

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 290

Introduced by Vargas, 7; Blood, 3; Wishart, 27.

Read first time January 11, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-202,
2 32-307, 32-308, 32-310, 32-312, 32-315, 32-1002, 32-1506, 60-4,130,
3 and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections
4 60-484, 60-484.02, and 60-4,144, Revised Statutes Cumulative
5 Supplement, 2016; to change provisions relating to registering to
6 vote; to change penalty provisions; to eliminate obsolete
7 provisions; to harmonize provisions; to repeal the original
8 sections; and to outright repeal section 32-309, Reissue Revised
9 Statutes of Nebraska.

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

1 Section 1. Section 32-202, Reissue Revised Statutes of Nebraska, 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 for election commissioners, county clerks, and
8 other election officials in providing for registration of voters and the
9 conduct of elections;

10 (3) Enforce the Election Act;

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

13 (5) Provide periodic training for the agencies and their agents and
14 contractors in carrying out their duties under sections 32-308 and ~~to~~
15 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, 42 U.S.C. 1973gg 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 for elections
30 conducted under sections 32-952 to 32-959; and

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

1 number or an Internet web site, 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 Sec. 2. Section 32-307, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-307 No materials advocating or advertising any political issue,
13 candidate, or party shall be displayed or distributed within fifty feet
14 of any voter registration site. No alcohol shall be served within fifty
15 feet of any voter registration site. The registration procedure shall be
16 conducted in a neutral manner and shall not be connected with anything
17 unrelated to the object of registering electors except as otherwise
18 provided in sections 32-308 and ~~to~~ 32-310.

19 Sec. 3. Section 32-308, Reissue Revised Statutes of Nebraska, is
20 amended to read:

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

31 (2) The Department of Motor Vehicles, with the assistance of the

1 Secretary of State, shall prescribe a voter registration application
2 which may be used to register to vote or change his or her address for
3 voting purposes at the same time an elector applies for an original or
4 renewal motor vehicle operator's license, an original or renewal state
5 identification card, or a replacement thereof. The voter registration
6 application shall be designed so that the elector's information is
7 transmitted to the election commissioner or county clerk pursuant to
8 subsection (3) of this section unless the elector specifies on the form
9 that he or she does not want to register to vote or update his or her
10 voter registration record. The voter registration application shall
11 contain the information required pursuant to section 32-312 and shall be
12 designed so that it does not require the duplication of information in
13 the application for the motor vehicle operator's license or state
14 identification card, except that it may require a second signature of the
15 applicant. The department and the Secretary of State shall make the voter
16 registration application available to any person applying for an
17 operator's license or state identification card. The application shall be
18 completed at the office of the department by the close of business on the
19 third Friday preceding any election to be registered to vote at such
20 election. A registration application received after the deadline shall
21 not be processed by the election commissioner or county clerk until after
22 the election. If a voter registration application is submitted under this
23 section with the signature of the applicant but the applicant is not
24 eligible to register to vote, the submission shall not be considered a
25 violation of section 32-1502 or 32-1503 and the document submitted shall
26 not be considered a valid or completed voter registration application for
27 purposes of registration or enforcement of the Election Act unless the
28 applicant has willfully and knowingly taken affirmative steps to register
29 to vote knowing that he or she is not eligible to do so.

30 (3) The Department of Motor Vehicles, in conjunction with the
31 Secretary of State, shall ~~develop a process to~~ electronically transmit

1 voter registration application information received under subsection (2)
2 of this section to the election commissioner or county clerk of the
3 county in which the applicant resides within the time limits prescribed
4 in subsection (4) of this section. ~~The Director of Motor Vehicles shall~~
5 ~~designate an implementation date for the process which shall be on or~~
6 ~~before January 1, 2016.~~

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

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

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

5 Sec. 4. Section 32-310, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-310 (1) The State Department of Education and the Department of
8 Health and Human Services shall provide the opportunity to register to
9 vote at the time of application, review, or change of address for the
10 following programs, as applicable: (a) The Supplemental Nutrition
11 Assistance Program; (b) the medicaid program; (c) the WIC program as
12 defined in section 71-2225; (d) the aid to dependent children program;
13 (e) the vocational rehabilitation program; and (f) any other public
14 assistance program or program primarily for the purpose of providing
15 services to persons with disabilities. If the application, review, or
16 change of address is accomplished through an agent or contractor of the
17 department, the agent or contractor shall provide the opportunity to
18 register to vote. Any information on whether an applicant registers or
19 declines to register and the agency at which he or she registers shall be
20 confidential and shall only be used for voter registration purposes.

21 (2) The department, agent, or contractor shall make the mail-in
22 registration application described in section 32-320 available at the
23 time of application, review, or change of address and shall provide
24 assistance, if necessary, to the applicant in completing the application
25 to register to vote. The department shall retain records indicating
26 whether an applicant accepted or declined the opportunity to register to
27 vote.

28 (3) Department personnel, agents, and contractors involved in the
29 voter registration process pursuant to this section shall not be
30 considered deputy registrars or agents or employees of the election
31 commissioner or county clerk.

1 (4) The applicant may return the completed voter registration
2 application to the department, agent, or contractor or may personally
3 mail or deliver the application to the election commissioner or county
4 clerk as provided in section 32-321. If the applicant returns the
5 completed application to the department, agent, or contractor, the
6 department, agent, or contractor shall deliver the application to the
7 election commissioner or county clerk of the county in which the office
8 of the department, agent, or contractor is located not later than ten
9 days after receipt by the department, agent, or contractor, except that
10 if the application is returned to the department, agent, or contractor
11 within five days prior to the third Friday preceding any election, it
12 shall be delivered not later than five days after the date it is
13 returned. The election commissioner or county clerk shall, if necessary,
14 forward the application to the election commissioner or county clerk of
15 the county in which the applicant resides within such prescribed time
16 limits. The application shall be completed and returned to the
17 department, agency, or contractor by the close of business on the third
18 Friday preceding any election to be registered to vote at such election.
19 A registration application received after the deadline shall not be
20 processed by the election commissioner or county clerk until after the
21 election.

22 (5)(a) The Secretary of State may enter into agreements with the
23 Commissioner of Education and the chief executive officer of the
24 Department of Health and Human Services to prescribe an electronic voter
25 registration application which may be used as described in this
26 subsection in lieu of a mail-in registration application. The electronic
27 voter registration application shall contain the information required
28 pursuant to section 32-312 and shall be designed so that it does not
29 require the duplication of information in the application described under
30 this section, except that it may require a second signature of the
31 applicant. As part of the agreements, the Department of Health and Human

1 Services and the State Department of Education shall agree to
2 electronically transmit voter registration application information
3 received under this subsection to the election commissioner or county
4 clerk of the county in which the applicant resides within the time limits
5 prescribed in this section.

6 (b) For each voter registration application for which information is
7 transmitted electronically pursuant to this subsection, the Secretary of
8 State shall obtain a copy of the electronic representation of the
9 applicant's signature from the Department of Motor Vehicles' records of
10 his or her motor vehicle operator's license or state identification card
11 for purposes of voter registration. Each voter registration application
12 electronically transmitted under this subsection shall include
13 information provided by the applicant that includes whether the applicant
14 is a citizen of the United States, whether the applicant is of sufficient
15 age to register to vote, the applicant's residence address, the
16 applicant's postal address if different from the residence address, the
17 date of birth of the applicant, the party affiliation of the applicant or
18 an indication that the applicant is not affiliated with any political
19 party, the applicant's motor vehicle operator's license number, the
20 applicant's previous registration location by city, county, or state, if
21 applicable, and the applicant's signature. If a voter registration
22 application is submitted under this subsection with the signature of the
23 applicant but the applicant is not eligible to register to vote, the
24 submission shall not be considered a violation of section 32-1502 or
25 32-1503 and the document submitted shall not be considered a valid or
26 completed voter registration application for purposes of registration or
27 enforcement of the Election Act unless the applicant has willfully and
28 knowingly taken affirmative steps to register to vote knowing that he or
29 she is not eligible to do so.

30 (6) ~~(5)~~ The departments shall adopt and promulgate rules and
31 regulations to ensure compliance with this section.

1 Sec. 5. Section 32-312, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

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

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

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

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

29 POSTAL ADDRESS—the address at which the applicant receives mail if
30 different from the residence address.

31 ADDRESS OF LAST REGISTRATION—the name and number of the street,

1 avenue, or other location of the dwelling from which the applicant last
2 registered.

3 TELEPHONE NUMBERS—the telephone number of the applicant at work and
4 at home. At the request of the applicant, a designation shall be made
5 that the telephone number is an unlisted number, and such designation
6 shall preclude the listing of the applicant's telephone number on any
7 list of voter registrations.

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

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

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

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

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

30 REGISTRATION TAKEN BY—show the signature of the authorized official
31 or staff member accepting the application pursuant to section ~~32-309~~ or

1 32-310 or at least one of the deputy registrars taking the application
2 pursuant to section 32-306, if applicable.

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

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

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

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

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

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

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

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

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

31 APPLICANT'S SIGNATURE—require the applicant to affix his or her

1 signature to the application.

2 Sec. 6. Section 32-315, Reissue Revised Statutes of Nebraska, is
3 amended to read:

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

12 Sec. 7. Section 32-1002, Reissue Revised Statutes of Nebraska, is
13 amended to read:

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

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

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

1 appropriate changes to the voter registration register by entering the
2 information contained in the registration application completed by the
3 voter at the time of voting a provisional ballot.

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

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

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

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

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

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

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

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

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

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

28 (b) Information has been received pursuant to section 32-308,
29 ~~32-309~~, 32-310, or 32-324 that the voter has resided, registered, or
30 voted in any other county or state since registering to vote in the
31 county in which he or she cast the provisional ballot;

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

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

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

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

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

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

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

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

25 (b) Both the registration application and the certification are
26 signed by the voter.

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

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

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

7 Sec. 8. Section 32-1506, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

24 Sec. 9. Section 60-484, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

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

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

1 (3) The applicant shall provide his or her full legal name, date of
 2 birth, mailing address, gender, race or ethnicity, and social security
 3 number, two forms of proof of address of his or her principal residence
 4 unless the applicant is a program participant under the Address
 5 Confidentiality Act, evidence of identity as required by subsection (6)
 6 of this section, and a brief physical description of himself or herself.
 7 The applicant (a) shall ~~may also~~ complete the voter registration portion
 8 that is transmitted to the election commissioner or county clerk to
 9 register the applicant to vote or update his or her voter registration
 10 record pursuant to section 32-308, (b) shall be provided the advisement
 11 language required by subsection (5) of section 60-6,197, (c) shall answer
 12 the following:

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

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

17 (B) experienced vertigo or multiple episodes of dizziness or
 18 fainting ... yes ... no

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

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

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

22 Please explain:

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

27 Please explain:

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

30 Please explain, including how the above affects your ability to
 31 drive:, and (d) may answer the following:

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

3 (i) ~~(ii)~~ Do you wish to have the word "veteran" displayed on the
4 front of your operator's license or state identification card to show
5 that you served in the armed forces of the United States? (To be eligible
6 you must register with the Nebraska Department of Veterans' Affairs
7 registry.)

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

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

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

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

19 (5) The social security number shall not be printed on the
20 operator's license or state identification card and shall be used only
21 (a) to furnish information to the United States Selective Service System
22 under section 60-483, (b) with the permission of the director in
23 connection with the verification of the status of an individual's driving
24 record in this state or any other state, (c) for purposes of child
25 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to
26 furnish information regarding an applicant for or holder of a commercial
27 driver's license with a hazardous materials endorsement to the
28 Transportation Security Administration of the United States Department of
29 Homeland Security or its agent, (e) to furnish information to the
30 Department of Revenue under section 77-362.02, or (f) to furnish
31 information to the Secretary of State for purposes of the Election Act.

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

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

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

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

25 (8) No person shall be a holder of an operator's license and a state
26 identification card at the same time.

27 Sec. 10. Section 60-484.02, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 60-484.02 (1) Each applicant for an operator's license or state
30 identification card shall have his or her digital image captured. Digital
31 images shall be preserved for use as prescribed in sections 60-4,119,

1 60-4,151, and 60-4,180. The images shall be used for issuing operators'
2 licenses and state identification cards. The images may be retrieved only
3 by the Department of Motor Vehicles for issuing renewal and replacement
4 operators' licenses and state identification cards and may not be
5 otherwise released except in accordance with subsection (3) of this
6 section.

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

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

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

1 agency in carrying out its functions upon the verification of the
2 identity of the person requesting the release of the information and the
3 verification of the purpose of the requester in requesting the release or
4 (b) to the office of the Secretary of State for the purpose of voter
5 registration as described in section 32-304, or 32-308, ~~or 32-309~~ upon
6 the verification of the identity of the person requesting the release of
7 the information and the verification of the purpose of the requester in
8 requesting the release. No employee or official in the office of the
9 Secretary of State shall release a digital signature except to a federal,
10 state, or local law enforcement agency, a certified law enforcement
11 officer employed in an investigative position by a state or federal
12 agency, or a driver licensing agency of another state for the purpose of
13 carrying out the functions of the agency or assisting another agency in
14 carrying out its functions upon the verification of the identity of the
15 person requesting the release of the information and the verification of
16 the purpose of the requester in requesting the release. Any officer,
17 employee, agent, or contractor of the department, law enforcement
18 officer, or employee or official in the office of the Secretary of State
19 that knowingly discloses or knowingly permits disclosure of a digital
20 signature in violation of this section shall be guilty of a Class I
21 misdemeanor.

22 Sec. 11. Section 60-4,130, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 60-4,130 (1) Application for an employment driving permit shall be
25 made to the Department of Motor Vehicles on forms furnished for that
26 purpose by the department. The application form shall contain such
27 information as deemed necessary by the director to carry out this section
28 and section 60-4,129. If the department has a digital image and digital
29 signature of the applicant preserved in the digital system implemented
30 under section 60-484.01, the employment driving permit, if issued, may
31 contain such image and signature. The application form shall also include

1 a voter registration portion pursuant to section 32-308. ~~and the~~
2 ~~following specific question: Do you wish to register to vote as part of~~
3 ~~this application process?~~ To be eligible for an employment driving
4 permit, the applicant shall furnish, along with the application to the
5 director, the following:

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

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

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

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

17 (2) Except as otherwise provided in this subsection, upon making
18 application for such permit, the applicant shall certify that he or she
19 will attend and complete, within sixty days, a driver improvement course
20 presented by the department or show successful completion of the driver
21 education and training course as provided in section 60-4,183. If such
22 course is not completed, the employment driving permit shall be
23 surrendered to the department. If any person fails to return to the
24 department the permit as provided in this subsection, the department
25 shall direct any peace officer or authorized representative of the
26 department to secure possession of the permit and to return the permit to
27 the department. An applicant whose operator's license has been suspended
28 pursuant to section 43-3318 is not required to fulfill such driver
29 improvement or education and training course requirements. All applicants
30 shall file and maintain proof of financial responsibility as required by
31 the Motor Vehicle Safety Responsibility Act.

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

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

5 (5) When the holder of an employment driving permit is convicted, on
6 or after the date of issuance of the employment driving permit, of any
7 traffic violation or of operating a motor vehicle for a purpose other
8 than specified by such permit, the person shall not be eligible to
9 receive another employment driving permit during that particular period
10 of revocation. This subsection does not apply to a holder of an
11 employment driving permit if the reason for his or her license revocation
12 or suspension only involved a suspension under section 43-3318 and not a
13 revocation under any other section.

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

17 Sec. 12. Section 60-4,130.02, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 60-4,130.02 (1) Application for a medical hardship driving permit
20 shall be made to the Department of Motor Vehicles on forms furnished for
21 that purpose by the department. The application form shall contain such
22 information as deemed necessary by the director to carry out this section
23 and section 60-4,130.01. If the department has a digital image and
24 digital signature of the applicant preserved in the digital system
25 implemented under section 60-484.01, the medical hardship driving permit,
26 if issued, may contain such image and signature. The application form
27 shall also include a voter registration portion pursuant to section
28 ~~32-308_ and the following specific question: Do you wish to register to~~
29 ~~vote as part of this application process?~~ To be eligible for a medical
30 hardship driving permit, the applicant shall furnish, along with the
31 application to the director, the following:

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

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

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

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

14 (4) When the holder of a medical hardship driving permit is
15 convicted, on or after the date of issuance of the permit, of any traffic
16 violation or of operating a motor vehicle for a purpose other than
17 specified by such permit, the person shall not be eligible to receive
18 another medical hardship driving permit during that particular period of
19 revocation.

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

23 Sec. 13. Section 60-4,144, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 60-4,144 (1) An applicant for issuance of any original or renewal
26 commercial driver's license or an applicant for a change of class of
27 commercial motor vehicle, endorsement, or restriction shall demonstrate
28 his or her knowledge and skills for operating a commercial motor vehicle
29 as prescribed in the Motor Vehicle Operator's License Act. An applicant
30 for a commercial driver's license shall provide the information and
31 documentation required by this section and section 60-4,144.01. Such

1 information and documentation shall include any additional information
2 required by 49 C.F.R. parts 383 and 391 and also include:

3 (a) Certification that the commercial motor vehicle in which the
4 applicant takes any driving skills examination is representative of the
5 class of commercial motor vehicle that the applicant operates or expects
6 to operate; and

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

10 (2)(a) Before being issued a CLP-commercial learner's permit or
11 commercial driver's license, the applicant shall provide (i) his or her
12 full legal name, date of birth, mailing address, gender, race or
13 ethnicity, and social security number, (ii) two forms of proof of address
14 of his or her principal residence unless the applicant is a program
15 participant under the Address Confidentiality Act, except that a
16 nondomiciled applicant for a CLP-commercial learner's permit or
17 nondomiciled commercial driver's license holder does not have to provide
18 proof of residence in Nebraska, (iii) evidence of identity as required by
19 this section, and (iv) a brief physical description of himself or
20 herself.

21 (b) The applicant's social security number shall not be printed on
22 the CLP-commercial learner's permit or commercial driver's license and
23 shall be used only (i) to furnish information to the United States
24 Selective Service System under section 60-483, (ii) with the permission
25 of the director in connection with the certification of the status of an
26 individual's driving record in this state or any other state, (iii) for
27 purposes of child support enforcement pursuant to section 42-358.08 or
28 43-512.06, (iv) to furnish information regarding an applicant for or
29 holder of a commercial driver's license with a hazardous materials
30 endorsement to the Transportation Security Administration of the United
31 States Department of Homeland Security or its agent, (v) to furnish

1 information to the Department of Revenue under section 77-362.02, or (vi)
2 to furnish information to the Secretary of State for purposes of the
3 Election Act.

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

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

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

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

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

17 (ii) A certified copy of a birth certificate filed with a state
18 office of vital statistics or equivalent agency in the individual's state
19 of birth;

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

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

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

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

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

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

3 (ix) A driver's license or identification card issued in compliance
4 with the standards established by the REAL ID Act of 2005, Public Law
5 109-13, division B, section 1, 119 Stat. 302; or

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

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

11 (d) If the applicant presents one of the identity documents listed
12 under subdivision (b)(v), (vi), or (ix) of this subsection, the
13 verification of the identity documents does not provide satisfactory
14 evidence of lawful status. The applicant must also present a second
15 document from subdivision (4)(b) of this section, a document from
16 subsection (5) of this section, or documentation issued by the United
17 States Department of Homeland Security or other federal agencies
18 demonstrating lawful status as determined by the United States
19 Citizenship and Immigration Services.

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

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

29 (b) The following are acceptable as proof of citizenship or lawful
30 status:

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

1 (ii) A certified copy of a birth certificate filed with a state
2 office of vital statistics or equivalent agency in the individual's state
3 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the
4 Commonwealth of the Northern Mariana Islands;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 ~~(a) Do you wish to register to vote as part of this application~~

1 process?

2 (a) ~~(b)~~ Do you wish to have the word "veteran" displayed on the
3 front of your operator's license to show that you served in the armed
4 forces of the United States? (To be eligible you must register with the
5 Nebraska Department of Veterans' Affairs registry.)

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

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

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

12 (9) Application for a CLP-commercial learner's permit or commercial
13 driver's license shall include a signed oath, affirmation, or declaration
14 of the applicant that the information provided on the application for the
15 permit or license is true and correct. The application shall also include
16 a voter registration portion pursuant to section 32-308.

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

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

30 Sec. 14. Original sections 32-202, 32-307, 32-308, 32-310, 32-312,
31 32-315, 32-1002, 32-1506, 60-4,130, and 60-4,130.02, Reissue Revised

1 Statutes of Nebraska, and sections 60-484, 60-484.02, and 60-4,144,
2 Revised Statutes Cumulative Supplement, 2016, are repealed.

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