

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 662

Introduced by Krist, 10.

Read first time January 08, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-318.01,
2 32-321, 32-914, 32-949, and 32-1027, Reissue Revised
3 Statutes of Nebraska, and sections 32-329, 32-915, and
4 32-947, Revised Statutes Cumulative Supplement, 2012; to
5 provide and change requirements for presentation of
6 identification for purposes of voting; to harmonize
7 provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-318.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-318.01 (1)(a) Except as provided by subsection (2) of
4 this section, a person who registers to vote by mail ~~after January 1,~~
5 ~~2003,~~ and has not previously voted in an election within the state
6 shall present a ~~photographic identification which is current and~~
7 ~~valid or a copy of a utility bill, bank statement, government check,~~
8 ~~paycheck, or other government document which is dated within the~~
9 ~~sixty days immediately prior to the date of presentation and which~~
10 shows the same name and residence address of the person provided on
11 the registration application in order to avoid identification
12 requirements at the time of voting pursuant to section 32-914 or
13 32-947.

14 (b) Such documentation may be presented at the time of
15 application for registration, after submission of the application for
16 registration, or at the time of voting. The documentation must be
17 received by the election commissioner or county clerk not later than
18 6 p.m. on the second Friday preceding the election to avoid
19 additional identification requirements at the time of voting at the
20 polling place if the voter votes in person. If the voter is voting
21 using a ballot for early voting, the documentation must be received
22 by the election commissioner or county clerk prior to the date on
23 which the ballot is mailed to the voter to avoid additional
24 identification requirements at the time of voting. Documentation
25 received after the ballot has been mailed to the voter but not later

1 than 8 p.m. on election day will be considered timely for purposes of
2 determining the applicant's eligibility to vote in the election.

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

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

8 (2) A person who registers to vote by mail ~~after January~~
9 ~~1, 2003,~~ and has not previously voted in an election within the state
10 shall not be required to present identification pursuant to
11 subsection (1) of this section if he or she:

12 (a) Has provided his or her Nebraska driver's license
13 number or state identification card number or the last four digits of
14 his or her social security number and the election commissioner or
15 county clerk verifies the number provided pursuant to subsection (2)
16 of section 32-312.03;

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

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

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

1 member;

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

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

9 Sec. 2. Section 32-321, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 32-321 (1) Any elector may request a voter registration
12 application from the office of the Secretary of State or the election
13 commissioner or county clerk. The Secretary of State and the election
14 commissioner or county clerk shall make registration applications
15 prescribed by the Secretary of State available and may place the
16 applications in public places. The Secretary of State and the
17 election commissioner or county clerk may require that all unused
18 applications be returned to his or her office and may place
19 reasonable limits on the amount of applications requested.

20 (2) If an elector returns the completed application to
21 the office of the Secretary of State, the office shall deliver the
22 application to the election commissioner or county clerk of the
23 county in which the elector resides not later than ten days after
24 receipt by the office, except that if the application is returned to
25 the office within five days prior to the third Friday preceding any

1 election, it shall be delivered not later than five days after the
2 date it is returned. The deadline for returning a completed
3 application to the office of the Secretary of State is the close of
4 business on the third Friday preceding an election to be registered
5 to vote at such election. A registration application received after
6 the deadline shall not be processed by the election commissioner or
7 county clerk until after the election. The office of the Secretary of
8 State shall be a designated voter registration agency for purposes of
9 section 7 of the National Voter Registration Act of 1993, 42 U.S.C.
10 1973gg-5, as such section existed on March 11, 2008.

11 (3) If an elector mails the registration application to
12 the election commissioner or county clerk:

13 (a)(i) The application shall be postmarked on or before
14 the third Friday before the next election; or

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

18 (b) The application shall be processed by the election
19 office as a proper registration for the voter to be entitled to vote
20 on the day of the next election.

21 (4) If the registration application arrives after the
22 registration deadline, the application shall not be processed until
23 after the election. Written notice shall be given to any applicant
24 whose registration application failed to meet the registration
25 deadline or was found to be incorrect or incomplete and shall state

1 the specific reason for rejection. If the application is incomplete,
2 the election commissioner or county clerk shall notify the applicant
3 of the failure to provide the required information, including failure
4 to provide identification if required, and provide the applicant with
5 the opportunity to submit ~~an identification~~ a government document as
6 described in section 32-318.01 prior to the deadline for voter
7 registration or to complete and submit a corrected registration
8 application in a timely manner to allow for the proper registration
9 of the applicant prior to the next election. All postage costs
10 related to returning registration applications to the election
11 commissioner or county clerk shall be paid by the registrant.

12 Sec. 3. Section 32-329, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 32-329 (1) The Secretary of State with the assistance of
15 the election commissioners and county clerks shall perform list
16 maintenance with respect to the computerized statewide voter
17 registration list on a regular basis. The list maintenance shall be
18 conducted in a manner that ensures that:

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

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

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

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

11 (3) When an election commissioner or county clerk
12 receives information from the National Change of Address program of
13 the United States Postal Service that a registered voter has moved
14 from the address at which he or she is registered to vote, the
15 election commissioner or county clerk shall update the voter
16 registration register to indicate that the voter may have moved and
17 mail a confirmation notice by forwardable first-class mail. If a
18 nonforwardable notice under subdivision (2)(b) of this section is
19 returned as undeliverable, the election commissioner or county clerk
20 shall mail a confirmation notice by forwardable first-class mail. The
21 confirmation notice shall include a confirmation letter and a
22 preaddressed, postage-paid confirmation card. A person who fails to
23 return the confirmation card to the election commissioner or county
24 clerk prior to 6 p.m. on the second Friday before the election and
25 who appears at his or her polling site as it appears on the voter's

1 registration record shall present, at the time of voting, a current
2 and valid government document which has a photograph or digital image
3 of the person and which shows the same name and residence address of
4 the person as shown on the precinct list of registered voters prior
5 to being entitled to vote or receive a ballot. The confirmation
6 letter shall contain statements substantially as follows:

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

10 (b) If you have not moved or you have moved to a new
11 residence within this county, you should return the enclosed
12 confirmation card by the regular registration deadline prescribed in
13 section 32-302. If you fail to return the confirmation card by the
14 deadline, you ~~will~~ may be required to ~~affirm or confirm your address~~
15 present a current and valid government document which has your
16 photograph or digital image and which shows the same name and
17 residence address as shown on the precinct list of registered voters
18 prior to being allowed to vote or receive a ballot. If you are
19 required to ~~affirm or confirm your address,~~ present such
20 documentation, it may result in a delay at your polling place; and

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

25 (4) The election commissioner or county clerk shall

1 maintain for a period of not less than two years a record of each
2 confirmation letter indicating the date it was mailed and the person
3 to whom it was mailed.

4 (5) If information from the National Change of Address
5 program or the nonforwardable notice under subdivision (2)(b) of this
6 section indicates that the voter has moved outside the jurisdiction
7 and the election commissioner or county clerk receives no response to
8 the confirmation letter and the voter does not offer to vote at any
9 election held prior to and including the second statewide federal
10 general election following the mailing of the confirmation notice,
11 the voter's registration shall be canceled and his or her name shall
12 be deleted from the voter registration register.

13 Sec. 4. Section 32-914, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-914 (1) Official ballots shall be used at all
16 elections. No person shall receive a ballot or be entitled to vote
17 unless and until he or she is registered as a voter except as
18 provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
19 32-936.

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

22 (a) He or she announces his or her name and address to
23 the clerk of election;

24 (b) The clerk has found that he or she is a registered
25 voter at the address as shown by the precinct list of registered

1 voters unless otherwise entitled to vote in the precinct under
2 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01;

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

14 (d) The voter has presented a current and valid
15 government document which has his or her photograph or digital image
16 which shows the same name and residence address as shown on the
17 precinct list of registered voters, if the voter failed to return a
18 confirmation card as required under section 32-329 and a notation
19 appears on the precinct list of registered voters that the voter has
20 not returned the confirmation card or otherwise responded to a
21 confirmation notice under section 32-329;

22 ~~(d)~~-(e) As instructed by the clerk of election, the
23 registered voter has personally written his or her name (i) in the
24 precinct sign-in register on the appropriate line which follows the
25 last signature of any previous voter or (ii) in the combined document

1 containing the precinct list of registered voters and the sign-in
2 register; and

3 ~~(e)~~ (f) The clerk has listed on the precinct list of
4 registered voters the corresponding line number and name of the
5 registered voter or has listed the name of the voter in a separate
6 book as provided in section 32-913.

7 Sec. 5. Section 32-915, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 32-915 (1) A person whose name does not appear on the
10 precinct list of registered voters at the polling place for the
11 precinct in which he or she resides, whose name appears on the
12 precinct list of registered voters at the polling place for the
13 precinct in which he or she resides at a different residence address
14 as described in section 32-914.02, or whose name appears with a
15 notation that he or she received a ballot for early voting may vote a
16 provisional ballot if he or she:

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

20 (b) Is not entitled to vote under section 32-914.01 or
21 32-914.02;

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

25 (d) Has appeared to vote at the polling place for the

1 precinct to which the person would be assigned based on his or her
2 residence address; and

3 (e) Completes and signs a registration application before
4 voting.

5 (2) A voter whose name appears on the precinct list of
6 registered voters for the polling place with a notation that the
7 voter is required to present ~~identification~~a government document
8 pursuant to section 32-318.01 but fails to present ~~identification~~a
9 government document may vote a provisional ballot if he or she
10 completes and signs a registration application before voting.

11 (3) Each person voting by provisional ballot shall
12 enclose his or her ballot in an envelope marked Provisional Ballot
13 and shall, by signing the certification on the front of the envelope
14 or a separate form attached to the envelope, certify to the following
15 facts:

16 (a) I am a registered voter in County;

17 (b) My name or address did not correctly appear on the
18 precinct list of registered voters;

19 (c) I registered to vote on or about this
20 date;

21 (d) I registered to vote
22 in person at the election office or a voter
23 registration site,

24 by mail,

25 on a form through the Department of Motor Vehicles,

1 on a form through another state agency,

2 in some other way;

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

5 (f) My current address is shown on the registration
6 application completed as a requirement for voting by provisional
7 ballot; and

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

10 (4) The voter shall sign the certification under penalty
11 of election falsification. The following statements shall be on the
12 front of the envelope or on the attached form: By signing the front
13 of this envelope or the attached form you are certifying to the
14 information contained on this envelope or the attached form under
15 penalty of election falsification. Election falsification is a Class
16 IV felony and may be punished by up to five years imprisonment, a
17 fine of up to ten thousand dollars, or both.

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

24 Sec. 6. Section 32-947, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 32-947 (1) Upon receipt of an application or other
2 request for a ballot to vote early, the election commissioner or
3 county clerk shall determine whether the applicant is a registered
4 voter and is entitled to vote as requested. If the election
5 commissioner or county clerk determines that the applicant is a
6 registered voter entitled to vote early and the application was
7 received at or before 4 p.m. on the Wednesday preceding the election,
8 the election commissioner or county clerk shall deliver a ballot to
9 the applicant in person or by mail, postage paid. The election
10 commissioner or county clerk or any employee of the election
11 commissioner or county clerk shall write or cause to be affixed his
12 or her customary signature or initials on the ballot.

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

16 VOTER'S OATH

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

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

23 (a) I,, am a registered voter
24 in County;

25 (b) I reside in the State of Nebraska

1 at

2 (c) I have voted the enclosed ballot and am returning it
3 in compliance with Nebraska law; and

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

6 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
7 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION
8 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE
9 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS
10 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN
11 THOUSAND DOLLARS, OR BOTH.

12 I also understand that failure to sign below will
13 invalidate my ballot.

14 Signature

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

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

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

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

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

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

18 (c) Written instructions directing the voter to submit a
19 copy of ~~an identification~~ a government document pursuant to section
20 32-318.01 if the voter is required to present ~~identification~~ a
21 government document under such section and advising the voter that
22 failure to submit ~~identification~~ a government document to the
23 election commissioner or county clerk by the close of the polls on
24 election day will result in the ballot not being counted.

25 (5) The election commissioner or county clerk may enclose

1 with the ballot materials a separate return envelope for the voter's
2 use in returning his or her identification envelope containing the
3 voted ballot, registration application, and other materials that may
4 be required.

5 Sec. 7. Section 32-949, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-949 (1) After a ballot for early voting is received by
8 a voter and before placing any marks thereon, the voter shall note
9 whether there are any voting marks on the ballot and whether there is
10 a signature or initials on the ballot in the space provided for the
11 election official's signature or initials. If there are any voting
12 marks or no signature or initials, the ballot shall be returned
13 immediately to the election commissioner or county clerk. If there
14 are no such marks, the voter shall cause the ballot to be marked. If
15 the ballot is voted in the office of the election commissioner or
16 county clerk, the registered voter shall return the ballot and
17 identification envelope to the election commissioner or county clerk
18 or an employee of the election commissioner or county clerk who shall
19 deposit the ballot into a ballot box and place the identification
20 envelope in a secure container.

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

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

1 (b) Complete and sign the voter's oath on the outside of
2 the identification envelope under the penalty of election
3 falsification;

4 (c) Enclose, in the identification envelope or separately
5 in the return envelope if one has been provided, his or her completed
6 registration application if one was provided pursuant to section
7 32-945 or 32-946, a copy of ~~his or her identification~~ a government
8 document that meets the requirements of section 32-318.01 if such
9 ~~identification document~~ has been requested, and the oath completed
10 and signed by a voter without a residence address if required
11 pursuant to section 32-946;

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

14 (e) Mail, deliver, or cause to be delivered the envelope
15 containing the ballots and any required materials to the election
16 commissioner or county clerk from whom it was received.

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

20 Sec. 8. Section 32-1027, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-1027 (1) The election commissioner or county clerk
23 shall appoint two or more registered voters to the counting board for
24 early voting. One registered voter shall be appointed from the
25 political party casting the highest number of votes for Governor or

1 for President of the United States in the county in the immediately
2 preceding general election, and one registered voter shall be
3 appointed from the political party casting the next highest vote for
4 such office. The election commissioner or county clerk may appoint
5 additional registered voters to serve on the counting board and may
6 appoint registered voters to serve in case of a vacancy among any of
7 the members of the counting board. Such appointees shall be balanced
8 between the political parties and may include registered voters
9 unaffiliated with any political party. The counting board may begin
10 carrying out its duties not earlier than the second Monday before the
11 election and shall meet as directed by the election commissioner or
12 county clerk.

13 (2) The counting board shall place all identification
14 envelopes in order and shall review each returned identification
15 envelope pursuant to verification procedures prescribed in
16 subsections (3) and (4) of this section.

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

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

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

1 (c) A completed and signed registration application has
2 been received from the voter by the deadline in section 32-302,
3 32-321, or 32-325 or by the close of the polls pursuant to section
4 32-945;

5 (d) ~~An identification~~ A government document has been
6 received from the voter not later than the close of the polls on
7 election day if required pursuant to section 32-318.01; and

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

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

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

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

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

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

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

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

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

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

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

16 (c) In the case of a ballot received from a voter without
17 a residence address who requested a ballot pursuant to section
18 32-946, the ballot shall be accepted for counting if:

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

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

1 election day;

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

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

8 (d) In the case of a ballot received from a registered
9 voter required to present ~~identification~~ a government document before
10 voting pursuant to section 32-318.01, the ballot shall be accepted
11 for counting if:

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

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

17 (iii) A copy of ~~an identification~~ a government document
18 ~~authorized as described~~ in section 32-318.01 has been received by the
19 election commissioner or county clerk prior to the close of the polls
20 on election day; and

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

23 (5) In opening the identification envelope or the return
24 envelope to determine if registration applications, oaths, or
25 identification documents have been enclosed by the voters from whom

1 they are required, the counting board shall make a good faith effort
2 to ensure that the ballot remains folded and that the secrecy of the
3 vote is preserved.

4 (6) The counting board may, on the second Monday before
5 the election, open all identification envelopes which are approved,
6 and if the signature of the election commissioner or county clerk or
7 his or her employee is on the ballot, the ballot shall be unfolded,
8 flattened for purposes of using the optical scanner, and placed in a
9 sealed container for counting as directed by the election
10 commissioner or county clerk. At the discretion of the election
11 commissioner or county clerk, the counting board may begin counting
12 early ballots no earlier than twenty-four hours prior to the opening
13 of the polls on the day of the election.

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

24 (8) As soon as all ballots have been placed in the sealed
25 container and rejected identification envelopes or ballots have been

1 sealed in the Rejected Ballots container, the counting board shall
2 count the ballots the same as all other ballots and an unofficial
3 count shall be reported to the election commissioner or county clerk.
4 No results shall be released prior to the closing of the polls on
5 election day.

6 Sec. 9. Original sections 32-318.01, 32-321, 32-914,
7 32-949, and 32-1027, Reissue Revised Statutes of Nebraska, and
8 sections 32-329, 32-915, and 32-947, Revised Statutes Cumulative
9 Supplement, 2012, are repealed.