

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1042

Introduced by Fredrickson, 20.

Read first time January 08, 2024

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-307,
2 32-315, 32-1506, 60-484, 60-484.02, 60-4,130, and 60-4,130.02,
3 Reissue Revised Statutes of Nebraska, sections 32-312 and 32-1002,
4 Revised Statutes Cumulative Supplement, 2022, and sections 32-202,
5 32-308, and 60-4,144, Revised Statutes Supplement, 2023; to change
6 provisions relating to registration of voters and voting; to change
7 penalty provisions; to eliminate obsolete provisions; to harmonize
8 provisions; to provide an operative date; to repeal the original
9 sections; and to outright repeal section 32-309, Reissue Revised
10 Statutes of Nebraska.

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

1 Section 1. Section 32-202, Revised Statutes Supplement, 2023, is
2 amended to read:

3 32-202 In addition to any other duties prescribed by law, the
4 Secretary of State shall:

5 (1) Supervise the conduct of primary and general elections in this
6 state;

7 (2) Provide training and support for election commissioners, county
8 clerks, and other election officials in providing for day-to-day
9 operations of the office, registration of voters, and the conduct of
10 elections;

11 (3) Enforce the Election Act;

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

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

16 (6) Develop and print forms for use as required by sections 32-308,
17 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

20 (8) Require reporting to ensure compliance with sections 32-308 and
21 ~~to~~ 32-310;

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

24 (10) Develop and print a manual describing the requirements of the
25 initiative and referendum process and distribute the manual to election
26 commissioners and county clerks for distribution to the public upon
27 request;

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

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

31 (13) Establish a free access system, such as a toll-free telephone

1 number or an Internet website, that any voter who casts a provisional
2 ballot may access to discover whether the vote of that voter was counted
3 and, if the vote was not counted, the reason that the vote was not
4 counted. The Secretary of State shall establish and maintain reasonable
5 procedures necessary to protect the security, confidentiality, and
6 integrity of personal information collected, stored, or otherwise used by
7 the free access system. Access to information about an individual
8 provisional ballot shall be restricted to the individual who cast the
9 ballot;

10 (14) Provide a website dedicated to voter identification
11 requirements and procedures. The Secretary of State shall establish,
12 maintain, and regularly update on the website a document entitled "List
13 of Acceptable Forms of Identification" that lists forms of identification
14 that qualify as valid photographic identification for purposes of voter
15 identification;

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

19 (16) Provide instructions and information to the Department of
20 Health and Human Services, the Department of Motor Vehicles, and the
21 State Department of Education for distribution by such agencies to
22 Nebraska residents regarding the requirement to present valid
23 photographic identification in order to vote and the way to obtain free
24 valid photographic identification; and

25 (17) Not use or allow the use of citizenship information shared with
26 or collected by the Secretary of State pursuant to the Election Act for
27 any purpose other than maintenance of the voter registration list,
28 including law enforcement purposes.

29 Sec. 2. Section 32-307, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-307 No materials advocating or advertising any political issue,

1 candidate, or party shall be displayed or distributed within fifty feet
2 of any voter registration site. No alcohol shall be served within fifty
3 feet of any voter registration site. The registration procedure shall be
4 conducted in a neutral manner and shall not be connected with anything
5 unrelated to the object of registering electors except as otherwise
6 provided in sections 32-308 and ~~to~~ 32-310.

7 Sec. 3. Section 32-308, Revised Statutes Supplement, 2023, is
8 amended to read:

9 32-308 (1) The Secretary of State and the Director of Motor Vehicles
10 shall enter into an agreement to match information in the computerized
11 statewide voter registration list with information in the database of the
12 Department of Motor Vehicles to the extent required to enable each such
13 official to verify the accuracy of the information, including
14 citizenship, provided on applications for voter registration. The
15 Director of Motor Vehicles shall enter into an agreement with the
16 Commissioner of Social Security under section 205(r)(8) of the federal
17 Social Security Act, 42 U.S.C. 405(r)(8), as such section existed on
18 April 17, 2003, for purposes of the Election Act.

19 (2) The Department of Motor Vehicles, with the assistance of the
20 Secretary of State, shall prescribe a voter registration application
21 which may be used to register to vote or change his or her address for
22 voting purposes at the same time an elector applies for an original or
23 renewal motor vehicle operator's license, an original or renewal state
24 identification card, or a replacement thereof. The voter registration
25 application shall be designed so that the elector's information is
26 transmitted to the election commissioner or county clerk pursuant to
27 subsection (3) of this section unless the elector specifies on the form
28 that he or she does not want to register to vote or update his or her
29 voter registration record. The voter registration application shall
30 contain the information required pursuant to section 32-312 and shall be
31 designed so that it does not require the duplication of information in

1 the application for the motor vehicle operator's license or state
2 identification card, except that it may require a second signature of the
3 applicant. The department and the Secretary of State shall make the voter
4 registration application available to any person applying for an
5 operator's license or state identification card. The application shall be
6 completed at the office of the department by the close of business on the
7 third Friday preceding any election to be registered to vote at such
8 election. A registration application received after the deadline shall
9 not be processed by the election commissioner or county clerk until after
10 the election. If a voter registration application is submitted under this
11 section with the signature of the applicant but the applicant is not
12 eligible to register to vote, the submission shall not be considered a
13 violation of section 32-1502 or 32-1503 and the document submitted shall
14 not be considered a valid or completed voter registration application for
15 purposes of registration or enforcement of the Election Act unless the
16 applicant has willfully and knowingly taken affirmative steps to register
17 to vote knowing that he or she is not eligible to do so.

18 (3) The Department of Motor Vehicles, in conjunction with the
19 Secretary of State, shall ~~develop a process to~~ electronically transmit
20 voter registration application information received under subsection (2)
21 of this section to the election commissioner or county clerk of the
22 county in which the applicant resides within the time limits prescribed
23 in subsection (4) of this section for each applicant who indicates on the
24 application that he or she is a citizen of the United States and at least
25 eighteen years of age or will be eighteen years of age on or before the
26 first Tuesday after the first Monday in November of the then-current
27 year. The Department of Motor Vehicles shall not transmit voter
28 registration application information for applications pursuant to section
29 60-480.01. The Director of Motor Vehicles shall designate an
30 implementation date for the process which shall be on or before January
31 1, 2016.

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

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

26 (6) State agency personnel involved in the voter registration
27 process pursuant to this section ~~and section 32-309~~ shall not be
28 considered deputy registrars or agents or employees of the election
29 commissioner or county clerk.

30 Sec. 4. Section 32-312, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 32-312 The registration application prescribed by the Secretary of
2 State pursuant to section 32-304 or 32-311.01 shall provide the
3 instructional statements and request the information from the applicant
4 as provided in this section.

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

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

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

14 NAME—the name of the applicant giving the first and last name in
15 full, the middle name in full or the middle initial, and the maiden name
16 of the applicant, if applicable.

17 RESIDENCE—the name and number of the street, avenue, or other
18 location of the dwelling where the applicant resides if there is a
19 number. If the registrant resides in a hotel, apartment, tenement house,
20 or institution, such additional information shall be included as will
21 give the exact location of such registrant's place of residence. If the
22 registrant lives in an incorporated or unincorporated area not identified
23 by the use of roads, road names, or house numbers, the registrant shall
24 state the section, township, and range of his or her residence and the
25 corporate name of the school district as described in section 79-405 in
26 which he or she is located.

27 POSTAL ADDRESS—the address at which the applicant receives mail if
28 different from the residence address.

29 ADDRESS OF LAST REGISTRATION—the name and number of the street,
30 avenue, or other location of the dwelling from which the applicant last
31 registered.

1 TELEPHONE NUMBERS—the telephone numbers of the applicant. At the
2 request of the applicant, a designation shall be made that a telephone
3 number is an unlisted number, and such designation shall preclude the
4 listing of such telephone number on any list of voter registrations.

5 EMAIL ADDRESS—an email address of the applicant. At the request of
6 the applicant, a designation shall be made that the email address is
7 private, and such designation shall preclude the listing of the
8 applicant's email address on any list of voter registrations.

9 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY
10 NUMBER—if the applicant has a Nebraska driver's license, the license
11 number, and if the applicant does not have a Nebraska driver's license,
12 the last four digits of the applicant's social security number.

13 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
14 the applicant presented himself or herself for registration, when the
15 applicant completed and signed the registration application if the
16 application was submitted by mail or delivered to the election official
17 by the applicant's personal messenger or personal agent, or when the
18 completed application was submitted if the registration application was
19 completed pursuant to section 32-304.

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

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

27 REGISTRATION TAKEN BY—show the signature of the authorized official
28 or staff member accepting the application pursuant to section ~~32-309~~ or
29 32-310 or at least one of the deputy registrars taking the application
30 pursuant to section 32-306, if applicable.

31 PARTY AFFILIATION—show the party affiliation of the applicant as

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

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

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

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

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

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

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

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

23 Any registrant who signs this application knowing that any of the
24 information in the application is false shall be guilty of a Class IV
25 felony under section 32-1502 of the statutes of Nebraska. The penalty for
26 a Class IV felony is up to two years imprisonment and twelve months post-
27 release supervision, a fine of up to ten thousand dollars, or both.

28 APPLICANT'S SIGNATURE—require the applicant to affix his or her
29 signature to the application.

30 Sec. 5. Section 32-315, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-315 Upon receiving a completed voter registration application
2 pursuant to section 32-308, ~~32-309~~, or 32-310 indicating that a voter who
3 is registered in the county has changed his or her name or moved to
4 another residence within the same county, the election commissioner or
5 county clerk shall change the voter registration record of the registered
6 voter to the new name or new address and shall send an acknowledgment
7 card to the registered voter indicating that the change of registration
8 has been completed and the address of the voter's new polling place.

9 Sec. 6. Section 32-1002, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 32-1002 (1) As the ballots are removed from the ballot box pursuant
12 to sections 32-1012 to 32-1018, the receiving board shall separate the
13 envelopes containing the provisional ballots from the rest of the ballots
14 and deliver them to the election commissioner or county clerk.

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) Information has been received pursuant to section 32-308,
26 ~~32-309~~, 32-310, or 32-324 that the voter has resided, registered, or
27 voted in any other county or state since registering to vote in the
28 county in which he or she cast the provisional ballot;

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

31 (d) The voter failed to complete and sign a registration application

1 pursuant to subsection (6) of this section and subdivision (1)(e) of
2 section 32-915;

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

7 (f) If the voter is voting in a primary election, the party
8 affiliation on the registration application completed prior to voting the
9 provisional ballot is different than the party affiliation that appears
10 on the voter's voter registration record based on his or her previous
11 registration application; or

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

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

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

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

22 (b) Both the registration application and the certification are
23 signed by the voter.

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

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

1 not counted.

2 (9) The verification and investigation shall be completed within
3 seven business days after the election.

4 Sec. 7. Section 32-1506, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-1506 Any deputy registrar, judge or clerk of election, or other
7 officer having the custody of records, registers, copies of records or
8 registers, oaths, certificates, or any other paper, document, or evidence
9 of any description by law directed to be made, filed, or preserved (1)
10 who steals, willfully destroys, mutilates, defaces, falsifies, or
11 fraudulently removes such paper, document, or evidence or any part
12 thereof, (2) who fraudulently makes an entry, erasure, or alteration in
13 such paper, document, or evidence except as allowed and directed by the
14 Election Act, (3) who uses the voter registration records for any purpose
15 other than voter registration, election administration, or enforcement of
16 the Election Act, (4) who permits any other person to commit any
17 violation listed in this section, or (5) who advises, procures, or abets
18 the commission of such a violation shall be guilty of a Class III
19 misdemeanor and shall forfeit his or her office. Any other person who
20 violates this section shall be guilty of a Class III misdemeanor.

21 Sec. 8. Section 60-484, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-484 (1) Except as otherwise provided in the Motor Vehicle
24 Operator's License Act, no resident of the State of Nebraska shall
25 operate a motor vehicle upon the alleys or highways of this state until
26 the person has obtained an operator's license for that purpose.

27 (2) Application for an operator's license or a state identification
28 card shall be made in a manner prescribed by the department.

29 (3) The applicant shall provide his or her full legal name, date of
30 birth, mailing address, gender, race or ethnicity, and social security
31 number, two forms of proof of address of his or her principal residence

1 unless the applicant is a program participant under the Address
2 Confidentiality Act, evidence of identity as required by subsection (6)
3 of this section, and a brief physical description of himself or herself.

4 The applicant:

5 (a) ~~Shall~~ ~~may also complete the voter registration portion pursuant~~
6 ~~to section 32-308,~~ (b) shall be provided the advisement language required
7 by subsection (5) of section 60-6,197;

8 (b) ~~Shall~~ ~~, (c) shall~~ answer the following:

9 (i) Have you within the last three months (e.g. due to diabetes,
10 epilepsy, mental illness, head injury, stroke, heart condition,
11 neurological disease, etc.):

12 (A) lost voluntary control or consciousness ... yes ... no

13 (B) experienced vertigo or multiple episodes of dizziness or
14 fainting ... yes ... no

15 (C) experienced disorientation ... yes ... no

16 (D) experienced seizures ... yes ... no

17 (E) experienced impairment of memory, memory loss ... yes ... no

18 Please explain:

19 (ii) Do you experience any condition which affects your ability to
20 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,
21 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...
22 no

23 Please explain:

24 (iii) Since the issuance of your last driver's license/permit, has
25 your health or medical condition changed or worsened? ... yes ... no

26 Please explain, including how the above affects your ability to
27 drive:;

28 (c) Shall be advised as follows: We will use your information to
29 update your voter registration record or register you to vote.

30 The applicant shall be given the opportunity to choose not to use
31 his or her information for voter registration, otherwise the applicant

1 shall complete the voter registration portion that is transmitted to the
2 election commissioner or county clerk to register the applicant to vote
3 or update his or her voter registration record pursuant to section
4 32-308. If the voter registration portion is only partially completed,
5 the department may still proceed to issue the operator's license or state
6 identification card and shall transmit the incomplete voter registration
7 portion to the election commissioner or county clerk pursuant to section
8 32-308. The department may still proceed to issue the operator's license
9 or state identification card if the applicant refuses to answer or does
10 not complete the voter registration portion; and

11 (d) May ~~and (d) may~~ answer the following:

12 ~~(i) Do you wish to register to vote as part of this application~~
13 ~~process?~~

14 ~~(i) (ii)~~ Do you wish to have a veteran designation displayed on the
15 front of your operator's license or state identification card to show
16 that you served in the armed forces of the United States? (To be eligible
17 you must register with the Nebraska Department of Veterans' Affairs
18 registry.)

19 ~~(ii) (iii)~~ Do you wish to include your name in the Donor Registry of
20 Nebraska and donate your organs and tissues at the time of your death?

21 ~~(iii) (iv)~~ Do you wish to receive any additional specific
22 information regarding organ and tissue donation and the Donor Registry of
23 Nebraska?

24 ~~(iv) (v)~~ Do you wish to donate \$1 to promote the Organ and Tissue
25 Donor Awareness and Education Fund?

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

30 (5) The social security number shall not be printed on the
31 operator's license or state identification card and shall be used only

1 (a) to furnish information to the United States Selective Service System
2 under section 60-483, (b) with the permission of the director in
3 connection with the verification of the status of an individual's driving
4 record in this state or any other state, (c) for purposes of child
5 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to
6 furnish information regarding an applicant for or holder of a commercial
7 driver's license with a hazardous materials endorsement to the
8 Transportation Security Administration of the United States Department of
9 Homeland Security or its agent, (e) to furnish information to the
10 Department of Revenue under section 77-362.02, or (f) to furnish
11 information to the Secretary of State for purposes of the Election Act.

12 (6)(a) Each individual applying for an operator's license or a state
13 identification card shall furnish proof of date of birth and identity
14 with documents containing a photograph or with nonphoto identity
15 documents which include his or her full legal name and date of birth.
16 Such documents shall be those provided in subsection (1) of section
17 60-484.04.

18 (b) Any individual under the age of eighteen years applying for an
19 operator's license or a state identification card shall provide a
20 certified copy of his or her birth certificate or, if such individual is
21 unable to provide a certified copy of his or her birth certificate, other
22 reliable proof of his or her identity and age, as required in subdivision
23 (6)(a) of this section, accompanied by a certification signed by a parent
24 or guardian explaining the inability to produce a copy of such birth
25 certificate. The applicant also may be required to furnish proof to
26 department personnel that the parent or guardian signing the
27 certification is in fact the parent or guardian of such applicant.

28 (c) An applicant may present other documents as proof of
29 identification and age designated by the director. Any documents accepted
30 shall be recorded according to a written exceptions process established
31 by the director.

1 (7) Any individual applying for an operator's license or a state
2 identification card who indicated his or her wish to have a veteran
3 designation displayed on the front of such license or card shall comply
4 with section 60-4,189.

5 (8) No person shall be a holder of an operator's license and a state
6 identification card at the same time. A person who has a digital image
7 and digital signature on file with the department may apply
8 electronically to change his or her Class 0 operator's license to a state
9 identification card.

10 Sec. 9. Section 60-484.02, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 60-484.02 (1) Each applicant for an operator's license or state
13 identification card shall have his or her digital image captured. Digital
14 images shall be preserved for use as prescribed in sections 60-4,119,
15 60-4,151, and 60-4,180. The images shall be used for issuing operators'
16 licenses and state identification cards. The images may be retrieved only
17 by the Department of Motor Vehicles for issuing renewal and replacement
18 operators' licenses and state identification cards and may not be
19 otherwise released except in accordance with subsection (3) of this
20 section.

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

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

1 the purpose of carrying out the functions of the agency or assisting
2 another agency in carrying out its functions upon the verification of the
3 identity of the person requesting the release of the information and the
4 verification of the purpose of the requester in requesting the release.
5 Any officer, employee, agent, or contractor of the department or law
6 enforcement officer that knowingly discloses or knowingly permits
7 disclosure of a digital image or digital signature in violation of this
8 section shall be guilty of a Class I misdemeanor.

9 (4) No officer, employee, agent, or contractor of the department or
10 law enforcement officer shall release a digital signature except (a) to a
11 federal, state, or local law enforcement agency, a certified law
12 enforcement officer employed in an investigative position by a state or
13 federal agency, or a driver licensing agency of another state for the
14 purpose of carrying out the functions of the agency or assisting another
15 agency in carrying out its functions upon the verification of the
16 identity of the person requesting the release of the information and the
17 verification of the purpose of the requester in requesting the release or
18 (b) to the office of the Secretary of State for the purpose of voter
19 registration as described in section 32-304 or ~~32-308, or 32-309~~ upon
20 the verification of the identity of the person requesting the release of
21 the information and the verification of the purpose of the requester in
22 requesting the release. No employee or official in the office of the
23 Secretary of State shall release a digital signature except to a federal,
24 state, or local law enforcement agency, a certified law enforcement
25 officer employed in an investigative position by a state or federal
26 agency, or a driver licensing agency of another state for the purpose of
27 carrying out the functions of the agency or assisting another agency in
28 carrying out its functions upon the verification of the identity of the
29 person requesting the release of the information and the verification of
30 the purpose of the requester in requesting the release. Any officer,
31 employee, agent, or contractor of the department, law enforcement

1 officer, or employee or official in the office of the Secretary of State
2 that knowingly discloses or knowingly permits disclosure of a digital
3 signature in violation of this section shall be guilty of a Class I
4 misdemeanor.

5 Sec. 10. Section 60-4,130, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 60-4,130 (1) Application for an employment driving permit shall be
8 made to the Department of Motor Vehicles on forms furnished for that
9 purpose by the department. The application form shall contain such
10 information as deemed necessary by the director to carry out this section
11 and section 60-4,129. If the department has a digital image and digital
12 signature of the applicant preserved in the digital system implemented
13 under section 60-484.01, the employment driving permit, if issued, may
14 contain such image and signature. The application form shall also include
15 a voter registration portion pursuant to subdivision (3)(c) of section
16 60-484. 32-308 and the following specific question: ~~Do you wish to~~
17 ~~register to vote as part of this application process?~~ To be eligible for
18 an employment driving permit, the applicant shall furnish, along with the
19 application to the director, the following:

20 (a) An affidavit from the applicant's employer stating that such
21 applicant is required to operate a motor vehicle from his or her
22 residence to his or her place of employment and return;

23 (b) If such applicant requires the use of a motor vehicle during the
24 normal course of employment, an affidavit from the applicant's employer
25 setting forth the facts establishing such requirement;

26 (c) An affidavit stating that there exists no other reasonable
27 alternative means of transportation to and from work available to the
28 applicant; and

29 (d) If the applicant is self-employed, an affidavit to the
30 department setting forth the provisions of his or her employment.

31 (2) Except as otherwise provided in this subsection, upon making

1 application for such permit, the applicant shall certify that he or she
2 will attend and complete, within sixty days, a driver improvement course
3 presented by the department or show successful completion of the driver
4 education and training course as provided in section 60-4,183. If such
5 course is not completed, the employment driving permit shall be
6 surrendered to the department. If any person fails to return to the
7 department the permit as provided in this subsection, the department
8 shall direct any peace officer or authorized representative of the
9 department to secure possession of the permit and to return the permit to
10 the department. An applicant whose operator's license has been suspended
11 pursuant to section 43-3318 is not required to fulfill such driver
12 improvement or education and training course requirements. All applicants
13 shall file and maintain proof of financial responsibility as required by
14 the Motor Vehicle Safety Responsibility Act.

15 (3) Any person who fails to surrender a permit, as required by this
16 section, shall be guilty of a Class IV misdemeanor.

17 (4) The fee prescribed in section 60-4,115 shall be submitted to the
18 department along with the application for an employment driving permit.

19 (5) When the holder of an employment driving permit is convicted, on
20 or after the date of issuance of the employment driving permit, of any
21 traffic violation or of operating a motor vehicle for a purpose other
22 than specified by such permit, the person shall not be eligible to
23 receive another employment driving permit during that particular period
24 of revocation. This subsection does not apply to a holder of an
25 employment driving permit if the reason for his or her license revocation
26 or suspension only involved a suspension under section 43-3318 and not a
27 revocation under any other section.

28 (6) Any person who feels himself or herself aggrieved because of the
29 refusal of the director to issue the employment driving permit may appeal
30 in the manner set forth in section 60-4,105.

31 Sec. 11. Section 60-4,130.02, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 60-4,130.02 (1) Application for a medical hardship driving permit
3 shall be made to the Department of Motor Vehicles on forms furnished for
4 that purpose by the department. The application form shall contain such
5 information as deemed necessary by the director to carry out this section
6 and section 60-4,130.01. If the department has a digital image and
7 digital signature of the applicant preserved in the digital system
8 implemented under section 60-484.01, the medical hardship driving permit,
9 if issued, may contain such image and signature. The application form
10 shall also include a voter registration portion pursuant to subdivision
11 (3)(c) of section 60-484. 32-308 and the following specific question: ~~Do~~
12 ~~you wish to register to vote as part of this application process?~~ To be
13 eligible for a medical hardship driving permit, the applicant shall
14 furnish, along with the application to the director, the following:

15 (a) An affidavit from the applicant's physician stating that it is
16 necessary for such applicant to receive medical treatment at a location
17 other than the applicant's residence and that the treatment will not
18 impair the applicant's ability to operate a motor vehicle; and

19 (b) An affidavit stating that there exists no other reasonable
20 alternative means of transportation to and from the site of medical
21 treatment available to the applicant.

22 (2) The applicant shall also be required to file and maintain proof
23 of financial responsibility as required by the Motor Vehicle Safety
24 Responsibility Act.

25 (3) The fee prescribed in section 60-4,115 shall be submitted to the
26 department along with the application for a medical hardship driving
27 permit.

28 (4) When the holder of a medical hardship driving permit is
29 convicted, on or after the date of issuance of the permit, of any traffic
30 violation or of operating a motor vehicle for a purpose other than
31 specified by such permit, the person shall not be eligible to receive

1 another medical hardship driving permit during that particular period of
2 revocation.

3 (5) Any person who feels himself or herself aggrieved because of the
4 refusal of the director to issue the medical hardship driving permit may
5 appeal in the manner set forth in section 60-4,105.

6 Sec. 12. Section 60-4,144, Revised Statutes Supplement, 2023, is
7 amended to read:

8 60-4,144 (1) An applicant for issuance of any original or renewal
9 commercial driver's license or an applicant for a change of class of
10 commercial motor vehicle, endorsement, or restriction shall demonstrate
11 his or her knowledge and skills for operating a commercial motor vehicle
12 as prescribed in the Motor Vehicle Operator's License Act. An applicant
13 for a commercial driver's license shall provide the information and
14 documentation required by this section and section 60-4,144.01. Such
15 information and documentation shall include any additional information
16 required by 49 C.F.R. parts 383 and 391 and also include:

17 (a) Certification that the commercial motor vehicle in which the
18 applicant takes any driving skills examination is representative of the
19 class of commercial motor vehicle that the applicant operates or expects
20 to operate; and

21 (b) The names of all states where the applicant has been licensed to
22 operate any type of motor vehicle in the ten years prior to the date of
23 application.

24 (2)(a) Before being issued a CLP-commercial learner's permit or
25 commercial driver's license, the applicant shall provide (i) his or her
26 full legal name, date of birth, mailing address, gender, race or
27 ethnicity, and social security number, (ii) two forms of proof of address
28 of his or her principal residence unless the applicant is a program
29 participant under the Address Confidentiality Act, except that a
30 nondomiciled applicant for a CLP-commercial learner's permit or
31 nondomiciled commercial driver's license holder does not have to provide

1 proof of residence in Nebraska, (iii) evidence of identity as required by
2 this section, and (iv) a brief physical description of himself or
3 herself.

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

18 (c) No person shall be a holder of a CLP-commercial learner's permit
19 or commercial driver's license and a state identification card at the
20 same time.

21 (3) Before being issued a CLP-commercial learner's permit or
22 commercial driver's license, an applicant, except a nondomiciled
23 applicant, shall provide proof that this state is his or her state of
24 residence. Acceptable proof of residence is a document with the person's
25 name and residential address within this state.

26 (4)(a) Before being issued a CLP-commercial learner's permit or
27 commercial driver's license, an applicant shall provide proof of
28 identity.

29 (b) The following are acceptable as proof of identity:

30 (i) A valid, unexpired United States passport;

31 (ii) A certified copy of a birth certificate filed with a state

1 office of vital statistics or equivalent agency in the individual's state
2 of birth;

3 (iii) A Consular Report of Birth Abroad issued by the United States
4 Department of State;

5 (iv) A valid, unexpired permanent resident card issued by the United
6 States Department of Homeland Security or United States Citizenship and
7 Immigration Services;

8 (v) An unexpired employment authorization document issued by the
9 United States Department of Homeland Security;

10 (vi) An unexpired foreign passport with a valid, unexpired United
11 States visa affixed accompanied by the approved form documenting the
12 applicant's most recent admittance into the United States;

13 (vii) A Certificate of Naturalization issued by the United States
14 Department of Homeland Security;

15 (viii) A Certificate of Citizenship issued by the United States
16 Department of Homeland Security;

17 (ix) A driver's license or identification card issued in compliance
18 with the standards established by the federal REAL ID Act of 2005, Public
19 Law 109-13, division B, section 1, 119 Stat. 302; or

20 (x) Such other documents as the director may approve.

21 (c) If an applicant presents one of the documents listed under
22 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this
23 subsection, the verification of the applicant's identity will also
24 provide satisfactory evidence of lawful status.

25 (d) If the applicant presents one of the identity documents listed
26 under subdivision (b)(v), (vi), or (ix) of this subsection, the
27 verification of the identity documents does not provide satisfactory
28 evidence of lawful status. The applicant must also present a second
29 document from subdivision (4)(b) of this section, a document from
30 subsection (5) of this section, or documentation issued by the United
31 States Department of Homeland Security or other federal agencies

1 demonstrating lawful status as determined by the United States
2 Citizenship and Immigration Services.

3 (e) An applicant may present other documents as designated by the
4 director as proof of identity. Any documents accepted shall be recorded
5 according to a written exceptions process established by the director.

6 (f)(i) On a date determined by the director but not later than
7 November 1, 2023, any person assigned a parolee immigration status by the
8 United States Department of Homeland Security may apply for and be issued
9 a CLP-commercial learner's permit or commercial driver's license that is
10 not in compliance with the federal REAL ID Act of 2005, Public Law
11 109-13, if the person:

12 (A) Possessed an unexpired foreign passport issued to such person at
13 the time of such person's entry into the United States of America; and

14 (B) Fulfills the requirements of subdivision (2)(a) of this section
15 and such requirements are verified pursuant to section 60-484.06.

16 (ii) Any CLP-commercial learner's permit or commercial driver's
17 license issued under this subsection is otherwise subject to all laws
18 relating to CLP-commercial learner's permits or commercial driver's
19 licenses.

20 (5)(a) Whenever a person is renewing, replacing, upgrading,
21 transferring, or applying as a nondomiciled individual to this state for
22 a CLP-commercial learner's permit or commercial driver's license, the
23 Department of Motor Vehicles shall verify the citizenship in the United
24 States of the person or the lawful status in the United States of the
25 person.

26 (b) The following are acceptable as proof of citizenship or lawful
27 status:

28 (i) A valid, unexpired United States passport;

29 (ii) A certified copy of a birth certificate filed with a state
30 office of vital statistics or equivalent agency in the individual's state
31 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the

1 Commonwealth of the Northern Mariana Islands;

2 (iii) A Consular Report of Birth Abroad issued by the United States
3 Department of State;

4 (iv) A Certificate of Naturalization issued by the United States
5 Department of Homeland Security;

6 (v) A Certificate of Citizenship issued by the United States
7 Department of Homeland Security; or

8 (vi) A valid, unexpired Permanent Resident Card issued by the United
9 States Department of Homeland Security or United States Citizenship and
10 Immigration Services.

11 (6) An applicant may present other documents as designated by the
12 director as proof of lawful status. Any documents accepted shall be
13 recorded according to a written exceptions process established by the
14 director.

15 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial
16 driver's license or nondomiciled CLP-commercial learner's permit:

17 (i) If the applicant is domiciled in a foreign jurisdiction and the
18 Federal Motor Carrier Safety Administrator has not determined that the
19 commercial motor vehicle operator testing and licensing standards of that
20 jurisdiction meet the standards contained in subparts G and H of 49
21 C.F.R. part 383; or

22 (ii) If the applicant is domiciled in a state that is prohibited
23 from issuing commercial learners' permits and commercial drivers'
24 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to
25 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled
26 commercial driver's license from Nebraska that complies with the testing
27 and licensing standards contained in subparts F, G, and H of 49 C.F.R.
28 part 383.

29 (b) An applicant for a nondomiciled CLP-commercial learner's permit
30 and nondomiciled commercial driver's license must do the following:

31 (i) Complete the requirements to obtain a CLP-commercial learner's

1 permit or a commercial driver's license under the Motor Vehicle
2 Operator's License Act, except that an applicant domiciled in a foreign
3 jurisdiction must provide an unexpired employment authorization document
4 issued by the United States Citizenship and Immigration Services or an
5 unexpired foreign passport accompanied by an approved I-94 form
6 documenting the applicant's most recent admittance into the United
7 States. No proof of domicile is required;

8 (ii) After receipt of the nondomiciled CLP-commercial learner's
9 permit or nondomiciled commercial driver's license and, for as long as
10 the permit or license is valid, notify the Department of Motor Vehicles
11 of any adverse action taken by any jurisdiction or governmental agency,
12 foreign or domestic, against his or her driving privileges. Such adverse
13 actions include, but are not limited to, license disqualification or
14 disqualification from operating a commercial motor vehicle for the
15 convictions described in 49 C.F.R. 383.51. Notifications must be made
16 within the time periods specified in 49 C.F.R. 383.33; and

17 (iii) Provide a mailing address to the Department of Motor Vehicles.
18 If the applicant is applying for a foreign nondomiciled CLP-commercial
19 learner's permit or foreign nondomiciled commercial driver's license, he
20 or she must provide a Nebraska mailing address and his or her employer's
21 mailing address to the Department of Motor Vehicles.

22 (c) An applicant for a nondomiciled CLP-commercial learner's permit
23 or nondomiciled commercial driver's license who holds a foreign
24 operator's license is not required to surrender his or her foreign
25 operator's license.

26 (8) Any person applying for a CLP-commercial learner's permit or
27 commercial driver's license may answer the following:

28 ~~(a) Do you wish to register to vote as part of this application~~
29 ~~process?~~

30 (a) ~~(b)~~ Do you wish to have a veteran designation displayed on the
31 front of your operator's license to show that you served in the armed

1 forces of the United States? (To be eligible you must register with the
2 Nebraska Department of Veterans' Affairs registry.)

3 (b) ~~(c)~~ Do you wish to include your name in the Donor Registry of
4 Nebraska and donate your organs and tissues at the time of your death?

5 (c) ~~(d)~~ Do you wish to receive any additional specific information
6 regarding organ and tissue donation and the Donor Registry of Nebraska?

7 (d) ~~(e)~~ Do you wish to donate \$1 to promote the Organ and Tissue
8 Donor Awareness and Education Fund?

9 (9) Any person applying for a CLP-commercial learner's permit or
10 commercial driver's license shall answer the voter registration question
11 as provided in subdivision (3)(c) of section 60-484.

12 (10) ~~(9)~~ Application for a CLP-commercial learner's permit or
13 commercial driver's license shall include a signed oath, affirmation, or
14 declaration of the applicant that the information provided on the
15 application for the permit or license is true and correct.

16 (11) ~~(10)~~ Any person applying for a CLP-commercial learner's permit
17 or commercial driver's license must make one of the certifications in
18 section 60-4,144.01 and any certification required under section 60-4,146
19 and must provide such certifications to the Department of Motor Vehicles
20 in order to be issued a CLP-commercial learner's permit or a commercial
21 driver's license.

22 (12) ~~(11)~~ Every person who holds any commercial driver's license
23 must provide to the department medical certification as required by
24 section 60-4,144.01. The department may provide notice and prescribe
25 medical certification compliance requirements for all holders of
26 commercial drivers' licenses. Holders of commercial drivers' licenses who
27 fail to meet the prescribed medical certification compliance requirements
28 may be subject to downgrade.

29 Sec. 13. This act becomes operative on January 1, 2025.

30 Sec. 14. Original sections 32-307, 32-315, 32-1506, 60-484,
31 60-484.02, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of

1 Nebraska, sections 32-312 and 32-1002, Revised Statutes Cumulative
2 Supplement, 2022, and sections 32-202, 32-308, and 60-4,144, Revised
3 Statutes Supplement, 2023, are repealed.

4 Sec. 15. The following section is outright repealed: Section
5 32-309, Reissue Revised Statutes of Nebraska.