

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 121**

Introduced by Schumacher, 22.

Read first time January 09, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-103,  
2 32-202, 32-813, 32-914, 32-916, 32-936, 32-938, 32-949, 32-950,  
3 32-954, 32-1006, 32-1027, and 32-1030, Reissue Revised Statutes of  
4 Nebraska, and sections 32-101, 32-809, 32-816, 32-902, 32-915,  
5 32-942, 32-947, 32-953, 32-957, and 32-1002, Revised Statutes  
6 Cumulative Supplement, 2014; to require voter identification for  
7 purposes of voting as prescribed; to require secret-ballot envelopes  
8 for certain ballots; to change provisions relating to voting and  
9 counting votes; to harmonize provisions; to provide an operative  
10 date; and to repeal the original sections.

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

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 3, 4, and 5 of this  
4 act shall be known and may be cited as the Election Act.

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

7 32-103 For purposes of the Election Act, the definitions found in  
8 sections 32-104 to 32-120 and sections 3, 4, and 5 of this act shall be  
9 used.

10 Sec. 3. Government-issued photographic identification means:

11 (1) A motor vehicle operator's license or state identification card  
12 issued under the Motor Vehicle Operator's License Act which has an  
13 expiration date no earlier than five years prior to the date of the  
14 election for which the identification is being presented;

15 (2) A document issued by the United States which shows:

16 (a) The name of the individual to whom the document was issued and  
17 the name conforms to the name in the voter's voter registration record;

18 (b) A photograph of the individual to whom the document was issued;  
19 and

20 (c) An expiration date no earlier than five years prior to the date  
21 of the election for which the identification is being presented; or

22 (3) A document issued by an official Indian tribe in the United  
23 States which shows:

24 (a) The name of the individual to whom the document was issued and  
25 the name conforms to the name in the voter's voter registration record;

26 (b) A photograph of the individual to whom the document was issued;  
27 and

28 (c) An expiration date no earlier than five years prior to the date  
29 of the election for which the identification is being presented.

30 Sec. 4. Return envelope means the envelope delivered to a voter in  
31 which he or she places the secret-ballot envelope and accompanying

1 materials.

2       Sec. 5. Secret-ballot envelope means a ballot sleeve open only on  
3 one end or an envelope, which sleeve or envelope (1) is provided to the  
4 voter by the election commissioner or county clerk, (2) bears no  
5 characteristics which would identify the voter, (3) may be used by a  
6 registered voter to insert his or her voted ballot before placing it in  
7 the return envelope to return the ballot to the election commissioner or  
8 county clerk, and (4) has a notch, cutout, window, or other design that  
9 permits the examination of the ballot for the presence of the authorized  
10 signature required for ballots for early voting or the authorized  
11 initials required for provisional ballots cast at the polling place  
12 without requiring the removal of the ballot or the revelation of any vote  
13 marked on the ballot.

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

16       32-202 In addition to any other duties prescribed by law, the  
17 Secretary of State shall:

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

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

23       (3) Enforce the Election Act;

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

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

28       (6) Develop and print forms for use as required by sections 32-308,  
29 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

1 (8) Require reporting to ensure compliance with sections 32-308 to  
2 32-310;

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

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

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

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

12 (13) Adopt and promulgate rules and regulations regarding the  
13 procedure to remove secret-ballot envelopes from return envelopes after  
14 verification of information on the return envelopes, remove ballots from  
15 secret-ballot envelopes and from return envelopes for voters that did not  
16 use the secret-ballot envelopes, and count the ballots in a manner that  
17 does not impair the anonymity of the voter; and

18 (14 ~~13~~) Establish a free access system, such as a toll-free  
19 telephone number or an Internet web site, that any voter who casts a  
20 provisional ballot may access to discover whether the vote of that voter  
21 was counted and, if the vote was not counted, the reason that the vote  
22 was not counted. The Secretary of State shall establish and maintain  
23 reasonable procedures necessary to protect the security, confidentiality,  
24 and integrity of personal information collected, stored, or otherwise  
25 used by the free access system. Access to information about an individual  
26 provisional ballot shall be restricted to the individual who cast the  
27 ballot.

28 Sec. 7. Section 32-809, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 32-809 (1) The form of the official ballot at the statewide primary  
31 election shall be prescribed by the Secretary of State. At the top of the

1 ballot and over all else shall be printed in boldface type the name of  
2 the political party, ..... Official Ballot, Primary Election 20.. .  
3 Each division containing the names of the office and a list of candidates  
4 for such office shall be separated from other groups by a bold line. The  
5 ballot shall list at-large candidates and subdistrict candidates under  
6 appropriate headings.

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

26 (3) Except as otherwise provided in section 32-811, the statewide  
27 primary election ballot shall contain the name of every candidate filing  
28 or recognized under subsection (1) of section 32-606 and sections 32-611,  
29 32-613, and 32-614 and no other names. No name of a candidate for member  
30 of the Legislature or an elective office described in Article IV, section  
31 1, of the Constitution of Nebraska shall appear on any ballot or any

1 series of ballots at any primary election more than once except for the  
2 names of candidates for the office of delegate to a county, state, or  
3 national political party convention. When two or more of the last names  
4 of candidates for the same office at the primary election are the same in  
5 spelling or sound, the official ballots may, on the request of any such  
6 candidate, have his or her address printed immediately below his or her  
7 name in capital and lowercase letters in lightface type of the same size  
8 as the type in which the name of the candidate is printed.

9 Sec. 8. Section 32-813, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 32-813 (1) The names of all candidates and all proposals to be voted  
12 upon at the general election shall be arranged upon the ballot in parts  
13 separated from each other by bold lines in the order the offices and  
14 proposals are set forth in this section. If any office is not subject to  
15 the upcoming election, the office shall be omitted from the ballot and  
16 the remaining offices shall move up so that the same relative order is  
17 preserved. The order of any offices may be altered to allow for the best  
18 utilization of ballot space in order to avoid printing a second ballot  
19 when one ballot would be sufficient if an optical-scan ballot is used.  
20 All proposals on the ballot shall remain separate from the offices, and  
21 the proposals shall follow all offices on the ballot.

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

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

31 (c) The names of candidates for President and Vice President who

1 have successfully petitioned on the ballot for the general election shall  
2 be grouped together with the candidates appearing on the same petition  
3 being grouped together, and each group shall be enclosed with brackets  
4 with the words "By Petition" next to the brackets and one square or oval  
5 opposite the names in which the voter indicates his or her choice.

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

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

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

24 (5) The names and spaces for voting for candidates for the various  
25 state officers shall be entitled State Ticket in boldface type. Each set  
26 of candidates shall be separated by lines across the column, and above  
27 each set of candidates shall be designated the office for which they are  
28 candidates, arranged in the order prescribed by the Secretary of State.  
29 The candidates for Governor of each political party receiving the highest  
30 number of votes in the primary election shall be grouped together with  
31 their respective candidates for Lieutenant Governor. Each group shall be

1 enclosed with brackets with the political party name next to the brackets  
2 and one square or oval opposite the names in which the voter indicates  
3 his or her choice for Governor and Lieutenant Governor jointly. The  
4 candidates for Governor and Lieutenant Governor who have successfully  
5 petitioned on the general election ballot shall be grouped together with  
6 the candidates appearing on the same petition being grouped together.  
7 Each group shall be enclosed with brackets with the words "By Petition"  
8 next to the brackets and one square or oval opposite the names in which  
9 the voter indicates his or her choice for Governor and Lieutenant  
10 Governor jointly. Beneath the names of the candidates for Governor  
11 nominated at a primary election by political party and their respective  
12 candidates for Lieutenant Governor and beneath the names of all  
13 candidates for Governor and Lieutenant Governor placed on the general  
14 election ballot by petition, one write-in line shall be provided in which  
15 the registered voter may fill in the name of the candidate for Governor  
16 of his or her choice and one square or oval opposite the line in which  
17 the voter indicates his or her choice for Governor.

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

- 24 (a) Legislature;
- 25 (b) State Board of Education;
- 26 (c) Board of Regents of the University of Nebraska;
- 27 (d) Chief Justice of the Supreme Court;
- 28 (e) Judge of the Supreme Court;
- 29 (f) Judge of the Court of Appeals;
- 30 (g) Judge of the Nebraska Workers' Compensation Court;
- 31 (h) Judge of the District Court;



- 1 (i) Judge of the Separate Juvenile Court;
- 2 (j) Judge of the County Court; and
- 3 (k) County officers in the order prescribed by the election
- 4 commissioner or county clerk.

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

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

20 (9) All proposals submitted by initiative or referendum and  
21 proposals for constitutional amendments shall be placed on a separate  
22 ballot when a paper ballot is used which requires that the ballot after  
23 being voted be folded before being deposited in a ballot box. When an  
24 optical-scan ballot is used which requires a secret-ballot envelope or  
25 ballot envelope ~~or sleeve~~ in which the ballot after being voted is placed  
26 before being deposited in a ballot box, initiative or referendum  
27 proposals and proposals for constitutional amendments may be placed on  
28 either side of the ballot, shall be separated by a bold line, and shall  
29 follow all other offices placed on the same side of the ballot.  
30 Initiative or referendum proposals and constitutional amendments so  
31 arranged shall constitute a separate ballot. Proposals for constitutional

1 amendments proposed by the Legislature shall be placed on the ballot as  
2 provided in sections 49-201 to 49-211.

3       Sec. 9. Section 32-816, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5       32-816 (1) A blank space shall be provided at the end of each office  
6 division on the ballot for registered voters to fill in the name of any  
7 person for whom they wish to vote and whose name is not printed upon the  
8 ballot, except that at the primary election there shall be no write-in  
9 space for delegates to the county political party convention or delegates  
10 to the national political party convention. A square or oval shall be  
11 printed opposite each write-in space similar to the square or oval placed  
12 opposite other candidates and issues on the ballot. The square or oval  
13 shall be marked to vote for a write-in candidate whose name appears in  
14 the write-in space provided.

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

25       Sec. 10. Section 32-902, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

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

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

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

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

12 (b) Instructions for voters who registered to vote pursuant to  
13 section 32-304 or by mail and first-time voters and for voters to present  
14 identification or vote a provisional ballot;

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

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

22 Sec. 11. Section 32-914, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 32-914 (1) Official ballots shall be used at all elections. No  
25 person shall receive a ballot or be entitled to vote unless and until he  
26 or she is registered as a voter except as provided in section 32-914.01,  
27 32-914.02, 32-915, 32-915.01, or 32-936.

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

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

1 (b) The clerk has found that he or she is a registered voter at the  
2 address as shown by the precinct list of registered voters unless  
3 otherwise entitled to vote in the precinct under section 32-328,  
4 32-914.01, 32-914.02, 32-915, or 32-915.01;

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

15 (d) For voters other than a voter subject to subdivision (c) of this  
16 subsection, the voter has presented a government-issued photographic  
17 identification except as provided in subdivision (e) of this subsection;

18 (e) For voters unable to present a government-issued photographic  
19 identification, the voter, immediately prior to being handed a ballot:

20 (i) Signs a statement setting forth the voter's name and current  
21 address; and

22 (ii) Either (A) submits to being photographed in a manner prescribed  
23 by the election commissioner or county clerk or (B) has a written  
24 certification from a pollworker that the voter is personally known by the  
25 pollworker at the precinct at the time the voter is requesting a ballot;

26 (f) As instructed by the clerk of election, the registered voter  
27 has personally written his or her name (i) in the precinct sign-in  
28 register on the appropriate line which follows the last signature of any  
29 previous voter or (ii) in the combined document containing the precinct  
30 list of registered voters and the sign-in register; and

31 (g) The clerk has listed on the precinct list of registered voters

1 the corresponding line number and name of the registered voter or has  
2 listed the name of the voter in a separate book as provided in section  
3 32-913.

4 Sec. 12. Section 32-915, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6 32-915 (1) A person whose name does not appear on the precinct list  
7 of registered voters at the polling place for the precinct in which he or  
8 she resides, whose name appears on the precinct list of registered voters  
9 at the polling place for the precinct in which he or she resides at a  
10 different residence address as described in section 32-914.02, ~~or~~ whose  
11 name appears with a notation that he or she received a ballot for early  
12 voting, or who does not present identification or documentation required  
13 under subdivision (2)(c), (d), or (e) of section 32-914 may vote a  
14 provisional ballot if he or she:

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

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

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

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

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

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

30 (2) Each person voting by provisional ballot shall insert ~~enclose~~  
31 his or her ballot in a secret-ballot envelope. The voter shall place the

1 secret-ballot envelope in a return an envelope marked Provisional Ballot  
2 and shall, by signing the certification on the front of the return  
3 envelope or a separate form attached to the return envelope, certify to  
4 the following facts:

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

6 (b) My name or address did not correctly appear on the precinct list  
7 of registered voters without a notation or I have not presented  
8 identification or documentation required to otherwise obtain a ballot;

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

10 (d) I registered to vote

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

12 .... by mail,

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

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

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

16 .... in some other way;

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

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

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

23 (3 4) The voter shall sign the certification under penalty of  
24 election falsification. The following statements shall be on the front of  
25 the return envelope or on the attached form: By signing the front of this  
26 return envelope or the attached form you are certifying to the  
27 information contained on this return envelope or the attached form under  
28 penalty of election falsification. Election falsification is a Class IV  
29 felony and may be punished by up to five years imprisonment, a fine of up  
30 to ten thousand dollars, or both.

31 (4 5) If the person's name does not appear on the precinct list of

1 registered voters for the polling place and the judge or clerk of  
2 election determines that the person's residence address is located in  
3 another precinct within the same county, the judge or clerk of election  
4 shall direct the person to his or her correct polling place to vote.

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

7 32-916 (1) Two judges of election or a precinct inspector and a  
8 judge of election shall affix their initials to the official ballots. The  
9 judge of election shall deliver a ballot to each registered voter after  
10 complying with section 32-914.

11 (2) After voting the ballot, the registered voter shall, as directed  
12 by the judge of election, fold his or her ballot or insert ~~place~~ the  
13 ballot in the secret-ballot envelope or ballot envelope ~~or sleeve~~ so as  
14 to conceal the voting marks and to expose the initials affixed on the  
15 ballot. The registered voter shall, without delay and without exposing  
16 the voting marks upon the ballot, deliver the ballot to the judge of  
17 election before leaving the enclosure in which the voting booths are  
18 placed.

19 (3) The judge of election shall, without exposing the voting marks  
20 on the ballot, approve the exposed initials upon the ballot and either  
21 deposit the ballot in the ballot box in the presence of the registered  
22 voter or ask the voter to seal the secret-ballot envelope in the return  
23 envelope and give the return envelope to the judge to place the return  
24 envelope in the ballot box in the presence of the voter as provided in  
25 subsection (4) of this section. No judge of election shall deposit any  
26 ballot in a ballot box unless the ballot has been identified as having  
27 the appropriate initials. Any ballot not properly identified shall be  
28 rejected in the presence of the voter, the judge of election shall make a  
29 notation on the ballot Rejected, not properly identified, and another  
30 ballot shall be issued to the voter and the voter shall then be permitted  
31 to cast his or her ballot. If the ballot is in order, the judge shall

1 deposit the ballot in the ballot box in the presence of the voter and the  
2 voter shall promptly leave the polling place. The judges of election  
3 shall maintain the secrecy of the rejected ballots and shall cause the  
4 rejected ballots to be made up in a sealed packet. The judges of election  
5 shall endorse the packet with the words Rejected Ballots and the  
6 designation of the precinct. The judges of election shall sign the  
7 endorsement label and shall return the packet to the election  
8 commissioner or county clerk with a statement by the judges of election  
9 showing the number of ballots rejected.

10 (4) Upon receiving a provisional ballot as provided in section  
11 32-915, the judge of election shall give the voter written information  
12 that states that the voter may determine if his or her vote was counted  
13 and, if not, the reason that the vote was not counted by accessing the  
14 system created pursuant to section 32-202 and the judge of election shall  
15 ensure that the appropriate information is on the outside of the return  
16 envelope in which the secret-ballot envelope containing the ballot is  
17 enclosed or attached to the return envelope, attach the statement  
18 required by section 32-915 if not contained on the return envelope, and  
19 place the entire return envelope into the ballot box. Upon receiving a  
20 provisional ballot as provided in section 32-915.01, the judge of  
21 election shall comply with the requirements for a provisional ballot  
22 under this subsection, except that a provisional ballot cast pursuant to  
23 section 32-915.01 shall be kept separate from the other ballots cast at  
24 the election.

25 Sec. 14. Section 32-936, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 32-936 If satisfied that the application is proper and that the  
28 applicant is qualified to vote under section 32-933, the election  
29 commissioner or county clerk shall deliver to the applicant a ballot for  
30 President and Vice President of the United States. After voting the  
31 ballot, the voter shall insert ~~securely seal~~ the ballot in a secret-



1 ballot envelope and place the secret-ballot envelope in a return an  
2 envelope furnished by the election commissioner or county clerk. On the  
3 back of the return envelope shall be imprinted a statement substantially  
4 as follows:

5       Certification of New (or Former) Resident Voter

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

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

15       Sec. 15. Section 32-938, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17       32-938 (1) A registered voter shall be permitted to vote early by  
18 requesting a ballot for early voting pursuant to section 32-941 or  
19 32-943. A registered voter voting early shall not be required to present  
20 identification or other documentation prior to being issued a ballot for  
21 early voting except as provided in subdivision (2)(b) of section  
22 32-311.01.

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

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

28       Sec. 16. Section 32-942, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30       32-942 (1) Except as otherwise provided in subsection (2) of this  
31 section, a registered voter of this state who anticipates being absent

1 from the county of his or her residence on the day of any election may  
2 appear in person before the election commissioner or county clerk not  
3 more than thirty days prior to the day of election and obtain his or her  
4 ballot. The registered voter shall vote in the office of the election  
5 commissioner or county clerk or shall return the ballot to the office not  
6 later than the closing of the polls on the day of the election. A  
7 registered voter who is present in the county on the day of the election  
8 and who chooses to vote on the day of the election shall vote at the  
9 polling place assigned to the precinct in which he or she resides unless  
10 he or she is returning a ballot for early voting or voting pursuant to  
11 section 32-943.

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

24 Sec. 17. Section 32-947, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 32-947 (1) Upon receipt of an application or other request for a  
27 ballot to vote early, the election commissioner or county clerk shall  
28 determine whether the applicant is a registered voter and is entitled to  
29 vote as requested. If the election commissioner or county clerk  
30 determines that the applicant is a registered voter entitled to vote  
31 early and the application was received at or before 4 p.m. on the

1 Wednesday preceding the election, the election commissioner or county  
2 clerk shall deliver a ballot to the applicant in person or by mail,  
3 postage paid. The election commissioner or county clerk or any employee  
4 of the election commissioner or county clerk shall write or cause to be  
5 affixed his or her customary signature or initials on the ballot.

6 (2) A secret-ballot envelope and a return ~~An unsealed identification~~  
7 envelope shall be delivered with the ballot, and upon the back of the  
8 return envelope shall be printed a form substantially as follows:

9 VOTER'S OATH

10 I, the undersigned voter, declare that the enclosed ballot or  
11 ballots contained no voting marks of any kind when I received them, and I  
12 caused the ballot or ballots to be marked, enclosed in a secret-ballot  
13 envelope and the return ~~the identification~~ envelope, and sealed in the  
14 return ~~such~~ envelope.

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

17 (a) I, ....., am a registered voter  
18 in ..... County;

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

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

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

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

29 I also understand that failure to sign below will invalidate my  
30 ballot.

31 Signature .....

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

3           Ballots contained in this envelope are for the ..... (primary,  
4 general, or special) election to be held on the ..... day of .....  
5 20.. .

6           (3) ~~The If the ballot and identification envelope will be returned~~  
7 ~~by mail or by someone other than the voter,~~ the election commissioner or  
8 county clerk shall include a secret-ballot envelope with the ballot and a  
9 return ~~an identification envelope.~~ Upon ~~upon~~ the face of the return  
10 envelope ~~which~~ shall be printed the official title and post office  
11 address of the election commissioner or county clerk.

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

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

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

29           (c) Written instructions directing the voter to submit a copy of an  
30 identification document pursuant to section 32-318.01 if the voter is  
31 required to present identification under such section and advising the

1 voter that failure to submit identification to the election commissioner  
2 or county clerk by the close of the polls on election day will result in  
3 the ballot not being counted.

4 (5) The election commissioner or county clerk ~~shall~~ ~~may~~ enclose with  
5 the ballot materials a ~~separate~~ return envelope for the voter's use in  
6 returning his or her ~~secret-ballot identification~~ envelope containing the  
7 voted ballot, his or her registration application, and any other  
8 materials that may be required. The return envelope shall be of  
9 sufficient size that the secret-ballot envelope, registration  
10 application, and other materials can be conveniently placed within it.

11 Sec. 18. Section 32-949, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

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

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

29 (a) Insert ~~Place~~ the marked ballot in the secret-ballot  
30 identification envelope received for that purpose in such a manner that  
31 the signature of the issuing officer on the ballot is visible and place

1 the secret-ballot envelope in the return envelope;

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

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

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

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

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

19 Sec. 19. Section 32-950, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

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

1 Rejected Early Ballots.

2 Sec. 20. Section 32-953, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 32-953 (1) Except as otherwise provided in subsection (2) of this  
5 section, the election commissioner or county clerk shall mail the  
6 official ballot to all registered voters of the political subdivision at  
7 the addresses appearing on the voter registration register on the same  
8 day. In an election held by mail, registered voters shall not be required  
9 to present identification or other documentation otherwise required under  
10 subdivision (2)(d) of section 32-914 prior to being issued a ballot. The  
11 ballots shall be mailed by nonforwardable first-class mail not sooner  
12 than the twentieth day before the date set for the election and not later  
13 than the tenth day before the date set for the election. The election  
14 commissioner or county clerk shall include with the ballot a secret-  
15 ballot envelope and a return an unsealed identification envelope meeting  
16 the requirements of subsection (2) of section 32-947 and instructions  
17 sufficient to describe the voting process.

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

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

26 32-954 Upon receipt of the official ballot, the registered voter  
27 shall mark it, insert seal the ballot in the secret-ballot envelope, seal  
28 the secret-ballot envelope in the return identification envelope supplied  
29 with the ballot, sign the return identification envelope, and comply with  
30 the instructions provided with the ballot. The voter may return the  
31 ballot to the election commissioner or county clerk by mailing it or by

1 personally delivering it to the office of the election commissioner or  
2 county clerk. The deadline for receipt of the ballot is 5 p.m. on the  
3 date set for the election. The official ballot may be inserted in the  
4 secret-ballot envelope and must be returned in the return identification  
5 envelope. The registered voter shall, by signing the return envelope,  
6 certify to the facts contained on the return envelope. The election  
7 commissioner or county clerk shall keep the return identification  
8 envelopes received from registered voters unopened in a fireproof safe or  
9 other suitable location which is locked until delivered to the counting  
10 board.

11 Sec. 22. Section 32-957, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:

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



1           Sec. 23. Section 32-1002, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           32-1002 (1) As the ballots are removed from the ballot box pursuant  
4 to sections 32-1012 to 32-1018, the receiving board shall separate the  
5 return envelopes containing the provisional ballots from the rest of the  
6 ballots and deliver them to the election commissioner or county clerk.

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) Information has been received pursuant to section 32-308,  
19 32-309, 32-310, or 32-324 that the voter has resided, registered, or  
20 voted in any other county or state since registering to vote in the  
21 county in which he or she cast the provisional ballot;

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

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

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

31 (f) If the voter is voting in a primary election, the party

1 affiliation on the registration application completed prior to voting the  
2 provisional ballot is different than the party affiliation that appears  
3 on the voter's voter registration record based on his or her previous  
4 registration application; or

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

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

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

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

15 (b) Both the registration application and the certification are  
16 signed by the voter.

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

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

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

1           Sec. 24. Section 32-1006, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           32-1006 If a vote is cast for a candidate whose name is printed on  
4 the ballot and a name is filled in on the line provided for that purpose  
5 for the same office, the ballot shall be rejected for the office  
6 involved. The counting board shall make the following notation on the  
7 ballot card and on the secret-ballot ~~ballot~~ envelope if any: Rejected for  
8 the office of ....., overvoted, and the counting board shall  
9 immediately duplicate the overvoted ballot omitting the overvoted portion  
10 of the ballot and number the original ballot, secret-ballot ~~ballot~~  
11 envelope if any, and duplicate ballot with the same identifying number.  
12 The identifying number shall be assigned in numerical order, and the  
13 original ballot shall remain in the secret-ballot ~~ballot~~ envelope if any.

14           Sec. 25. Section 32-1027, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

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

31           (2) The counting board shall place all return identification

1 envelopes in order and shall review each return ~~returned~~ ~~identification~~  
2 envelope pursuant to verification procedures prescribed in subsections  
3 (3) and (4) of this section.

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

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

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

12 (c) A completed and signed registration application has been  
13 received from the voter by the deadline in section 32-302, 32-321, or  
14 32-325 or by the close of the polls pursuant to section 32-945;

15 (d) An identification document has been received from the voter not  
16 later than the close of the polls on election day if required pursuant to  
17 section 32-318.01; and

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

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

23 (a) A ballot received from a voter who was properly registered on or  
24 prior to the deadline for registration pursuant to section 32-302 or  
25 32-321 shall be accepted for counting without further review if:

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

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

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

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

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

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

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

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

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

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

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

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

31 (iv) The return identification envelope has been signed by the

1 voter; and

2 (d) In the case of a ballot received from a registered voter  
3 required to present identification before voting pursuant to section  
4 32-318.01, the ballot shall be accepted for counting if:

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

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

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

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

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

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

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

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

31 (8) As soon as all ballots have been placed in the sealed container



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

7       Sec. 26. Section 32-1030, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

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

13       Sec. 27. This act becomes operative on January 1, 2016.

14       Sec. 28. Original sections 32-103, 32-202, 32-813, 32-914, 32-916,  
15 32-936, 32-938, 32-949, 32-950, 32-954, 32-1006, 32-1027, and 32-1030,  
16 Reissue Revised Statutes of Nebraska, and sections 32-101, 32-809,  
17 32-816, 32-902, 32-915, 32-942, 32-947, 32-953, 32-957, and 32-1002,  
18 Revised Statutes Cumulative Supplement, 2014, are repealed.