

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 884

Introduced by Andersen, 49; Kauth, 31.

Read first time January 08, 2026

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend section 32-806, Reissue
2 Revised Statutes of Nebraska, sections 32-202.01, 32-1010, and
3 32-1027, Revised Statutes Cumulative Supplement, 2024, and section
4 32-1013, Revised Statutes Supplement, 2025; to change provisions
5 relating to verification of citizenship, ballots and ballot
6 envelopes, delivery and handling of ballots, and observation by poll
7 watchers and observers; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 32-202.01, Revised Statutes Cumulative
2 Supplement, 2024, is amended to read:

3 32-202.01 The Secretary of State shall develop a process to use the
4 information in possession of or available to his or her office including
5 the federal Systematic Alien Verification for Entitlements Program, to
6 match and verify the citizenship of the corresponding registered voter.
7 The process developed shall ensure that no registered voter is removed
8 from the voter registration register in violation of state or federal
9 law. The Attorney General and the Department of Motor Vehicles shall
10 cooperate with the Secretary of State for such purpose. The Secretary of
11 State may adopt and promulgate rules and regulations to carry out this
12 section.

13 **Sec. 2.** Section 32-806, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-806 All official ballots prepared pursuant to the Election Act
16 shall be white in color, except that the election commissioner, county
17 clerk, or city or village clerk may designate a distinctive color of
18 ballot or ink for city, village, or school elections or, when authorized
19 by the Secretary of State, for elections of any other political
20 subdivision. If a distinctive color is designated, the color of the
21 ballot shall not be the same as the sample ballots as provided in section
22 32-804. The style and size of type on official ballots shall be as close
23 as possible to the style used on the ballots furnished by the Secretary
24 of State. No ballot or envelope for a ballot shall display any indication
25 of the voter's political party affiliation on its exterior.

26 **Sec. 3.** Section 32-1010, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 32-1010 Ballots shall be counted at a centralized location or at
29 polling places as provided in sections 32-1012 to 32-1018. If counting
30 takes place at a centralized location:

31 (1) The ~~the~~ receiving board shall deliver the ballot box and other

1 election materials to the centralized location as directed by the
2 election commissioner or county clerk; -

3 (2) The deliverer of the ballots shall deliver the ballots directly
4 to such centralized location and shall make no stops other than at the
5 centralized location; and

6 (3) Ballots shall not be removed from the ballot box at a polling
7 location but shall be transported to the centralized location in the
8 ballot box in which they were originally deposited except where the poll
9 watchers of two different political parties appointed in accordance with
10 section 32-1013 observe such removal.

11 **Sec. 4.** Section 32-1013, Revised Statutes Supplement, 2025, is
12 amended to read:

13 32-1013 (1) In each counting location, watchers may be appointed to
14 be present and observe the counting of ballots. Each political party
15 shall be entitled to one watcher at each location appointed and supplied
16 with credentials by the county central committee of such political party.
17 The district court having jurisdiction over any such county may appoint
18 additional watchers for any location.

19 (2) The watchers and the members of the counting board shall take
20 the following oath administered by the election commissioner or county
21 clerk or an election official designated by the election commissioner or
22 county clerk: I do solemnly swear that I will not in any manner make
23 known to anyone other than duly authorized election officials the results
24 of the votes as they are being counted until the polls have officially
25 closed and the summary of votes cast is delivered to the election
26 commissioner or county clerk.

27 (3) Except for polling places using precinct-based optical scanners,
28 all other persons shall be excluded from the place where the counting is
29 being conducted except for observers authorized by the election
30 commissioner or county clerk. No such observer shall be connected with
31 any candidate, political party, or measure on the ballot.

1 (4) No such watcher or observer shall be excluded from the counting
2 location unless the election commissioner or county clerk provides an
3 unobstructed view of the counting of ballots by use of closed-circuit
4 television or similar device that provides the ability to plainly see and
5 hear all actions taken during the counting of the ballots. This includes
6 the verification of signatures and the opening of envelopes relating to
7 early voting described in section 32-1027.

8 **Sec. 5.** Section 32-1027, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 32-1027 (1) The election commissioner or county clerk shall appoint
11 two or more registered voters to the counting board for early voting. One
12 registered voter shall be appointed from the political party casting the
13 highest number of votes for Governor or for President of the United
14 States in the county in the immediately preceding general election, and
15 one registered voter shall be appointed from the political party casting
16 the next highest vote for such office. The election commissioner or
17 county clerk may appoint additional registered voters to serve on the
18 counting board and may appoint registered voters to serve in case of a
19 vacancy among any of the members of the counting board. Such appointees
20 shall be balanced between the political parties and may include
21 registered voters unaffiliated with any political party. The counting
22 board may begin carrying out its duties not earlier than the second
23 Friday before the election and shall meet as directed by the election
24 commissioner or county clerk. Watchers appointed in accordance with
25 section 32-1013 shall be permitted the opportunity to observe the
26 counting process for early voting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (ii) A valid registration application completed and signed by the
16 voter, for whom the residence address is deemed to be the address of the
17 office of the election commissioner or county clerk pursuant to section
18 32-946, has been received by the election commissioner or county clerk
19 prior to the close of the polls on election day;

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

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

25 (d) In the case of a ballot received from a registered voter
26 required to present identification before voting pursuant to section
27 32-318.01, the ballot shall be accepted for counting if:

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

30 (ii) The residence address provided on the identification envelope
31 is the same address at which the voter is registered or is in the same

1 precinct and subdivision of a precinct, if any;

2 (iii) A copy of an identification document authorized in section
3 32-318.01 has been received by the election commissioner or county clerk
4 prior to the close of the polls on election day; and

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

6 (e) In the case of a ballot received from a registered voter who
7 filled out a reasonable impediment certification pursuant to section
8 32-912.02, the ballot shall be accepted for counting if:

9 (i) The signature on the certification matches the signature on file
10 with the election commissioner or county clerk;

11 (ii) The election commissioner or county clerk verifies that the
12 voter does not have a current, unexpired driver's license or state
13 identification card issued by the State of Nebraska;

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

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

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

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

25 (6) The counting board may, on the second Friday before the
26 election, open all identification envelopes which are approved, and if
27 the signature of the election commissioner or county clerk or his or her
28 employee is on the ballot, the ballot shall be unfolded, flattened for
29 purposes of using the optical scanner, and placed in a sealed container
30 for counting as directed by the election commissioner or county clerk. At
31 the discretion of the election commissioner or county clerk, the counting

1 board may begin counting early ballots no earlier than twenty-four hours
2 prior to the opening of the polls on the day of the election.

3 (7) If an identification envelope is rejected, the counting board
4 shall not open the identification envelope. The counting board shall
5 write Rejected on the identification envelope and the reason for the
6 rejection. If the ballot is rejected after opening the identification
7 envelope because of the absence of the official signature on the ballot,
8 the ballot shall be reinserted in the identification envelope which shall
9 be resealed and marked Rejected, no official signature. The counting
10 board shall place the rejected identification envelopes and ballots in a
11 container labeled Rejected Ballots and seal it.

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

18 **Sec. 6.** Original section 32-806, Reissue Revised Statutes of
19 Nebraska, sections 32-202.01, 32-1010, and 32-1027, Revised Statutes
20 Cumulative Supplement, 2024, and section 32-1013, Revised Statutes
21 Supplement, 2025, are repealed.