

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 111

Introduced by Larson, 40; Brasch, 16; Ebke, 32; Kintner, 2; Schilz, 47.
Read first time January 08, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-110.02,
2 32-311.01, 32-914, 32-938, and 32-1027, Reissue Revised Statutes of
3 Nebraska, and sections 32-321, 32-902, 32-915, 32-947, 32-953,
4 32-1002, 60-4,115, and 60-4,181, Revised Statutes Cumulative
5 Supplement, 2014; to require presentation of a government-issued
6 photographic identification document to vote; to provide exceptions;
7 to provide for provisional ballots; to change requirements for
8 identification for certain first-time voters; to change provisions
9 for issuance of state identification cards; to harmonize provisions;
10 to repeal the original sections; and to outright repeal section
11 32-318.01, Reissue Revised Statutes of Nebraska.
12 Be it enacted by the people of the State of Nebraska,

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

3 32-110.02 Government-issued photographic identification means:

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

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

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

11 (b) A photograph of the individual to whom the document was issued;
12 and

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

15 (3) Any other document which:

16 (a) Is issued by a government entity;

17 (b) Has a photograph of the individual to whom the document was
18 issued; and

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

21 ~~Government document means an identification document or other~~
22 ~~document issued by a federal, state, or local government agency that~~
23 ~~includes the name and address of the voter as they appear on his or her~~
24 ~~voter registration application, including those documents that~~
25 ~~acknowledge the person's civil or legal status or entitlement to a~~
26 ~~government service or program.~~

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

29 32-311.01 (1) The Secretary of State shall prescribe and distribute
30 a registration application which may be used statewide to register to
31 vote and update voter registration records. An applicant may use the

1 application to register to vote or to update his or her voter
2 registration record with changes in his or her personal information or
3 other information related to his or her eligibility to vote. An applicant
4 may submit the application in person, through a personal messenger or
5 personal agent, or by mail. Every election commissioner or county clerk
6 shall accept such an application for registration. If an applicant who is
7 eligible to register to vote submits the application in person at the
8 office of the election commissioner or county clerk, the information from
9 the application shall be entered into the voter registration register in
10 the presence of the applicant if possible.

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

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

16 (b) If the application is submitted by mail and the applicant is
17 registering in the state for the first time and has not previously voted
18 within the state, the applicant must submit with the application a copy
19 of a government-issued photographic identification ~~photo identification~~
20 ~~which is current and valid or a copy of a utility bill, bank statement,~~
21 ~~government check, paycheck, or other government document that is current~~
22 ~~and that shows the name and address of the applicant as they appear on~~
23 ~~the application~~ in order to avoid additional identification requirements
24 when voting for the first time if the voter votes early;

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

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

30 (i) Delivered by the applicant in person to the office of the
31 election commissioner or county clerk on or before the deadline

1 prescribed in section 32-302;

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

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

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

10 Sec. 3. Section 32-321, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

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

21 (2) If an elector returns the completed application to the office of
22 the Secretary of State or submits an application to the Secretary of
23 State pursuant to section 32-304, the office shall deliver the
24 application to the election commissioner or county clerk of the county in
25 which the elector resides not later than ten days after receipt by the
26 office, except that if the application is returned to the office or
27 submitted pursuant to section 32-304 within five days prior to the third
28 Friday preceding any election, it shall be delivered not later than five
29 days after the date it is returned. The deadline for returning a
30 completed application to the office of the Secretary of State or
31 submitting an application pursuant to section 32-304 is the close of

1 business on the third Friday preceding an election to be registered to
2 vote at such election. A registration application received after the
3 deadline shall not be processed by the election commissioner or county
4 clerk until after the election. The office of the Secretary of State
5 shall be a designated voter registration agency for purposes of section 7
6 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as
7 such section existed on March 11, 2008.

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

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

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

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

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

1 county clerk shall be paid by the registrant.

2 Sec. 4. Section 32-902, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

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

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

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

20 (b) Instructions for voters who registered to vote pursuant to
21 section 32-304 or by mail and first-time voters and for voters to present
22 identification or vote a provisional ballot;

23 (c) General information on voting rights under applicable federal
24 and state laws, including information on the right of an individual to
25 cast a provisional ballot and instructions on how to contact the
26 appropriate officials if these rights are alleged to have been violated;
27 and

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

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

1 32-914 (1) Official ballots shall be used at all elections. No
2 person shall receive a ballot or be entitled to vote unless and until he
3 or she is registered as a voter except as provided in section 32-914.01,
4 32-914.02, 32-915, 32-915.01, or 32-936.

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

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

9 (b) The clerk has found that he or she is a registered voter at the
10 address as shown by the precinct list of registered voters unless
11 otherwise entitled to vote in the precinct under section 32-328,
12 32-914.01, 32-914.02, 32-915, or 32-915.01;

13 (c) The voter has presented a government-issued photographic
14 identification which is current and valid at the time of the election, ~~or~~
15 ~~a copy of a utility bill, bank statement, paycheck, government check, or~~
16 ~~other government document which is current at the time of the election~~
17 and which shows the same name and residence address of the voter that is
18 on the precinct list of registered voters unless the voter votes a
19 provisional ballot ~~, if the voter registered by mail after January 1,~~
20 ~~2003, and has not previously voted in an election for a federal office~~
21 ~~within the county and a notation appears on the precinct list of~~
22 ~~registered voters that the voter has not previously presented~~
23 ~~identification to the election commissioner or county clerk;~~

24 (d) As instructed by the clerk of election, the registered voter has
25 personally written his or her name (i) in the precinct sign-in register
26 on the appropriate line which follows the last signature of any previous
27 voter or (ii) in the combined document containing the precinct list of
28 registered voters and the sign-in register; and

29 (e) The clerk has listed on the precinct list of registered voters
30 the corresponding line number and name of the registered voter or has
31 listed the name of the voter in a separate book as provided in section

1 32-913.

2 Sec. 6. Section 32-915, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 32-915 (1) A person whose name does not appear on the precinct list
5 of registered voters at the polling place for the precinct in which he or
6 she resides, whose name appears on the precinct list of registered voters
7 at the polling place for the precinct in which he or she resides at a
8 different residence address as described in section 32-914.02, ~~or~~ whose
9 name appears with a notation that he or she received a ballot for early
10 voting, or who does not present a government-issued photographic
11 identification may vote a provisional ballot if he or she:

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

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

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

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

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

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

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

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

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

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

5 (d) I registered to vote
6 in person at the election office or a voter registration site,
7 by mail,
8 by using the Secretary of State's web site,
9 through the Department of Motor Vehicles,
10 on a form through another state agency,
11 in some other way;

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

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

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

18 (3 4) The voter shall sign the certification under penalty of
19 election falsification. The following statements shall be on the front of
20 the envelope or on the attached form: By signing the front of this
21 envelope or the attached form you are certifying to the information
22 contained on this envelope or the attached form under penalty of election
23 falsification. Election falsification is a Class IV felony and may be
24 punished by up to five years imprisonment, a fine of up to ten thousand
25 dollars, or both.

26 (4 5) If the person's name does not appear on the precinct list of
27 registered voters for the polling place and the judge or clerk of
28 election determines that the person's residence address is located in
29 another precinct within the same county, the judge or clerk of election
30 shall direct the person to his or her correct polling place to vote.

31 Sec. 7. Section 32-938, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-938 (1) A registered voter shall be permitted to vote early by
3 requesting a ballot for early voting pursuant to section 32-941 or
4 32-943. A registered voter voting early shall not be required to show a
5 government-issued photographic identification prior to being issued a
6 ballot for early voting except as provided in subdivision (2)(b) of
7 section 32-311.01.

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

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

13 Sec. 8. Section 32-947, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

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

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

29 VOTER'S OATH

30 I, the undersigned voter, declare that the enclosed ballot or
31 ballots contained no voting marks of any kind when I received them, and I

1 caused the ballot or ballots to be marked, enclosed in the identification
2 envelope, and sealed in such envelope.

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

5 (a) I,, am a registered voter
6 in County;

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

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

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

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

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

19 Signature

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

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

25 (3) If the ballot and identification envelope will be returned by
26 mail or by someone other than the voter, the election commissioner or
27 county clerk shall include with the ballot an identification envelope
28 upon the face of which shall be printed the official title and post
29 office address of the election commissioner or county clerk.

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

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

8 (b) A registration application and the oath pursuant to section
9 32-946, if the voter is without a residence address, with instructions
10 that the residence address of the voter shall be deemed that of the
11 office of the election commissioner or county clerk of the county of the
12 voter's prior residence and that failure to return the completed and
13 signed application and oath to the election commissioner or county clerk
14 by the close of the polls on election day will result in the ballot not
15 being counted; or

16 (c) Written instructions directing the voter to submit a copy of a
17 government-issued photographic identification ~~an identification document~~
18 ~~pursuant to section 32-318.01~~ if the voter is registering to vote by mail
19 and has not previously voted in the state required to present
20 ~~identification under such section~~ and advising the voter that failure to
21 submit identification to the election commissioner or county clerk by the
22 close of the polls on election day will result in the ballot not being
23 counted.

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

28 Sec. 9. Section 32-953, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 32-953 (1) Except as otherwise provided in subsection (2) of this
31 section, the election commissioner or county clerk shall mail the

1 official ballot to all registered voters of the political subdivision at
2 the addresses appearing on the voter registration register on the same
3 day. In an election held by mail, registered voters shall not be required
4 to present a government-issued photographic identification prior to being
5 issued a ballot. The ballots shall be mailed by nonforwardable first-
6 class mail not sooner than the twentieth day before the date set for the
7 election and not later than the tenth day before the date set for the
8 election. The election commissioner or county clerk shall include with
9 the ballot an unsealed identification envelope meeting the requirements
10 of subsection (2) of section 32-947 and instructions sufficient to
11 describe the voting process.

12 (2) The election commissioner or county clerk may choose not to mail
13 a ballot to all registered voters who have been sent a notice pursuant to
14 section 32-329 and failed to respond to the notice. If the election
15 commissioner or county clerk chooses not to mail a ballot to such voters,
16 he or she shall mail a notice to all such registered voters explaining
17 how to obtain a ballot and stating the applicable deadlines.

18 Sec. 10. Section 32-1002, Revised Statutes Cumulative Supplement,
19 2014, is amended to read:

20 32-1002 (1) As the ballots are removed from the ballot box pursuant
21 to sections 32-1012 to 32-1018, the receiving board shall separate the
22 envelopes containing the provisional ballots from the rest of the ballots
23 and deliver them to the election commissioner or county clerk.

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

28 (3) The election commissioner or county clerk shall also (a) verify
29 that such person has not voted anywhere else in the county or been issued
30 a ballot for early voting, (b) investigate whether any credible evidence
31 exists that the person was properly registered to vote in the county

1 before the deadline for registration for the election, (c) investigate
2 whether any information has been received pursuant to section 32-308,
3 32-309, 32-310, or 32-324 that the person has resided, registered, or
4 voted in any other county or state since registering to vote in the
5 county, and (d) upon determining that credible evidence exists that the
6 person was properly registered to vote in the county, make the
7 appropriate changes to the voter registration register by entering the
8 information contained in the registration application completed by the
9 voter at the time of voting a provisional ballot.

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

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

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

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

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

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

23 (ii) If the voter is voting in a primary election, the party
24 affiliation provided on the registration application completed prior to
25 voting the provisional ballot is the same party affiliation that appears
26 on the voter's voter registration record based on his or her previous
27 registration application; and

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

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

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

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

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

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

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

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

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

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

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

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

31 (b) Both the registration application and the certification are

1 signed by the voter.

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

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

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

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

15 32-1027 (1) The election commissioner or county clerk shall appoint
16 two or more registered voters to the counting board for early voting. One
17 registered voter shall be appointed from the political party casting the
18 highest number of votes for Governor or for President of the United
19 States in the county in the immediately preceding general election, and
20 one registered voter shall be appointed from the political party casting
21 the next highest vote for such office. The election commissioner or
22 county clerk may appoint additional registered voters to serve on the
23 counting board and may appoint registered voters to serve in case of a
24 vacancy among any of the members of the counting board. Such appointees
25 shall be balanced between the political parties and may include
26 registered voters unaffiliated with any political party. The counting
27 board may begin carrying out its duties not earlier than the second
28 Monday before the election and shall meet as directed by the election
29 commissioner or county clerk.

30 (2) The counting board shall place all identification envelopes in
31 order and shall review each returned identification envelope pursuant to

1 verification procedures prescribed in subsections (3) and (4) of this
2 section.

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

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

6 (b) The ballot has been received from the voter who requested it and
7 the residence address is the same address provided on the voter's request
8 for a ballot for early voting, by comparing the information provided on
9 the identification envelope with information recorded in the record of
10 early voters or the voter's request;

11 (c) A completed and signed registration application has been
12 received from the voter by the deadline in section 32-302, 32-321, or
13 32-325 or by the close of the polls pursuant to section 32-945;

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

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

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

23 (a) A ballot received from a voter who was properly registered on or
24 prior to the deadline for registration pursuant to section 32-302 or
25 32-321 shall be accepted for counting without further review if:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) In the case of a ballot received from a registered voter
30 required to present a government-issued photographic identification with
31 the ballot to vote early identification before voting pursuant to section

1 ~~32-947 32-318.01~~, the ballot shall be accepted for counting if:

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

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

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

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

12 (5) In opening the identification envelope or the return envelope to
13 determine if registration applications, oaths, or identification
14 documents have been enclosed by the voters from whom they are required,
15 the counting board shall make a good faith effort to ensure that the
16 ballot remains folded and that the secrecy of the vote is preserved.

17 (6) The counting board may, on the second Monday before the
18 election, open all identification envelopes which are approved, and if
19 the signature of the election commissioner or county clerk or his or her
20 employee is on the ballot, the ballot shall be unfolded, flattened for
21 purposes of using the optical scanner, and placed in a sealed container
22 for counting as directed by the election commissioner or county clerk. At
23 the discretion of the election commissioner or county clerk, the counting
24 board may begin counting early ballots no earlier than twenty-four hours
25 prior to the opening of the polls on the day of the election.

26 (7) If an identification envelope is rejected, the counting board
27 shall not open the identification envelope. The counting board shall
28 write Rejected on the identification envelope and the reason for the
29 rejection. If the ballot is rejected after opening the identification
30 envelope because of the absence of the official signature on the ballot,
31 the ballot shall be reinserted in the identification envelope which shall

1 be resealed and marked Rejected, no official signature. The counting
2 board shall place the rejected identification envelopes and ballots in a
3 container labeled Rejected Ballots and seal it.

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

10 Sec. 12. Section 60-4,115, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

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

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

Document	Total Fee	Department		
		County General Fund	of Motor Vehicles Cash Fund	State General Fund
27 State identification card:				
28 Valid for 1 year or less	5.00	2.75	1.25	1.00
29 Valid for more than 1 year				
30 but not more than 2 years	10.00	2.75	4.00	3.25
31 Valid for more than 2 years				

1	but not more than 3 years	14.00	2.75	5.25	6.00
2	Valid for more than 3 years				
3	but not more than 4 years	19.00	2.75	8.00	8.25
4	Valid for more than 4 years				
5	for person under 21	24.00	2.75	10.25	11.00
6	Valid for 5 years	24.00	3.50	10.25	10.25
7	Replacement	11.00	2.75	6.00	2.25
8	Class 0 or M operator's				
9	license:				
10	Valid for 1 year or less	5.00	2.75	1.25	1.00
11	Valid for more than 1 year				
12	but not more than 2 years	10.00	2.75	4.00	3.25
13	Valid for more than 2 years				
14	but not more than 3 years	14.00	2.75	5.25	6.00
15	Valid for more than 3 years				
16	but not more than 4 years	19.00	2.75	8.00	8.25
17	Valid for 5 years	24.00	3.50	10.25	10.25
18	Bioptic or telescopic lens				
19	restriction:				
20	Valid for 1 year or less	5.00	0	5.00	0
21	Valid for more than 1 year				
22	but not more than 2 years	10.00	2.75	4.00	3.25
23	Replacement	11.00	2.75	6.00	2.25
24	Add, change, or remove class,				
25	endorsement, or restriction	5.00	0	5.00	0
26	Provisional operator's permit:				
27	Original	15.00	2.75	12.25	0
28	Bioptic or telescopic lens				
29	restriction:				
30	Valid for 1 year or less	5.00	0	5.00	0

1	Valid for more than 1 year				
2	but not more than 2 years	15.00	2.75	12.25	0
3	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	LPD-learner's permit:				
7	Original	8.00	.25	5.00	2.75
8	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	LPE-learner's permit:				
12	Original	8.00	.25	5.00	2.75
13	Replacement	11.00	2.75	6.00	2.25
14	Add, change, or remove class,				
15	endorsement, or restriction	5.00	0	5.00	0
16	School permit:				
17	Original	8.00	.25	5.00	2.75
18	Replacement	11.00	2.75	6.00	2.25
19	Add, change, or remove class,				
20	endorsement, or restriction	5.00	0	5.00	0
21	Farm permit:				
22	Original or renewal	5.00	.25	0	4.75
23	Replacement	5.00	.25	0	4.75
24	Temporary	5.00	.25	0	4.75
25	Add, change, or remove class,				
26	endorsement, or restriction	5.00	0	5.00	0
27	Driving permits:				
28	Employment	45.00	0	5.00	40.00
29	Medical hardship	45.00	0	5.00	40.00
30	Replacement	10.00	.25	5.00	4.75

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

1	School bus permit:				
2	Original or renewal	5.00	0	5.00	0
3	Replacement	5.00	0	5.00	0
4	Add, change, or remove class,				
5	endorsement, or restriction	5.00	0	5.00	0

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

10 (4)(a) The fee for an ignition interlock permit shall be forty-five
11 dollars. Five dollars of the fee shall be remitted to the State Treasurer
12 for credit to the Department of Motor Vehicles Cash Fund. Forty dollars
13 of the fee shall be remitted to the State Treasurer for credit to the
14 Department of Motor Vehicles Ignition Interlock Fund.

15 (b) The fee for a replacement ignition interlock permit shall be
16 eleven dollars. Two dollars and seventy-five cents of the fee shall be
17 remitted to the county treasurer for credit to the county general fund.
18 Six dollars of the fee shall be remitted to the State Treasurer for
19 credit to the Department of Motor Vehicles Cash Fund. Two dollars and
20 twenty-five cents of the fee shall be remitted to the State Treasurer for
21 credit to the General Fund.

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

26 (5) Except as otherwise provided in subsection (6) of this section,
27 the ~~The~~ department and its agents may collect an identity security
28 surcharge to cover the cost of security and technology practices used to
29 protect the identity of applicants for and holders of operators' licenses
30 and state identification cards and to reduce identity theft, fraud, and
31 forgery and counterfeiting of such licenses and cards to the maximum

1 extent possible. The surcharge shall be in addition to all other required
2 fees for operators' licenses and state identification cards. The amount
3 of the surcharge shall be determined by the department. The surcharge
4 shall not exceed eight dollars. The surcharge shall be remitted to the
5 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

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

10 Sec. 13. Section 60-4,181, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

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

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

1 the card.

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

6 Sec. 14. Original sections 32-110.02, 32-311.01, 32-914, 32-938,
7 and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-321,
8 32-902, 32-915, 32-947, 32-953, 32-1002, 60-4,115, and 60-4,181, Revised
9 Statutes Cumulative Supplement, 2014, are repealed.

10 Sec. 15. The following section is outright repealed: Section
11 32-318.01, Reissue Revised Statutes of Nebraska.