

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1065

FINAL READING

Introduced by Murante, 49.

Read first time January 17, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101,
2 32-330, and 32-913, Reissue Revised Statutes of Nebraska, and
3 sections 32-301 and 32-304, Revised Statutes Supplement, 2017; to
4 provide requirements for and authorize the use of electronic poll
5 books as prescribed; to change provisions relating to digital
6 signatures; to harmonize provisions; to provide an operative date;
7 and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
4 known and may be cited as the Election Act.

5 Sec. 2. Beginning July 1, 2019, the electronic poll books for a
6 precinct shall contain the list of registered voters and the sign-in
7 register for the precinct combined in one data base and shall include the
8 registration information and the digital signatures for the registered
9 voters of the precinct.

10 Sec. 3. Section 32-301, Revised Statutes Supplement, 2017, is
11 amended to read:

12 32-301 (1) The Secretary of State shall implement, in a uniform and
13 nondiscriminatory manner, a single, uniform, official, centralized,
14 interactive computerized statewide voter registration list defined,
15 maintained, and administered at the office of the Secretary of State that
16 contains the name and registration information of every legally
17 registered voter in the state and assigns a unique identifier to each
18 legally registered voter in the state. The computerized list shall serve
19 as the single system for storing and managing the official list of
20 registered voters throughout the state and shall comprise the voter
21 registration register. The computerized list shall be coordinated with
22 other agency data bases within the state and shall be available for
23 electronic access by election commissioners and county clerks. The
24 computerized list shall serve as the official voter registration list for
25 the conduct of all elections under the Election Act and beginning July 1,
26 2019, shall be the basis for electronic poll books at each precinct if
27 applicable. The Secretary of State shall provide such support as may be
28 required so that election commissioners and county clerks are able to
29 electronically enter voter registration information obtained by such
30 officials on an expedited basis at the time the information is received.
31 The Secretary of State shall provide adequate technological security

1 measures to prevent unauthorized access to the computerized list.

2 (2) The election commissioner or county clerk shall provide for the
3 registration of the electors of the county. Upon receipt of a voter
4 registration application in his or her office from an eligible elector,
5 the election commissioner or county clerk shall enter the information
6 from the application in the voter registration register and may create an
7 electronic image, photograph, microphotograph, or reproduction in an
8 electronic digital format to be used as the voter registration record.
9 The election commissioner or county clerk shall provide a precinct list
10 of registered voters for each precinct for the use of judges and clerks
11 of election in their respective precincts on election day. Beginning July
12 1, 2019, the election commissioner or county clerk may provide an
13 electronic poll book as described in section 2 of this act to meet the
14 requirements for a precinct list of registered voters. An electronically
15 prepared list of registered voters in a form prescribed by the Secretary
16 of State shall meet the requirements for a precinct list of registered
17 voters.

18 (3) The digital signatures in the possession of the Secretary of
19 State, the election commissioner, or the county clerk shall not be public
20 records as defined in section 84-712.01 and are not subject to disclosure
21 under sections 84-712 to 84-712.09.

22 Sec. 4. Section 32-304, Revised Statutes Supplement, 2017, is
23 amended to read:

24 32-304 (1) The Secretary of State in conjunction with the Department
25 of Motor Vehicles shall, ~~on or before September 1, 2015,~~ develop and
26 implement a registration application process which may be used statewide
27 to register to vote and update voter registration records electronically
28 using the Secretary of State's web site. An applicant who has a valid
29 Nebraska motor vehicle operator's license or state identification card
30 may use the application process to register to vote or to update his or
31 her voter registration record with changes in his or her personal

1 information or other information related to his or her eligibility to
2 vote. For each electronic application, the Secretary of State shall
3 obtain a copy of the electronic representation of the applicant's
4 signature from the Department of Motor Vehicles' records of his or her
5 motor vehicle operator's license or state identification card for
6 purposes of voter registration and electronic poll books.

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

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

16 (b) An applicant who submits this application electronically is
17 agreeing to the use of his or her digital signature from the Department
18 of Motor Vehicles' records of his or her motor vehicle operator's license
19 or state identification card for purposes of voter registration;

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

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

26 Sec. 5. Section 32-330, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-330 (1) Except as otherwise provided in subsection (3) of section
29 32-301, the ~~The~~ voter registration register shall be a public record. Any
30 person may examine the register at the office of the election
31 commissioner or county clerk, but no person other than the election

1 commissioner, county clerk, or law enforcement shall be allowed to make
 2 copies of the register. Copies of the register shall only be used for
 3 list maintenance as provided in section 32-329 or law enforcement
 4 purposes. The electronic records of the original voter registrations
 5 created pursuant to section 32-301 may constitute the voter registration
 6 register. The election commissioner or county clerk shall withhold
 7 information in the register designated as confidential under section
 8 32-331. No portion of the register made available to the public and no
 9 list distributed pursuant to this section shall include the digital
 10 signature of any voter.

11 (2) The election commissioner or county clerk shall make available
 12 for purchase a list of registered voters that contains the information
 13 required under section 32-312 and, if requested, a list that only
 14 contains registered voters who have voted in an election held more than
 15 thirty days prior to the request for the list. The election commissioner
 16 or county clerk shall establish the price of the lists at a rate that
 17 fairly covers the actual production cost of the lists, not to exceed
 18 three cents per name. Lists shall be used solely for purposes related to
 19 elections, political activities, voter registration, law enforcement, or
 20 jury selection. Lists shall not be used for commercial purposes.

21 (3) Any person who acquires a list of registered voters under
 22 subsection (2) of this section shall take and subscribe to an oath in
 23 substantially the following form:

24 I hereby swear that I will use the list of registered voters
 25 of County, Nebraska, only for the purposes prescribed in section
 26 32-330 and for no other purpose and that I will not permit the use or
 27 copying of such list for unauthorized purposes.

28 I hereby declare under the penalty of election falsification that
 29 the statements above are true to the best of my knowledge.

30 The penalty for election falsification is a Class IV felony.

31 (Signature of person acquiring list)

1 Subscribed and sworn to before me this day of 20.. .
2 (Name of officer)
3 (Official title of officer)

4 (4) The election commissioner or county clerk shall provide, upon
5 request and free of charge, a complete and current listing of all
6 registered voters and their addresses to the Clerk of the United States
7 District Court for the District of Nebraska. Such list shall be provided
8 no later than December 31 of each even-numbered year.

9 (5) The election commissioner or county clerk shall provide, upon
10 request and free of charge, a complete and current listing of all
11 registered voters and their addresses to the state party headquarters of
12 each political party and to the county chairperson of each political
13 party. Such list shall be provided no later than thirty-five days prior
14 to the statewide primary and statewide general elections.

15 Sec. 6. Section 32-913, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-913 (1) The clerks of election shall have a list of registered
18 voters of the precinct and a sign-in register at the polling place on
19 election day. The list of registered voters shall be used for guidance on
20 election day and may be in the form of a computerized, typed, or
21 handwritten list or precinct registration cards. Registered voters of the
22 precinct shall place and record their signature in the sign-in register
23 before receiving any ballot. The list of registered voters and the sign-
24 in register may be combined into one document at the discretion of the
25 election commissioner or county clerk including, beginning July 1, 2019,
26 by the use of an electronic poll book. If a combined document is used, a
27 clerk of election may list the names of the registered voters in a
28 separate book in the order in which they voted.

29 (2) Within twenty-four hours after the polls close in the precinct,
30 the precinct inspector or one of the judges of election shall deliver the
31 precinct list of registered voters and the precinct sign-in register to

1 the election commissioner or county clerk. The election commissioner or
2 county clerk shall file and preserve the list and register. No member of
3 a receiving board who has custody or charge of the precinct list of
4 registered voters and the precinct sign-in register shall permit the list
5 or register to leave his or her possession from the time of receipt until
6 he or she delivers them to another member of the receiving board or to
7 the precinct inspector or judge of election for delivery to the election
8 commissioner or county clerk.

9 Sec. 7. This act becomes operative on July 1, 2019.

10 Sec. 8. Original sections 32-101, 32-330, and 32-913, Reissue
11 Revised Statutes of Nebraska, and sections 32-301 and 32-304, Revised
12 Statutes Supplement, 2017, are repealed.