

## LEGISLATIVE BILL 566

Approved by the Governor May 31, 2005

Introduced by Schimek, 27

AN ACT relating to elections; to amend sections 32-101, 32-103, 32-203, 32-301, 32-306, 32-308 to 32-310, 32-312, 32-314, 32-315, 32-318 to 32-326, 32-328, 32-329, 32-554, 32-901, 32-908, 32-909, 32-914, 32-914.01, 32-914.02, 32-916, 32-921, and 32-1002, Reissue Revised Statutes of Nebraska, section 32-915, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 401, Ninety-ninth Legislature, First Session, 2005, and sections 32-938 to 32-943, 32-945 to 32-951, 32-1027, and 32-1502, Reissue Revised Statutes of Nebraska, as amended by sections 10 to 15, 17 to 23, 26, and 30, respectively, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005; to provide powers and duties and change and eliminate provisions relating to registration of voters and the conduct of elections; to change requirements for elections in certain political subdivisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 32-304 and 32-915.02, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is amended to read:

32-101. Sections 32-101 to 32-1551 and sections 3, 10, 12 to 16, and 20 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 section 3 of this act shall be used.

Sec. 3. Government document means an identification document or other document issued by a federal, state, or local government agency that includes the name and address of the voter as they appear on his or her voter registration application, including those documents that acknowledge the person's civil or legal status or entitlement to a government service or program.

Sec. 4. Section 32-203, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Inspect, with or without the filing of a complaint by any person, and review the practices and procedures of election commissioners, county clerks, their employees, and other election officials in the conduct of primary and general elections and the registration of qualified electors;

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

(3) Adopt and promulgate rules and regulations in regard to the registration of voters and the conduct of elections; and

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

Sec. 5. Section 32-301, Reissue Revised Statutes of Nebraska, is amended to read:

32-301. (1) The Secretary of State shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the office of the Secretary of State that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state. The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state and shall comprise the voter registration ~~record~~ register. The computerized list shall be coordinated with other agency data bases within the state and shall be available for electronic access by election commissioners and county clerks. The computerized list shall serve as the official voter registration list for the conduct of all elections under the Election Act. The Secretary of State shall provide such support as may be required so that election commissioners and county clerks are able to electronically enter

voter registration information obtained by such officials on an expedited basis at the time the information is received. The Secretary of State shall provide adequate technological security measures to prevent unauthorized access to the computerized list. No General Funds shall be appropriated for purposes of this list, and funds available in the Election Administration Fund may be used for such purposes.

(2) The election commissioner or county clerk shall provide for the registration of the electors of the county. ~~Until the statewide voter registration list is operational, the election commissioner or county clerk shall furnish and prepare a voter registration register containing records of registration for applicants who qualify as registered voters. Upon receipt of an original affidavit of registration~~ Upon receipt of a voter registration application in his or her office from an eligible elector, the election commissioner or county clerk shall enter the information from the application in the voter registration register and may create an electronic image, photograph, microphotograph, or reproduction in an electronic digital format to be used as the voter registration record. ~~The register shall contain the information required by section 32-312. Such register shall remain in the office of the~~ The election commissioner or county clerk. ~~A duplicate register containing the precinct voter registration register shall provide a precinct list of registered voters for each precinct shall be provided by the election commissioner or county clerk for the use of judges and clerks of election in their respective precincts on election day. An electronically prepared list of registered voters in a form prescribed by the Secretary of State shall meet the requirements for a duplicate register precinct list of registered voters.~~

Sec. 6. Section 32-306, Reissue Revised Statutes of Nebraska, is amended to read:

32-306. Deputy registrars shall register voters in teams of at least two deputies, one of whom is not a member of the same political party as the other or others. The deputy registrars shall return the completed registration ~~forms~~ applications to the office of the election commissioner or county clerk of the county in which the registrations are to be effective no later than the end of the next business day after the registrations are taken. The election commissioner or county clerk shall mail an acknowledgment of registration at least five days prior to the next election to each person registered by a deputy registrar. Deputy registrars shall not register voters after 6 p.m. on the third Friday preceding any election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election. This section shall not apply to registration done by the employees of the election commissioner or county clerk.

Sec. 7. Section 32-308, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The Department of Motor Vehicles, with the assistance of the Secretary of State, shall prescribe a voter registration ~~form~~ application which may be used to register to vote or change his or her address for voting purposes at the same time an elector applies for an original or renewal motor vehicle operator's license, an original or renewal state identification card, or a replacement or duplicate thereof. The voter registration ~~form~~ application shall contain the information required pursuant to section 32-312 and shall be designed so that it does not require the duplication of information in the application ~~form~~ for the motor vehicle operator's license or state identification card, except that it may require a second signature of the applicant. The department and the Secretary of State shall make the ~~forms~~ voter registration application available to the county treasurer, the license examiners of the department, and any other person who issues operators' licenses or state identification cards. ~~Registration forms~~ The application shall be completed at the office of the county treasurer or department by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election.

(3) State agency personnel and county treasurers involved in the

voter registration process pursuant to this section and section 32-309 shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

Sec. 8. Section 32-309, Reissue Revised Statutes of Nebraska, is amended to read:

32-309. Upon receipt of a completed voter registration ~~form~~ application, a county treasurer, a license examiner of the Department of Motor Vehicles, and any other person who issues motor vehicle operators' licenses or state identification cards shall deliver the completed voter registration ~~portion~~ application to the election commissioner or county clerk of the county in which the county treasurer, license examiner, or other person is located not later than ten days after receipt by the county treasurer, license examiner, or other person, except that if the voter registration ~~form~~ application is received within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after its original filing date. The election commissioner or county clerk shall, if necessary, forward the ~~form~~ voter registration application to the election commissioner or county clerk of the county in which the applicant resides within such prescribed time limits. Any information on whether an applicant registers or declines to register and the location of the office at which he or she registers shall be confidential and shall only be used for voter registration purposes.

Sec. 9. Section 32-310, Reissue Revised Statutes of Nebraska, is amended to read:

32-310. (1) The State Department of Education, the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support shall provide the opportunity to register to vote at the time of application, review, or change of address for the following programs, as applicable: (a) The food stamp program; (b) the medicaid program; (c) the WIC program as defined in section 71-2225; (d) the aid to dependent children program; (e) the vocational rehabilitation program; and (f) any other public assistance program or program primarily for the purpose of providing services to persons with disabilities. If the application, review, or change of address is accomplished through an agent or contractor of the department, the agent or contractor shall provide the opportunity to register to vote. Any information on whether an applicant registers or declines to register and the agency at which he or she registers shall be confidential and shall only be used for voter registration purposes.

(2) The department, agent, or contractor shall make the mail-in registration ~~form~~ application described in section 32-320 available at the time of application, review, or change of address and shall provide assistance, if necessary, to the applicant in completing the ~~form~~ application to register to vote. The department shall retain records indicating whether an applicant accepted or declined the opportunity to register to vote.

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

(4) The applicant may return the completed ~~form~~ voter registration application to the department, agent, or contractor or may personally mail or deliver the ~~form~~ application to the election commissioner or county clerk as provided in section 32-321. If the applicant returns the completed ~~form~~ application to the department, agent, or contractor, the department, agent, or contractor shall deliver the ~~form~~ application to the election commissioner or county clerk of the county in which the office of the department, agent, or contractor is located not later than ten days after receipt by the department, agent, or contractor, except that if the ~~form~~ application is returned to the department, agent, or contractor within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after the date it is returned. The election commissioner or county clerk shall, if necessary, forward the ~~form~~ application to the election commissioner or county clerk of the county in which the applicant resides within such prescribed time limits. ~~Registration forms~~ The application shall be completed and returned to the department, agency, or contractor by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election.

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

Sec. 10. Section 32-319, Reissue Revised Statutes of Nebraska, is amended to read:

~~32-319.~~ (1) The Secretary of State shall prescribe a registration ~~form~~ application which may be used statewide to register to vote and update voter registration records. An applicant may use the application to register to vote or to update his or her voter registration record with changes in his or her personal information or other information related to his or her eligibility to vote. An applicant may submit the application in person, through a personal messenger or personal agent, or by mail. Every election commissioner or county clerk shall accept such an application for registration. If an applicant who is eligible to register to vote submits the application in person at the office of the election commissioner or county clerk, the information from the application shall be entered into the voter registration register in the presence of the applicant if possible.

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

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

(b) If the application is submitted by mail and the applicant is registering in the state for the first time and has not previously voted within the state, the applicant must submit with the application a copy of a photo identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the applicant as they appear on the application in order to avoid additional identification requirements when voting for the first time;

(c) An applicant may deliver the application to the office of the election commissioner or county clerk in person, through a personal messenger or personal agent, or by mail;

(d) To vote at the polling place on election day, the completed application must be:

(i) Delivered by the applicant in person to the office of the election commissioner or county clerk on or before the deadline prescribed in section 32-302;

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

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

(e) The election commissioner or county clerk will, upon receipt of the application for registration, send an acknowledgment of registration to the applicant indicating whether the application is proper or not. The form shall include a mail-in portion which may be designed to be detached from the rest of the form for mail-in registrations. The form shall also include an abbreviated transfer of registration form as described in section 32-325. Every election commissioner or county clerk shall accept a registration made on the form prescribed by the Secretary of State.

~~(2) The mail-in portion of the form shall contain:~~

~~(a) A statement in enlarged, capitalized, bold print that the form must be postmarked on or before the third Friday before the election;~~

~~(b) A statement informing the applicant that if the form is submitted by mail and the applicant is registering within the county for the first time, the applicant must submit a copy of a photo identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the voter with the mail-in registration form in order to avoid additional identification requirements upon voting for the first time;~~

~~(c) A statement that the election commissioner or county clerk will, upon receipt of the registration form, send an acknowledgment of registration to the registrant indicating whether the registration form is proper or not; and~~

~~(d) A statement as follows:~~

~~NOTE: This application may be delivered to the office of the election commissioner or county clerk by mail, in person, or by personal messenger.~~

~~(3) Any voter who is unable to sign his or her name may affix his or her mark before two witnesses who are registered voters in this county.~~

Sec. 11. Section 32-312, Reissue Revised Statutes of Nebraska, is amended to read:

32-312. The office personnel of the election commissioner or county clerk or the deputy registrar shall examine all persons who may personally apply to register to vote as to his or her qualifications, and in the presence

of the applicant, the information listed in this section shall be entered in the register. The registration application prescribed by the Secretary of State pursuant to section 10 of this act shall provide the instructional statements and request the information from the applicant as provided in this section.

CITIZENSHIP--"Are you a citizen of the United States of America?" and with boxes to check to indicate whether the applicant is or is not a citizen of the United States.

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

WARNING--"If you checked 'no' in response to either of these questions, do not complete this ~~form~~ application."

NAME--the name of the applicant giving the first and last name in full, the middle name in full or the middle initial, and the maiden name of the applicant, if applicable.

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

POSTAL ADDRESS--the address at which the applicant receives mail if different from the residence address.

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

TELEPHONE NUMBERS (~~optional~~)--the telephone number of the applicant at work and at home. At the request of the applicant, a designation shall be made that the telephone number is an unlisted number, and such designation shall preclude the listing of the applicant's telephone number on any list of voter registrations.

DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER--if the applicant has a Nebraska driver's license, the license number, and if the applicant does not have a Nebraska driver's license, the last four digits of the applicant's social security number. ~~and if the applicant does not have a Nebraska driver's license or a social security number, a unique identifying number assigned under this section.~~

DATE OF APPLICATION FOR REGISTRATION--the month, day, and year when the applicant presented himself or herself for registration or when the applicant completed and signed the registration application if the application was submitted by mail or delivered to the election official by the applicant's personal messenger or personal agent.

PLACE OF BIRTH (~~optional~~)--show the state, country, kingdom, empire, or dominion where the applicant was born.

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

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

PARTY AFFILIATION--show the party affiliation of the applicant as Democrat, Republican, ~~Nonpartisan~~, or Other ..... or show no party affiliation as Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan primary elections for state and local offices, you must indicate a political party affiliation on the registration ~~form~~ application. If you register without a political party affiliation (~~independent~~) (nonpartisan), you will receive only the nonpartisan ballots for state and local offices at primary elections. If you register without a political party affiliation, you may vote in partisan primary elections for congressional offices.)

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

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

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

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

(2) I have not been convicted of a felony or, if convicted, my civil rights have been restored; ~~and~~

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

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

Any registrant who signs this ~~form~~ application knowing that any of the information in the ~~form~~ application is false shall be guilty of a Class IV felony under section 32-1502 of the statutes of Nebraska. The penalty for a Class IV felony is up to five years imprisonment, a fine of up to ten thousand dollars, or both.

APPLICANT'S SIGNATURE--require the applicant to affix his or her signature to the ~~form~~ application.

~~If an applicant for voter registration does not have a Nebraska driver's license or a social security number, the Secretary of State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. When the computerized voter registration list is in effect and the list assigns unique identifying numbers to registrants, the number assigned under this section shall be the unique identifying number assigned under the list.~~

Sec. 12. The office personnel of the election commissioner or county clerk or the deputy registrar shall examine the information provided by the applicant on his or her application for registration and shall determine whether the applicant has provided sufficient information with which to determine his or her qualifications to register to vote.

Sec. 13. To avoid rejection of an application for registration or a delay in the processing of the application, the information provided by the applicant pursuant to section 32-312 who is applying to register for the first time in the state or following a cancellation of the person's prior registration shall include:

(1) The name of the applicant;

(2) A description of the location of the applicant's residence that is sufficient to allow the election commissioner or county clerk to accurately assign the applicant to the appropriate precinct, including a political subdivision of the precinct if the applicant resides in a precinct which is divided into political subdivisions and the voters residing within each subdivision are entitled to participate in an election of any one or more candidates or in the determination by election of any question or proposition specific to the political subdivision;

(3) The postal address if different than the person's residence address;

(4) The date of birth of the applicant;

(5) The party affiliation of the applicant or an indication that the applicant is not affiliated with any political party;

(6) The applicant's Nebraska driver's license number or, if the applicant does not have a Nebraska driver's license, the last four digits of the applicant's social security number if the applicant has one; and

(7) The signature of the applicant.

Sec. 14. (1) Notwithstanding other deficiencies that may cause an application for registration to be rejected, failure of the applicant to provide his or her Nebraska driver's license number or last four digits of his or her social security number shall not cause the application to be rejected.

(2) If the election commissioner or county clerk is able to verify at least one of the numbers against a record available from the Department of Motor Vehicles bearing the applicant's same name, residence address, and date of birth, that number will be entered into the applicant's voter registration record.

(3) If the applicant's Nebraska driver's license number or the last four digits of the applicant's social security number are confirmed in such a manner, the acknowledgment of registration sent to the registrant pursuant to section 32-322 shall advise the registrant of the number confirmed and the addition of the number to the registrant's voter registration record. The acknowledgment shall advise the registrant to contact the election commissioner or county clerk if the registrant has reason to believe that the number added to his or her voter registration record is incorrect or invalid.

(4) If the applicant for registration does not have a Nebraska driver's license or a social security number or if the applicant's Nebraska driver's license or social security number cannot be confirmed pursuant to subsection (2) of this section, the unique identifying number generated and assigned to the applicant's voter registration record in the voter registration register shall be used to identify the registrant for voter

registration purposes.

Sec. 15. A registered voter using a registration application to update his or her voter registration record with changes in his or her personal information or other changes related to his or her eligibility to vote shall:

(1) Provide all new information needed to ensure his or her voter registration record is accurate and current;

(2) Provide sufficient information to allow the election commissioner or county clerk to identify the voter including:

(a) The former name under which the voter was previously registered if the voter is seeking to register under a different name;

(b) The voter's Nebraska driver's license number or last four digits of the voter's social security number or the unique identifying number assigned in place of such numbers pursuant to subsection (4) of section 14 of this act, if known;

(c) The residence address where the voter was previously registered; and

(d) A sufficient description of the current residence address to allow the election commissioner or county clerk to accurately assign the voter to the appropriate precinct and political subdivision of the precinct, if any, if the voter has moved since previously registering; and

(3) Affix his or her signature to the registration application.

Sec. 16. The date that a person's voter registration record or an update of his or her voter registration record becomes effective is the date the person presented himself or herself in person to register, the date the registration application was delivered to the election commissioner or county clerk, or the date the registration application was received by the election commissioner or county clerk if the person submitted the registration application by mail.

Sec. 17. Section 32-314, Reissue Revised Statutes of Nebraska, is amended to read:

32-314. (1) Any person going into another territory or state and registering to vote or voting in that territory or state shall lose his or her residence eligibility to vote in this state. Any person going into another county of this state and registering to vote or voting in that county shall lose his or her residence eligibility to vote in the county where he or she was registered. Any registered voter shall register again if he or she changes his or her residence to a different county or state.

(2) A registered voter who changes his or her residence in one county to a residence address in a different county in the state shall register again or update his or her voter registration record in order to be eligible to vote.

(3) A registered voter who changes his or her name, party affiliation, or residence within the county and has retained legal residence in the county since the date of his or her last registration may change his or her registration to vote by completing an abbreviated transfer of registration form as provided in section 32-325 or a new registration form. Any registered voter who changes his or her name or his or her residence within a county shall register again or update his or her voter registration record to avoid additional requirements at the time of voting as provided in sections 32-914 and 32-915 and may be entitled to vote pursuant to section 32-914.01, 32-914.02, or 32-915.

(4) A registered voter who wants to change his or her party affiliation for purposes of a primary election shall complete a registration application pursuant to section 15 of this act and submit it to the election commissioner or county clerk as provided in and prior to the deadline prescribed by section 32-302 or 32-321.

Sec. 18. Section 32-315, Reissue Revised Statutes of Nebraska, is amended to read:

32-315. Upon receiving notice of a change of address pursuant to section 32-309 or 32-310 indicating that the person has moved to another county or state, the election commissioner or county clerk shall remove the name of the person from the voter registration register. Upon receiving notice of a change of name or change of address a completed voter registration application pursuant to section 32-309 or 32-310 indicating that the person a voter who is registered in the county has changed his or her name or moved to another residence within the same county, the election commissioner or county clerk shall change the voter registration record of the registered voter to the new name or new address and shall send an acknowledgment card to the registered voter indicating that the change of registration has been completed and the address of the voter's new polling place.

Sec. 19. Section 32-318, Reissue Revised Statutes of Nebraska, is

amended to read:

32-318. Any registered voter whose signature does not appear in the registration records, due to fading, damage, loss, or other circumstance that affects the appearance or presence of the signature, may be required to ~~sign and submit a~~ his or her signature ~~card~~ on a form prescribed by the Secretary of State to be included with the registration records of the registered voter. If the election commissioner or county clerk determines at any time that a ~~then~~ current signature of any registered voter is needed or if a registered voter's signature becomes subject to verification and a similar signature is not on file for such voter, the election commissioner or county clerk may request that the registered voter ~~sign and submit a current~~ his or her signature ~~card~~ on a form prescribed by the Secretary of State to be included with the voter's registration records.

Sec. 20. (1) (a) Except as provided by subsection (2) of this section, a person who registers to vote by mail after January 1, 2003, and has not previously voted in an election within the state shall present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document which is dated within the sixty days immediately prior to the date of presentation and which shows the same name and residence address of the person provided on the registration application in order to avoid identification requirements at the time of voting pursuant to section 32-914 or 32-947.

(b) Such documentation may be presented at the time of application for registration, after submission of the application for registration, or at the time of voting. The documentation must be received by the election commissioner or county clerk not later than 6 p.m. on the second Friday preceding the election to avoid additional identification requirements at the time of voting at the polling place if the voter votes in person. If the voter is voting using a ballot for early voting, the documentation must be received by the election commissioner or county clerk prior to the date on which the ballot is mailed to the voter to avoid additional identification requirements at the time of voting. Documentation received after the ballot has been mailed to the voter but not later than 8 p.m. on election day will be considered timely for purposes of determining the applicant's eligibility to vote in the election.

(c) Such documentation may be presented in person, by mail, or by facsimile transmission.

(d) Failure to present such documentation may result in the ballot not being counted pursuant to verification procedures prescribed in sections 32-1002 and 32-1027.

(2) A person who registers to vote by mail after January 1, 2003, and has not previously voted in an election within the state shall not be required to present identification if he or she:

(a) Has provided his or her Nebraska driver's license number or the last four digits of his or her social security number and the election commissioner or county clerk verifies the number provided pursuant to subsection (2) of section 14 of this act;

(b) Is a member of the armed forces of the United States who by reason of active duty is absent from his or her place of residence where the member is otherwise eligible to vote;

(c) Is a member of the United States Merchant Marine who by reason of service is away from his or her place of residence where the member is otherwise eligible to vote;

(d) Is a spouse or dependent of a member of the armed forces of the United States or United States Merchant Marine who is absent from his or her place of residence due to the service of that member;

(e) Resides outside the United States and but for such residence would be qualified to vote in the state if the state was the last place in which the person was domiciled before leaving the United States; or

(f) Is elderly or handicapped and has requested to vote by alternative means other than by casting a ballot at his or her polling place on election day.

Sec. 21. 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~~ application prescribed by the Secretary of State or the national mail voter registration application prescribed by the federal Election Assistance Commission. The Secretary of State shall provide such official registration ~~forms~~ applications to all recruitment offices of the United States Armed Forces in the State of Nebraska. The counties and state agencies listed in section 32-310 shall purchase such official registration ~~forms~~ applications from the Secretary of



State. The Secretary of State shall remit proceeds from the sale of such ~~forms~~ applications to the State Treasurer for credit to the Election Administration Fund.

Sec. 22. Section 32-321, Reissue Revised Statutes of Nebraska, is amended to read:

32-321. (1) Any elector may request a voter registration ~~forms~~ in person, by telephone, or by mail application from the office of the election commissioner or county clerk. The election commissioner or county clerk shall make registration ~~forms~~ applications prescribed by the Secretary of State available and may place the ~~forms~~ applications in public places. The election commissioner or county clerk may require that all unused ~~forms~~ applications be returned to his or her office and may place reasonable limits on the amount of ~~forms~~ applications requested.

(2) If an elector mails the registration ~~form~~ application to the election commissioner or county clerk:

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

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

(b) The application shall be ~~and~~ processed by the election office as a proper registration for the voter to be entitled to vote on the day of the next election. If a ~~postmark is unreadable, the election commissioner or county clerk shall accept the registration if it is received in his or her office at least fourteen days before the election.~~

(3) If the registration ~~form~~ application arrives after the registration deadline, the ~~applicant's form~~ application shall not be processed until after the election. Written notice shall be given to any applicant whose registration ~~form~~ application failed to meet the registration deadline or was found to be incorrect or incomplete and shall state the specific reason for rejection. If the application is incomplete, the election commissioner or county clerk shall notify the applicant of the failure to provide the required information, including failure to provide identification if required, and provide the applicant with the opportunity to submit an identification document as described in section 20 of this act prior to the deadline for voter registration or to complete and submit a corrected registration application in a timely manner to allow for the proper registration of the applicant prior to the next election. All postage costs related to returning registration ~~forms~~ applications to the election commissioner or county clerk shall be paid by the registrant.

Sec. 23. Section 32-322, Reissue Revised Statutes of Nebraska, is amended to read:

32-322. Upon receipt by the election commissioner or county clerk of a complete and correct registration ~~form~~ application showing that the registrant is qualified to be a registered voter pursuant to sections 12 to 16 of this act, the registrant shall be a registered voter and the election commissioner or county clerk shall send, by nonforwardable first-class mail, an acknowledgment of registration to the registrant at the postal address shown on the registration ~~form~~ application. If an acknowledgment of registration is returned as undeliverable, a second nonforwardable first-class mailing shall be attempted. If a ~~registration form is rejected, the registrant shall be promptly notified of the rejection and the specific reason for rejection.~~ If a registration ~~form~~ application is a duplicate of a registration already on file, the registrant shall be so notified.

Sec. 24. Section 32-323, Reissue Revised Statutes of Nebraska, is amended to read:

32-323. Registration by mail shall not constitute a valid registration for purposes of signing any type of petition requiring the validation of the signatures of registered voters until a complete and correct registration ~~form~~ application has been received by the election commissioner or county clerk. A signature on a petition shall be considered a valid signature as of the date that the election commissioner or county clerk receives the registration ~~form~~ application of the registrant.

Sec. 25. Section 32-324, Reissue Revised Statutes of Nebraska, is amended to read:

32-324. (1) When a person who previously has been registered to vote in another ~~county~~ or state registers to vote in a new county of residence in Nebraska, the election commissioner or county clerk accepting the ~~new~~ registration shall notify the ~~election commissioner, county clerk, or other~~ appropriate election official in the ~~voter's previous county or other state~~ that the voter has registered in ~~the new county~~ Nebraska. The notification shall contain the ~~printed or typewritten name and signature and previous address of the registered voter or shall contain the printed or typewritten~~

name and previous address of the registered voter and the signature or certification of the election commissioner or county clerk. ~~Upon receiving the notification, the election commissioner or county clerk of the registered voter's previous county shall purge his or her name from the voter registration records.~~

(2) The election commissioner or county clerk accepting an application for registration from a voter who was previously registered in a different county in Nebraska shall update the voter's voter registration record with the information from the application and shall send an acknowledgment to the voter indicating that the change of registration has been completed. The acknowledgment shall advise the voter of the address of his or her new polling place.

Sec. 26. Section 32-325, Reissue Revised Statutes of Nebraska, is amended to read:

32-325. ~~(1) An abbreviated transfer of registration form shall contain the information prescribed in subsection (2) of this section. The voter shall date and sign the form. The form shall be delivered or mailed to the office of the election commissioner or county clerk. If the application is delivered, it must physically arrive in such office prior to the regular registration deadline prescribed in section 32-302. If the application is mailed, the application must be postmarked by such deadline.~~

~~(2) The abbreviated transfer of registration form shall be prescribed by the Secretary of State and shall contain the full name, previous name, party affiliation, present address, and previous address of the registered voter and the effective date of the change of name, party affiliation, or address. The form shall also include space for the registered voter to sign and date the form and the following statement: I have maintained legal residence in the county continuously since the date of my last registration at my previous address shown above.~~

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

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

~~(b) Delivered by a personal messenger or personal agent or mailed so that it is received by the election commissioner or county clerk on or before the deadline prescribed in section 32-321.~~

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

Sec. 27. Section 32-326, Reissue Revised Statutes of Nebraska, is amended to read:

32-326. The election commissioner or county clerk shall remove the name of a registered voter from the voter registration register and cancel the registration of such voter if:

(1) The election commissioner or county clerk has received information that the voter is deceased;

(2) The voter requests in writing that his or her name be removed;

(3) The election commissioner or county clerk has received information that the ~~registrant~~ voter has moved out of the county pursuant to ~~section 32-309 or 32-310 or~~ from the address at which he or she is registered to vote from the National Change of Address program of the United States Postal Service pursuant to section 32-329;

~~(4) The and the voter has not responded to a confirmation notice sent pursuant to section 32-329 and has not voted or offered to vote at any election held prior to and including the second statewide federal general election following the mailing of the confirmation notice;~~

~~(4) The election commissioner or county clerk has received information that the registrant has moved out of the state and has registered to vote or voted in another territory or state pursuant to section 32-314; or~~

(5) The voter has become ineligible to vote as provided in section 32-313.

Sec. 28. Section 32-328, Reissue Revised Statutes of Nebraska, is amended to read:

32-328. (1) The election commissioner or county clerk shall, upon the personal application of any registered voter or whenever informed of any error and after due investigation, correct any error in the voter registration register. For such purpose, the election commissioner or county clerk may summon witnesses and compel their attendance to appear at the office of the election commissioner or county clerk to give testimony pertaining to residence, qualifications, or any other facts required to be entered in the voter registration register. Such testimony shall be transcribed and become a part of his or her records.

(2) If the name of any registered voter of any precinct ~~fails to~~ does not appear on the precinct list of registered voters through any error of an error and the election commissioner or county clerk informs the precinct inspector or judge of election that credible evidence exists that substantiates that an error has been made, the precinct inspector or judge of election shall enter the correction in the precinct list of registered voters, initial the correction, and authorize the receiving board to issue the proper ballots to the voter and receive his or her vote. All corrections shall be entered on the voter registration register as soon as possible after the election.

Sec. 29. Section 32-329, Reissue Revised Statutes of Nebraska, is amended to read:

32-329. (1) The Secretary of State with the assistance of the election commissioners and county clerks shall perform list maintenance with respect to the computerized statewide voter registration list on a regular basis. The list maintenance shall be conducted in a manner that ensures that:

(a) The name of each registered voter appears in the computerized list;

(b) Only voters who are not registered persons who have been entered into the register in error or who are not eligible to vote are removed from the computerized list; and

(c) Duplicate names are eliminated from the computerized list.

(2) The election commissioner or county clerk shall verify the voter registration register by using (a) the National Change of Address program of the United States Postal Service and a confirmation notice pursuant to subsection (3) of this section or (b) the biennial mailing of a nonforwardable notice to each registered voter. The Secretary of State shall provide biennial training for the election commissioners and county clerks responsible for maintaining voter registration lists. No name shall be removed from the voter registration register for the sole reason that such person has not voted for any length of time.

(3) When an election commissioner or county clerk receives information from the National Change of Address program of the United States Postal Service that a registered voter has moved from the address at which he or she is registered to vote, the election commissioner or county clerk shall immediately update the voter registration register and mail a confirmation notice by forwardable first-class mail. If a nonforwardable notice under subdivision (2)(b) of this section is returned as undeliverable, the election commissioner or county clerk shall mail a confirmation notice by forwardable first-class mail. The confirmation notice shall include a confirmation letter and a preaddressed, postage-paid confirmation card. The confirmation letter shall contain statements substantially as follows:

(a) The election commissioner or county clerk has received information that you have moved to a different residence address from that appearing on the voter registration register;

(b) If you have not moved or you have moved to a new residence within this county, you should return the enclosed confirmation card by the regular registration deadline prescribed in section 32-302. If you fail to return the card by the deadline, you will be required to affirm or confirm your address prior to being allowed to vote. If you are required to affirm or confirm your address, it may result in a delay at your polling place; and

(c) If you have moved out of the county, you must reregister to be eligible to vote. This can be accomplished by mail or in person. For further information, contact your local election commissioner or county clerk.

(4) The election commissioner or county clerk shall maintain for a period of not less than two years a record of each confirmation letter indicating the date it was mailed and the person to whom it was mailed.

(5) If information from the National Change of Address program or the nonforwardable notice under subdivision (2)(b) of this section indicates that the voter has moved outside the jurisdiction and the election commissioner or county clerk receives no response to the confirmation letter and the voter does not offer to vote at any election held prior to and including the second statewide federal general election following the mailing

of the confirmation notice, the voter's registration shall be canceled and his or her name shall be deleted from the voter registration register.

Sec. 30. Section 32-554, Reissue Revised Statutes of Nebraska, is amended to read:

32-554. (1)(a) Any city not under a home rule charter, village, county, or school district nominating and electing members to its governing board at large may at a general election submit the question of nominating and electing members to its governing board by district or ward.

(b) Any city not under a home rule charter, village, county having not more than three hundred thousand inhabitants, or school district nominating and electing members to its governing board by district or ward may at a general election submit the question of nominating and electing members to its governing board at large.

(c) Any city of the first class, except a city having adopted the commissioner or city manager plan of government, nominating and electing members to its governing body by ward may at a general election submit the question of nominating and electing some of the members to its governing body by ward and some at large either by ordinance by a vote of a majority of the members of the governing body or by petition of the registered voters of the city. No more than three members of the city council may be elected on an at-large basis, and at least four members of the city council shall be elected by ward. The ordinance or petition shall specify the number of at-large members to be elected. At the first election in which one or more at-large members are to be elected to the city council, the members shall be elected to serve for initial terms of office of the following lengths:

(i) If one at-large member is to be elected, he or she shall serve for a four-year term;

(ii) If two at-large members are to be elected, the candidate receiving the highest number of votes shall be elected to serve for a four-year term and the other elected member shall be elected to serve for a two-year term; and

(iii) If three at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected member shall be elected to serve for a two-year term. Following the initial term of office, all at-large council members shall be elected to serve for four-year terms. No candidate may file as both an at-large candidate and a candidate by ward at the same election.

(2) Petitions for submission of the question shall be signed by registered voters of the city, village, county, or school district desiring to change the procedures for electing the governing board of the city, village, county, or school district. The petition or petitions shall be signed by registered voters equal in number to twenty-five percent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing board. Each sheet of the petition shall have printed the full and correct copy of the question as it will appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election, and no signatures shall be added or removed from the petitions after they have been so filed. Petitions shall be verified as provided in section 32-631. If the petition or petitions are found to contain the required number of valid signatures, the county clerk or election commissioner shall place the question on a separate ballot to be issued to the registered voters of the city, village, county, or school district entitled to vote on the question.

(3)(a) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board by district or ward to nominating and electing some or all of such members at large shall notify the public and instruct the filing officer to accept the appropriate filings on an at-large basis. Candidates to be elected at large shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

(b) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board at large to nominating and electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected by district or ward at the next primary and general election following submission of the question. When district or ward elections have been approved by the majority of the electorate, the governing board of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal decennial census except

as provided in subsection (2) of section 32-553.

(4) Except as provided in section 14-201, each city not under a home rule charter, village, county, and school district which votes to nominate and elect members to its governing board by district or ward shall establish districts or wards so that approximately one-half of the members of its governing board may be nominated and elected from districts or wards bearing odd numbers at one election and from districts or wards bearing even numbers at the following at each election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If the governing board fails to draw district boundaries by October 1, the procedures set forth in section 32-555 shall be followed.

Sec. 31. 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 to be manually counted, ~~or a paper ballot that is counted by optical scanners,~~ the registered voter shall make a cross or other clear, ~~intelligible~~ discernable mark in the square ~~or fill in the oval~~ 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 the answer he or she wishes to give. ~~Filling in the oval or making~~ Making a cross or other clear, ~~intelligible~~ discernable mark in the square constitutes a valid vote.

(2) To vote for a candidate or on a ballot question using a ballot that is to be counted by optical scanner, the registered voter shall fill in the oval or other space provided 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 the answer he or she wishes to give. A mark in the oval or provided space that is discernable by the scanner constitutes a valid vote.

(3) To vote for a candidate or on a ballot question using an electronic voting ~~systems~~ system, the registered voter shall 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. 32. Section 32-908, Reissue Revised Statutes of Nebraska, is amended to read:

32-908. (1) At all elections in the area of this state lying within the Mountain Standard or Mountain Daylight time zone, the polls shall open at 7 a.m. and close at 7 p.m. of the same day, and in the area lying within the Central Standard or Central Daylight time zone, the polls shall open at 8 a.m. and close at 8 p.m. of the same day.

(2) If the judges and clerks of election are not present at the polls at the required hour, the polls may be opened by those placed in charge of the polling place at any time before the time required for closing the polls on election day.

(3) If at the hour of closing there are any ~~registered voters~~ persons desiring to vote who are in the polling place or in a line at the polling place and who ~~are registered to vote at that polling place and~~ have not been able to ~~de se~~ vote since appearing at the polling place, the polls shall be kept open reasonably long enough after the hour for closing to allow those present at that hour to vote. No person arriving after the hour when the polls have officially closed shall be entitled to vote.

Sec. 33. Section 32-909, Reissue Revised Statutes of Nebraska, is amended to read:

32-909. 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~~ If paper ballots are being used that will be manually counted, a ballot box containing such ballots shall not be opened again until opened by the counting board. In counties using electronic voting systems or optical scanners, the ballot boxes A ballot box which contains ballots that will be counted using a scanner 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.

Sec. 34. Section 32-914, Reissue Revised Statutes of Nebraska, is amended to read:

32-914. (1) 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, 32-915, 32-915.01, or 32-936.

(2) Except as otherwise specifically provided, no ballot shall be handed to any ~~registered~~ voter at any election until:

(a) He ~~(1) he~~ or she announces his or her name and address to the clerk of election;

(b) The ~~7 (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, 32-915, or 32-915.01;

(c) The voter has presented a photographic identification which is current and valid at the time of the election, or a copy of a utility bill, bank statement, paycheck, government check, or other government document which is current at the time of the election and which shows the same name and residence address of the voter that is on the precinct list of registered voters, ~~(3) if the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county, the clerk shall ask the registered voter to present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the voter, (4) the~~ and a notation appears on the precinct list of registered voters that the voter has not previously presented identification to the election commissioner or county clerk;

(d) 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

(e) The ~~7 and (5) the~~ clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.

Sec. 35. Section 32-914.01, Reissue Revised Statutes of Nebraska, is amended to read:

32-914.01. If a person who is registered to vote changes his or her name but the voter registration register has not been changed to reflect the change of name, the person shall be entitled to vote at the polling place upon completing a change of name form registration application to update his or her voter registration record at the polling place. The election commissioner or county clerk shall update the voter registration register to reflect the change of name.

Sec. 36. Section 32-914.02, Reissue Revised Statutes of Nebraska, 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 registration application to update his or her voter registration record at the polling place. The election commissioner or county clerk shall update the voter registration register to reflect the change of address.

Sec. 37. Section 32-915, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 401, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-915. (1) If a person is registered to vote but (a) his or her A person whose name does not appear on the precinct list of registered voters at the polling place for the precinct in which he or she resides in the voter registration register or his or her whose name appears with a notation that he or she received a ballot for early voting, (b) he or she is may vote a provisional ballot if he or she:

(a) Claims that he or she is a registered voter who has continuously resided in the county in which the precinct is located since registering to vote;

(b) Is not entitled to vote under section 32-914.01 or 32-914.02;

(c) Has not registered to vote or voted in any other county since registering to vote in the county in which the precinct is located;

(d) Has appeared to vote at the polling place for the precinct to which the person would be assigned based on his or her residence address; and

(e) Completes and signs a registration application before voting. ~~7 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 A voter whose name appears on the precinct list of registered voters for the polling place with a notation that the voter is

required to present identification pursuant to section 20 of this act but fails to present identification may vote a provisional ballot if he or she completes and signs a registration application before voting.

(3) Each person voting by provisional ballot shall enclose his or her ballot in an envelope marked Provisional Ballot and shall, by signing the certification on 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)~~ My name did not appear on the precinct list of registered voters;

(c) I registered to vote on ~~approximately~~ or about this date .....

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

~~(e)~~ (f) My current address is shown on the ~~voter~~ registration ~~form~~ application completed as a requirement for voting by provisional ballot; and

~~(d)~~ (g) 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 (4) The voter shall sign the certification 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.

(5) If the person's name does not appear on the precinct list of registered voters for the polling place and the judge or clerk of election determines that the person's residence address is located in another precinct within the same county, the judge or clerk of election shall direct the person to his or her correct polling place to vote.

Sec. 38. Section 32-916, Reissue Revised Statutes of Nebraska, 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. 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 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 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. No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the appropriate initials. Any ballot not properly identified shall be rejected in the presence of the voter, the judge of election shall make a notation on the ballot 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 is in order, the judge shall deposit the ballot 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 provisional ballot as provided in section 32-915, ~~or 32-915.02~~, 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~~ ensure that the appropriate information from the change of address form ~~is on the outside of the envelope in which the ballot is enclosed or attach the form attached to the envelope,~~ attach the statement required by section 32-915 ~~or 32-915.02~~ if not contained on the envelope, and place the entire envelope into the ballot box. Upon receiving a provisional ballot as provided in section 32-915.01, 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 32-915.01 shall be kept separate from the other ballots cast at the election.

Sec. 39. 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 occupied by another. ~~No~~ A registered voter shall not remain within the enclosure in which the voting booths are situated more than twenty minutes unless he or she is in line waiting to vote or voting. A registered voter shall not occupy a voting booth for more than ~~five~~ ten minutes.

Sec. 40. Section 32-938, Reissue Revised Statutes of Nebraska, as amended by section 10, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-938. (1) A registered voter shall be permitted to vote early by requesting a ballot for early voting pursuant to section 32-941 or 32-943.

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

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

Sec. 41. Section 32-939, Reissue Revised Statutes of Nebraska, as amended by section 11, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-939. (1) The persons listed in this subsection who are residents of Nebraska but who reside outside the United States shall be allowed to simultaneously register to vote and make application for ballots for all elections in a calendar year through the use of the Federal Post Card Application or a personal letter which includes the same information as appears on the Federal Post Card Application:

(a) Members of the armed forces of the United States or the United States Merchant Marine, and their spouses and dependents residing with them;

(b) Citizens temporarily residing outside of the United States and the District of Columbia; and

(c) Overseas citizens.

(2) An omission of required information, except the political party affiliation of the applicant, may prevent the processing of an application and mailing of ballots. The request for any ballots and a registration ~~forms~~ application shall be sent to the election commissioner or county clerk of the county of the applicant's residence. The request may be sent at any time in the same calendar year but prior to any as the election, except that the request shall be received by the election commissioner or county clerk not later than the third Friday preceding an election to vote in that election. If so requested, ballots may be sent for all subsequent elections held in the county in that calendar year.

(3) Any person meeting the criteria in subsection (1) of this section may cast a ballot by the use of the Federal Write-In Absentee Ballot. The Federal Write-In Absentee Ballot may be used for all elections. If a person casting a ballot using the Federal Write-In Absentee Ballot is not a registered voter, the information submitted in the Federal Write-In Absentee Ballot transmission envelope shall be treated as a voter registration application.

(4) Any person meeting the criteria in subsection (1) of this section requesting a ballot under this section or the special ballot described in section 32-808 may receive the ballot and the oath prescribed in subsection (2) of section 32-947 by facsimile but shall return the cast ballot and completed oath by mail.

Sec. 42. Section 32-940, Reissue Revised Statutes of Nebraska, as amended by section 12, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-940. Any person employed in federal service whose status has been terminated by discharge from the armed forces or by separation from employment outside the territorial limits of the United States who was unable to register to vote may register to vote after the voter registration deadline by completing the necessary voter registration ~~forms~~ application in the office



of the election commissioner or county clerk of the county of his or her residence no later than noon of the day before the election. After completing the voter registration ~~forms~~ application, such person shall then be allowed to vote in the election office.

Sec. 43. Section 32-941, Reissue Revised Statutes of Nebraska, as amended by section 13, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-941. Any registered voter permitted to vote early pursuant to section 32-938 may, not more than one hundred twenty days before any election and not later than 4 p.m. on the Wednesday preceding the election, request a ballot for the election to be mailed to a specific address. A registered voter shall request a ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her home and shall indicate his or her residence address, the address to which the ballot is to be mailed if different, and his or her political party, telephone number if available, and precinct if known. The registered voter may use the form published by the election commissioner or county clerk pursuant to section 32-808. The registered voter ~~or his or her agent~~ shall sign the request. A registered voter may use a facsimile machine for the submission of a request for a ballot. The election commissioner or county clerk shall include a registration ~~forms~~ application with the ballots if the person is not registered. Registration ~~forms~~ applications shall not be issued or mailed after the second Friday preceding the election. If the person is not registered to vote, the registration ~~forms~~ application shall be returned not later than the closing of the polls on the day of the election. No ballot issued under this section shall be counted unless such registration ~~forms~~ are application is properly completed and processed.

Sec. 44. Section 32-942, Reissue Revised Statutes of Nebraska, as amended by section 14, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-942. Any registered voter of this state who ~~is about to be~~ anticipates being absent from the county of his or her residence on the day of any election but who is present in the county after ballots are available may appear in person before the election commissioner or county clerk and obtain his or her ballot. The registered voter shall vote in the office of the election commissioner or county clerk or shall return the ballot to the office during regular business hours not later than the closing of the polls on the day of the election.

Sec. 45. Section 32-943, Reissue Revised Statutes of Nebraska, as amended by section 15, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-943. (1) Any registered voter who is permitted to vote early pursuant to section 32-938 may ~~request a ballot by appointing an agent to~~ appoint an agent to submit a request for a ballot for early voting on his or her behalf. The registered voter or his or her agent may request that the ballot be sent to the registered voter by mail or indicate on the request that the agent will personally pick up a the ballot for such registered voter from the office of the election commissioner or county clerk. A registered voter or an agent acting on behalf of a registered voter shall request a ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her ~~home~~ residence and shall indicate his or her address, the voter's residence address, the address to which the ballot is to be mailed if different, and the voter's telephone number if available, and precinct if known. The registered voter or the voter's agent may use the form published by the election commissioner or county clerk pursuant to section 32-808. The registered voter or his or her agent shall sign the request.

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

(3) The agent shall pick up the ballot before one hour prior to the closing of the polls on election day and deliver the ballot to the registered voter. The ballot shall be returned not later than the closing of the polls on the day of the election.

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

Sec. 46. Section 32-945, Reissue Revised Statutes of Nebraska, as amended by section 17, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-945. When a request for a ballot from a person who is not

registered to vote in the county reaches the election commissioner or county clerk by mail, by facsimile transmission, or by means other than by application in person on or prior to the ~~second~~ third Friday preceding the election, the election commissioner or county clerk shall mail to the applicant the registration ~~form~~ application with the ballot. No ballot shall be sent by mail to any person after the ~~second~~ third Friday preceding the election if such person is not a registered voter. When an application for a ballot from a person who is registered in the county reaches the county clerk or election commissioner by mail, facsimile transmission, or other means than by application in person and the application indicates that the applicant has changed his or her residence within the county, the county clerk or election commissioner shall change the address on the applicant's voter registration and mail to such applicant an acknowledgment of change of registration and the ballot as provided by section 32-947.

Sec. 47. Section 32-946, Reissue Revised Statutes of Nebraska, as amended by section 18, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-946. When a registered voter applying for a ballot has no residence address within the county, the election commissioner or county clerk shall mail to the registered voter at the address designated by the voter the requested ballot materials, including a ~~set of~~ registration forms application, no later than the ~~voter registration deadline~~ third Friday preceding the election pursuant to section 32-941 and shall enclose with the material the following oath which the voter must swear to before his or her ballot will be counted:

I, ....., do hereby swear that prior to my current absence from ..... County, Nebraska, I resided within the State of Nebraska, that during such residency it was my intention to make my permanent residence in such county, that during my current absence from such county I have not registered to vote or voted in an election in any other jurisdiction as a resident of such other jurisdiction, that I do not intend to make my present residence my permanent residence, that my current absence from such county is temporary and for a definite period of time, and that at the termination of that period I intend to return to ..... County, Nebraska, and make it my permanent residence. I acknowledge that the residence address assigned to me for voting purposes until I return to the county shall be deemed to be that of the office of the election commissioner or county clerk of the county in which my prior residence was located.

~~The election commissioner or county clerk shall make a good faith effort to maintain the secrecy of the ballot upon receiving the materials. If the registered voter fails to complete the oath and return it to the election commissioner or county clerk prior to the closing of the polls on election day, his or her ballot shall not be counted. The residence address of the registered voter shall be deemed to be the office of the election commissioner or county clerk of the county of such voter's prior residence for purposes of the Election Act.~~

Sec. 48. Section 32-947, Reissue Revised Statutes of Nebraska, as amended by section 19, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-947. (1) Upon receipt of an application or other request for a ballot to vote early, the election commissioner or county clerk shall determine ~~(a) whether the applicant is a registered voter and is entitled to vote as requested. and (b) whether the applicant registered to vote by mail after January 17, 2003, and has not previously voted in an election for a federal office within the county.~~ If the election commissioner or county clerk determines that the voter meets the requirements of subdivision (a) of this subsection applicant is a registered voter entitled to vote early and the application was received at or before 4 p.m. on the Wednesday preceding the election, the election commissioner or county clerk shall deliver a ballot to the applicant in person or by mail, postage paid. The election commissioner or county clerk or any employee of the election commissioner or county clerk shall write his or her customary signature or initials on the ballot. If the election commissioner or county clerk determines that the applicant also matches the description in subdivision (b) of this subsection, the election commissioner or county clerk shall include with the ballot written instructions directing the applicant to submit with the ballot a copy of a photographic identification which is then current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is then current and that shows the name and address of the voter.

(2) An unsealed identification envelope shall be delivered with the ballot, and upon the back of the envelope shall be printed a form

substantially as follows:

VOTER'S OATH

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

My voting residence in Nebraska is ....., (street and number or rural route and number) of ....., (city, village, or township) Nebraska. I am a registered voter of the State of Nebraska.

The primary election ballot, if any, within this envelope is a primary election ballot of the .... party.

Ballots contained in this envelope are for the .... (primary, general, or special) election to be held on the .... day of ..... 20.. .

I hereby declare, under penalty of election falsification, that the statements above are true to the best of my knowledge.

THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

.....  
(Signature of Voter)

(here follows space for signature of registered voter)

The primary election ballot, if any, within this envelope is a primary election ballot of the .... party.

Ballots contained in this envelope are for the .... (primary, general, or special) election to be held on the .... day of ..... 20.. .

(3) If the ballot and identification envelope are delivered by mail or picked up at the office to will be returned by mail or by someone other than the voter, the election commissioner or county clerk shall include with the ballot an identification envelope upon the face of which shall be printed the official title and post office address of the election commissioner or county clerk.

(4) The election commissioner or county clerk shall include written instructions on marking and returning the ballot, including notice that failure to sign the identification envelope and include his or her address on the identification envelope will result in the ballot not being counted also enclose with the ballot materials:

(a) A registration application, if the election commissioner or county clerk has determined that the applicant is not a registered voter pursuant to section 32-945, with instructions that failure to return the completed and signed application indicating the residence address as it appears on the voter's request for a ballot to the election commissioner or county clerk by the close of the polls on election day will result in the ballot not being counted;

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

(c) Written instructions directing the voter to submit a copy of an identification document pursuant to section 20 of this act if the voter is required to present identification under such section and advising the voter that failure to submit identification to the election commissioner or county clerk by the close of the polls on election day will result in the ballot not being counted.

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

Sec. 49. Section 32-948, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-948. ~~Upon issuing~~ (1) Upon receipt of an application or request for a ballot to vote early, the election commissioner or county clerk shall make a record of such issuance as prescribed by the Secretary of State. enter in the record of early voters the applicant's name, residence address, precinct, and subdivision of the precinct, if any, the mailing address to which the ballots are to be sent if different from the residence address, and the date on which the application was received. The election commissioner or county clerk shall also record other information in the record of early voters as may be necessary to aid in the processing or verification of ballots, including such information as the date ballots and related materials were sent

to the voter or picked up in person, the date on which the ballots were voted in person or returned or received by mail, or information as to the reason why a ballot could not be issued or sent.

(2) Applications for such ballots shall be open to public inspection prior to the election. The record of early voters and all applications for such ballots shall be open to public inspection upon completion of the election. The election commissioner or county clerk shall make an entry in the voter's registration record showing the date of the election and the number of the registered voter voting as shown in the record of early voters indicating that the voter has voted early in the election.

Sec. 50. Section 32-949, Reissue Revised Statutes of Nebraska, as amended by section 21, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-949. ~~When~~ (1) After a ballot for early voting is received by a registered voter, he or she shall, and before placing any marks thereon, the voter shall note whether there are any voting marks on the ballot and whether there is a signature or initials on the ballot in the space provided for the election official's signature or initials. If there are any voting marks or no signature or initials, the ballot shall be returned immediately to the election commissioner or county clerk. If there are no such marks, the registered voter shall cause the ballot to be marked. If the ballot is voted in the office of the election commissioner or county clerk, the registered voter shall return the ballot and identification envelope to the election commissioner or county clerk or an employee of the election commissioner or county clerk who shall deposit the ballot into a ballot box and place the identification envelope in a secure container.

(2) If the registered voter is mailing or otherwise delivering the ballot to the election commissioner or county clerk, the registered voter shall:

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

(b) Complete and shall place and seal the ballot in the identification envelope received for that purpose. The registered voter shall complete and sign the voter's oath on the outside of the identification envelope under the penalty of election falsification;

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

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

(e) Mail, - The registered voter shall then mail, deliver, or cause to be delivered the identification envelope in the return envelope envelope containing the ballots and any required materials to the election commissioner or county clerk from whom it was received.

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

Sec. 51. Section 32-950, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-950. Ballots issued under section 32-948 which are returned not later than the hour established for the closing of the polls shall be accepted for ~~approval~~ review by the counting board for early voting. Such ballots received by the election commissioner or county clerk after the close of the polls on election day shall remain sealed in the envelope on which the election commissioner or county clerk shall write Rejected, received on, and the date on which the ballot was received. If such a ballot was received on election day but after the close of the polls, the election commissioner or county clerk shall also write on the envelope the time at which the ballot was received. Such rejected ballots shall be segregated and stored in a sealed container designated for Rejected Early Ballots.

Sec. 52. Section 32-951, Reissue Revised Statutes of Nebraska, as amended by section 23, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-951. No person shall:

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

(2) ~~knowingly~~ Knowingly connive to help a person to vote such a ballot illegally;  $\tau$

(3) ~~destroy~~ Destroy, steal, mark, or mutilate any such ballot after the same has been voted or aid or abet another to do so;  $\tau$

(4) ~~delay~~ Delay in delivering such a ballot to the election commissioner or county clerk to prevent the ballot from arriving in time to be counted;  $\tau$

(5) ~~in~~ In any manner aid or attempt to aid any person to vote such a ballot unlawfully;  $\tau$

(6) ~~hinder~~ Hinder or attempt to hinder a registered voter from voting any such ballot;  $\tau$  or

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

Sec. 53. Section 32-1002, Reissue Revised Statutes of Nebraska, 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 provisional ballots from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) 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 verify that the certificate on the front of the envelope or the form attached to the envelope is in proper form and that the certification has been signed by the voter.

(3) The election commissioner or county clerk shall also (a) verify 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 or been issued an absentee ballot, (b) 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 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 in the county before the deadline for registration for the election, (c) investigate whether any information has been received pursuant to section 32-309, 32-310, or 32-324 that the person has resided, registered, or voted in any other county or state since registering to vote in the county, and (d) upon determining that credible evidence exists that the person was properly registered to vote in the county, make the appropriate changes to the voter registration register by entering the information contained in the registration application completed by the voter at the time of voting a provisional ballot.

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

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

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

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

(d) The voter has completed a registration application prior to voting and:

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

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

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

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

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

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

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

(d) The voter failed to complete and sign a registration application

pursuant to subdivision (1)(e) of section 32-915;

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

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

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

(6) Upon determining that the voter's provisional ballot is eligible to be counted, 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.

(7) 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.

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

Sec. 54. Section 32-1027, Reissue Revised Statutes of Nebraska, as amended by section 26, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-1027. (1) The election commissioner or county clerk shall appoint two or more registered voters to the counting board for early voting. One registered voter shall be appointed 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 registered voter shall be appointed from the political party casting the next highest vote for such office. The election commissioner or county clerk may appoint additional registered voters to serve on the counting board and may appoint registered voters to serve in case of a vacancy among any of the members of the counting board. Such appointees shall be balanced between the political parties and may include registered voters unaffiliated with any political party. The counting board may begin carrying out its duties not earlier than the Thursday before the election and shall meet as directed by the election commissioner or county clerk.

(2) The counting board shall place all identification envelopes in order for counting. The counting board shall compare the voter's name on the identification envelope with the name on the record of early voters or with the application for the ballot. If the name on the identification envelope appears to be that of a registered voter to whom such a ballot has been issued, the identification envelope shall be accepted for opening without further questioning. In counties using optical scanners, the board shall review each returned identification envelope pursuant to verification procedures prescribed in subsections (3) and (4) of this section.

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

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

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

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

(d) An identification document has been received from the voter not later than the close of the polls on election day if required pursuant to section 20 of this act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) In the case of a ballot received from a registered voter required to present identification before voting pursuant to section 20 of this act, the ballot shall be accepted for counting if:

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

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

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

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

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

(6) The counting board may, on the Thursday before the election, check the names on the identification envelopes received and open all identification envelopes which are approved, and if the signature of the election commissioner or county clerk or his or her employee is on the ballot, the ballot shall be unfolded, flattened for purposes of using the optical scanner, and placed in a sealed container for counting on election day. In other counties, the counting board may, on the Thursday before the election, check the names on the identification envelopes received prior to election day. If an identification envelope is accepted for counting, the identification envelope shall be placed in a sealed container for counting on election day. The counting board shall convene on election day to begin counting ballots previously accepted. On election day, all identification envelopes which have been received and approved on or before election day shall be opened, and if the signature of the election commissioner or county clerk or his or her employee is on the ballot, the ballot shall be placed without unfolding into a ballot box.

(3) The counting board shall reject an identification envelope if the signature of the registered voter is missing or if the name and address on the identification envelope do not match the registered voter's voter registration.

(7) If an identification envelope is rejected, the counting board shall not open the identification envelope. The counting board shall write Rejected on the identification envelope and the reason for the rejection. If

the ballot is rejected after opening the identification envelope because of the absence of the official signature on the ballot, the ballot shall be reinserted in the identification envelope which shall be resealed and marked Rejected, no official signature. The counting board shall place the rejected identification envelopes and ballots in a container labeled Rejected Ballots and seal it.

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

Sec. 55. Section 32-1502, Reissue Revised Statutes of Nebraska, as amended by section 30, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

32-1502. A person shall be guilty of election falsification if, orally or in writing, he or she purposely states a falsehood under oath lawfully administered or in a statement made under penalty of election falsification (1) as to a material matter relating to an election in a proceeding before a court, tribunal, or public official or (2) in a matter in relation to which an oath or statement under penalty of election falsification is authorized by law, including a statement required for verifying or filing a voter registration ~~form~~ application or voting early or a statement required by a new or former resident to enable him or her to vote for President or Vice President of the United States. Any person committing election falsification shall be guilty of a Class IV felony.

Sec. 56. Sections 30, 56, and 57 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on January 1, 2006.

Sec. 57. Original section 32-554, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 58. Original sections 32-101, 32-103, 32-203, 32-301, 32-306, 32-308 to 32-310, 32-312, 32-314, 32-315, 32-318 to 32-326, 32-328, 32-329, 32-901, 32-908, 32-909, 32-914, 32-914.01, 32-914.02, 32-916, 32-921, and 32-1002, Reissue Revised Statutes of Nebraska, section 32-915, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 401, Ninety-ninth Legislature, First Session, 2005, and sections 32-938 to 32-943, 32-945 to 32-951, 32-1027, and 32-1502, Reissue Revised Statutes of Nebraska, as amended by sections 10 to 15, 17 to 23, 26, and 30, respectively, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, are repealed.

Sec. 59. The following sections are outright repealed: Sections 32-304 and 32-915.02, Reissue Revised Statutes of Nebraska.