

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 206**

Introduced by Schumacher, 22.

Read first time January 15, 2013

Committee:

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-103, 32-202,  
2 32-813, 32-916, 32-936, 32-949, 32-950, 32-953, 32-954,  
3 32-957, 32-1006, 32-1027, and 32-1030, Reissue Revised  
4 Statutes of Nebraska, and sections 32-101, 32-809,  
5 32-816, 32-915, 32-947, and 32-1002, Revised Statutes  
6 Cumulative Supplement, 2012; to require secret-ballot  
7 envelopes for certain ballots; to change provisions  
8 relating to voting and counting votes; to harmonize  
9 provisions; to provide an operative date; and to repeal  
10 the original sections.

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

1           Section 1. Section 32-101, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

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

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

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

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

13           Sec. 4. Secret-ballot envelope means the envelope (1)  
14 that is provided to the voter by the election commissioner or county  
15 clerk, (2) that bears no characteristics which would identify the  
16 voter, and (3) into which a registered voter may place his or her  
17 voted ballot before placing it in the return envelope to return the  
18 ballot to the election commissioner or county clerk.

19           Sec. 5. Section 32-202, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

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

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

25           (2) Provide training for election commissioners, county

1 clerks, and other election officials in providing for registration of  
2 voters and the conduct of elections;

3 (3) Enforce the Election Act;

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

6 (5) Provide periodic training for the agencies and their  
7 agents and contractors in carrying out their duties under sections  
8 32-308 to 32-310;

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

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

13 (8) Require reporting to ensure compliance with sections  
14 32-308 to 32-310;

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

17 (10) Develop and print a manual describing the  
18 requirements of the initiative and referendum process and distribute  
19 the manual to election commissioners and county clerks for  
20 distribution to the public upon request;

21 (11) Develop and print pamphlets described in section  
22 32-1405.01;

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

25 (13) Adopt and promulgate rules and regulations regarding

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

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

16           Sec. 6. Section 32-809, Revised Statutes Cumulative  
17 Supplement, 2012, is amended to read:

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

1 headings.

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

22           (3) Except as otherwise provided in section 32-811, the  
23 statewide primary election ballot shall contain the name of every  
24 candidate filing or recognized under subsection (1) of section 32-606  
25 and sections 32-611, 32-613, and 32-614 and no other names. No name

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

12           Sec. 7. Section 32-813, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

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

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

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

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

17                  (d) Beneath the names of the candidates for President and  
18 Vice President certified by the officers of the national political  
19 party conventions pursuant to section 32-712 and beneath the names of  
20 all candidates for President and Vice President placed on the general  
21 election ballot by petition, two write-in lines shall be provided in  
22 which the voter may fill in the names of the candidates of his or her  
23 choice. The lines shall be enclosed with brackets with one square or  
24 oval opposite the names in which the voter indicates his or her  
25 choice. The name appearing on the top line shall be considered to be

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

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

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

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



1 "By Petition" next to the brackets and one square or oval opposite  
2 the names in which the voter indicates his or her choice for Governor  
3 and Lieutenant Governor jointly. Beneath the names of the candidates  
4 for Governor nominated at a primary election by political party and  
5 their respective candidates for Lieutenant Governor and beneath the  
6 names of all candidates for Governor and Lieutenant Governor placed  
7 on the general election ballot by petition, one write-in line shall  
8 be provided in which the registered voter may fill in the name of the  
9 candidate for Governor of his or her choice and one square or oval  
10 opposite the line in which the voter indicates his or her choice for  
11 Governor.

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

- 19 (a) Legislature;
- 20 (b) State Board of Education;
- 21 (c) Board of Regents of the University of Nebraska;
- 22 (d) Chief Justice of the Supreme Court;
- 23 (e) Judge of the Supreme Court;
- 24 (f) Judge of the Court of Appeals;
- 25 (g) Judge of the Nebraska Workers' Compensation Court;

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

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

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

21                   (9) All proposals submitted by initiative or referendum  
22 and proposals for constitutional amendments shall be placed on a  
23 separate ballot when a paper ballot is used which requires that the  
24 ballot after being voted be folded before being deposited in a ballot  
25 box. When an optical-scan ballot is used which requires a ~~ballot~~

1 ~~envelope or secret-ballot envelope or ballot~~ sleeve in which the  
2 ballot after being voted is placed before being deposited in a ballot  
3 box, initiative or referendum proposals and proposals for  
4 constitutional amendments may be placed on either side of the ballot,  
5 shall be separated by a bold line, and shall follow all other offices  
6 placed on the same side of the ballot. Initiative or referendum  
7 proposals and constitutional amendments so arranged shall constitute  
8 a separate ballot. Proposals for constitutional amendments proposed  
9 by the Legislature shall be placed on the ballot as provided in  
10 sections 49-201 to 49-211.

11           Sec. 8. Section 32-816, Revised Statutes Cumulative  
12 Supplement, 2012, is amended to read:

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

24           (2) The Secretary of State shall approve write-in space  
25 for optical-scan ballots and electronic voting systems. Adequate

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

10           Sec. 9. Section 32-915, Revised Statutes Cumulative  
11 Supplement, 2012, is amended to read:

12           32-915 (1) A person whose name does not appear on the  
13 precinct list of registered voters at the polling place for the  
14 precinct in which he or she resides, whose name appears on the  
15 precinct list of registered voters at the polling place for the  
16 precinct in which he or she resides at a different residence address  
17 as described in section 32-914.02, or whose name appears with a  
18 notation that he or she received a ballot for early voting may vote a  
19 provisional ballot if he or she:

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

23           (b) Is not entitled to vote under section 32-914.01 or  
24 32-914.02;

25           (c) Has not registered to vote or voted in any other

1 county since registering to vote in the county in which the precinct  
2 is located;

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

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

8 (2) A voter whose name appears on the precinct list of  
9 registered voters for the polling place with a notation that the  
10 voter is required to present identification pursuant to section  
11 32-318.01 but fails to present identification may vote a provisional  
12 ballot if he or she completes and signs a registration application  
13 before voting.

14 (3) Each person voting by provisional ballot shall  
15 ~~enclose~~ seal his or her ballot in ~~an~~ a secret-ballot envelope. The  
16 voter shall place the secret-ballot envelope in a return envelope  
17 marked Provisional Ballot and shall, by signing the certification on  
18 the front of the return envelope or a separate form attached to the  
19 return envelope, certify to the following facts:

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

21 (b) My name or address did not correctly appear on the  
22 precinct list of registered voters;

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

25 (d) I registered to vote

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

3                   .... by mail,

4                   .... on a form through the Department of Motor Vehicles,

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

6                   .... in some other way;

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

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

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

14                   (4) The voter shall sign the certification under penalty  
15 of election falsification. The following statements shall be on the  
16 front of the return envelope or on the attached form: By signing the  
17 front of this return envelope or the attached form you are certifying  
18 to the information contained on this return envelope or the attached  
19 form under penalty of election falsification. Election falsification  
20 is a Class IV felony and may be punished by up to five years  
21 imprisonment, a fine of up to ten thousand dollars, or both.

22                   (5) If the person's name does not appear on the precinct  
23 list of registered voters for the polling place and the judge or  
24 clerk of election determines that the person's residence address is  
25 located in another precinct within the same county, the judge or

1 clerk of election shall direct the person to his or her correct  
2 polling place to vote.

3           Sec. 10. Section 32-916, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-916 (1) Two judges of election or a precinct inspector  
6 and a judge of election shall affix their initials to the official  
7 ballots. The judge of election shall deliver a ballot to each  
8 registered voter after complying with section 32-914.

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

17           (3) The judge of election shall, without exposing the  
18 voting marks on the ballot, approve the exposed initials upon the  
19 ballot and deposit the ballot in the ballot box in the presence of  
20 the registered voter. No judge of election shall deposit any ballot  
21 in a ballot box unless the ballot has been identified as having the  
22 appropriate initials. Any ballot not properly identified shall be  
23 rejected in the presence of the voter, the judge of election shall  
24 make a notation on the ballot Rejected, not properly identified, and  
25 another ballot shall be issued to the voter and the voter shall then

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

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



1 32-915.01 shall be kept separate from the other ballots cast at the  
2 election.

3           Sec. 11. Section 32-936, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

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

14           Certification of New (or Former) Resident Voter

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

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

24           Sec. 12. Section 32-947, Revised Statutes Cumulative  
25 Supplement, 2012, is amended to read:

1                   32-947 (1) Upon receipt of an application or other  
2 request for a ballot to vote early, the election commissioner or  
3 county clerk shall determine whether the applicant is a registered  
4 voter and is entitled to vote as requested. If the election  
5 commissioner or county clerk determines that the applicant is a  
6 registered voter entitled to vote early and the application was  
7 received at or before 4 p.m. on the Wednesday preceding the election,  
8 the election commissioner or county clerk shall deliver a ballot to  
9 the applicant in person or by mail, postage paid. The election  
10 commissioner or county clerk or any employee of the election  
11 commissioner or county clerk shall write or cause to be affixed his  
12 or her customary signature or initials on the ballot.

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

17                   VOTER'S OATH

18                   I, the undersigned voter, declare that the enclosed  
19 ballot or ballots contained no voting marks of any kind when I  
20 received them, and I caused the ballot or ballots to be marked,  
21 enclosed in ~~the identification~~ a secret-ballot envelope and the  
22 return envelope, and sealed in such ~~envelope.~~ envelopes.

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

25                   (a) I, ....., am a registered voter

1 in ..... County;

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

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

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

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

14 I also understand that failure to sign below will  
15 invalidate my ballot.

16 Signature .....

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

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

22 ~~(3) If the ballot and identification envelope will be~~  
23 ~~returned by mail or by someone other than the voter, the~~ The election  
24 commissioner or county clerk shall include a secret-ballot envelope  
25 with the ballot ~~an identification envelope upon the face of which and~~

1 a return envelope. Upon the face of the return envelope shall be  
2 printed the official title and post office address of the election  
3 commissioner or county clerk.

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

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

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

21 (c) Written instructions directing the voter to submit a  
22 copy of an identification document pursuant to section 32-318.01 if  
23 the voter is required to present identification under such section  
24 and advising the voter that failure to submit identification to the  
25 election commissioner or county clerk by the close of the polls on

1 election day will result in the ballot not being counted.

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

10 Sec. 13. Section 32-949, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

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

1 ~~identification return~~ envelope in a secure container.

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

4 (a) Place the marked ballot in ~~the identification the~~  
5 secret-ballot envelope and place the secret-ballot envelope in the  
6 return envelope received for that purpose in such a manner that the  
7 signature of the issuing officer on the ballot is visible;

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

11 (c) Enclose, ~~in the identification envelope or separately~~  
12 in the return envelope, ~~if one has been provided,~~ his or her  
13 completed registration application if one was provided pursuant to  
14 section 32-945 or 32-946, a copy of his or her identification  
15 document if such identification has been requested, and the oath  
16 completed and signed by a voter without a residence address if  
17 required pursuant to section 32-946;

18 (d) Ensure that the secret-ballot envelope and the  
19 ~~identification envelope or return envelope is~~ are sealed; and

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

24 (3) All postage costs related to returning ~~such the~~  
25 ballots and required materials, if any, to the election commissioner

1 or county clerk shall be paid by the applicant.

2           Sec. 14. Section 32-950, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           32-950 Ballots issued under section 32-948 which are  
5 returned not later than the hour established for the closing of the  
6 polls shall be accepted for review by the counting board for early  
7 voting. Such ballots received by the election commissioner or county  
8 clerk after the close of the polls on election day shall remain  
9 sealed in the return envelope on which the election commissioner or  
10 county clerk shall write Rejected, received on, and the date on which  
11 the ballot was received. If such a ballot was received on election  
12 day but after the close of the polls, the election commissioner or  
13 county clerk shall also write on the return envelope the time at  
14 which the ballot was received. Such rejected ballots shall be  
15 segregated and stored in a sealed container designated for Rejected  
16 Early Ballots.

17           Sec. 15. Section 32-953, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           32-953 The election commissioner or county clerk shall  
20 mail the official ballot to all registered voters of the political  
21 subdivision at the addresses appearing on the voter registration  
22 register on the same day. The ballots shall be mailed by  
23 nonforwardable first-class mail not sooner than the twentieth day  
24 before the date set for the election and not later than the tenth day  
25 before the date set for the election. The election commissioner or

1 county clerk shall include with the ballot ~~an unsealed identification~~  
2 a secret-ballot envelope and a return envelope meeting the  
3 requirements of subsection (2) of section 32-947 and instructions  
4 sufficient to describe the voting process.

5 Sec. 16. Section 32-954, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 32-954 Upon receipt of the official ballot, the  
8 registered voter shall mark it, seal the ballot in ~~the identification~~  
9 the secret-ballot envelope, seal the secret-ballot envelope in the  
10 return envelope supplied with the ballot, sign the ~~identification~~  
11 return envelope, and comply with the instructions provided with the  
12 ballot. The voter may return the ballot to the election commissioner  
13 or county clerk by mailing it or by personally delivering it to the  
14 office of the election commissioner or county clerk. The deadline for  
15 receipt of the ballot is 5 p.m. on the date set for the election. The  
16 official ballot must be sealed in the secret-ballot envelope and  
17 returned in the ~~identification~~ return envelope. The registered voter  
18 shall, by signing the return envelope, certify to the facts contained  
19 on the return envelope. The election commissioner or county clerk  
20 shall keep the ~~identification~~ return envelopes received from  
21 registered voters unopened in a fireproof safe or other suitable  
22 location which is locked until delivered to the counting board.

23 Sec. 17. Section 32-957, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 32-957 An official ballot under section 32-953 shall be



1 counted only if it is returned in the ~~identification~~return envelope,  
2 the return envelope is signed by the voter to whom it was issued, and  
3 the signature is verified by the election commissioner or county  
4 clerk. The election commissioner or county clerk shall verify the  
5 signature on each ~~identification~~return envelope received in his or  
6 her office with the signature appearing on the voter registration  
7 records. If the election commissioner or county clerk is unable to  
8 verify a signature, the election commissioner or county clerk shall  
9 contact the voter within two days after determining that he or she is  
10 unable to verify the signature to ascertain whether the voter cast a  
11 ballot. The election commissioner or county clerk may request that  
12 the registered voter sign and submit a current signature card  
13 pursuant to section 32-318. The election commissioner or county clerk  
14 may begin verifying the signatures as the return envelopes are  
15 received in his or her office. If the election commissioner or county  
16 clerk determines that a voter has voted more than once, no ballot  
17 cast by that voter in that election shall be counted. The election  
18 commissioner or county clerk shall not make public any record or list  
19 of registered voters who have returned their ballots until the  
20 election has been certified by the canvassing board.

21           Sec. 18. Section 32-1002, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23           32-1002 (1) As the ballots are removed from the ballot  
24 box pursuant to sections 32-1012 to 32-1018, the receiving board  
25 shall separate the return envelopes containing the provisional

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

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

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

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

24 (a) Credible evidence exists that the voter was properly  
25 registered in the county before the deadline for registration for the

1 election;

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

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

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

8 (i) The residence address provided on the registration  
9 application completed pursuant to subdivision (1)(e) of section  
10 32-915 is located within the precinct in which the person voted; and

11 (ii) If the voter is voting in a primary election, the  
12 party affiliation provided on the registration application completed  
13 prior to voting the provisional ballot is the same party affiliation  
14 that appears on the voter's voter registration record based on his or  
15 her previous registration application; and

16 (e) The certification on the front of the return envelope  
17 or form attached to the return envelope is in the proper form and  
18 signed by the voter.

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

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

23 (b) Information has been received pursuant to section  
24 32-309, 32-310, or 32-324 that the voter has resided, registered, or  
25 voted in any other county or state since registering to vote in the

1 county in which he or she cast the provisional ballot;

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

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

7 (e) The residence address provided on the registration  
8 application completed pursuant to subdivision (1)(e) of section  
9 32-915 is in a different county or in a different precinct than the  
10 county or precinct in which the voter voted;

11 (f) If the voter is voting in a primary election, the  
12 party affiliation on the registration application completed prior to  
13 voting the provisional ballot is different than the party affiliation  
14 that appears on the voter's voter registration record based on his or  
15 her previous registration application; or

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

19 (6) An error or omission of information on the  
20 registration application or the certification required under section  
21 32-915 shall not result in the provisional ballot not being counted  
22 if:

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

25 (ii) The information is not necessary to determine the

1 eligibility of the voter to cast a ballot; and

2 (b) Both the registration application and the  
3 certification are signed by the voter.

4 (7) Upon determining that the voter's provisional ballot  
5 is eligible to be counted, the election commissioner or county clerk  
6 shall remove the secret-ballot envelope from the return envelope and  
7 open the secret-ballot envelope and remove the ballot from the  
8 envelope secret-ballot envelope, or remove the ballot from the return  
9 envelope if the voter did not use the secret-ballot envelope, without  
10 exposing the marks on the ballot and shall place the ballot with the  
11 ballots to be counted by the county canvassing board in a manner that  
12 does not impair the anonymity of the voter as prescribed by the  
13 Secretary of State.

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

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

20 Sec. 19. Section 32-1006, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 32-1006 If a vote is cast for a candidate whose name is  
23 printed on the ballot and a name is filled in on the line provided  
24 for that purpose for the same office, the ballot shall be rejected  
25 for the office involved. The counting board shall make the following

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

9           Sec. 20. Section 32-1027, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

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

1 county clerk.

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

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

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

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

15 (c) A completed and signed registration application has  
16 been received from the voter by the deadline in section 32-302,  
17 32-321, or 32-325 or by the close of the polls pursuant to section  
18 32-945;

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

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

25 (4) On the basis of its review, the counting board shall

1 determine whether the ballot shall be counted or rejected as follows:

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

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

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

13 (iii) The ~~identification~~return envelope has been signed  
14 by the voter;

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

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

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

24 (iii) The residence address provided on the  
25 ~~identification~~return envelope and on the registration application is



1 the same as the residence address as provided on the voter's request  
2 for a ballot for early voting; and

3 (iv) The ~~identification~~-return envelope has been signed  
4 by the voter;

5 (c) In the case of a ballot received from a voter without  
6 a residence address who requested a ballot pursuant to section  
7 32-946, the ballot shall be accepted for counting if:

8 (i) The name on the ~~identification~~-return envelope  
9 appears to be that of a registered voter to whom a ballot has been  
10 sent;

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

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

21 (iv) The ~~identification~~-return envelope has been signed  
22 by the voter; and

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

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

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

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

10          (iv) The ~~identification~~ return envelope has been signed  
11 by the voter.

12          (5) In opening the ~~identification envelope or the return~~  
13 envelope to determine if registration applications, oaths, or  
14 identification documents have been enclosed by the voters from whom  
15 they are required, the counting board shall make a good faith effort  
16 to ensure that the ballot remains ~~folded~~ in the secret-ballot  
17 envelope until the processing is complete and that the secrecy of the  
18 vote is preserved, or if the voter did not use a secret-ballot  
19 envelope, that the ballot is handled in a manner that does not impair  
20 the anonymity of the voter, as prescribed by the Secretary of State.

21          (6) The counting board may, on the second Monday before  
22 the election, open all ~~identification~~ secret-ballot envelopes in  
23 return envelopes which are approved, and if the signature of the  
24 election commissioner or county clerk or his or her employee is on  
25 the ballot, the ballot shall be unfolded, flattened for purposes of

1 using the optical scanner, and placed in a sealed container for  
2 counting as directed by the election commissioner or county clerk. At  
3 the discretion of the election commissioner or county clerk, the  
4 counting board may begin counting early ballots no earlier than  
5 twenty-four hours prior to the opening of the polls on the day of the  
6 election.

7 (7) If ~~an identification~~ a return envelope is rejected,  
8 the counting board shall not open the ~~identification~~ return envelope.  
9 The counting board shall write Rejected on the ~~identification~~ return  
10 envelope and the reason for the rejection. If the ballot is rejected  
11 after opening the ~~identification~~ return envelope because of the  
12 absence of the official signature on the ballot, the ballot shall be  
13 reinserted in ~~the identification~~ the secret-ballot envelope, if any,  
14 and placed in the return envelope which shall be resealed and marked  
15 Rejected, no official signature. The counting board shall place the  
16 rejected ~~identification~~ return envelopes and ballots in a container  
17 labeled Rejected Ballots and seal it.

18 (8) As soon as all ballots have been placed in the sealed  
19 container and rejected ~~identification~~ return envelopes or ballots  
20 have been sealed in the Rejected Ballots container, the counting  
21 board shall count the ballots the same as all other ballots and an  
22 unofficial count shall be reported to the election commissioner or  
23 county clerk. No results shall be released prior to the closing of  
24 the polls on election day.

25 Sec. 21. Section 32-1030, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           32-1030 All ~~identification envelopes, return envelopes,~~  
3 secret-ballot envelopes, voted ballots, and rejected ballots and the  
4 Rejected Ballots container shall be placed in the container for early  
5 voting materials, and the container shall be sealed.

6           Sec. 22. This act becomes operative on January 1, 2014.

7           Sec. 23. Original sections 32-103, 32-202, 32-813,  
8 32-916, 32-936, 32-949, 32-950, 32-953, 32-954, 32-957, 32-1006,  
9 32-1027, and 32-1030, Reissue Revised Statutes of Nebraska, and  
10 sections 32-101, 32-809, 32-816, 32-915, 32-947, and 32-1002, Revised  
11 Statutes Cumulative Supplement, 2012, are repealed.