AMENDMENTS TO LB535

Introduced by

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-101, Revised Statutes Cumulative Supplement, 2022, is amended to read:

Section 32-101 Sections 32-101 to 32-1551 and sections 3, 5 to 7, 16, and 20 of this act shall be known and may be cited as the Election Act.

Sec. 2. Section 32-103, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

Sec. 3. Valid photographic identification means:

(1) A valid operator's license or state identification card issued by the Department of Motor Vehicles;

(2) A valid United States passport;

(3) A document that satisfies all of the following:

(a) The document shows the name of the individual to whom the document was issued and the name conforms to the name in the individual's voter registration record;

(b) The document shows a photograph or digital image of the individual to whom the document was issued; and

(c) The document was issued by the Secretary of State pursuant to section 6 of this act or by any agency or political subdivision of the State of Nebraska in a manner that ensures the verification of the citizenship status of the individual to whom the document was issued by such agency or political subdivision and the agency or political subdivision provides the citizenship verification information to the Secretary of State for purposes of voter list maintenance. Citizenship
information collected and shared with the Secretary of State pursuant to
this subdivision shall not be used for any purpose other than voter list
maintenance unless such information was used in such a manner prior to
the operative date of this section and shall not be considered a public
record;

(4) A document issued by the United States Department of Defense,
the United States Department of Veterans Affairs or its predecessor, the
Veterans Administration, a branch of the uniformed service as defined in
section 85-2002, or a Native American Indian tribe or band recognized by
the United States Government that:

(a) Shows the name of the individual to whom the document was issued
and the name conforms to the name in the individual's voter registration
record;

(b) Shows a photograph or digital image of the individual to whom
the document was issued; and

(c) Has no expiration date or states that the document has an
indefinite expiration date; or

(5) A document that satisfies all of the following:

(a) The document shows the name of the individual to whom the
document was issued and the name conforms to the name in the individual's
voter registration record;

(b) The document shows a digital image of an affidavit signed by the
individual to whom the document was issued stating that the individual
has a religious objection to being photographed as provided in section 7
of this act:

(c) The signature on the affidavit conforms to the signature on the
individual's voter registration record;

(d) The document has no expiration date or states that the document
has an indefinite expiration date;

(e) The document was issued by the State of Nebraska;

(f) The document clearly states on its face that it is for voting
purposes only and may not be accepted by any federal agency for federal
identification or any other official purpose; and

(g) The document is a different color than an operator's license or
state identification card issued by the Department of Motor Vehicles.

Sec. 4. Section 32-202, Revised Statutes Cumulative Supplement,
2022, is amended to read:

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

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

(2) Provide training and support for election commissioners, county
clerks, and other election officials in providing for day-to-day
operations of the office, registration of voters, and the conduct of
elections;

(3) Enforce the Election Act;

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

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

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

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

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

(9) Prepare and transmit reports as required by the National Voter
Registration Act of 1993, 52 U.S.C. 20501 et seq.;

(10) Develop and print a manual describing the requirements of the
initiative and referendum process and distribute the manual to election
commissioners and county clerks for distribution to the public upon
request;
(11) Develop and print pamphlets described in section 32-1405.01;

(12) Adopt and promulgate rules and regulations as necessary for elections conducted under sections 32-952 to 32-959; and

(13) Establish a free access system, such as a toll-free telephone number or an Internet website, that any voter who fills out casts a provisional ballot or a ballot for early voting may access to discover whether the vote of that voter was counted and, if the vote was not counted, the reason that the vote was not counted. The Secretary of State shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system. Access to information about an individual provisional ballot or ballot for early voting shall be restricted to the individual who filled out cast the ballot. If a ballot for early voting was not counted due to a failure to properly notarize the identification envelope, the information provided to the voter on the free access system shall include instructions to the voter that the voter may present valid photographic identification to the election commissioner or county clerk or his or her designee on or before the Tuesday after the election for the ballot to be counted;

(14) Provide a website dedicated to voter identification requirements and procedures;

(15) Provide a public awareness campaign regarding the voter identification requirements and procedures, including communication using multiple media and in-person events;

(16) Mail a postcard to every registered voter who does not have valid photographic identification issued by the State of Nebraska and every new voter that registers to vote who does not have valid photographic identification issued by the State of Nebraska and include information on the postcard regarding the requirement to present valid photographic identification for purposes of voting and the process for obtaining valid photographic identification at no charge; and
(17) Provide instructions and information to the Department of Health and Human Services, the Department of Motor Vehicles, and the State Department of Education for distribution by such agencies to Nebraska residents regarding the requirement to present valid photographic identification in order to vote and the way to obtain valid photographic identification at no charge.

Sec. 5. (1) The Secretary of State shall designate one or more individuals in his or her office to help voters comply with voter identification requirements. The duties of such individuals shall include, but not be limited to:

(a) Assisting voters in procuring all necessary documentation for applying for Nebraska Voter Identification Cards and valid photographic identification pursuant to sections 6 and 7 of this act. Such assistance may include, but shall not be limited to:

(i) Identifying where to procure the necessary documentation;

(ii) Helping the voter procure the necessary documentation;

(iii) Paying any required fees for such documentation;

(iv) Arranging for an applicant to have a digital image taken for use on the Nebraska Voter Identification Card; and

(v) Any other task deemed necessary by the Secretary of State;

(b) Issuing Nebraska Voter Identification Cards and valid photographic identification pursuant to sections 6 and 7 of this act; and

(c) Coordinating agents pursuant to section 32-943.

(2) The Secretary of State shall be responsible for the payment of all administrative fees associated with procuring the documentation necessary to obtain a Nebraska Voter Identification Card and valid photographic identification pursuant to sections 6 and 7 of this act.

Sec. 6. (1) Any individual registered to vote in the State of Nebraska who does not have a valid operator's license or state identification card issued by the Department of Motor Vehicles may apply to the Secretary of State for a Nebraska Voter Identification Card.
(2) The card shall conform to the requirements of subdivision (3) of section 3 of this act, shall clearly state on its face that the card is for voting purposes only, and may not be accepted by any federal agency for federal identification or any other official purpose. The card shall be a different color than an operator’s license or state identification card issued by the Department of Motor Vehicles.

(3) The card shall be provided to the applicant free of charge. The Secretary of State shall provide a standard application for the card, shall make the application available at the office of the election commissioner and county clerk, and shall make a printable version available on the Secretary of State’s website. An applicant shall return the application in the manner prescribed by the Secretary of State.

(4) The applicant shall also provide one of the following:
   (a) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the applicant’s state of birth;
   (b) A Consular Report of Birth Abroad issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;
   (c) A Certificate of Naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570;
   (d) A Certificate of Citizenship issued by the United States Department of Homeland Security, Form N-560 or Form N-561;
   (e) A driver’s license or identification card issued in compliance with the standards established by the REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 382; or
   (f) Such other document as the Secretary of State may approve for verifying the applicant’s citizenship.

(5) If an applicant does not have a document listed in subsection (4) of this section but is a citizen of the United States, the Secretary of State shall assist the applicant in procuring such a document as provided in section 5 of this act.
(6) The Secretary of State may require other documentation from the applicant as necessary, but shall be responsible for paying all administrative fees associated with procuring such documentation.

(7) Upon receipt and verification of an application as prescribed by the Secretary of State, the Secretary of State shall issue a Nebraska Voter Identification Card to the applicant.

Sec. 7. (1) The Secretary of State shall provide a standard affidavit and prescribe the form for valid photographic identification for an individual who has a religious objection to being photographed and shall provide the affidavit to the election commissioners and county clerks. The valid photographic identification shall show a digital image of an affidavit signed by the applicant to whom the document was issued stating that the individual has a religious objection to being photographed and shall conform to the requirements of subdivision (5) of section 3 of this act.

(2) An individual who has a religious objection to being photographed may apply to the Secretary of State for valid photographic identification under this section. The applicant shall execute the affidavit and submit it to the election commissioner or county clerk. The election commissioner or county clerk shall check that the signature on the affidavit conforms to the signature on the applicant's voter registration record.

(3) The applicant shall also provide one of the following:

(a) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the applicant's state of birth:

(b) A Consular Report of Birth Abroad issued by the United States Department of State, Form FS-240, DS-1350, or FS-545:

(c) A Certificate of Naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570:

(d) A Certificate of Citizenship issued by the United States
Department of Homeland Security, Form N-560 or Form N-561:

(e) A driver's license or identification card issued in compliance
with the standards established by the REAL ID Act of 2005, Public Law
109-13, division B, section 1, 119 Stat. 302; or

(f) Such other document as the Secretary of State may approve for
verifying the applicant's citizenship.

(4) If an applicant does not have a document listed in subsection
(3) of this section but is a citizen of the United States, the Secretary
of State shall assist the applicant in procuring such a document as
provided in section 5 of this act.

(5) The Secretary of State may require other documentation from the
applicant as necessary, but shall be responsible for paying all
administrative fees associated with procuring such documentation.

(6) Upon receipt and verification of an application as prescribed by
the Secretary of State, the Secretary of State shall issue the valid
photographic identification in the form prescribed by the Secretary of
State.

Sec. 8. Section 32-902, Reissue Revised Statutes of Nebraska, is
amended to read:

32-902 (1) The election commissioner or county clerk shall cause
instructions for the guidance of registered voters in preparing their
ballots to be printed in large, clear type on cards in English. He or she
shall furnish at least five such cards to each polling place in each
precinct at the same time and in the same manner as the printed ballots.
The judges or clerks of election shall post such cards in each voting
booth on the day of election. The card shall contain full instructions on
preparing and casting ballots, including how to cast a write-in vote. The
form and contents of the cards shall be approved by the Secretary of
State.

(2) The election commissioner or county clerk shall cause voting
information to be posted in each polling place on the day of election.
The voting information shall include the following information as approved by the Secretary of State:

(a) Information regarding the date of the election and the hours during which polling places will be open;

(b) Instructions for voters who registered to vote pursuant to section 32-304 or by mail and first-time voters;

(c) General information on voting rights under applicable federal and state laws, including information on the right of an individual to fill out and cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;

and

(d) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Sec. 9. Section 32-914, Reissue Revised Statutes of Nebraska, is amended to read:

32-914 (1) Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or 32-936.

(2) Except as otherwise specifically provided, no ballot shall be handed to any voter at any election until:

(a) The voter has presented a valid photographic identification and stated he or she announces his or her name and address to the clerk of election;

(b) The clerk has found that the voter he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01;

(c) The voter has presented a photographic identification which is current and valid at the time of the election, or a copy of a utility bill, bank statement, paycheck, government check, or other government
document which is current at the time of the election and which shows the same name and residence address of the voter that is on the precinct list of registered voters, if the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county and a notation appears on the precinct list of registered voters that the voter has not previously presented identification to the election commissioner or county clerk;

(d) As instructed by the clerk of election, the registered voter has personally written his or her name (i) in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter or (ii) in the combined document containing the precinct list of registered voters and the sign-in register; and

(e) The clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter or has listed the name of the voter in a separate book as provided in section 32-913.

Sec. 10. Section 32-915, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

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

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

(c) Has not registered to vote or voted in any other county since registering to vote in the county in which the precinct is located;
(d) Has appeared to fill out a ballot vote at the polling place for
the precinct to which the person would be assigned based on his or her
residence address; and

(e) Has presented valid photographic identification; and

(f) Completes and signs a registration application before voting.

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

(3) If the person's name does not appear on the precinct list of
registered voters for the polling place and the judge or clerk of
election determines that the person's residence address is located in
another precinct within the same county, the judge or clerk of election
shall direct the person to the correct polling place for such person to
vote.

(4) Each person filling out a voting by provisional ballot shall
enclose his or her ballot in an envelope marked Provisional Ballot and
shall, by signing the certification on the front of the envelope or a
separate form attached to the envelope, certify to the following facts:

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

(b) My name or address did not correctly appear on the precinct list
of registered voters without a notation;

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

(d) I registered to vote

.... in person at the election office or a voter registration site,
.... by mail,
.... by using the Secretary of State's website,
.... through the Department of Motor Vehicles,
.... on a form through another state agency,
1 .... in some other way;
2 (e) I have not resided outside of this county or voted outside of
3 this county since registering to vote in this county;
4 (f) My current address is shown on the registration application
5 completed as a requirement for voting by provisional ballot; and
6 (g) I am eligible to vote in this election and I have not voted and
7 will not vote in this election except by this ballot.
8 (5) (4) The voter shall sign the certification under penalty of
9 election falsification. The following statements shall be on the front of
10 the envelope or on the attached form: By signing the front of this
11 envelope or the attached form you are certifying to the information
12 contained on this envelope or the attached form under penalty of election
13 falsification. Election falsification is a Class IV felony and may be
14 punished by up to two years imprisonment and twelve months post-release
15 supervision, a fine of up to ten thousand dollars, or both.
16 (6) A ballot filled out pursuant to this section shall not be deemed
17 to be cast until the election commissioner or county clerk, pursuant to
18 section 32-1002, has verified the information submitted by the voter and
19 has placed the ballot with the ballots to be counted. (5) If the person's
20 name does not appear on the precinct list of registered voters for the
21 polling place and the judge or clerk of election determines that the
22 person's residence address is located in another precinct within the same
23 county, the judge or clerk of election shall direct the person to his or
24 her correct polling place to vote.
25 Sec. 11. Section 32-915.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 32-915.01 Any person who votes in an election for federal office as
28 a result of a federal or state court order or any other order extending
29 the time established for closing the polls pursuant to a state law in
30 effect ten days before the date of that election may only vote in that
31 election by filling out casting a provisional ballot as described in
section 32-915.

Sec. 12. Section 32-916, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

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

(3) The judge of election shall, without exposing the voting marks on the ballot, approve the exposed initials upon the ballot and deposit the ballot in the ballot box or the precinct-based optical scanner in the presence of the registered voter. No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the appropriate initials. Any ballot not properly identified shall be rejected in the presence of the voter, the judge of election shall make a notation on the ballot Rejected, not properly identified, and another ballot shall be issued to the voter and the voter shall then be permitted to cast his or her ballot. If the ballot is in order, the judge shall deposit the ballot in the ballot box or the precinct-based optical scanner in the presence of the voter and the voter shall promptly leave the polling place. If a precinct uses a precinct-based optical scanner and a ballot is identified by the scanner as containing an overvote or an undervote, the voter shall be notified of the consequence of an overvote and the right to vote in the case of an undervote, whichever is applicable. The judges of election shall maintain the secrecy of the
rejected ballots and shall cause the rejected ballots to be made up in a
sealed packet. The judges of election shall endorse the packet with the
words Rejected Ballots and the designation of the precinct. The judges of
election shall sign the endorsement label and shall return the packet to
the election commissioner or county clerk with a statement by the judges
of election showing the number of ballots rejected.

(4) Upon receiving a provisional ballot as provided in section
32-915, the judge of election shall give the voter written information
that states that the voter may determine if his or her vote was counted
and, if not, the reason that the vote was not counted by accessing the
system created pursuant to section 32-202 and the judge of election shall
ensure that the appropriate information is on the outside of the envelope
in which the ballot is enclosed or attached to the envelope, attach the
statement required by section 32-915 if not contained on the envelope,
and place the entire envelope into the ballot box. Upon receiving a
provisional ballot as provided in section 32-915.01, the judge of
election shall comply with the requirements for a provisional ballot
under this subsection, except that a provisional ballot filled out cast
pursuant to section 32-915.01 shall be kept separate from the other
ballots cast at the election.

Sec. 13. Section 32-929, Reissue Revised Statutes of Nebraska, is
amended to read:

32-929 If a person is challenged on the ground that he or she is not
a resident of this state, the county, or the precinct, the person shall
answer the following questions on the form provided by the election
commissioner or county clerk:

Do you have a residence in this state: Yes or No?
Do you have a residence in this county: Yes or No?
Do you have a residence in this precinct: Yes or No?
If a person has moved from one residence to another within the
precinct in which he or she is registered to vote, such voter shall be
entitled to vote as provided in section 32-914.02. If a person has moved
from one residence to another within the county in which he or she is
registered to vote, such voter shall be entitled to fill out vote a
provisional ballot as provided in section 32-915.

Sec. 14. Section 32-942, Reissue Revised Statutes of Nebraska, is
amended to read:

32-942 (1)(a) (1) Except as otherwise provided in subsection (2) of
this section, a registered voter of this state who anticipates being
absent from the county of his or her residence on the day of any election
may appear in person before the election commissioner or county clerk not
more than thirty days prior to the day of election, present valid
photographic identification, and obtain his or her ballot. The registered
voter shall vote the ballot in the office of the election commissioner or
county clerk or shall return the ballot to the office not later than the
closing of the polls on the day of the election. If the registered voter
does not vote the ballot in the office of the election commissioner or
county clerk and returns the ballot to the office before the closing of
polls on the day of the election, the voter shall present valid
photographic identification before the ballot is accepted. If a voter
fails to produce valid photographic identification upon returning the
ballot, the voter shall fill out a voter identification verification
envelope pursuant to section 16 of this act.

(b) A registered voter who is present in the county on the day of
the election and who chooses to vote on the day of the election shall
vote at the polling place assigned to the precinct in which he or she
resides unless he or she is returning a ballot for early voting or voting
pursuant to section 32-943.

(2) If a person registers to vote and requests a ballot at the same
time under this section, he or she shall, in addition to the requirements
of subsection (1) of this section, (a)(i) present valid photographic
identification or one of the address confirmation documents as prescribed
in subdivision (1)(a) of section 32-318.01, (ii) present proof that he or she is a member of the armed forces of the United States who by reason of active duty has been absent from his or her place of residence where the member is otherwise eligible to vote, is a member of the United States Merchant Marine who by reason of service has been away from his or her place of residence where the member is otherwise eligible to vote, is a spouse or dependent of a member of the armed forces of the United States or United States Merchant Marine who has been absent from his or her place of residence due to the service of that member, or resides outside the United States and but for such residence would be qualified to vote in the state if the state was the last place in which the person was domiciled before leaving the United States, or (iii) state that he or she is elderly or handicapped and has requested to vote by alternative means other than by casting a ballot at his or her polling place on election day or (b) fill out vote a ballot which is placed in an envelope with the voter's name and address and other necessary identifying information and kept securely for counting as provided in this subsection. This subsection does not extend the deadline for voter registration specified in section 32-302. A ballot filled out cast pursuant to subdivision (b) of this subsection shall be rejected and shall not be counted if the acknowledgment of registration sent to the registrant pursuant to section 32-322 is returned as undeliverable for a reason other than clerical error within ten days after it is mailed or if the voter fails to present valid photographic identification at the election office on or before the Tuesday after the election if applicable, otherwise after such ten-day period, the ballot shall be counted.

(3) This section applies only to a person who appears in person to obtain a ballot as provided in subsection (1) of this section and does not apply to a ballot mailed to a voter pursuant to section 32-945.

Sec. 15. Section 32-943, Reissue Revised Statutes of Nebraska, is amended to read:
32-943 (1) Any registered voter who is permitted to vote early pursuant to section 32-938 and who the Secretary of State has determined is unable to vote at the polls on election day or appear before a notary public due to a mobility-related issue may apply to the Secretary of State or to the election commissioner or county clerk in a manner prescribed by the Secretary of State for the appointment of an agent to notarize and return the voter's ballot in compliance with section 32-1027. Upon receipt and verification of such an application, the Secretary shall work with the election commissioner or county clerk to arrange for such an agent and shall pay the costs associated with such arrangement. May appoint an agent to submit a request for a ballot for early voting on his or her behalf. The registered voter or his or her agent may request that the ballot be sent to the registered voter by mail or indicate on the request that the agent will personally pick up the ballot for such registered voter from the office of the election commissioner or county clerk. A registered voter or an agent acting on behalf of a registered voter shall request a ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her residence and shall indicate the voter's residence address, the address to which the ballot is to be mailed if different, and the voter's telephone number if available and precinct if known. The registered voter or the voter's agent may use the form published by the election commissioner or county clerk pursuant to section 32-808. The registered voter or his or her agent shall sign the request.

(2) Only a notary public shall serve as an agent as described in this section. A candidate for office at such election and any person serving on a campaign committee for such a candidate shall not act as an agent for any registered voter requesting a ballot pursuant to this section unless such person is a member of the registered voter's family. No person shall act as agent for more than two registered voters in any
election.

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

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

Sec. 16. (1) If a registered voter fails to produce valid photographic identification (a) at the polling place and the voter's name appears on the precinct list of registered voters for the polling place, (b) at the time of returning the ballot pursuant to subsection (1) of section 32-942, or (c) at the time of filling out the ballot for early voting in person at the office of the election commissioner or county clerk, the voter shall fill out a voter identification verification envelope.

(2) If a voter is entitled to fill out a provisional ballot pursuant to section 32-915 but fails to produce valid photographic identification, the voter shall fill out the provisional ballot in compliance with section 32-915 and shall also fill out a voter identification verification envelope. The voter's provisional ballot envelope containing the provisional ballot shall be enclosed inside the voter identification verification envelope.

(3) Each voter filling out a ballot using a voter identification verification envelope shall enclose the ballot in an envelope marked voter identification verification and shall, by signing the certification on the front of the envelope or on a separate form attached to the envelope, certify to the following facts:

(a) My name is .......

(b) I am registered to vote at .........

(c) I did not provide valid photographic identification as required
by law.

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

(e) I acknowledge that if I do not appear in person at my county election office and provide valid photographic identification to an official in that office on or before the Tuesday after the election, my ballot will not be counted.

(4) The voter shall sign the certification under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to two years imprisonment and twelve months post-release supervision, a fine of up to ten thousand dollars, or both.

Sec. 17. Section 32-947, Revised Statutes Cumulative Supplement, 2022, is amended to read:

32-947 (1) Upon receipt of an application or other request for a ballot to vote early, the election commissioner or county clerk shall determine whether the applicant is a registered voter and is entitled to vote as requested. If the election commissioner or county clerk determines that the applicant is a registered voter entitled to vote early and the application was received not later than the close of business on the second Friday preceding the election, the election commissioner or county clerk shall deliver a ballot to the applicant in person or by mail, postage paid. The election commissioner or county clerk or any employee of the election commissioner or county clerk shall write or cause to be affixed his or her customary signature or initials on the ballot.

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

VOTER'S OATH

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

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

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

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

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

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

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

I also understand that failure to appear before a notary public with a valid photographic identification and sign below will invalidate my ballot.

Signature (DO NOT SIGN UNTIL PRESENT BEFORE A NOTARY PUBLIC AND INSTRUCTED TO DO SO) ..................................................

(3) The ballot and identification envelope will be returned by mail or by someone other than the voter, the election commissioner or county clerk shall include with the ballot an identification envelope upon the face of which shall be printed the official title and post office address of the election commissioner or county clerk.
(4) The election commissioner or county clerk shall also enclose with the ballot materials:

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

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

(b) (c) Written instructions directing the voter to submit a photocopy of an identification document pursuant to section 32-318.01 if the voter is required to present identification under such section and advising the voter that failure to submit such identification to the election commissioner or county clerk by the close of the polls on election day will result in the ballot not being counted; and

(c) Written instructions that inform the voter that (i) the voter should check the status of the ballot on the free access system created pursuant to section 32-202 or by calling the office of the election commissioner or county clerk and (ii) if the ballot is not accepted due to a defect in notarization, the voter may present valid photographic identification to the election commissioner or county clerk or his or her designee on or before the Tuesday after the election for the ballot to be counted.
(5) The election commissioner or county clerk may enclose with the ballot materials a separate return envelope for the voter's use in returning the voter's identification envelope containing the voted ballot, registration application, and other materials that may be required.

Sec. 18. Section 32-949.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

32-949.01 (1) If a ballot for early voting is destroyed, spoiled, lost, or not received by the registered voter, the voter may fill out and cast a provisional ballot pursuant to section 32-915 at the voter's polling place on election day or may obtain a replacement ballot from the election commissioner or county clerk by signing a statement on a form prescribed by the Secretary of State that the original ballot for early voting was destroyed, spoiled, lost, or not received and delivering the statement to the election commissioner or county clerk.

(2) If the voter mails the statement or uses electronic mail or a facsimile machine for the submission of the statement, the election commissioner or county clerk shall not mail a replacement ballot to the voter unless the statement is received by 6 p.m. on the second Friday preceding the election. To receive a replacement ballot in person, the voter shall return the statement to the office of the election commissioner or county clerk by the deadline for the receipt of ballots specified in subsection (2) of section 32-908.

(3) The election commissioner or county clerk shall verify the signature on the statement with the signature appearing on the voter registration records.

(4) If the election commissioner or county clerk receives a statement meeting the requirements of this section, the election commissioner or county clerk shall deliver a replacement ballot to the voter if the voter is present in the office or shall mail a replacement ballot to the voter at the address shown on the statement. The election
commissioner or county clerk shall keep a record of all replacement
ballots issued under this section.

Sec. 19. Section 32-1002, Revised Statutes Cumulative Supplement,
2022, is amended to read:

32-1002 (1) As the ballots are removed from the ballot box pursuant
to sections 32-1012 to 32-1018, the receiving board shall separate the
envelopes containing the provisional ballots from the rest of the ballots
and deliver them to the election commissioner or county clerk.

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

(3) The election commissioner or county clerk shall also (a) verify
that such person has not voted anywhere else in the county or been issued
a ballot for early voting, (b) investigate whether any credible evidence
exists that the person was properly registered to vote in the county
before the deadline for registration for the election, (c) investigate
whether any information has been received pursuant to section 32-308,
32-309, 32-310, or 32-324 that the person has resided, registered, or
voted in any other county or state since registering to vote in the
county, and (d) upon determining that credible evidence exists that the
person was properly registered to vote in the county, make the
appropriate changes to the voter registration register by entering the
information contained in the registration application completed by the
voter at the time the voter filled out the of voting a provisional
ballot.

(4) A provisional ballot filled out east by a voter pursuant to
section 32-915 shall be counted if:

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

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

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

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

(i) The residence address provided on the registration application completed pursuant to subdivision (1)(f) (4)(e) of section 32-915 is located within the precinct in which the person voted; and

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

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

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

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

(b) Information has been received pursuant to section 32-308, 32-309, 32-310, or 32-324 that the voter has resided, registered, or voted in any other county or state since registering to vote in the county in which he or she filled out cast the provisional ballot;

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

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

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

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

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

(h) The voter failed to present valid photographic identification.

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

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

(ii) The information is not necessary to determine the eligibility of the voter to cast a ballot; and

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

(7) Upon determining that the voter's provisional ballot is eligible to be counted, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.

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

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

Sec. 20. (1) As the ballots are removed from the ballot box

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pursuant to sections 32-1012 to 32-1018, the receiving board shall separate the voter identification verification envelopes from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) Upon receipt of a voter identification verification envelope, the election commissioner or county clerk shall verify that the certificate on the front of the envelope or the form attached to the envelope is in proper form and that the certification has been signed by the voter.

(3) The election commissioner or county clerk shall also verify that such person has not voted anywhere else in the county.

(4) A ballot filled out by a voter and placed in a voter identification verification envelope pursuant to section 16 of this act shall be counted only if:

(a) The voter presents valid photographic identification to the office of the election commissioner or county clerk or his or her designee on or before the Tuesday after the election; and

(b) The voter completed and signed the certification on the voter identification verification envelope.

(5) Upon determining that the voter has complied with subsection (4) of this section, the election commissioner or county clerk shall remove the ballot or provisional ballot envelope from the voter identification verification envelope without exposing the marks on the ballot. If only a ballot is removed, the election commissioner or county clerk shall place the ballot with the ballots to be counted by the county canvassing board. If a provisional ballot envelope is removed, the envelope shall remain sealed until the election commissioner or county clerk determines that the provisional ballot envelope complies with section 32-1002. The provisional ballot envelope shall only be opened and the ballot removed pursuant to section 32-1002.

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

Sec. 21. Section 32-1027, Revised Statutes Cumulative Supplement,
2022, is amended to read:

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

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

(3) In its review, the counting board shall determine if:
(a) The voter has provided his or her name, residence address, and
signature on the voter identification envelope;
(b) The ballot has been received from the voter who requested it and
the residence address is the same address provided on the voter's request
for a ballot for early voting, by comparing the information provided on
the identification envelope with information recorded in the record of
early voters or the voter's request;

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

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

(e) The identification envelope is properly notarized pursuant to section 26 of this act; and

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

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

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

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

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

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

(iv) The identification envelope is properly notarized pursuant to section 26 of this act or the valid photographic identification has been verified according to subsection (5) of this section;

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

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

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

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

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

(v) The identification envelope is properly notarized pursuant to
section 26 of this act or the valid photographic identification has been
verified according to subsection (5) of this section;

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

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

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

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

and

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

(v) The identification envelope is properly notarized pursuant to
section 26 of this act or the valid photographic identification has been
verified according to subsection (5) of this section;

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

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

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

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

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

(v) The identification envelope is properly notarized pursuant to section 26 of this act or the valid photographic identification has been verified according to subsection (5) of this section.

(5)(a) In the case of a ballot received from a voter whose voter identification envelope is not properly notarized pursuant to section 26 of this act, the ballot shall be accepted for counting if the voter presents valid photographic identification to the election commissioner or county clerk or his or her designee on or before the Tuesday after the election. Upon determining that an identification envelope is not properly notarized, the counting board shall affix to the identification envelope the reason for its rejection and place the envelope with the voter identification verification envelopes. If the voter fails to present qualifying identification on or before the Tuesday after the election, the ballot shall be placed with the other rejected ballots for early voting.

(b) The election commissioner or county clerk shall notify the system administrator of the free access system created pursuant to section 32-202 as to whether a ballot was counted and, if not, the reason the ballot was not counted.

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

(7) (6) The counting board may, on the second Friday before the election, open all identification envelopes which are approved, and if the signature of the election commissioner or county clerk or his or her employee is on the ballot, the ballot shall be unfolded, flattened for purposes of using the optical scanner, and placed in a sealed container for counting as directed by the election commissioner or county clerk. At the discretion of the election commissioner or county clerk, the counting board may begin counting early ballots no earlier than twenty-four hours prior to the opening of the polls on the day of the election.

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

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

Sec. 22. Section 32-1201, Reissue Revised Statutes of Nebraska, is amended to read:

32-1201 (1) The county board shall draw warrants in payment of all
bills submitted by the election commissioner or county clerk related to
the cost of any election conducted by the office of the election
commissioner or county clerk. Except as otherwise provided in subsection
(4) of section 32-1203, the initial payment for bills submitted to the
election commissioner or county clerk for the cost of preparing for and
conducting elections shall be a county expense.

(2) The compensation of the election commissioner or county clerk,
the deputy election commissioner or deputy county clerk for elections,
and all permanent employees of the election commissioner or county clerk,
the expenditures for the rental, furnishing, and equipping of the office
of the election commissioner or county clerk, the expenditures for
necessary office supplies, books, documents, and appurtenances relating
to or used in performing the duties of the election commissioner or
county clerk in relation to elections, and the cost of elections for
county, state, and federal governments shall be an apportioned county
expense and shall not be chargeable to other political subdivisions.

(3) It is the intent of the Legislature to appropriate sufficient
funds to the Secretary of State to reimburse all costs incurred by
political subdivisions in implementing and carrying out the changes made
to the Election Act and the issuance of Nebraska Voter Identification
Cards and other valid photographic identification by this legislative
bill.

Sec. 23. Section 64-105, Revised Statutes Cumulative Supplement,
2022, is amended to read:

64-105 (1) Except as otherwise provided in section 26 of this act, a
A notary public shall not perform any notarial act as authorized by
Chapter 64, articles 1, 2, and 3, and section 26 of this act, if the
principal:
(a) Is not in the presence of the notary public at the time of the
notarial act; and
(b) Is not personally known to the notary public or identified by

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the notary public through satisfactory evidence.

(2) For purposes of this section:

(a) Identified by the notary public through satisfactory evidence means identification of an individual based on:

(i) At least one document issued by a government agency that is current and that bears the photographic image of the individual’s face and signature and a physical description of the individual, except that a properly stamped passport without a physical description is satisfactory evidence; or

(ii) The oath or affirmation of one credible witness unaffected by the document or transaction to be notarized who is personally known to the notary public and who personally knows the individual, or the oaths or affirmations of two credible witnesses unaffected by the document or transaction to be notarized who each personally knows the individual and shows to the notary public documentary identification as described in subdivision (a)(i) of this subsection; and

(b) Personal knowledge of identity or personally known means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed.

(3) This section does not apply to online notarial acts under the Online Notary Public Act.

Sec. 24. Section 64-105.01, Reissue Revised Statutes of Nebraska, is amended to read:

64-105.01 A notary public is disqualified from performing a notarial act as authorized by Chapter 64, articles 1 and 2, and section 26 of this act, if the notary:

(1) Is a spouse, ancestor, descendant, or sibling of the principal, including in-law, step, or half relatives;

(2) Except in the performance of duties pursuant to sections 64-211 to 64-215, has a financial or beneficial interest in the transaction.
other than receipt of the ordinary notarial fee or is individually named
as a party to the transaction; or

(3) Does not understand the acknowledgment or notarial certificate
used to certify the performance of his or her duties.

Sec. 25. Section 64-105.02, Reissue Revised Statutes of Nebraska, is
amended to read:

64-105.02 (1) A notary public may certify the affixation of a
signature by mark on a document presented for notarization if:

(a) The mark is affixed in the presence of the notary public and of
two witnesses unaffected by the document;

(b) Both witnesses sign their own names beside the mark;

(c) The notary public writes below the mark: "Mark affixed by (name
of signer by mark) in presence of (names and addresses of witnesses) and
undersigned notary public"; and

(d) The notary public notarizes the signature by mark through an
acknowledgment, jurat, or signature witnessing.

(2) A notary public may sign the name of a person physically unable
to sign or make a mark on a document presented for notarization if:

(a) The person directs the notary public to do so in the presence of
two witnesses unaffected by the document;

(b) The notary public signs the person's name in the presence of the
person and the witnesses;

(c) Both witnesses sign their own names beside the signature;

(d) The notary public writes below the signature: "Signature affixed
by notary public in the presence of (names and addresses of person and
two witnesses)"; and

(e) The notary public notarizes the signature through an
acknowledgment, jurat, or signature witnessing.

(3) This section does not apply to notarization of an identification
envelope for a ballot for early voting pursuant to section 26 of this
act.
Sec. 26. (1) A notary public may perform a notarial act on an identification envelope for a ballot for early voting pursuant to section 32-1027.

(2) A notary public may not charge for services performed pursuant to this section.

(3) A notary public shall not perform a notarial act on an identification envelope for a ballot for early voting unless:

(a) The principal is in the presence of the notary public at the time of the act;

(b) The principal is identified to the notary public by valid photographic identification as defined in section 3 of this act;

(c) The name on the principal's identification conforms to the name written in the space provided on the identification envelope; and

(d) The identification envelope is sealed.

Sec. 27. Section 64-113, Revised Statutes Cumulative Supplement, 2022, is amended to read:

64-113 (1) Whenever charges of malfeasance in office are preferred to the Secretary of State against any notary public in this state, or whenever the Secretary of State has reasonable cause to believe any notary public in this state is guilty of acts of malfeasance in office, the Secretary of State may appoint any disinterested person, not related by consanguinity to either the notary public or person preferring the charges, and authorized by law to take testimony of witnesses by deposition, to notify such notary public to appear before him or her on a day and at an hour certain, after at least ten days from the day of service of such notice. At such appearance, the notary public may show cause as to why his or her commission should not be canceled or temporarily revoked. The appointee may issue subpoenas to require the attendance and testimony of witnesses and the production of any pertinent records, papers, or documents, may administer oaths, and may accept any evidence he or she deems pertinent to a proper determination of the
charge. The notary public may appear, at such time and place, and cross-
examine witnesses and produce witnesses in his or her behalf. Upon the
receipt of such examination, duly certified in the manner prescribed for
taking depositions to be used in suits in the district courts of this
state, the Secretary of State shall examine the same, and if therefrom he
or she finds that the notary public is guilty of acts of malfeasance in
office, he or she may remove the person charged from the office of notary
public or temporarily revoke such person's commission. Within fifteen
days after such removal or revocation and notice thereof, such notary
public shall deposit, with the Secretary of State, the commission as
notary public and notarial seal. The commission shall be canceled or
temporarily revoked by the Secretary of State. A person so removed from
office shall be forever disqualified from holding the office of notary
public. A person whose commission is temporarily revoked shall be
returned his or her commission and seal upon completion of the revocation
period and passing the examination described in section 64-101.01. The
fees for taking such testimony shall be paid by the state at the same
rate as fees for taking depositions by notaries public. The failure of
the notary public to deposit his or her commission and seal with the
Secretary of State as required by this section shall subject him or her
to a penalty of one thousand dollars, to be recovered in the name of the
state.

(2) For purposes of this section, malfeasance in office means, while
serving as a notary public, (a) failure to follow the requirements and
procedures for notarial acts provided for in Chapter 64 and section 26 of
this act, (b) violating the confidentiality provisions of section
71-6911, or (c) being convicted of a felony or other crime involving
fraud or dishonesty.

Sec. 28. Section 64-119, Reissue Revised Statutes of Nebraska, is
amended to read:

64-119 The Secretary of State may adopt and promulgate rules and
regulations relating to the administration of, but not inconsistent with, the provisions of sections 64-101 to 64-118 and section 26 of this act.

Sec. 29. Section 64-317, Reissue Revised Statutes of Nebraska, is amended to read:

64-317 Sections 64-101 to 64-119 and 64-211 to 64-215, section 26 of this act, and the Uniform Recognition of Acknowledgments Act govern an electronic notary public unless the provisions of such sections and act are in conflict with the Electronic Notary Public Act, in which case the Electronic Notary Public Act controls.

Sec. 30. Section 64-418, Revised Statutes Cumulative Supplement, 2022, is amended to read:

64-418 (1) Sections 64-101 to 64-119 and 64-211 to 64-215, section 26 of this act, and the Uniform Recognition of Acknowledgments Act govern an online notary public unless the provisions of such sections and act are in conflict with the Online Notary Public Act, in which case the Online Notary Public Act controls.

(2) An online notarial act performed under the Online Notary Public Act satisfies any requirement of law of this state that a principal appear before, appear personally before, or be in the physical presence of a notary public at the time of the online notarial act except for requirements under:

(a) A law governing the creation and execution of wills, codicils, or testamentary trusts; or

(b) The Uniform Commercial Code other than article 2 and article 2A.

(3) The Electronic Notary Public Act does not apply to online notarial acts or online public notaries acting under the Online Notary Public Act.

Sec. 31. Section 85-609, Revised Statutes Cumulative Supplement, 2022, is amended to read:

85-609 (1) Beginning with the 2022-23 academic year, each public postsecondary institution authorized to operate in this state shall
require that the telephone number for a national suicide prevention
hotline, a local suicide prevention hotline, or a crisis text line is
printed on each new student identification card issued to a student
enrolled in such public postsecondary institution.

(2) Beginning with the 2023-24 academic year, each new student
identification card issued to a student enrolled in a public
postsecondary institution authorized to operate in this state shall
comply with the requirements of subdivision (3) of section 3 of this act
unless the student has a religious objection to being photographed, in
which case the photograph requirement shall not apply.

(3) Nothing in this section shall be construed to require the
issuance of student identification cards to students in any postsecondary
institution.

Sec. 32. Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
21, 23, 24, 25, 26, 27, 28, 29, 30, and 33 of this act become operative
on January 1, 2024. The other sections of this act become operative on
their effective date.

Sec. 33. Original sections 32-902, 32-914, 32-915.01, 32-929,
32-942, 32-943, 64-105.01, 64-105.02, 64-119, and 64-317, Reissue Revised
Statutes of Nebraska, and sections 32-915, 32-916, 32-947, 32-949.01,
32-1002, 32-1027, 64-105, 64-113, and 64-418, Revised Statutes Cumulative
Supplement, 2022, are repealed.

Sec. 34. Original section 32-1201, Reissue Revised Statutes of
Nebraska, and sections 32-101, 32-103, 32-202, and 85-609, Revised
Statutes Cumulative Supplement, 2022, are repealed.

Sec. 35. Since an emergency exists, this act takes effect when
passed and approved according to law.