

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB535

Hearing Date: Wednesday February 01, 2023
Committee On: Government, Military and Veterans Affairs
Introducer: Slama
One Liner: Require valid photographic identification and change provisions relating to voting under the Election Act and certain identification documents

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Aguilar, Brewer, Conrad, Halloran, Hunt, Lowe, Raybould, Sanders
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Julie Slama
Robert Evnen
John Murante
Andrew La Grone
Brian Kruse

Tracy Overstreet

Sherry Schweitzer
Mary Eickhoff
Beth Bazyn Ferrell
Nancy McCabe
Ethan Clark
Doug Kagan
Dennis Schleis
Christopher Costello
Danna Seevers
Wayne Bena

Representing:

Introducer
Secretary of State
Self
Self
Douglas County and Election Commissioners and Clerks Law Committee
Hall County and NACO County Clerks Register of Deeds and Election Commissioner's Election Law Committee
Seward County Clerk
Richardson County Clerk
Nebraska Association of County Officials (NACO)
Self
Self
Nebraska Taxpayers for Freedom
Self
Self
Self
Nebraska Secretary of State

Opponents:

T. Michael Williams

Lorenzo Ortega III

Representing:

Self/National Association for the Advancement of Colored People (NAACP) Omaha
Nebraska Voter Accuracy Project

Connie Reinke	Self
John Cartier	Self
Jeff Schlichting	Self
Viola Burns	Self
Penny Stephens	Self
Edison McDonald	The Arc of Nebraska
Jane Seu	American Civil Liberties Union of Nebraska (ACLU)
Sharon Williamson	Self
Suzan DeCamp	AARP Nebraska
Halea Pacula	YWCA Lincoln
Jalene Carpenter	Nebraska Health Care Association
John Turner	Immanuel Communities
Corie Sass	Vetter Senior Living
Sheri St Clair	League of Women Voters of Nebraska
Lina Stover	Heartland Workers Center
Amy Bennett	YWCA Grand Island
Gus Ponstingl	Self
Stan Refshauge	Self
Angie Lauritsen	Self
Peggy Cicmanec	Self
Cheryl Morton	Self
Robert Ligon	Self
Heidi Uhing	Civic Nebraska
Angie Philips	Self
Kimara Snipes	Self
Mary Jean Reiner	Self
Christy Knorr	Self
Aryn Huck	Out Nebraska
Jaden Perkins	Heartland Workers Center
Chloe Fowler	Self
Jacob Carmichael	Self
Joanna Lindberg	Self
Sarah Sawin Thomas	Stand in for Nebraska
Olivia Larson	RISE
Cindy Maxwell-Ostdiek	Self
Andrew Farias	Asian Community and Cultural Center
Nick Grandgenett	Nebraska Appleseed
Meg Mikolajczyk	Nebraska Civic Engagement Table
Garret Swanson	Holland Childrens Movement
Alicia Christensen	Together
Gavin Geis	Common Cause Nebraska
Amber Parker	Self
Kathy Hoell*	Self

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

This bill amends the Election Act and certain statutes relating to the duties of state agencies to create a system for verifying voter identification in Nebraska.

Sections 1 and 2 of the bill amend the section range of the act and reference definitions to be used for purposes of interpreting the bill.

Section 3 provides three alternative definitions of “valid photographic identification.” The first option would have to include (a) a name that matches the voter registration record, (b) a photograph or digital image of the document bearer, (c) an expiration date, (d) proof of issuance from a state or federal government entity. The second option would include documents issued by the United States Department of Defense, Department of Veterans Affairs, Veterans Administration, service branch, or a federally recognized Native American tribe or band, and would have to include (a) matching name, (b) image of the document bearer, (c) and has no expiration date or provides an indefinite expiration date. The third option would be any document that includes (a) matching name, (b) image of an affidavit indicating that the affiant has a religious objection to being photographed, (c) signature on the affidavit matching the signature on the individual’s voter registration record, (d) no expiration date, and (e) proof of issuance from the State of Nebraska.

Section 4 amends the duties of the Secretary of State to add several new responsibilities relating to voter identification. These would include a related website, public awareness campaign, and instruction to the Department of Health and Human Services, the Department of Motor Vehicles, and the Department of Education.

Sections 5 and 6 modify the so-called “motor voter” statutes to add voter identification as a subject of collaboration between the Secretary of State and the Department of Motor Vehicles and delete obsolete language.

Section 7 would delete material relating to how the DMV interfaces with county election officials.

Section 8 would modify prescribed procedures for in-person voting on the day of an election to require presentation of valid photographic identification.

Section 9 would add a voter requesting an early ballot to include in such request the document number for an identification document issued by the State of Nebraska or a photocopy of another form of valid identification document.

Section 10 adds a requirement that a voter voting early and in-person present valid photographic identification. It also provides that a ballot is to be rejected in cases where such a voter attempts to vote but cannot produce valid identification within a week of the election.

Section 11 addresses cases where an early voter appoints an agent to submit an early ballot request on their behalf. In such instances, both the voter and the agent would be required to present identification.

Section 12 provides a procedure for instances where a voter appears at a polling place wishing to vote but cannot produce valid photographic identification. This would require that the ballot in question be placed in a voter identification envelope and that the voter certify certain identifying information and acknowledging that they must return with a valid identification document by the Tuesday after the election in order for that ballot to be counted.

Section 13 would revise the voter’s oath on the voter identification envelope used to return an early ballot to include details referencing the particular form of identification used by the voter. This section also revises the voter instructions enclosed with the ballot sent to the voter by the election commissioner or county clerk.

Section 14 includes new material relating to the process for separating voter identification envelopes from ballots, checking whether the voter has cast a ballot elsewhere in the county or via early voting, and describes conditions requisite for a ballot to be counted, as well as causes for discarding a ballot relating to voter identification. Finally, this section provides for data to be reported indicating whether a ballot was counted. If it was not counted, the reason for not counting the ballot would be reported.

Section 15 creates a duty for the Secretary of State to prescribe the form of an affidavit and valid photographic identification for any voter who has a religious objection to being photographed.

Section 16 adds voter identification to the list of causes for which the DMV is authorized to release a digital signature.

Section 17 would require the DMV to provide a state identification card without charging a fee if requested by a resident of Nebraska who does not have a valid driver's license and who is requesting such card for voting purposes.

Section 18 would direct DHHS to charge no fee for providing a copy of a certified birth record for an applicant who does not have a driver's license or state identification card and who needs the birth record in order to obtain a state identification card for voting.

Section 19 includes a split operative date, with certain sections becoming operative on January 1, 2024 .

Sections 20 and 21 include repealers, and Section 22 includes the emergency clause.

Explanation of amendments:

Explanation of AM 1748 to LB 535

Section 1 amends the title section of the Election Act.

Section 2 amends a reference to definitions in the Election Act.

Section 3 defines the term "valid photographic identification."

Section 4 provides duties for the Secretary of State relating to a website, public awareness campaign, instruction to state agencies, and protection of citizenship information shared with or collected by the Secretary of State.

Section 5 directs the Secretary of State to develop a process relating to verifying citizenship of individuals appearing on the voter rolls.

Section 6 modifies the parameters of the data-sharing between the Department of Motor Vehicles and the Secretary of State to include citizenship.

Section 7 creates a duty for a qualified voter to present valid photographic identification before casting a ballot. This section also includes a revisor change.

Section 8 modifies the procedure for election officials to include a requirement that a voter present valid photographic identification before being handed a ballot.

Section 9 governs the process for enclosing a ballot in a provisional voter identification verification envelope when a person fails to produce valid photographic identification.

Section 10 specifies the conditions under which a voter shall fill out a provisional voter identification verification envelope and includes the certification required from the voter on the envelope.

Section 11 provides duties for the Secretary of State relating to certifications of reasonable impediment by a voter who has an inability to obtain valid photographic identification due to disability, inability to obtain other required documents, or a religious objection to being photographed.. The Secretary of State would be required to provide the form of this certification to local election officials.

Section 12 specifies the process for accommodating voters with religious objections to being photographed.

Section 13 creates a requirement that a voter applying to vote early by mail either provide a state identification card number, driver's license number, photocopy of other valid photographic identification, or the voter's reasonable impediment certification. If the voter does not include the required identification or certification, the local election official would be required to contact the voter to inform them that their ballot would not be issued until identification or certification is submitted.

Section 14 provides a duty for early, in-person voters relating to the presentation of of valid photographic identification.

Section 15 provides a procedure for submitting identification when an early ballot is being requested by a voter's agent.

Section 16 specifies the printed content on the outside of ballot return envelopes for all vote by mail counties.

Section 17 amends the process for counting boards relating to early ballots and required voter identification documentation. It also provides a duty for local elections officials to contact such a voter whose early ballot will not be counting without curing.

Section 18 sets out the procedure for the receiving board to handle, process, and cure provisional voter identification verification envelopes.

Section 19 adds a process for the processing of reasonable impediment certifications.

Section 20 forbids the Department of Motor Vehicles from charging any fee for a state identification card applied for by a person who does not have a valid Nebraska driver's license, is requesting the card for voting purposes, and will be of voting age by the general election.

Section 21 and 22 direct the Department of Motor Vehicles to include a digital image of the cardholder or licensee on temporary state identification cards and driver's licenses.

Section 23 forbids the Department of Health and Human Services from charging a fee for a copy of a certified birth certificate if it is being requested in order to obtain valid voter identification.

Section 24 includes a split operative date.

Sections 25 and 26 contain the repealers.

Section 27 contains the emergency clause.

Tom Brewer, Chairperson