

## U.S. ELECTION ASSISTANCE COMMISSION



### *2010 Election Administration & Voting Survey*

#### Nebraska

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
<b>Name</b>	Nate Dobbs
<b>Title</b>	Elections Specialist
<b>Office/Agency Name</b>	Nebraska Secretary of State's Office
<b>Address 1</b>	1445 K Street
<b>Address 2</b>	State Capitol Room 344
<b>City</b>	Lincoln
<b>State</b>	NE
<b>Zip Code</b>	68508
<b>Email Address</b>	<a href="mailto:Nate.Dobbs@nebraska.gov">Nate.Dobbs@nebraska.gov</a>
<b>Telephone (area Code and number)</b>	402-471-6149
<b>Fax Number (area code and number)</b>	402-471-7834

## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

  X   No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

  X   Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (a) below this line.]

Not defined in Statute – Per SOS office: Where more ovals are darkened than the number counting – 32-1004, 32-1006

[End definition (a) above this line.]

**b. Under-vote**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (b) below this line.]

**32-1003 Votes counted; when.**

All valid votes shall be counted. No ballot shall be rejected because the voter did not vote for every possible office or position.

[End definition (b) above this line.]

**c. Blank ballot**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (c) below this line.]

No Statutory reference

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (d) below this line.]

**32-917 Spoiled ballots; how treated.**

Any registered voter who spoils his or her ballot may receive another ballot after returning the spoiled ballot. No registered voter shall receive more than four ballots in all. The registered voter shall write invalid or void on the spoiled ballot and return it to the judges of election. The judges of election shall maintain the secrecy of the spoiled ballots and shall cause the spoiled ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Spoiled Ballots and the designation of the precinct. The judges of election shall sign such 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 spoiled.

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

  X   No Change Since 2008           Changed Since 2008

**2008 Response:**

[Begin definition (e) below this line.]

**32-1002 Provisional ballots; when counted.**

(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 32-309, 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 of voting a provisional ballot.

(4) A provisional ballot cast 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 and:

(i) The residence address provided on the registration application completed pursuant to subdivision

(1)(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 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 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 32-309, 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 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 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 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.
- (6) 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.
- (7) 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.
- (8) The verification and investigation shall be completed within seven days after the election.

[End definition (e) above this line.]

**f. Absentee**

  X   No Change Since 2008           Changed Since 2008

**2008 Response:**

[Begin definition (f) below this line.]

Absentee in NE is called Early Voting

[End definition (f) above this line.]

**g. Early voting**

  X   No Change Since 2008           Changed Since 2008

**2008 Response:**

[Begin definition (g) below this line.]

Early voting takes place 35 days prior to the election.

[End definition (g) above this line.]

**h. Active Voter**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (h) below this line.]

**32-115 Registered voter, defined.**

Registered voter shall mean an elector who has a valid voter registration record on file with the election commissioner or county clerk in the county of his or her residence

[End definition (h) above this line.]

**i. Inactive Voter**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (i) below this line.]

There is no legal definition for Inactive Voter in NE

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

☐ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (A2) below this line.]

32-1049 (8) Develop a procedure for picking up and counting ballots during election day at the discretion of the election commissioner or county clerk. No report or tabulation of vote totals for such ballots shall be produced or generated prior to one hour before the closing of the polls; and

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

### 2008 Response:

[Begin response to above question (B1) below this line.]

The Nebraska Voter Registration System is a "top-down" statewide voter registration system that is used throughout all 93 counties in Nebraska. The architecture is based on the "one voter, one record" principle. When a voter moves to another county, the record is transferred and retains all history from the previous county. The voter registration system is provided by a single vendor, Elections System and Software (ES&S).

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

☐ **No Change Since 2008**      ☐ **Changed Since 2008**

### 2008 Response:

[Begin response to above clarification question to B1 below this line.]

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

### 2008 Response:

[Begin response to above question (B2) below this line.]

Voters are moved to the NVRA process and confirmation notices are sent if, the state initiates the NCOA process, ID/Acknowledgement cards or VR forms are returned as un-

deliverable or non-forwardable or if there is information of a change from a third party ( ex. jury notices, utility companies, etc.) The process is the same for UOCAVA voters

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (B3) below this line.]

Every 6 months the database is run against NCOA a confirmation notice is generated Voters are made removable if they have not voted in two general elections, and have not responded to 2 NCOA confirmation mailings. The process is the same for UOCAVA voters

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (B4) below this line.]

The system was implemented in response to HAVA, and has interfaces to the Department of Motor Vehicles (DMV), the Social Security Administration (SSA), death records, and felon records. These interfaces can best be described as one way transfers of data from these agencies. We can incorporate this data into our system and check against the registrations (ex. NCOA, and death record checks).

The database can be "linked" in this fashion with other agencies.

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (B5) below this line.]

The state hires a vendor. The vendor compares the Voter Registration list with USPS address changes. The USPS information is merged with the state Database, and the state sends conformation notices. These notices are returned to each individual county election office and they use the information provided on the cards to update their registration records. This process has been an efficient way to maintain a clean list.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (B6) below this line.]

32-313 Persons convicted of a felony can re-register to vote 2 years after the completion of the sentence. This includes any probation or restitution payments. The voter does not have to produce documentation when re-registering.

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (B7) below this line.]

Yes, we provide a PDF file of our Voter Registration Application online. This file can be filled out online, but must be printed and mailed. Also, we provide registration documentation online. This includes new voter information, FAQ's, and guides for registering and voting.

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (a) below this line.]

Centrally

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (b) below this line.]

No, all are recorded as EV and in one precinct.

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (c) below this line.]

No, they are reported in separate EV precincts.

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (d) below this line.]

UOCAVA ballots are reported separate as to location, but vote totals are included in EV totals.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C2) below this line.]

32-938 - no excuse absentee voting

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C3) below this line.]

Yes, in person early voting begins 35 days prior to the General Election.

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

☐ **No Change Since 2008**      ☒ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C4) below this line.]

Yes – 22 precincts in Nebraska use a vote by mail system.

[End response to above question (C4) above this line.]

Comment [nd1]: 25

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

  X   **No Change Since 2008**             **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C5) below this line.]

**32-915 Provisional ballot; conditions; certification.**

(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 or whose name appears with a notation that he or she received a ballot for early voting may 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 vote at the polling place for the precinct to which the person would be assigned based on his or her residence address; and
- (e) 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 vote a provisional ballot if he or she completes and signs a registration application before voting.

(3) Each person 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 did not appear on the precinct list of registered voters;
- (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,

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

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

.... in some other way;

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

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

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

(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 five years imprisonment, a fine of up to ten thousand dollars, or both.

(5) 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 his or her correct polling place to vote.

**Source** Laws 1994, LB 76, § 258; Laws 1997, LB 764, § 87; Laws 1999, LB 234, § 12; Laws 2003, LB 358, § 24; Laws 2005, LB 401, § 5; Laws 2005, LB 566, § 37.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C6) below this line.]

**32-1002 Provisional ballots; when counted.**

(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 32-309, 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 of voting a provisional ballot.

(4) A provisional ballot cast 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 and:

- (i) The residence address provided on the registration application completed pursuant to subdivision (1)(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 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 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 32-309, 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 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 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 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.
- (6) 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.
- (7) 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.
- (8) The verification and investigation shall be completed within seven days after the election.

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C7) below this line.]

**32-1031 County canvassing board; canvass of votes; procedure.**

(1) After counting the ballots under section 32-1027, the county canvassing board shall proceed with the official canvass of votes cast on election day. If in the process of canvassing the votes for any candidate or measure in any precinct the election commissioner or county clerk or the canvassing board determines that there is an obvious error in the certification of the votes, the error shall be corrected. The county canvassing board may open the ballots-cast container and recount the ballots for any candidate or any measure which appears to be in error. If the county canvassing board finds and corrects any such error, it shall make the correction entry in the precinct sign-in register, the precinct list of registered voters, and the official summary or summaries of votes cast and shall attach a letter of explanation to each book where the correction was made. The letter shall be signed by all members of the county canvassing board.

(2) When it has been determined that the returns in all precincts are correct, the county canvassing board shall enter the same in a permanent ledger. The permanent ledger shall be preserved by the election commissioner or county clerk for the period of time specified by the State Records Administrator pursuant to the Records Management Act, and then it may be transferred to the State Archives of the Nebraska State Historical Society for permanent preservation.

(3) Any recesses or adjournments of the county canvassing board shall be to a fixed time and publicly announced. When a recess is called, all ballots that have not been counted and all other supplies shall be placed in a fireproof safe or other suitable location which is locked until such board reconvenes.

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C8) below this line.]

The state requires training in the following areas:

Disability awareness and cultural awareness  
Duties prior to opening the polls  
Receiving board/inspector duties  
Polling Place decorum  
After the polls close

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (D1) below this line.]

The tabulation equipment must be programmed to capture these types of ballots.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (a) below this line.]

If registering to vote for the first time in Nebraska and by mail, the voter should provide a valid NE ID or last 4 digits of their Social Security number. The voter may also provide a copy of a bank statement, utility bill, or another type of government document.

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (b) below this line.]

None

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (c) below this line.]

None

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (d) below this line.]

None

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

       No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (e) below this line.]

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (D3) below this line.]

**32-1013: *Centralized location; watchers; counting board members; oath; authorized observers.***

(1) In each centralized location, watchers may be appointed to be present and observe the counting of ballots. Each political party shall be entitled to one watcher at each location appointed and supplied with credentials by the county central committee of such political party. The district court having jurisdiction over any such county may appoint additional watchers for any location.

(2) The watchers and the members of the counting board shall take the following oath administered by the election commissioner or county clerk or an election official designated by the election commissioner or county clerk: I do solemnly swear that I will not in any manner make known to anyone other than duly authorized election officials the results of the votes as they are being counted until the polls have officially closed and the summary of votes cast is delivered to the election commissioner or county clerk.

(3) All other persons shall be excluded from the place where the counting is being conducted except for observers authorized by the election commissioner or county clerk. No such observer shall be connected with any candidate, political party, or measure on the ballot.

**32-910 Polling places; obstructions prohibited; restrictions on access.**

Any judge or clerk of election, precinct or district inspector, sheriff, or other peace officer shall clear the passageways and prevent obstruction of the doors or entries and provide free ingress to and egress from the polling place or building and shall arrest any person obstructing such passageways. Other than a registered voter engaged in receiving, preparing, or marking a ballot, an election commissioner, a county clerk, a precinct inspector, a district inspector, a judge of election, a clerk of election, or a member of a counting board, no person shall be permitted to be within eight feet of the ballot boxes or within eight feet of any ballots being counted by a counting board.

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   **No Change Since 2008**             **Changed Since 2008**

### **2008 Response:**

[Begin response to above question (E1) below this line.]

Nebraska has in place a Fraud Unit that a voter can call and describe any situation where they believe fraud has occurred.

[End response to above question (E1) above this line.]

**E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.**

**Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:**

- **Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)**
- **Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)**
- **Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))**

**Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).**

**This question was not asked in 2008. Please provide your answer below.**

[Begin response to above question (E2) below this line.]

- **Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)**

County officials have been instructed to take all appropriate measures to ensure ballot security.

- **Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)**

If a county official receives an FPCA with an e-mail address or fax number, they have been instruction to send the blank ballot electronically, unless otherwise indicated by the voter. Moreover, all correspondence with the voter will take place via e-mail if an e-mail address is provided. If only a fax number is provided, then all correspondence will take place via fax. If only a mailing address is provided, then all correspondence with the voter will take place via mail.

The state has updated the information on the Elections website to reflect this change, and the voter is strongly encouraged to provide an e-mail address.

- **Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))**

The state has set up a website to allow for UOCAVA voters to track the status of their absentee ballot. The status includes: Ballot sent, ballot received, ballot accepted or rejected, and if rejected, the reason for the rejection. When the voter applies for a ballot, they will receive their unique voter registration number as a means to check the status of their ballot on the website.

**Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).**

A record is created each time the county official logs an application request. The record is assigned a unique tracking number. Each time there is activity on the record (i.e. an application is returned, a ballot is sent, a ballot is returned accepted or rejected) then the date and time for each event is logged in the system.

This data is accessible on a statewide level via reports. Further, the state has set up a more refined and detailed method for determining military and overseas voters, so the data can be collected and associated with the correct type of voter.

[End response to above question (E2) above this line.]

**E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

  X   **No Change Since 2008**             **Changed Since 2008**

**2008 Response:**

[Begin response to above question (E3) below this line.]

[End response to above question (E3) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.