

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 357**

Introduced by Government, Military and Veterans Affairs Committee:  
Schimek, 27, Chairperson; Aguilar, 35; Burling, 33;  
Combs, 32; McDonald, 41; Smith, 48; Vrtiska, 1

Read first time January 14, 2003

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-308 and  
2 32-312, Reissue Revised Statutes of Nebraska, and  
3 sections 32-301 and 32-329, Revised Statutes Supplement,  
4 2002; to change provisions relating to registration of  
5 voters; to harmonize provisions; and to repeal the  
6 original sections.

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

1           Section 1. Section 32-301, Revised Statutes Supplement,  
2 2002, is amended to read:

3           32-301. (1) The Secretary of State shall implement, in a  
4 uniform and nondiscriminatory manner, a single, uniform, official,  
5 centralized, interactive computerized statewide voter registration  
6 list defined, maintained, and administered at the office of the  
7 Secretary of State that contains the name and registration  
8 information of every legally registered voter in the state and  
9 assigns a unique identifier to each legally registered voter in the  
10 state. The computerized list shall serve as the single system for  
11 storing and managing the official list of registered voters  
12 throughout the state and shall comprise the voter registration  
13 record. The computerized list shall be coordinated with other  
14 agency data bases within the state and shall be available for  
15 electronic access by election commissioners and county clerks. The  
16 computerized list shall serve as the official voter registration  
17 list for the conduct of all elections under the Election Act. The  
18 Secretary of State shall provide such support as may be required so  
19 that election commissioners and county clerks are able to  
20 electronically enter voter registration information obtained by  
21 such officials on an expedited basis at the time the information is  
22 received. The Secretary of State shall provide adequate  
23 technological security measures to prevent unauthorized access to  
24 the computerized list. No General Funds shall be appropriated for  
25 purposes of this list.

26           (2) The election commissioner or county clerk shall  
27 provide for the registration of the electors of the county. He or  
28 she Until the statewide voter registration list is operational, the

1 election commissioner or county clerk shall furnish and prepare a  
2 voter registration register containing records of registration for  
3 applicants who qualify as registered voters. Upon receipt of an  
4 original affidavit of registration in his or her office, the  
5 election commissioner or county clerk may create an electronic  
6 image, photograph, microphotograph, or reproduction in an  
7 electronic digital format to be used as the voter registration  
8 record. The register shall contain the information required by  
9 section 32-312. ~~The~~ Such register shall remain in the office of  
10 the election commissioner or county clerk. A duplicate register  
11 containing the precinct voter registration register for each  
12 precinct shall be provided by the election commissioner or county  
13 clerk for the use of judges and clerks of election in their  
14 respective precincts on election day. An electronically prepared  
15 list of registered voters in a form prescribed by the Secretary of  
16 State shall meet the requirements for a duplicate register.

17 Sec. 2. Section 32-308, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 32-308. (1) The Secretary of State and the Director of  
20 Motor Vehicles shall enter into an agreement to match information  
21 in the computerized statewide voter registration list with  
22 information in the data base of the Department of Motor Vehicles to  
23 the extent required to enable each such official to verify the  
24 accuracy of the information provided on applications for voter  
25 registration. The Director of Motor Vehicles shall enter into an  
26 agreement with the Commissioner of Social Security under section  
27 205(r) (8) of the Social Security Act as such section existed on the  
28 effective date of this act for purposes of the Election Act.

1           (2) The Department of Motor Vehicles, with the assistance  
2 of the Secretary of State, shall prescribe a voter registration  
3 form which may be used to register to vote or change his or her  
4 address for voting purposes at the same time an elector applies for  
5 an original or renewal motor vehicle operator's license, an  
6 original or renewal state identification card, or a replacement or  
7 duplicate thereof. The voter registration form shall contain the  
8 information required pursuant to section 32-312 and shall be  
9 designed so that it does not require the duplication of information  
10 in the application form for the motor vehicle operator's license or  
11 state identification card, except that it may require a second  
12 signature of the applicant. The department and the Secretary of  
13 State shall make the forms available to the county treasurer, the  
14 license examiners of the department, and any other person who  
15 issues operators' licenses or state identification cards.  
16 Registration forms shall be completed at the office of the county  
17 treasurer or department by the close of business on the third  
18 Friday preceding any election to be registered to vote at such  
19 election. A registration received after the deadline shall not be  
20 processed by the election commissioner or county clerk until after  
21 the election.

22           ~~(2)~~ (3) State agency personnel and county treasurers  
23 involved in the voter registration process pursuant to this section  
24 and section 32-309 shall not be considered deputy registrars or  
25 agents or employees of the election commissioner or county clerk.

26           Sec. 3. Section 32-312, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

28           32-312. The office personnel of the election

1 commissioner or county clerk or the deputy registrar shall examine  
2 all persons who may personally apply to register to vote as to his  
3 or her qualifications, and in the presence of the applicant, the  
4 information listed in this section shall be entered in the  
5 register.

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

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

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

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

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

1 is located.

2 POSTAL ADDRESS--the address at which the applicant  
3 receives mail if different from the residence address.

4 ADDRESS OF LAST REGISTRATION--the name and number of the  
5 street, avenue, or other location of the dwelling from which the  
6 applicant last registered.

7 TELEPHONE NUMBERS (optional)--the telephone number of the  
8 applicant at work and at home. At the request of the applicant, a  
9 designation shall be made that the telephone number is an unlisted  
10 number, and such designation shall preclude the listing of the  
11 applicant's telephone number on any list of voter registrations.

12 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL  
13 SECURITY NUMBER--if the applicant has a Nebraska driver's license,  
14 the license number, if the applicant does not have a Nebraska  
15 driver's license, the last four digits of the applicant's social  
16 security number, and if the applicant does not have a Nebraska  
17 driver's license or a social security number, a unique identifying  
18 number assigned under this section.

19 DATE OF APPLICATION FOR REGISTRATION--the month, day, and  
20 year when applicant presented himself or herself for registration.

21 PLACE OF BIRTH (optional)--show the state, country,  
22 kingdom, empire, or dominion where the applicant was born.

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

28 REGISTRATION TAKEN BY--show the signature of the deputy

1 registrar taking the application, if applicable.

2 PARTY AFFILIATION--show the party affiliation of the  
3 applicant as Democrat, Republican, Nonpartisan, or Other .....

4 (Note: If you wish to vote in both partisan and nonpartisan  
5 primary elections for state and local offices, you must indicate a  
6 political party affiliation on the registration form. If you  
7 register without a political party affiliation (independent), you  
8 will receive only the nonpartisan ballots for state and local  
9 offices at primary elections. If you register without a political  
10 party affiliation, you may vote in partisan primary elections for  
11 congressional offices.)

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

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

17 (1) I am at least eighteen years of age or I will be  
18 eighteen years of age prior to the first Tuesday following the  
19 first Monday of November of this year;

20 ~~(2) I am a citizen of the United States;~~

21 ~~(3) I live in the State of Nebraska at the address~~  
22 provided above;

23 ~~(4)~~ (2) I have not been convicted of a felony or, if  
24 convicted, my civil rights have been restored; and

25 ~~(5)~~ (3) I have not been officially found to be non compos  
26 mentis (mentally incompetent).

27 Any registrant who signs this form knowing that any of  
28 the information in the form is false shall be guilty of a Class IV

1 felony under section 32-1502 of the statutes of Nebraska. The  
2 penalty for a Class IV felony is up to five years imprisonment, a  
3 fine of up to ten thousand dollars, or both.

4 APPLICANT'S SIGNATURE--require the applicant to affix his  
5 or her signature to the form.

6 If an applicant for voter registration does not have a  
7 Nebraska driver's license or a social security number, the  
8 Secretary of State shall assign the applicant a number which will  
9 serve to identify the applicant for voter registration purposes.  
10 When the computerized voter registration list is in effect and the  
11 list assigns unique identifying numbers to registrants, the number  
12 assigned under this section shall be the unique identifying number  
13 assigned under the list.

14 Sec. 4. Section 32-329, Revised Statutes Supplement,  
15 2002, is amended to read:

16 32-329. (1) The Secretary of State with the assistance  
17 of the election commissioners and county clerks shall perform list  
18 maintenance with respect to the computerized statewide voter  
19 registration list on a regular basis. The list maintenance shall  
20 be conducted in a manner that ensures that:

21 (a) The name of each registered voter appears in the  
22 computerized list;

23 (b) Only voters who are not registered or who are not  
24 eligible to vote are removed from the computerized list; and

25 (c) Duplicate names are eliminated from the computerized  
26 list.

27 (2) The election commissioner or county clerk shall  
28 verify the voter registration register by using (a) the National

1 Change of Address program of the United States Postal Service and a  
2 confirmation notice pursuant to subsection ~~(2)~~ (3) of this section  
3 or (b) the biennial mailing of a nonforwardable notice to each  
4 registered voter. The Secretary of State shall provide biennial  
5 training for the election commissioners and county clerks  
6 responsible for maintaining voter registration lists. No name  
7 shall be removed from the voter registration register for the sole  
8 reason that such person has not voted for any length of time.

9 ~~(2)~~ (3) When an election commissioner or county clerk  
10 receives information from the National Change of Address program of  
11 the United States Postal Service that a registered voter has moved  
12 from the address at which he or she is registered to vote, the  
13 election commissioner or county clerk shall immediately update the  
14 voter registration register and mail a confirmation notice by  
15 forwardable first-class mail. If a nonforwardable notice under  
16 subdivision ~~(1)(b)~~ (2)(b) of this section is returned as  
17 undeliverable, the election commissioner or county clerk shall mail  
18 a confirmation notice by forwardable first-class mail. The  
19 confirmation notice shall include a confirmation letter and a  
20 preaddressed, postage-paid confirmation card. The confirmation  
21 letter shall contain statements substantially as follows:

22 (a) The election commissioner or county clerk has  
23 received information that you have moved to a different residence  
24 address from that appearing on the voter registration register;

25 (b) If you have not moved or you have moved to a new  
26 residence within this county, you should return the enclosed  
27 confirmation card by the regular registration deadline prescribed  
28 in section 32-302. If you fail to return the card by the deadline,

1 you will be required to affirm or confirm your address prior to  
2 being allowed to vote. If you are required to affirm or confirm  
3 your address, it may result in a delay at your polling place; and

4 (c) If you have moved out of the county, you must  
5 reregister to be eligible to vote. This can be accomplished by  
6 mail or in person. For further information, contact your local  
7 election commissioner or county clerk.

8 ~~(3)~~ (4) The election commissioner or county clerk shall  
9 maintain for a period of not less than two years a record of each  
10 confirmation letter indicating the date it was mailed and the  
11 person to whom it was mailed.

12 ~~(4)~~ (5) If information from the National Change of  
13 Address or the nonforwardable notice under subdivision ~~(1)(b)~~  
14 (2)(b) of this section indicates that the voter has moved outside  
15 the jurisdiction and the election commissioner or county clerk  
16 receives no response to the confirmation letter and the voter does  
17 not offer to vote at any election held prior to and including the  
18 second statewide federal general election following the mailing of  
19 the confirmation notice, the voter's registration shall be canceled  
20 and his or her name shall be deleted from the voter registration  
21 register.

22 Sec. 5. Original sections 32-308 and 32-312, Reissue  
23 Revised Statutes of Nebraska, and sections 32-301 and 32-329,  
24 Revised Statutes Supplement, 2002, are repealed.