whose name is printed on the ballot and a name is ~~written~~ filled in on the line provided for that purpose for the same office, the ballot shall be rejected for the office involved. The counting board shall make the following notation on the ballot card and on the ballot ~~jacket or~~ envelope if any: Rejected for the office of, overvoted, and the counting board shall immediately duplicate the overvoted ballot omitting the overvoted portion of the ballot and number the original ballot, ballot ~~jacket or~~ envelope if any, and duplicate ballot with the same identifying number. The identifying number shall be assigned in numerical order, and the original ballot shall remain in the ballot ~~jacket or~~ envelope if any.

Sec. 33. Section 32-1007, Revised Statutes Supplement, 2002, is amended to read:

32-1007. (1) For members of a village board of trustees, township officers, or members of the school board of Class I or II school districts, if a first or generally recognized name and last name of a person is ~~written or printed~~ filled in on a line provided for that purpose and the square or oval ~~to the left of~~ opposite such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. If only the last name of a person is ~~written~~ in the write-in space on the ballot ~~or ballot jacket~~ and there is more than one person in the county having the same last name, the counting board shall reject the ballot for that office unless the last name is reasonably close to the proper spelling of the last name of a candidate engaged in or pursuing a write-in campaign pursuant to section 32-615. The counting board shall make the following notation on the rejected ballot: Rejected for the office of, no first or generally recognized name.

(2) For President and Vice President, if a first or generally recognized name and last name of a person is ~~written or printed~~ filled in on the lines provided for that purpose and the square or oval ~~to the left of~~ opposite such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. If only the last name of a person is ~~written~~ in the write-in space on the ballot ~~or ballot jacket~~ and there is no generally recognized candidate for President or Vice President with that name, the counting board shall reject the ballot. The counting board shall make the following notation on the rejected ballot: Rejected for the office of President and Vice President, no first or generally recognized name.

Sec. 34. Section 32-1012, Reissue Revised Statutes of Nebraska, is amended to read:

32-1012. In counties using ~~punch card~~ electronic voting systems or optical scanners to count the ballots, the election commissioner or county clerk may arrange to have partial returns delivered, properly locked or sealed, to the centralized location or locations at any time desired after the opening of the polls if at least twenty-five ballots have been cast since any prior delivery of ballots. The election commissioner or county clerk shall designate the location or locations for counting the ballots and may designate a location or locations in any county. Upon completion of the count, the ballots shall be conveyed under supervision of the election commissioner or county clerk to the office of such official. If for any reason it becomes

impracticable to count all or a part of the ballots with optical scanners, the election commissioner or county clerk may direct that the ballots be counted manually following as closely as possible the provisions governing the manual counting of ballots.

Sec. 35. Section 32-1019, Reissue Revised Statutes of Nebraska, is amended to read:

32-1019. ~~(1)~~ In counties in which ballots are counted in each precinct:

(1) In ~~(a)~~ ~~in~~ each precinct which does not have a counting board, the judges of election shall proceed to count the votes, ascertain the results of the election, and carry out the duties prescribed for the counting board as soon as the polls are closed; and

(2) In ~~(b)~~ ~~in~~ precincts having a counting board, the receiving board may deliver the ballot box to the counting board one hour after the opening of the polls and the counting board shall proceed with the count. After counting the votes, the counting board shall return the empty ballot box to the receiving board in exchange for the box containing ballots cast since taking possession of the first ballot box if at least twenty-five ballots have been cast therein. The counting board shall continue to exchange ballot boxes in the same manner during the day until the polls are closed and all ballots have been counted.

~~(2) In counties using voting machines, the judges and clerks of election shall transcribe and record the vote totals shown on the counters onto the official return sheets after the polls close. If the machine is equipped with a device for printing or photographing returns, the judges and clerks of election shall obtain a printed or photographed record of the votes cast on the candidate and question counters. Such record will be considered the official returns for the precinct.~~

Sec. 36. Section 32-1026, Reissue Revised Statutes of Nebraska, is amended to read:

32-1026. (1) Upon completion of the counting of votes, the counting board shall place all voted ballots in the ballots-cast container. Rejected ballots shall be placed in the envelope designated Rejected Ballots, and the envelope shall be sealed and placed in the ballots-cast container with the voted ballots. The ballots-cast container shall then be sealed.

(2) The precinct list of registered voters and the official summary of votes cast number one shall be sealed in an envelope designated for such purpose. The precinct sign-in register and the official summary of votes cast number two shall be sealed in an envelope designated for such purpose and shall be subject to inspection by any registered voter who may wish to examine them after the election.

(3) The counting board shall prepare another summary of votes cast from the official summary showing the total number of votes cast for each candidate and the office for which he or she was a candidate and the total number of votes cast for and against each measure submitted at the election. The summary of votes cast shall be signed and attested to by the members of the counting board and sealed in a separate envelope designated for such purpose to be returned to the election commissioner or county clerk with other election materials. The election commissioner or county clerk shall open such envelope and release unofficial returns from the summary.

~~(4) In counties using voting machines, the voting machines shall be closed, locked, and sealed after the votes are recorded in accordance with the instructions furnished by the election commissioner or county clerk for a period of at least thirty days, except that they may be opened and unlocked and the seals thereon broken when one election follows another within such a short time as to require it and upon the order of the district court for such county.~~

Sec. 37. Section 32-1041, Reissue Revised Statutes of Nebraska, is amended to read:

32-1041. The election commissioner or county clerk may use paper ballots, ~~voting machines, punch card ballots, or~~ optical-scan ballots, or voting systems approved by the Secretary of State to allow registered voters to cast their votes at any election. Paper ballots may be used in combination with other methods of casting ballots. The election commissioner or county clerk may use ~~voting machines and~~ vote counting devices and voting systems approved by the Secretary of State for tabulating the votes cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners, and electronic tabulating machines used in punch card voting systems. Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk. Notwithstanding any other provision of the Election Act, the Secretary of State may adopt and promulgate rules and regulations to establish different

procedures for voting and counting votes pursuant to the use of any new voting or counting system. The procedures shall be designed to preserve the safety and confidentiality of each vote cast and the secrecy and security of the counting process, to establish security provisions for the prevention of fraud, and to ensure that the election is conducted in a fair manner.

Sec. 38. Section 32-1042, Reissue Revised Statutes of Nebraska, is amended to read:

32-1042. The governing body of any county may purchase, lease, lease-purchase, rent, or contract for ~~voting machines, vote counting devices, or punch card~~ voting systems approved by the Secretary of State to be used in all elections. The governing body of any county may issue bonds, certificates of indebtedness, or other obligations or levy for the purpose of acquiring ~~voting machines, vote counting devices, or punch card~~ voting systems. Any excess amounts levied and collected shall revert to the county general fund. Any bonds, certificates, or other obligations may be issued with or without interest and may be payable at such time or times as the governing body may determine but shall not be issued or sold at less than par. The governing body of the county may provide for installment payments which extend over a period of more than one year notwithstanding sections 23-132 and 23-916.

Sec. 39. Section 32-1043, Reissue Revised Statutes of Nebraska, is amended to read:

32-1043. The governing body of any county which has procured ~~voting machines, vote counting devices, or punch card~~ voting systems may enter into a contract for the rental of such ~~voting machines, vote counting devices, or punch card~~ voting systems with a city, village, or school district. Such rentals may be paid out of the general fund or by levying taxes to provide funds for payment of such rentals. Such rental contracts may be made to extend over any period of time.

Sec. 40. Section 32-1044, Reissue Revised Statutes of Nebraska, is amended to read:

32-1044. (1) The election commissioner or county clerk shall designate an individual to be trained in the method of preparation of the ~~voting machines, vote counting devices, or punch card~~ voting systems for correct use in the elections, and such person shall be called the custodian of the ~~voting machines, vote counting devices, or punch card~~ voting systems. The custodian shall conduct an instructional meeting for the members of the counting board. The custodian shall prepare all ~~voting machines, vote counting devices, or punch card~~ voting systems for proper use in all elections.

(2) The custodian shall take the same oath prescribed for judges and clerks of election pursuant to section 32-222 or 32-238.

Sec. 41. Section 32-1045, Reissue Revised Statutes of Nebraska, is amended to read:

32-1045. Preceding each election at which ~~voting machines and~~ vote counting devices are used, the custodian of such ~~machines and~~ devices shall hold at least one instructional meeting for the instruction of every judge and clerk of election in the correct conduct of the election. Each judge and clerk of election shall receive compensation for attendance at such instructional meeting. In lieu of all judges and clerks attending such instruction, a judge of election or a precinct or district inspector may receive such instruction for the purposes of conducting an instructional session with the judges and clerks of election on election day before the polls officially open. The election commissioner or county clerk shall provide written instructions on the use of ~~voting machines and~~ vote counting devices, including the examination prior to the opening of the polls, the voting procedure, and the examination and tabulating after the polls close.

Sec. 42. Section 32-1202, Reissue Revised Statutes of Nebraska, is amended to read:

32-1202. The cost of publication and posting of notices and ballots, the cost of precinct registration lists, the compensation of temporary employees, inspectors, judges and clerks of election, and members of counting boards, the cost of renting, heating, lighting, and equipping polling places including placing and removing ballot boxes and other fixtures and equipment, the cost of printing and delivering ballots and sample ballots, the cost of postage, cards of instructions for voters, maps, voter books for the polling place, other election supplies, and electronic media, the expense of programming and operation of ~~voting machines and vote counting devices systems~~, and all other expenses of conducting statewide primary and general elections not listed in section 32-1201 shall be chargeable to the political subdivisions in and for which such elections are held.

Sec. 43. Section 32-1307, Reissue Revised Statutes of Nebraska, is amended to read:

32-1307. The form of the official ballot at a recall election held pursuant to section 32-1306 shall conform to the requirements of this section. With respect to each person whose removal is sought, the question shall be submitted: Shall (name of person) be removed from the office of (name of office)? Immediately following each such question there shall be printed on the ballot the two responses: Yes and No. ~~Immediately to the left of~~ Next to each response shall be placed a square or oval in which the registered voters may vote for one of the responses by making a cross or other clear, identifiable mark. The name of the official which shall appear on the ballot shall be the name of the official that appeared on the ballot of the previous general election that included his or her name.

Sec. 44. (1) The Legislature finds that the number of people voting in recent years has steadily decreased and that voting is a core principle of democracy. Therefor it is the intent of the Legislature to establish the Vote Nebraska Initiative to examine why citizens are not voting and what the state can do to encourage voter turnout.

(2) The Vote Nebraska Initiative is created. The members of the initiative shall examine why voter turnout continues to decline, what voter education resources exist, what resources could be established to engage the voter and encourage voter turnout among minority and young voters, what roles the media and schools play in voter education, and what the media and schools can do to increase voter education.

(3) The Vote Nebraska Initiative shall consist of the following members:

(a) The Secretary of State;
(b) The Chairperson of the Government, Military and Veterans Affairs Committee of the Legislature;

(c) Two individuals employed by the media, one appointed by the Nebraska Broadcasters Association, and one appointed by the Nebraska Press Association;

(d) Two members of minority communities appointed by the Secretary of State;

(e) Up to three residents of Nebraska appointed by the Secretary of State;

(f) Three teachers employed by public schools who have a background in teaching social studies appointed by the Commissioner of Education, one employed by an elementary school, one employed by a middle school, and one employed by a high school;

(g) One representative of postsecondary education with a background in political science appointed by the Secretary of State;

(h) A member of the League of Women Voters appointed by the league;

(i) Three election commissioners or county clerks appointed by the Secretary of State;

(j) One member of the Democratic Party appointed by the state chairperson of the Democratic Party; and

(k) One member of the Republican Party appointed by the state chairperson of the Republican Party.

(4) The members of the Vote Nebraska Initiative shall meet within sixty days after the effective date of this act and elect a chairperson from among the members. For administrative and budgetary purposes, the initiative shall be located in the office of the Secretary of State. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(5) The Vote Nebraska Initiative report with recommendations to the Legislature shall be issued by December 31, 2004. This section terminates upon issuance of the report.

Sec. 45. Original sections 32-103, 32-202, 32-216, 32-320, 32-803, 32-809, 32-817, 32-901 to 32-903, 32-906, 32-909, 32-913, 32-918, 32-921, 32-929, 32-1006, 32-1012, 32-1019, 32-1026, 32-1041 to 32-1045, 32-1202, and 32-1307, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-223, 32-230, 32-810, 32-813, 32-816, 32-914, 32-914.02, 32-915, 32-916, 32-1002, 32-1005, and 32-1007, Revised Statutes Supplement, 2002, are repealed.

Sec. 46. The following sections are outright repealed: Sections 32-1046 to 32-1048, Reissue Revised Statutes of Nebraska, and section 32-914.03, Revised Statutes Supplement, 2002.