

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 535

Introduced by Slama, 1.

Read first time January 17, 2023

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to government; to amend sections 32-308,
2 32-309, 32-914, 32-941, 32-942, 32-943, 60-484.02, and 71-612,
3 Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103,
4 32-202, 32-304, 32-947, and 60-4,115, Revised Statutes Cumulative
5 Supplement, 2022; to require valid photographic identification for
6 voting purposes; to change provisions relating to elections and
7 confidential information; to eliminate the fee for certain state
8 identification cards and certified copies of birth certificates; to
9 harmonize provisions; to provide operative dates; to repeal the
10 original sections; and to declare an emergency.

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

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 3, 12, 14, and 15 of
4 this act shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-103, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 32-103 For purposes of the Election Act, the definitions found in
8 sections 32-104 to 32-120 and section 3 of this act shall be used.

9 Sec. 3. Valid photographic identification means:

10 (1) A document that satisfies all the following:

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

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

16 (c) The document includes an expiration date and the document:

17 (i) Is not expired; or

18 (ii) Expired after the date of the most recent statewide general
19 election; and

20 (d) The document was issued by the United States or the State of
21 Nebraska;

22 (2) A document issued by the United States Department of Defense,
23 the United States Department of Veterans Affairs or its predecessor, the
24 Veterans Administration, a branch of the uniformed services as defined
25 under section 85-2902, or a Native American Indian tribe or band
26 recognized by the United States Government that:

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

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

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

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

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

7 (b) The document shows a digital image of an affidavit signed by the
8 individual to whom the document was issued stating that the individual
9 has a religious objection to being photographed as provided in section 16
10 of this act;

11 (c) The signature on the affidavit matches the signature on the
12 individual's voter registration record;

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

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

16 Sec. 4. Section 32-202, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 32-202 In addition to any other duties prescribed by law, the
19 Secretary of State shall:

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

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

26 (3) Enforce the Election Act;

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

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

31 (6) Develop and print forms for use as required by sections 32-308,

1 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

4 (8) Require reporting to ensure compliance with sections 32-308 to
5 32-310;

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

8 (10) Develop and print a manual describing the requirements of the
9 initiative and referendum process and distribute the manual to election
10 commissioners and county clerks for distribution to the public upon
11 request;

12 (11) Develop and print pamphlets described in section 32-1405.01;

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

15 (13) Establish a free access system, such as a toll-free telephone
16 number or an Internet website, that any voter who casts a provisional
17 ballot may access to discover whether the vote of that voter was counted
18 and, if the vote was not counted, the reason that the vote was not
19 counted. The Secretary of State shall establish and maintain reasonable
20 procedures necessary to protect the security, confidentiality, and
21 integrity of personal information collected, stored, or otherwise used by
22 the free access system. Access to information about an individual
23 provisional ballot shall be restricted to the individual who cast the
24 ballot; -

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

27 (15) Provide a public awareness campaign regarding the voter
28 identification requirements and procedures, including communication
29 through multiple mediums and in-person events; and

30 (16) Provide instructions and information to the Department of
31 Health and Human Services, the Department of Motor Vehicles, and the

1 State Department of Education for distribution by such agencies to
2 Nebraska residents regarding the requirement to present a valid
3 photographic identification in order to vote and the way to obtain a free
4 valid photographic identification.

5 Sec. 5. Section 32-304, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 32-304 (1) The Secretary of State in conjunction with the Department
8 of Motor Vehicles shall implement a registration application process
9 which may be used statewide to register to vote, ~~and~~ update voter
10 registration records, and verify voter identification electronically
11 using the Secretary of State's website. An applicant who has a valid
12 Nebraska motor vehicle operator's license or state identification card
13 may use the application process to register to vote or to update his or
14 her voter registration record with changes in his or her personal
15 information or other information related to his or her eligibility to
16 vote. For each electronic application, the Secretary of State shall
17 obtain a copy of the electronic representation of the applicant's digital
18 image and signature from the Department of Motor Vehicles' records of his
19 or her motor vehicle operator's license or state identification card for
20 purposes of voter registration, ~~and~~ electronic poll books, and verify
21 voter identification.

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

24 (a) An applicant who submits this application electronically is
25 affirming that the information in the application is true. Any applicant
26 who submits this application electronically knowing that any of the
27 information in the application is false shall be guilty of a Class IV
28 felony under section 32-1502 of the statutes of Nebraska. The penalty for
29 a Class IV felony is up to two years imprisonment and twelve months post-
30 release supervision, a fine of up to ten thousand dollars, or both;

31 (b) An applicant who submits this application electronically is

1 agreeing to the use of his or her digital signature from the Department
2 of Motor Vehicles' records of his or her motor vehicle operator's license
3 or state identification card for purposes of voter registration and
4 verification of voter identification;

5 (c) To vote at the polling place on election day, the completed
6 application must be submitted on or before the third Friday before the
7 election and prior to midnight on such Friday; and

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

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

13 32-308 (1) The Secretary of State and the Director of Motor Vehicles
14 shall enter into an agreement to match information in the computerized
15 statewide voter registration list with information in the database of the
16 Department of Motor Vehicles to the extent required to enable each such
17 official to verify the accuracy of the information provided on
18 applications for voter registration and to verify voter identification.

19 The Director of Motor Vehicles shall enter into an agreement with the
20 Commissioner of Social Security under section 205(r)(8) of the federal
21 Social Security Act, 42 U.S.C. 405(r)(8), as such section existed on
22 April 17, 2003, for purposes of the Election Act.

23 (2) The Department of Motor Vehicles, with the assistance of the
24 Secretary of State, shall prescribe a voter registration application
25 which may be used to register to vote or change his or her address for
26 voting purposes at the same time an elector applies for an original or
27 renewal motor vehicle operator's license, an original or renewal state
28 identification card, or a replacement thereof. The voter registration
29 application shall contain the information required pursuant to section
30 32-312 and shall be designed so that it does not require the duplication
31 of information in the application for the motor vehicle operator's

1 license or state identification card, except that it may require a second
2 signature of the applicant. The department and the Secretary of State
3 shall make the voter registration application available to any person
4 applying for an operator's license or state identification card. The
5 application shall be completed at the office of the department by the
6 close of business on the third Friday preceding any election to be
7 registered to vote at such election. A registration application received
8 after the deadline shall not be processed by the election commissioner or
9 county clerk until after the election.

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

18 (4) The voter registration application information shall be
19 transmitted to the election commissioner or county clerk of the county in
20 which the applicant resides not later than ten days after receipt, except
21 that if the voter registration application information is received within
22 five days prior to the third Friday preceding any election, it shall be
23 transmitted not later than five days after its original submission. Any
24 information on whether an applicant registers or declines to register and
25 the location of the office at which he or she registers shall be
26 confidential and shall only be used for voter registration purposes and
27 verification of voter identification.

28 (5) For each voter registration application for which information is
29 transmitted electronically pursuant to this section, the Secretary of
30 State shall obtain a copy of the electronic representation of the
31 applicant's digital image and signature from the Department of Motor

1 Vehicles' records of his or her motor vehicle operator's license or state
2 identification card for purposes of voter registration and verification
3 of voter identification. Each voter registration application
4 electronically transmitted under this section shall include information
5 provided by the applicant that includes whether the applicant is a
6 citizen of the United States, whether the applicant is of sufficient age
7 to register to vote, the applicant's residence address, the applicant's
8 postal address if different from the residence address, the date of birth
9 of the applicant, the party affiliation of the applicant or an indication
10 that the applicant is not affiliated with any political party, the
11 applicant's motor vehicle operator's license number, the applicant's
12 previous registration location by city, county, or state, if applicable,
13 and the applicant's signature.

14 (6) State agency personnel involved in the voter registration
15 process pursuant to this section and section 32-309 shall not be
16 considered deputy registrars or agents or employees of the election
17 commissioner or county clerk.

18 Sec. 7. Section 32-309, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 ~~32-309 Upon receipt of a completed voter registration application~~
21 ~~under subsection (2) of section 32-308, any person who issues motor~~
22 ~~vehicle operators' licenses or state identification cards shall, until~~
23 ~~the implementation date designated by the Director of Motor Vehicles~~
24 ~~pursuant to subsection (3) of section 32-308, deliver the completed voter~~
25 ~~registration application to the election commissioner or county clerk of~~
26 ~~the county in which the person is located not later than ten days after~~
27 ~~receipt by the person, except that if the voter registration application~~
28 ~~is received within five days prior to the third Friday preceding any~~
29 ~~election, it shall be delivered not later than five days after its~~
30 ~~original filing date. The election commissioner or county clerk shall, if~~
31 ~~necessary, forward the voter registration application to the election~~

1 ~~commissioner or county clerk of the county in which the applicant resides~~
2 ~~within such prescribed time limits.~~ Any information on whether an
3 applicant registers or declines to register and the location of the
4 office at which he or she registers shall be confidential and shall only
5 be used for voter registration purposes.

6 Sec. 8. Section 32-914, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-914 (1) Official ballots shall be used at all elections. No
9 person shall receive a ballot or be entitled to vote unless and until he
10 or she is registered as a voter except as provided in section 32-914.01,
11 32-914.02, 32-915, 32-915.01, or 32-936.

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

14 (a) The voter has presented a valid photographic identification and
15 stated He or she announces his or her name and address, if it is not
16 contained on the identification, to the clerk of election;

17 (b) The clerk has found that the voter ~~he or she~~ is a registered
18 voter at the address as shown by the precinct list of registered voters
19 unless otherwise entitled to vote in the precinct under section 32-328,
20 32-914.01, 32-914.02, 32-915, or 32-915.01;

21 (c) The voter has presented a photographic identification which is
22 current and valid at the time of the election, or a copy of a utility
23 bill, bank statement, paycheck, government check, or other government
24 document which is current at the time of the election and which shows the
25 same name and residence address of the voter that is on the precinct list
26 of registered voters, if the voter registered by mail after January 1,
27 2003, and has not previously voted in an election for a federal office
28 within the county and a notation appears on the precinct list of
29 registered voters that the voter has not previously presented
30 identification to the election commissioner or county clerk;

31 (d) As instructed by the clerk of election, the registered voter has

1 personally written his or her name (i) in the precinct sign-in register
2 on the appropriate line which follows the last signature of any previous
3 voter or (ii) in the combined document containing the precinct list of
4 registered voters and the sign-in register; and

5 (e) The clerk has listed on the precinct list of registered voters
6 the corresponding line number and name of the registered voter or has
7 listed the name of the voter in a separate book as provided in section
8 32-913.

9 Sec. 9. Section 32-941, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-941 Any registered voter permitted to vote early pursuant to
12 section 32-938 may, not more than one hundred twenty days before any
13 election and not later than the close of business on the second Friday
14 preceding the election, request a ballot for the election to be mailed to
15 a specific address. A registered voter shall request a ballot in writing
16 to the election commissioner or county clerk in the county where the
17 registered voter has established his or her home, ~~and~~ shall indicate his
18 or her residence address, the address to which the ballot is to be mailed
19 if different, and his or her telephone number if available, ~~and shall~~
20 include the identification number of the voter's valid photographic
21 identification issued by the State of Nebraska or, if none, a photocopy
22 of any other valid photographic identification issued to the voter. The
23 registered voter may use the form published by the election commissioner
24 or county clerk pursuant to section 32-808. The registered voter shall
25 sign the request. A registered voter may use a facsimile machine or
26 electronic mail for the submission of a request for a ballot. The
27 election commissioner or county clerk shall include a registration
28 application with the ballots if the person is not registered.
29 Registration applications shall not be mailed after the third Friday
30 preceding the election. If the person is not registered to vote, the
31 registration application shall be returned not later than the closing of

1 the polls on the day of the election. No ballot issued under this section
2 shall be counted unless such registration application is properly
3 completed and processed.

4 Sec. 10. Section 32-942, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-942 (1) Except as otherwise provided in subsection (2) of this
7 section, a registered voter of this state who anticipates being absent
8 from the county of his or her residence on the day of any election may
9 appear in person before the election commissioner or county clerk not
10 more than thirty days prior to the day of election, present valid
11 photographic identification, and obtain his or her ballot. The registered
12 voter shall vote the ballot in the office of the election commissioner or
13 county clerk or shall return the ballot to the office not later than the
14 closing of the polls on the day of the election. A registered voter who
15 is present in the county on the day of the election and who chooses to
16 vote on the day of the election shall vote at the polling place assigned
17 to the precinct in which he or she resides unless he or she is returning
18 a ballot for early voting or voting pursuant to section 32-943.

19 (2) If a person registers to vote and requests a ballot at the same
20 time under this section, he or she shall (a)(i) present valid
21 photographic identification or one of the address confirmation documents
22 ~~as prescribed in subdivision (1)(a) of section 32-318.01~~, (ii) present
23 proof that he or she is a member of the armed forces of the United States
24 who by reason of active duty has been absent from his or her place of
25 residence where the member is otherwise eligible to vote, is a member of
26 the United States Merchant Marine who by reason of service has been away
27 from his or her place of residence where the member is otherwise eligible
28 to vote, is a spouse or dependent of a member of the armed forces of the
29 United States or United States Merchant Marine who has been absent from
30 his or her place of residence due to the service of that member, or
31 resides outside the United States and but for such residence would be

1 qualified to vote in the state if the state was the last place in which
2 the person was domiciled before leaving the United States, ~~or (iii) state~~
3 ~~that he or she is elderly or handicapped and has requested to vote by~~
4 ~~alternative means other than by casting a ballot at his or her polling~~
5 ~~place on election day~~ or (b) fill out vote a ballot which is placed in an
6 envelope with the voter's name and address and other necessary
7 identifying information and kept securely for counting as provided in
8 this subsection. This subsection does not extend the deadline for voter
9 registration specified in section 32-302. A ballot cast pursuant to
10 subdivision (b) of this subsection shall be rejected and shall not be
11 counted if the acknowledgment of registration sent to the registrant
12 pursuant to section 32-322 is returned as undeliverable for a reason
13 other than clerical error within ten days after it is mailed or if the
14 voter fails to present valid photographic identification at the election
15 office on or before the Tuesday after the election if applicable,
16 otherwise after such ten-day period, the ballot shall be counted.

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

20 Sec. 11. Section 32-943, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-943 (1) Any registered voter who is permitted to vote early
23 pursuant to section 32-938 may appoint an agent to submit a request for a
24 ballot for early voting on his or her behalf. The registered voter or his
25 or her agent may request that the ballot be sent to the registered voter
26 by mail or indicate on the request that the agent will personally pick up
27 the ballot for such registered voter from the office of the election
28 commissioner or county clerk. A registered voter or an agent acting on
29 behalf of a registered voter shall request a ballot in writing to the
30 election commissioner or county clerk in the county where the registered
31 voter has established his or her residence, ~~and~~ shall indicate the

1 voter's residence address, the address to which the ballot is to be
2 mailed if different, and the voter's telephone number if available and
3 precinct if known, and shall present a valid photographic identification
4 of the voter and the agent, if any, or include, with the request, the
5 identification number of a valid photographic identification issued by
6 the State of Nebraska to the voter and the agent, if any, or if the voter
7 or agent does not have such identification issued by the State of
8 Nebraska, include, with the request, a photocopy of a valid photographic
9 identification issued to the voter or agent, as applicable. The
10 registered voter or the voter's agent may use the form published by the
11 election commissioner or county clerk pursuant to section 32-808. The
12 registered voter or his or her agent shall sign the request.

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

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

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

26 Sec. 12. (1) If a registered voter fails to produce valid
27 photographic identification at the polling place and the voter's name
28 appears on the precinct list of registered voters for the polling place
29 or fails to produce valid photographic identification at the time of
30 voting early in person at the office of the election commissioner or
31 county clerk, the voter shall fill out a voter identification

1 verification envelope.

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

7 (a) My name is

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

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

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

12 (e) I acknowledge that if I do not provide valid photographic
13 identification on or before the Tuesday after the election to my county
14 election office, my ballot will not be counted.

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

23 Sec. 13. Section 32-947, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 32-947 (1) Upon receipt of an application or other request for a
26 ballot to vote early, the election commissioner or county clerk shall
27 determine whether the applicant is a registered voter and is entitled to
28 vote as requested. If the election commissioner or county clerk
29 determines that the applicant is a registered voter entitled to vote
30 early and the application was received not later than the close of
31 business on the second Friday preceding the election, the election

1 commissioner or county clerk shall deliver a ballot to the applicant in
2 person or by mail, postage paid. The election commissioner or county
3 clerk or any employee of the election commissioner or county clerk shall
4 write or cause to be affixed his or her customary signature or initials
5 on the ballot.

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

9 VOTER'S OATH

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

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

16 (a) I,, am a registered voter
17 in County;

18 (b) I reside in the State of Nebraska at

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

21 (d) I have not voted and will not vote in this election except by
22 this ballot; and -

23 (e) My Nebraska driver's license or state identification card number
24 is, or for a voter without such identification, a
25 photocopy of my valid photographic identification is enclosed.

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

1 I also understand that failure to sign below will invalidate my
2 ballot.

3 Signature

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

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

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

18 (ii) ~~(b)~~ A registration application and the oath pursuant to section
19 32-946, if the voter is without a residence address, with instructions
20 that the residence address of the voter shall be deemed that of the
21 office of the election commissioner or county clerk of the county of the
22 voter's prior residence and that failure to return the completed and
23 signed application and oath to the election commissioner or county clerk
24 by the close of the polls on election day will result in the ballot not
25 being counted; and ~~or~~

26 (b) ~~(c)~~ Written instructions directing the voter to submit a
27 photocopy ~~copy~~ of a valid photographic ~~an~~ identification document
28 ~~pursuant to section 32-318.01~~ if the voter is submitting a registration
29 application or does not have a valid photographic identification issued
30 by the State of Nebraska required to present identification under such
31 ~~section~~ and advising the voter that failure to submit such identification

1 to the election commissioner or county clerk by the close of the polls on
2 election day will result in the ballot not being counted.

3 (5) The election commissioner or county clerk may enclose with the
4 ballot materials a separate return envelope for the voter's use in
5 returning his or her identification envelope containing the voted ballot,
6 photocopy of valid photographic identification if required, registration
7 application, and other materials that may be required.

8 Sec. 14. (1) As the ballots are removed from the ballot box
9 pursuant to sections 32-1012 to 32-1018, the receiving board shall
10 separate the voter identification verification envelopes from the rest of
11 the ballots and deliver them to the election commissioner or county
12 clerk.

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

18 (3) The election commissioner or county clerk shall also verify that
19 such person has not voted anywhere else in the county or been issued a
20 ballot for early voting.

21 (4) A ballot cast by a voter pursuant to section 12 of this act
22 shall be counted if:

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

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

28 (5) A ballot cast by a voter pursuant to section 12 of this act
29 shall not be counted if:

30 (a) A valid photographic identification for such voter is not
31 provided to the office of the election commissioner or county clerk on or

1 before the Tuesday after the election; or

2 (b) The voter failed to complete and sign the certification on the
3 voter identification verification envelope pursuant to subsection (2) of
4 section 12 of this act.

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

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

14 Sec. 15. The Secretary of State shall provide a standard affidavit
15 and prescribe the form for a valid photographic identification for an
16 individual who has a religious objection to being photographed. The
17 Secretary of State shall provide the affidavit to the election
18 commissioners and county clerks. A person shall execute the affidavit and
19 submit it to the election commissioner or county clerk. The election
20 commissioner or county clerk shall check that the signature on the
21 affidavit conforms to the signature on the person's voter registration
22 record, and if it matches, transmit the affidavit to the Department of
23 Motor Vehicles for issuance of the photographic identification in the
24 form prescribed by the Secretary of State. The valid photographic
25 identification shall show a digital image of an affidavit signed by the
26 individual to whom the document was issued stating that the individual
27 has a religious objection to being photographed.

28 Sec. 16. Section 60-484.02, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 60-484.02 (1) Each applicant for an operator's license or state
31 identification card shall have his or her digital image captured. Digital

1 images shall be preserved for use as prescribed in sections 60-4,119,
2 60-4,151, and 60-4,180. The images shall be used for issuing operators'
3 licenses and state identification cards. The images may be retrieved only
4 by the Department of Motor Vehicles for issuing renewal and replacement
5 operators' licenses and state identification cards and may not be
6 otherwise released except in accordance with subsection (3) of this
7 section.

8 (2) Upon application for an operator's license or state
9 identification card, each applicant shall provide his or her signature in
10 a form prescribed by the department. Digital signatures shall be
11 preserved for use on original, renewal, and replacement operators'
12 licenses and state identification cards and may not be otherwise released
13 except in accordance with subsection (4) of this section.

14 (3) No officer, employee, agent, or contractor of the department or
15 law enforcement officer shall release a digital image except to a
16 federal, state, or local law enforcement agency, a certified law
17 enforcement officer employed in an investigative position by a federal,
18 state, or local agency, or a driver licensing agency of another state for
19 the purpose of carrying out the functions of the agency or assisting
20 another agency in carrying out its functions upon the verification of the
21 identity of the person requesting the release of the information and the
22 verification of the purpose of the requester in requesting the release.
23 Any officer, employee, agent, or contractor of the department or law
24 enforcement officer that knowingly discloses or knowingly permits
25 disclosure of a digital image or digital signature in violation of this
26 section shall be guilty of a Class I misdemeanor.

27 (4) No officer, employee, agent, or contractor of the department or
28 law enforcement officer shall release a digital signature except (a) to a
29 federal, state, or local law enforcement agency, a certified law
30 enforcement officer employed in an investigative position by a state or
31 federal agency, or a driver licensing agency of another state for the

1 purpose of carrying out the functions of the agency or assisting another
2 agency in carrying out its functions upon the verification of the
3 identity of the person requesting the release of the information and the
4 verification of the purpose of the requester in requesting the release or
5 (b) to the office of the Secretary of State for the purpose of voter
6 registration as described in section 32-304, 32-308, or 32-309 or voter
7 identification pursuant to section 32-1002 or 32-1027 upon the
8 verification of the identity of the person requesting the release of the
9 information and the verification of the purpose of the requester in
10 requesting the release. No employee or official in the office of the
11 Secretary of State shall release a digital signature except to a federal,
12 state, or local law enforcement agency, a certified law enforcement
13 officer employed in an investigative position by a state or federal
14 agency, or a driver licensing agency of another state for the purpose of
15 carrying out the functions of the agency or assisting another agency in
16 carrying out its functions upon the verification of the identity of the
17 person requesting the release of the information and the verification of
18 the purpose of the requester in requesting the release. Any officer,
19 employee, agent, or contractor of the department, law enforcement
20 officer, or employee or official in the office of the Secretary of State
21 that knowingly discloses or knowingly permits disclosure of a digital
22 signature in violation of this section shall be guilty of a Class I
23 misdemeanor.

24 Sec. 17. Section 60-4,115, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 60-4,115 (1) Fees for operators' licenses and state identification
27 cards shall be collected by department personnel or the county treasurer
28 and distributed according to the table in subsection (2) of this section,
29 except for the ignition interlock permit and associated fees as outlined
30 in subsection (4) of this section and the 24/7 sobriety program permit
31 and associated fees as outlined in subsection (5) of this section. County

1 officials shall remit the county portion of the fees collected to the
2 county treasurer for placement in the county general fund. All other fees
3 collected shall be remitted to the State Treasurer for credit to the
4 appropriate fund.

5 (2) Except as otherwise provided in subsection (7) of this section,
6 the ~~The~~ fees provided in this subsection in the following dollar amounts
7 apply for operators' licenses and state identification cards.

		Department		
		County	of Motor	State
10	Document	General	Vehicles	General
11		Fund	Cash Fund	Fund
12	Total			
	Fee			
12	State identification card:			
13	Valid for 1 year or less	5.00	2.75	1.25
14	Valid for more than 1 year			
15	but not more than 2 years	10.00	2.75	4.00
16	Valid for more than 2 years			
17	but not more than 3 years	14.00	2.75	5.25
18	Valid for more than 3 years			
19	but not more than 4 years	19.00	2.75	8.00
20	Valid for more than 4 years			
21	for person under 21	24.00	2.75	10.25
22	Valid for 5 years	24.00	3.50	13.25
23	Replacement	11.00	2.75	6.00
24	Class O or M operator's			
25	license:			
26	Valid for 1 year or less	5.00	2.75	1.25
27	Valid for more than 1 year			
28	but not more than 2 years	10.00	2.75	4.00
29	Valid for more than 2 years			
30	but not more than 3 years	14.00	2.75	5.25

1	Valid for more than 3 years				
2	but not more than 4 years	19.00	2.75	8.00	8.25
3	Valid for 5 years	24.00	3.50	13.25	7.25
4	Bioptic or telescopic lens				
5	restriction:				
6	Valid for 1 year or less	5.00	0	5.00	0
7	Valid for more than 1 year				
8	but not more than 2 years	10.00	2.75	4.00	3.25
9	Replacement	11.00	2.75	6.00	2.25
10	Add, change, or remove class,				
11	endorsement, or restriction	5.00	0	5.00	0
12	Provisional operator's permit:				
13	Original	15.00	2.75	12.25	0
14	Bioptic or telescopic lens				
15	restriction:				
16	Valid for 1 year or less	5.00	0	5.00	0
17	Valid for more than 1 year				
18	but not more than 2 years	15.00	2.75	12.25	0
19	Replacement	11.00	2.75	6.00	2.25
20	Add, change, or remove class,				
21	endorsement, or restriction	5.00	0	5.00	0
22	LPD-learner's permit:				
23	Original	8.00	.25	5.00	2.75
24	Replacement	11.00	2.75	6.00	2.25
25	Add, change, or remove class,				
26	endorsement, or restriction	5.00	0	5.00	0
27	LPE-learner's permit:				
28	Original	8.00	.25	5.00	2.75
29	Replacement	11.00	2.75	6.00	2.25
30	Add, change, or remove class,				

1	endorsement, or restriction	5.00	0	5.00	0
2	School permit:				
3	Original	8.00	.25	5.00	2.75
4	Replacement	11.00	2.75	6.00	2.25
5	Add, change, or remove class,				
6	endorsement, or restriction	5.00	0	5.00	0
7	Farm permit:				
8	Original or renewal	5.00	.25	0	4.75
9	Replacement	5.00	.25	0	4.75
10	Add, change, or remove class,				
11	endorsement, or restriction	5.00	0	5.00	0
12	Driving permits:				
13	Employment	45.00	0	5.00	40.00
14	Medical hardship	45.00	0	5.00	40.00
15	Replacement	10.00	.25	5.00	4.75
16	Add, change, or remove class,				
17	endorsement, or restriction	5.00	0	5.00	0
18	Commercial driver's license:				
19	Valid for 1 year or less	11.00	1.75	5.00	4.25
20	Valid for more than 1 year				
21	but not more than 2 years	22.00	1.75	5.00	15.25
22	Valid for more than 2 years				
23	but not more than 3 years	33.00	1.75	5.00	26.25
24	Valid for more than 3 years				
25	but not more than 4 years	44.00	1.75	5.00	37.25
26	Valid for 5 years	55.00	1.75	5.00	48.25
27	Bioptic or telescopic lens				
28	restriction:				
29	Valid for one year or less	11.00	1.75	5.00	4.25
30	Valid for more than 1 year				

1	but not more than 2 years	22.00	1.75	5.00	15.25
2	Replacement	11.00	2.75	6.00	2.25
3	Add, change, or remove class,				
4	endorsement, or restriction	10.00	1.75	5.00	3.25
5	CLP-commercial learner's				
6	permit:				
7	Original or renewal	10.00	.25	5.00	4.75
8	Replacement	10.00	.25	5.00	4.75
9	Add, change, or remove class,				
10	endorsement, or restriction	10.00	.25	5.00	4.75
11	Seasonal permit:				
12	Original or renewal	10.00	.25	5.00	4.75
13	Replacement	10.00	.25	5.00	4.75
14	Add, change, or remove class,				
15	endorsement, or restriction	10.00	.25	5.00	4.75

16 (3) If the department issues an operator's license or a state
 17 identification card and collects the fees, the department shall remit the
 18 county portion of the fees to the State Treasurer for credit to the
 19 Department of Motor Vehicles Cash Fund.

20 (4)(a) The fee for an ignition interlock permit shall be forty-five
 21 dollars. Five dollars of the fee shall be remitted to the State Treasurer
 22 for credit to the Department of Motor Vehicles Cash Fund. Forty dollars
 23 of the fee shall be remitted to the State Treasurer for credit to the
 24 Department of Motor Vehicles Ignition Interlock Fund.

25 (b) The fee for a replacement ignition interlock permit shall be
 26 eleven dollars. Two dollars and seventy-five cents of the fee shall be
 27 remitted to the county treasurer for credit to the county general fund.
 28 Six dollars of the fee shall be remitted to the State Treasurer for
 29 credit to the Department of Motor Vehicles Cash Fund. Two dollars and
 30 twenty-five cents of the fee shall be remitted to the State Treasurer for
 31 credit to the General Fund.

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

5 (5)(a) The fee for a 24/7 sobriety program permit shall be forty-
6 five dollars. Twenty-five dollars of the fee shall be remitted to the
7 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
8 Fifteen dollars of the fee shall be remitted to the State Treasurer for
9 credit to the General Fund. Five dollars of the fee shall be remitted to
10 the county treasurer for credit to the county general fund.

11 (b) The fee for a replacement 24/7 sobriety program permit shall be
12 eleven dollars. Two dollars and seventy-five cents of the fee shall be
13 remitted to the county treasurer for credit to the county general fund.
14 Six dollars of the fee shall be remitted to the State Treasurer for
15 credit to the Department of Motor Vehicles Cash Fund. Two dollars and
16 twenty-five cents of the fee shall be remitted to the State Treasurer for
17 credit to the General Fund.

18 (c) The fee for adding, changing, or removing a class, endorsement,
19 or restriction on a 24/7 sobriety program permit shall be five dollars.
20 The fee shall be remitted to the State Treasurer for credit to the
21 Department of Motor Vehicles Cash Fund.

22 (6) The department and its agents may collect an identity security
23 surcharge to cover the cost of security and technology practices used to
24 protect the identity of applicants for and holders of operators' licenses
25 and state identification cards and to reduce identity theft, fraud, and
26 forgery and counterfeiting of such licenses and cards to the maximum
27 extent possible. The surcharge shall be in addition to all other required
28 fees for operators' licenses and state identification cards. The amount
29 of the surcharge shall be determined by the department. The surcharge
30 shall not exceed eight dollars. The surcharge shall be remitted to the
31 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

1 (7) No fee shall be charged for issuance of an original, renewal, or
2 duplicate state identification card to a resident of Nebraska who does
3 not have a valid Nebraska driver's license, who is requesting issuance of
4 such card for voting purposes, and who will be at least eighteen years of
5 age on or before the next election conducted under the Election Act.

6 Sec. 18. Section 71-612, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 71-612 (1) The department, as the State Registrar, shall preserve
9 permanently and index all certificates received. The department shall
10 supply to any applicant for any proper purpose, as defined by rules and
11 regulations of the department, a certified copy of the record of any
12 birth, death, marriage, annulment, or dissolution of marriage or an
13 abstract of marriage. The department shall supply a copy of a public
14 vital record for viewing purposes at its office upon an application
15 signed by the applicant and upon proof of the identity of the applicant.
16 The application may include the name, address, and telephone number of
17 the applicant, purpose for viewing each record, and other information as
18 may be prescribed by the department by rules and regulations to protect
19 the integrity of vital records and prevent their fraudulent use. Except
20 as provided in subsections (2), (3), (5), (6), ~~and (7),~~ and (9) of this
21 section, the department shall be entitled to charge and collect in
22 advance a fee of sixteen dollars to be paid by the applicant for each
23 certified copy or abstract of marriage supplied to the applicant or for
24 any search made at the applicant's request for access to or a certified
25 copy of any record or abstract of marriage, whether or not the record or
26 abstract is found on file with the department.

27 (2) The department shall, free of charge, search for and furnish a
28 certified copy of any record or abstract of marriage on file with the
29 department upon the request of (a) the United States Department of
30 Veterans Affairs or any lawful service organization empowered to
31 represent veterans if the copy of the record or abstract of marriage is

1 to be issued, for the welfare of any member or veteran of the armed
2 forces of the United States or in the interests of any member of his or
3 her family, in connection with a claim growing out of service in the
4 armed forces of the nation or (b) the Military Department.

5 (3) The department may, free of charge, search for and furnish a
6 certified copy of any record or abstract of marriage on file with the
7 department when in the opinion of the department it would be a hardship
8 for the claimant of old age, survivors, or disability benefits under the
9 federal Social Security Act to pay the fee provided in this section.

10 (4) A strict account shall be kept of all funds received by the
11 department. Funds received pursuant to subsections (1), (5), (6), and (8)
12 of this section shall be remitted to the State Treasurer for credit to
13 the Health and Human Services Cash Fund. Money credited to the fund
14 pursuant to this section shall be used for the purpose of administering
15 the laws relating to vital statistics and may be used to create a petty
16 cash fund administered by the department to facilitate the payment of
17 refunds to individuals who apply for copies or abstracts of records. The
18 petty cash fund shall be subject to section 81-104.01, except that the
19 amount in the petty cash fund shall not be less than twenty-five dollars
20 nor more than one thousand dollars.

21 (5) The department shall, upon request, conduct a search of death
22 certificates for stated individuals for the Nebraska Medical Association
23 or any of its allied medical societies or any inhospital staff committee
24 pursuant to sections 71-3401 to 71-3403. If such death certificate is
25 found, the department shall provide a noncertified copy. The department
26 shall charge a fee for each search or copy sufficient to cover its actual
27 direct costs, except that the fee shall not exceed three dollars per
28 individual search or copy requested.

29 (6) The department may permit use of data from vital records for
30 statistical or research purposes under section 71-602 or disclose data
31 from certificates or records to federal, state, county, or municipal

1 agencies of government for use in administration of their official duties
2 and charge and collect a fee that will recover the department's cost of
3 production of the data. The department may provide access to public vital
4 records for viewing purposes by electronic means, if available, under
5 security provisions which shall assure the integrity and security of the
6 records and database and shall charge and collect a fee that shall
7 recover the department's costs.

8 (7) In addition to the fees charged under subsection (1) of this
9 section, the department shall charge and collect an additional fee of one
10 dollar for any certified copy of the record of any birth or for any
11 search made at the applicant's request for access to or a certified copy
12 of any such record, whether or not the record is found on file with the
13 department. Any county containing a city of the metropolitan class which
14 has an established city-county or county health department pursuant to
15 sections 71-1626 to 71-1636 which has an established system of
16 registering births and deaths shall charge and collect in advance a fee
17 of one dollar for any certified copy of the record of any birth or for
18 any search made at the applicant's request for such record, whether or
19 not the record is found on file with the county. All fees collected under
20 this subsection shall be remitted to the State Treasurer for credit to
21 the Nebraska Child Abuse Prevention Fund.

22 (8) The department shall not charge other state agencies the fees
23 authorized under subsections (1) and (7) of this section for automated
24 review of any certificates or abstracts of marriage. The department shall
25 charge and collect a fee from other state agencies for such automated
26 review that will recover the department's cost.

27 (9) The department shall not charge any fee for a certified copy of
28 a birth record if the applicant does not have a current Nebraska driver's
29 license or state identification card and indicates in the application
30 that the applicant needs a certified copy of the birth record to apply
31 for a state identification card for voting purposes.

1 Sec. 19. Sections 8, 9, 10, 11, 12, 13, 14, and 20 of this act
2 become operative on January 1, 2024. The other sections of this act
3 become operative on their effective date.

4 Sec. 20. Original sections 32-914, 32-941, 32-942, and 32-943,
5 Reissue Revised Statutes of Nebraska, and section 32-947, Revised
6 Statutes Cumulative Supplement, 2022, are repealed.

7 Sec. 21. Original sections 32-308, 32-309, 60-484.02, and 71-612,
8 Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103,
9 32-202, 32-304, and 60-4,115, Revised Statutes Cumulative Supplement,
10 2022, are repealed.

11 Sec. 22. Since an emergency exists, this act takes effect when
12 passed and approved according to law.