

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 127

Introduced by McGill, 26.

Read first time January 11, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-301, 32-308,
2 32-311, 32-311.01, 32-312.05, 32-318.01, 32-320, 32-326,
3 60-4,130, and 60-4,130.02, Reissue Revised Statutes of
4 Nebraska, and sections 32-101, 32-310, 32-312, 60-484,
5 and 60-4,120, Revised Statutes Cumulative Supplement,
6 2012; to provide for certain sixteen-year-olds and
7 seventeen-year-olds to preregister to vote; to provide
8 procedures; to change and provide powers and duties; to
9 harmonize provisions; to provide operative dates; and to
10 repeal the original sections.

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

1 Section 1. Section 32-101, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 11 of this
4 act shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-301, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-301 (1) The Secretary of State shall implement, in a
8 uniform and nondiscriminatory manner, a single, uniform, official,
9 centralized, interactive computerized statewide voter registration
10 list defined, maintained, and administered at the office of the
11 Secretary of State that contains the name and registration
12 information of every legally registered voter in the state and
13 assigns a unique identifier to each legally registered voter in the
14 state. The computerized list shall serve as the single system for
15 storing and managing the official list of registered voters
16 throughout the state and shall comprise the voter registration
17 register. The computerized list shall be coordinated with other
18 agency data bases within the state and shall be available for
19 electronic access by election commissioners and county clerks. The
20 computerized list shall serve as the official voter registration list
21 for the conduct of all elections under the Election Act. The
22 Secretary of State shall provide such support as may be required so
23 that election commissioners and county clerks are able to
24 electronically enter voter registration information obtained by such
25 officials on an expedited basis at the time the information is

1 received. The Secretary of State shall provide adequate technological
2 security measures to prevent unauthorized access to the computerized
3 list. No General Funds shall be appropriated for purposes of this
4 list, and funds available in the Election Administration Fund may be
5 used for such purposes.

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

20 (3) As part of the system of registration of electors,
21 the Secretary of State shall design and beginning January 1, 2014,
22 implement a process of preregistration for persons who are sixteen
23 years of age or who are seventeen years of age and will not attain
24 the age of eighteen years on or before the first Tuesday after the
25 first Monday in November of the then current calendar year and who

1 are otherwise qualified to register to vote. The process shall
2 include use of the system of registration of electors to allow such
3 persons to submit a preregistration application and updates of
4 relevant information, receive a confirmation of registration upon
5 reaching the age of eligibility in order to provide verification of
6 his or her qualifications and address under section 11 of this act,
7 and after verification of his or her qualifications and address,
8 obtain an acknowledgment of registration under section 32-322.

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

11 32-308 (1) The Secretary of State and the Director of
12 Motor Vehicles shall enter into an agreement to match information in
13 the computerized statewide voter registration list with information
14 in the data base of the Department of Motor Vehicles to the extent
15 required to enable each such official to verify the accuracy of the
16 information provided on applications for voter registration and
17 preregistration. The Director of Motor Vehicles shall enter into an
18 agreement with the Commissioner of Social Security under section
19 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)(8), as
20 such section existed on April 17, 2003, for purposes of the Election
21 Act.

22 (2) The Department of Motor Vehicles, with the assistance
23 of the Secretary of State, shall prescribe a voter registration
24 application which may be used to register to vote, preregister to
25 vote, or change his or her address for voting purposes at the same

1 time an elector or a person eligible to preregister under section 11
2 of this act applies for an original or renewal motor vehicle
3 operator's license, an original or renewal state identification card,
4 or a replacement or duplicate thereof. The voter registration
5 application shall contain the information required pursuant to
6 section 32-312 and shall be designed so that it does not require the
7 duplication of information in the application for the motor vehicle
8 operator's license or state identification card, except that it may
9 require a second signature of the applicant. The department and the
10 Secretary of State shall make the voter registration application
11 available to the county treasurer, the license examiners of the
12 department, and any other person who issues operators' licenses or
13 state identification cards. The application shall be completed at the
14 office of the county treasurer or department by the close of business
15 on the third Friday preceding any election to be registered to vote
16 at such election. A registration application received after the
17 deadline shall not be processed by the election commissioner or
18 county clerk until after the election.

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

23 Sec. 4. Section 32-310, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 32-310 (1) The State Department of Education and the

1 Department of Health and Human Services shall provide the opportunity
2 to register or preregister to vote at the time of application,
3 review, or change of address for the following programs, as
4 applicable: (a) The Supplemental Nutrition Assistance Program; (b)
5 the medicaid program; (c) the WIC program as defined in section
6 71-2225; (d) the aid to dependent children program; (e) the
7 vocational rehabilitation program; and (f) any other public
8 assistance program or program primarily for the purpose of providing
9 services to persons with disabilities. If the application, review, or
10 change of address is accomplished through an agent or contractor of
11 the department, the agent or contractor shall provide the opportunity
12 to register or preregister to vote. Any information on whether an
13 applicant registers or declines to register and the agency at which
14 he or she registers shall be confidential and shall only be used for
15 voter registration purposes.

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

23 (3) Department personnel, agents, and contractors
24 involved in the voter registration process pursuant to this section
25 shall not be considered deputy registrars or agents or employees of

1 the election commissioner or county clerk.

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

24 (5) The departments shall adopt and promulgate rules and
25 regulations to ensure compliance with this section.

1 Sec. 5. Section 32-311, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-311 (1) Any elector may personally apply to register
4 to vote at ~~(1)-(a)~~ the office of the election commissioner or county
5 clerk, ~~(2)-(b)~~ a registration site at which a deputy registrar is in
6 attendance, ~~(3)-(c)~~ a department listed in section 32-310 at the time
7 of an application, review, or change of address as provided in such
8 section, or ~~(4)-(d)~~ the office of the county treasurer or Department
9 of Motor Vehicles while applying for a motor vehicle operator's
10 license or state identification card as provided in section 32-308.

11 (2) A person who is sixteen years of age or who is
12 seventeen years of age and will not attain the age of eighteen years
13 on or before the first Tuesday after the first Monday in November of
14 the then current calendar year and who is otherwise qualified to
15 register to vote may personally apply to preregister to vote by the
16 same methods provided in subsection (1) of this section.

17 Sec. 6. Section 32-311.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-311.01 (1) The Secretary of State shall prescribe and
20 distribute a registration application which may be used statewide to
21 register to vote, preregister to vote, and update voter registration
22 records. An applicant may use the application to register to vote, to
23 preregister to vote, or to update his or her voter registration
24 record with changes in his or her personal information or other
25 information related to his or her eligibility to vote. An applicant

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

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

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

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

24 (c) An applicant may deliver the application to the
25 office of the election commissioner or county clerk in person,

1 through a personal messenger or personal agent, or by mail;

2 (d) To vote at the polling place on election day, ~~the~~an
3 elector's completed application must be:

4 (i) Delivered by the applicant in person to the office of
5 the election commissioner or county clerk on or before the deadline
6 prescribed in section 32-302;

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

10 (iii) Postmarked on or before the third Friday before the
11 election if the application is submitted by mail; ~~and~~

12 (e) The election commissioner or county clerk will, upon
13 receipt of an application for preregistration, send a confirmation of
14 registration to the applicant upon reaching the age of eligibility in
15 order to provide verification of his or her qualifications and
16 address under section 11 of this act, and after verification of his
17 or her qualifications and address, send an acknowledgement of
18 registration under section 32-322; and

19 ~~(e)-(f)~~ The election commissioner or county clerk will,
20 upon receipt of the application for registration from an elector,
21 send an acknowledgment of registration to the applicant indicating
22 whether the application is proper or not.

23 Sec. 7. Section 32-312, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 32-312 The registration application prescribed by the

1 Secretary of State pursuant to section 32-311.01 shall provide the
2 instructional statements and request the information from the
3 applicant as provided in this section.

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

7 WARNING—"If you checked 'no' in response to this
8 question, do not complete this application.".

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 the
11 first Monday of November of this year?" with boxes to check to
12 indicate whether or not the applicant will be eighteen years of age
13 or older on election day.

14 "Are you at least sixteen years of age and understand
15 that you must be eighteen years of age on or before election day to
16 vote?" with boxes to check to indicate whether or not the applicant
17 will be sixteen years of age and understands that the applicant must
18 be eighteen years of age or older on election day to be eligible to
19 vote.

20 WARNING—"If you checked 'no' in response to ~~either~~ both
21 of these questions, do not complete this application."

22 NAME—the name of the applicant giving the first and last
23 name in full, the middle name in full or the middle initial, and the
24 maiden name of the applicant, if applicable.

25 RESIDENCE—the name and number of the street, avenue, or

1 other location of the dwelling where the applicant resides if there
2 is a number. If the registrant resides in a hotel, apartment,
3 tenement house, or institution, such additional information shall be
4 included as will give the exact location of such registrant's place
5 of residence. If the registrant lives in an incorporated or
6 unincorporated area not identified by the use of roads, road names,
7 or house numbers, the registrant shall state the section, township,
8 and range of his or her residence and the corporate name of the
9 school district as described in section 79-405 in which he or she is
10 located.

11 POSTAL ADDRESS—the address at which the applicant
12 receives mail if different from the residence address.

13 ADDRESS OF LAST REGISTRATION—the name and number of the
14 street, avenue, or other location of the dwelling from which the
15 applicant last registered.

16 TELEPHONE NUMBERS—the telephone number of the applicant
17 at work and at home. At the request of the applicant, a designation
18 shall be made that the telephone number is an unlisted number, and
19 such designation shall preclude the listing of the applicant's
20 telephone number on any list of voter registrations.

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

25 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL

1 SECURITY NUMBER—if the applicant has a Nebraska driver's license, the
2 license number, and if the applicant does not have a Nebraska
3 driver's license, the last four digits of the applicant's social
4 security number.

5 DATE OF APPLICATION FOR REGISTRATION—the month, day, and
6 year when the applicant presented himself or herself for registration
7 or when the applicant completed and signed the registration
8 application if the application was submitted by mail or delivered to
9 the election official by the applicant's personal messenger or
10 personal agent.

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

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

18 REGISTRATION TAKEN BY—show the signature of the
19 authorized official or staff member accepting the application
20 pursuant to section 32-309 or 32-310 or at least one of the deputy
21 registrars taking the application pursuant to section 32-306, if
22 applicable.

23 PARTY AFFILIATION—show the party affiliation of the
24 applicant as Democrat, Republican, or Other or show no party
25 affiliation as Nonpartisan. (Note: If you wish to vote in both

1 partisan and nonpartisan primary elections for state and local
2 offices, you must indicate a political party affiliation on the
3 registration application. If you register without a political party
4 affiliation (nonpartisan), you will receive only the nonpartisan
5 ballots for state and local offices at primary elections. If you
6 register without a political party affiliation, you may vote in
7 partisan primary elections for congressional offices.)

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

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

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

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

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

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

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

23 Any registrant who signs this application knowing that
24 any of the information in the application is false shall be guilty of
25 a Class IV felony under section 32-1502 of the statutes of Nebraska.

1 The penalty for a Class IV felony is up to five years imprisonment, a
2 fine of up to ten thousand dollars, or both.

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

5 Sec. 8. Section 32-312.05, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-312.05 (1) Except as otherwise provided in subsection
8 (2) of this section, the ~~The~~ date that a person's voter registration
9 record or an update of his or her voter registration record becomes
10 effective is the date the person presented himself or herself in
11 person to register, the date the registration application was
12 delivered to the election commissioner or county clerk, or the date
13 the registration application was received by the election
14 commissioner or county clerk if the person submitted the registration
15 application by mail.

16 (2) For a person who preregisters to vote pursuant to
17 section 11 of this act, the date that such person's voter
18 registration record, or any update of his or her voter registration
19 record prior to becoming eligible to vote, becomes effective is (a)
20 January 1 of the year during which such person is seventeen years old
21 and will attain the age of eighteen years on or before the first
22 Tuesday after the first Monday in November of such year if he or she
23 verifies his or her qualifications and address as provided in such
24 preregistration pursuant to section 11 of this act or (b) his or her
25 eighteenth birthday for any such person who attains the age of

1 eighteen years after the first Tuesday after the first Monday in
2 November and on or before the following January 1 and who verifies
3 his or her qualifications and address as provided in such
4 preregistration pursuant to section 11 of this act.

5 Sec. 9. Section 32-318.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-318.01 (1)(a) Except as provided by subsection (2) of
8 this section, a person who registers or preregisters to vote by mail
9 after January 1, 2003, and has not previously voted in an election
10 within the state shall present a photographic identification which is
11 current and valid or a copy of a utility bill, bank statement,
12 government check, paycheck, or other government document which is
13 dated within the sixty days immediately prior to the date of
14 presentation and which shows the same name and residence address of
15 the person provided on the registration application in order to avoid
16 identification requirements at the time of voting pursuant to section
17 32-914 or 32-947.

18 (b) Such documentation may be presented at the time of
19 application for registration, after submission of the application for
20 registration, or at the time of voting. The documentation must be
21 received by the election commissioner or county clerk not later than
22 6 p.m. on the second Friday preceding the election to avoid
23 additional identification requirements at the time of voting at the
24 polling place if the voter votes in person. If the voter is voting
25 using a ballot for early voting, the documentation must be received

1 by the election commissioner or county clerk prior to the date on
2 which the ballot is mailed to the voter to avoid additional
3 identification requirements at the time of voting. Documentation
4 received after the ballot has been mailed to the voter but not later
5 than 8 p.m. on election day will be considered timely for purposes of
6 determining the applicant's eligibility to vote in the election.

7 (c) Such documentation may be presented in person, by
8 mail, or by facsimile transmission.

9 (d) Failure to present such documentation may result in
10 the ballot not being counted pursuant to verification procedures
11 prescribed in sections 32-1002 and 32-1027.

12 (2) A person who registers or preregisters to vote by
13 mail after January 1, 2003, and has not previously voted in an
14 election within the state shall not be required to present
15 identification if he or she:

16 (a) Has provided his or her Nebraska driver's license
17 number or the last four digits of his or her social security number
18 and the election commissioner or county clerk verifies the number
19 provided pursuant to subsection (2) of section 32-312.03;

20 (b) Is a member of the armed forces of the United States
21 who by reason of active duty is absent from his or her place of
22 residence where the member is otherwise eligible to vote;

23 (c) Is a member of the United States Merchant Marine who
24 by reason of service is away from his or her place of residence where
25 the member is otherwise eligible to vote;

1 (d) Is a spouse or dependent of a member of the armed
2 forces of the United States or United States Merchant Marine who is
3 absent from his or her place of residence due to the service of that
4 member;

5 (e) Resides outside the United States and but for such
6 residence would be qualified to vote in the state if the state was
7 the last place in which the person was domiciled before leaving the
8 United States; or

9 (f) Is elderly or handicapped and has requested to vote
10 by alternative means other than by casting a ballot at his or her
11 polling place on election day.

12 Sec. 10. Section 32-320, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-320 The only mail-in forms which may be used to
15 register or preregister to vote shall be the official registration
16 application prescribed by the Secretary of State or the national mail
17 voter registration application prescribed by the federal Election
18 Assistance Commission. The Secretary of State shall provide such
19 official registration applications to all recruitment offices of the
20 United States Armed Forces in the State of Nebraska. The counties and
21 state agencies listed in section 32-310 shall purchase such official
22 registration applications from the Secretary of State. The Secretary
23 of State shall remit proceeds from the sale of such applications to
24 the State Treasurer for credit to the Election Administration Fund.

25 Sec. 11. (1) A person who is sixteen years of age or who

1 is seventeen years of age and will not attain the age of eighteen
2 years on or before the first Tuesday after the first Monday in
3 November of the then current calendar year and who is otherwise
4 qualified to register to vote may preregister to vote and shall be
5 automatically registered to vote upon reaching the age of eligibility
6 after verification of his or her qualifications and address as
7 provided in this section.

8 (2) Any person described in subsection (1) of this
9 section may request a voter registration application from the office
10 of the Secretary of State or the election commissioner or county
11 clerk. The Secretary of State and the election commissioner or county
12 clerk shall make registration applications prescribed by the
13 Secretary of State available and may place the applications in public
14 places. The Secretary of State and the election commissioner or
15 county clerk may require that all unused applications be returned to
16 his or her office and may place reasonable limits on the amount of
17 applications requested.

18 (3) If such person returns the completed application to
19 the office of the Secretary of State, the office shall deliver the
20 application to the election commissioner or county clerk of the
21 county in which the person resides not later than ten days after
22 receipt by the office.

23 (4) Two weeks prior to the projected effective date of a
24 person's voter registration pursuant to subsection (2) of section
25 32-312.05, the election commissioner or county clerk shall send a

1 confirmation of registration to such person requesting that the
2 person verify his or her qualifications and address as submitted in
3 the application for preregistration. With such mailing, the election
4 commissioner or county clerk shall include written notice to any
5 applicant whose registration application was found to be incorrect or
6 incomplete and shall state the specific reason for rejection. If the
7 application is incomplete, the election commissioner or county clerk
8 shall notify the applicant of the failure to provide the required
9 information, including failure to provide identification if required,
10 and provide the applicant with the opportunity to submit an
11 identification document as described in section 32-318.01 prior to
12 the deadline for voter registration or to complete and submit a
13 corrected registration application in a timely manner to allow for
14 the proper registration of the applicant prior to the next election.
15 All postage costs related to returning registration applications to
16 the election commissioner or county clerk shall be paid by the
17 registrant.

18 (5) Upon receipt by the election commissioner or county
19 clerk of a complete and correct registration application showing that
20 the registrant is qualified to be a registered voter pursuant to
21 sections 32-312.01 to 32-312.05 and a confirmation of registration
22 pursuant to subsection (4) of this section, the registrant shall be a
23 registered voter and the election commissioner or county clerk shall
24 send, by nonforwardable first-class mail, an acknowledgment of
25 registration to the registrant at the postal address shown on the

1 registration application. If an acknowledgment of registration is
2 returned as undeliverable, a second nonforwardable first-class
3 mailing shall be attempted. If a registration application is a
4 duplicate of a registration already on file, the registrant shall be
5 so notified.

6 (6)(a) A registration application completed and signed by
7 a person described in subsection (1) of this section seeking to
8 update his or her voter registration record shall be completed in
9 person at or delivered or mailed to the office of the election
10 commissioner or county clerk. To avoid additional requirements at the
11 polling place pursuant to section 32-914.01, 32-914.02, or 32-915, an
12 application to update a voter registration record must be:

13 (i) Completed or delivered by the applicant in person at
14 the office of the election commissioner or county clerk on or before
15 the deadline prescribed in section 32-302; or

16 (ii) Delivered by a personal messenger or personal agent
17 or mailed so that it is received by the election commissioner or
18 county clerk on or before the deadline prescribed in section 32-321.

19 (b) After verifying the signature on the previous
20 preregistration application of such person, the election commissioner
21 or county clerk shall make the change of name, party affiliation, or
22 address on all pertinent election records. The election commissioner
23 or county clerk shall send a confirmation and an acknowledgment card
24 to the registered voter as provided in subsections (4) and (5) of
25 this section indicating that the change of registration has been

1 completed and shall include the address of the registered voter's new
2 polling place.

3 Sec. 12. Section 32-326, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-326 The election commissioner or county clerk shall
6 remove the name of a registered voter or the name of a person who has
7 preregistered from the voter registration register and cancel the
8 registration of such ~~voter person~~ if:

9 (1) The election commissioner or county clerk has
10 received information that the ~~voter person~~ is deceased;

11 (2) The ~~voter person~~ requests in writing that his or her
12 name be removed;

13 (3) The election commissioner or county clerk has
14 received information that the ~~voter person~~ has moved from the address
15 at which he or she is registered or preregistered to vote from the
16 National Change of Address program of the United States Postal
17 Service pursuant to section 32-329 and the ~~voter person~~ has not
18 responded to a confirmation notice sent pursuant to section 32-329
19 and has not voted or offered to vote at any election held prior to
20 and including the second statewide federal general election following
21 the mailing of the confirmation notice;

22 (4) The election commissioner or county clerk has
23 received information that the ~~registrant person~~ has moved out of the
24 state and has registered to vote or voted in another territory or
25 state pursuant to section 32-314; or

1 (5) The ~~voter~~person has become ineligible to vote as
2 provided in section 32-313.

3 Sec. 13. Section 60-484, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 60-484 (1)(a) This subsection applies until the
6 implementation date designated by the director on or before January
7 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's
8 License Act, no resident of the State of Nebraska shall operate a
9 motor vehicle upon the alleys or highways of this state until the
10 person has obtained an operator's license for that purpose.

11 (b) Application for an operator's license or a state
12 identification card shall be made in a manner prescribed by the
13 department. Such application may be made to department personnel in
14 any county. Department personnel shall conduct the examination of the
15 applicant and deliver to each successful applicant an issuance
16 certificate containing the statements made pursuant to subdivision
17 (c) of this subsection.

18 (c) The applicant (i) shall provide his or her full legal
19 name, date of birth, mailing address, gender, race or ethnicity, and
20 social security number, two forms of proof of address of his or her
21 principal residence unless the applicant is a program participant
22 under the Address Confidentiality Act, evidence of identity as
23 required by subdivision (1)(f) of this subsection, and a brief
24 physical description of himself or herself, (ii) may complete the
25 voter registration portion pursuant to section 32-308, (iii) shall be

1 provided the advisement language required by subsection (5) of
2 section 60-6,197, (iv) shall answer the following:

3 (A) Have you within the last three months (e.g. due to
4 diabetes, epilepsy, mental illness, head injury, stroke, heart
5 condition, neurological disease, etc.):

6 (I) lost voluntary control or consciousness ... yes ...
7 no

8 (II) experienced vertigo or multiple episodes of
9 dizziness or fainting ... yes ... no

10 (III) experienced disorientation ... yes ... no

11 (IV) experienced seizures ... yes ... no

12 (V) experienced impairment of memory, memory loss ...
13 yes ... no

14 Please explain:

15 (B) Do you experience any condition which affects your
16 ability to operate a motor vehicle? (e.g. due to loss of, or
17 impairment of, foot, leg, hand, arm; neurological or neuromuscular
18 disease, etc.) ... yes ... no

19 Please explain:

20 (C) Since the issuance of your last driver's license/
21 permit, has your health or medical condition changed or worsened? ...
22 yes ... no

23 Please explain, including how the above affects your
24 ability to drive:, and (v) may answer the
25 following:

1 (A) Do you wish to register to vote or preregister to
2 vote as part of this application process?

3 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
4 FOLLOWING QUESTIONS:

5 (B) Do you wish to be an organ and tissue donor?

6 (C) Do you wish to receive any additional specific
7 information regarding organ and tissue donation and the Donor
8 Registry of Nebraska?

9 (D) Do you wish to donate \$1 to promote the Organ and
10 Tissue Donor Awareness and Education Fund?

11 (d) Application for an operator's license or state
12 identification card shall include a signed oath, affirmation, or
13 declaration of the applicant that the information provided on the
14 application for the license or card is true and correct.

15 (e) The social security number shall not be printed on
16 the operator's license or state identification card and shall be used
17 only (i) to furnish information to the United States Selective
18 Service System under section 60-483, (ii) with the permission of the
19 director in connection with the verification of the status of an
20 individual's driving record in this state or any other state, (iii)
21 for purposes of child support enforcement pursuant to section
22 42-358.08 or 43-512.06, (iv) to furnish information regarding an
23 applicant for or holder of a commercial driver's license with a
24 hazardous materials endorsement to the Transportation Security
25 Administration of the United States Department of Homeland Security

1 or its agent, or (v) to furnish information to the Department of
2 Revenue under section 77-362.02.

3 (f)(i) Each individual applying for an operator's license
4 or a state identification card shall furnish proof of date of birth
5 and identity with documents containing a photograph or with nonphoto
6 identity documents which include his or her full legal name and date
7 of birth. Such documents shall include, but not be limited to, any
8 valid Nebraska operator's license or Nebraska state identification
9 card, a valid operator's license or identification card from another
10 state or jurisdiction of the United States, a certified birth
11 certificate, a valid United States passport, or any other United
12 States-based identification as approved by the director.

13 (ii) Any individual under the age of eighteen years
14 applying for an operator's license or a state identification card
15 shall provide a certified copy of his or her birth certificate or, if
16 such individual is unable to provide a certified copy of his or her
17 birth certificate, other reliable proof of his or her identity and
18 age, as required in subdivision (1)(f)(i) of this section,
19 accompanied by a certification signed by a parent or guardian
20 explaining the inability to produce a copy of such birth certificate.
21 The applicant also may be required to furnish proof to department
22 personnel that the parent or guardian signing the certification is in
23 fact the parent or guardian of such applicant.

24 (iii) An applicant may present other documents as proof
25 of identification and age designated by the director. Any documents

1 accepted shall be recorded according to a written exceptions process
2 established by the director.

3 (2)(a) This subsection applies beginning on an
4 implementation date designated by the director on or before January
5 1, 2014. Except as otherwise provided in the Motor Vehicle Operator's
6 License Act, no resident of the State of Nebraska shall operate a
7 motor vehicle upon the alleys or highways of this state until the
8 person has obtained an operator's license for that purpose.

9 (b) Application for an operator's license or a state
10 identification card shall be made in a manner prescribed by the
11 department. Such application may be made to department personnel in
12 any county. Department personnel shall conduct the examination of the
13 applicant and deliver to each successful applicant an issuance
14 certificate containing the statements made pursuant to subdivision
15 (c) of this subsection.

16 (c) The applicant shall provide his or her full legal
17 name, date of birth, mailing address, gender, race or ethnicity, and
18 social security number, two forms of proof of address of his or her
19 principal residence unless the applicant is a program participant
20 under the Address Confidentiality Act, evidence of identity as
21 required by subdivision (2)(f) of this subsection, and a brief
22 physical description of himself or herself. The applicant (i) may
23 also complete the voter registration portion pursuant to section
24 32-308, (ii) shall be provided the advisement language required by
25 subsection (5) of section 60-6,197, (iii) shall answer the following:

1 (A) Have you within the last three months (e.g. due to
2 diabetes, epilepsy, mental illness, head injury, stroke, heart
3 condition, neurological disease, etc.):

4 (I) lost voluntary control or consciousness ... yes ...
5 no

6 (II) experienced vertigo or multiple episodes of
7 dizziness or fainting ... yes ... no

8 (III) experienced disorientation ... yes ... no

9 (IV) experienced seizures ... yes ... no

10 (V) experienced impairment of memory, memory loss ...
11 yes ... no

12 Please explain:

13 (B) Do you experience any condition which affects your
14 ability to operate a motor vehicle? (e.g. due to loss of, or
15 impairment of, foot, leg, hand, arm; neurological or neuromuscular
16 disease, etc.) ... yes ... no

17 Please explain:

18 (C) Since the issuance of your last driver's license/
19 permit, has your health or medical condition changed or worsened? ...
20 yes ... no

21 Please explain, including how the above affects your
22 ability to drive:, and (iv) may answer the
23 following:

24 (A) Do you wish to register to vote or preregister to
25 vote as part of this application process?

1 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
2 FOLLOWING QUESTIONS:

3 (B) Do you wish to be an organ and tissue donor?

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

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

9 (d) Application for an operator's license or state
10 identification card shall include a signed oath, affirmation, or
11 declaration of the applicant that the information provided on the
12 application for the license or card is true and correct.

13 (e) The social security number shall not be printed on
14 the operator's license or state identification card and shall be used
15 only (i) to furnish information to the United States Selective
16 Service System under section 60-483, (ii) with the permission of the
17 director in connection with the verification of the status of an
18 individual's driving record in this state or any other state, (iii)
19 for purposes of child support enforcement pursuant to section
20 42-358.08 or 43-512.06, (iv) to furnish information regarding an
21 applicant for or holder of a commercial driver's license with a
22 hazardous materials endorsement to the Transportation Security
23 Administration of the United States Department of Homeland Security
24 or its agent, or (v) to furnish information to the Department of
25 Revenue under section 77-362.02.

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

7 (ii) Any individual under the age of eighteen years
8 applying for an operator's license or a state identification card
9 shall provide a certified copy of his or her birth certificate or, if
10 such individual is unable to provide a certified copy of his or her
11 birth certificate, other reliable proof of his or her identity and
12 age, as required in subdivision (2)(f)(i) of this section,
13 accompanied by a certification signed by a parent or guardian
14 explaining the inability to produce a copy of such birth certificate.
15 The applicant also may be required to furnish proof to department
16 personnel that the parent or guardian signing the certification is in
17 fact the parent or guardian of such applicant.

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

22 (g) No person shall be a holder of an operator's license
23 and a state identification card at the same time.

24 Sec. 14. Section 60-4,120, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 60-4,120 (1) Except as provided in subsection (4) of this
2 section for persons temporarily out of the state, any person duly
3 licensed or holding a valid state identification card issued under
4 the Motor Vehicle Operator's License Act who loses his or her
5 operator's license or card may make application to the department
6 reporting such loss and furnishing proof of identification in
7 accordance with section 60-484. The department shall cause to be
8 issued, upon the payment of the fee prescribed in section 60-4,115, a
9 duplicate license or card. Upon the issuance of any duplicate or
10 replacement license or card, the license or card from which the
11 duplicate or replacement is issued shall be void.

12 (2) If any person changes his or her name because of
13 marriage or divorce or by court order or a common-law name change, he
14 or she shall apply to the department for a replacement operator's
15 license or state identification card and furnish proof of
16 identification in accordance with section 60-484. If any person
17 changes his or her address, the person shall apply to the department
18 for a replacement operator's license or state identification card and
19 furnish satisfactory evidence of such change. The application shall
20 be made within sixty days after the change of name or address. The
21 license or card shall be issued upon payment of the fee prescribed in
22 section 60-4,115.

23 (3) In the event a mutilated and unreadable operator's
24 license is held by any person duly licensed under the act or a
25 mutilated and unreadable state identification card which was issued

1 under the act is held by a person, such person may obtain a
2 replacement license or card upon showing the original mutilated or
3 unreadable license or card to the department. A replacement license
4 or card may be issued, without a photograph, to any person who is out
5 of the state at the time of application for the replacement license
6 or card. Such license or card shall state on its face that it shall
7 become invalid thirty days after such person resumes residence in the
8 state. If the department is satisfied that the license or card is
9 mutilated or unreadable, the department shall cause to be issued,
10 upon the payment of the fee prescribed in section 60-4,115, a
11 replacement license or card.

12 (4) If any person duly licensed under the act loses his
13 or her operator's license or if any holder of a state identification
14 card loses his or her card while temporarily out of the state, he or
15 she may make application to the department for a duplicate operator's
16 license or card without a photograph by applying to the department
17 and reporting such loss. Upon receipt of a correctly completed
18 application, the department shall cause to be issued, upon the
19 payment of the fee prescribed in section 60-4,115, a duplicate
20 operator's license or card without a photograph. Upon the issuance of
21 the duplicate, the original license or card shall be void.

22 (5) Any person holding a valid operator's license or
23 state identification card without a photograph shall surrender such
24 license or card to the department within thirty days after resuming
25 residency in this state. After the thirty-day period, such license or

1 card shall be considered invalid. Upon the timely surrender of the
2 license or card and payment of the fee prescribed in section
3 60-4,115, such person shall be issued an operator's license or card
4 with a color photograph or digital image of the licensee included.

5 (6) An application form for a replacement or duplicate
6 operator's license or state identification card shall include a voter
7 registration portion pursuant to section 32-308 and the following
8 specific question: Do you wish to register to vote or preregister to
9 vote as part of this application process?

10 (7) An applicant may obtain a replacement or duplicate
11 operator's license or state identification card pursuant to
12 subsection (1), (3), or (4) of this section by electronic means in a
13 manner prescribed by the department. If the applicant has a digital
14 image and digital signature preserved in the digital system, the
15 replacement or duplicate shall be issued with the preserved digital
16 image and digital signature.

17 Sec. 15. Section 60-4,130, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-4,130 (1) Application for an employment driving permit
20 shall be made to the Department of Motor Vehicles on forms furnished
21 for that purpose by the department. The application form shall
22 contain such information as deemed necessary by the director to carry
23 out this section and section 60-4,129. If the department has a
24 digital image and digital signature of the applicant preserved in the
25 digital system implemented under section 60-484.01, the employment

1 driving permit, if issued, may contain such image and signature. The
2 application form shall also include a voter registration portion
3 pursuant to section 32-308 and the following specific question: Do
4 you wish to register to vote or preregister to vote as part of this
5 application process? To be eligible for an employment driving permit,
6 the applicant shall furnish, along with the application to the
7 director, the following:

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

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

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

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

20 (2) Except as otherwise provided in this subsection, upon
21 making application for such permit, the applicant shall certify that
22 he or she will attend and complete, within sixty days, a driver
23 improvement course presented by the department or show successful
24 completion of the driver education and training course as provided in
25 section 60-4,183. If such course is not completed, the employment

1 driving permit shall be surrendered to the department. If any person
2 fails to return to the department the permit as provided in this
3 subsection, the department shall direct any peace officer or
4 authorized representative of the department to secure possession of
5 the permit and to return the permit to the department. An applicant
6 whose operator's license has been suspended pursuant to section
7 43-3318 is not required to fulfill such driver improvement or
8 education and training course requirements. All applicants shall file
9 and maintain proof of financial responsibility as required by the
10 Motor Vehicle Safety Responsibility Act.

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

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

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

25 (6) Any person who feels himself or herself aggrieved

1 because of the refusal of the director to issue the employment
2 driving permit may appeal in the manner set forth in section
3 60-4,105.

4 Sec. 16. Section 60-4,130.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

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

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

25 (b) An affidavit stating that there exists no other

1 reasonable alternative means of transportation to and from the site
2 of medical treatment available to the applicant.

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

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

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

15 (5) Any person who feels himself or herself aggrieved
16 because of the refusal of the director to issue the medical hardship
17 driving permit may appeal in the manner set forth in section
18 60-4,105.

19 Sec. 17. Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
20 14, 15, 16, and 18 of this act become operative on January 1, 2014.
21 The other sections of this act become operative three calendar months
22 after the adjournment of this legislative session.

23 Sec. 18. Original sections 32-308, 32-311, 32-311.01,
24 32-312.05, 32-318.01, 32-320, 32-326, 60-4,130, and 60-4,130.02,
25 Reissue Revised Statutes of Nebraska, and sections 32-101, 32-310,

1 32-312, 60-484, and 60-4,120, Revised Statutes Cumulative Supplement,
2 2012, are repealed.

3 Sec. 19. Original section 32-301, Reissue Revised
4 Statutes of Nebraska, is repealed.