

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 661

Final Reading

Introduced by Krist, 10; Mello, 5; Conrad, 46.

Read first time January 08, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-204, 32-308,
 2 32-309, 32-311, 32-312.05, 32-315, 32-321, 32-323,
 3 32-325, 32-902, and 60-484.02, Reissue Revised Statutes
 4 of Nebraska, sections 32-312, 32-915, and 32-1002,
 5 Revised Statutes Cumulative Supplement, 2012, and
 6 sections 32-101 and 60-484, Revised Statutes Supplement,
 7 2013; to provide for voter registration on the Secretary
 8 of State's web site; to provide for electronic
 9 transmission of certain voter registration applications;
 10 to provide for use of records of the Department of Motor
 11 Vehicles for purposes of voter registration; to harmonize
 12 provisions; and to repeal the original sections.

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

1 Section 1. Section 32-101, Revised Statutes Supplement,
2 2013, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 3 of this
4 act shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-204, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-204 The Election Administration Fund is hereby
8 created. The fund shall consist of federal funds, state funds, gifts,
9 and grants appropriated for the administration of elections. The
10 Secretary of State shall use the fund for voting systems, provisional
11 voting, computerized statewide voter registration lists, voter
12 registration, ~~by mail,~~ training or informational materials related to
13 elections, and any other costs related to elections. Any money in the
14 fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act and
16 the Nebraska State Funds Investment Act. ~~The State Treasurer shall~~
17 ~~transfer any money in the Voter Registration Cash Fund on February~~
18 ~~21, 2003, to the Election Administration Fund.~~

19 Sec. 3. (1) The Secretary of State in conjunction with
20 the Department of Motor Vehicles shall, on or before July 1, 2015,
21 develop and implement a registration application process which may be
22 used statewide to register to vote and update voter registration
23 records electronically using the Secretary of State's web site. An
24 applicant who has a valid Nebraska motor vehicle operator's license
25 or state identification card may use the application process to

1 register to vote or to update his or her voter registration record
2 with changes in his or her personal information or other information
3 related to his or her eligibility to vote. For each electronic
4 application, the Secretary of State shall obtain a copy of the
5 electronic representation of the applicant's signature from the
6 Department of Motor Vehicles' records of his or her motor vehicle
7 operator's license or state identification card for purposes of voter
8 registration.

9 (2) The application shall contain substantially all the
10 information provided in section 32-312 and the following
11 informational statements:

12 (a) An applicant who submits this application
13 electronically is affirming that the information in the application
14 is true. Any applicant who submits this application electronically
15 knowing that any of the information in the application is false shall
16 be guilty of a Class IV felony under section 32-1502 of the statutes
17 of Nebraska. The penalty for a Class IV felony is up to five years
18 imprisonment, a fine of up to ten thousand dollars, or both;

19 (b) An applicant who submits this application
20 electronically is agreeing to the use of his or her signature from
21 the Department of Motor Vehicles' records of his or her motor vehicle
22 operator's license or state identification card for purposes of voter
23 registration;

24 (c) To vote at the polling place on election day, the
25 completed application must be submitted on or before the third Friday

1 before the election; and

2 (d) The election commissioner or county clerk will, upon
3 receipt of the application for registration, send an acknowledgment
4 of registration to the applicant indicating whether the application
5 is proper or not.

6 Sec. 4. Section 32-308, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-308 (1) The Secretary of State and the Director of
9 Motor Vehicles shall enter into an agreement to match information in
10 the computerized statewide voter registration list with information
11 in the data base of the Department of Motor Vehicles to the extent
12 required to enable each such official to verify the accuracy of the
13 information provided on applications for voter registration. The
14 Director of Motor Vehicles shall enter into an agreement with the
15 Commissioner of Social Security under section 205(r)(8) of the
16 federal Social Security Act, 42 U.S.C. 405(r)(8), as such section
17 existed on April 17, 2003, for purposes of the Election Act.

18 (2) The Department of Motor Vehicles, with the assistance
19 of the Secretary of State, shall prescribe a voter registration
20 application which may be used to register to vote or change his or
21 her address for voting purposes at the same time an elector applies
22 for an original or renewal motor vehicle operator's license, an
23 original or renewal state identification card, or a replacement or
24 duplicate thereof. The voter registration application shall contain
25 the information required pursuant to section 32-312 and shall be

1 designed so that it does not require the duplication of information
2 in the application for the motor vehicle operator's license or state
3 identification card, except that it may require a second signature of
4 the applicant. The department and the Secretary of State shall make
5 the voter registration application available to ~~the county treasurer,~~
6 ~~the license examiners of the department,~~ and any other person who
7 ~~issues operators' licenses or state identification cards.~~ any person
8 applying for an operator's license or state identification card. The
9 application shall be completed at the office of the ~~county treasurer~~
10 ~~or~~ department by the close of business on the third Friday preceding
11 any election to be registered to vote at such election. A
12 registration application received after the deadline shall not be
13 processed by the election commissioner or county clerk until after
14 the election.

15 (3) The Department of Motor Vehicles, in conjunction with
16 the Secretary of State, shall develop a process to electronically
17 transmit voter registration application information received under
18 subsection (2) of this section to the election commissioner or county
19 clerk of the county in which the applicant resides within the time
20 limits prescribed in subsection (4) of this section. The Director of
21 Motor Vehicles shall designate an implementation date for the process
22 which shall be on or before January 1, 2016.

23 (4) The voter registration application information shall
24 be transmitted to the election commissioner or county clerk of the
25 county in which the applicant resides not later than ten days after

1 receipt, except that if the voter registration application
2 information is received within five days prior to the third Friday
3 preceding any election, it shall be transmitted not later than five
4 days after its original submission. Any information on whether an
5 applicant registers or declines to register and the location of the
6 office at which he or she registers shall be confidential and shall
7 only be used for voter registration purposes.

8 (5) For each voter registration application for which
9 information is transmitted electronically pursuant to this section,
10 the Secretary of State shall obtain a copy of the electronic
11 representation of the applicant's signature from the Department of
12 Motor Vehicles' records of his or her motor vehicle operator's
13 license or state identification card for purposes of voter
14 registration. Each voter registration application electronically
15 transmitted under this section shall include information provided by
16 the applicant that includes whether the applicant is a citizen of the
17 United States, whether the applicant is of sufficient age to register
18 to vote, the applicant's residence address, the applicant's postal
19 address if different from the residence address, the date of birth of
20 the applicant, the party affiliation of the applicant or an
21 indication that the applicant is not affiliated with any political
22 party, the applicant's motor vehicle operator's license number, the
23 applicant's previous registration location by city, county, or state,
24 if applicable, and the applicant's signature.

25 ~~(3)-(6) State agency personnel and county treasurers~~

1 involved in the voter registration process pursuant to this section
2 and section 32-309 shall not be considered deputy registrars or
3 agents or employees of the election commissioner or county clerk.

4 Sec. 5. Section 32-309, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 32-309 Upon receipt of a completed voter registration
7 application under subsection (2) of section 32-308, ~~a county~~
8 ~~treasurer, a license examiner of the Department of Motor Vehicles,~~
9 ~~and any other person~~ who issues motor vehicle operators' licenses or
10 state identification cards shall, until the implementation date
11 designated by the Director of Motor Vehicles pursuant to subsection
12 (3) of section 32-308, deliver the completed voter registration
13 application to the election commissioner or county clerk of the
14 county in which the ~~county treasurer, license examiner, or other~~
15 person is located not later than ten days after receipt by the ~~county~~
16 ~~treasurer, license examiner, or other person~~, except that if the
17 voter registration application is received within five days prior to
18 the third Friday preceding any election, it shall be delivered not
19 later than five days after its original filing date. The election
20 commissioner or county clerk shall, if necessary, forward the voter
21 registration application to the election commissioner or county clerk
22 of the county in which the applicant resides within such prescribed
23 time limits. Any information on whether an applicant registers or
24 declines to register and the location of the office at which he or
25 she registers shall be confidential and shall only be used for voter

1 registration purposes.

2 Sec. 6. Section 32-311, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-311 Any elector may personally apply to register to
5 vote at (1) the office of the election commissioner or county clerk,
6 (2) a registration site at which a deputy registrar is in attendance,
7 (3) a department listed in section 32-310 at the time of an
8 application, review, or change of address as provided in such
9 section, or (4) ~~the office of the county treasurer or~~ Department of
10 Motor Vehicles while applying for a motor vehicle operator's license
11 or state identification card as provided in section 32-308.

12 Sec. 7. Section 32-312, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 32-312 The registration application prescribed by the
15 Secretary of State pursuant to section 32-311.01 or section 3 of this
16 act shall provide the instructional statements and request the
17 information from the applicant as provided in this section.

18 CITIZENSHIP—"Are you a citizen of the United States of
19 America?" with boxes to check to indicate whether the applicant is or
20 is not a citizen of the United States.

21 AGE—"Are you at least eighteen years of age or will you
22 be eighteen years of age on or before the first Tuesday following the
23 first Monday of November of this year?" with boxes to check to
24 indicate whether or not the applicant will be eighteen years of age
25 or older on election day.

1 WARNING—"If you checked 'no' in response to either of
2 these questions, do not complete this application.".

3 NAME—the name of the applicant giving the first and last
4 name in full, the middle name in full or the middle initial, and the
5 maiden name of the applicant, if applicable.

6 RESIDENCE—the name and number of the street, avenue, or
7 other location of the dwelling where the applicant resides if there
8 is a number. If the registrant resides in a hotel, apartment,
9 tenement house, or institution, such additional information shall be
10 included as will give the exact location of such registrant's place
11 of residence. If the registrant lives in an incorporated or
12 unincorporated area not identified by the use of roads, road names,
13 or house numbers, the registrant shall state the section, township,
14 and range of his or her residence and the corporate name of the
15 school district as described in section 79-405 in which he or she is
16 located.

17 POSTAL ADDRESS—the address at which the applicant
18 receives mail if different from the residence address.

19 ADDRESS OF LAST REGISTRATION—the name and number of the
20 street, avenue, or other location of the dwelling from which the
21 applicant last registered.

22 TELEPHONE NUMBERS—the telephone number of the applicant
23 at work and at home. At the request of the applicant, a designation
24 shall be made that the telephone number is an unlisted number, and
25 such designation shall preclude the listing of the applicant's

1 telephone number on any list of voter registrations.

2 EMAIL ADDRESS—an email address of the applicant. At the
3 request of the applicant, a designation shall be made that the email
4 address is private, and such designation shall preclude the listing
5 of the applicant's email address on any list of voter registrations.

6 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL
7 SECURITY NUMBER—if the applicant has a Nebraska driver's license, the
8 license number, and if the applicant does not have a Nebraska
9 driver's license, the last four digits of the applicant's social
10 security number.

11 DATE OF APPLICATION FOR REGISTRATION—the month, day, and
12 year when the applicant presented himself or herself for
13 registration, ~~or~~—when the applicant completed and signed the
14 registration application if the application was submitted by mail or
15 delivered to the election official by the applicant's personal
16 messenger or personal agent, or when the completed application was
17 submitted if the registration application was completed pursuant to
18 section 3 of this act.

19 PLACE OF BIRTH—show the state, country, kingdom, empire,
20 or dominion where the applicant was born.

21 DATE OF BIRTH—show the date of the applicant's birth. The
22 applicant shall be at least eighteen years of age or attain eighteen
23 years of age on or before the first Tuesday after the first Monday in
24 November to have the right to register and vote in any election in
25 the present calendar year.

1 REGISTRATION TAKEN BY—show the signature of the
 2 authorized official or staff member accepting the application
 3 pursuant to section 32-309 or 32-310 or at least one of the deputy
 4 registrars taking the application pursuant to section 32-306, if
 5 applicable.

6 PARTY AFFILIATION—show the party affiliation of the
 7 applicant as Democrat, Republican, or Other or show no party
 8 affiliation as Nonpartisan. (Note: If you wish to vote in both
 9 partisan and nonpartisan primary elections for state and local
 10 offices, you must indicate a political party affiliation on the
 11 registration application. If you register without a political party
 12 affiliation (nonpartisan), you will receive only the nonpartisan
 13 ballots for state and local offices at primary elections. If you
 14 register without a political party affiliation, you may vote in
 15 partisan primary elections for congressional offices.)

16 OTHER—information the Secretary of State determines will
 17 assist in the proper and accurate registration of the voter.

18 Immediately following the spaces for inserting
 19 information as provided in this section, the following statement
 20 shall be printed:

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

23 (1) I live in the State of Nebraska at the address
 24 provided in this application;

25 (2) I have not been convicted of a felony or, if

1 convicted, it has been at least two years since I completed my
2 sentence for the felony, including any parole term;

3 (3) I have not been officially found to be non compos
4 mentis (mentally incompetent); and

5 (4) I am a citizen of the United States.

6 Any registrant who signs this application knowing that
7 any of the information in the application is false shall be guilty of
8 a Class IV felony under section 32-1502 of the statutes of Nebraska.
9 The penalty for a Class IV felony is up to five years imprisonment, a
10 fine of up to ten thousand dollars, or both.

11 APPLICANT'S SIGNATURE—require the applicant to affix his
12 or her signature to the application.

13 Sec. 8. Section 32-312.05, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-312.05 The date that a person's voter registration
16 record or an update of his or her voter registration record becomes
17 effective is the date the person presented himself or herself in
18 person to register, the date the registration application was
19 delivered to the election commissioner or county clerk, or the date
20 the registration application was received by the election
21 commissioner or county clerk if the person submitted the registration
22 application by mail or pursuant to section 3 of this act or section
23 32-308.

24 Sec. 9. Section 32-315, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-315 Upon receiving a completed voter registration
2 application pursuant to section 32-308, 32-309, or 32-310 indicating
3 that a voter who is registered in the county has changed his or her
4 name or moved to another residence within the same county, the
5 election commissioner or county clerk shall change the voter
6 registration record of the registered voter to the new name or new
7 address and shall send an acknowledgment card to the registered voter
8 indicating that the change of registration has been completed and the
9 address of the voter's new polling place.

10 Sec. 10. Section 32-321, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-321 (1) Any elector may request a voter registration
13 application from the office of the Secretary of State or the election
14 commissioner or county clerk. The Secretary of State and the election
15 commissioner or county clerk shall make registration applications
16 prescribed by the Secretary of State available and may place the
17 applications in public places. The Secretary of State and the
18 election commissioner or county clerk may require that all unused
19 applications be returned to his or her office and may place
20 reasonable limits on the amount of applications requested.

21 (2) If an elector returns the completed application to
22 the office of the Secretary of State or submits an application to the
23 Secretary of State pursuant to section 3 of this act, the office
24 shall deliver the application to the election commissioner or county
25 clerk of the county in which the elector resides not later than ten

1 days after receipt by the office, except that if the application is
2 returned to the office or submitted pursuant to section 3 of this act
3 within five days prior to the third Friday preceding any election, it
4 shall be delivered not later than five days after the date it is
5 returned. The deadline for returning a completed application to the
6 office of the Secretary of State or submitting an application
7 pursuant to section 3 of this act is the close of business on the
8 third Friday preceding an election to be registered to vote at such
9 election. A registration application received after the deadline
10 shall not be processed by the election commissioner or county clerk
11 until after the election. The office of the Secretary of State shall
12 be a designated voter registration agency for purposes of section 7
13 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5,
14 as such section existed on March 11, 2008.

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

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

19 (ii) The application shall be received not later than the
20 second Tuesday before the next election if the postmark is
21 unreadable; and

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

25 (4) If the registration application arrives after the

1 registration deadline, the application shall not be processed until
2 after the election. Written notice shall be given to any applicant
3 whose registration application failed to meet the registration
4 deadline or was found to be incorrect or incomplete and shall state
5 the specific reason for rejection. If the application is incomplete,
6 the election commissioner or county clerk shall notify the applicant
7 of the failure to provide the required information, including failure
8 to provide identification if required, and provide the applicant with
9 the opportunity to submit an identification document as described in
10 section 32-318.01 prior to the deadline for voter registration or to
11 complete and submit a corrected registration application in a timely
12 manner to allow for the proper registration of the applicant prior to
13 the next election. All postage costs related to returning
14 registration applications to the election commissioner or county
15 clerk shall be paid by the registrant.

16 Sec. 11. Section 32-323, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 32-323 Registration pursuant to section 3 of this act or
19 section 32-308 or by mail shall not constitute a valid registration
20 for purposes of signing any type of petition requiring the validation
21 of the signatures of registered voters until a complete and correct
22 registration application has been received by the election
23 commissioner or county clerk. A signature on a petition shall be
24 considered a valid signature as of the date that the election
25 commissioner or county clerk receives the registration application of

1 the registrant.

2 Sec. 12. Section 32-325, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-325 (1) A registration application completed and
5 signed by a registered voter seeking to update his or her voter
6 registration record shall be completed in person at or delivered or
7 mailed to the office of the election commissioner or county clerk or
8 submitted pursuant to section 3 of this act to the Secretary of
9 State. To avoid additional requirements at the polling place pursuant
10 to section 32-914.01, 32-914.02, or 32-915, an application to update
11 a voter registration record must be:

12 (a) Completed or delivered by the applicant in person at
13 the office of the election commissioner or county clerk on or before
14 the deadline prescribed in section 32-302; or

15 (b) Delivered by a personal messenger or personal agent,
16 submitted pursuant to section 3 of this act, or mailed so that it is
17 received by the election commissioner or county clerk on or before
18 the deadline prescribed in section 32-321.

19 (2) After verifying the signature on the previous
20 registration of the registered voter, the election commissioner or
21 county clerk shall make the change of name, party affiliation, or
22 address on all pertinent election records. The election commissioner
23 or county clerk shall send an acknowledgment card to the registered
24 voter indicating that the change of registration has been completed
25 and shall include the address of the registered voter's new polling

1 place.

2 Sec. 13. Section 32-902, Reissue Revised Statutes of
3 Nebraska, is amended to read:

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

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

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

20 (b) Instructions for voters who registered to vote
21 pursuant to section 3 of this act or by mail and first-time voters;

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. 14. Section 32-915, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 32-915 (1) A person whose name does not appear on the
7 precinct list of registered voters at the polling place for the
8 precinct in which he or she resides, whose name appears on the
9 precinct list of registered voters at the polling place for the
10 precinct in which he or she resides at a different residence address
11 as described in section 32-914.02, or whose name appears with a
12 notation that he or she received a ballot for early voting may vote a
13 provisional ballot if he or she:

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

17 (b) Is not entitled to vote under section 32-914.01 or
18 32-914.02;

19 (c) Has not registered to vote or voted in any other
20 county since registering to vote in the county in which the precinct
21 is located;

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

25 (e) Completes and signs a registration application before

1 voting.

2 (2) A voter whose name appears on the precinct list of
3 registered voters for the polling place with a notation that the
4 voter is required to present identification pursuant to section
5 32-318.01 but fails to present identification may vote a provisional
6 ballot if he or she completes and signs a registration application
7 before voting.

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

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

14 (b) My name or address did not correctly appear on the
15 precinct list of registered voters;

16 (c) I registered to vote on or about this
17 date

18 (d) I registered to vote
19 in person at the election office or a voter
20 registration site,

21 by mail,

22 by using the Secretary of State's web site,

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

24 on a form through another state agency,

25 in some other way;

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

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

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

8 (4) The voter shall sign the certification under penalty
9 of election falsification. The following statements shall be on the
10 front of the envelope or on the attached form: By signing the front
11 of this envelope or the attached form you are certifying to the
12 information contained on this envelope or the attached form under
13 penalty of election falsification. Election falsification is a Class
14 IV felony and may be punished by up to five years imprisonment, a
15 fine of up to ten thousand dollars, or both.

16 (5) If the person's name does not appear on the precinct
17 list of registered voters for the polling place and the judge or
18 clerk of election determines that the person's residence address is
19 located in another precinct within the same county, the judge or
20 clerk of election shall direct the person to his or her correct
21 polling place to vote.

22 Sec. 15. Section 32-1002, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 32-1002 (1) As the ballots are removed from the ballot
25 box pursuant to sections 32-1012 to 32-1018, the receiving board

1 shall separate the envelopes containing the provisional ballots from
2 the rest of the ballots and deliver them to the election commissioner
3 or county clerk.

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

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

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

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

1 election;

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

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

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

8 (i) The residence address provided on the registration
9 application completed pursuant to subdivision (1)(e) of section
10 32-915 is located within the precinct in which the person voted; and

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

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

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

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

23 (b) Information has been received pursuant to section
24 32-308, 32-309, 32-310, or 32-324 that the voter has resided,
25 registered, or voted in any other county or state since registering

1 to vote in the county in which he or she cast the provisional ballot;

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

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

7 (e) The residence address provided on the registration
8 application completed pursuant to subdivision (1)(e) of section
9 32-915 is in a different county or in a different precinct than the
10 county or precinct in which the voter voted;

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

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

19 (6) An error or omission of information on the
20 registration application or the certification required under section
21 32-915 shall not result in the provisional ballot not being counted
22 if:

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

25 (ii) The information is not necessary to determine the

1 eligibility of the voter to cast a ballot; and

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

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

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

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

15 Sec. 16. Section 60-484, Revised Statutes Supplement,
16 2013, is amended to read:

17 60-484 (1)(a) This subsection applies until the
18 implementation date designated by the director on or before January
19 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's
20 License Act, no resident of the State of Nebraska shall operate a
21 motor vehicle upon the alleys or highways of this state until the
22 person has obtained an operator's license for that purpose.

23 (b) Application for an operator's license or a state
24 identification card shall be made in a manner prescribed by the
25 department. Such application may be made to department personnel in

1 any county. Department personnel shall conduct the examination of the
 2 applicant and deliver to each successful applicant an issuance
 3 certificate containing the statements made pursuant to subdivision
 4 (c) of this subsection.

5 (c) The applicant (i) shall provide his or her full legal
 6 name, date of birth, mailing address, gender, race or ethnicity, and
 7 social security number, two forms of proof of address of his or her
 8 principal residence unless the applicant is a program participant
 9 under the Address Confidentiality Act, evidence of identity as
 10 required by subdivision (1)(f) of this subsection, and a brief
 11 physical description of himself or herself, (ii) may complete the
 12 voter registration portion pursuant to section 32-308, (iii) shall be
 13 provided the advisement language required by subsection (5) of
 14 section 60-6,197, (iv) shall answer the following:

15 (A) Have you within the last three months (e.g. due to
 16 diabetes, epilepsy, mental illness, head injury, stroke, heart
 17 condition, neurological disease, etc.):

18 (I) lost voluntary control or consciousness ... yes ...
 19 no

20 (II) experienced vertigo or multiple episodes of
 21 dizziness or fainting ... yes ... no

22 (III) experienced disorientation ... yes ... no

23 (IV) experienced seizures ... yes ... no

24 (V) experienced impairment of memory, memory loss ...
 25 yes ... no

1 Please explain:

2 (B) Do you experience any condition which affects your
3 ability to operate a motor vehicle? (e.g. due to loss of, or
4 impairment of, foot, leg, hand, arm; neurological or neuromuscular
5 disease, etc.) ... yes ... no

6 Please explain:

7 (C) Since the issuance of your last driver's license/
8 permit, has your health or medical condition changed or worsened? ...
9 yes ... no

10 Please explain, including how the above affects your
11 ability to drive:, and (v) may answer the
12 following:

13 (A) Do you wish to register to vote as part of this
14 application process?

15 (B) Do you wish to have the word "veteran" displayed on
16 the front of your operator's license or state identification card to
17 show that you served in the armed forces of the United States? (To be
18 eligible you must register with the Nebraska Department of Veterans'
19 Affairs registry.)

20 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
21 FOLLOWING QUESTIONS:

22 (C) Do you wish to be an organ and tissue donor?

23 (D) Do you wish to receive any additional specific
24 information regarding organ and tissue donation and the Donor
25 Registry of Nebraska?

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

3 (d) Application for an operator's license or state
4 identification card shall include a signed oath, affirmation, or
5 declaration of the applicant that the information provided on the
6 application for the license or card is true and correct.

7 (e) The social security number shall not be printed on
8 the operator's license or state identification card and shall be used
9 only (i) to furnish information to the United States Selective
10 Service System under section 60-483, (ii) with the permission of the
11 director in connection with the verification of the status of an
12 individual's driving record in this state or any other state, (iii)
13 for purposes of child support enforcement pursuant to section
14 42-358.08 or 43-512.06, (iv) to furnish information regarding an
15 applicant for or holder of a commercial driver's license with a
16 hazardous materials endorsement to the Transportation Security
17 Administration of the United States Department of Homeland Security
18 or its agent, or (v) to furnish information to the Department of
19 Revenue under section 77-362.02.

20 (f)(i) Each individual applying for an operator's license
21 or a state identification card shall furnish proof of date of birth
22 and identity with documents containing a photograph or with nonphoto
23 identity documents which include his or her full legal name and date
24 of birth. Such documents shall include, but not be limited to, any
25 valid Nebraska operator's license or Nebraska state identification

1 card, a valid operator's license or identification card from another
2 state or jurisdiction of the United States, a certified birth
3 certificate, a valid United States passport, or any other United
4 States-based identification as approved by the director.

5 (ii) Any individual under the age of eighteen years
6 applying for an operator's license or a state identification card
7 shall provide a certified copy of his or her birth certificate or, if
8 such individual is unable to provide a certified copy of his or her
9 birth certificate, other reliable proof of his or her identity and
10 age, as required in subdivision (1)(f)(i) of this section,
11 accompanied by a certification signed by a parent or guardian
12 explaining the inability to produce a copy of such birth certificate.
13 The applicant also may be required to furnish proof to department
14 personnel that the parent or guardian signing the certification is in
15 fact the parent or guardian of such applicant.

16 (iii) An applicant may present other documents as proof
17 of identification and age designated by the director. Any documents
18 accepted shall be recorded according to a written exceptions process
19 established by the director.

20 (g) Any individual applying for an operator's license or
21 a state identification card who indicated his or her wish to have the
22 word "veteran" displayed on the front of such license or card shall
23 comply with section 60-4,189.

24 (2)(a) This subsection applies beginning on an
25 implementation date designated by the director on or before January

1 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's
2 License Act, no resident of the State of Nebraska shall operate a
3 motor vehicle upon the alleys or highways of this state until the
4 person has obtained an operator's license for that purpose.

5 (b) Application for an operator's license or a state
6 identification card shall be made in a manner prescribed by the
7 department. Such application may be made to department personnel in
8 any county. Department personnel shall conduct the examination of the
9 applicant and deliver to each successful applicant an issuance
10 certificate containing the statements made pursuant to subdivision
11 (c) of this subsection.

12 (c) The applicant shall provide his or her full legal
13 name, date of birth, mailing address, gender, race or ethnicity, and
14 social security number, two forms of proof of address of his or her
15 principal residence unless the applicant is a program participant
16 under the Address Confidentiality Act, evidence of identity as
17 required by subdivision (2)(f) of this subsection, and a brief
18 physical description of himself or herself. The applicant (i) may
19 also complete the voter registration portion pursuant to section
20 32-308, (ii) shall be provided the advisement language required by
21 subsection (5) of section 60-6,197, (iii) shall answer the following:

22 (A) Have you within the last three months (e.g. due to
23 diabetes, epilepsy, mental illness, head injury, stroke, heart
24 condition, neurological disease, etc.):

25 (I) lost voluntary control or consciousness ... yes ...

1 no

2 (II) experienced vertigo or multiple episodes of
3 dizziness or fainting ... yes ... no

4 (III) experienced disorientation ... yes ... no

5 (IV) experienced seizures ... yes ... no

6 (V) experienced impairment of memory, memory loss ...
7 yes ... no

8 Please explain:

9 (B) Do you experience any condition which affects your
10 ability to operate a motor vehicle? (e.g. due to loss of, or
11 impairment of, foot, leg, hand, arm; neurological or neuromuscular
12 disease, etc.) ... yes ... no

13 Please explain:

14 (C) Since the issuance of your last driver's license/
15 permit, has your health or medical condition changed or worsened? ...
16 yes ... no

17 Please explain, including how the above affects your
18 ability to drive:, and (iv) may answer the
19 following:

20 (A) Do you wish to register to vote as part of this
21 application process?

22 (B) Do you wish to have the word "veteran" displayed on
23 the front of your operator's license or state identification card to
24 show that you served in the armed forces of the United States? (To be
25 eligible you must register with the Nebraska Department of Veterans'

1 Affairs registry.)

2 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
3 FOLLOWING QUESTIONS:

4 (C) Do you wish to be an organ and tissue donor?

5 (D) Do you wish to receive any additional specific
6 information regarding organ and tissue donation and the Donor
7 Registry of Nebraska?

8 (E) Do you wish to donate \$1 to promote the Organ and
9 Tissue Donor Awareness and Education Fund?

10 (d) Application for an operator's license or state
11 identification card shall include a signed oath, affirmation, or
12 declaration of the applicant that the information provided on the
13 application for the license or card is true and correct.

14 (e) The social security number shall not be printed on
15 the operator's license or state identification card and shall be used
16 only (i) to furnish information to the United States Selective
17 Service System under section 60-483, (ii) with the permission of the
18 director in connection with the verification of the status of an
19 individual's driving record in this state or any other state, (iii)
20 for purposes of child support enforcement pursuant to section
21 42-358.08 or 43-512.06, (iv) to furnish information regarding an
22 applicant for or holder of a commercial driver's license with a
23 hazardous materials endorsement to the Transportation Security
24 Administration of the United States Department of Homeland Security
25 or its agent, ~~or~~(v) to furnish information to the Department of

1 Revenue under section 77-362.02, or (vi) to furnish information to
2 the Secretary of State for purposes of the Election Act.

3 (f)(i) Each individual applying for an operator's license
4 or a state identification card shall furnish proof of date of birth
5 and identity with documents containing a photograph or with nonphoto
6 identity documents which include his or her full legal name and date
7 of birth. Such documents shall be those provided in subsection (2) of
8 section 60-484.04.

9 (ii) Any individual under the age of eighteen years
10 applying for an operator's license or a state identification card
11 shall provide a certified copy of his or her birth certificate or, if
12 such individual is unable to provide a certified copy of his or her
13 birth certificate, other reliable proof of his or her identity and
14 age, as required in subdivision (2)(f)(i) of this section,
15 accompanied by a certification signed by a parent or guardian
16 explaining the inability to produce a copy of such birth certificate.
17 The applicant also may be required to furnish proof to department
18 personnel that the parent or guardian signing the certification is in
19 fact the parent or guardian of such applicant.

20 (iii) An applicant may present other documents as proof
21 of identification and age designated by the director. Any documents
22 accepted shall be recorded according to a written exceptions process
23 established by the director.

24 (g) Any individual applying for an operator's license or
25 a state identification card who indicated his or her wish to have the

1 word "veteran" displayed on the front of such license or card shall
2 comply with section 60-4,189.

3 (h) No person shall be a holder of an operator's license
4 and a state identification card at the same time.

5 Sec. 17. Section 60-484.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-484.02 (1) Each applicant for an operator's license or
8 state identification card shall have his or her digital image taken.
9 Digital images shall be preserved for use as prescribed in sections
10 60-4,119, 60-4,151, and 60-4,180. The images shall be used for
11 issuing operators' licenses and state identification cards. The
12 images may be retrieved only by the Department of Motor Vehicles for
13 issuing renewal, duplicate, and replacement operators' licenses and
14 state identification cards and may not be otherwise released except
15 in accordance with subsection (3) of this section.

16 (2) Upon application for an operator's license or state
17 identification card, each applicant shall provide his or her
18 signature in a form prescribed by the department. Digital signatures
19 shall be preserved for use on original, renewal, duplicate, and
20 replacement operators' licenses and state identification cards and
21 may not be otherwise released except in accordance with subsection
22 ~~(3)~~(4) of this section.

23 (3) No officer, employee, agent, or contractor of the
24 department or law enforcement officer shall release a digital image
25 ~~or a digital signature~~ except to a federal, state, or local law

1 enforcement agency, a certified law enforcement officer employed in
2 an investigative position by a federal, state, or local agency, or a
3 driver licensing agency of another state for the purpose of carrying
4 out the functions of the agency or assisting another agency in
5 carrying out its functions upon the verification of the identity of
6 the person requesting the release of the information and the
7 verification of the purpose of the requester in requesting the
8 release. Any officer, employee, agent, or contractor of the
9 department or law enforcement officer that knowingly discloses or
10 knowingly permits disclosure of a digital image or digital signature
11 in violation of this section shall be guilty of a Class I
12 misdemeanor.

13 (4) No officer, employee, agent, or contractor of the
14 department or law enforcement officer shall release a digital
15 signature except (a) to a federal, state, or local law enforcement
16 agency, a certified law enforcement officer employed in an
17 investigative position by a state or federal agency, or a driver
18 licensing agency of another state for the purpose of carrying out the
19 functions of the agency or assisting another agency in carrying out
20 its functions upon the verification of the identity of the person
21 requesting the release of the information and the verification of the
22 purpose of the requester in requesting the release or (b) to the
23 office of the Secretary of State for the purpose of voter
24 registration as described in section 32-308 or 32-309 or section 3 of
25 this act upon the verification of the identity of the person

1 requesting the release of the information and the verification of the
2 purpose of the requester in requesting the release. No employee or
3 official in the office of the Secretary of State shall release a
4 digital signature except to a federal, state, or local law
5 enforcement agency, a certified law enforcement officer employed in
6 an investigative position by a state or federal agency, or a driver
7 licensing agency of another state for the purpose of carrying out the
8 functions of the agency or assisting another agency in carrying out
9 its functions upon the verification of the identity of the person
10 requesting the release of the information and the verification of the
11 purpose of the requester in requesting the release. Any officer,
12 employee, agent, or contractor of the department, law enforcement
13 officer, or employee or official in the office of the Secretary of
14 State that knowingly discloses or knowingly permits disclosure of a
15 digital signature in violation of this section shall be guilty of a
16 Class I misdemeanor.

17 Sec. 18. Original sections 32-204, 32-308, 32-309,
18 32-311, 32-312.05, 32-315, 32-321, 32-323, 32-325, 32-902, and
19 60-484.02, Reissue Revised Statutes of Nebraska, sections 32-312,
20 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2012,
21 and sections 32-101 and 60-484, Revised Statutes Supplement, 2013,
22 are repealed.