

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1123

Introduced by Erdman, 47; Clements, 2; Groene, 42.

Read first time January 19, 2022

Committee:

- 1 A BILL FOR AN ACT relating to elections; to amend section 32-1027,
- 2 Revised Statutes Cumulative Supplement, 2020; to change procedures
- 3 for counting ballots; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-1027, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-1027 (1) The election commissioner or county clerk shall appoint
4 two or more registered voters to the counting board for early voting. One
5 registered voter shall be appointed from the political party casting the
6 highest number of votes for Governor or for President of the United
7 States in the county in the immediately preceding general election, and
8 one registered voter shall be appointed from the political party casting
9 the next highest vote for such office. The election commissioner or
10 county clerk may appoint additional registered voters to serve on the
11 counting board and may appoint registered voters to serve in case of a
12 vacancy among any of the members of the counting board. Such appointees
13 shall be balanced between the political parties and may include
14 registered voters unaffiliated with any political party. The counting
15 board may begin carrying out its duties not earlier than the second
16 Friday before the election and shall meet as directed by the election
17 commissioner or county clerk.

18 (2) The counting board shall place all identification envelopes in
19 order and shall review each returned identification envelope pursuant to
20 verification procedures prescribed in subsections (3) and (4) of this
21 section.

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

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

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

30 (c) A completed and signed registration application has been
31 received from the voter by the deadline in section 32-302, 32-321, or

1 32-325 or by the close of the polls pursuant to section 32-945;

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

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

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

10 (a) A ballot received from a voter who was properly registered on or
11 prior to the deadline for registration pursuant to section 32-302 or
12 32-321 shall be accepted for counting without further review if:

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

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

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

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

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

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

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

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

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

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

6 (ii) A valid registration application completed and signed by the
7 voter, for whom the residence address is deemed to be the address of the
8 office of the election commissioner or county clerk pursuant to section
9 32-946, has been received by the election commissioner or county clerk
10 prior to the close of the polls on election day;

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

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

16 (d) In the case of a ballot received from a registered voter
17 required to present identification before voting pursuant to section
18 32-318.01, the ballot shall be accepted for counting if:

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

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

24 (iii) A copy of an identification document authorized in section
25 32-318.01 has been received by the election commissioner or county clerk
26 prior to the close of the polls on election day; and

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

28 (5) In opening the identification envelope or the return envelope to
29 determine if registration applications, oaths, or identification
30 documents have been enclosed by the voters from whom they are required,
31 the counting board shall make a good faith effort to ensure that the

1 ballot remains folded and that the secrecy of the vote is preserved.

2 (6) The counting board may, on the second Friday before the
3 election, open all identification envelopes which are approved, and if
4 the signature of the election commissioner or county clerk or his or her
5 employee is on the ballot, the ballot shall be unfolded, flattened for
6 purposes of using the optical scanner, and placed in a sealed container
7 for counting as directed by the election commissioner or county clerk.
8 ~~The At the discretion of the election commissioner or county clerk shall~~
9 ~~not permit~~ ~~the counting board to~~ ~~may~~ begin counting ~~early~~ ballots,
10 ~~whether such ballots were cast early in person, received by mail, or cast~~
11 ~~in-person on the day of the election, until all polling places in the~~
12 ~~state have closed no earlier than twenty-four hours prior to the opening~~
13 ~~of the polls~~ on the day of the election.

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

23 (8) ~~Except as provided in subsection (6) of this section, as~~ As soon
24 as all ballots have been placed in the sealed container and rejected
25 identification envelopes or ballots have been sealed in the Rejected
26 Ballots container, the counting board shall count the ballots the same as
27 all other ballots and an unofficial count shall be reported to the
28 election commissioner or county clerk. No results shall be released prior
29 to the closing of the polls on election day.

30 Sec. 2. Original section 32-1027, Revised Statutes Cumulative
31 Supplement, 2020, is repealed.