

AMENDMENTS TO LB111

(Amendments to Standing Committee amendments, AM233)

Introduced by Murante, 49.

1           1. Insert the following new amendments:

2           1. Strike original sections 6, 8, 9, 10, and 11 and insert the  
3 following new sections:

4           Section 1. Section 32-101, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6           32-101 Sections 32-101 to 32-1551 and sections 3 and 4 of this act  
7 shall be known and may be cited as the Election Act.

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

10           32-103 For purposes of the Election Act, the definitions found in  
11 sections 32-104 to 32-120 and sections 3 and 4 of this act shall be used.

12           Sec. 3. Return envelope means the envelope delivered to a voter in  
13 which he or she places the secret-ballot envelope and accompanying  
14 materials.

15           Sec. 4. Secret-ballot envelope means a ballot sleeve open only on  
16 one end or an envelope, which sleeve or envelope (1) is provided to the  
17 voter by the election commissioner or county clerk, (2) bears no  
18 characteristics which would identify the voter, (3) may be used by a  
19 registered voter to insert his or her voted ballot before placing it in  
20 the return envelope to return the ballot to the election commissioner or  
21 county clerk, and (4) has a notch, cutout, window, or other design that  
22 permits the examination of the ballot for the presence of the authorized  
23 signature required for ballots for early voting or the authorized  
24 initials required for provisional ballots cast at the polling place  
25 without requiring the removal of the ballot or the revelation of any vote  
26 marked on the ballot.

1           Sec. 6. Section 32-202, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           32-202 In addition to any other duties prescribed by law, the  
4 Secretary of State shall:

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

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

10          (3) Enforce the Election Act;

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

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

15          (6) Develop and print forms for use as required by sections 32-308,  
16 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

19          (8) Require reporting to ensure compliance with sections 32-308 to  
20 32-310;

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

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

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

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

30          (13) Adopt and promulgate rules and regulations regarding the  
31 procedure to remove secret-ballot envelopes from return envelopes after

1 verification of information on the return envelopes, remove ballots from  
2 secret-ballot envelopes and from return envelopes for voters that did not  
3 use the secret-ballot envelopes, and count the ballots in a manner that  
4 does not impair the anonymity of the voter; and

5 (14 13) Establish a free access system, such as a toll-free  
6 telephone number or an Internet web site, that any voter who casts a  
7 provisional ballot may access to discover whether the vote of that voter  
8 was counted and, if the vote was not counted, the reason that the vote  
9 was not counted. The Secretary of State shall establish and maintain  
10 reasonable procedures necessary to protect the security, confidentiality,  
11 and integrity of personal information collected, stored, or otherwise  
12 used by the free access system. Access to information about an individual  
13 provisional ballot shall be restricted to the individual who cast the  
14 ballot.

15 Sec. 9. Section 32-809, Revised Statutes Cumulative Supplement,  
16 2014, is amended to read:

17 32-809 (1) The form of the official ballot at the statewide primary  
18 election shall be prescribed by the Secretary of State. At the top of the  
19 ballot and over all else shall be printed in boldface type the name of  
20 the political party, ..... Official Ballot, Primary Election 20.. .  
21 Each division containing the names of the office and a list of candidates  
22 for such office shall be separated from other groups by a bold line. The  
23 ballot shall list at-large candidates and subdistrict candidates under  
24 appropriate headings.

25 (2) All proposals for constitutional amendments, candidates for  
26 delegates to the national political party conventions, and candidates on  
27 the nonpartisan ballot shall be submitted on a ballot where bold lines  
28 separate one office or issue from another. Proposals for constitutional  
29 amendments proposed by the Legislature shall be placed on the ballot as  
30 provided in sections 49-201 to 49-211. Each candidate for delegate to the  
31 national political party convention shall have his or her preference for

1 the candidacy for the office of President of the United States or the  
2 fact that he or she is uncommitted shown on the ballot in parenthesis and  
3 indented on the line immediately below the name of the candidate. All  
4 constitutional amendments shall be placed on a separate ballot when a  
5 paper ballot is used which requires the ballot after being voted to be  
6 folded before being deposited in a ballot box. When an optical-scan  
7 ballot is used which requires a secret-ballot envelope or ballot envelope  
8 ~~or~~ sleeve in which the ballot after being voted is placed before being  
9 deposited in a ballot box, constitutional amendments may be printed on  
10 either side of the ballot and shall be separated from other offices or  
11 issues by a bold line. Constitutional amendments so arranged shall  
12 constitute a separate ballot.

13 (3) Except as otherwise provided in section 32-811, the statewide  
14 primary election ballot shall contain the name of every candidate filing  
15 or recognized under subsection (1) of section 32-606 and sections 32-611,  
16 32-613, and 32-614 and no other names. No name of a candidate for member  
17 of the Legislature or an elective office described in Article IV, section  
18 1, of the Constitution of Nebraska shall appear on any ballot or any  
19 series of ballots at any primary election more than once except for the  
20 names of candidates for the office of delegate to a county, state, or  
21 national political party convention. When two or more of the last names  
22 of candidates for the same office at the primary election are the same in  
23 spelling or sound, the official ballots may, on the request of any such  
24 candidate, have his or her address printed immediately below his or her  
25 name in capital and lowercase letters in lightface type of the same size  
26 as the type in which the name of the candidate is printed.

27 Sec. 10. Section 32-813, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 32-813 (1) The names of all candidates and all proposals to be voted  
30 upon at the general election shall be arranged upon the ballot in parts  
31 separated from each other by bold lines in the order the offices and

1 proposals are set forth in this section. If any office is not subject to  
2 the upcoming election, the office shall be omitted from the ballot and  
3 the remaining offices shall move up so that the same relative order is  
4 preserved. The order of any offices may be altered to allow for the best  
5 utilization of ballot space in order to avoid printing a second ballot  
6 when one ballot would be sufficient if an optical-scan ballot is used.  
7 All proposals on the ballot shall remain separate from the offices, and  
8 the proposals shall follow all offices on the ballot.

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

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

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

24 (d) Beneath the names of the candidates for President and Vice  
25 President certified by the officers of the national political party  
26 conventions pursuant to section 32-712 and beneath the names of all  
27 candidates for President and Vice President placed on the general  
28 election ballot by petition, two write-in lines shall be provided in  
29 which the voter may fill in the names of the candidates of his or her  
30 choice. The lines shall be enclosed with brackets with one square or oval  
31 opposite the names in which the voter indicates his or her choice. The

1 name appearing on the top line shall be considered to be the candidate  
2 for President, and the name appearing on the second line shall be  
3 considered to be the candidate for Vice President.

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

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

11 (5) The names and spaces for voting for candidates for the various  
12 state officers shall be entitled State Ticket in boldface type. Each set  
13 of candidates shall be separated by lines across the column, and above  
14 each set of candidates shall be designated the office for which they are  
15 candidates, arranged in the order prescribed by the Secretary of State.  
16 The candidates for Governor of each political party receiving the highest  
17 number of votes in the primary election shall be grouped together with  
18 their respective candidates for Lieutenant Governor. Each group shall be  
19 enclosed with brackets with the political party name next to the brackets  
20 and one square or oval opposite the names in which the voter indicates  
21 his or her choice for Governor and Lieutenant Governor jointly. The  
22 candidates for Governor and Lieutenant Governor who have successfully  
23 petitioned on the general election ballot shall be grouped together with  
24 the candidates appearing on the same petition being grouped together.  
25 Each group shall be enclosed with brackets with the words "By Petition"  
26 next to the brackets and one square or oval opposite the names in which  
27 the voter indicates his or her choice for Governor and Lieutenant  
28 Governor jointly. Beneath the names of the candidates for Governor  
29 nominated at a primary election by political party and their respective  
30 candidates for Lieutenant Governor and beneath the names of all  
31 candidates for Governor and Lieutenant Governor placed on the general

1 election ballot by petition, one write-in line shall be provided in which  
2 the registered voter may fill in the name of the candidate for Governor  
3 of his or her choice and one square or oval opposite the line in which  
4 the voter indicates his or her choice for Governor.

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

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

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

31 (8) The candidates for office in the precinct only or in the city or

1 village only shall be printed on the ballot, except that if the election  
2 commissioner or county clerk deems it advisable, candidates for these  
3 offices may be submitted on a separate ballot if using a paper ballot or  
4 on either side of an optical-scan ballot if the ballot is placed in a  
5 secret-ballot envelope or ballot envelope ~~or~~ sleeve before being  
6 deposited in a ballot box.

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

21 Sec. 11. Section 32-816, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 32-816 (1) A blank space shall be provided at the end of each office  
24 division on the ballot for registered voters to fill in the name of any  
25 person for whom they wish to vote and whose name is not printed upon the  
26 ballot, except that at the primary election there shall be no write-in  
27 space for delegates to the county political party convention or delegates  
28 to the national political party convention. A square or oval shall be  
29 printed opposite each write-in space similar to the square or oval placed  
30 opposite other candidates and issues on the ballot. The square or oval  
31 shall be marked to vote for a write-in candidate whose name appears in

1 the write-in space provided.

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

12 Sec. 14. Section 32-915, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 32-915 (1) A person whose name does not appear on the precinct list  
15 of registered voters at the polling place for the precinct in which he or  
16 she resides, whose name appears on the precinct list of registered voters  
17 at the polling place for the precinct in which he or she resides at a  
18 different residence address as described in section 32-914.02, ~~or~~ whose  
19 name appears with a notation that he or she received a ballot for early  
20 voting, or who does not comply with subdivision (2)(c)(i) or (ii) of  
21 section 32-914 may vote a provisional ballot if he or she:

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

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

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

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

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

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

6           (2 ~~3~~) Each person voting by provisional ballot shall insert ~~enclose~~  
7 his or her ballot in a secret-ballot envelope. The voter shall place the  
8 secret-ballot envelope in a return ~~an~~ envelope marked Provisional Ballot  
9 and shall, by signing the certification on the front of the return  
10 envelope or a separate form attached to the return envelope, certify to  
11 the following facts:

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

13           (b) My name or address did not correctly appear on the precinct list  
14 of registered voters without a notation or I have not presented a  
15 government-issued photographic identification;

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

17           (d) I registered to vote

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

19           .... by mail,

20           .... by using the Secretary of State's web site,

21           .... through the Department of Motor Vehicles,

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

23           .... in some other way;

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

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

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

30           (3 ~~4~~) The voter shall sign the certification under penalty of  
31 election falsification. The following statements shall be on the front of

1 the return envelope or on the attached form: By signing the front of this  
2 return envelope or the attached form you are certifying to the  
3 information contained on this return envelope or the attached form under  
4 penalty of election falsification. Election falsification is a Class IV  
5 felony and may be punished by up to five years imprisonment, a fine of up  
6 to ten thousand dollars, or both.

7 (4 5) If the person's name does not appear on the precinct list of  
8 registered voters for the polling place and the judge or clerk of  
9 election determines that the person's residence address is located in  
10 another precinct within the same county, the judge or clerk of election  
11 shall direct the person to his or her correct polling place to vote.

12 Sec. 15. Section 32-916, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 32-916 (1) Two judges of election or a precinct inspector and a  
15 judge of election shall affix their initials to the official ballots. The  
16 judge of election shall deliver a ballot to each registered voter after  
17 complying with section 32-914.

18 (2) After voting the ballot, the registered voter shall, as directed  
19 by the judge of election, fold his or her ballot or insert ~~place~~ the  
20 ballot in the secret-ballot envelope or ballot envelope ~~or sleeve~~ so as  
21 to conceal the voting marks and to expose the initials affixed on the  
22 ballot. The registered voter shall, without delay and without exposing  
23 the voting marks upon the ballot, deliver the ballot to the judge of  
24 election before leaving the enclosure in which the voting booths are  
25 placed.

26 (3) The judge of election shall, without exposing the voting marks  
27 on the ballot, approve the exposed initials upon the ballot and either  
28 deposit the ballot in the ballot box in the presence of the registered  
29 voter or ask the voter to seal the secret-ballot envelope in the return  
30 envelope and give the return envelope to the judge to place the return  
31 envelope in the ballot box in the presence of the voter as provided in

1 subsection (4) of this section. No judge of election shall deposit any  
2 ballot in a ballot box unless the ballot has been identified as having  
3 the appropriate initials. Any ballot not properly identified shall be  
4 rejected in the presence of the voter, the judge of election shall make a  
5 notation on the ballot Rejected, not properly identified, and another  
6 ballot shall be issued to the voter and the voter shall then be permitted  
7 to cast his or her ballot. If the ballot is in order, the judge shall  
8 deposit the ballot in the ballot box in the presence of the voter and the  
9 voter shall promptly leave the polling place. The judges of election  
10 shall maintain the secrecy of the rejected ballots and shall cause the  
11 rejected ballots to be made up in a sealed packet. The judges of election  
12 shall endorse the packet with the words Rejected Ballots and the  
13 designation of the precinct. The judges of election shall sign the  
14 endorsement label and shall return the packet to the election  
15 commissioner or county clerk with a statement by the judges of election  
16 showing the number of ballots rejected.

17 (4) Upon receiving a provisional ballot as provided in section  
18 32-915, the judge of election shall give the voter written information  
19 that states that the voter may determine if his or her vote was counted  
20 and, if not, the reason that the vote was not counted by accessing the  
21 system created pursuant to section 32-202 and the judge of election shall  
22 ensure that the appropriate information is on the outside of the return  
23 envelope in which the secret-ballot envelope containing the ballot is  
24 enclosed or attached to the return envelope, attach the statement  
25 required by section 32-915 if not contained on the return envelope, and  
26 place the entire return envelope into the ballot box. Upon receiving a  
27 provisional ballot as provided in section 32-915.01, the judge of  
28 election shall comply with the requirements for a provisional ballot  
29 under this subsection, except that a provisional ballot cast pursuant to  
30 section 32-915.01 shall be kept separate from the other ballots cast at  
31 the election.

1           Sec. 16. Section 32-936, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           32-936 If satisfied that the application is proper and that the  
4 applicant is qualified to vote under section 32-933, the election  
5 commissioner or county clerk shall deliver to the applicant a ballot for  
6 President and Vice President of the United States. After voting the  
7 ballot, the voter shall insert ~~securely seal~~ the ballot in a secret-  
8 ballot envelope and place the secret-ballot envelope in a return an  
9 envelope furnished by the election commissioner or county clerk. On the  
10 back of the return envelope shall be imprinted a statement substantially  
11 as follows:

12           Certification of New (or Former) Resident Voter

13           I have qualified as a new (or former) resident voter in this state  
14 or county. I have not applied nor do I intend to apply for a ballot for  
15 early voting from the state, county in Nebraska, or District of Columbia  
16 from which I have moved. I have not voted and I will not vote otherwise  
17 than by this ballot.

18           The voter shall sign and date the certification upon the return  
19 envelope. The election commissioner or county clerk shall keep the return  
20 envelope in his or her office until delivered by him or her to the  
21 counting board under section 32-1027.

22           Sec. 18. Section 32-942, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24           32-942 (1) Except as otherwise provided in subsection (2) of this  
25 section, a registered voter of this state who anticipates being absent  
26 from the county of his or her residence on the day of any election may  
27 appear in person before the election commissioner or county clerk not  
28 more than thirty days prior to the day of election and obtain his or her  
29 ballot. The registered voter shall vote in the office of the election  
30 commissioner or county clerk or shall return the ballot to the office not  
31 later than the closing of the polls on the day of the election. A

1 registered voter who is present in the county on the day of the election  
2 and who chooses to vote on the day of the election shall vote at the  
3 polling place assigned to the precinct in which he or she resides unless  
4 he or she is returning a ballot for early voting or voting pursuant to  
5 section 32-943.

6 (2) If a person registers to vote and requests a ballot at the same  
7 time, he or she shall vote a ballot which is inserted in a secret-ballot  
8 envelope and the secret-ballot envelope is placed in a return ~~an~~ envelope  
9 with the voter's name and address and other necessary identifying  
10 information, and the ballot shall be kept securely for counting as  
11 provided in this subsection. This subsection does not extend the deadline  
12 for voter registration specified in section 32-302. A ballot cast  
13 pursuant to this subsection shall be rejected and shall not be counted if  
14 the acknowledgment of registration sent to the registrant pursuant to  
15 section 32-322 is returned as undeliverable for a reason other than  
16 clerical error within ten days after it is mailed, otherwise after such  
17 ten-day period, the ballot shall be counted.

18 Sec. 19. Section 32-947, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 32-947 (1) Upon receipt of an application or other request for a  
21 ballot to vote early, the election commissioner or county clerk shall  
22 determine whether the applicant is a registered voter and is entitled to  
23 vote as requested. If the election commissioner or county clerk  
24 determines that the applicant is a registered voter entitled to vote  
25 early and the application was received at or before 4 p.m. on the  
26 Wednesday preceding the election, the election commissioner or county  
27 clerk shall deliver a ballot to the applicant in person or by mail,  
28 postage paid. The election commissioner or county clerk or any employee  
29 of the election commissioner or county clerk shall write or cause to be  
30 affixed his or her customary signature or initials on the ballot.

31 (2) A secret-ballot envelope and a return ~~An unsealed identification~~

1 envelope shall be delivered with the ballot, and upon the back of the  
2 return envelope shall be printed a form substantially as follows:

3 VOTER'S OATH

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

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

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

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

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

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

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

23 I also understand that failure to sign below will invalidate my  
24 ballot.

25 Signature .....

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

28 Ballots contained in this envelope are for the ..... (primary,  
29 general, or special) election to be held on the ..... day of .....  
30 20.. .

31 (3) The ~~If the ballot and identification envelope will be returned~~

1 ~~by mail or by someone other than the voter,~~ the election commissioner or  
2 county clerk shall include a secret-ballot envelope with the ballot and a  
3 return ~~an identification~~ envelope. ~~Upon~~ upon the face of the return  
4 envelope ~~which~~ shall be printed the official title and post office  
5 address of the election commissioner or county clerk.

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

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

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

23 (c) Written instructions directing the voter to submit a copy of a  
24 government-issued photographic identification ~~an identification document~~  
25 ~~pursuant to section 32-318.01~~ if the voter is registering to vote by mail  
26 and has not previously voted in the state ~~required to present~~  
27 ~~identification under such section~~ and advising the voter that failure to  
28 submit identification to the election commissioner or county clerk by the  
29 close of the polls on election day will result in the ballot not being  
30 counted.

31 (5) The election commissioner or county clerk shall ~~may~~ enclose with

1 the ballot materials a ~~separate~~ return envelope for the voter's use in  
2 returning his or her ~~secret-ballot identification~~ envelope containing the  
3 voted ballot, his or her registration application, and any other  
4 materials that may be required. The return envelope shall be of  
5 sufficient size that the secret-ballot envelope, registration  
6 application, and other materials can be conveniently placed within it.

7 Sec. 20. Section 32-949, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

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

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

25 (a) ~~Insert~~ Place the marked ballot in the secret-ballot  
26 ~~identification~~ envelope received for that purpose in such a manner that  
27 the signature of the issuing officer on the ballot is visible and place  
28 the secret-ballot envelope in the return envelope;

29 (b) Complete and sign the voter's oath on the outside of the return  
30 ~~identification~~ envelope under the penalty of election falsification;

31 (c) Enclose, ~~in the identification envelope or~~ separately in the

1 return envelope ~~if one has been provided~~, his or her completed  
2 registration application if one was provided pursuant to section 32-945  
3 or 32-946, a copy of his or her identification document if such  
4 identification has been requested, and the oath completed and signed by a  
5 voter without a residence address if required pursuant to section 32-946;

6 (d) Ensure that the secret-ballot envelope is in the return  
7 ~~identification~~ envelope and the ~~or~~ return envelope is sealed; and

8 (e) Mail, deliver, or cause to be delivered the return envelope  
9 containing the secret-ballot envelope and ballot ~~ballots~~ and any required  
10 materials to the election commissioner or county clerk from whom the  
11 ballot ~~it~~ was received.

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

15 Sec. 21. Section 32-950, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 32-950 Ballots issued under section 32-948 which are returned not  
18 later than the hour established for the closing of the polls shall be  
19 accepted for review by the counting board for early voting. Such ballots  
20 received by the election commissioner or county clerk after the close of  
21 the polls on election day shall remain sealed in the return envelope on  
22 which the election commissioner or county clerk shall write Rejected,  
23 received on, and the date on which the ballot was received. If such a  
24 ballot was received on election day but after the close of the polls, the  
25 election commissioner or county clerk shall also write on the return  
26 envelope the time at which the ballot was received. Such rejected ballots  
27 shall be segregated and stored in a sealed container designated for  
28 Rejected Early Ballots.

29 Sec. 22. Section 32-953, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 32-953 (1) Except as otherwise provided in subsection (2) of this

1 section, the election commissioner or county clerk shall mail the  
2 official ballot to all registered voters of the political subdivision at  
3 the addresses appearing on the voter registration register on the same  
4 day. In an election held by mail, registered voters shall not be required  
5 to present a government-issued photographic identification prior to being  
6 issued a ballot. The ballots shall be mailed by nonforwardable first-  
7 class mail not sooner than the twentieth day before the date set for the  
8 election and not later than the tenth day before the date set for the  
9 election. The election commissioner or county clerk shall include with  
10 the ballot a secret-ballot envelope and a return an—unsealed  
11 ~~identification~~ envelope meeting the requirements of subsection (2) of  
12 section 32-947 and instructions sufficient to describe the voting  
13 process.

14 (2) The election commissioner or county clerk may choose not to mail  
15 a ballot to all registered voters who have been sent a notice pursuant to  
16 section 32-329 and failed to respond to the notice. If the election  
17 commissioner or county clerk chooses not to mail a ballot to such voters,  
18 he or she shall mail a notice to all such registered voters explaining  
19 how to obtain a ballot and stating the applicable deadlines.

20 Sec. 23. Section 32-954, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 32-954 Upon receipt of the official ballot, the registered voter  
23 shall mark it, insert ~~seal~~ the ballot in the secret-ballot envelope, seal  
24 the secret-ballot envelope in the return identification envelope supplied  
25 with the ballot, sign the return identification envelope, and comply with  
26 the instructions provided with the ballot. The voter may return the  
27 ballot to the election commissioner or county clerk by mailing it or by  
28 personally delivering it to the office of the election commissioner or  
29 county clerk. The deadline for receipt of the ballot is 5 p.m. on the  
30 date set for the election. The official ballot may be inserted in the  
31 secret-ballot envelope and must be returned in the return identification

1 envelope. The registered voter shall, by signing the return envelope,  
2 certify to the facts contained on the return envelope. The election  
3 commissioner or county clerk shall keep the return identification  
4 envelopes received from registered voters unopened in a fireproof safe or  
5 other suitable location which is locked until delivered to the counting  
6 board.

7 Sec. 24. Section 32-957, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 32-957 An official ballot under section 32-953 shall be counted only  
10 if it is returned in the return identification envelope, the return  
11 envelope is signed by the voter to whom it was issued, and the signature  
12 is verified by the election commissioner or county clerk. The election  
13 commissioner or county clerk shall verify the signature on each return  
14 ~~identification~~ envelope received in his or her office with the signature  
15 appearing on the voter registration records. If the election commissioner  
16 or county clerk is unable to verify a signature, the election  
17 commissioner or county clerk shall contact the voter within two days  
18 after determining that he or she is unable to verify the signature to  
19 ascertain whether the voter cast a ballot. The election commissioner or  
20 county clerk may request that the registered voter sign and submit a  
21 current signature card pursuant to section 32-318. The election  
22 commissioner or county clerk may begin verifying the signatures as the  
23 return envelopes are received in his or her office. If the election  
24 commissioner or county clerk determines that a voter has voted more than  
25 once, no ballot cast by that voter in that election shall be counted. The  
26 election commissioner or county clerk shall make public any record or  
27 list of registered voters who have returned their ballots.

28 Sec. 25. Section 32-1002, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 32-1002 (1) As the ballots are removed from the ballot box pursuant  
31 to sections 32-1012 to 32-1018, the receiving board shall separate the

1 return envelopes containing the provisional ballots from the rest of the  
2 ballots and deliver them to the election commissioner or county clerk.

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

7 (3) The election commissioner or county clerk shall also (a) verify  
8 that such person has not voted anywhere else in the county or been issued  
9 a ballot for early voting, (b) investigate whether any credible evidence  
10 exists that the person was properly registered to vote in the county  
11 before the deadline for registration for the election, (c) investigate  
12 whether any information has been received pursuant to section 32-308,  
13 32-309, 32-310, or 32-324 that the person has resided, registered, or  
14 voted in any other county or state since registering to vote in the  
15 county, and (d) upon determining that credible evidence exists that the  
16 person was properly registered to vote in the county, make the  
17 appropriate changes to the voter registration register by entering the  
18 information contained in the registration application completed by the  
19 voter at the time of voting a provisional ballot.

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

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

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

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

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

30 (i) The residence address provided on the registration application  
31 completed pursuant to subdivision (1)(e) of section 32-915 is located

1 within the precinct in which the person voted; and

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

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

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

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

14 (b) Information has been received pursuant to section 32-308,  
15 32-309, 32-310, or 32-324 that the voter has resided, registered, or  
16 voted in any other county or state since registering to vote in the  
17 county in which he or she cast the provisional ballot;

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

20 (d) The voter failed to complete and sign a registration application  
21 pursuant to subsection (6) of this section and subdivision (1)(e) of  
22 section 32-915;

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

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

1 (g) The voter failed to complete and sign the certification on the  
2 return envelope or form attached to the return envelope pursuant to  
3 subsection (2 3) of section 32-915.

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

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

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

11 (b) Both the registration application and the certification are  
12 signed by the voter.

13 (7) Upon determining that the voter's provisional ballot is eligible  
14 to be counted, the election commissioner or county clerk shall remove the  
15 secret-ballot envelope from the return envelope and open the secret-  
16 ballot envelope and remove the ballot from the secret-ballot envelope, or  
17 remove the ballot from the return envelope if the voter did not use the  
18 secret-ballot envelope, without exposing the marks on the ballot and  
19 shall place the ballot with the ballots to be counted by the county  
20 canvassing board in a manner that does not impair the anonymity of the  
21 voter as prescribed by the Secretary of State.

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

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

28 Sec. 26. Section 32-1006, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 32-1006 If a vote is cast for a candidate whose name is printed on  
31 the ballot and a name is filled in on the line provided for that purpose

1 for the same office, the ballot shall be rejected for the office  
2 involved. The counting board shall make the following notation on the  
3 ballot card and on the secret-ballot ~~ballot~~ envelope if any: Rejected for  
4 the office of ....., overvoted, and the counting board shall  
5 immediately duplicate the overvoted ballot omitting the overvoted portion  
6 of the ballot and number the original ballot, secret-ballot ~~ballot~~  
7 envelope if any, and duplicate ballot with the same identifying number.  
8 The identifying number shall be assigned in numerical order, and the  
9 original ballot shall remain in the secret-ballot ~~ballot~~ envelope if any.

10 Sec. 27. Section 32-1027, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 32-1027 (1) The election commissioner or county clerk shall appoint  
13 two or more registered voters to the counting board for early voting. One  
14 registered voter shall be appointed from the political party casting the  
15 highest number of votes for Governor or for President of the United  
16 States in the county in the immediately preceding general election, and  
17 one registered voter shall be appointed from the political party casting  
18 the next highest vote for such office. The election commissioner or  
19 county clerk may appoint additional registered voters to serve on the  
20 counting board and may appoint registered voters to serve in case of a  
21 vacancy among any of the members of the counting board. Such appointees  
22 shall be balanced between the political parties and may include  
23 registered voters unaffiliated with any political party. The counting  
24 board may begin carrying out its duties not earlier than the second  
25 Monday before the election and shall meet as directed by the election  
26 commissioner or county clerk.

27 (2) The counting board shall place all return ~~identification~~  
28 envelopes in order and shall review each return ~~returned~~ ~~identification~~  
29 envelope pursuant to verification procedures prescribed in subsections  
30 (3) and (4) of this section.

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

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

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

8 (c) A completed and signed registration application has been  
9 received from the voter by the deadline in section 32-302, 32-321, or  
10 32-325 or by the close of the polls pursuant to section 32-945;

11 (d) A government-issued photographic identification has been  
12 presented by ~~An identification document has been received from~~ the voter  
13 not later than the close of the polls on election day if required  
14 pursuant to section 32-947 ~~32-318.01~~; and

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

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

20 (a) A ballot received from a voter who was properly registered on or  
21 prior to the deadline for registration pursuant to section 32-302 or  
22 32-321 shall be accepted for counting without further review if:

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

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

29 (iii) The return ~~identification~~ envelope has been signed by the  
30 voter;

31 (b) In the case of a ballot received from a voter who was not

1 properly registered prior to the deadline for registration pursuant to  
2 section 32-302 or 32-321, the ballot shall be accepted for counting if:

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

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

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

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

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

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

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

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

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

30 (d) In the case of a ballot received from a registered voter  
31 required to present a government-issued photographic identification with

1 ~~the ballot to vote early identification before voting~~ pursuant to section  
2 ~~32-947 32-318.01~~, the ballot shall be accepted for counting if:

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

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

8 (iii) A copy of a government-issued photographic identification an  
9 ~~identification document authorized in section 32-318.01~~ has been received  
10 by the election commissioner or county clerk prior to the close of the  
11 polls on election day; and

12 (iv) The ~~return identification~~ envelope has been signed by the  
13 voter.

14 (5) If it is necessary to open ~~In opening the identification~~  
15 ~~envelope~~ or the return envelope to determine if registration  
16 applications, oaths, or identification documents have been enclosed by  
17 the voters from whom they are required, the counting board shall make a  
18 good faith effort to ensure that the ballot remains in the secret-ballot  
19 envelope and the secret-ballot envelope is returned to its return  
20 envelope for processing as prescribed in subsection (6) of this section  
21 ~~folded~~ and that the secrecy of the vote is preserved, or if the voter did  
22 not use a secret-ballot envelope, that the ballot is handled in a manner  
23 that does not impair the anonymity of the voter, as prescribed by the  
24 Secretary of State.

25 (6) The counting board may, on the second Monday before the  
26 election, open all return envelopes, including those processed under  
27 subsection (5) of this section, which have not been rejected and examine  
28 the secret-ballot envelopes. If the signature of the election  
29 commissioner or county clerk or his or her employee is visible on the  
30 ballot, the secret-ballot envelope shall be disassociated from the return  
31 envelope and accumulated with other similarly processed secret-ballot

1 envelopes. If the signature of the election commissioner or county clerk  
2 or his or her employee is not initially visible on the ballot, the ballot  
3 shall be removed and examined for such required signature in a manner  
4 that does not impair the anonymity of the voter, as prescribed by the  
5 Secretary of State, and those ballots having the required signature shall  
6 be returned to the secret-ballot envelope which shall then be  
7 disassociated from the return envelope for processing in the same manner  
8 as those where the required signature was initially visible. The ballot  
9 in the secret-ballot envelope shall then be removed and, together with  
10 those approved without the use of the secret-ballot envelope,  
11 identification envelopes which are approved, and if the signature of the  
12 election commissioner or county clerk or his or her employee is on the  
13 ballot, the ballot shall be unfolded, flattened for purposes of using the  
14 optical scanner, and placed in a sealed container for counting as  
15 directed by the election commissioner or county clerk. At the discretion  
16 of the election commissioner or county clerk, the counting board may  
17 begin counting early ballots no earlier than twenty-four hours prior to  
18 the opening of the polls on the day of the election.

19 (7) If a return an identification envelope is rejected, the counting  
20 board shall not open the return identification envelope. The counting  
21 board shall write Rejected on the return identification envelope and the  
22 reason for the rejection. If the ballot is rejected after opening the  
23 return identification envelope because of the absence of the official  
24 signature on the ballot, the ballot shall be reinserted in the secret-  
25 ballot envelope, if any, and placed in the return identification envelope  
26 which shall be resealed and marked Rejected, no official signature. The  
27 counting board shall place the rejected return identification envelopes,  
28 secret-ballot envelopes, and ballots in a container labeled Rejected  
29 Ballots and seal it.

30 (8) As soon as all ballots have been placed in the sealed container  
31 and rejected return identification envelopes, secret-ballot envelopes, or

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

6 Sec. 28. Section 32-1030, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 32-1030 All return envelopes, secret-ballot identification  
9 envelopes, voted ballots, and rejected ballots and the Rejected Ballots  
10 container shall be placed in the container for early voting materials,  
11 and the container shall be sealed.

12 2. Renumber the remaining sections and correct the repealer  
13 accordingly.

14 2. Strike amendment 3.

15 3. Renumber the remaining amendments accordingly.