

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 843

FINAL READING

Introduced by Brewer, 43.

Read first time January 06, 2022

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-118,
2 32-119.01, 32-203, 32-207, 32-217, 32-235, 32-318.01, 32-326,
3 32-331, 32-559, 32-615, 32-623, 32-809, 32-905, 32-908, 32-918,
4 32-949.01, 32-1031, 32-1033, 32-1049, 32-1518, 42-1207, 49-1401,
5 49-1494, and 77-3444, Reissue Revised Statutes of Nebraska, sections
6 17-503, 32-101, 32-103, 32-202, 32-221, 32-223, 32-230, 32-231,
7 32-312, 32-607, 32-939, 32-956, 32-960, 32-962, 32-1121, 32-1203,
8 32-1306, 32-1405, and 32-1524, Revised Statutes Cumulative
9 Supplement, 2020, and section 32-330, Revised Statutes Supplement,
10 2021; to define and redefine terms; to change provisions relating to
11 powers and duties of the Secretary of State, election commissioners,
12 and county clerks, petitions, deadlines, appointment of election
13 workers, voter registration, registered voter lists, confidential
14 records, filing forms, primary election ballots, assistance for
15 voting, replacement ballots, poll watchers, county canvassing
16 boards, election costs, recall elections, initiative and referendum
17 petitions, and electioneering; to eliminate certain filing
18 requirements; to provide for canceling elections as prescribed; to
19 provide requirements for distribution of applications for voter
20 registration, canceling elections, withdrawing issues from the
21 ballot, use of buildings for election-related purposes, and requests
22 for ballots for early voting; to provide for registration to vote

1 and application for ballots for National Guard members and emergency
2 response providers as prescribed; to provide for use of secure
3 ballot drop-boxes as prescribed; to restrict funding for elections;
4 to provide a penalty; to provide requirements for certain campaign
5 advertisements; to regulate ballot question contributions and
6 expenditures by foreign nationals; to harmonize provisions; and to
7 repeal the original sections.

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

1 Section 1. Section 17-503, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 17-503 (1) Except as provided in section 17-503.01, the power of any
4 city of the second class or village to convey any real property owned by
5 it, including land used for park purposes and public squares, except real
6 property used in the operation of public utilities, shall be exercised by
7 resolution directing the sale of such real property.

8 (2) After the passage of the resolution directing the sale, notice
9 of all proposed sales of property described in subsection (1) of this
10 section and the terms of such sales shall be published once each week for
11 three consecutive weeks in a legal newspaper in or of general circulation
12 in such city or village.

13 (3) If within thirty days after the third publication of the notice
14 a remonstrance petition against such sale (a) conforms to section 32-628,
15 (b) is signed by registered voters of the city or village equal in number
16 to thirty percent of the registered voters of the city or village voting
17 at the last regular municipal election held in such city or village, and
18 (c) is filed with the governing body of such city or village, such
19 property shall not then, nor within one year thereafter, be sold. If the
20 date for filing the petition falls upon a Saturday, Sunday, or legal
21 holiday, the signatures shall be collected within the thirty-day period,
22 but the filing shall be considered timely if filed or postmarked on or
23 before the next business day. Upon the receipt of the petition, the
24 governing body of such city or village, with the aid and assistance of
25 the election commissioner or county clerk, shall determine the validity
26 and sufficiency of signatures on the petition. The governing body of such
27 city or village shall deliver the petition to the election commissioner
28 or county clerk by hand carrier, by use of law enforcement officials, or
29 by certified mail, return receipt requested. Upon receipt of the
30 petition, the election commissioner or county clerk shall issue to the
31 governing body a written receipt that the petition is in the custody of

1 the election commissioner or county clerk. The election commissioner or
2 county clerk shall compare the signature of each person signing the
3 petition with the voter registration records to determine if each signer
4 was a registered voter on or before the date on which the petition was
5 filed with the governing body. The election commissioner or county clerk
6 shall also compare the signer's printed name, street and number or voting
7 precinct, and city, village, or post office address with the voter
8 registration records to determine whether the signer was a registered
9 voter. The signature and address shall be presumed to be valid only if
10 the election commissioner or county clerk determines that the printed
11 name, street and number or voting precinct, and city, village, or post
12 office address matches the registration records and that the registration
13 was received on or before the date on which the petition was filed with
14 the governing body. The determinations of the election commissioner or
15 county clerk may be rebutted by any credible evidence which the governing
16 body finds sufficient. The express purpose of the comparison of names and
17 addresses with the voter registration records, in addition to helping to
18 determine the validity of the petition, the sufficiency of the petition,
19 and the qualifications of the signer, shall be to prevent fraud,
20 deception, and misrepresentation in the petition process. Upon completion
21 of the comparison of names and addresses with the voter registration
22 records, the election commissioner or county clerk shall prepare in
23 writing a certification under seal setting forth the name and address of
24 each signer found not to be a registered voter and the signature page
25 number and line number where the name is found, and if the reason for the
26 invalidity of the signature or address is other than the nonregistration
27 of the signer, the election commissioner or county clerk shall set forth
28 the reason for the invalidity of the signature. If the election
29 commissioner or county clerk determines that a signer has affixed his or
30 her signature more than once to the petition and that only one person is
31 registered by that name, the election commissioner or county clerk shall

1 prepare in writing a certification under seal setting forth the name of
2 the duplicate signature and shall count only the earliest dated
3 signature. The election commissioner or county clerk shall certify to the
4 governing body the number of valid signatures necessary to constitute a
5 valid petition. The election commissioner or county clerk shall deliver
6 the petition and the certifications to the governing body within forty
7 days after the receipt of the petition from the governing body. The
8 delivery shall be by hand carrier, by use of law enforcement officials,
9 or by certified mail, return receipt requested. Not more than twenty
10 signatures on one signature page shall be counted.

11 The governing body shall, within thirty days after the receipt of
12 the petition and certifications from the election commissioner or county
13 clerk, hold a public hearing to review the petition and certifications
14 and receive testimony regarding them. The governing body shall, following
15 the hearing, vote on whether or not the petition is valid and shall
16 uphold the petition if sufficient valid signatures have been received.

17 (4) Real property now owned or hereafter owned by a city of the
18 second class or a village may be conveyed without consideration to the
19 State of Nebraska for state armory sites or, if acquired for state armory
20 sites, shall be conveyed strictly in accordance with the conditions of
21 sections 18-1001 to 18-1006.

22 (5) Following (a) passage of the resolution directing a sale, (b)
23 publishing of the notice of the proposed sale, and (c) passing of the
24 thirty-day right-of-remonstrance period, the property shall then be sold.
25 Such sale shall be confirmed by passage of an ordinance stating the name
26 of the purchaser and terms of the sale.

27 (6) Notwithstanding the procedures in subsections (1) through (5) of
28 this section, real property owned by a city of the second class or a
29 village may be conveyed when such property:

30 (a) Is sold in compliance with the requirements of federal or state
31 grants or programs;

1 (b) Is conveyed to another public agency; or

2 (c) Consists of streets and alleys.

3 Sec. 2. Section 32-101, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 32-101 Sections 32-101 to 32-1551 and sections 4, 5, 17, 31, 33, 40,
6 44, and 46 of this act shall be known and may be cited as the Election
7 Act.

8 Sec. 3. Section 32-103, Revised Statutes Cumulative Supplement,
9 2020, is 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 4 and 5 of this act shall be used.

12 Sec. 4. Emergency response provider shall mean a person responding
13 to a mutual aid agreement or a state of emergency proclamation issued by
14 the Governor or the President of the United States who is temporarily
15 assigned by a governmental or nongovernmental relief agency or employer
16 to provide support to victims of an emergency or a natural disaster or to
17 rebuild the infrastructure of an area affected by such emergency or
18 natural disaster.

19 Sec. 5. Political subdivision shall include a county, city,
20 village, township, school district, public power district, sanitary and
21 improvement district, metropolitan utilities district, rural or suburban
22 fire protection district, natural resources district, regional
23 metropolitan transit authority, community college, learning community
24 coordinating council, educational service unit, hospital district,
25 reclamation district, library board, airport authority, and any other
26 unit of local government of the State of Nebraska.

27 Sec. 6. Section 32-118, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-118 (1) Signature shall mean the name or symbol of a person
30 written with his or her own hand ~~or the mark of a person unable to write~~
31 ~~his or her name if the person's name is written by some other person and~~

1 ~~the mark is made near the name by the person unable to write his or her~~
2 ~~name.~~

3 (2) A person with a disability who by reason of that disability is
4 unable to write his or her name or symbol may substitute either:

5 (a) A mark if the person's name is written by some other person and
6 the mark is made near the name by the person unable to write his or her
7 name or symbol; or

8 (b) An impression made using a signature stamp. A signature stamp
9 shall be used only by that person or another person upon the request and
10 in the presence of the person unable to write his or her name or symbol.

11 (3) Any person rendering assistance to a person unable to write his
12 or her name or symbol shall write, next to such person's mark or
13 impression, the name and address of the person rendering assistance.

14 Sec. 7. Section 32-119.01, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 32-119.01 Voting system means the process of creating, casting, and
17 counting ballots and includes any software or service used in such
18 process.

19 Sec. 8. Section 32-202, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 32-202 In addition to any other duties prescribed by law, the
22 Secretary of State shall:

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

25 (2) Provide training and support for election commissioners, county
26 clerks, and other election officials in providing for day-to-day
27 operations of the office, registration of voters, and the conduct of
28 elections;

29 (3) Enforce the Election Act;

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

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

3 (6) Develop and print forms for use as required by sections 32-308,
4 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

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

9 (9) Prepare and transmit reports as required by the National Voter
10 Registration Act of 1993, 52 U.S.C. 20501 et seq.;

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

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

16 (12) Adopt and promulgate rules and regulations as necessary for
17 elections conducted under sections 32-952 to 32-959; and

18 (13) Establish a free access system, such as a toll-free telephone
19 number or an Internet website, that any voter who casts a provisional
20 ballot may access to discover whether the vote of that voter was counted
21 and, if the vote was not counted, the reason that the vote was not
22 counted. The Secretary of State shall establish and maintain reasonable
23 procedures necessary to protect the security, confidentiality, and
24 integrity of personal information collected, stored, or otherwise used by
25 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. 9. Section 32-203, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 32-203 In addition to any other powers prescribed by law, the
31 Secretary of State may:

1 (1) Inspect, with or without the filing of a complaint by any
2 person, and review the practices and procedures of election
3 commissioners, county clerks, their employees, and other election
4 officials in the day-to-day operations of the office, the conduct of
5 primary and general elections, and the registration of qualified
6 electors;

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

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

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

14 Sec. 10. Section 32-207, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 32-207 The office of election commissioner shall be created for each
17 county having a population of more than one hundred thousand inhabitants.
18 The election commissioner shall be appointed by the Governor and shall
19 serve for a term of four years or until a successor has been appointed
20 and qualified. In the event of a vacancy, the Governor shall appoint an
21 election commissioner to serve the unexpired portion of the term. In
22 order to further the purpose of fair and open elections free from outside
23 influence, the election commissioner shall have the duty of operational
24 and administrative oversight over the business of the office, subject to
25 review by the Secretary of State.

26 Sec. 11. Section 32-217, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-217 The election commissioner and ~~,~~ the chief deputy election
29 commissioner shall be county employees for the purposes of salary and
30 benefit plans. All ~~, and all~~ employees of the office of the election
31 commissioner shall be county employees and subject to the county

1 personnel system. The county board shall set the salaries of the election
2 commissioner and chief deputy election commissioner at least sixty days
3 prior to the expiration of the term of office of the election
4 commissioner holding office. The salary shall become effective as soon as
5 such salary may become operative under the Constitution of Nebraska.

6 In counties having a population of more than two hundred thousand
7 inhabitants, the salary of the election commissioner shall be at least
8 ten thousand five hundred dollars annually payable in periodic
9 installments out of the county general fund and the salary of the chief
10 deputy election commissioner shall be at least nine thousand dollars
11 annually payable in periodic installments out of the county general fund.

12 In counties having a population of more than one hundred fifty
13 thousand and not more than two hundred thousand inhabitants, the salary
14 of the election commissioner shall be at least seven thousand five
15 hundred dollars annually payable in periodic installments out of the
16 county general fund and the salary of the chief deputy election
17 commissioner shall be at least six thousand dollars annually payable in
18 periodic installments out of the county general fund.

19 In counties having a population of more than one hundred thousand
20 and not more than one hundred fifty thousand inhabitants, the salary of
21 the election commissioner shall be at least nine thousand five hundred
22 dollars annually payable in periodic installments out of the county
23 general fund and the salary of the chief deputy election commissioner
24 shall be at least eight thousand five hundred dollars annually payable in
25 periodic installments out of the county general fund.

26 In counties having a population of not more than one hundred
27 thousand inhabitants, the salary of the election commissioner shall be at
28 least six thousand five hundred dollars annually payable in periodic
29 installments out of the county general fund and the salary of the chief
30 deputy election commissioner shall be at least five thousand dollars
31 annually payable in periodic installments out of the county general fund.

1 Sec. 12. Section 32-221, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-221 (1) The election commissioner shall appoint precinct and
4 district inspectors, judges of election, and clerks of election to assist
5 the election commissioner in conducting elections on election day. In
6 counties with a population of less than four hundred thousand inhabitants
7 as determined by the most recent federal decennial census, judges and
8 clerks of election and inspectors shall be appointed at least thirty days
9 prior to the statewide primary election, shall hold office for terms of
10 two years or until their successors are appointed and qualified for the
11 next statewide primary election, and shall serve at all elections in the
12 county during their terms of office. In counties with a population of
13 four hundred thousand or more inhabitants as determined by the most
14 recent federal decennial census, judges and clerks of election shall be
15 appointed at least thirty days prior to the first election for which
16 appointments are necessary and shall serve for at least four elections.

17 (2) Judges and clerks of election may be selected at random from a
18 cross section of the population of the county. All qualified citizens
19 shall have the opportunity to be considered for service. All qualified
20 citizens shall fulfill their obligation to serve as judges or clerks of
21 election as prescribed by the election commissioner. No citizen shall be
22 excluded from service as a result of discrimination based upon race,
23 color, religion, sex, national origin, or economic status. No citizen
24 shall be excluded from service unless excused by reason of ill health or
25 other good and sufficient reason.

26 (3) All persons appointed shall be of good repute and character, be
27 able to read and write the English language, and except as otherwise
28 provided in subsections (4), (5), and (6) ~~subsection (4)~~ of section
29 32-223, be registered voters in the county. No candidate at an election
30 shall be appointed as a judge or clerk of election or inspector for such
31 election other than a candidate for delegate to a county, state, or

1 national political party convention.

2 (4) If a vacancy occurs in the office of judge or clerk of election
3 or inspector, the election commissioner shall fill such vacancy in
4 accordance with section 32-223. If any judge or clerk of election or
5 inspector fails to appear at the hour appointed for the opening of the
6 polls, the remaining officers shall notify the election commissioner,
7 select a registered voter to serve in place of the absent officer if so
8 directed by the election commissioner, and proceed to conduct the
9 election. If the election commissioner finds that a judge or clerk of
10 election or inspector does not possess all the qualifications prescribed
11 in this section or if any judge or clerk of election or inspector is
12 guilty of neglecting the duties of the office or of any official
13 misconduct, the election commissioner shall remove the person and fill
14 the vacancy.

15 Sec. 13. Section 32-223, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 32-223 (1) Except as otherwise provided in the Election Act, the
18 election commissioner shall appoint a precinct inspector and a receiving
19 board to consist of at least two judges and two clerks of election for
20 each precinct. The election commissioner may appoint district inspectors
21 to aid the election commissioner in the performance of his or her duties
22 and supervise a group of precincts on election day.

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

28 (3) On each receiving board at any one time, one judge and one clerk
29 of election shall be registered voters of the political party casting the
30 highest number of votes in the county for Governor or for President of
31 the United States in the immediately preceding general election, and one

1 judge and one clerk of election shall be registered voters of the
2 political party casting the next highest number of votes in the county
3 for Governor or for President of the United States in the immediately
4 preceding general election, except that one judge or clerk of election
5 may be a registered voter who is not affiliated with either of such
6 parties. If a third judge is appointed, such judge shall be a registered
7 voter of the political party casting the highest number of votes in the
8 county for Governor or for President of the United States in the
9 immediately preceding general election. All precinct and district
10 inspectors shall be divided between all political parties as nearly as
11 practicable in proportion to the number of votes cast in such county at
12 the immediately preceding general election for Governor or for President
13 of the United States by the parties, respectively.

14 (4) The election commissioner may appoint an elector residing
15 outside the county as a precinct inspector, district inspector, judge of
16 election, or clerk of election if the elector resides in a county which
17 conducts all elections by mail pursuant to section 32-960.

18 (5) If authorized by the Secretary of State and registered voters of
19 the county are unavailable, the election commissioner may appoint an
20 elector residing outside the county as a precinct inspector, district
21 inspector, judge of election, or clerk of election.

22 (6) (4) The election commissioner may appoint a person who is at
23 least sixteen years old but is not eligible to register to vote as a
24 clerk of election. Such clerk of election shall meet the requirements of
25 subsection (3) of section 32-221, except that such clerk shall not be
26 required to be a registered voter. No more than one clerk of election
27 appointed under this subsection shall serve at any precinct. A clerk of
28 election appointed under this subsection shall be considered a registered
29 voter who is not affiliated with a political party for purposes of this
30 section.

31 Sec. 14. Section 32-230, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 32-230 (1) As provided in subsection (4) of this section, the
3 precinct committeeman and committeewoman of each political party shall
4 appoint a receiving board consisting of three judges of election and two
5 clerks of election. The chairperson of the county central committee of
6 each political party shall send the names of the appointments to the
7 county clerk no later than February 1 prior to the primary election.

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

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

23 (4) In each precinct at any one time, one judge and one clerk of
24 election shall be appointed from the political party casting the highest
25 number of votes in the county for Governor or for President of the United
26 States in the immediately preceding general election, one judge and one
27 clerk shall be appointed from the political party casting the next
28 highest number of votes in the county for Governor or for President of
29 the United States in the immediately preceding general election, and one
30 judge shall be appointed from the political party casting the third
31 highest number of votes in the county for Governor or for President of

1 the United States in the immediately preceding general election. If the
2 political party casting the third highest number of votes cast less than
3 ten percent of the total vote cast in the county at the immediately
4 preceding general election, the political party casting the highest
5 number of votes at the immediately preceding general election shall be
6 entitled to two judges and one clerk.

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

14 (6) The county clerk may appoint an elector residing outside the
15 county as a precinct inspector, district inspector, judge of election, or
16 clerk of election if the elector resides in a county which conducts all
17 elections by mail pursuant to section 32-960.

18 (7) If authorized by the Secretary of State and registered voters of
19 the county are unavailable, the county clerk may appoint an elector
20 residing outside the county as a precinct inspector, district inspector,
21 judge of election, or clerk of election.

22 (8) ~~(6)~~ The county clerk may appoint a person who is at least
23 sixteen years old but is not eligible to register to vote as a clerk of
24 election. Such clerk of election shall meet the requirements of
25 subsection (1) of section 32-231, except that such clerk shall not be
26 required to be a registered voter. No more than one clerk of election
27 appointed under this subsection shall serve at any precinct. A clerk of
28 election appointed under this subsection shall be considered a registered
29 voter who is not affiliated with a political party for purposes of this
30 section.

31 Sec. 15. Section 32-231, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 32-231 (1) Each judge and clerk of election appointed pursuant to
3 section 32-230 shall (a) be of good repute and character and able to read
4 and write the English language, (b) reside in the precinct in which he or
5 she is to serve unless necessity demands that personnel be appointed from
6 another precinct, (c) be a registered voter except as otherwise provided
7 in subsections (6), (7), and (8) ~~subsection (6)~~ of section 32-230, and
8 (d) serve for a term of two years or until judges and clerks of election
9 are appointed for the next primary election. No candidate at an election
10 shall be eligible to serve as a judge or clerk of election at the same
11 election other than a candidate for a delegate to a county, state, or
12 national political party convention.

13 (2) The county clerk may appoint district inspectors to aid the
14 county clerk in the performance of his or her duties and supervise a
15 group of precincts on election day. A district inspector shall meet the
16 requirements for judges and clerks of election as provided in subsection
17 (1) of this section, shall oversee the procedures of a group of polling
18 places, and shall act as the personal agent and deputy of the county
19 clerk. The district inspector shall ensure that the Election Act is
20 uniformly enforced at the polling places assigned to him or her and
21 perform tasks assigned by the county clerk. The district inspector may
22 perform all of the duties required of a judge or clerk of election.

23 Sec. 16. Section 32-235, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-235 (1) The county clerk shall, by mail, notify judges and clerks
26 of election, district inspectors, members of counting boards, and members
27 of canvassing boards of their appointment. The notice shall inform the
28 appointee of his or her appointment and of the date and time he or she is
29 required to report to the office of the county clerk or other designated
30 location and the polling place. The notice shall be mailed at least
31 fifteen days prior to each statewide primary and general election and on

1 or before the third Friday prior to each special election. The county
2 clerk shall order the members of the receiving board to appear at their
3 respective polling place on the day and at the hour specified in the
4 notice of appointment.

5 (2) Each appointee shall, at the time fixed in the notice of
6 appointment, report to the office or other location to complete any
7 informational forms and receive training regarding his or her duties. The
8 training shall include instruction as required by the Secretary of State
9 and any other training deemed necessary by the county clerk.

10 Sec. 17. (1) Except as provided in subsection (2) of this section,
11 any person or organization distributing voter registration applications
12 by mail shall use the form prescribed by the Secretary of State. The form
13 shall contain on the top of the first page in bold type (a) the identity
14 of the person or organization distributing the form and (b) the following
15 statements:

16 You may submit this form if you wish to register to vote or update
17 your voter registration. You do not need to complete this form if you
18 have already registered to vote.

19 (2) This section shall not apply to voter registration applications
20 distributed by the Secretary of State, an election commissioner, a county
21 clerk, the State Department of Education, the Department of Health and
22 Human Services, or the Department of Motor Vehicles.

23 Sec. 18. Section 32-312, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 32-312 The registration application prescribed by the Secretary of
26 State pursuant to section 32-304 or 32-311.01 shall provide the
27 instructional statements and request the information from the applicant
28 as provided in this section.

29 CITIZENSHIP—"Are you a citizen of the United States of America?"
30 with boxes to check to indicate whether the applicant is or is not a
31 citizen of the United States.

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

5 WARNING—"If you checked 'no' in response to either of these
6 questions, do not complete this application."

7 NAME—the name of the applicant giving the first and last name in
8 full, the middle name in full or the middle initial, and the maiden name
9 of the applicant, if applicable.

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

20 POSTAL ADDRESS—the address at which the applicant receives mail if
21 different from the residence address.

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

25 TELEPHONE NUMBERS—the telephone numbers of the applicant. At the
26 request of the applicant, a designation shall be made that a telephone
27 number is an unlisted number, and such designation shall preclude the
28 listing of such telephone number on any list of voter registrations.

29 EMAIL ADDRESS—an email address of the applicant. At the request of
30 the applicant, a designation shall be made that the email address is
31 private, and such designation shall preclude the listing of the

1 applicant's email address on any list of voter registrations.

2 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY
3 NUMBER—if the applicant has a Nebraska driver's license, the license
4 number, and if the applicant does not have a Nebraska driver's license,
5 the last four digits of the applicant's social security number.

6 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
7 the applicant presented himself or herself for registration, when the
8 applicant completed and signed the registration application if the
9 application was submitted by mail or delivered to the election official
10 by the applicant's personal messenger or personal agent, or when the
11 completed application was submitted if the registration application was
12 completed pursuant to section 32-304.

13 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion
14 where the applicant was born.

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

20 REGISTRATION TAKEN BY—show the signature of the authorized official
21 or staff member accepting the application pursuant to section 32-309 or
22 32-310 or at least one of the deputy registrars taking the application
23 pursuant to section 32-306, if applicable.

24 PARTY AFFILIATION—show the party affiliation of the applicant as
25 Democratic Democrat, Republican, or Other or show no party
26 affiliation as Nonpartisan. (Note: If you wish to vote in both partisan
27 and nonpartisan primary elections for state and local offices, you must
28 indicate a political party affiliation on the registration application.
29 If you register without a political party affiliation (nonpartisan), you
30 will receive only the nonpartisan ballots for state and local offices at
31 primary elections. If you register without a political party affiliation,

1 you may vote in partisan primary elections for congressional offices.)

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

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

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

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

10 (2) I have not been convicted of a felony or, if convicted, it has
11 been at least two years since I completed my sentence for the felony,
12 including any parole term;

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

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

16 Any registrant who signs this application knowing that any of the
17 information in the application is false shall be guilty of a Class IV
18 felony under section 32-1502 of the statutes of Nebraska. The penalty for
19 a Class IV felony is up to two years imprisonment and twelve months post-
20 release supervision, a fine of up to ten thousand dollars, or both.

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

23 Sec. 19. Section 32-318.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-318.01 (1)(a) Except as provided by subsection (2) of this
26 section, a person who registers to vote by mail after January 1, 2003,
27 and has not previously voted in an election within the state shall
28 present a photographic identification which is current and valid or a
29 copy of a utility bill, bank statement, government check, paycheck, or
30 other government document which is dated within the sixty days
31 immediately prior to the date of presentation and which shows the same

1 name and residence address of the person provided on the registration
2 application in order to avoid identification requirements at the time of
3 voting pursuant to section 32-914 or 32-947.

4 (b) Such documentation may be presented at the time of application
5 for registration, after submission of the application for registration,
6 or at the time of voting. The documentation must be received by the
7 election commissioner or county clerk not later than 6 p.m. on the second
8 Friday preceding the election to avoid additional identification
9 requirements at the time of voting at the polling place if the voter
10 votes in person. If the voter is voting using a ballot for early voting,
11 the documentation must be received by the election commissioner or county
12 clerk prior to the date on which the ballot is mailed to the voter to
13 avoid additional identification requirements at the time of voting.
14 Documentation received after the ballot has been mailed to the voter but
15 not later than the deadline for the receipt of ballots specified in
16 subsection (2) of section 32-908 ~~8 p.m. on election day~~ will be
17 considered timely for purposes of determining the applicant's eligibility
18 to vote in the election.

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

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

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

27 (a) Has provided his or her Nebraska driver's license number or the
28 last four digits of his or her social security number and the election
29 commissioner or county clerk verifies the number provided pursuant to
30 subsection (2) of section 32-312.03;

31 (b) Is a member of the armed forces of the United States who by

1 reason of active duty is absent from his or her place of residence where
2 the member is otherwise eligible to vote;

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

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

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

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

15 Sec. 20. Section 32-326, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-326 The election commissioner or county clerk shall remove the
18 name of a registered voter from the voter registration register and
19 cancel the registration of such voter if:

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

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

23 (3) The election commissioner or county clerk has received
24 information that the voter has moved from the address at which he or she
25 is registered to vote from the National Change of Address program of the
26 United States Postal Service pursuant to section 32-329 and the voter has
27 not responded to a confirmation notice sent pursuant to section 32-329
28 and has not voted or offered to vote at any election held prior to and
29 including the second statewide federal general election following the
30 mailing of the confirmation notice;

31 (4) The election commissioner or county clerk has received

1 information that the registrant has moved out of the state and has
2 registered to vote or voted in another territory or state pursuant to
3 section 32-314; ~~or~~

4 (5) The election commissioner or county clerk has received
5 information from the Department of Motor Vehicles that the registrant has
6 changed the registrant's state of residence by surrendering the
7 registrant's Nebraska motor vehicle operator's license or state
8 identification card to another state; or

9 (6) ~~(5)~~ The voter has become ineligible to vote as provided in
10 section 32-313.

11 Sec. 21. Section 32-330, Revised Statutes Supplement, 2021, is
12 amended to read:

13 32-330 (1) Except as otherwise provided in subsection (3) of section
14 32-301, the voter registration register shall be a public record. Any
15 person may examine the register at the office of the election
16 commissioner or county clerk, but no person other than the Secretary of
17 State, the election commissioner, the county clerk, or law enforcement
18 shall be allowed to make copies of the register. Copies of the register
19 shall only be used for list maintenance as provided in section 32-329 or
20 law enforcement purposes. The electronic records of the original voter
21 registrations created pursuant to section 32-301 may constitute the voter
22 registration register. The Secretary of State, election commissioner, or
23 county clerk shall withhold information in the register designated as
24 confidential under section 32-331. No portion of the register made
25 available to the public and no list distributed pursuant to this section
26 shall include the digital signature of any voter.

27 (2) The Secretary of State, election commissioner, or county clerk
28 shall make available a list of registered voters that contains no more
29 than the information authorized in subsections (3) and (7) ~~subsection (3)~~
30 of this section and, if requested, a list that only contains such
31 information for registered voters who have voted in an election held more

1 than thirty days prior to the request for the list. The Secretary of
2 State, election commissioner, or county clerk shall establish the price
3 of the lists at a rate that fairly covers the actual production cost of
4 the lists, not to exceed three cents per name. Lists shall be used solely
5 for purposes related to elections, political activities, voter
6 registration, law enforcement, or jury selection. Lists shall not be
7 posted, displayed, or used for commercial purposes or made accessible on
8 the Internet.

9 (3)(a) The Secretary of State, election commissioner, or county
10 clerk shall withhold from any list of registered voters distributed
11 pursuant to subsection (2) of this section any information in the voter
12 registration records which is designated as confidential under section
13 32-331 or marked private on the voter registration application or voter
14 registration record.

15 (b) Except as otherwise provided in subdivision (a) of this
16 subsection, a list of registered voters distributed pursuant to
17 subsection (2) of this section shall contain no more than the following
18 information:

- 19 (i) The registrant's name;
- 20 (ii) The registrant's residential address;
- 21 (iii) The registrant's mailing address;
- 22 (iv) The registrant's telephone number;
- 23 (v) The registrant's voter registration status;
- 24 (vi) The registrant's voter identification number;
- 25 (vii) The registrant's ~~date of~~ birth_year;
- 26 (viii) The registrant's date of voter registration;
- 27 (ix) The registrant's voting precinct;
- 28 (x) The registrant's polling site;
- 29 (xi) The registrant's political party affiliation;
- 30 (xii) The political subdivisions in which the registrant resides;

31 and

1 (xiii) The registrant's voter history.

2 (4) Any person who acquires a list of registered voters under
3 subsection (2) of this section shall provide his or her name, address,
4 telephone number, email address, and campaign committee name or
5 organization name, if applicable, ~~and~~ the state of organization, if
6 applicable, and the reason for requesting the list, and shall take and
7 subscribe to an oath in substantially the following form:

8 I hereby swear that I will use the list of registered voters
9 of County, Nebraska, (or the State of Nebraska) only for the
10 purposes prescribed in section 32-330 and for no other purpose, that I
11 will not permit the use or copying of such list for unauthorized
12 purposes, and that I will not post, display, or make such list accessible
13 on the Internet.

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

16 The penalty for election falsification is a Class IV felony.

17 (Signature of person acquiring list)

18 Subscribed and sworn to before me this day of 20.. .

19 (Signature of officer)

20 (Name and official title of officer)

21 (5) The Secretary of State, election commissioner, or county clerk
22 shall provide, upon request and free of charge, a complete and current
23 listing of all registered voters and their addresses to the Clerk of the
24 United States District Court for the District of Nebraska. Such list
25 shall be provided no later than December 31 of each even-numbered year.

26 (6) The Secretary of State, election commissioner, or county clerk
27 shall provide, upon request and free of charge, a complete and current
28 listing of all registered voters containing only the information
29 authorized under subsection (3) of this section to the state party
30 headquarters of each political party and to the county chairperson of
31 each political party.

1 (7) The Secretary of State shall make available to each jury
2 commissioner a list of registered voters that contains the information
3 authorized in this section and the registrant's motor vehicle operator's
4 license number or state identification card number.

5 (8) ~~(7)~~ Nothing in this section shall prevent a political party or
6 candidate from using the list of registered voters for campaign
7 activities.

8 (9) Any person who acquires a list of registered voters under
9 subsection (2) of this section shall, following discovery or notification
10 of a breach in the security of the storage of the information, disclose
11 the breach in security to the Secretary of State, election commissioner,
12 or county clerk without delay.

13 Sec. 22. Section 32-331, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-331 A registered voter may file an affidavit with the election
16 commissioner or county clerk to have the information relating to his or
17 her name, residence address, and telephone number remain confidential. If
18 the registered voter is a program participant under the Address
19 Confidentiality Act, the affidavit shall state that fact. If the
20 registered voter is not a program participant under the act, the
21 affidavit shall state that the county court or district court has issued
22 an order upon a showing of good cause that a life-threatening
23 circumstance exists in relation to the voter or a member of his or her
24 household. The registered voter shall vote under sections 32-938 to
25 32-951 in elections held after the filing of the affidavit. To terminate
26 the affidavit and withdraw the confidential designation, the registered
27 voter shall notify the election commissioner or county clerk in writing.
28 The registered voter shall provide a valid mailing address to be used in
29 place of the residence address for election, research, and government
30 purposes. If the registered voter is a program participant under the
31 Address Confidentiality Act, the mailing address shall be as provided in

1 the act. The election commissioner or county clerk may use the mailing
2 address or the word "confidential" or a similar designation in place of
3 the residence address in producing any list, roster, or register required
4 under the Election Act. Those records declared confidential under this
5 section shall be kept in a separate file from the other registered voter
6 information. A county, election commissioner, or county clerk shall be
7 liable in an action for negligence as a result of the disclosure of the
8 confidential information if there is a showing of gross negligence or
9 willfulness.

10 Sec. 23. Section 32-559, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-559 (1)(a) Except as provided in section 77-3444, any issue to
13 be submitted to the registered voters at a special election by a
14 political subdivision shall be certified by the clerk of the political
15 subdivision to the election commissioner or county clerk on or before the
16 eighth Friday ~~at least fifty days~~ prior to the election. A special
17 election may be held by mail as provided in sections 32-952 to 32-959.
18 Any other special election under this section shall be subject to section
19 32-405.

20 (b) In lieu of submitting the issue at a special election, any
21 political subdivision may submit the issue at a statewide primary or
22 general election or at any scheduled county election, except that no such
23 issue shall be submitted at a statewide election or scheduled county
24 election unless the issue to be submitted has been certified by the clerk
25 of the political subdivision to the election commissioner or county clerk
26 by March 1 for the primary election and by September 1 for the general
27 election. After the election commissioner or county clerk has received
28 the certification of the issue to be submitted, he or she shall be
29 responsible for all matters relating to the submission of the issue to
30 the registered voters, except that the clerk of the political subdivision
31 shall be responsible for the publication or posting of any required

1 special notice of the submission of such issue other than the notice
2 required to be given of the statewide election issues. The election
3 commissioner or county clerk shall prepare the ballots and issue ballots
4 for early voting and shall also conduct the submission of the issue,
5 including the receiving and counting of the ballots on the issue. The
6 election returns shall be made to the election commissioner or county
7 clerk. The ballots shall be counted and canvassed at the same time and in
8 the same manner as the other ballots. Upon completion of the canvass of
9 the vote by the county canvassing board, the election commissioner or
10 county clerk shall certify the election results to the governing body of
11 the political subdivision. The canvass by the county canvassing board
12 shall have the same force and effect as if made by the governing body of
13 the political subdivision.

14 (2)(a) A political subdivision that has submitted an issue for a
15 special election under subdivision (1)(a) of this section may cancel the
16 special election if the Secretary of State, election commissioner, or
17 county clerk receives a resolution adopted by the political subdivision
18 canceling the special election on or before the fourth Thursday prior to
19 the election. No cancellation shall be effective after such date. If a
20 special election is canceled in such manner, the political subdivision
21 shall be responsible for the costs incurred that are related to the
22 canceled election. Such costs shall include all chargeable costs as
23 provided in section 32-1202 associated with preparing for and conducting
24 a special election.

25 (b) A political subdivision that has submitted an issue at a
26 statewide primary or general election or at any scheduled county election
27 under subdivision (1)(b) of this section may withdraw the issue from the
28 ballot if the Secretary of State, election commissioner, or county clerk
29 receives a resolution adopted by the political subdivision withdrawing
30 the issue from the ballot no later than March 1 prior to a statewide
31 primary election or September 1 prior to a statewide general election. No

1 withdrawal shall be effective after such date. Any issue withdrawn in
2 this manner shall not be printed on the ballot.

3 Sec. 24. Section 32-607, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 32-607 All candidate filing forms shall contain the following
6 statement: I hereby swear that I will abide by the laws of the State of
7 Nebraska regarding the results of the primary and general elections, that
8 I am a registered voter and qualified to be elected, and that I will
9 serve if elected. Candidate filing forms shall also contain the following
10 information regarding the candidate: Name; residence address; mailing
11 address if different from the residence address; telephone number; office
12 sought; party affiliation if the office sought is a partisan office; a
13 statement as to whether or not civil penalties are owed pursuant to the
14 Nebraska Political Accountability and Disclosure Act; and, if civil
15 penalties are owed, whether or not a surety bond has been filed pursuant
16 to subdivision (4)(b) of section 32-602. An email address shall also be
17 included on the filing form as an optional field. Candidate filing forms
18 shall be filed with the following filing officers:

19 (1) For candidates for national, state, or congressional office,
20 directors of public power and irrigation districts, directors of
21 reclamation districts, directors of natural resources districts,
22 directors of metropolitan utilities districts, members of the boards of
23 educational service units, members of governing boards of community
24 colleges, delegates to national conventions, and other offices filled by
25 election held in more than one county and judges desiring retention, in
26 the office of the Secretary of State;

27 (2) For officers elected within a county, in the office of the
28 election commissioner or county clerk;

29 (3) For officers in school districts which include land in adjoining
30 counties, in the office of the election commissioner or county clerk of
31 the county in which the greatest number of registered voters entitled to

1 vote for the officers reside; and

2 (4) For city or village officers, in the office of the election
3 commissioner or county clerk.

4 Sec. 25. Section 32-615, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-615 (1) Except as otherwise provided in subsection (2) of this
7 section, any candidate engaged in or pursuing a write-in campaign shall
8 file a notarized affidavit of his or her intent together with the receipt
9 for any filing fee with the filing officer as provided in section 32-608
10 no earlier than January 5 ~~December 1~~ and no later than the second Friday
11 prior to the election.

12 (2) For any county office elected pursuant to sections 32-517 to
13 32-529 which is subject to subdivision (1)(b) of section 32-811, a
14 candidate may engage in or pursue a write-in campaign if he or she files
15 a notarized affidavit of his or her intent together with the receipt for
16 the filing fee with the filing officer as provided in section 32-608 on
17 or before March 3 of the year of the statewide primary election. If such
18 an affidavit is filed as prescribed, the election commissioner or county
19 clerk shall place that county office on the statewide primary election
20 ballot with the names of the candidate properly filed for the nomination
21 of the applicable political party and a line for write-in candidates.

22 (3) A candidate submitting an affidavit under this section for a
23 partisan office shall be a registered voter of the political party named
24 in the affidavit unless the political party allows candidates not
25 affiliated with the party by not adopting a rule under section 32-702.

26 (4) A candidate who has been defeated as a candidate in the primary
27 election or defeated as a write-in candidate in the primary election
28 shall not be eligible as a write-in candidate for the same office in the
29 general election unless (a) a vacancy on the ballot exists pursuant to
30 section 32-625 or (b) the candidate was a candidate for an office
31 described in sections 32-512 to 32-550 and the candidate lost the

1 election as a result of a determination pursuant to section 32-1122 in
2 the case of a tie vote.

3 (5) A candidate who files a notarized affidavit shall be entitled to
4 all write-in votes for the candidate even if only the last name of the
5 candidate has been written if such last name is reasonably close to the
6 proper spelling.

7 Sec. 26. Section 32-623, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-623 If any person nominated for elective office for the general
10 election notifies the filing officer with whom the candidate filing form
11 or other acceptance of nomination was filed by filing a statement, in
12 writing and duly acknowledged, that he or she declines such nomination on
13 or before ~~August~~ September 1 before the election, the person's name shall
14 not be printed on the ballot, but no declination shall be effective after
15 such date. The filing officer shall inform one or more persons whose
16 names are attached to the nomination if the candidate was nominated by a
17 political party convention or committee or, if nominated at a primary
18 election, the chairperson or secretary of the campaign or political party
19 committee of his or her political party if there is one within the
20 jurisdiction of the filing officer and, if not, at least three of the
21 prominent members of the candidate's political party within the
22 jurisdiction of the filing officer that such candidate has declined the
23 nomination by mailing or delivering to them personally notice of such
24 fact. Such declination shall create a vacancy on the ballot which may be
25 filled pursuant to section 32-627. In lieu of filing a declination with
26 the Secretary of State, the person so nominated may file a declination
27 with the election commissioner or county clerk in the county in which he
28 or she resides. Any election commissioner or county clerk receiving such
29 a declination shall within five days after its receipt forward a copy of
30 the written declination statement to the Secretary of State. The
31 Secretary of State shall make notifications required by this section for

1 all individuals for whom he or she receives a copy of the written
2 declination statement.

3 Sec. 27. Section 32-809, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-809 (1) The form of the official ballot at the statewide primary
6 election shall be prescribed by the Secretary of State. At the top of the
7 ballot and over all else shall be printed in boldface type the name of
8 the political party, Official Ballot, Primary Election 20.. .
9 Each division containing the names of the office and a list of candidates
10 for such office shall be separated from other groups by a bold line. The
11 ballot shall list at-large candidates and subdistrict candidates under
12 appropriate headings.

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

1 (3) Except as otherwise provided in section 32-811, the statewide
2 primary election ballot shall contain the name of every candidate filing
3 or recognized under subsection (1) of section 32-606 and sections 32-611,
4 32-613, and 32-614 and no other names. No name of a candidate for member
5 of the Legislature or an elective office described in Article IV, section
6 1, of the Constitution of Nebraska shall appear on any ballot or any
7 series of ballots at any primary election more than once ~~except for the~~
8 ~~names of candidates for the office of delegate to a county, state, or~~
9 ~~national political party convention.~~ When two or more of the last names
10 of candidates for the same office at the primary election are the same in
11 spelling or sound, the official ballots may, on the request of any such
12 candidate, have his or her address printed immediately below his or her
13 name in capital and lowercase letters in lightface type of the same size
14 as the type in which the name of the candidate is printed.

15 Sec. 28. Section 32-905, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-905 A political subdivision which receives federal or state funds
18 and owns or leases a building which is suitable for a polling place in
19 the county shall make the building available to the election commissioner
20 or county clerk for use as a polling place or for election training
21 purposes ~~in any election which involves the precinct in which the~~
22 ~~building is located.~~ The political subdivision shall not charge for the
23 use of the building as a polling place or for election training purposes.

24 Sec. 29. Section 32-908, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-908 (1) At all elections in the area of this state lying within
27 the Mountain Standard or Mountain Daylight time zone, the polls shall
28 open at 7 a.m. and close at 7 p.m. of the same day, and in the area lying
29 within the Central Standard or Central Daylight time zone, the polls
30 shall open at 8 a.m. and close at 8 p.m. of the same day.

31 (2) Except for special elections conducted by mail as provided in

1 sections 32-952 to 32-959, the deadline for the receipt of ballots is 7
2 p.m. on the day set for the election in the area lying within the
3 Mountain Standard or Mountain Daylight time zone and 8 p.m. on the day
4 set for the election in the area lying within the Central Standard or
5 Central Daylight time zone.

6 (3) ~~(2)~~ If the judges and clerks of election are not present at the
7 polls at the required hour, the polls may be opened by those placed in
8 charge of the polling place at any time before the time required for
9 closing the polls on election day.

10 (4) ~~(3)~~ If at the hour of closing there are any persons desiring to
11 vote who are in the polling place or in a line at the polling place and
12 who have not been able to vote since appearing at the polling place, the
13 polls shall be kept open reasonably long enough after the hour for
14 closing to allow those present at that hour to vote. No person arriving
15 after the hour when the polls have officially closed shall be entitled to
16 vote.

17 Sec. 30. Section 32-918, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-918 (1) If a registered voter declares to the judge of election
20 that the voter ~~he or she~~ cannot read or that the voter is blind or
21 visually impaired or has a disability ~~he or she suffers blindness or~~
22 ~~other physical disability or handicap~~ such that the registered voter
23 requires assistance in the marking of the voter's ~~his or her~~ ballot, (a)
24 the registered voter may be assisted in marking the voter's ~~his or her~~
25 ballot by a relative or friend of the voter's ~~his or her~~ selection or (b)
26 one judge of election and one clerk of election of different political
27 parties may take the ballot or ballots from the polling place to a
28 convenient place within the building or to the registered voter's
29 automobile if the automobile is within one block of the polling place and
30 the registered voter may cast the voter's ~~disabled or handicapped person~~
31 ~~may cast his or her~~ ballot in the general presence of the judge and

1 clerk. If a registered voter declares to the judge of election that the
2 voter ~~he or she~~ needs assistance in the operation of a voting device, a
3 judge or clerk of election may assist the voter in operating the device.

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

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

27 Sec. 31. (1) Except as provided in subsection (2) of this section,
28 any person or organization distributing an application by mail for a
29 ballot for early voting shall use the form prescribed by the Secretary of
30 State. The form shall contain on the top of the first page in bold type
31 (a) the identity of the person or organization distributing the form and

1 (b) the following statements:

2 You may submit this form if you wish to request a ballot for early
3 voting. You do not need to complete this form if you have already
4 requested a ballot for early voting for this election.

5 (2) This section shall not apply to an application for a ballot for
6 early voting distributed by the Secretary of State, an election
7 commissioner, or a county clerk.

8 Sec. 32. Section 32-939, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 32-939 (1) As provided in section 32-939.02, the persons listed in
11 this subsection who are residents of Nebraska and but who reside outside
12 of Nebraska or the United States or are members of the Nebraska National
13 Guard ordered into the active service of the state or of the United
14 States shall be allowed to simultaneously register to vote and make
15 application for ballots for all elections in a calendar year through the
16 use of the Federal Post Card Application or a personal letter which
17 includes the same information as appears on the Federal Post Card
18 Application:

19 (a) Members of the armed forces of the United States or the United
20 States Merchant Marine, and their spouses and dependents residing with
21 them who are absent from the state;

22 (b) Members of the Nebraska National Guard ordered into the active
23 service of the state or of the United States;

24 (c) ~~(b)~~ Citizens temporarily residing outside of the United States
25 and the District of Columbia; and

26 (d) ~~(c)~~ Overseas citizens.

27 (2)(a) As provided in section 32-939.02, a person who is the age of
28 an elector and a citizen of the United States residing outside the United
29 States, who has never resided in the United States, who has not
30 registered to vote in any other state of the United States, and who has a
31 parent registered to vote within this state shall be eligible to register

1 to vote and vote in one county in which either one of his or her parents
2 is a registered voter.

3 (b) A person registering to vote or voting pursuant to this
4 subsection shall sign and enclose with the registration application and
5 with the ballot being voted a form provided by the election commissioner
6 or county clerk substantially as follows: I am the age of an elector and
7 a citizen of the United States residing outside the United States, I have
8 never resided in the United States, I have not registered to vote in any
9 other state of the United States, and I have a parent registered to vote
10 in County, Nebraska. I hereby declare, under penalty of
11 election falsification, a Class IV felony, that the statements above are
12 true to the best of my knowledge.

13 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO
14 YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED
15 TEN THOUSAND DOLLARS, OR BOTH.

16 (Signature of Voter)

17 Sec. 33. (1) A registered voter serving as an emergency response
18 provider outside of the voter's county of residence for a period
19 beginning on or after the forty-five days prior to any election may
20 request an early voting ballot via facsimile transmission or electronic
21 mail using a form prescribed by the Secretary of State. The election
22 commissioner or county clerk shall send the requested ballot if the
23 request is received not later than noon on election day and contains the
24 required information.

25 (2)(a) Any person requesting a ballot under this section may receive
26 and return the ballot and the oath prescribed in subdivision (b) of this
27 subsection using any method of transmission authorized by the Secretary
28 of State.

29 (b) An oath shall be delivered with the ballot and shall be in a
30 form substantially as provided in this subdivision.

31 VOTER'S OATH

1 I, the undersigned voter, declare that the ballot or ballots
2 contained no voting marks of any kind when I received them, and I caused
3 the ballot or ballots to be marked.

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

6 (1) I,, am a registered voter
7 in County;

8 (2) I have voted the ballot and am returning it in compliance with
9 Nebraska law; and

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

12 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
13 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
14 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
15 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE
16 MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND
17 DOLLARS, OR BOTH.

18 I also understand that failure to sign below will invalidate my
19 ballot.

20 Signature

21 Sec. 34. Section 32-949.01, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-949.01 (1) If a ballot for early voting is destroyed, spoiled,
24 lost, or not received by the registered voter, the voter may cast a
25 provisional ballot pursuant to section 32-915 at the voter's polling
26 place on election day or may obtain a replacement ballot from the
27 election commissioner or county clerk by signing a statement ~~verified on~~
28 ~~oath or affirmation~~ on a form prescribed by the Secretary of State that
29 the original ballot for early voting was destroyed, spoiled, lost, or not
30 received and delivering the statement to the election commissioner or
31 county clerk.

1 (2) If the voter mails the statement or uses electronic mail or a
2 facsimile machine for the submission of the statement, the election
3 commissioner or county clerk shall not mail a replacement ballot to the
4 voter unless the statement is received by 6 p.m. on the second Friday
5 preceding the election. To receive a replacement ballot in person, the
6 voter shall return the statement to the office of the election
7 commissioner or county clerk by the deadline for the receipt of ballots
8 specified in subsection (2) of section 32-908 ~~8 p.m. on the day of the~~
9 ~~election. To receive a replacement ballot by mail, the voter shall return~~
10 ~~the statement to such office prior to the close of business on the second~~
11 ~~Friday preceding the election.~~

12 (3) The election commissioner or county clerk shall verify the
13 signature on the statement with the signature appearing on the voter
14 registration records.

15 (4) If the election commissioner or county clerk receives a
16 statement meeting the requirements of this section, the election
17 commissioner or county clerk ~~he or she~~ shall deliver a replacement ballot
18 to the voter if the voter is present in the office or shall mail a
19 replacement ballot to the voter at the address shown on the statement.
20 The election commissioner or county clerk shall keep a record of all
21 replacement ballots issued under this section.

22 Sec. 35. Section 32-956, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 32-956 (1) If a ballot is destroyed, spoiled, lost, or not received
25 by the registered voter, the voter may obtain a replacement ballot from
26 the election commissioner or county clerk by signing a statement ~~verified~~
27 ~~on oath or affirmation~~ on a form prescribed by the Secretary of State
28 that the ballot was destroyed, spoiled, lost, or not received and
29 delivering the statement to the election commissioner or county clerk by
30 5 p.m. on the date set for the election.

31 (2) If the voter mails the statement or uses electronic mail or a

1 facsimile machine for the submission of the statement, the election
2 commissioner or county clerk shall not deliver a replacement ballot to
3 the voter unless the statement is received prior to the close of business
4 on the second Friday preceding the election.

5 (3) The election commissioner or county clerk shall verify the
6 signature on the statement with the signature appearing on the voter
7 registration records.

8 (4) If the election commissioner or county clerk receives a
9 statement meeting the requirements of this section, he or she shall
10 deliver a replacement ballot to the voter if the voter is present in the
11 office or shall mail a replacement ballot to the voter at the address
12 shown on the statement. The election commissioner or county clerk shall
13 keep a record of all replacement ballots issued under this section.

14 Sec. 36. Section 32-960, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 32-960 (1) In any county with less than ten thousand inhabitants,
17 the county clerk may apply to the Secretary of State to mail ballots for
18 all elections held after approval of the application to registered voters
19 of any or all of the precincts in the county. The application shall
20 include a written plan for the conduct of the election which complies
21 with this section, including a timetable for the conduct of the election
22 and provisions for the notice of election to be published and for the
23 application for ballots for early voting notwithstanding other statutory
24 provisions regarding the content and publication of a notice of election
25 or the application for ballots for early voting. If the Secretary of
26 State approves such application for one or more precincts in the county,
27 the county clerk shall follow the applicable procedures in sections
28 32-953 to 32-959 for conducting elections by mail, except that the
29 deadline for receipt of the ballots shall be the deadline specified in
30 subsection (2) of section 32-908 8 p.m. on the day of the election.

31 (2) The county clerk of a county that has an approved application

1 pursuant to subsection (1) of this section:

2 (a) Shall allow a voter to return the ballot by hand-delivering it
3 to the office of the county clerk;

4 (b) Shall maintain at least one secure ballot drop-box available for
5 voters to deposit completed ballots twenty-four hours per day, starting
6 at least ten days before the election through the deadline provided in
7 subsection (1) of this section for the receipt of ballots;

8 (c) Shall maintain at least one in-person voting location at the
9 office of the county clerk at which a voter in a precinct subject to a
10 plan under this section approved by the Secretary of State may receive
11 and cast a ballot which shall be open on the day of the election from the
12 time for opening the polls pursuant to section 32-908 through the
13 deadline provided in subsection (1) of this section for the receipt of
14 ballots;

15 (d) Shall maintain in-person early voting opportunities as described
16 in section 32-942; and

17 (e) May provide additional secure ballot drop-boxes and in-person
18 voting locations that need not be open according to the requirements of
19 subdivisions (b) and (c) of this subsection.

20 Sec. 37. Section 32-962, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 32-962 (1) For poll watchers eligible under subdivision (1)(a)(i) of
23 section 32-961, the election commissioner or county clerk shall provide a
24 credential as an election observer for each poll watcher for whom the
25 election commissioner or county clerk receives notice of appointment
26 under section 32-961. The election commissioner or county clerk may
27 approve, as a credential, a name badge provided by the person who
28 appointed the poll watcher if the name badge includes the name of the
29 poll watcher and the name of the person or organization who appointed the
30 poll watcher and if the name badge does not contain any campaign
31 materials advocating a vote for or against any candidate, political

1 party, or position on a ballot question.

2 (2) For poll watchers eligible under subdivision (1)(a)(ii) of
3 section 32-961, the Secretary of State shall provide the national or
4 international election monitoring organization with the proper
5 credentials for each poll watcher for whom the Secretary of State
6 receives notice. The Secretary of State shall also notify the election
7 commissioner or county clerk in each of the counties in which the poll
8 ~~watchers~~ ~~workers~~ would be observing, and the notice shall include the
9 name of the organization, a list of the poll watchers, a description of
10 the credential that will be worn by the poll watchers, and the plans of
11 the organization for election day, including which counties and precincts
12 the organization plans to observe.

13 Sec. 38. Section 32-1031, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-1031 (1) The election commissioner or county clerk shall, prior
16 to 1 p.m. on election day, post in a conspicuous place in the office of
17 such election commissioner or county clerk a notice stating the day and
18 hour when the county canvassing board will convene.

19 (2) ~~(1)~~ After counting the ballots under section 32-1027 ~~but no~~
20 earlier than twenty-four hours after the notice is posted as required
21 under subsection (1) of this section, the county canvassing board shall
22 proceed with the official canvass of votes cast on election day. If in
23 the process of canvassing the votes for any candidate or measure in any
24 precinct the election commissioner or county clerk or the canvassing
25 board determines that there is an obvious error in the certification of
26 the votes, the error shall be corrected. The county canvassing board may
27 open the ballots-cast container and recount the ballots for any candidate
28 or any measure which appears to be in error. If the county canvassing
29 board finds and corrects any such error, it shall make the correction
30 entry in the precinct sign-in register, the precinct list of registered
31 voters, and the official summary or summaries of votes cast and shall

1 attach a letter of explanation to each book where the correction was
2 made. The letter shall be signed by all members of the county canvassing
3 board.

4 (3) (2) When it has been determined that the returns in all
5 precincts are correct, the county canvassing board shall provide a record
6 of the results to the election commissioner or county clerk either in a
7 ledger or by using a computer printout. The election commissioner or
8 county clerk shall preserve the record of the results for the period of
9 time specified by the State Records Administrator pursuant to the Records
10 Management Act, and then it may be transferred to the State Archives of
11 the Nebraska State Historical Society for permanent preservation.

12 (4) (3) Any recesses or adjournments of the county canvassing board
13 shall be to a fixed time and publicly announced. When a recess is called,
14 all ballots that have not been counted and all other supplies shall be
15 placed in a fireproof safe or other suitable location which is locked
16 until such board reconvenes.

17 Sec. 39. Section 32-1033, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-1033 The election commissioner or county clerk shall, on or
20 before the sixth Monday ~~within forty days~~ after the election, prepare,
21 sign, and deliver a certificate of nomination or a certificate of
22 election to each person whom the county canvassing board has declared to
23 have received the highest vote for county, city, or village offices. No
24 person shall be issued a certificate of nomination as a candidate of a
25 political party unless such person has received a number of votes at
26 least equal to five percent of the total ballots cast at the primary
27 election by registered voters affiliated with that political party in the
28 district which the office for which he or she is a candidate serves. The
29 certificate shall be substantially as follows:

30 State of Nebraska. At an election held on the day of
31 20.., was elected to the office of for the term

1 of years from the day of 20.. (or when filling
2 a vacancy, for the residue of the term ending on the day of
3 20..). Given at this day of 20.. .

4 Sec. 40. (1) If an election commissioner or county clerk maintains
5 a secure ballot drop-box for voters to deposit completed ballots, the
6 election commissioner or county clerk shall ensure that the secure ballot
7 drop-box:

8 (a) Is securely fastened to the ground or a concrete slab connected
9 to the ground;

10 (b) Is secured by a lock that can only be opened by the election
11 commissioner or county clerk or by an election official designated by the
12 election commissioner or county clerk; and

13 (c) Complies with the federal Americans with Disabilities Act of
14 1990 and is accessible as determined by the election commissioner or
15 county clerk.

16 (2) The election commissioner or county clerk shall inform the
17 Secretary of State of each secure ballot drop-box's location no later
18 than forty-two days prior to any statewide primary or general election.

19 (3) The election commissioner or county clerk or an election
20 official designated by the election commissioner or county clerk shall
21 open each secure ballot drop-box no later than the sixth Friday prior to
22 any statewide primary or general election and no later than the fourth
23 Friday prior to any special election. For any statewide primary or
24 general election, each secure ballot drop-box shall remain accessible to
25 voters until the deadline for the receipt of ballots as provided in
26 section 32-908. For any special election, at least one secure ballot
27 drop-box shall remain accessible to voters until the deadline for the
28 receipt of ballots as provided in section 32-954.

29 (4) After a secure ballot drop-box is made available for depositing
30 ballots, the election commission or county clerk shall ensure that
31 ballots deposited in such secure ballot drop-box are collected and

1 returned to the office of the election commissioner or county clerk at
2 least once during each business day.

3 Sec. 41. Section 32-1049, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-1049 Any election commissioner or county clerk using a vote
6 counting device to count ballots in a centralized location shall:

7 (1) Provide for the proper sealing of the containers and the
8 security of the ballots when transported from each polling place to the
9 centralized location and when removed from their containers and delivered
10 to the personnel who operate the vote counting devices;

11 (2) Provide a process of counting which allows for the ballots of
12 each precinct to be placed in a sealed container and placed in a secure
13 location after the counting process has been completed;

14 (3) Provide for a method of overseeing the ballots that have been
15 overvoted or damaged which does not involve judging voter intent to
16 assure that these ballots have not been or will not be intentionally
17 mismarked;

18 (4) Provide for a procedure for counting write-in votes when such
19 votes and names of write-in candidates are to be counted and recorded;

20 (5) Provide for at least three independent tests to be conducted
21 before counting begins to verify the accuracy of the counting process,
22 which includes the computerized program installed for counting various
23 ballots by vote counting devices, by (a) the election commissioner or
24 county clerk, (b) the chief deputy election commissioner or a registered
25 voter with a different party affiliation than that of the election
26 commissioner or county clerk, and (c) the person who installed the
27 program in the vote counting device or the person in charge of operating
28 the device;

29 (6) Provide for storing and safeguarding the magnetic tapes or
30 computer chips of the vote counting devices for the required period of
31 time;

1 (7) Provide the appropriate security personnel or measures necessary
2 to safeguard the secrecy and security of the counting process;

3 (8) Develop a procedure for picking up and counting ballots during
4 election day at the discretion of the election commissioner or county
5 clerk. No report or tabulation of vote totals for such ballots shall be
6 produced or generated prior to one hour before the closing of the polls;
7 and

8 (9) Develop a procedure for picking up and transporting ballots from
9 a secure ballot drop-box to the office of the election commissioner or
10 county clerk; and

11 (10) ~~(9)~~ Submit a written plan to the Secretary of State
12 specifically outlining the procedures that will be followed on election
13 day to implement this section. The plan shall be submitted no later than
14 twenty-five days before the election and shall be modified, as necessary,
15 for each primary, general, or special election.

16 Sec. 42. Section 32-1121, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 32-1121 If any candidate failed to be nominated or elected by more
19 than the margin provided in section 32-1119, the losing candidate may
20 submit a certified written request for a recount at such candidate's ~~his~~
21 ~~or her~~ expense. The request shall be filed with the filing officer with
22 whom the candidate filed for election not later than the fifth ~~tenth~~ day
23 after the county canvassing board or the board of state canvassers
24 concludes. The recount shall be conducted as provided in section 32-1119.
25 Prior to conducting the recount, the cost of the recount shall be
26 determined by the election commissioner or county clerk and the
27 requesting candidate shall be so notified. The candidate requesting the
28 recount shall pay the estimated cost of the recount before the recount is
29 scheduled to be conducted. If the recount involves more than one county,
30 the election commissioner or county clerk shall certify the cost to the
31 Secretary of State. The Secretary of State shall then notify the

1 candidate of the determined cost, and the cost shall be paid before any
2 recount is scheduled to be conducted. The candidate shall pay the cost on
3 demand to the county treasurer of each county involved, and such sums
4 shall be placed in the county general fund to help defray the cost of the
5 recount. If the actual expense is less than the determined cost, the
6 candidate may file a claim with the county board for overpayment of the
7 recount. If the recount determines the candidate to be the winner, all
8 costs which he or she paid shall be refunded. Refunds shall be made from
9 the county general fund.

10 Sec. 43. Section 32-1203, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 32-1203 (1) Each city, village, township, school district, public
13 power district, sanitary and improvement district, metropolitan utilities
14 district, fire district, natural resources district, regional
15 metropolitan transit authority, community college area, learning
16 community coordinating council, educational service unit, hospital
17 district, reclamation district, ~~and~~ library board, and airport authority
18 shall pay for the costs of nominating and electing its officers as
19 provided in subsection (2), (3), or (4) of this section. If a special
20 issue is placed on the ballot at the time of the statewide primary or
21 general election by any political subdivision, the political subdivision
22 shall pay for the costs of the election as provided in subsection (2),
23 (3), or (4) of this section. The districts listed in this subsection
24 shall furnish to the Secretary of State and election commissioner or
25 county clerk any maps and additional information which the election
26 commissioner or county clerk may require in the proper performance of
27 their duties in the conduct of elections and certification of results.

28 (2) The charge for each primary and general election shall be
29 determined by (a) ascertaining the total cost of all chargeable costs as
30 described in section 32-1202, (b) dividing the total cost by the number
31 of precincts participating in the election to fix the cost per precinct,

1 (c) prorating the cost per precinct by the inked ballot inch in each
2 precinct for each political subdivision, and (d) totaling the cost for
3 each precinct for each political subdivision, except that the minimum
4 charge for each primary and general election for each political
5 subdivision shall be one hundred dollars.

6 (3) In lieu of the charge determined pursuant to subsection (2) of
7 this section, the election commissioner or county clerk may charge public
8 power districts the fee for election costs set by section 70-610.

9 (4) In lieu of the charge determined pursuant to subsection (2) of
10 this section, the election commissioner or county clerk may bill school
11 districts directly for the costs of an election held under section
12 10-703.01.

13 Sec. 44. (1) The Secretary of State, election commissioners, and
14 county clerks shall not accept or use any gift, grant, or donation from
15 any private entity for the purpose of preparing for, administering, or
16 conducting an election unless the money received as a result of such
17 gift, grant, or donation is appropriated to the Secretary of State for
18 such use by the Legislature.

19 (2) This section does not prohibit (a) the acceptance of an in-kind
20 contribution of food or beverages for election workers during the
21 administration of an election or (b) the actual use of a public or
22 private building, without charge or for a reduced fee, for the purposes
23 of conducting an election, including use as a polling place or for
24 election training purposes.

25 Sec. 45. Section 32-1306, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 32-1306 (1) If the recall petition is found to be sufficient, the
28 filing clerk shall notify the official whose removal is sought and the
29 governing body of the affected political subdivision that sufficient
30 signatures have been gathered. Notification of the official sought to be
31 removed may be by any method specified in section 25-505.01 or, if

1 notification cannot be made with reasonable diligence by any of the
2 methods specified in section 25-505.01, by leaving such notice at the
3 official's usual place of residence and mailing a copy by first-class
4 mail to the official's last-known address.

5 (2) The governing body of the political subdivision shall, within
6 twenty-one days after receipt of the notification from the filing clerk
7 pursuant to subsection (1) of this section, order an election. The date
8 of the election shall be the first available date that complies with
9 section 32-405 and that can be certified to the election commissioner or
10 county clerk at least fifty days prior to the election, except that if
11 any other election is to be held in that political subdivision within
12 ninety days after such notification, the governing body of the political
13 subdivision shall provide for the holding of the recall election on the
14 same day.

15 (3) All resignations shall be tendered as provided in section
16 32-562. If the official whose removal is sought resigns before the recall
17 election is held, the governing body may cancel the recall election if
18 the governing body notifies the election commissioner or county clerk of
19 the cancellation on or before the fourth Thursday at least twenty-four
20 days prior to the election, otherwise the recall election shall be held
21 as scheduled.

22 ~~(4) If the governing body of the political subdivision fails or~~
23 ~~refuses to order a recall election within the time required, the election~~
24 ~~may be ordered by the district court having jurisdiction over a county in~~
25 ~~which the elected official serves. If a filing clerk is subject to a~~
26 recall election, the Secretary of State shall conduct the recall
27 election.

28 Sec. 46. If the governing board of a political subdivision fails or
29 refuses to call for a recall election by the date established in
30 subsection (2) of section 32-1306, the county attorney in the county in
31 which the board is located shall file an action in the district court to

1 order the recall election. For offices filled by election in more than
2 one county, the county attorney in the county with the most registered
3 voters residing within the political subdivision shall file the action in
4 the district court to order the recall election.

5 Sec. 47. Section 32-1405, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 32-1405 (1) Prior to obtaining any signatures on an initiative or
8 referendum petition, a statement of the object of the petition and the
9 text of the measure shall be filed with the Secretary of State together
10 with a sworn statement containing the names and street addresses of every
11 person, corporation, or association sponsoring the petition.

12 (2) Upon receipt of the filing, the Secretary of State shall
13 transmit the text of the proposed measure to the Revisor of Statutes. The
14 Revisor of Statutes shall review the proposed measure and suggest changes
15 as to form and draftsmanship. The revisor shall complete the review
16 within ten business days after receipt from the Secretary of State. The
17 Secretary of State shall provide the results of the review and suggested
18 changes to the sponsor but shall otherwise keep the proposed measure, ~~and~~
19 the review, and the sworn statement confidential for five days after
20 receipt of the review by the sponsor. The Secretary of State shall then
21 maintain the proposed measure, ~~and the opinion, and the sworn statement~~
22 as public information and as a part of the official record of the
23 initiative. ~~The suggested changes may be accepted or rejected by the~~
24 sponsor may make any changes recommended by the Revisor of Statutes and
25 shall submit final language to the Secretary of State. If the final
26 language is addressing a subject that is substantially different in form
27 or substance from the initial filing or the changes recommended by the
28 Revisor of Statutes, the Secretary of State shall reject it.

29 (3) The Secretary of State shall prepare the form ~~five camera-ready~~
30 ~~copies~~ of the petition from the final language ~~information~~ filed by the
31 sponsor ~~and any changes accepted by the sponsor~~ and shall provide a copy

1 ~~of the form of the petition the copies~~ to the sponsor within five
2 business days after receipt of the final language of the proposed measure
3 ~~review required in subsection (2) of this section.~~ The sponsor shall
4 print the petitions to be circulated from the forms provided. Prior to
5 circulation, the sponsor shall file a sample final ~~blank~~ copy of the
6 petition to be circulated with the Secretary of State.

7 Sec. 48. Section 32-1518, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-1518 (1) Any judge or clerk of election, any precinct or
10 district inspector, or any other person upon whom any duty is imposed by
11 the Election Act relating to elections who willfully does or performs
12 anything prohibited by the act for which no other penalty is provided or
13 neglects or omits to perform any such duty shall be guilty of a Class I
14 misdemeanor and shall forfeit his or her office.

15 (2) Any member of a governing body of a political subdivision upon
16 whom a duty is imposed under subsection (2) of section 32-1306 who fails
17 or refuses to perform such duty is guilty of a Class I misdemeanor.

18 Sec. 49. Section 32-1524, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 32-1524 (1) For purposes of this section:

21 (a) Electioneering means the deliberate, visible display or audible
22 or physical dissemination of information for the purpose of advocating
23 for or against:

24 (i) Any candidate on the ballot for the election at which such
25 display or dissemination is occurring;

26 (ii) Any elected officeholder of a state constitutional office or
27 federal office at the time of the election at which such display or
28 dissemination is occurring;

29 (iii) Any political party on the ballot for the election at which
30 such display or dissemination is occurring; or

31 (iv) Any measure on the ballot for the election at which such

1 display or dissemination is occurring; and

2 (b) Information includes:

3 (i) Such a candidate's name, likeness, logo, or symbol;

4 (ii) Such a ballot measure's number, title, subject matter, logo, or
5 symbol;

6 (iii) A button, hat, pencil, pen, shirt, sign, or sticker containing
7 information prohibited by this section;

8 (iv) Audible information prohibited by this section; and

9 (v) Literature or any writing or drawing referring to a candidate,
10 officeholder, or ballot measure described in subdivision (a) of this
11 subsection.

12 (2) No judge or clerk of election or precinct or district inspector
13 shall do any electioneering while acting as an election official.

14 (3) No person shall do any electioneering or circulate petitions
15 within any polling place or any building designated for voters to cast
16 ballots by the election commissioner or county clerk pursuant to the
17 Election Act while the polling place or building is set up for voters to
18 cast ballots or within two hundred feet of any such polling place or
19 building except as otherwise provided in subsection (5) ~~(4)~~ of this
20 section.

21 (4) No person shall do any electioneering within two hundred feet of
22 any secure ballot drop-box.

23 (5) ~~(4)~~ Subject to any local ordinance, a person may display yard
24 signs on private property within two hundred feet of a polling place or
25 building designated for voters to cast ballots if the property is not
26 under common ownership with the property on which the polling place or
27 building is located.

28 (6) ~~(5)~~ Any person violating this section shall be guilty of a Class
29 V misdemeanor.

30 Sec. 50. Section 42-1207, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 42-1207 (1) A program participant who is otherwise qualified to vote
2 may apply to vote early under sections 32-938 to 32-951. The county clerk
3 or election commissioner shall transmit the ballot for early voting to
4 the program participant at the address designated by the program
5 participant in his or her application as an early voter. Neither the name
6 nor the address of a program participant or a registered voter with a
7 court order issued as described under section 32-331 shall be included in
8 any list of registered voters available to the public.

9 (2) The county clerk or election commissioner shall not make a
10 program participant's address contained in voter registration records
11 available for public inspection or copying except under the following
12 circumstances:

13 (a) If requested by a law enforcement agency, to the law enforcement
14 agency; or

15 (b) If directed by a court order, to a person identified in the
16 order.

17 Sec. 51. Section 49-1401, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 49-1401 Sections 49-1401 to 49-14,142 and sections 52 and 53 of this
20 act shall be known and may be cited as the Nebraska Political
21 Accountability and Disclosure Act.

22 Sec. 52. (1) This section applies to any election for the following
23 elective offices: Governor, Lieutenant Governor, Secretary of State,
24 State Treasurer, Attorney General, Auditor of Public Accounts, member of
25 the Board of Regents of the University of Nebraska, member of the State
26 Board of Education, Public Service Commissioner, and member of the
27 Legislature.

28 (2) For purposes of this section:

29 (a) Campaign advertisement means a professionally produced visual or
30 audio recording disseminated or caused to be disseminated (i) by a
31 candidate for any elective office listed in this section or by any

1 committee and (ii) for the purpose of supporting or opposing the
2 nomination or election of such a candidate; and

3 (b) Professionally produced visual or audio recording does not
4 include a broadcast, rebroadcast, livestreamed, or restreamed live forum,
5 question and answer session, townhall meeting, or interview.

6 (3) No campaign advertisement shall be disseminated:

7 (a) On television or as a video by means of the Internet unless the
8 campaign advertisement includes closed captioning or the candidate or
9 committee responsible for the campaign advertisement posts a transcript
10 of such campaign advertisement on the candidate's or committee's website;
11 or

12 (b) On radio unless the candidate or committee responsible for the
13 campaign advertisement posts a transcript of such campaign advertisement
14 on the candidate's or committee's website.

15 Sec. 53. (1) For purposes of this section, foreign national means:

16 (a) An individual who is not a citizen of the United States or a
17 national of the United States and who is not lawfully admitted for
18 permanent residence;

19 (b) A person, other than an individual, organized under the laws of
20 or having its principal place of business in a foreign country;

21 (c) A government of a foreign country; or

22 (d) A political party or political committee established in a
23 foreign country.

24 (2) It shall be unlawful for a foreign national, directly or
25 indirectly, to make a contribution to a ballot question committee or for
26 a ballot question committee to solicit, accept, or receive such a
27 contribution.

28 (3) A person, other than an individual, organized under the laws of
29 the United States which is a domestic subsidiary of a foreign national
30 may make a contribution or an expenditure to support or oppose the
31 qualification, passage, or defeat of a ballot question ballot if:

1 (a) The person is a discrete entity organized under the laws of any
2 state within the United States and its principal place of business is
3 within the United States;

4 (b) The foreign national parent does not finance election-related
5 contributions or expenditures either directly or through such person,
6 including through subsidizing the person's business operations, unless
7 the person can demonstrate by a reasonable accounting method that it has
8 sufficient funds from its own domestic operations to make any
9 contributions or expenditures; and

10 (c) All decisions concerning the administration of the person's
11 contributions or expenditures are made by citizens or permanent residents
12 of the United States.

13 Sec. 54. Section 49-1494, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 49-1494 (1) An individual who files to appear on the ballot for
16 election to an elective office specified in section 49-1493 shall file a
17 statement of financial interests for the preceding calendar year with the
18 commission as provided in this section.

19 (2) Candidates for the elective offices specified in section 49-1493
20 who qualify other than by filing shall file a statement for the preceding
21 calendar year with the commission within five days after becoming a
22 candidate or being appointed to that elective office.

23 ~~(3) If the candidate for an elective office specified in section~~
24 ~~49-1493 files to appear on the ballot for election prior to January 1 of~~
25 ~~the year in which the election is held, the candidate shall file~~
26 ~~supplementary statements, covering the preceding calendar year, with the~~
27 ~~commission on or before March 1 of the year in which the election is held~~
28 ~~or, if the filing deadline for the elective office is after March 1 of~~
29 ~~the year in which the election is held, the candidate shall file such~~
30 ~~supplementary statements on or before the filing deadline for the~~
31 ~~elective office.~~

1 ~~(3) (4)~~ If the candidate for an elective office specified in section
2 49-1493 files to appear on the ballot for election during the calendar
3 year in which the election is held, the candidate shall file a statement
4 of financial interests for the preceding calendar year with the
5 commission on or before March 1 of the year in which the election is held
6 or, if the filing deadline for the elective office is after March 1 of
7 the year in which the election is held, the candidate shall file such
8 statement on or before the filing deadline for the elective office.

9 ~~(4) (5)~~ A candidate for an elective office specified in section
10 49-1493 who fails to file a statement of financial interests as required
11 in subsection (1) or (2) of this section within five days after the
12 deadline in subsection (3) ~~or (4)~~ of this section and section 49-1493
13 shall not appear on the ballot.

14 ~~(5) (6)~~ A statement of financial interests shall be preserved for a
15 period of not less than five years by the commission.

16 Sec. 55. Section 77-3444, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 77-3444 (1) A political subdivision may exceed the limits provided
19 in section 77-3442 or a final levy allocation determination as provided
20 in section 77-3443 by an amount not to exceed a maximum levy approved by
21 a majority of registered voters voting on the issue in a primary,
22 general, or special election at which the issue is placed before the
23 registered voters. A vote to exceed the limits provided in section
24 77-3442 or a final levy allocation as provided in section 77-3443 must be
25 approved prior to October 10 of the fiscal year which is to be the first
26 to exceed the limits or final levy allocation. The governing body of the
27 political subdivision may call for the submission of the issue to the
28 voters (a) by passing a resolution calling for exceeding the limits or
29 final levy allocation by a vote of at least two-thirds of the members of
30 the governing body and delivering a copy of the resolution to the county
31 clerk or election commissioner of every county which contains all or part

1 of the political subdivision or (b) upon receipt of a petition by the
2 county clerk or election commissioner of every county containing all or
3 part of the political subdivision requesting an election signed by at
4 least five percent of the registered voters residing in the political
5 subdivision. The resolution or petition shall include the amount of levy
6 which would be imposed in excess of the limits provided in section
7 77-3442 or the final levy allocation as provided in section 77-3443 and
8 the duration of the excess levy authority. The excess levy authority
9 shall not have a duration greater than five years. Any resolution or
10 petition calling for a special election shall be filed with the county
11 clerk or election commissioner on or before the fifth Friday prior to ~~no~~
12 ~~later than thirty days prior to the date of the election,~~ and the time of
13 publication and providing a copy of the notice of election required in
14 section 32-802 shall be no later than twenty days prior to the election.
15 The county clerk or election commissioner shall place the issue on the
16 ballot at an election as called for in the resolution or petition which
17 is at least thirty-one ~~thirty~~ days after receipt of the resolution or
18 petition. The election shall be held pursuant to the Election Act. For
19 petitions filed with the county clerk or election commissioner on or
20 after May 1, 1998, the petition shall be in the form as provided in
21 sections 32-628 to 32-631. Any excess levy authority approved under this
22 section shall terminate pursuant to its terms, on a vote of the governing
23 body of the political subdivision to terminate the authority to levy more
24 than the limits, at the end of the fourth fiscal year following the first
25 year in which the levy exceeded the limit or the final levy allocation,
26 or as provided in subsection (4) of this section, whichever is earliest.
27 A governing body may pass no more than one resolution calling for an
28 election pursuant to this section during any one calendar year. Only one
29 election may be held in any one calendar year pursuant to a petition
30 initiated under this section.

31 (2) The ballot question may include any terms and conditions set

1 forth in the resolution or petition and shall include the following:
2 "Shall (name of political subdivision) be allowed to levy a property tax
3 not to exceed cents per one hundred dollars of taxable
4 valuation in excess of the limits prescribed by law until fiscal
5 year for the purposes of (general operations; building
6 construction, remodeling, or site acquisition; or both general operations
7 and building construction, remodeling, or site acquisition)?" If a
8 majority of the votes cast upon the ballot question are in favor of such
9 tax, the county board shall authorize a tax in excess of the limits in
10 section 77-3442 or the final levy allocation in section 77-3443 but such
11 tax shall not exceed the amount stated in the ballot question. If a
12 majority of those voting on the ballot question are opposed to such tax,
13 the governing body of the political subdivision shall not impose such
14 tax.

15 (3) In lieu of the election procedures in subsection (1) of this
16 section, any political subdivision subject to section 77-3443 and
17 villages may approve a levy in excess of the limits in section 77-3442 or
18 the final levy allocation provided in section 77-3443 for a period of one
19 year at a meeting of the residents of the political subdivision or
20 village, called after notice is published in a newspaper of general
21 circulation in the political subdivision or village at least twenty days
22 prior to the meeting. At least ten percent of the registered voters
23 residing in the political subdivision or village shall constitute a
24 quorum for purposes of taking action to exceed the limits or final levy
25 allocation. A record shall be made of the registered voters residing in
26 the political subdivision or village who are present at the meeting. The
27 method of voting at the meeting shall protect the secrecy of the ballot.
28 If a majority of the registered voters present at the meeting vote in
29 favor of exceeding the limits or final levy allocation, a copy of the
30 record of that action shall be forwarded to the county board prior to
31 October 10 and the county board shall authorize a levy as approved by the

1 residents for the year. If a majority of the registered voters present at
2 the meeting vote against exceeding the limits or final allocation, the
3 limit or allocation shall not be exceeded and the political subdivision
4 shall have no power to call for an election under subsection (1) of this
5 section.

6 (4) A political subdivision may rescind or modify a previously
7 approved excess levy authority prior to its expiration by a majority of
8 registered voters voting on the issue in a primary, general, or special
9 election at which the issue is placed before the registered voters. A
10 vote to rescind or modify must be approved prior to October 10 of the
11 fiscal year for which it is to be effective. The governing body of the
12 political subdivision may call for the submission of the issue to the
13 voters (a) by passing a resolution calling for the rescission or
14 modification by a vote of at least two-thirds of the members of the
15 governing body and delivering a copy of the resolution to the county
16 clerk or election commissioner of every county which contains all or part
17 of the political subdivision or (b) upon receipt of a petition by the
18 county clerk or election commissioner of every county containing all or
19 part of the political subdivision requesting an election signed by at
20 least five percent of the registered voters residing in the political
21 subdivision. The resolution or petition shall include the amount and the
22 duration of the previously approved excess levy authority and a statement
23 that either such excess levy authority will be rescinded or such excess
24 levy authority will be modified. If the excess levy authority will be
25 modified, the amount and duration of such modification shall be stated.
26 The modification shall not have a duration greater than five years. The
27 county clerk or election commissioner shall place the issue on the ballot
28 at an election as called for in the resolution or petition which is at
29 least thirty-one ~~thirty~~ days after receipt of the resolution or petition,
30 and the time of publication and providing a copy of the notice of
31 election required in section 32-802 shall be no later than twenty days

1 prior to the election. The election shall be held pursuant to the
2 Election Act.

3 (5) For purposes of this section, when the political subdivision is
4 a sanitary and improvement district, registered voter means a person
5 qualified to vote as provided in section 31-735. Any election conducted
6 under this section for a sanitary and improvement district shall be
7 conducted and counted as provided in sections 31-735 to 31-735.06.

8 (6) For purposes of this section, when the political subdivision is
9 a school district or a multiple-district school system, registered voter
10 includes persons qualified to vote for the members of the school board of
11 the school district which is voting to exceed the maximum levy limits
12 pursuant to this section.

13 Sec. 56. Original sections 32-118, 32-119.01, 32-203, 32-207,
14 32-217, 32-235, 32-318.01, 32-326, 32-331, 32-559, 32-615, 32-623,
15 32-809, 32-905, 32-908, 32-918, 32-949.01, 32-1031, 32-1033, 32-1049,
16 32-1518, 42-1207, 49-1401, 49-1494, and 77-3444, Reissue Revised Statutes
17 of Nebraska, sections 17-503, 32-101, 32-103, 32-202, 32-221, 32-223,
18 32-230, 32-231, 32-312, 32-607, 32-939, 32-956, 32-960, 32-962, 32-1121,
19 32-1203, 32-1306, 32-1405, and 32-1524, Revised Statutes Cumulative
20 Supplement, 2020, and section 32-330, Revised Statutes Supplement, 2021,
21 are repealed.