

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 239

Introduced by Janssen, 15.

Read first time January 11, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-110.02,
2 32-311.01, 32-321, 32-902, 32-914, 32-938, 32-944,
3 32-947, 32-953, 32-1027, 60-4,115, and 60-4,181, Reissue
4 Revised Statutes of Nebraska, and sections 32-915 and
5 32-1002, Revised Statutes Cumulative Supplement, 2010; to
6 require presentation of a government-issued photographic
7 identification document to vote; to provide exceptions;
8 to provide for provisional ballots; to change
9 requirements for identification for certain first-time
10 voters; to change provisions for issuance of state
11 identification cards; to harmonize provisions; to repeal
12 the original sections; and to outright repeal section
13 32-318.01, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 32-110.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 ~~32-110.02 Government document means an identification~~
4 ~~document or other document issued by a federal, state, or local~~
5 ~~government agency that includes the name and address of the voter as~~
6 ~~they appear on his or her voter registration application, including~~
7 ~~those documents that acknowledge the person's civil or legal status~~
8 ~~or entitlement to a government service or program.~~

9 Government-issued photographic identification means:

10 (1) A motor vehicle operator's license or state
11 identification card issued under the Motor Vehicle Operator's License
12 Act which is current and valid at the time it is presented or which
13 was current and valid on the date of the most recent general
14 election; or

15 (2) A document issued by the United States which shows:

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

19 (b) A photograph of the individual to whom the document
20 was issued; and

21 (c) An expiration date which is not passed or which
22 passed after the date of the most recent general election.

23 Sec. 2. Section 32-311.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-311.01 (1) The Secretary of State shall prescribe and

1 distribute a registration application which may be used statewide to
2 register to vote and update voter registration records. An applicant
3 may use the application to register to vote or to update his or her
4 voter registration record with changes in his or her personal
5 information or other information related to his or her eligibility to
6 vote. An applicant may submit the application in person, through a
7 personal messenger or personal agent, or by mail. Every election
8 commissioner or county clerk shall accept such an application for
9 registration. If an applicant who is eligible to register to vote
10 submits the application in person at the office of the election
11 commissioner or county clerk, the information from the application
12 shall be entered into the voter registration register in the presence
13 of the applicant if possible.

14 (2) The application shall contain substantially all the
15 information provided in section 32-312 and the following
16 informational statements:

17 (a) An applicant who is unable to sign his or her name
18 may affix his or her mark next to his or her name written on the
19 signature line by some other person;

20 (b) If the application is submitted by mail and the
21 applicant is registering in the state for the first time and has not
22 previously voted within the state, the applicant must submit with the
23 application a copy of a government-issued photographic photo
24 ~~identification which is current and valid or a copy of a utility~~
25 ~~bill, bank statement, government check, paycheck, or other government~~

1 ~~document that is current and that shows the name and address of the~~
2 ~~applicant as they appear on the application~~ in order to avoid
3 additional identification requirements when voting for the first time
4 if the voter votes early;

5 (c) An applicant may deliver the application to the
6 office of the election commissioner or county clerk in person,
7 through a personal messenger or personal agent, or by mail;

8 (d) To vote at the polling place on election day, the
9 completed application must be:

10 (i) Delivered by the applicant in person to the office of
11 the election commissioner or county clerk on or before the deadline
12 prescribed in section 32-302;

13 (ii) Delivered by the applicant's personal messenger or
14 personal agent to the office of the election commissioner or county
15 clerk on or before the third Friday before the election; or

16 (iii) Postmarked on or before the third Friday before the
17 election if the application is submitted by mail; and

18 (e) The election commissioner or county clerk will, upon
19 receipt of the application for registration, send an acknowledgment
20 of registration to the applicant indicating whether the application
21 is proper or not.

22 Sec. 3. Section 32-321, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-321 (1) Any elector may request a voter registration
25 application from the office of the Secretary of State or the election

1 commissioner or county clerk. The Secretary of State and the election
2 commissioner or county clerk shall make registration applications
3 prescribed by the Secretary of State available and may place the
4 applications in public places. The Secretary of State and the
5 election commissioner or county clerk may require that all unused
6 applications be returned to his or her office and may place
7 reasonable limits on the amount of applications requested.

8 (2) If an elector returns the completed application to
9 the office of the Secretary of State, the office shall deliver the
10 application to the election commissioner or county clerk of the
11 county in which the elector resides not later than ten days after
12 receipt by the office, except that if the application is returned to
13 the office within five days prior to the third Friday preceding any
14 election, it shall be delivered not later than five days after the
15 date it is returned. The deadline for returning a completed
16 application to the office of the Secretary of State is the close of
17 business on the third Friday preceding an election to be registered
18 to vote at such election. A registration application received after
19 the deadline shall not be processed by the election commissioner or
20 county clerk until after the election. The office of the Secretary of
21 State shall be a designated voter registration agency for purposes of
22 section 7 of the National Voter Registration Act of 1993, 42 U.S.C.
23 1973gg-5, as such section existed on March 11, 2008.

24 (3) If an elector mails the registration application to
25 the election commissioner or county clerk:

1 (a)(i) The application shall be postmarked on or before
2 the third Friday before the next election; or

3 (ii) The application shall be received not later than the
4 second Tuesday before the next election if the postmark is
5 unreadable; and

6 (b) The application shall be processed by the election
7 office as a proper registration for the voter to be entitled to vote
8 on the day of the next election.

9 (4) If the registration application arrives after the
10 registration deadline, the application shall not be processed until
11 after the election. Written notice shall be given to any applicant
12 whose registration application failed to meet the registration
13 deadline or was found to be incorrect or incomplete and shall state
14 the specific reason for rejection. If the application is incomplete,
15 the election commissioner or county clerk shall notify the applicant
16 of the failure to provide the required information, including failure
17 to provide government-issued photographic identification if required,
18 and provide the applicant with the opportunity to submit ~~an~~ such
19 ~~identification document as described in section 32-318.01~~ prior to
20 the deadline for voter registration or to complete and submit a
21 corrected registration application in a timely manner to allow for
22 the proper registration of the applicant prior to the next election.
23 All postage costs related to returning registration applications to
24 the election commissioner or county clerk shall be paid by the
25 registrant.

1 Sec. 4. Section 32-902, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-902 (1) The election commissioner or county clerk
4 shall cause instructions for the guidance of registered voters in
5 preparing their ballots to be printed in large, clear type on cards
6 in English. He or she shall furnish at least five such cards to each
7 polling place in each precinct at the same time and in the same
8 manner as the printed ballots. The judges or clerks of election shall
9 post such cards in each voting booth on the day of election. The card
10 shall contain full instructions on preparing and casting ballots,
11 including how to cast a write-in vote. The form and contents of the
12 cards shall be approved by the Secretary of State.

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

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

19 (b) Instructions for voters who registered to vote by
20 mail and first-time voters and for voters to present identification
21 or vote a provisional ballot;

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

1 been violated; and

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

4 Sec. 5. Section 32-914, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 32-914 (1) Official ballots shall be used at all
7 elections. No person shall receive a ballot or be entitled to vote
8 unless and until he or she is registered as a voter except as
9 provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
10 32-936.

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

13 (a) He or she announces his or her name and address to
14 the clerk of election;

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

19 (c) The voter has presented a government-issued
20 photographic identification which is current and valid at the time of
21 the election, ~~or a copy of a utility bill, bank statement, paycheck,~~
22 ~~government check, or other government document which is current at~~
23 ~~the time of the election~~ and which shows the same name and residence
24 ~~address~~ of the voter that is on the precinct list of registered
25 voters, ~~if the voter registered by mail after January 1, 2003, and~~

1 ~~has not previously voted in an election for a federal office within~~
2 ~~the county and a notation appears on the precinct list of registered~~
3 ~~voters that the voter has not previously presented identification to~~
4 ~~the election commissioner or county clerk; unless the voter votes a~~
5 ~~provisional ballot;~~

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

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

16 Sec. 6. Section 32-915, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 32-915 (1) A person whose name does not appear on the
19 precinct list of registered voters at the polling place for the
20 precinct in which he or she resides, whose name appears on the
21 precinct list of registered voters at the polling place for the
22 precinct in which he or she resides at a different residence address
23 as described in section 32-914.02, ~~or~~ whose name appears with a
24 notation that he or she received a ballot for early voting, or who
25 does not present a government-issued photographic identification may

1 vote a provisional ballot if he or she:

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

5 (b) Is not entitled to vote under section 32-914.01 or
6 32-914.02;

7 (c) Has not registered to vote or voted in any other
8 county since registering to vote in the county in which the precinct
9 is located;

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

13 (e) Completes and signs a registration application before
14 voting.

15 ~~(2) A voter whose name appears on the precinct list of~~
16 ~~registered voters for the polling place with a notation that the~~
17 ~~voter is required to present identification pursuant to section~~
18 ~~32-318.01 but fails to present identification may vote a provisional~~
19 ~~ballot if he or she completes and signs a registration application~~
20 ~~before voting.~~

21 ~~(3)~~(2) Each person voting by provisional ballot shall
22 enclose his or her ballot in an envelope marked Provisional Ballot
23 and shall, by signing the certification on the front of the envelope
24 or a separate form attached to the envelope, certify to the following
25 facts:

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

2 (b) My name or address did not correctly appear on the
3 precinct list of registered voters without a notation or I have not
4 presented a government-issued photographic identification;

5 (c) I registered to vote on or about this
6 date

7 (d) I registered to vote
8 in person at the election office or a voter
9 registration site,
10 by mail,
11 on a form through the Department of Motor Vehicles,
12 on a form through another state agency,
13 in some other way;

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

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

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

21 ~~(4)~~(3) The voter shall sign the certification under
22 penalty of election falsification. The following statements shall be
23 on the front of the envelope or on the attached form: By signing the
24 front of this envelope or the attached form you are certifying to the
25 information contained on this envelope or the attached form under

1 penalty of election falsification. Election falsification is a Class
2 IV felony and may be punished by up to five years imprisonment, a
3 fine of up to ten thousand dollars, or both.

4 ~~(5)~~ (4) If the person's name does not appear on the
5 precinct list of registered voters for the polling place and the
6 judge or clerk of election determines that the person's residence
7 address is located in another precinct within the same county, the
8 judge or clerk of election shall direct the person to his or her
9 correct polling place to vote.

10 Sec. 7. Section 32-938, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-938 (1) A registered voter shall be permitted to vote
13 early by requesting a ballot for early voting pursuant to section
14 32-941 or 32-943. A registered voter voting early shall not be
15 required to show a government-issued photographic identification
16 prior to being issued a ballot for early voting except as provided in
17 subdivision (2)(b) of section 32-311.01.

18 (2) Any person excluded from voting under section 32-313
19 or 32-314 shall not be allowed to receive a ballot for early voting.

20 (3) Any person who fails to register to vote by the voter
21 registration deadline shall not be allowed to vote except as provided
22 in section 32-940 or 32-941.

23 Sec. 8. Section 32-944, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-944 The election commissioner or county clerk may

1 train registered voters to act on behalf of the election commissioner
2 or county clerk in administering a ballot to residents of nursing
3 homes or hospitals who have requested ballots. Ballots shall be
4 administered by two registered voters who are not affiliated with the
5 same political party. A resident of a nursing home shall not be
6 required to present a government-issued photographic identification
7 prior to being issued a ballot. The election commissioner or county
8 clerk shall adopt procedures to carry out this section.

9 Sec. 9. Section 32-947, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 32-947 (1) Upon receipt of an application or other
12 request for a ballot to vote early, the election commissioner or
13 county clerk shall determine whether the applicant is a registered
14 voter and is entitled to vote as requested. If the election
15 commissioner or county clerk determines that the applicant is a
16 registered voter entitled to vote early and the application was
17 received at or before 4 p.m. on the Wednesday preceding the election,
18 the election commissioner or county clerk shall deliver a ballot to
19 the applicant in person or by mail, postage paid. The election
20 commissioner or county clerk or any employee of the election
21 commissioner or county clerk shall write his or her customary
22 signature or initials on the ballot.

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

1 VOTER'S OATH

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

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

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

9 (b) I reside in the State of Nebraska at the address
10 printed below;

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

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

15 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
16 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION
17 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE
18 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS
19 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN
20 THOUSAND DOLLARS, OR BOTH.

21 I also understand that failure to complete the
22 information below will invalidate my ballot.

23 Signature

24 Printed Name

25 Residence Address

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

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

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

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

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

21 (b) A registration application and the oath pursuant to
22 section 32-946, if the voter is without a residence address, with
23 instructions that the residence address of the voter shall be deemed
24 that of the office of the election commissioner or county clerk of
25 the county of the voter's prior residence and that failure to return

1 the completed and signed application and oath to the election
2 commissioner or county clerk by the close of the polls on election
3 day will result in the ballot not being counted; or

4 (c) Written instructions directing the voter to submit a
5 copy of ~~an identification document pursuant to section 32-318.01 a~~
6 government-issued photographic identification if the voter is
7 ~~required to present identification under such section registering to~~
8 vote by mail and has not previously voted in the state and advising
9 the voter that failure to submit such identification to the election
10 commissioner or county clerk ~~by the close of the polls on within ten~~
11 days after election day will result in the ballot not being counted.

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

17 Sec. 10. Section 32-953, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-953 The election commissioner or county clerk shall
20 mail the official ballot to all registered voters of the political
21 subdivision at the addresses appearing on the voter registration
22 register on the same day. In an election held by mail, registered
23 voters shall not be required to present a government-issued
24 photographic identification prior to being issued a ballot. The
25 ballots shall be mailed by nonforwardable first-class mail not sooner

1 than the twentieth day before the date set for the election and not
2 later than the tenth day before the date set for the election. The
3 election commissioner or county clerk shall include with the ballot
4 an unsealed identification envelope meeting the requirements of
5 subsection (2) of section 32-947 and instructions sufficient to
6 describe the voting process.

7 Sec. 11. Section 32-1002, Revised Statutes Cumulative
8 Supplement, 2010, is amended to read:

9 32-1002 (1) As the ballots are removed from the ballot
10 box pursuant to sections 32-1012 to 32-1018, the receiving board
11 shall separate the envelopes containing the provisional ballots from
12 the rest of the ballots and deliver them to the election commissioner
13 or county clerk.

14 (2) Upon receipt of a provisional ballot, the election
15 commissioner or county clerk shall verify that the certificate on the
16 front of the envelope or the form attached to the envelope is in
17 proper form and that the certification has been signed by the voter.
18 If there is an indication on the envelope that the provisional ballot
19 was cast because the registered voter did not present a government-
20 issued photographic identification, the election commissioner shall
21 separate those envelopes. If within ten days after the election the
22 voter presents a government-issued photographic identification or
23 submits a copy of such identification to the election commissioner or
24 county clerk or signs a statement provided by the election
25 commissioner or county clerk that the voter is indigent and unable to

1 obtain a government-issued photographic identification or that the
2 voter has a religious objection to being photographed, the voter's
3 envelope shall be processed and the ballot counted as otherwise
4 provided by the Election Act.

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

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

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

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

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

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

5 (i) The residence address provided on the registration
6 application completed pursuant to subdivision (1)(e) of section
7 32-915 is located within the precinct in which the person voted; and

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

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

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

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

20 (b) Information has been received pursuant to section
21 32-309, 32-310, or 32-324 that the voter has resided, registered, or
22 voted in any other county or state since registering to vote in the
23 county in which he or she cast the provisional ballot;

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

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

4 (e) The residence address provided on the registration
5 application completed pursuant to subdivision (1)(e) of section
6 32-915 is in a different county or in a different precinct than the
7 county or precinct in which the voter voted;

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

13 (g) The voter failed to complete and sign the
14 certification on the envelope or form attached to the envelope
15 pursuant to subsection ~~(3)~~(2) of section 32-915.

16 (6) An error or omission of information on the
17 registration application or the certification required under section
18 32-915 shall not result in the provisional ballot not being counted
19 if:

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

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

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

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

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

10 (9) The verification and investigation shall be completed
11 within ~~seven~~ten days after the election.

12 Sec. 12. Section 32-1027, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-1027 (1) The election commissioner or county clerk
15 shall appoint two or more registered voters to the counting board for
16 early voting. One registered voter shall be appointed from the
17 political party casting the highest number of votes for Governor or
18 for President of the United States in the county in the immediately
19 preceding general election, and one registered voter shall be
20 appointed from the political party casting the next highest vote for
21 such office. The election commissioner or county clerk may appoint
22 additional registered voters to serve on the counting board and may
23 appoint registered voters to serve in case of a vacancy among any of
24 the members of the counting board. Such appointees shall be balanced
25 between the political parties and may include registered voters

1 unaffiliated with any political party. The counting board may begin
2 carrying out its duties not earlier than the second Monday before the
3 election and shall meet as directed by the election commissioner or
4 county clerk.

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

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

10 (a) The voter has provided his or her name, residence
11 address, and signature on the voter identification envelope;

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

18 (c) A completed and signed registration application has
19 been received from the voter by the deadline in section 32-302,
20 32-321, or 32-325 or by the close of the polls pursuant to section
21 32-945;

22 (d) ~~An identification document~~ A government-issued
23 photographic identification has been ~~received from~~ presented by the
24 voter not later than the ~~close of the polls on ten days after~~
25 election day if required pursuant to section ~~32-318.01; 32-947;~~ and

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

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

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

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

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

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

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

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

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

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

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

9 (c) In the case of a ballot received from a voter without
10 a residence address who requested a ballot pursuant to section
11 32-946, the ballot shall be accepted for counting if:

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

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

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

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

1 (d) In the case of a ballot received from a registered
2 voter required to present a government-issued photographic
3 identification before voting with the ballot to vote early pursuant
4 to section ~~32-318.01,~~ 32-947, the ballot shall be accepted for
5 counting if:

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

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

11 (iii) A copy of ~~an~~ a government-issued photographic
12 identification document authorized in section 32-318.01 has been
13 received by the election commissioner or county clerk ~~prior to the~~
14 ~~close of the polls on~~ within ten days after election day; and

15 (iv) The identification envelope has been signed by the
16 voter.

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

23 (6) The counting board may, on the second Monday before
24 the election, open all identification envelopes which are approved,
25 and if the signature of the election commissioner or county clerk or

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

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

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

25 Sec. 13. Section 60-4,115, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-4,115 (1) Fees for operators' licenses and state
 3 identification cards shall be collected and distributed according to
 4 the table in subsection (2) of this section, except for the ignition
 5 interlock permit and associated fees as outlined in subsection (4) of
 6 this section and except for state identification cards issued
 7 pursuant to subsection (6) of this section. County officials shall
 8 remit the county portion of the fees collected to the county
 9 treasurer for placement in the county general fund. All other fees
 10 collected shall be remitted to the State Treasurer for credit to the
 11 appropriate fund. The State Treasurer shall transfer an amount equal
 12 to three dollars and fifty cents times the number of original or
 13 renewal Class M licenses issued pursuant to section 60-4,127 during
 14 the previous year from the Department of Motor Vehicles Cash Fund to
 15 the Motorcycle Safety Education Fund.

16 (2) The fees provided in this subsection in the following
 17 dollar amounts apply for operators' licenses and state identification
 18 cards.

		Department		
		County	of Motor	State
Document	Total	General	Vehicles	General
	Fee	Fund	Cash Fund	Fund
23 State identification card:				
24 Valid for 1 year or less	5.00	2.75	1.25	1.00

1	Valid for more than 1 year				
2	but not more than 2 years	10.00	2.75	4.00	3.25
3	Valid for more than 2 years				
4	but not more than 3 years	14.00	2.75	5.25	6.00
5	Valid for more than 3 years				
6	but not more than 4 years	19.00	2.75	8.00	8.25
7	Valid for more than 4 years				
8	for person under 21	24.00	2.75	10.25	11.00
9	Valid for 5 years	24.00	3.50	10.25	10.25
10	Duplicate or replacement	11.00	2.75	6.00	2.25
11	Class O or M operator's license:				
12	Valid for 1 year or less	5.00	2.75	1.25	1.00
13	Valid for more than 1 year				
14	but not more than 2 years	10.00	2.75	4.00	3.25
15	Valid for more than 2 years				
16	but not more than 3 years	14.00	2.75	5.25	6.00
17	Valid for more than 3 years				
18	but not more than 4 years	19.00	2.75	8.00	8.25
19	Valid for 5 years	24.00	3.50	10.25	10.25
20	Bioptic or telescopic lens restriction:				
21	Valid for 1 year or less	5.00	0	5.00	0

1	Valid for more than 1 year				
2	but not more than 2 years	10.00	2.75	4.00	3.25
3	Duplicate or replacement	11.00	2.75	6.00	2.25
4	Add, change, or remove class,				
5	endorsement, or restriction	5.00	0	5.00	0
6	Provisional operator's permit:				
7	Original	15.00	2.75	12.25	0
8	Bioptic or telescopic lens restriction:				
9	Valid for 1 year or less	5.00	0	5.00	0
10	Valid for more than 1 year				
11	but not more than 2 years	15.00	2.75	12.25	0
12	Duplicate or replacement	11.00	2.75	6.00	2.25
13	Add, change, or remove class,				
14	endorsement, or restriction	5.00	0	5.00	0
15	LPD-learner's permit:				
16	Original	8.00	.25	5.00	2.75
17	Duplicate or replacement	11.00	2.75	6.00	2.25
18	Add, change, or remove class,				
19	endorsement, or restriction	5.00	0	5.00	0
20	LPE-learner's permit:				
21	Original	8.00	.25	5.00	2.75

1	Duplicate or replacement	11.00	2.75	6.00	2.25
2	Add, change, or remove class,				
3	endorsement, or restriction	5.00	0	5.00	0
4	School permit:				
5	Original	8.00	.25	5.00	2.75
6	Duplicate or replacement	11.00	2.75	6.00	2.25
7	Add, change, or remove class,				
8	endorsement, or restriction	5.00	0	5.00	0
9	Farm permit:				
10	Original or renewal	5.00	.25	0	4.75
11	Duplicate or replacement	5.00	.25	0	4.75
12	Temporary	5.00	.25	0	4.75
13	Add, change, or remove class,				
14	endorsement, or restriction	5.00	0	5.00	0
15	Driving permits:				
16	Employment	45.00	0	5.00	40.00
17	Medical hardship	45.00	0	5.00	40.00
18	Duplicate or replacement	10.00	.25	5.00	4.75
19	Add, change, or remove class,				
20	endorsement, or restriction	5.00	0	5.00	0
21	Commercial driver's license:				

1	Valid for 1 year or less	11.00	1.75	5.00	4.25
2	Valid for more than 1 year				
3	but not more than 2 years	22.00	1.75	5.00	15.25
4	Valid for more than 2 years				
5	but not more than 3 years	33.00	1.75	5.00	26.25
6	Valid for more than 3 years				
7	but not more than 4 years	44.00	1.75	5.00	37.25
8	Valid for 5 years	55.00	1.75	5.00	48.25
9	Bioptic or telescopic lens restriction:				
10	Valid for one year or less	11.00	1.75	5.00	4.25
11	Valid for more than 1 year				
12	but not more than 2 years	22.00	1.75	5.00	15.25
13	Duplicate or replacement	11.00	2.75	6.00	2.25
14	Add, change, or remove class,				
15	endorsement, or restriction	10.00	1.75	5.00	3.25
16	LPC-learner's permit:				
17	Original or renewal	10.00	.25	5.00	4.75
18	Duplicate or replacement	10.00	.25	5.00	4.75
19	Add, change, or remove class,				
20	endorsement, or restriction	10.00	.25	5.00	4.75
21	Seasonal permit:				

1	Original or renewal	10.00	.25	5.00	4.75
2	Duplicate or replacement	10.00	.25	5.00	4.75
3	Add, change, or remove class,				
4	endorsement, or restriction	10.00	.25	5.00	4.75
5	School bus permit:				
6	Original or renewal	5.00	0	5.00	0
7	Duplicate or replacement	5.00	0	5.00	0
8	Add, change, or remove class,				
9	endorsement, or restriction	5.00	0	5.00	0

10 (3) If the department issues an operator's license or a
 11 state identification card for which a fee is collected, the
 12 department shall remit the county portion of the fees to the State
 13 Treasurer for credit to the Department of Motor Vehicles Cash Fund.

14 (4)(a) The fee for an ignition interlock permit shall be
 15 forty-five dollars. Five dollars of the fee shall be remitted to the
 16 State Treasurer for credit to the Department of Motor Vehicles Cash
 17 Fund. Forty dollars of the fee shall be remitted to the State
 18 Treasurer for credit to the Probation Cash Fund.

19 (b) The fee for a duplicate or replacement ignition
 20 interlock permit shall be ten dollars. Twenty-five cents of the fee
 21 shall be remitted to the county treasurer for credit to the county
 22 general fund. Five dollars of the fee shall be remitted to the State
 23 Treasurer for credit to the Department of Motor Vehicles Cash Fund.
 24 Four dollars and seventy-five cents of the fee shall be remitted to

1 the State Treasurer for credit to the Probation Cash Fund.

2 (c) The fee for adding, changing, or removing a class,
3 endorsement, or restriction on an ignition interlock permit shall be
4 five dollars. The fee shall be remitted to the State Treasurer for
5 credit to the Department of Motor Vehicles Cash Fund.

6 (5) This subsection applies beginning on the
7 implementation date designated by the director pursuant to section
8 60-462.02. The department and its agents may collect an identity
9 security surcharge to cover the cost of security and technology
10 practices used to protect the identity of applicants for and holders
11 of operators' licenses and state identification cards and to reduce
12 identity theft, fraud, and forgery and counterfeiting of such
13 licenses and cards to the maximum extent possible. The surcharge
14 shall be in addition to all other required fees for operators'
15 licenses and state identification cards. The amount of the surcharge
16 shall be determined by the department. The surcharge shall not exceed
17 eight dollars. The surcharge shall be remitted to the State Treasurer
18 for credit to the Department of Motor Vehicles Cash Fund.

19 (6) An applicant for a state identification card who
20 indicates that he or she is indigent and in need of a state
21 identification card for purposes of voting under the Election Act
22 shall be issued a state identification card at no cost.

23 Sec. 14. Section 60-4,181, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-4,181 (1)(a) This subsection applies until the

1 implementation date designated by the director pursuant to section
2 60-462.02. A state identification card shall be issued by the county
3 treasurer after the person requesting the card (i) files an
4 application or examiner's certificate with an examining officer, (ii)
5 furnishes two forms of proof of identification described in section
6 60-484, and (iii) pays the fee prescribed in section 60-4,115 to the
7 county treasurer. The state identification card shall contain the
8 organ and tissue donor information specified in section 60-494.

9 (b) The application or examiner's certificate shall
10 include the name, age, post office address, place of residence unless
11 the applicant is a program participant under the Address
12 Confidentiality Act, date of birth, sex, social security number, and
13 physical description of the applicant, the voter registration portion
14 pursuant to section 32-308, and the following:

15 (i) Do you wish to register to vote as part of this
16 application process?

17 (ii) Do you wish to be an organ and tissue donor?

18 (iii) Do you wish to receive any additional specific
19 information regarding organ and tissue donation and the Donor
20 Registry of Nebraska?

21 (iv) Do you wish to donate \$1 to promote the Organ and
22 Tissue Donor Awareness and Education Fund?

23 (c) Each state identification card shall contain the
24 following encoded, machine-readable information: The holder's full
25 legal name; date of birth; gender; document issue date; document

1 expiration date; principal residence address; unique identification
2 number; revision date; inventory control number; and state of
3 issuance.

4 (2) This subsection applies beginning on the
5 implementation date designated by the director pursuant to section
6 60-462.02. Each applicant for a state identification card shall
7 provide the information and documentation required by section 60-484.
8 The form of the state identification card shall comply with section
9 60-4,117. Upon presentation of an applicant's issuance certificate,
10 the county treasurer shall collect the fee and surcharge ~~as~~
11 ~~prescribed~~ if required in section 60-4,115 and issue a receipt to the
12 applicant which is valid up to thirty days. The state identification
13 card shall be delivered to the applicant as provided in section
14 60-4,113.

15 (3) The director may summarily cancel any state
16 identification card, and any judge or magistrate may order a state
17 identification card canceled in a judgment of conviction, if the
18 application or examiner's certificate for the card contains any false
19 or fraudulent statements which were deliberately and knowingly made
20 as to any matter material to the issuance of the card or if the
21 application or examiner's certificate or issuance certificate does
22 not contain required or correct information. Any state identification
23 card so obtained shall be void from the date of issuance. Any
24 judgment of conviction ordering cancellation of a state
25 identification card shall be transmitted to the director who shall

1 cancel the card.

2 Sec. 15. Original sections 32-110.02, 32-311.01, 32-321,
3 32-902, 32-914, 32-938, 32-944, 32-947, 32-953, 32-1027, 60-4,115,
4 and 60-4,181, Reissue Revised Statutes of Nebraska, and sections
5 32-915 and 32-1002, Revised Statutes Cumulative Supplement, 2010, are
6 repealed.

7 Sec. 16. The following section is outright repealed:
8 Section 32-318.01, Reissue Revised Statutes of Nebraska.