

AMENDMENTS TO LB287

(Amendments to Standing Committee amendments, AM2060)

Introduced by Clements, 2.

1 1. Strike sections 31, 52, and 53 and insert the following new
2 sections:

3 Sec. 28. Section 32-808, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-808 (1) Except as otherwise provided in section 32-939.02,
6 ballots for early voting to be mailed pursuant to section 32-941 shall be
7 mailed by nonforwardable first-class mail ready for delivery to
8 registered voters not more than thirty ~~at least thirty-five~~ days prior to
9 each statewide primary or general election and at least fifteen days
10 prior to all other elections.

11 (2) The election commissioner or county clerk shall not mail or
12 issue any ballot for early voting if the election to which such ballot
13 pertains has already been held.

14 (3) The election commissioner or county clerk shall publish in a
15 newspaper of general circulation in the county an application form to be
16 used by registered voters in making an application for a ballot for early
17 voting after the ballots become available. The publication of the
18 application shall not be required if the election is held by mail
19 pursuant to sections 32-952 to 32-959.

20 Sec. 32. Section 32-943, Revised Statutes Supplement, 2023, is
21 amended to read:

22 32-943 (1) Any registered voter who is permitted to vote early
23 pursuant to section 32-938 may appoint an agent to (a) submit a request
24 for a ballot for early voting on his or her behalf of such voter or (b)
25 return a voted ballot to the election commissioner or county clerk on
26 behalf of such voter. The registered voter or his or her agent may

1 request that the ballot be sent to the registered voter by mail or
2 indicate on the request that the agent will personally pick up the ballot
3 for such registered voter from the office of the election commissioner or
4 county clerk.

5 (2) A registered voter or an agent acting on behalf of a registered
6 voter shall request a ballot in writing to the election commissioner or
7 county clerk in the county where the registered voter has established his
8 or her residence, shall indicate the voter's residence address, the
9 address to which the ballot is to be mailed if different, and the voter's
10 telephone number if available and precinct if known, and shall:

11 (a) Present a valid photographic identification of the voter; or

12 (b) Include, with the request:

13 (i) The identification number of the voter's driver's license or
14 state identification card issued by the State of Nebraska;

15 (ii) A photocopy of valid photographic identification issued to or
16 related to the voter; or

17 (iii) The voter's reasonable impediment certification. The
18 certification shall be verified pursuant to section 32-1002.01.

19 (3) ~~(2)~~ The registered voter or the voter's agent may use the form
20 published by the election commissioner or county clerk pursuant to
21 section 32-808. The registered voter or his or her agent shall sign the
22 request.

23 (4)(a) ~~(3)~~ A candidate for office at such election, ~~and~~ any person
24 serving on a campaign committee for such a candidate, or a registered
25 voter's employer or agent of such employer shall not act as an agent for
26 any registered voter requesting a ballot or returning a voted ballot
27 pursuant to this section unless such person is a member of the registered
28 voter's family.

29 (b) No person shall act as an agent as described in either
30 subdivision (1)(a) or (b) of this section for more than two registered
31 voters in any election except as otherwise provided in subdivision (c) of

1 this subsection.

2 (c) An employee of an assisted-living facility, a hospital, or a
3 nursing facility licensed under the Health Care Facility Licensure Act
4 may register with the Secretary of State as a special voter agent and be
5 authorized to act as an agent appointed pursuant to this section for any
6 voter who is a resident in such facility and who requests the assistance
7 of a special voter agent in the facility. In order to register, such
8 employee shall meet the other requirements of this section to be an agent
9 appointed pursuant to this section. No more than two employees of the
10 same facility may register as a special voter agent for such facility.

11 (5) (4) The agent shall pick up the ballot before one hour prior to
12 the closing of the polls on election day and deliver the ballot to the
13 registered voter. The ballot shall be returned not later than the closing
14 of the polls on the day of the election and shall be returned in an
15 identification envelope as provided in section 32-947.

16 (6) (5) The election commissioner or county clerk shall adopt
17 procedures for the distribution of ballots under this section.

18 (7) The Secretary of State may adopt and promulgate rules and
19 regulations governing the return of a voted ballot by an agent pursuant
20 to this section.

21 (8) (6) Subdivisions (2)(a) (1)(a) and (b) of this section do not
22 apply to any voter who casts a ballot pursuant to section 32-939.02 or
23 32-939.03.

24 Sec. 33. Section 32-947, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 32-947 (1) Upon receipt of an application or other request for a
27 ballot to vote early, the election commissioner or county clerk shall
28 determine whether the applicant is a registered voter and is entitled to
29 vote as requested. If the election commissioner or county clerk
30 determines that the applicant is a registered voter entitled to vote
31 early and the application was received not later than the close of

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

7 (2) An unsealed identification envelope shall be delivered with the
8 ballot, and upon the back of the envelope shall be printed a form
9 substantially as follows:

10 VOTER'S OATH

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

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

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

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

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

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

24 (e) If returning this ballot by an agent appointed pursuant to
25 section 32-943, I have instructed such agent to sign below.

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

1 I also understand that failure to sign below will invalidate my
2 ballot.

3 Voter signature Signature

4 Agent signature (if applicable)

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

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

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

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

27 (c) Written instructions directing the voter to submit a copy of an
28 identification document pursuant to section 32-318.01 if the voter is
29 required to present identification under such section and advising the
30 voter that failure to submit identification to the election commissioner
31 or county clerk by the close of the polls on election day will result in

1 the ballot not being counted.

2 (5) The election commissioner or county clerk may enclose with the
3 ballot materials a separate return envelope for the voter's use in
4 returning his or her identification envelope containing the voted ballot,
5 registration application, and other materials that may be required.

6 Sec. 34. Section 32-949, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-949 (1) After a ballot for early voting is received by a voter
9 and before placing any marks thereon, the voter shall note whether there
10 are any voting marks on the ballot and whether there is a signature or
11 initials on the ballot in the space provided for the election official's
12 signature or initials. If there are any voting marks or no signature or
13 initials, the ballot shall be returned immediately to the election
14 commissioner or county clerk. If there are no such marks, the voter shall
15 cause the ballot to be marked. If the ballot is voted in the office of
16 the election commissioner or county clerk, the registered voter shall
17 return the ballot and identification envelope to the election
18 commissioner or county clerk or an employee of the election commissioner
19 or county clerk who shall deposit the ballot into a ballot box and place
20 the identification envelope in a secure container.

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

23 (a) Place the marked ballot in the identification envelope received
24 for that purpose in such a manner that the signature of the issuing
25 officer on the ballot is visible;

26 (b) Complete and sign the voter's oath on the outside of the
27 identification envelope under the penalty of election falsification and
28 ensure the identification envelope is also signed by the agent appointed
29 pursuant to section 32-943 if returned by such agent;

30 (c) Enclose, in the identification envelope or separately in the
31 return envelope if one has been provided, his or her completed

1 registration application if one was provided pursuant to section 32-945
2 or 32-946, a copy of his or her identification document if such
3 identification has been requested, and the oath completed and signed by a
4 voter without a residence address if required pursuant to section 32-946;

5 (d) Ensure that the identification envelope or return envelope is
6 sealed; and

7 (e) Mail, deliver, or cause to be delivered the envelope containing
8 the ballots and any required materials to the election commissioner or
9 county clerk from whom it was received.

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

13 Sec. 36. Section 32-954, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-954 Upon receipt of the official ballot, the registered voter
16 shall mark it, seal the ballot in the identification envelope supplied
17 with the ballot, sign the identification envelope, also have the agent
18 appointed pursuant to section 32-943 sign the identification envelope if
19 returned by such agent, and comply with the instructions provided with
20 the ballot. The voter may return the ballot to the election commissioner
21 or county clerk by mailing it or by personally delivering it to the
22 office of the election commissioner or county clerk. The deadline for
23 receipt of the ballot is 5 p.m. on the date set for the election. The
24 official ballot must be returned in the identification envelope. The
25 registered voter shall, by signing the envelope, certify to the facts
26 contained on the envelope. The election commissioner or county clerk
27 shall keep the identification envelopes received from registered voters
28 unopened in a fireproof safe or other suitable location which is locked
29 until delivered to the counting board.

30 Sec. 37. Section 32-957, Revised Statutes Supplement, 2023, is
31 amended to read:

1 32-957 (1) An official ballot under section 32-953 shall be counted
2 only if it is returned in the identification envelope, the envelope is
3 signed by the voter to whom it was issued and also by the agent appointed
4 pursuant to section 32-943 if returned by such agent, the voter's
5 signature is verified by the election commissioner or county clerk, and
6 the voter provided the voter's driver's license number or state
7 identification card number on the envelope or provided a photocopy of
8 valid photographic identification or a reasonable impediment
9 certification inside the envelope.

10 (2) The election commissioner or county clerk shall verify the
11 voter's signature on each identification envelope received in his or her
12 office with the signature appearing on the voter registration records. If
13 the election commissioner or county clerk is unable to verify a voter's
14 signature, the election commissioner or county clerk shall contact the
15 voter within two days after determining that he or she is unable to
16 verify the signature to ascertain whether the voter cast a ballot. The
17 election commissioner or county clerk may request that the registered
18 voter sign and submit a current signature card pursuant to section
19 32-318. The election commissioner or county clerk may begin verifying the
20 signatures of voters as the envelopes are received in his or her office.

21 (3) If a voter fails to provide the voter's driver's license number
22 or state identification card number, valid photographic identification,
23 or a reasonable impediment certification as required under subsection (1)
24 of this section, the election commissioner or county clerk shall contact
25 the voter no later than the day after the election and the voter shall
26 present valid photographic identification or a reasonable impediment
27 certification to the election commissioner or county clerk on or before
28 the Tuesday after the election or the ballot shall not be counted.

29 (4) If the election commissioner or county clerk determines that a
30 voter has voted more than once, no ballot cast by that voter in that
31 election shall be counted. The election commissioner or county clerk

1 shall make public any record or list of registered voters who have
2 returned their ballots.

3 (5) Subsections (1) and (3) of this section do not apply to any
4 voter who casts a ballot pursuant to section 32-939.02 or 32-939.03.

5 Sec. 38. Section 32-1027, Revised Statutes Supplement, 2023, is
6 amended to read:

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

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

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

27 (a) The voter has provided his or her name, residence address, and
28 signature on the voter identification envelope and the agent has provided
29 the signature of the agent appointed pursuant to section 32-943 if the
30 envelope is returned by such agent;

31 (b) The ballot has been received from the voter who requested it and

1 the residence address is the same address provided on the voter's request
2 for a ballot for early voting, by comparing the information provided on
3 the identification envelope with information recorded in the record of
4 early voters or the voter's request;

5 (c) A completed and signed registration application has been
6 received from the voter by the deadline in section 32-302, 32-321, or
7 32-325 or by the close of the polls pursuant to section 32-945;

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

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

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

16 (a) A ballot received from a voter who was properly registered on or
17 prior to the deadline for registration pursuant to section 32-302 or
18 32-321 shall be accepted for counting without further review if:

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

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

25 (iii) The identification envelope has been signed by the voter and
26 by the agent appointed pursuant to section 32-943 if returned by such
27 agent;

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

31 (i) A valid registration application completed and signed by the

1 voter has been received by the election commissioner or county clerk
2 prior to the close of the polls on election day;

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

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

8 (iv) The identification envelope has been signed by the voter and by
9 the agent appointed pursuant to section 32-943 if returned by such agent;

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 and by
25 the agent appointed pursuant to section 32-943 if returned by such agent;

26 (d) In the case of a ballot received from a registered voter
27 required to present identification before voting pursuant to section
28 32-318.01, the ballot shall be accepted for counting if:

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

31 (ii) The residence address provided on the identification envelope

1 is the same address at which the voter is registered or is in the same
2 precinct and subdivision of a precinct, if any;

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

6 (iv) The identification envelope has been signed by the voter and by
7 the agent appointed pursuant to section 32-943 if returned by such agent;
8 and

9 (e) In the case of a ballot received from a registered voter who
10 filled out a reasonable impediment certification pursuant to section
11 32-912.02, the ballot shall be accepted for counting if:

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

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

16 (iii) 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 (iv) The identification envelope has been signed by the voter and by
20 the agent appointed pursuant to section 32-943 if returned by such agent.

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

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

1 the discretion of the election commissioner or county clerk, the counting
2 board may begin counting early ballots no earlier than twenty-four hours
3 prior to the opening of the polls on the day of the election.

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

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

19 Sec. 58. Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
20 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 35, 39, 40, 41,
21 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 55, and 59 of this act become
22 operative three calendar months after the adjournment of this legislative
23 session. Sections 28, 32, 33, 34, 36, 37, 38, and 60 of this act become
24 operative on January 1, 2025. The other sections of this act become
25 operative on their effective date.

26 Sec. 59. Original sections 2-3213, 2-3214, 16-202, 18-2518, 32-564,
27 32-565, 32-613, 32-617, 32-630, 32-632, 32-1205, 32-1301, 32-1304,
28 32-1308, and 49-1499.03, Reissue Revised Statutes of Nebraska, sections
29 32-320.01, 32-330, 32-404, 32-405, 32-552, 32-553, 32-606, 32-607,
30 32-608, 32-615, 32-716, 32-802, 32-808.01, 32-903, 32-950.01, 32-1203,
31 32-1303, 32-1305, 32-1306, 32-1405, 32-1407, 32-1524, 32-1525, and

1 70-663, Revised Statutes Cumulative Supplement, 2022, and sections 32-101
2 and 32-318.01, Revised Statutes Supplement, 2023, are repealed.

3 Sec. 60. Original sections 32-808, 32-949, and 32-954, Reissue
4 Revised Statutes of Nebraska, section 32-947, Revised Statutes Cumulative
5 Supplement, 2022, and sections 32-943, 32-957, and 32-1027, Revised
6 Statutes Supplement, 2023, are repealed.

7 2. Renumber the remaining sections and correct internal references
8 accordingly.