

AMENDMENTS TO LB1065

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

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

5 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
6 known and may be cited as the Election Act.

7 Sec. 2. (1) It is the intent of the Legislature to permit the use
8 of electronic poll books beginning July 1, 2019, for purposes of
9 deterring and detecting voter fraud, improving and modernizing election
10 procedures, and safeguarding voter confidence.

11 (2) Beginning July 1, 2019, the electronic poll books for a precinct
12 shall contain the list of registered voters and the sign-in register for
13 the precinct combined in one data base and shall include the registration
14 information, the available digital images, and the digital signatures for
15 the registered voters of the precinct.

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

18 32-301 (1) The Secretary of State shall implement, in a uniform and
19 nondiscriminatory manner, a single, uniform, official, centralized,
20 interactive computerized statewide voter registration list defined,
21 maintained, and administered at the office of the Secretary of State that
22 contains the name and registration information of every legally
23 registered voter in the state and assigns a unique identifier to each
24 legally registered voter in the state. Beginning July 1, 2019, the
25 computerized list shall contain the digital image and digital signature
26 of every registered voter who has a digital image and digital signature
27 in the data base of the Department of Motor Vehicles available to the

1 Secretary of State pursuant to section 32-308. The computerized list
2 shall serve as the single system for storing and managing the official
3 list of registered voters throughout the state and shall comprise the
4 voter registration register. The computerized list shall be coordinated
5 with other agency data bases within the state and shall be available for
6 electronic access by election commissioners and county clerks. The
7 computerized list shall serve as the official voter registration list for
8 the conduct of all elections under the Election Act and beginning July 1,
9 2019, shall be the basis for electronic poll books at each precinct if
10 applicable. The Secretary of State shall provide such support as may be
11 required so that election commissioners and county clerks are able to
12 electronically enter voter registration information obtained by such
13 officials on an expedited basis at the time the information is received.
14 The Secretary of State shall provide adequate technological security
15 measures to prevent unauthorized access to the computerized list.

16 (2) The election commissioner or county clerk shall provide for the
17 registration of the electors of the county. Upon receipt of a voter
18 registration application in his or her office from an eligible elector,
19 the election commissioner or county clerk shall enter the information
20 from the application in the voter registration register and may create an
21 electronic image, photograph, microphotograph, or reproduction in an
22 electronic digital format to be used as the voter registration record.
23 The election commissioner or county clerk shall provide a precinct list
24 of registered voters for each precinct for the use of judges and clerks
25 of election in their respective precincts on election day. Beginning July
26 1, 2019, the election commissioner or county clerk may provide an
27 electronic poll book as described in section 2 of this act to meet the
28 requirements for a precinct list of registered voters. ~~An electronically~~
29 ~~prepared list of registered voters in a form prescribed by the Secretary~~
30 ~~of State shall meet the requirements for a precinct list of registered~~
31 ~~voters.~~

1 (3) The digital image and digital signature in the possession of the
2 Secretary of State, the election commissioner, or the county clerk shall
3 not be public records as defined in section 84-712.01 and are not subject
4 to disclosure under sections 84-712 to 84-712.09.

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

7 32-304 (1) The Secretary of State in conjunction with the Department
8 of Motor Vehicles shall, ~~on or before September 1, 2015, develop and~~
9 ~~implement a registration application process which may be used statewide~~
10 ~~to register to vote and update voter registration records electronically~~
11 ~~using the Secretary of State's web site. An applicant who has a valid~~
12 ~~Nebraska motor vehicle operator's license or state identification card~~
13 ~~may use the application process to register to vote or to update his or~~
14 ~~her voter registration record with changes in his or her personal~~
15 ~~information or other information related to his or her eligibility to~~
16 ~~vote. For each electronic application, the Secretary of State shall~~
17 ~~obtain a copy of the electronic representation of the applicant's~~
18 ~~signature and, beginning July 1, 2019, the applicant's digital image if~~
19 ~~available, from the Department of Motor Vehicles' records of his or her~~
20 ~~motor vehicle operator's license or state identification card for~~
21 ~~purposes of voter registration and electronic poll books.~~

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

24 (a) An applicant who submits this application electronically is
25 affirming that the information in the application is true. Any applicant
26 who submits this application electronically 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 years imprisonment and twelve months post-
30 release supervision, a fine of up to ten thousand dollars, or both;

31 (b) An applicant who submits this application electronically is

1 agreeing to the use of his or her digital signature and, beginning July
2 1, 2019, his or her digital image, from the Department of Motor Vehicles'
3 records of his or her motor vehicle operator's license or state
4 identification card for purposes of voter registration;

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

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

11 Sec. 5. Section 32-308, Reissue Revised Statutes of Nebraska, is
12 amended to read:

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

24 (2) The Department of Motor Vehicles, with the assistance of the
25 Secretary of State, shall prescribe a voter registration application
26 which may be used to register to vote or change his or her address for
27 voting purposes at the same time an elector applies for an original or
28 renewal motor vehicle operator's license, an original or renewal state
29 identification card, or a replacement thereof. The voter registration
30 application shall contain the information required pursuant to section
31 32-312 and shall be designed so that it does not require the duplication

1 of information in the application for the motor vehicle operator's
2 license or state identification card, except that it may require a second
3 signature of the applicant. The department and the Secretary of State
4 shall make the voter registration application available to any person
5 applying for an operator's license or state identification card. The
6 application shall be completed at the office of the department by the
7 close of business on the third Friday preceding any election to be
8 registered to vote at such election. A registration application received
9 after the deadline shall not be processed by the election commissioner or
10 county clerk until after the election.

11 (3) The Department of Motor Vehicles, in conjunction with the
12 Secretary of State, shall ~~develop a process to~~ electronically transmit
13 voter registration application information received under subsection (2)
14 of this section to the election commissioner or county clerk of the
15 county in which the applicant resides within the time limits prescribed
16 in subsection (4) of this section. ~~The Director of Motor Vehicles shall~~
17 ~~designate an implementation date for the process which shall be on or~~
18 ~~before January 1, 2016.~~

19 (4) The voter registration application information shall be
20 transmitted to the election commissioner or county clerk of the county in
21 which the applicant resides not later than ten days after receipt, except
22 that if the voter registration application information is received within
23 five days prior to the third Friday preceding any election, it shall be
24 transmitted not later than five days after its original submission. Any
25 information on whether an applicant registers or declines to register and
26 the location of the office at which he or she registers shall be
27 confidential and shall only be used for voter registration purposes.

28 (5) For each voter registration application for which information is
29 transmitted electronically pursuant to this section, the Secretary of
30 State shall obtain a copy of the electronic representation of the
31 applicant's signature and digital image if available from the Department

1 of Motor Vehicles' records of his or her motor vehicle operator's license
2 or state identification card for purposes of voter registration and voter
3 identity verification. Each voter registration application electronically
4 transmitted under this section shall include information provided by the
5 applicant that includes whether the applicant is a citizen of the United
6 States, whether the applicant is of sufficient age to register to vote,
7 the applicant's residence address, the applicant's postal address if
8 different from the residence address, the date of birth of the applicant,
9 the party affiliation of the applicant or an indication that the
10 applicant is not affiliated with any political party, the applicant's
11 motor vehicle operator's license number, the applicant's previous
12 registration location by city, county, or state, if applicable, ~~and~~ the
13 applicant's signature, and the applicant's digital image if available.

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

18 Sec. 6. Section 32-309, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 ~~32-309 Upon receipt of a completed voter registration application~~
21 ~~under subsection (2) of section 32-308, any person who issues motor~~
22 ~~vehicle operators' licenses or state identification cards shall, until~~
23 ~~the implementation date designated by the Director of Motor Vehicles~~
24 ~~pursuant to subsection (3) of section 32-308, deliver the completed voter~~
25 ~~registration application to the election commissioner or county clerk of~~
26 ~~the county in which the person is located not later than ten days after~~
27 ~~receipt by the person, except that if the voter registration application~~
28 ~~is received within five days prior to the third Friday preceding any~~
29 ~~election, it shall be delivered not later than five days after its~~
30 ~~original filing date. The election commissioner or county clerk shall, if~~
31 ~~necessary, forward the voter registration application to the election~~

1 ~~commissioner or county clerk of the county in which the applicant resides~~
2 ~~within such prescribed time limits.~~ Any information on whether an
3 applicant registers or declines to register and the location of the
4 office at which he or she registers pursuant to section 32-308 shall be
5 confidential and shall only be used for voter registration purposes.

6 Sec. 7. Section 32-312, Revised Statutes Supplement, 2017, is
7 amended to read:

8 32-312 The registration application prescribed by the Secretary of
9 State pursuant to section 32-304 or 32-311.01 shall provide the
10 instructional statements and request the information from the applicant
11 as provided in this section.

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

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

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

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

24 RESIDENCE—the name and number of the street, avenue, or other
25 location of the dwelling where the applicant resides if there is a
26 number. If the registrant resides in a hotel, apartment, tenement house,
27 or institution, such additional information shall be included as will
28 give the exact location of such registrant's place of residence. If the
29 registrant lives in an incorporated or unincorporated area not identified
30 by the use of roads, road names, or house numbers, the registrant shall
31 state the section, township, and range of his or her residence and the

1 corporate name of the school district as described in section 79-405 in
2 which he or she is located.

3 POSTAL ADDRESS—the address at which the applicant receives mail if
4 different from the residence address.

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

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

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

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

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

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

30 DATE OF BIRTH—show the date of the applicant's birth. The applicant
31 shall be at least eighteen years of age or attain eighteen years of age

1 on or before the first Tuesday after the first Monday in November to have
2 the right to register and vote in any election in the present calendar
3 year.

4 REGISTRATION TAKEN BY—show the signature of the authorized official
5 or staff member accepting the application pursuant to section ~~32-309~~ or
6 32-310 or at least one of the deputy registrars taking the application
7 pursuant to section 32-306, if applicable.

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

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

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

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

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

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

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

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

31 Any registrant who signs this application knowing that any of the

1 information in the application is false shall be guilty of a Class IV
2 felony under section 32-1502 of the statutes of Nebraska. The penalty for
3 a Class IV felony is up to two years imprisonment and twelve months post-
4 release supervision, a fine of up to ten thousand dollars, or both.

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

7 Sec. 8. Section 32-315, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

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

19 32-318.01 (1)(a) Except as provided by subsection (2) of this
20 section, a person who registers to vote by mail after January 1, 2003,
21 and has not previously voted in an election within the state shall
22 confirm his or her address by presenting (i) present a photographic
23 identification which is current and valid and which shows the same name
24 and residence address of the person provided on the registration
25 application or (ii) a copy of a utility bill, bank statement, government
26 check, paycheck, or other government document which is dated within the
27 sixty days immediately prior to the date of presentation and which shows
28 the same name and residence address of the person provided on the
29 registration application, in order to avoid additional identification
30 requirements to provide address confirmation at the time of voting
31 pursuant to section 32-914 or 32-947.

1 (b) Such documentation may be presented at the time of application
2 for registration, after submission of the application for registration,
3 or at the time of voting. The documentation must be received by the
4 election commissioner or county clerk not later than 6 p.m. on the second
5 Friday preceding the election to avoid additional ~~identification~~
6 requirements to provide address confirmation at the time of voting at the
7 polling place if the voter votes in person. If the voter is voting using
8 a ballot for early voting, the documentation must be received by the
9 election commissioner or county clerk prior to the date on which the
10 ballot is mailed to the voter to avoid additional ~~identification~~
11 requirements to provide address confirmation at the time of voting.
12 Documentation received after the ballot has been mailed to the voter but
13 not later than 8 p.m. on election day will be considered timely for
14 purposes of determining the applicant's eligibility to vote in the
15 election.

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

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

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

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

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

31 (c) Is a member of the United States Merchant Marine who by reason

1 of service is away from his or her place of residence where the member is
2 otherwise eligible to vote;

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

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

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

12 Sec. 10. Section 32-321, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-321 (1) Any elector may request a voter registration application
15 from the office of the Secretary of State or the election commissioner or
16 county clerk. The Secretary of State and the election commissioner or
17 county clerk shall make registration applications prescribed by the
18 Secretary of State available and may place the applications in public
19 places. The Secretary of State and the election commissioner or county
20 clerk may require that all unused applications be returned to his or her
21 office and may place reasonable limits on the amount of applications
22 requested.

23 (2) If an elector returns the completed application to the office of
24 the Secretary of State or submits an application to the Secretary of
25 State pursuant to section 32-304, the office shall deliver the
26 application to the election commissioner or county clerk of the county in
27 which the elector resides not later than ten days after receipt by the
28 office, except that if the application is returned to the office or
29 submitted pursuant to section 32-304 within five days prior to the third
30 Friday preceding any election, it shall be delivered not later than five
31 days after the date it is returned. The deadline for returning a

1 completed application to the office of the Secretary of State or
2 submitting an application pursuant to section 32-304 is the close of
3 business on the third Friday preceding an election to be registered to
4 vote at such election. A registration application received after the
5 deadline shall not be processed by the election commissioner or county
6 clerk until after the election. The office of the Secretary of State
7 shall be a designated voter registration agency for purposes of section 7
8 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as
9 such section existed on March 11, 2008.

10 (3) If an elector mails the registration application to the election
11 commissioner or county clerk:

12 (a)(i) The application shall be postmarked on or before the third
13 Friday before the next election; or

14 (ii) The application shall be received not later than the second
15 Tuesday before the next election if the postmark is unreadable; and

16 (b) The application shall be processed by the election office as a
17 proper registration for the voter to be entitled to vote on the day of
18 the next election.

19 (4) If the registration application arrives after the registration
20 deadline, the application shall not be processed until after the
21 election. Written notice shall be given to any applicant whose
22 registration application failed to meet the registration deadline or was
23 found to be incorrect or incomplete and shall state the specific reason
24 for rejection. If the application is incomplete, the election
25 commissioner or county clerk shall notify the applicant of the failure to
26 provide the required information, including failure to provide
27 identification if required, and provide the applicant with the
28 opportunity to submit an address confirmation ~~identification~~ document as
29 described in section 32-318.01 prior to the deadline for voter
30 registration or to complete and submit a corrected registration
31 application in a timely manner to allow for the proper registration of

1 the applicant prior to the next election. All postage costs related to
2 returning registration applications to the election commissioner or
3 county clerk shall be paid by the registrant.

4 Sec. 11. Section 32-330, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-330 (1) Except as otherwise provided in subsection (3) of section
7 32-301, the voter registration register shall be a public record. Any
8 person may examine the register at the office of the election
9 commissioner or county clerk, but no person other than the election
10 commissioner, county clerk, or law enforcement shall be allowed to make
11 copies of the register. Copies of the register shall only be used for
12 list maintenance as provided in section 32-329 or law enforcement
13 purposes. The electronic records of the original voter registrations
14 created pursuant to section 32-301 may constitute the voter registration
15 register. The election commissioner or county clerk shall withhold
16 information in the register designated as confidential under section
17 32-331. No portion of the register made available to the public and no
18 list distributed pursuant to this section shall include the digital image
19 or digital signature of any voter.

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

30 (3) Any person who acquires a list of registered voters under
31 subsection (2) of this section shall take and subscribe to an oath in

1 substantially the following form:

2 I hereby swear that I will use the list of registered voters
3 of County, Nebraska, only for the purposes prescribed in section
4 32-330 and for no other purpose and that I will not permit the use or
5 copying of such list for unauthorized purposes.

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

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

9 (Signature of person acquiring list)

10 Subscribed and sworn to before me this day of 20.. .

11 (Name of officer)

12 (Official title of officer)

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

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

24 Sec. 12. Section 32-913, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-913 (1) The clerks of election shall have a list of registered
27 voters of the precinct and a sign-in register at the polling place on
28 election day. The list of registered voters shall be used for guidance on
29 election day and may be in the form of a computerized, typed, or
30 handwritten list or precinct registration cards. Registered voters of the
31 precinct shall place and record their signature in the sign-in register

1 before receiving any ballot. The list of registered voters and the sign-
2 in register may be combined into one document at the discretion of the
3 election commissioner or county clerk including beginning July 1, 2019,
4 by the use of an electronic poll book. If a combined document is used, a
5 clerk of election may list the names of the registered voters in a
6 separate book in the order in which they voted.

7 (2) Within twenty-four hours after the polls close in the precinct,
8 the precinct inspector or one of the judges of election shall deliver the
9 precinct list of registered voters and the precinct sign-in register to
10 the election commissioner or county clerk. The election commissioner or
11 county clerk shall file and preserve the list and register. No member of
12 a receiving board who has custody or charge of the precinct list of
13 registered voters and the precinct sign-in register shall permit the list
14 or register to leave his or her possession from the time of receipt until
15 he or she delivers them to another member of the receiving board or to
16 the precinct inspector or judge of election for delivery to the election
17 commissioner or county clerk.

18 Sec. 13. Section 32-915, Revised Statutes Supplement, 2017, is
19 amended to read:

20 32-915 (1) A person whose identity is questioned due to his or her
21 digital image in an electronic poll book, if used on or after July 1,
22 2019, whose name does not appear on the precinct list of registered
23 voters at the polling place for the precinct in which he or she resides,
24 whose name appears on the precinct list of registered voters at the
25 polling place for the precinct in which he or she resides at a different
26 residence address as described in section 32-914.02, or whose name
27 appears with a notation that he or she received a ballot for early voting
28 may vote a provisional ballot if he or she:

29 (a) Claims that he or she is a registered voter who has continuously
30 resided in the county in which the precinct is located since registering
31 to vote;

1 (b) Is not entitled to vote under section 32-914.01 or 32-914.02;

2 (c) Has not registered to vote or voted in any other county since
3 registering to vote in the county in which the precinct is located;

4 (d) Has appeared to vote at the polling place for the precinct to
5 which the person would be assigned based on his or her residence address;
6 and

7 (e) Completes and signs a registration application before voting;
8 and -

9 (f) If the clerk of election questioned the identity of the
10 registered voter due to the digital image in the electronic poll book,
11 claims that he or she is the registered voter listed in the electronic
12 poll book.

13 (2) A voter whose name appears on the precinct list of registered
14 voters for the polling place with a notation that the voter is required
15 to present address confirmation identification pursuant to section
16 32-318.01 but fails to present the address confirmation required by
17 section 32-318.01 identification may vote a provisional ballot if he or
18 she completes and signs a registration application before voting.

19 (3) Each person voting by provisional ballot shall enclose his or
20 her ballot in an envelope marked Provisional Ballot and shall, by signing
21 the certification on the front of the envelope or a separate form
22 attached to the envelope, certify to the following facts:

23 (a) I am a registered voter in County;

24 (b) My name or address did not correctly appear on the precinct list
25 of registered voters or my identity was questioned at the time of voting;

26 (c) I registered to vote on or about this date

27 (d) I registered to vote

28 in person at the election office or a voter registration site,

29 by mail,

30 by using the Secretary of State's web site,

31 through the Department of Motor Vehicles,

1 on a form through another state agency,
2 in some other way;

3 (e) I have not resided outside of this county or voted outside of
4 this county since registering to vote in this county;

5 (f) My current address is shown on the registration application
6 completed as a requirement for voting by provisional ballot; and

7 (g) I am eligible to vote in this election and I have not voted and
8 will not vote in this election except by this ballot.

9 (4) The voter shall sign the certification under penalty of election
10 falsification. The following statements shall be on the front of the
11 envelope or on the attached form: By signing the front of this envelope
12 or the attached form you are certifying to the information contained on
13 this envelope or the attached form under penalty of election
14 falsification. Election falsification is a Class IV felony and may be
15 punished by up to two years imprisonment and twelve months post-release
16 supervision, a fine of up to ten thousand dollars, or both.

17 (5) If the person's name does not appear on the precinct list of
18 registered voters for the polling place and the judge or clerk of
19 election determines that the person's residence address is located in
20 another precinct within the same county, the judge or clerk of election
21 shall direct the person to his or her correct polling place to vote.

22 Sec. 14. Section 32-947, Revised Statutes Supplement, 2017, is
23 amended to read:

24 32-947 (1) Upon receipt of an application or other request for a
25 ballot to vote early, the election commissioner or county clerk shall
26 determine whether the applicant is a registered voter and is entitled to
27 vote as requested. If the election commissioner or county clerk
28 determines that the applicant is a registered voter entitled to vote
29 early and the application was received not later than the close of
30 business on the second Friday preceding the election, the election
31 commissioner or county clerk shall deliver a ballot to the applicant in

1 person or by mail, postage paid. The election commissioner or county
2 clerk or any employee of the election commissioner or county clerk shall
3 write or cause to be affixed his or her customary signature or initials
4 on the ballot.

5 (2) An unsealed identification envelope shall be delivered with the
6 ballot, and upon the back of the envelope shall be printed a form
7 substantially as follows:

8 VOTER'S OATH

9 I, the undersigned voter, declare that the enclosed ballot or
10 ballots contained no voting marks of any kind when I received them, and I
11 caused the ballot or ballots to be marked, enclosed in the identification
12 envelope, and sealed in such envelope.

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

15 (a) I,, am a registered voter
16 in County;

17 (b) I reside in the State of Nebraska at

18 (c) I have voted the enclosed ballot and am returning it in
19 compliance with Nebraska law; and

20 (d) I have not voted and will not vote in this election except by
21 this ballot.

22 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
23 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
24 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
25 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE
26 MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND
27 DOLLARS, OR BOTH.

28 I also understand that failure to sign below will invalidate my
29 ballot.

30 Signature

31 (3) If the ballot and identification envelope will be returned by

1 mail or by someone other than the voter, the election commissioner or
2 county clerk shall include with the ballot an identification envelope
3 upon the face of which shall be printed the official title and post
4 office address of the election commissioner or county clerk.

5 (4) The election commissioner or county clerk shall also enclose
6 with the ballot materials:

7 (a) A registration application, if the election commissioner or
8 county clerk has determined that the applicant is not a registered voter
9 pursuant to section 32-945, with instructions that failure to return the
10 completed and signed application indicating the residence address as it
11 appears on the voter's request for a ballot to the election commissioner
12 or county clerk by the close of the polls on election day will result in
13 the ballot not being counted;

14 (b) A registration application and the oath pursuant to section
15 32-946, if the voter is without a residence address, with instructions
16 that the residence address of the voter shall be deemed that of the
17 office of the election commissioner or county clerk of the county of the
18 voter's prior residence and that failure to return the completed and
19 signed application and oath to the election commissioner or county clerk
20 by the close of the polls on election day will result in the ballot not
21 being counted; or

22 (c) Written instructions directing the voter to submit a copy of an
23 address confirmation ~~identification~~ document pursuant to section
24 32-318.01 if the voter is required to present such address confirmation
25 ~~identification~~ under such section and advising the voter that failure to
26 submit such address confirmation ~~identification~~ to the election
27 commissioner or county clerk by the close of the polls on election day
28 will result in the ballot not being counted.

29 (5) The election commissioner or county clerk may enclose with the
30 ballot materials a separate return envelope for the voter's use in
31 returning his or her identification envelope containing the voted ballot,

1 registration application, and other materials that may be required.

2 Sec. 15. Section 32-1002, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-1002 (1) As the ballots are removed from the ballot box pursuant
5 to sections 32-1012 to 32-1018, the receiving board shall separate the
6 envelopes containing the provisional ballots from the rest of the ballots
7 and deliver them to the election commissioner or county clerk.

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

12 (3) The election commissioner or county clerk shall also (a) verify
13 that such person has not voted anywhere else in the county or been issued
14 a ballot for early voting, (b) investigate whether any credible evidence
15 exists that the person was properly registered to vote in the county
16 before the deadline for registration for the election, (c) investigate
17 whether any information has been received pursuant to section 32-308,
18 ~~32-309~~, 32-310, or 32-324 that the person has resided, registered, or
19 voted in any other county or state since registering to vote in the
20 county, and (d) upon determining that credible evidence exists that the
21 person was properly registered to vote in the county, make the
22 appropriate changes to the voter registration register by entering the
23 information contained in the registration application completed by the
24 voter at the time of voting a provisional ballot.

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

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

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

31 (c) The voter has not voted anywhere else in the county or has not

1 otherwise voted early using a ballot for early voting;

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

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

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

12 (e) The certification on the front of the envelope or form attached
13 to the envelope is in the proper form and signed by the voter; ~~and~~ -

14 (f) If the voter voted provisionally under subdivision (1)(f) of
15 section 32-915, the voter appears before the election commissioner or
16 county clerk within seven days after election day and the voter's
17 identity is confirmed.

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

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

22 (b) Information has been received pursuant to section 32-308,
23 ~~32-309~~, 32-310, or 32-324 that the voter has resided, registered, or
24 voted in any other county or state since registering to vote in the
25 county in which he or she cast the provisional ballot;

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

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

31 (e) The residence address provided on the registration application

1 completed pursuant to subdivision (1)(e) of section 32-915 is in a
2 different county or in a different precinct than the county or precinct
3 in which the voter voted;

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

9 (g) The voter failed to complete and sign the certification on the
10 envelope or form attached to the envelope pursuant to subsection (3) of
11 section 32-915; or -

12 (h) If the voter voted provisionally under subdivision (1)(f) of
13 section 32-915, the voter fails to appear before the election
14 commissioner or county clerk within seven days after election day or the
15 voter's identity is not confirmed.

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

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

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

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

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

30 (8) The election commissioner or county clerk shall notify the
31 system administrator of the system created pursuant to section 32-202 as

1 to whether the ballot was counted and, if not, the reason the ballot was
2 not counted.

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

5 Sec. 16. Section 32-1027, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-1027 (1) The election commissioner or county clerk shall appoint
8 two or more registered voters to the counting board for early voting. One
9 registered voter shall be appointed from the political party casting the
10 highest number of votes for Governor or for President of the United
11 States in the county in the immediately preceding general election, and
12 one registered voter shall be appointed from the political party casting
13 the next highest vote for such office. The election commissioner or
14 county clerk may appoint additional registered voters to serve on the
15 counting board and may appoint registered voters to serve in case of a
16 vacancy among any of the members of the counting board. Such appointees
17 shall be balanced between the political parties and may include
18 registered voters unaffiliated with any political party. The counting
19 board may begin carrying out its duties not earlier than the second
20 Monday before the election and shall meet as directed by the election
21 commissioner or county clerk.

22 (2) The counting board shall place all identification envelopes in
23 order and shall review each returned identification envelope pursuant to
24 verification procedures prescribed in subsections (3) and (4) of this
25 section.

26 (3) In its review, the counting board shall determine if:

27 (a) The voter has provided his or her name, residence address, and
28 signature on the voter identification envelope;

29 (b) The ballot has been received from the voter who requested it and
30 the residence address is the same address provided on the voter's request
31 for a ballot for early voting, by comparing the information provided on

1 the identification envelope with information recorded in the record of
2 early voters or the voter's request;

3 (c) A completed and signed registration application has been
4 received from the voter by the deadline in section 32-302, 32-321, or
5 32-325 or by the close of the polls pursuant to section 32-945;

6 (d) An address confirmation ~~identification~~ document has been
7 received from the voter not later than the close of the polls on election
8 day if required pursuant to section 32-318.01; and

9 (e) A completed and signed registration application and oath has
10 been received from the voter by the close of the polls on election day if
11 required pursuant to section 32-946.

12 (4) On the basis of its review, the counting board shall determine
13 whether the ballot shall be counted or rejected as follows:

14 (a) A ballot received from a voter who was properly registered on or
15 prior to the deadline for registration pursuant to section 32-302 or
16 32-321 shall be accepted for counting without further review if:

17 (i) The name on the identification envelope appears to be that of a
18 registered voter to whom a ballot for early voting has been issued or
19 sent;

20 (ii) The residence address provided on the identification envelope
21 is the same residence address at which the voter is registered or is in
22 the same precinct and subdivision of a precinct, if any; and

23 (iii) The identification envelope has been signed by the voter;

24 (b) In the case of a ballot received from a voter who was not
25 properly registered prior to the deadline for registration pursuant to
26 section 32-302 or 32-321, the ballot shall be accepted for counting if:

27 (i) A valid registration application completed and signed by the
28 voter has been received by the election commissioner or county clerk
29 prior to the close of the polls on election day;

30 (ii) The name on the identification envelope appears to be that of
31 the person who requested the ballot;

1 (iii) The residence address provided on the identification envelope
2 and on the registration application is the same as the residence address
3 as provided on the voter's request for a ballot for early voting; and

4 (iv) The identification envelope has been signed by the voter;

5 (c) In the case of a ballot received from a voter without a
6 residence address who requested a ballot pursuant to section 32-946, the
7 ballot shall be accepted for counting if:

8 (i) The name on the identification envelope appears to be that of a
9 registered voter to whom a ballot has been sent;

10 (ii) A valid registration application completed and signed by the
11 voter, for whom the residence address is deemed to be the address of the
12 office of the election commissioner or county clerk pursuant to section
13 32-946, has been received by the election commissioner or county clerk
14 prior to the close of the polls on election day;

15 (iii) The oath required pursuant to section 32-946 has been
16 completed and signed by the voter and received by the election
17 commissioner or county clerk by the close of the polls on election day;
18 and

19 (iv) The identification envelope has been signed by the voter; and

20 (d) In the case of a ballot received from a registered voter
21 required to present address confirmation identification ~~identification~~ before voting
22 pursuant to section 32-318.01, the ballot shall be accepted for counting
23 if:

24 (i) The name on the identification envelope appears to be that of a
25 registered voter to whom a ballot has been issued or sent;

26 (ii) The residence address provided on the identification envelope
27 is the same address at which the voter is registered or is in the same
28 precinct and subdivision of a precinct, if any;

29 (iii) A copy of an address confirmation identification ~~identification~~ document
30 authorized in section 32-318.01 has been received by the election
31 commissioner or county clerk prior to the close of the polls on election

1 day; and

2 (iv) The identification envelope has been signed by the voter.

3 (5) In opening the identification envelope or the return envelope to
4 determine if registration applications, oaths, or identification
5 documents have been enclosed by the voters from whom they are required,
6 the counting board shall make a good faith effort to ensure that the
7 ballot remains folded and that the secrecy of the vote is preserved.

8 (6) The counting board may, on the second Monday before the
9 election, open all identification envelopes which are approved, and if
10 the signature of the election commissioner or county clerk or his or her
11 employee is on the ballot, the ballot shall be unfolded, flattened for
12 purposes of using the optical scanner, and placed in a sealed container
13 for counting as directed by the election commissioner or county clerk. At
14 the discretion of the election commissioner or county clerk, the counting
15 board may begin counting early ballots no earlier than twenty-four hours
16 prior to the opening of the polls on the day of the election.

17 (7) If an identification envelope is rejected, the counting board
18 shall not open the identification envelope. The counting board shall
19 write Rejected on the identification envelope and the reason for the
20 rejection. If the ballot is rejected after opening the identification
21 envelope because of the absence of the official signature on the ballot,
22 the ballot shall be reinserted in the identification envelope which shall
23 be resealed and marked Rejected, no official signature. The counting
24 board shall place the rejected identification envelopes and ballots in a
25 container labeled Rejected Ballots and seal it.

26 (8) As soon as all ballots have been placed in the sealed container
27 and rejected identification envelopes or ballots have been sealed in the
28 Rejected Ballots container, the counting board shall count the ballots
29 the same as all other ballots and an unofficial count shall be reported
30 to the election commissioner or county clerk. No results shall be
31 released prior to the closing of the polls on election day.

1 Sec. 17. Section 60-484.02, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-484.02 (1) Each applicant for an operator's license or state
4 identification card shall have his or her digital image captured. Digital
5 images shall be preserved for use as prescribed in the Election Act and
6 sections 60-4,119, 60-4,151, and 60-4,180. The images shall be used for
7 issuing operators' licenses and state identification cards. The images
8 may be retrieved only by the Department of Motor Vehicles for issuing
9 renewal and replacement operators' licenses and state identification
10 cards and may not be otherwise released except in accordance with
11 subsection (3) of this section.

12 (2) Upon application for an operator's license or state
13 identification card, each applicant shall provide his or her signature in
14 a form prescribed by the department. Digital signatures shall be
15 preserved for use on original, renewal, and replacement operators'
16 licenses and state identification cards and may not be otherwise released
17 except in accordance with subsection (3) ~~(4)~~ of this section.

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

31 (3) ~~(4)~~ No officer, employee, agent, or contractor of the department

1 or law enforcement officer shall release a digital image or a digital
2 signature except (a) to a federal, state, or local law enforcement
3 agency, a certified law enforcement officer employed in an investigative
4 position by a state or federal agency, or a driver licensing agency of
5 another state for the purpose of carrying out the functions of the agency
6 or assisting another agency in carrying out its functions upon the
7 verification of the identity of the person requesting the release of the
8 information and the verification of the purpose of the requester in
9 requesting the release or (b) to the office of the Secretary of State for
10 the purpose of voter registration and voter identity verification as
11 described in section 32-304, 32-308, or 32-1002 ~~32-309~~ upon the
12 verification of the identity of the person requesting the release of the
13 information and the verification of the purpose of the requester in
14 requesting the release. No employee or official in the office of the
15 Secretary of State shall release a digital image or a digital signature
16 except to a federal, state, or local law enforcement agency, a certified
17 law enforcement officer employed in an investigative position by a state
18 or federal agency, or a driver licensing agency of another state for the
19 purpose of carrying out the functions of the agency or assisting another
20 agency in carrying out its functions upon the verification of the
21 identity of the person requesting the release of the information and the
22 verification of the purpose of the requester in requesting the release.
23 Any officer, employee, agent, or contractor of the department, law
24 enforcement officer, or employee or official in the office of the
25 Secretary of State that knowingly discloses or knowingly permits
26 disclosure of a digital image or a digital signature in violation of this
27 section shall be guilty of a Class I misdemeanor.

28 Sec. 18. This act becomes operative on July 1, 2019.

29 Sec. 19. Original sections 32-101, 32-308, 32-309, 32-315,
30 32-318.01, 32-321, 32-330, 32-913, 32-1002, and 32-1027, Reissue Revised
31 Statutes of Nebraska, section 60-484.02, Revised Statutes Cumulative

- 1 Supplement, 2016, and sections 32-301, 32-304, 32-312, 32-915, and
- 2 32-947, Revised Statutes Supplement, 2017, are repealed.