

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 381**

Introduced by Janssen, 15.

Read first time January 18, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-110.02,  
2 32-311.01, 32-321, 32-902, 32-914, 32-938, 32-953, and  
3 32-1027, Reissue Revised Statutes of Nebraska, and  
4 sections 32-915, 32-947, 32-1002, 60-4,115, and 60-4,181,  
5 Revised Statutes Cumulative Supplement, 2012; to require  
6 presentation of a government-issued photographic  
7 identification document to vote; to provide exceptions;  
8 to provide for provisional ballots; to change  
9 requirements for identification for certain first-time  
10 voters; to change provisions for issuance of state  
11 identification cards; to harmonize provisions; to repeal  
12 the original sections; and to outright repeal section  
13 32-318.01, Reissue Revised Statutes of Nebraska.

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

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

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

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

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

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

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

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

23           (3) Any other document which:

24           (a) Is issued by a government entity;

25           (b) Has a photograph of the individual to whom the

1 document was issued; and

2 (c) Is approved pursuant to rules and regulations adopted  
3 and promulgated by the Secretary of State.

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

6 32-311.01 (1) The Secretary of State shall prescribe and  
7 distribute a registration application which may be used statewide to  
8 register to vote and update voter registration records. An applicant  
9 may use the application to register to vote or to update his or her  
10 voter registration record with changes in his or her personal  
11 information or other information related to his or her eligibility to  
12 vote. An applicant may submit the application in person, through a  
13 personal messenger or personal agent, or by mail. Every election  
14 commissioner or county clerk shall accept such an application for  
15 registration. If an applicant who is eligible to register to vote  
16 submits the application in person at the office of the election  
17 commissioner or county clerk, the information from the application  
18 shall be entered into the voter registration register in the presence  
19 of the applicant if possible.

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

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

1           (b) If the application is submitted by mail and the  
2 applicant is registering in the state for the first time and has not  
3 previously voted within the state, the applicant must submit with the  
4 application a copy of a ~~photo identification which is current and~~  
5 ~~valid or a copy of a utility bill, bank statement, government check,~~  
6 ~~paycheck, or other government document that is current and that shows~~  
7 ~~the name and address of the applicant as they appear on the~~  
8 ~~application~~ government-issued photographic identification in order to  
9 avoid additional identification requirements when voting for the  
10 first time if the voter votes early;

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

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

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

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

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

24           (e) The election commissioner or county clerk will, upon  
25 receipt of the application for registration, send an acknowledgment

1 of registration to the applicant indicating whether the application  
2 is proper or not.

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

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

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

1 county clerk until after the election. The office of the Secretary of  
2 State shall be a designated voter registration agency for purposes of  
3 section 7 of the National Voter Registration Act of 1993, 42 U.S.C.  
4 1973gg-5, as such section existed on March 11, 2008.

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

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

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

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

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

1 the deadline for voter registration or to complete and submit a  
2 corrected registration application in a timely manner to allow for  
3 the proper registration of the applicant prior to the next election.  
4 All postage costs related to returning registration applications to  
5 the election commissioner or county clerk shall be paid by the  
6 registrant.

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

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

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

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

25           (b) Instructions for voters who registered to vote by

1 mail and first-time voters and for voters to present identification  
2 or vote a provisional ballot;

3 (c) General information on voting rights under applicable  
4 federal and state laws, including information on the right of an  
5 individual to cast a provisional ballot and instructions on how to  
6 contact the appropriate officials if these rights are alleged to have  
7 been violated; and

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

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

12 32-914 (1) Official ballots shall be used at all  
13 elections. No person shall receive a ballot or be entitled to vote  
14 unless and until he or she is registered as a voter except as  
15 provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or  
16 32-936.

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

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

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

25 (c) The voter has presented a government-issued



1 photographic identification which is current and valid at the time of  
2 the election, ~~or a copy of a utility bill, bank statement, paycheck,~~  
3 ~~government check, or other government document which is current at~~  
4 ~~the time of the election~~ and which shows the same name and residence  
5 address of the voter that is on the precinct list of registered  
6 voters, ~~if the voter registered by mail after January 1, 2003, and~~  
7 ~~has not previously voted in an election for a federal office within~~  
8 ~~the county and a notation appears on the precinct list of registered~~  
9 ~~voters that the voter has not previously presented identification to~~  
10 ~~the election commissioner or county clerk; unless the voter votes a~~  
11 ~~provisional ballot;~~

12 (d) As instructed by the clerk of election, the  
13 registered voter has personally written his or her name (i) in the  
14 precinct sign-in register on the appropriate line which follows the  
15 last signature of any previous voter or (ii) in the combined document  
16 containing the precinct list of registered voters and the sign-in  
17 register; and

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

22 Sec. 6. Section 32-915, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

24 32-915 (1) A person whose name does not appear on the  
25 precinct list of registered voters at the polling place for the

1 precinct in which he or she resides, whose name appears on the  
2 precinct list of registered voters at the polling place for the  
3 precinct in which he or she resides at a different residence address  
4 as described in section 32-914.02, ~~or~~ whose name appears with a  
5 notation that he or she received a ballot for early voting, or who  
6 does not present a government-issued photographic identification may  
7 vote a provisional ballot if he or she:

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

11 (b) Is not entitled to vote under section 32-914.01 or  
12 32-914.02;

13 (c) Has not registered to vote or voted in any other  
14 county since registering to vote in the county in which the precinct  
15 is located;

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

19 (e) Completes and signs a registration application before  
20 voting.

21 ~~(2) A voter whose name appears on the precinct list of~~  
22 ~~registered voters for the polling place with a notation that the~~  
23 ~~voter is required to present identification pursuant to section~~  
24 ~~32-318.01 but fails to present identification may vote a provisional~~  
25 ~~ballot if he or she completes and signs a registration application~~

1 ~~before voting.~~

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

7                   (a) I am a registered voter in ..... County;

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

11                   (c) I registered to vote on or about this  
12 date .....

13                   (d) I registered to vote  
14 .... in person at the election office or a voter  
15 registration site,  
16 .... by mail,  
17 .... on a form through the Department of Motor Vehicles,  
18 .... on a form through another state agency,  
19 .... in some other way;

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

22                   (f) My current address is shown on the registration  
23 application completed as a requirement for voting by provisional  
24 ballot; and

25                   (g) I am eligible to vote in this election and I have not

1 voted and will not vote in this election except by this ballot.

2           ~~(4)~~(3) The voter shall sign the certification under  
3 penalty of election falsification. The following statements shall be  
4 on the front of the envelope or on the attached form: By signing the  
5 front of this envelope or the attached form you are certifying to the  
6 information contained on this envelope or the attached form under  
7 penalty of election falsification. Election falsification is a Class  
8 IV felony and may be punished by up to five years imprisonment, a  
9 fine of up to ten thousand dollars, or both.

10           ~~(5)~~(4) If the person's name does not appear on the  
11 precinct list of registered voters for the polling place and the  
12 judge or clerk of election determines that the person's residence  
13 address is located in another precinct within the same county, the  
14 judge or clerk of election shall direct the person to his or her  
15 correct polling place to vote.

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

18           32-938 (1) A registered voter shall be permitted to vote  
19 early by requesting a ballot for early voting pursuant to section  
20 32-941 or 32-943. A registered voter voting early shall not be  
21 required to show a government-issued photographic identification  
22 prior to being issued a ballot for early voting except as provided in  
23 subdivision (2)(b) of section 32-311.01.

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

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

4                   Sec. 8. Section 32-947, Revised Statutes Cumulative  
5 Supplement, 2012, is amended to read:

6                   32-947 (1) Upon receipt of an application or other  
7 request for a ballot to vote early, the election commissioner or  
8 county clerk shall determine whether the applicant is a registered  
9 voter and is entitled to vote as requested. If the election  
10 commissioner or county clerk determines that the applicant is a  
11 registered voter entitled to vote early and the application was  
12 received at or before 4 p.m. on the Wednesday preceding the election,  
13 the election commissioner or county clerk shall deliver a ballot to  
14 the applicant in person or by mail, postage paid. The election  
15 commissioner or county clerk or any employee of the election  
16 commissioner or county clerk shall write or cause to be affixed his  
17 or her customary signature or initials on the ballot.

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

21                   VOTER'S OATH

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

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

3           (a) I, ....., am a registered voter  
4 in ..... County;

5           (b) I reside in the State of Nebraska  
6 at .....

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

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

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

17           I also understand that failure to sign below will  
18 invalidate my ballot.

19           Signature .....

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

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

25           (3) If the ballot and identification envelope will be

1 returned by mail or by someone other than the voter, the election  
2 commissioner or county clerk shall include with the ballot an  
3 identification envelope upon the face of which shall be printed the  
4 official title and post office address of the election commissioner  
5 or county clerk.

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

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

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

23 (c) Written instructions directing the voter to submit a  
24 copy of ~~an identification document pursuant to section 32-318.01 a~~  
25 government-issued photographic identification if the voter is

1 ~~required to present identification under such section registering to~~  
2 ~~vote by mail and has not previously voted in the state~~ and advising  
3 the voter that failure to submit identification to the election  
4 commissioner or county clerk by the close of the polls on election  
5 day will result in the ballot not being counted.

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

11 Sec. 9. Section 32-953, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 32-953 The election commissioner or county clerk shall  
14 mail the official ballot to all registered voters of the political  
15 subdivision at the addresses appearing on the voter registration  
16 register on the same day. In an election held by mail, registered  
17 voters shall not be required to present a government-issued  
18 photographic identification prior to being issued a ballot. The  
19 ballots shall be mailed by nonforwardable first-class mail not sooner  
20 than the twentieth day before the date set for the election and not  
21 later than the tenth day before the date set for the election. The  
22 election commissioner or county clerk shall include with the ballot  
23 an unsealed identification envelope meeting the requirements of  
24 subsection (2) of section 32-947 and instructions sufficient to  
25 describe the voting process.



1           Sec. 10. Section 32-1002, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           32-1002 (1) As the ballots are removed from the ballot  
4 box pursuant to sections 32-1012 to 32-1018, the receiving board  
5 shall separate the envelopes containing the provisional ballots from  
6 the rest of the ballots and deliver them to the election commissioner  
7 or county clerk.

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

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

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

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

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

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

25                   (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 32-309, 32-310, or 32-324 that the voter has resided, registered, or  
4 voted in any other county or state since registering to vote in the  
5 county in which he or she cast the provisional ballot;

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

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

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

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

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

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

1 if:

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

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

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

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

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

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

19 Sec. 11. Section 32-1027, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 32-1027 (1) The election commissioner or county clerk  
22 shall appoint two or more registered voters to the counting board for  
23 early voting. One registered voter shall be appointed from the  
24 political party casting the highest number of votes for Governor or  
25 for President of the United States in the county in the immediately

1 preceding general election, and one registered voter shall be  
2 appointed from the political party casting the next highest vote for  
3 such office. The election commissioner or county clerk may appoint  
4 additional registered voters to serve on the counting board and may  
5 appoint registered voters to serve in case of a vacancy among any of  
6 the members of the counting board. Such appointees shall be balanced  
7 between the political parties and may include registered voters  
8 unaffiliated with any political party. The counting board may begin  
9 carrying out its duties not earlier than the second Monday before the  
10 election and shall meet as directed by the election commissioner or  
11 county clerk.

12 (2) The counting board shall place all identification  
13 envelopes in order and shall review each returned identification  
14 envelope pursuant to verification procedures prescribed in  
15 subsections (3) and (4) of this section.

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

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

19 (b) The ballot has been received from the voter who  
20 requested it and the residence address is the same address provided  
21 on the voter's request for a ballot for early voting, by comparing  
22 the information provided on the identification envelope with  
23 information recorded in the record of early voters or the voter's  
24 request;

25 (c) A completed and signed registration application has

1 been received from the voter by the deadline in section 32-302,  
2 32-321, or 32-325 or by the close of the polls pursuant to section  
3 32-945;

4 ~~(d) An identification document has been received from A~~  
5 government-issued photographic identification has been presented by  
6 the voter not later than the close of the polls on election day if  
7 required pursuant to section ~~32-318.01; 32-947;~~ and

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

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

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

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

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

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

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

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

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

10                  (iii) The residence address provided on the  
11 identification envelope and on the registration application is the  
12 same as the residence address as provided on the voter's request for  
13 a ballot for early voting; and

14                  (iv) The identification envelope has been signed by the  
15 voter;

16                  (c) In the case of a ballot received from a voter without  
17 a residence address who requested a ballot pursuant to section  
18 32-946, the ballot shall be accepted for counting if:

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

21                  (ii) A valid registration application completed and  
22 signed by the voter, for whom the residence address is deemed to be  
23 the address of the office of the election commissioner or county  
24 clerk pursuant to section 32-946, has been received by the election  
25 commissioner or county clerk prior to the close of the polls on

1 election day;

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

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

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

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

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

18 (iii) A copy of ~~an identification document authorized in~~  
19 section 32-318.01 a government-issued photographic identification has  
20 been received by the election commissioner or county clerk prior to  
21 the close of the polls on election day; and

22 (iv) The identification envelope has been signed by the  
23 voter.

24 (5) In opening the identification envelope or the return  
25 envelope to determine if registration applications, oaths, or



1 identification documents have been enclosed by the voters from whom  
2 they are required, the counting board shall make a good faith effort  
3 to ensure that the ballot remains folded and that the secrecy of the  
4 vote is preserved.

5 (6) The counting board may, on the second Monday before  
6 the election, open all identification envelopes which are approved,  
7 and if the signature of the election commissioner or county clerk or  
8 his or her employee is on the ballot, the ballot shall be unfolded,  
9 flattened for purposes of using the optical scanner, and placed in a  
10 sealed container for counting as directed by the election  
11 commissioner or county clerk. At the discretion of the election  
12 commissioner or county clerk, the counting board may begin counting  
13 early ballots no earlier than twenty-four hours prior to the opening  
14 of the polls on the day of the election.

15 (7) If an identification envelope is rejected, the  
16 counting board shall not open the identification envelope. The  
17 counting board shall write Rejected on the identification envelope  
18 and the reason for the rejection. If the ballot is rejected after  
19 opening the identification envelope because of the absence of the  
20 official signature on the ballot, the ballot shall be reinserted in  
21 the identification envelope which shall be resealed and marked  
22 Rejected, no official signature. The counting board shall place the  
23 rejected identification envelopes and ballots in a container labeled  
24 Rejected Ballots and seal it.

25 (8) As soon as all ballots have been placed in the sealed

1 container and rejected identification envelopes or ballots have been  
 2 sealed in the Rejected Ballots container, the counting board shall  
 3 count the ballots the same as all other ballots and an unofficial  
 4 count shall be reported to the election commissioner or county clerk.  
 5 No results shall be released prior to the closing of the polls on  
 6 election day.

7           Sec. 12. Section 60-4,115, Revised Statutes Cumulative  
 8 Supplement, 2012, is amended to read:

9           60-4,115 (1) Fees for operators' licenses and state  
 10 identification cards shall be collected and distributed according to  
 11 the table in subsection (2) of this section, except for the ignition  
 12 interlock permit and associated fees as outlined in subsection (4) of  
 13 this section and except for state identification cards issued  
 14 pursuant to subsection (6) of this section. County officials shall  
 15 remit the county portion of the fees collected to the county  
 16 treasurer for placement in the county general fund. All other fees  
 17 collected shall be remitted to the State Treasurer for credit to the  
 18 appropriate fund.

19           (2) The fees provided in this subsection in the following  
 20 dollar amounts apply for operators' licenses and state identification  
 21 cards.

			Department		
			County	of Motor	State
	Document	Total	General	Vehicles	General
		Fee	Fund	Cash Fund	Fund

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

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

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

LB 381

LB 381

1	endorsement, or restriction	5.00	0	5.00	0
2	Commercial driver's license:				
3	Valid for 1 year or less	11.00	1.75	5.00	4.25
4	Valid for more than 1 year				
5	but not more than 2 years	22.00	1.75	5.00	15.25
6	Valid for more than 2 years				
7	but not more than 3 years	33.00	1.75	5.00	26.25
8	Valid for more than 3 years				
9	but not more than 4 years	44.00	1.75	5.00	37.25
10	Valid for 5 years	55.00	1.75	5.00	48.25
11	Bioptic or telescopic lens restriction:				
12	Valid for one year or less	11.00	1.75	5.00	4.25
13	Valid for more than 1 year				
14	but not more than 2 years	22.00	1.75	5.00	15.25
15	Duplicate or replacement	11.00	2.75	6.00	2.25
16	Add, change, or remove class,				
17	endorsement, or restriction	10.00	1.75	5.00	3.25
18	LPC-learner's permit:				
19	Original or renewal	10.00	.25	5.00	4.75
20	Duplicate or replacement	10.00	.25	5.00	4.75
21	Add, change, or remove class,				

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

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

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

22 (b) The fee for a duplicate or replacement ignition  
 23 interlock permit shall be eleven dollars. Two dollars and seventy-

1 five cents of the fee shall be remitted to the county treasurer for  
2 credit to the county general fund. Six dollars of the fee shall be  
3 remitted to the State Treasurer for credit to the Department of Motor  
4 Vehicles Cash Fund. Two dollars and twenty-five cents of the fee  
5 shall be remitted to the State Treasurer for credit to the General  
6 Fund.

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

11 (5) The department and its agents may collect an identity  
12 security surcharge to cover the cost of security and technology  
13 practices used to protect the identity of applicants for and holders  
14 of operators' licenses and state identification cards and to reduce  
15 identity theft, fraud, and forgery and counterfeiting of such  
16 licenses and cards to the maximum extent possible. The surcharge  
17 shall be in addition to all other required fees for operators'  
18 licenses and state identification cards. The amount of the surcharge  
19 shall be determined by the department. The surcharge shall not exceed  
20 eight dollars. The surcharge shall be remitted to the State Treasurer  
21 for credit to the Department of Motor Vehicles Cash Fund.

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



1           Sec. 13. Section 60-4,181, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           60-4,181 (1) Each applicant for a state identification  
4 card shall provide the information and documentation required by  
5 section 60-484 and also, beginning on an implementation date  
6 designated by the director on or before January 1, 2014, the  
7 information and documentation required by section 60-484.04. The form  
8 of the state identification card shall comply with section 60-4,117.  
9 Upon presentation of an applicant's issuance certificate, the county  
10 treasurer shall collect the fee and surcharge ~~as prescribed~~ if  
11 required in section 60-4,115 and issue a receipt to the applicant  
12 which is valid up to thirty days. The state identification card shall  
13 be delivered to the applicant as provided in section 60-4,113.

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

25           (3) This subsection applies beginning on an

1 implementation date designated by the director on or before January  
2 1, 2014. No person shall be a holder of a state identification card  
3 and an operator's license at the same time.

4           Sec. 14. Original sections 32-110.02, 32-311.01, 32-321,  
5 32-902, 32-914, 32-938, 32-953, and 32-1027, Reissue Revised Statutes  
6 of Nebraska, and sections 32-915, 32-947, 32-1002, 60-4,115, and  
7 60-4,181, Revised Statutes Cumulative Supplement, 2012, are repealed.

8           Sec. 15. The following section is outright repealed:  
9 Section 32-318.01, Reissue Revised Statutes of Nebraska.