

E AND R AMENDMENTS TO LB661

Introduced by Murante, 49, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 32-101, Revised Statutes Supplement,
4 2013, is amended to read:

5 32-101 Sections 32-101 to 32-1551 and section 3 of this
6 act shall be known and may be cited as the Election Act.

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

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

22 Sec. 3. (1) The Secretary of State in conjunction with
23 the Department of Motor Vehicles shall, on or before July 1, 2015,

1 develop and implement a registration application process which may
2 be used statewide to register to vote and update voter registration
3 records electronically using the Secretary of State's web site. An
4 applicant who has a valid Nebraska motor vehicle operator's license
5 or state identification card may use the application process to
6 register to vote or to update his or her voter registration
7 record with changes in his or her personal information or other
8 information related to his or her eligibility to vote. For each
9 electronic application, the Secretary of State shall obtain a
10 copy of the electronic representation of the applicant's signature
11 from the Department of Motor Vehicles' records of his or her
12 motor vehicle operator's license or state identification card for
13 purposes of voter registration.

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

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

25 (b) An applicant who submits this application
26 electronically is agreeing to the use of his or her signature
27 from the Department of Motor Vehicles' records of his or her

1 motor vehicle operator's license or state identification card for
2 purposes of voter registration;

3 (c) To vote at the polling place on election day, the
4 completed application must be submitted on or before the third
5 Friday before the election; and

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

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

12 32-308 (1) The Secretary of State and the Director of
13 Motor Vehicles shall enter into an agreement to match information
14 in the computerized statewide voter registration list with
15 information in the data base of the Department of Motor Vehicles
16 to the extent required to enable each such official to verify the
17 accuracy of the information provided on applications for voter
18 registration. The Director of Motor Vehicles shall enter into an
19 agreement with the Commissioner of Social Security under section
20 205(r) (8) of the federal Social Security Act, 42 U.S.C. 405(r) (8),
21 as such section existed on April 17, 2003, for purposes of the
22 Election Act.

23 (2) The Department of Motor Vehicles, with the assistance
24 of the Secretary of State, shall prescribe a voter registration
25 application which may be used to register to vote or change his or
26 her address for voting purposes at the same time an elector applies
27 for an original or renewal motor vehicle operator's license, an

1 original or renewal state identification card, or a replacement or
2 duplicate thereof. The voter registration application shall contain
3 the information required pursuant to section 32-312 and shall be
4 designed so that it does not require the duplication of information
5 in the application for the motor vehicle operator's license or
6 state identification card, except that it may require a second
7 signature of the applicant. The department and the Secretary of
8 State shall make the voter registration application available to
9 ~~the county treasurer, the license examiners of the department,~~
10 ~~and any other person who issues operators' licenses or state~~
11 ~~identification cards.~~ any person applying for an operator's license
12 or state identification card. The application shall be completed
13 at the office of the ~~county treasurer or~~ department by the close
14 of business on the third Friday preceding any election to be
15 registered to vote at such election. A registration application
16 received after the deadline shall not be processed by the election
17 commissioner or county clerk until after the election.

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

26 (4) The voter registration application information shall
27 be transmitted to the election commissioner or county clerk of

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

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

27 ~~(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
10 or 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
16 the ~~county treasurer, license examiner, or other person,~~ except
17 that if the voter registration application is received within
18 five days prior to the third Friday preceding any election, it
19 shall be delivered not later than five days after its original
20 filing date. The election commissioner or county clerk shall,
21 if necessary, forward the voter registration application to the
22 election commissioner or county clerk of the county in which
23 the applicant resides within such prescribed time limits. Any
24 information on whether an applicant registers or declines to
25 register and the location of the office at which he or she
26 registers shall be confidential and shall only be used for voter
27 registration purposes.

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

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

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

13 32-312 The registration application prescribed by the
14 Secretary of State pursuant to section 32-311.01 or section 3 of
15 this act shall provide the instructional statements and request the
16 information from the applicant as provided in this section.

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

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

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

27 NAME—the name of the applicant giving the first and last

1 name in full, the middle name in full or the middle initial, and
2 the maiden name of the applicant, if applicable.

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

14 POSTAL ADDRESS—the address at which the applicant
15 receives mail if different from the residence address.

16 ADDRESS OF LAST REGISTRATION—the name and number of the
17 street, avenue, or other location of the dwelling from which the
18 applicant last registered.

19 TELEPHONE NUMBERS—the telephone number of the applicant
20 at work and at home. At the request of the applicant, a designation
21 shall be made that the telephone number is an unlisted number,
22 and such designation shall preclude the listing of the applicant's
23 telephone number on any list of voter registrations.

24 EMAIL ADDRESS—an email address of the applicant. At the
25 request of the applicant, a designation shall be made that the
26 email address is private, and such designation shall preclude the
27 listing of the applicant's email address on any list of voter

1 registrations.

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

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

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

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

22 REGISTRATION TAKEN BY—show the signature of the
23 authorized official or staff member accepting the application
24 pursuant to section 32-309 or 32-310 or at least one of the deputy
25 registrars taking the application pursuant to section 32-306, if
26 applicable.

27 PARTY AFFILIATION—show the party affiliation of the

1 applicant as Democrat, Republican, or Other or show
2 no party affiliation as Nonpartisan. (Note: If you wish to vote in
3 both partisan and nonpartisan primary elections for state and local
4 offices, you must indicate a political party affiliation on the
5 registration application. If you register without a political party
6 affiliation (nonpartisan), you will receive only the nonpartisan
7 ballots for state and local offices at primary elections. If you
8 register without a political party affiliation, you may vote in
9 partisan primary elections for congressional offices.)

10 OTHER-information the Secretary of State determines will
11 assist in the proper and accurate registration of the voter.

12 Immediately following the spaces for inserting
13 information as provided in this section, the following statement
14 shall be printed:

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

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

19 (2) I have not been convicted of a felony or, if
20 convicted, it has been at least two years since I completed my
21 sentence for the felony, including any parole term;

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

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

25 Any registrant who signs this application knowing that
26 any of the information in the application is false shall be guilty
27 of a Class IV felony under section 32-1502 of the statutes of

1 Nebraska. The penalty for a Class IV felony is up to five years
2 imprisonment, a fine of up to ten thousand dollars, or both.

3 APPLICANT'S SIGNATURE--require the applicant to affix his
4 or her signature to the application.

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

7 32-312.05 The date that a person's voter registration
8 record or an update of his or her voter registration record becomes
9 effective is the date the person presented himself or herself
10 in person to register, the date the registration application
11 was delivered to the election commissioner or county clerk,
12 or the date the registration application was received by the
13 election commissioner or county clerk if the person submitted the
14 registration application by mail or pursuant to section 3 of this
15 act or section 32-308.

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

18 32-315 Upon receiving a completed voter registration
19 application pursuant to section 32-308, 32-309, or 32-310
20 indicating that a voter who is registered in the county has changed
21 his or her name or moved to another residence within the same
22 county, the election commissioner or county clerk shall change
23 the voter registration record of the registered voter to the new
24 name or new address and shall send an acknowledgment card to the
25 registered voter indicating that the change of registration has
26 been completed and the address of the voter's new polling place.

27 Sec. 10. Section 32-321, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-321 (1) Any elector may request a voter registration
3 application from the office of the Secretary of State or the
4 election commissioner or county clerk. The Secretary of State and
5 the election commissioner or county clerk shall make registration
6 applications prescribed by the Secretary of State available and may
7 place the applications in public places. The Secretary of State
8 and the election commissioner or county clerk may require that all
9 unused applications be returned to his or her office and may place
10 reasonable limits on the amount of applications requested.

11 (2) If an elector returns the completed application to
12 the office of the Secretary of State or submits an application
13 to the Secretary of State pursuant to section 3 of this act, the
14 office shall deliver the application to the election commissioner
15 or county clerk of the county in which the elector resides not
16 later than ten days after receipt by the office, except that if
17 the application is returned to the office or submitted pursuant to
18 section 3 of this act within five days prior to the third Friday
19 preceding any election, it shall be delivered not later than five
20 days after the date it is returned. The deadline for returning a
21 completed application to the office of the Secretary of State or
22 submitting an application pursuant to section 3 of this act is
23 the close of business on the third Friday preceding an election to
24 be registered to vote at such election. A registration application
25 received after the deadline shall not be processed by the election
26 commissioner or county clerk until after the election. The office
27 of the Secretary of State shall be a designated voter registration

1 agency for purposes of section 7 of the National Voter Registration
2 Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on March
3 11, 2008.

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

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

8 (ii) The application shall be received not later than
9 the second Tuesday before the next election if the postmark is
10 unreadable; and

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

14 (4) If the registration application arrives after the
15 registration deadline, the application shall not be processed
16 until after the election. Written notice shall be given to
17 any applicant whose registration application failed to meet the
18 registration deadline or was found to be incorrect or incomplete
19 and shall state the specific reason for rejection. If the
20 application is incomplete, the election commissioner or county
21 clerk shall notify the applicant of the failure to provide the
22 required information, including failure to provide identification
23 if required, and provide the applicant with the opportunity to
24 submit an identification document as described in section 32-318.01
25 prior to the deadline for voter registration or to complete and
26 submit a corrected registration application in a timely manner to
27 allow for the proper registration of the applicant prior to the

1 next election. All postage costs related to returning registration
2 applications to the election commissioner or county clerk shall be
3 paid by the registrant.

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

6 32-323 Registration pursuant to section 3 of this act
7 or section 32-308 or by mail shall not constitute a valid
8 registration for purposes of signing any type of petition requiring
9 the validation of the signatures of registered voters until a
10 complete and correct registration application has been received
11 by the election commissioner or county clerk. A signature on a
12 petition shall be considered a valid signature as of the date that
13 the election commissioner or county clerk receives the registration
14 application of the registrant.

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

17 32-325 (1) A registration application completed and
18 signed by a registered voter seeking to update his or her voter
19 registration record shall be completed in person at or delivered or
20 mailed to the office of the election commissioner or county clerk
21 or submitted pursuant to section 3 of this act to the Secretary
22 of State. To avoid additional requirements at the polling place
23 pursuant to section 32-914.01, 32-914.02, or 32-915, an application
24 to update a voter registration record must be:

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

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

5 (2) After verifying the signature on the previous
6 registration of the registered voter, the election commissioner or
7 county clerk shall make the change of name, party affiliation,
8 or address on all pertinent election records. The election
9 commissioner or county clerk shall send an acknowledgment card to
10 the registered voter indicating that the change of registration
11 has been completed and shall include the address of the registered
12 voter's new polling place.

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

15 32-902 (1) The election commissioner or county clerk
16 shall cause instructions for the guidance of registered voters in
17 preparing their ballots to be printed in large, clear type on
18 cards in English. He or she shall furnish at least five such cards
19 to each polling place in each precinct at the same time and in
20 the same manner as the printed ballots. The judges or clerks of
21 election shall post such cards in each voting booth on the day of
22 election. The card shall contain full instructions on preparing and
23 casting ballots, including how to cast a write-in vote. The form
24 and contents of the cards shall be approved by the Secretary of
25 State.

26 (2) The election commissioner or county clerk shall cause
27 voting information to be posted in each polling place on the day

1 of election. The voting information shall include the following
2 information as approved by the Secretary of State:

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

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

8 (c) General information on voting rights under applicable
9 federal and state laws, including information on the right of an
10 individual to cast a provisional ballot and instructions on how to
11 contact the appropriate officials if these rights are alleged to
12 have been violated; and

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

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

17 32-915 (1) A person whose name does not appear on the
18 precinct list of registered voters at the polling place for the
19 precinct in which he or she resides, whose name appears on the
20 precinct list of registered voters at the polling place for the
21 precinct in which he or she resides at a different residence
22 address as described in section 32-914.02, or whose name appears
23 with a notation that he or she received a ballot for early voting
24 may vote a provisional ballot if he or she:

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

1 (b) Is not entitled to vote under section 32-914.01 or
2 32-914.02;

3 (c) Has not registered to vote or voted in any other
4 county since registering to vote in the county in which the
5 precinct is located;

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

9 (e) Completes and signs a registration application before
10 voting.

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

17 (3) Each person voting by provisional ballot shall
18 enclose his or her ballot in an envelope marked Provisional
19 Ballot and shall, by signing the certification on the front of the
20 envelope or a separate form attached to the envelope, certify to
21 the following facts:

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

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

25 (c) I registered to vote on or about this date
26

27 (d) I registered to vote

1 in person at the election office or a voter
2 registration site,

3 by mail,

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

5 ~~on a form~~ through the Department of Motor Vehicles,

6 on a form through another state agency,

7 in some other way;

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

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

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

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

23 (5) If the person's name does not appear on the precinct
24 list of registered voters for the polling place and the judge or
25 clerk of election determines that the person's residence address is
26 located in another precinct within the same county, the judge or
27 clerk of election shall direct the person to his or her correct

1 polling place to vote.

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

4 32-1002 (1) As the ballots are removed from the ballot
5 box pursuant to sections 32-1012 to 32-1018, the receiving board
6 shall separate the envelopes containing the provisional ballots
7 from the rest of the ballots and deliver them to the election
8 commissioner or county clerk.

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

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

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

3 (a) Credible evidence exists that the voter was properly
4 registered in the county before the deadline for registration for
5 the election;

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

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

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

13 (i) The residence address provided on the registration
14 application completed pursuant to subdivision (1)(e) of section
15 32-915 is located within the precinct in which the person voted;
16 and

17 (ii) If the voter is voting in a primary election,
18 the party affiliation provided on the registration application
19 completed prior to voting the provisional ballot is the same party
20 affiliation that appears on the voter's voter registration record
21 based on his or her previous registration application; and

22 (e) The certification on the front of the envelope or
23 form attached to the envelope is in the proper form and signed by
24 the voter.

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

27 (a) The voter was not properly registered in the county

1 before the deadline for registration for the election;

2 (b) Information has been received pursuant to section
3 32-308, 32-309, 32-310, or 32-324 that the voter has resided,
4 registered, or voted in any other county or state since registering
5 to vote in the county in which he or she cast the provisional
6 ballot;

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

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

12 (e) The residence address provided on the registration
13 application completed pursuant to subdivision (1)(e) of section
14 32-915 is in a different county or in a different precinct than the
15 county or precinct in which the voter voted;

16 (f) If the voter is voting in a primary election, the
17 party affiliation on the registration application completed prior
18 to voting the provisional ballot is different than the party
19 affiliation that appears on the voter's voter registration record
20 based on his or her previous registration application; or

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

24 (6) An error or omission of information on the
25 registration application or the certification required under
26 section 32-915 shall not result in the provisional ballot not being
27 counted if:

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

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

5 (b) Both the registration application and the
6 certification are signed by the voter.

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

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

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

18 Sec. 16. Section 60-484, Revised Statutes Supplement,
19 2013, is amended to read:

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

27 (b) Application for an operator's license or a state

1 identification card shall be made in a manner prescribed by the
2 department. Such application may be made to department personnel in
3 any county. Department personnel shall conduct the examination of
4 the applicant and deliver to each successful applicant an issuance
5 certificate containing the statements made pursuant to subdivision
6 (c) of this subsection.

7 (c) The applicant (i) shall provide his or her full legal
8 name, date of birth, mailing address, gender, race or ethnicity,
9 and social security number, two forms of proof of address of
10 his or her principal residence unless the applicant is a program
11 participant under the Address Confidentiality Act, evidence of
12 identity as required by subdivision (1)(f) of this subsection,
13 and a brief physical description of himself or herself, (ii)
14 may complete the voter registration portion pursuant to section
15 32-308, (iii) shall be provided the advisement language required
16 by subsection (5) of section 60-6,197, (iv) shall answer the
17 following:

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

21 (I) lost voluntary control or consciousness ... yes ...
22 no

23 (II) experienced vertigo or multiple episodes of
24 dizziness or fainting ... yes ... no

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

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

27 (V) experienced impairment of memory, memory loss ... yes

1 ... no

2 Please explain:

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

7 Please explain:

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

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

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

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

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

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

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

27 (E) Do you wish to donate \$1 to promote the Organ and

1 Tissue Donor Awareness and Education Fund?

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

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

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

1 any other United States-based identification as approved by the
2 director.

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

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

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

22 (2) (a) This subsection applies beginning on an
23 implementation date designated by the director on or before
24 January 1, 2014. Except as otherwise provided in the Motor Vehicle
25 Operator's License Act, no resident of the State of Nebraska shall
26 operate a motor vehicle upon the alleys or highways of this state
27 until the person has obtained an operator's license for that

1 purpose.

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

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

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

23 (I) lost voluntary control or consciousness ... yes ...
24 no

25 (II) experienced vertigo or multiple episodes of
26 dizziness or fainting ... yes ... no

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

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

2 (V) experienced impairment of memory, memory loss ... yes

3 ... no

4 Please explain:

5 (B) Do you experience any condition which affects your

6 ability to operate a motor vehicle? (e.g. due to loss of, or

7 impairment of, foot, leg, hand, arm; neurological or neuromuscular

8 disease, etc.) ... yes ... no

9 Please explain:

10 (C) Since the issuance of your last driver's

11 license/permit, has your health or medical condition changed or

12 worsened? ... yes ... no

13 Please explain, including how the above affects your

14 ability to drive:, and (iv) may answer the

15 following:

16 (A) Do you wish to register to vote as part of this

17 application process?

18 (B) Do you wish to have the word "veteran" displayed on

19 the front of your operator's license or state identification card

20 to show that you served in the armed forces of the United States?

21 (To be eligible you must register with the Nebraska Department of

22 Veterans' Affairs registry.)

23 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE

24 FOLLOWING QUESTIONS:

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

26 (D) Do you wish to receive any additional specific

27 information regarding organ and tissue donation and the Donor

1 Registry of Nebraska?

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

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

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

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

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

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

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

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

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

24 60-484.02 (1) Each applicant for an operator's license
25 or state identification card shall have his or her digital image
26 taken. Digital images shall be preserved for use as prescribed in
27 sections 60-4,119, 60-4,151, and 60-4,180. The images shall be used

1 for issuing operators' licenses and state identification cards. The
2 images may be retrieved only by the Department of Motor Vehicles
3 for issuing renewal, duplicate, and replacement operators' licenses
4 and state identification cards and may not be otherwise released
5 except in accordance with subsection (3) of this section.

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

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

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

1 knowingly permits disclosure of a digital signature in violation of
2 this section shall be guilty of a Class I misdemeanor.

3 Sec. 18. Original sections 32-204, 32-308, 32-309,
4 32-311, 32-312.05, 32-315, 32-321, 32-323, 32-325, 32-902, and
5 60-484.02, Reissue Revised Statutes of Nebraska, sections 32-312,
6 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2012,
7 and sections 32-101 and 60-484, Revised Statutes Supplement, 2013,
8 are repealed.

9 2. On page 1, line 1, after the first comma insert
10 "32-308," and after the second comma insert "32-311,"; in line 2
11 after the first comma insert "32-315,"; in line 3 strike "and" and
12 insert a comma; and in line 4 after the first comma insert "and
13 32-1002,".