

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1054

Introduced by Schimek, 27; Aguilar, 35; Brown, 6; Burling, 33;
McDonald, 41; Smith, 48; Synowiecki, 7; Vrtiska, 1

Read first time January 14, 2002

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to civil rights; to amend sections 29-112 to
2 29-113, 32-223, 32-227, 32-228, 32-230, 32-241, 32-914,
3 32-1119, 83-187, and 83-1,118, Reissue Revised Statutes
4 of Nebraska, sections 29-2264, 32-233, 32-235, 32-236,
5 32-916, 32-947, and 32-1002, Revised Statutes Supplement,
6 2000, and section 32-101, Revised Statutes Supplement,
7 2001; to require written notice regarding civil rights
8 for convicted felons; to change provisions relating to
9 poll workers, absentee ballots, and recounting ballots to
10 provide for provisional ballots; to harmonize provisions;
11 and to repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-112, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-112. Any person sentenced to be punished for any
4 felony, when the sentence ~~shall not have been~~ is not reversed or
5 annulled, ~~shall be deemed~~ is incompetent to be an elector or juror,
6 or to hold any office of honor, trust, or profit within this state,
7 unless such ~~convict shall receive~~ person receives from the Board of
8 Pardons of this state a warrant of discharge, in which case such
9 ~~convict~~ person shall be restored to ~~his~~ such civil rights and
10 ~~privileges, PROVIDED, such~~ as enumerated or limited by the Board of
11 Pardons. The warrant of discharge shall not release such ~~convict~~
12 person from the costs of ~~his~~ conviction, unless otherwise ordered
13 by the Board of Pardons.

14 Sec. 2. Section 29-112.01, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 29-112.01. Any person ~~heretofore or hereafter~~ sentenced
17 to be punished for any felony, when the sentence is other than
18 confinement in a Department of Correctional Services adult
19 correctional facility, shall be restored to such civil rights as
20 enumerated or limited by the Board of Pardons upon receipt from the
21 Board of Pardons of a warrant of discharge, which shall be issued
22 by such board upon receiving from the sentencing court a
23 certificate showing satisfaction of the judgment and sentence
24 entered against such person.

25 Sec. 3. Section 29-113, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 29-113. Any person who ~~shall have~~ has been actually
28 imprisoned in the penitentiary of any other state or territory of

1 ~~this Union~~ the United States under sentence for the commission of
2 any crime which, by the laws of this state, is punishable by
3 imprisonment in a Department of Correctional Services adult
4 correctional facility shall be deemed incompetent to be an elector
5 or juror or to hold any office of honor, trust, or profit within
6 this state, unless such convict has received a general pardon from
7 the Board of Pardons of the state in which he or she was imprisoned
8 agreeable to the laws thereof.

9 Sec. 4. Section 29-2264, Revised Statutes Supplement,
10 2000, is amended to read:

11 29-2264. (1) Whenever any person is placed on probation
12 by a court and satisfactorily completes the conditions of his or
13 her probation for the entire period or is discharged from probation
14 prior to the termination of the period of probation, the sentencing
15 court shall issue an order releasing the offender from probation.
16 The person's probation officer shall provide any person so released
17 on or after the effective date of this act with a written notice
18 regarding his or her civil rights. The notice shall include
19 information on civil rights which are not restored upon completion
20 of probation, such as the right to vote, and the process of
21 restoring such civil rights through the pardon process, including
22 application to and hearing by the board. ~~and such order shall in~~
23 all felony cases restore the offender's civil rights.

24 (2) Whenever any person is convicted of a misdemeanor or
25 felony and is placed on probation by the court or is sentenced to a
26 fine only, he or she may, after satisfactory fulfillment of the
27 conditions of probation for the entire period or after discharge
28 from probation prior to the termination of the period of probation

1 and after payment of any fine, petition the sentencing court to set
2 aside the conviction.

3 (3) In determining whether to set aside the conviction,
4 the court shall consider:

5 (a) The behavior of the offender after sentencing;

6 (b) The likelihood that the offender will not engage in
7 further criminal activity; and

8 (c) Any other information the court considers relevant.

9 (4) The court may grant the offender's petition and issue
10 an order setting aside the conviction when in the opinion of the
11 court the order will be in the best interest of the offender and
12 consistent with the public welfare. The order shall:

13 (a) Nullify the conviction; and

14 (b) Remove all civil disabilities and disqualifications
15 imposed as a result of the conviction.

16 (5) The setting aside of a conviction in accordance with
17 the Nebraska Probation Administration Act shall not:

18 (a) Require the reinstatement of any office, employment,
19 or position which was previously held and lost or forfeited as a
20 result of the conviction;

21 (b) Preclude proof of a plea of guilty whenever such plea
22 is relevant to the determination of an issue involving the rights
23 or liabilities of someone other than the offender;

24 (c) Preclude proof of the conviction as evidence of the
25 commission of the misdemeanor or felony whenever the fact of its
26 commission is relevant for the purpose of impeaching the offender
27 as a witness, except that the order setting aside the conviction
28 may be introduced in evidence;

1 (d) Preclude use of the conviction for the purpose of
 2 determining sentence on any subsequent conviction of a criminal
 3 offense;

4 (e) Preclude the proof of the conviction as evidence of
 5 the commission of the misdemeanor or felony in the event an
 6 offender is charged with a subsequent offense and the penalty
 7 provided by law is increased if the prior conviction is proved;

8 (f) Preclude the proof of the conviction to determine
 9 whether an offender is eligible to have a subsequent conviction set
 10 aside in accordance with the Nebraska Probation Administration Act;
 11 or

12 (g) Preclude use of the conviction as evidence of
 13 commission of the misdemeanor or felony for purposes of determining
 14 whether an application filed or a license issued under sections
 15 71-1901 to 71-1905 or 71-1908 to 71-1917 or a certificate issued
 16 under sections 79-806 to 79-816 should be denied, suspended, or
 17 revoked.

18 (6) ~~This~~ Except as otherwise provided for the notice in
 19 subsection (1) of this section, this section shall be retroactive
 20 in application and shall apply to all persons, otherwise eligible
 21 in accordance with the provisions of this section, whether
 22 convicted prior to, on, or subsequent to June 11, 1993.

23 Sec. 5. Section 32-101, Revised Statutes Supplement,
 24 2001, is amended to read:

25 32-101. Sections 32-101 to 32-1551 and section 15 of
 26 this act shall be known and may be cited as the Election Act.

27 Sec. 6. Section 32-223, Reissue Revised Statutes of
 28 Nebraska, is amended to read:

1 32-223. (1) For each precinct except as provided in
2 subsection (2) of this section, the election commissioner shall
3 appoint a precinct inspector and a receiving board to consist of at
4 least two judges and two clerks of election. ~~to serve as a~~
5 ~~receiving board. The election commissioner shall also appoint one~~
6 ~~precinct inspector for each precinct.~~ The election commissioner
7 may appoint district inspectors to aid the election commissioner in
8 the performance of his or her duties and supervise a group of
9 precincts on election day.

10 (2) In precincts in which voting machines or punch card
11 voting systems are used, the receiving board shall have at least
12 three members. When more than one voting machine is used, there
13 shall be one additional member for each additional machine. When
14 more than one punch card voting device is used, the election
15 commissioner shall appoint additional members if necessary.

16 (3) The election commissioner may allow persons serving
17 on a receiving board as judges and clerks of election and precinct
18 inspectors to serve for part of the time the polls are open and
19 appoint other judges and clerks of election and precinct inspectors
20 to serve on the same receiving board for the remainder of the time
21 the polls are open.

22 (4) On each receiving board at any one time, one judge
23 and one clerk of election shall be registered voters of the
24 political party casting the highest number of votes in the county
25 for Governor or for President of the United States in the
26 immediately preceding general election, and one judge and one clerk
27 of election shall be registered voters of the political party
28 casting the next highest number of votes in the county for Governor

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

13 Sec. 7. Section 32-227, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-227. The judges and clerks of election, precinct and
16 district inspectors, and other temporary election workers shall
17 receive wages at no less than the minimum rate set in section
18 48-1203 for each hour of service rendered. The election
19 commissioner shall determine the rate of pay and may vary the rate
20 based on the duties of each position. Each such election worker ~~7~~
21 ~~except that no judge or clerk of a receiving board shall receive~~
22 ~~pay for more than fifteen hours of service in precincts having a~~
23 ~~separate counting board. Precinct and district inspectors shall be~~
24 ~~paid the wages at such minimum rate plus an additional sixty cents~~
25 ~~per hour for the hours they serve. Each judge, clerk, and~~
26 ~~inspector~~ shall sign an affidavit stating the number of hours he or
27 she has worked.

28 Sec. 8. Section 32-228, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-228. (1) The election commissioner shall notify each
3 person appointed as a judge or clerk of election, precinct
4 inspector, ~~or~~ district inspector, member of a counting board, or
5 member of a canvassing board of the appointment by letter. Such
6 letter shall be mailed at least fifteen days prior to the required
7 reporting date. Each appointee shall, at the time fixed in the
8 notice of appointment, report to the office of the election
9 commissioner or other designated location to complete any
10 informational forms and receive ~~instructions as to~~ training
11 regarding his or her duties. ~~Such~~ The training shall include
12 instruction as required by the Secretary of State and any other
13 training deemed necessary by the election commissioner. Each
14 appointee, if found qualified and unless excused by reason of ill
15 health or other good and sufficient reason, shall serve as a judge
16 ~~or clerk of election or inspector~~ for the term of his or her
17 appointment. A violation of this section by an appointee is

18 (2) An appointee who fails to serve for such term, unless
19 excused by reason of ill health or other good and sufficient
20 reason, is guilty of a Class V misdemeanor. The election
21 commissioner shall submit the names of appointees violating this
22 ~~section~~ subsection to the local law enforcement agency for citation
23 pursuant to sections 32-1549 and 32-1550.

24 Sec. 9. Section 32-230, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 32-230. (1) As provided in subsection ~~(4)~~ (5) of this
27 section, the precinct committeeman and committeewoman of each
28 political party shall appoint a receiving board consisting of three

1 judges of election and two clerks of election except as provided in
2 subsection (3) of this section and a counting board if required
3 pursuant to section 32-234 consisting of two judges of election and
4 two clerks of election. The chairperson of the county central
5 committee of each political party shall send the names of the
6 appointments to the county clerk ~~at least sixty days before~~ no
7 later than February 1 prior to the primary election.

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

20 (3) In precincts in which voting machines or punch card
21 voting systems are used, the receiving board shall have at least
22 three members. When more than one voting machine is used, there
23 shall be one additional member for each additional machine. When
24 more than one punch card voting device is used, the county clerk
25 shall appoint additional members if necessary.

26 (4) The county clerk may allow persons serving on a
27 receiving board as judges and clerks of election and precinct
28 inspectors to serve for part of the time the polls are open and

1 appoint other judges and clerks of election and precinct inspectors
2 to serve on the same receiving board for the remainder of the time
3 the polls are open.

4 (5) In ~~For~~ each precinct at any one time, one judge and
5 one clerk of election shall be appointed from the political party
6 casting the highest number of votes in the county for Governor or
7 for President of the United States in the immediately preceding
8 general election, one judge and one clerk shall be appointed from
9 the political party casting the next highest number of votes in the
10 county for Governor or for President of the United States in the
11 immediately preceding general election, and one judge shall be
12 appointed from the political party casting the third highest number
13 of votes in the county for Governor or for President of the United
14 States in the immediately preceding general election. If the
15 political party casting the third highest number of votes cast less
16 than ten percent of the total vote cast in the county at the
17 immediately preceding general election, the political party casting
18 the highest number of votes at the immediately preceding general
19 election shall be entitled to two judges and one clerk. If a
20 counting board is required pursuant to section 32-234, one judge
21 and one clerk of election shall be appointed to be members of the
22 counting board from the political party casting the highest number
23 of votes for Governor or for President of the United States in the
24 county in the immediately preceding general election and one judge
25 and one clerk of election shall be appointed to be members of the
26 counting board from the political party casting the next highest
27 number of votes.

28 ~~(5)~~ (6) The county clerk may appoint registered voters to

1 serve in case of a vacancy among any of the judges or clerks of
 2 election or in addition to the judges and clerks in any precinct
 3 when necessary to meet any situation that requires additional
 4 judges and clerks. Such appointees may include registered voters
 5 unaffiliated with any political party. Such appointees shall serve
 6 at subsequent or special elections as determined by the county
 7 clerk.

8 Sec. 10. Section 32-233, Revised Statutes Supplement,
 9 2000, is amended to read:

10 32-233. Judges and clerks of election, district
 11 inspectors, messengers, and other temporary election workers shall
 12 receive wages at no less than the minimum rate set in section
 13 48-1203 for each hour of service rendered. The county clerk shall
 14 determine the rate of pay and may vary the rate based on the duties
 15 of each position. Each such election worker ~~, except that in~~
 16 ~~precincts having a counting board, no member of the receiving board~~
 17 ~~shall receive pay for more than fifteen hours of service. District~~
 18 ~~inspectors shall be paid the wages at such minimum rate plus an~~
 19 ~~additional sixty cents per hour for the hours they serve. Each~~
 20 ~~judge or clerk of election and each district inspector shall sign~~
 21 ~~an affidavit stating the number of hours he or she has worked.~~
 22 ~~Each messenger appointed pursuant to section 32-232 shall receive~~
 23 ~~five dollars plus mileage at the rate provided in section 81-1176.~~

24 Sec. 11. Section 32-235, Revised Statutes Supplement,
 25 2000, is amended to read:

26 32-235. (1) The county clerk shall, by mail, notify
 27 judges and clerks of election, ~~and~~ district inspectors, members of
 28 counting boards, and members of canvassing boards of their

1 appointment. The notice shall inform the appointee of his or her
2 appointment and of the date and time he or she is required to
3 report to the office of the county clerk or other designated
4 location and the polling place. The notice shall be mailed at
5 least fifteen days prior to the election. The county clerk shall
6 order the members of the receiving board and the members of the
7 counting board to appear at their respective polling place on the
8 day and at the hour specified in the notice of appointment.

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

15 Sec. 12. Section 32-236, Revised Statutes Supplement,
16 2000, is amended to read:

17 32-236. Each judge and clerk of election appointed
18 pursuant to subsection ~~(4)~~ (5) of section 32-230 and each district
19 inspector appointed pursuant to subsection (2) of section 32-231
20 shall serve at all elections, except city and village elections,
21 held in the county or precinct during his or her two-year term
22 unless excused. A violation of this section by an appointee is a
23 Class V misdemeanor. The county clerk shall submit the names of
24 appointees violating this section to the local law enforcement
25 agency for citation pursuant to sections 32-1549 and 32-1550.

26 Sec. 13. Section 32-241, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 32-241. (1) Any person who is appointed in any county to

1 serve as a judge or clerk of election or precinct or district
2 inspector shall not be subject to discharge from employment, loss
3 of pay, loss of overtime pay, loss of sick leave, loss of vacation
4 time, the threat of any such action, or any other form of penalty
5 as a result of his or her absence from employment due to such
6 service if he or she gives reasonable notice to his or her employer
7 of such appointment. Reasonable notice shall be waived for those
8 persons appointed as judges or clerks of election on the day of
9 election to fill vacancies. Any such person shall be excused upon
10 request from any shift work, without loss of pay, for the hours he
11 or she is required to serve and, if he or she is required to serve
12 eight hours or more, for eight hours prior to and eight hours
13 following the hours ~~these days~~ he or she is required to serve.

14 (2) No employer shall subject an employee serving as a
15 judge or clerk of election or precinct or district inspector to
16 coercion, discharge from employment, loss of pay, loss of overtime
17 pay, loss of sick leave, loss of vacation time, the threat of any
18 such action, or any other form of penalty on account of his or her
19 absence from employment by reason of such service, except that an
20 employer may reduce the pay of an employee for each hour of work
21 missed by an amount equal to the hourly compensation other than
22 expenses paid to the employee by the county for such service.

23 (3) A violation of this section is a Class V misdemeanor.
24 The election commissioner or county clerk shall submit the names of
25 persons violating this section to the local law enforcement agency
26 for citation pursuant to sections 32-1549 and 32-1550.

27 (4) The election commissioner or county clerk shall not
28 provide a list of judges or clerks of election or precinct or

1 district inspectors to any committee or to any person until the
2 election has been completed.

3 Sec. 14. Section 32-914, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-914. Official ballots shall be used at all elections.
6 No person shall receive a ballot or be entitled to vote unless and
7 until he or she is registered as a voter except as provided in
8 section 32-914.01, 32-914.02, 32-915, or 32-936 or section 15 of
9 this act. Except as otherwise specifically provided, no ballot
10 shall be handed to any registered voter at any election until (1)
11 he or she announces his or her name and address to the clerk of
12 election, (2) the clerk has found that he or she is a registered
13 voter at the address as shown by the precinct list of registered
14 voters unless otherwise entitled to vote in the precinct under
15 section 32-328, 32-914.01, 32-914.02, or 32-915 or section 15 of
16 this act, (3) the clerk has instructed the registered voter to
17 personally write his or her name in the precinct sign-in register
18 on the appropriate line which follows the last signature of any
19 previous voter, and (4) the clerk has listed on the precinct list
20 of registered voters the corresponding line number and name of the
21 registered voter.

22 Sec. 15. If a person is registered to vote but his or
23 her name does not appear in the voter registration register and he
24 or she is not entitled to vote under section 32-914.01 or
25 32-914.02, the person shall be entitled to vote upon completing a
26 voter registration form at the polling place. The person shall
27 enclose his or her ballot in an envelope marked Provisional Ballot
28 and shall, by signing the front of the envelope or a separate form

1 attached to the envelope, certify to the following facts:

2 (1) I am a registered voter in County;

3 (2) I registered to vote on approximately
4(write the approximate date you registered to
5 vote);

6 (3) I registered to vote in person at the election
7 office or a voter registration site, by mail, on a form
8 through the Department of Motor Vehicles, on a form through
9 another state agency, in some other way (check one); and

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

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

20 Sec. 16. Section 32-916, Revised Statutes Supplement,
21 2000, is amended to read:

22 32-916. (1) Two judges of election or a precinct or
23 district inspector and a judge of election shall affix their
24 initials to the official ballots and ballot jackets if any. Before
25 issuing any punch card ballot, the card shall be stamped with a
26 rubber stamp designating that the ballot card is an official ballot
27 and the county in which the card is to be used. The stamp shall be
28 placed on the portion of the ballot card which carries the ballot

1 position numbers and on the stub which is to be reviewed by a judge
2 of election. The stamp shall be furnished to each receiving board
3 by the election commissioner or county clerk. The judge of
4 election shall deliver a ballot to each registered voter after
5 complying with section 32-914.

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

14 (3) The judge of election shall, without exposing the
15 voting marks on the ballot, approve the exposed initials upon the
16 ballot and deposit the ballot in the ballot box in the presence of
17 the registered voter. When punch card ballots are used, the judge
18 of election shall inspect the official initials on the ballot
19 jacket and the official stamp on the stub of the official ballot
20 card which is inside the ballot jacket and shall remove the stub
21 before depositing the ballot in the ballot box. No judge of
22 election shall deposit any ballot in a ballot box unless the ballot
23 has been identified as having the appropriate initials. No judge
24 of election shall deposit any ballot jacket in any ballot box
25 unless the ballot jacket is properly identified. Any ballot or
26 ballot jacket not properly identified shall be rejected in the
27 presence of the voter, the judge of election shall make a notation
28 on the ballot and the ballot jacket Rejected, not properly

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

14 (4) Upon receiving a conditional ballot as provided in
15 section 32-915 or a provisional ballot as provided in section 15 of
16 this act, the judge of election shall copy the information from the
17 change of address form onto the envelope in which the ballot is
18 enclosed or attach the form to the envelope, attach the statement
19 required by section 32-915 or section 15 of this act if not
20 contained on the envelope, and place the entire envelope into the
21 ballot box.

22 Sec. 17. Section 32-947, Revised Statutes Supplement,
23 2000, is amended to read:

24 32-947. (1) Upon receipt of an application or other
25 request for an absentee ballot, the election commissioner or county
26 clerk shall deliver to the applicant in person or by mail, postage
27 paid, an absentee ballot if he or she finds that the applicant is a
28 registered voter and is entitled to vote an absentee ballot as

1 applied for or requested. The election commissioner or county
2 clerk or any employee of the election commissioner or county clerk
3 shall write his or her customary signature on the absentee ballot.

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

7 ABSENTEE VOTER'S IDENTIFICATION

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

13 My voting residence in Nebraska is, (street
14 and number or rural route and number) of, (city,
15 village, or township) Nebraska. I am a registered voter of the
16 State of Nebraska.

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 I request absentee general election ballots be sent to me
23 ~~.... yes no.~~

24 I hereby declare, under penalty of election
25 falsification, that the statements above are true to the best of my
26 knowledge.

27 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT
28 FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS,

1 OR BOTH.

2

3 (Signature of Voter)

4 (3) If the absentee ballot and identification envelope
 5 are delivered by mail or picked up at the office to be returned by
 6 mail, the election commissioner or county clerk shall include with
 7 the ballot an identification envelope upon the face of which shall
 8 be printed the official title and post office address of the
 9 election commissioner or county clerk. The election commissioner
 10 or county clerk shall include written instructions on marking and
 11 returning the absentee ballot, including notice that failure to
 12 sign the identification envelope and include his or her address on
 13 the identification envelope will result in the ballot not being
 14 counted.

15 Sec. 18. Section 32-1002, Revised Statutes Supplement,
 16 2000, is amended to read:

17 32-1002. (1) As the ballots are removed from the ballot
 18 box pursuant to sections 32-1011 to 32-1026, the receiving board or
 19 counting board shall separate the envelopes containing the
 20 conditional and provisional ballots from the rest of the ballots
 21 and deliver them to the election commissioner or county clerk.

22 (2) Upon receipt of a conditional ballot, the election
 23 commissioner or county clerk shall copy the information from the
 24 envelope containing the conditional ballot, verify that it is in
 25 proper form and that such person has not voted anywhere else in the
 26 county, and make the appropriate changes to the voter registration
 27 register. The verification shall be completed within ~~fifteen~~ ten
 28 days after the election. Upon verifying the form, the election

1 commissioner or county clerk shall remove the ballot from the
2 envelope without exposing the marks on the ballot and shall place
3 the ballot with the ballots to be counted by the county canvassing
4 board.

5 (3) Upon receipt of a provisional ballot, the election
6 commissioner or county clerk shall copy the information from the
7 envelope containing the provisional ballot, verify that it is in
8 proper form and that such person has not voted anywhere else in the
9 county, and make the appropriate changes to the voter registration
10 register. The election commissioner or county clerk shall
11 investigate whether any credible evidence exists that the person
12 was properly registered to vote before the election. The
13 verification and investigation shall be completed within ten days
14 after the election. Upon verifying the form and the existence of
15 credible evidence that the person was properly registered to vote
16 before the election, the election commissioner or county clerk
17 shall remove the ballot from the envelope without exposing the
18 marks on the ballot and shall place the ballot with the ballots to
19 be counted by the county canvassing board.

20 Sec. 19. Section 32-1119, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-1119. (1) If it appears as evidenced by the abstract
23 of votes that any candidate failed to be nominated or elected by a
24 margin of (a) one percent or less of the votes received by the
25 candidate who received the highest number of votes for the office
26 at an election in which more than five hundred total votes were
27 cast or (b) two percent or less of the votes received by the
28 candidate who received the highest number of votes for the office

1 at an election in which five hundred or less total votes were cast,
2 then such candidate shall be entitled to a recount. Any losing
3 candidate may waive his or her right to a recount by filing a
4 written statement with the Secretary of State, election
5 commissioner, or county clerk with whom he or she made his or her
6 filing. All expenses of a recount under this section shall be paid
7 by those political subdivisions involved in the recount.

8 (2) Recounts shall be made by the county canvassing board
9 which officiated in making the official county canvass of the
10 election returns. If any member of the county canvassing board
11 cannot participate in the recount, another person shall be
12 appointed by the election commissioner or county clerk to take the
13 member's place.

14 (3) Recounts for candidates who filed with the Secretary
15 of State shall be made on the fifth Wednesday after the election
16 and shall commence at 9 a.m. The Secretary of State shall inform
17 each election commissioner or county clerk of the names of the
18 candidates for which the board of state canvassers deems a recount
19 to be necessary.

20 (4) The election commissioner or county clerk shall be
21 responsible for recounting the ballots for those candidates for
22 whom the county canvassing board deems a recount to be necessary.
23 The recount shall be made as soon as possible after the adjournment
24 of the county canvassing board, except that if a recount is
25 required under subsection (3) of this section, the recounts may be
26 conducted concurrently.

27 (5) The Secretary of State, election commissioner, or
28 county clerk shall notify all candidates whose ballots will be

1 recounted of the time, date, and place of the recount. Candidates
2 whose ballots will be recounted may be present or be represented by
3 an agent appointed by the candidate.

4 (6) The procedures for the recounting of ballots shall be
5 the same as those used for the counting of ballots on election day.
6 The recount shall be conducted at the county courthouse, except
7 that if vote counting devices are used for the counting or
8 recounting, such counting or recounting may be accomplished at the
9 site of the devices. Counties counting ballots by using a vote
10 counting device shall first recount the ballots by use of the
11 device. If substantial changes are found, the ballots shall then
12 be ~~manually~~ counted using such device in any precinct which might
13 reflect a substantial change.

14 Sec. 20. Section 83-187, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 83-187. (1) When a person committed to the ~~Department of~~
17 ~~Correctional Services~~ department is released from a facility,
18 either on parole or upon final discharge, ~~he~~ the person shall be
19 returned any personal possessions taken ~~from him~~ upon ~~his~~
20 confinement, and the chief executive officer of the facility shall
21 furnish ~~him~~ the person with a written notice as required in section
22 83-1,118, clothing appropriate for the season of the year, a
23 transportation ticket to the place where he or she will reside, if
24 within the continental limits of the United States or if not, the
25 state may purchase transportation to the nearest United States
26 border en route to ~~his~~ such residence, and such sum of money as may
27 be prescribed by the regulations of the ~~Department of Correctional~~
28 ~~Services~~ department to enable ~~him~~ the person to meet his or her

1 immediate needs. If at the time of ~~his~~ release ~~he~~ the person is
2 too ill or feeble or otherwise unable to use public means of
3 transportation, the chief executive officer may make special
4 arrangements for ~~his~~ transportation to the place where ~~he~~ the
5 person will reside.

6 (2) At the time of ~~his~~ release, ~~he~~ the person shall also
7 be paid his or her earnings and any accrued interest thereon set
8 aside in the wage fund. Such earnings and interest shall be paid
9 either in a lump sum or otherwise as determined by the chief
10 executive officer to be in the best interest of the person. No
11 less than one-third of such fund shall be paid upon release, and
12 the entire fund shall be paid within six months of the person's
13 release.

14 (3) The ~~Department of Correctional Services~~ department
15 shall send a copy of the release or discharge to the court which
16 committed the person and also to the sheriff of the county in which
17 the court is located and, when such county contains a city of the
18 metropolitan class, to the police department of such city.

19 Sec. 21. Section 83-1,118, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 83-1,118. (1) If in the opinion of the board a parolee
22 does not require guidance or supervision, the board may dispense
23 with and terminate such supervision.

24 (2) The board may discharge a parolee from parole at any
25 time if such discharge is compatible with the protection of the
26 public and is in the best interest of the parolee.

27 (3) The board shall discharge a parolee from parole when
28 the time served in the custody of the department and the time

1 served on parole equal the maximum term less good time.

2 (4) The department shall discharge a committed offender
3 from the custody of the department when the time served in the
4 facility equals the maximum term less good time.

5 (5) ~~Whenever any committed offender has completed the~~
6 ~~lawful requirements of the sentence, the director shall issue a~~
7 ~~certificate of discharge to the offender, and the certificate shall~~
8 ~~restore the civil rights of the offender~~ Upon completion of the
9 lawful requirements of the sentence, the department shall provide
10 the parolee or committed offender with a written notice regarding
11 his or her civil rights. The notice shall include information on
12 civil rights which are not restored upon completion of the
13 sentence, such as the right to vote, and the process of restoring
14 such civil rights through the pardon process, including application
15 to and hearing by the board.

16 Sec. 22. Original sections 29-112 to 29-113, 32-223,
17 32-227, 32-228, 32-230, 32-241, 32-914, 32-1119, 83-187, and
18 83-1,118, Reissue Revised Statutes of Nebraska, sections 29-2264,
19 32-233, 32-235, 32-236, 32-916, 32-947, and 32-1002, Revised
20 Statutes Supplement, 2000, and section 32-101, Revised Statutes
21 Supplement, 2001, are repealed.