

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1065

Introduced by Murante, 49.

Read first time January 17, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101,
2 32-308, 32-309, 32-315, 32-318.01, 32-321, 32-330, 32-913, 32-1002,
3 and 32-1027, Reissue Revised Statutes of Nebraska, section
4 60-484.02, Revised Statutes Cumulative Supplement, 2016, and
5 sections 32-301, 32-304, 32-312, 32-915, and 32-947, Revised
6 Statutes Supplement, 2017; to state intent; to provide for
7 electronic poll books; to permit confirmation of identity for
8 purposes of voting; to provide for obtaining, using, and protecting
9 digital images for purposes of voting; to clarify provisions
10 relating to address confirmation; to provide powers and duties; to
11 eliminate obsolete provisions; to harmonize provisions; and to
12 repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

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

3 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
4 known and may be cited as the Election Act.

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

9 (2) The electronic poll books for a precinct shall contain the list
10 of registered voters and the sign-in register for the precinct combined
11 in one data base and shall include the registration information, the
12 digital image, and the digital signature for the registered voters of the
13 precinct.

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

16 32-301 (1) The Secretary of State shall implement, in a uniform and
17 nondiscriminatory manner, a single, uniform, official, centralized,
18 interactive computerized statewide voter registration list defined,
19 maintained, and administered at the office of the Secretary of State that
20 contains the name, ~~and~~ registration information, digital image, and
21 digital signature of every legally registered voter in the state and
22 assigns a unique identifier to each legally registered voter in the
23 state. The computerized list shall serve as the single system for storing
24 and managing the official list of registered voters throughout the state
25 and shall comprise the voter registration register. The computerized list
26 shall be coordinated with other agency data bases within the state and
27 shall be available for electronic access by election commissioners and
28 county clerks. The computerized list shall serve as the official voter
29 registration list for the conduct of all elections under the Election Act
30 and shall be the basis for electronic poll books at each precinct if
31 applicable. The Secretary of State shall provide such support as may be

1 required so that election commissioners and county clerks are able to
2 electronically enter voter registration information obtained by such
3 officials on an expedited basis at the time the information is received.
4 The Secretary of State shall provide adequate technological security
5 measures to prevent unauthorized access to the computerized list.

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

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

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

25 32-304 (1) The Secretary of State in conjunction with the Department
26 of Motor Vehicles shall, ~~on or before September 1, 2015, develop and~~
27 ~~implement a registration application process which may be used statewide~~
28 ~~to register to vote and update voter registration records electronically~~
29 ~~using the Secretary of State's web site. An applicant who has a valid~~
30 ~~Nebraska motor vehicle operator's license or state identification card~~
31 ~~may use the application process to register to vote or to update his or~~

1 her voter registration record with changes in his or her personal
2 information or other information related to his or her eligibility to
3 vote. For each electronic application, the Secretary of State shall
4 obtain a copy of the electronic representation of the applicant's digital
5 image and signature from the Department of Motor Vehicles' records of his
6 or her motor vehicle operator's license or state identification card for
7 purposes of voter registration.

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

10 (a) An applicant who submits this application electronically is
11 affirming that the information in the application is true. Any applicant
12 who submits this application electronically knowing that any of the
13 information in the application is false shall be guilty of a Class IV
14 felony under section 32-1502 of the statutes of Nebraska. The penalty for
15 a Class IV felony is up to two years imprisonment and twelve months post-
16 release supervision, a fine of up to ten thousand dollars, or both;

17 (b) An applicant who submits this application electronically is
18 agreeing to the use of his or her digital image and signature from the
19 Department of Motor Vehicles' records of his or her motor vehicle
20 operator's license or state identification card for purposes of voter
21 registration;

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

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

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

30 32-308 (1) The Secretary of State and the Director of Motor Vehicles
31 shall enter into an agreement to match information and digital images in

1 the computerized statewide voter registration list with information and
2 digital images in the data base of the Department of Motor Vehicles to
3 the extent required to enable each such official to verify the accuracy
4 of the information provided on applications for voter registration and to
5 verify the voter's identity at the polling place. The Director of Motor
6 Vehicles shall enter into an agreement with the Commissioner of Social
7 Security under section 205(r)(8) of the federal Social Security Act, 42
8 U.S.C. 405(r)(8), as such section existed on April 17, 2003, for purposes
9 of the Election Act.

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

28 (3) The Department of Motor Vehicles, in conjunction with the
29 Secretary of State, shall ~~develop a process to~~ electronically transmit
30 voter registration application information received under subsection (2)
31 of this section to the election commissioner or county clerk of the

1 county in which the applicant resides within the time limits prescribed
2 in subsection (4) of this section. ~~The Director of Motor Vehicles shall~~
3 ~~designate an implementation date for the process which shall be on or~~
4 ~~before January 1, 2016.~~

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

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

31 (6) State agency personnel involved in the voter registration

1 process pursuant to this section and ~~section 32-309~~ shall not be
2 considered deputy registrars or agents or employees of the election
3 commissioner or county clerk.

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

6 ~~32-309 Upon receipt of a completed voter registration application~~
7 ~~under subsection (2) of section 32-308, any person who issues motor~~
8 ~~vehicle operators' licenses or state identification cards shall, until~~
9 ~~the implementation date designated by the Director of Motor Vehicles~~
10 ~~pursuant to subsection (3) of section 32-308, deliver the completed voter~~
11 ~~registration application to the election commissioner or county clerk of~~
12 ~~the county in which the person is located not later than ten days after~~
13 ~~receipt by the person, except that if the voter registration application~~
14 ~~is received within five days prior to the third Friday preceding any~~
15 ~~election, it shall be delivered not later than five days after its~~
16 ~~original filing date. The election commissioner or county clerk shall, if~~
17 ~~necessary, forward the voter registration application to the election~~
18 ~~commissioner or county clerk of the county in which the applicant resides~~
19 ~~within such prescribed time limits. Any information on whether an~~
20 ~~applicant registers or declines to register and the location of the~~
21 ~~office at which he or she registers pursuant to section 32-308 shall be~~
22 ~~confidential and shall only be used for voter registration purposes.~~

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

25 32-312 The registration application prescribed by the Secretary of
26 State pursuant to section 32-304 or 32-311.01 shall provide the
27 instructional statements and request the information from the applicant
28 as provided in this section.

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

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

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

7 NAME—the name of the applicant giving the first and last name in
8 full, the middle name in full or the middle initial, and the maiden name
9 of the applicant, if applicable.

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

20 POSTAL ADDRESS—the address at which the applicant receives mail if
21 different from the residence address.

22 ADDRESS OF LAST REGISTRATION—the name and number of the street,
23 avenue, or other location of the dwelling from which the applicant last
24 registered.

25 TELEPHONE NUMBERS—the telephone number of the applicant at work and
26 at home. At the request of the applicant, a designation shall be made
27 that the telephone number is an unlisted number, and such designation
28 shall preclude the listing of the applicant's telephone number on any
29 list of voter registrations.

30 EMAIL ADDRESS—an email address of the applicant. At the request of
31 the applicant, a designation shall be made that the email address is

1 private, and such designation shall preclude the listing of the
2 applicant's email address on any list of voter registrations.

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

7 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
8 the applicant presented himself or herself for registration, when the
9 applicant completed and signed the registration application if the
10 application was submitted by mail or delivered to the election official
11 by the applicant's personal messenger or personal agent, or when the
12 completed application was submitted if the registration application was
13 completed pursuant to section 32-304.

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

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

21 REGISTRATION TAKEN BY—show the signature of the authorized official
22 or staff member accepting the application pursuant to section ~~32-309~~ or
23 32-310 or at least one of the deputy registrars taking the application
24 pursuant to section 32-306, if applicable.

25 PARTY AFFILIATION—show the party affiliation of the applicant as
26 Democrat, Republican, or Other or show no party affiliation as
27 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan
28 primary elections for state and local offices, you must indicate a
29 political party affiliation on the registration application. If you
30 register without a political party affiliation (nonpartisan), you will
31 receive only the nonpartisan ballots for state and local offices at

1 primary elections. If you register without a political party affiliation,
2 you may vote in partisan primary elections for congressional offices.)

3 OTHER-information the Secretary of State determines will assist in
4 the proper and accurate registration of the voter.

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

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

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

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

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

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

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

22 APPLICANT'S SIGNATURE-require the applicant to affix his or her
23 signature to the application.

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

26 32-315 Upon receiving a completed voter registration application
27 pursuant to section 32-308, ~~32-309~~, or 32-310 indicating that a voter who
28 is registered in the county has changed his or her name or moved to
29 another residence within the same county, the election commissioner or
30 county clerk shall change the voter registration record of the registered
31 voter to the new name or new address and shall send an acknowledgment

1 card to the registered voter indicating that the change of registration
2 has been completed and the address of the voter's new polling place.

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

5 32-318.01 (1)(a) Except as provided by subsection (2) of this
6 section, a person who registers to vote by mail after January 1, 2003,
7 and has not previously voted in an election within the state shall
8 confirm his or her address by presenting (i) present a photographic
9 identification which is current and valid and which shows the same name
10 and residence address of the person provided on the registration
11 application or (ii) a copy of a utility bill, bank statement, government
12 check, paycheck, or other government document which is dated within the
13 sixty days immediately prior to the date of presentation and which shows
14 the same name and residence address of the person provided on the
15 registration application, in order to avoid additional identification
16 requirements to provide address confirmation at the time of voting
17 pursuant to section 32-914 or 32-947.

18 (b) Such documentation may be presented at the time of application
19 for registration, after submission of the application for registration,
20 or at the time of voting. The documentation must be received by the
21 election commissioner or county clerk not later than 6 p.m. on the second
22 Friday preceding the election to avoid additional ~~identification~~
23 requirements to provide address confirmation at the time of voting at the
24 polling place if the voter votes in person. If the voter is voting using
25 a ballot for early voting, the documentation must be received by the
26 election commissioner or county clerk prior to the date on which the
27 ballot is mailed to the voter to avoid additional ~~identification~~
28 requirements to provide address confirmation at the time of voting.
29 Documentation received after the ballot has been mailed to the voter but
30 not later than 8 p.m. on election day will be considered timely for
31 purposes of determining the applicant's eligibility to vote in the

1 election.

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

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

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

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

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

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

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

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

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

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

31 32-321 (1) Any elector may request a voter registration application

1 from the office of the Secretary of State or the election commissioner or
2 county clerk. The Secretary of State and the election commissioner or
3 county clerk shall make registration applications prescribed by the
4 Secretary of State available and may place the applications in public
5 places. The Secretary of State and the election commissioner or county
6 clerk may require that all unused applications be returned to his or her
7 office and may place reasonable limits on the amount of applications
8 requested.

9 (2) If an elector returns the completed application to the office of
10 the Secretary of State or submits an application to the Secretary of
11 State pursuant to section 32-304, the office shall deliver the
12 application to the election commissioner or county clerk of the county in
13 which the elector resides not later than ten days after receipt by the
14 office, except that if the application is returned to the office or
15 submitted pursuant to section 32-304 within five days prior to the third
16 Friday preceding any election, it shall be delivered not later than five
17 days after the date it is returned. The deadline for returning a
18 completed application to the office of the Secretary of State or
19 submitting an application pursuant to section 32-304 is the close of
20 business on the third Friday preceding an election to be registered to
21 vote at such election. A registration application received after the
22 deadline shall not be processed by the election commissioner or county
23 clerk until after the election. The office of the Secretary of State
24 shall be a designated voter registration agency for purposes of section 7
25 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as
26 such section existed on March 11, 2008.

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

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

31 (ii) The application shall be received not later than the second

1 Tuesday before the next election if the postmark is unreadable; and

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

5 (4) If the registration application arrives after the registration
6 deadline, the application shall not be processed until after the
7 election. Written notice shall be given to any applicant whose
8 registration application failed to meet the registration deadline or was
9 found to be incorrect or incomplete and shall state the specific reason
10 for rejection. If the application is incomplete, the election
11 commissioner or county clerk shall notify the applicant of the failure to
12 provide the required information, including failure to provide
13 identification if required, and provide the applicant with the
14 opportunity to submit a residence verification ~~an identification~~ document
15 as described in section 32-318.01 prior to the deadline for voter
16 registration or to complete and submit a corrected registration
17 application in a timely manner to allow for the proper registration of
18 the applicant prior to the next election. All postage costs related to
19 returning registration applications to the election commissioner or
20 county clerk shall be paid by the registrant.

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

23 32-330 (1) Except as otherwise provided in subsection (3) of section
24 32-301, the ~~The~~ voter registration register shall be a public record. Any
25 person may examine the register at the office of the election
26 commissioner or county clerk, but no person other than the election
27 commissioner, county clerk, or law enforcement shall be allowed to make
28 copies of the register. Copies of the register shall only be used for
29 list maintenance as provided in section 32-329 or law enforcement
30 purposes. The electronic records of the original voter registrations
31 created pursuant to section 32-301 may constitute the voter registration

1 register. The election commissioner or county clerk shall withhold
2 information in the register designated as confidential under section
3 32-331. No portion of the register made available to the public and no
4 list distributed pursuant to this section shall include the digital image
5 or digital signature of any voter.

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

16 (3) Any person who acquires a list of registered voters under
17 subsection (2) of this section shall take and subscribe to an oath in
18 substantially the following form:

19 I hereby swear that I will use the list of registered voters
20 of County, Nebraska, only for the purposes prescribed in section
21 32-330 and for no other purpose and that I will not permit the use or
22 copying of such list for unauthorized purposes.

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

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

26 (Signature of person acquiring list)

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

28 (Name of officer)

29 (Official title of officer)

30 (4) The election commissioner or county clerk shall provide, upon
31 request and free of charge, a complete and current listing of all

1 registered voters and their addresses to the Clerk of the United States
2 District Court for the District of Nebraska. Such list shall be provided
3 no later than December 31 of each even-numbered year.

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

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

12 32-913 (1) The clerks of election shall have a list of registered
13 voters of the precinct and a sign-in register at the polling place on
14 election day. The list of registered voters shall be used for guidance on
15 election day and may be in the form of a computerized, typed, or
16 handwritten list or precinct registration cards. Registered voters of the
17 precinct shall place and record their signature in the sign-in register
18 before receiving any ballot. The list of registered voters and the sign-
19 in register may be combined into one document at the discretion of the
20 election commissioner or county clerk including by the use of an
21 electronic poll book. If a combined document is used, a clerk of election
22 may list the names of the registered voters in a separate book in the
23 order in which they voted.

24 (2) Within twenty-four hours after the polls close in the precinct,
25 the precinct inspector or one of the judges of election shall deliver the
26 precinct list of registered voters and the precinct sign-in register to
27 the election commissioner or county clerk. The election commissioner or
28 county clerk shall file and preserve the list and register. No member of
29 a receiving board who has custody or charge of the precinct list of
30 registered voters and the precinct sign-in register shall permit the list
31 or register to leave his or her possession from the time of receipt until

1 he or she delivers them to another member of the receiving board or to
2 the precinct inspector or judge of election for delivery to the election
3 commissioner or county clerk.

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

6 32-915 (1) A person whose identity is questioned due to his or her
7 digital image in an electronic poll book, if used, and whose name does
8 not appear on the precinct list of registered voters at the polling place
9 for the precinct in which he or she resides, whose name appears on the
10 precinct list of registered voters at the polling place for the precinct
11 in which he or she resides at a different residence address as described
12 in section 32-914.02, or whose name appears with a notation that he or
13 she received a ballot for early voting may vote a provisional ballot if
14 he or she:

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

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

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

21 (d) Has appeared to vote at the polling place for the precinct to
22 which the person would be assigned based on his or her residence address;
23 ~~and~~

24 (e) Completes and signs a registration application before voting;
25 and -

26 (f) Claims that he or she is the registered voter listed in an
27 electronic poll book if the clerk of election questioned his or her
28 identity due to the digital image in the electronic poll book.

29 (2) A voter whose name appears on the precinct list of registered
30 voters for the polling place with a notation that the voter is required
31 to present address confirmation ~~identification~~ pursuant to section

1 32-318.01 but fails to present the address confirmation required by
2 section 32-318.01 identification may vote a provisional ballot if he or
3 she completes and signs a registration application before voting.

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

- 8 (a) I am a registered voter in County;
- 9 (b) My name or address did not correctly appear on the precinct list
10 of registered voters or my identity was questioned at the time of voting;
- 11 (c) I registered to vote on or about this date
- 12 (d) I registered to vote
13 in person at the election office or a voter registration site,
14 by mail,
15 by using the Secretary of State's web site,
16 through the Department of Motor Vehicles,
17 on a form through another state agency,
18 in some other way;
- 19 (e) I have not resided outside of this county or voted outside of
20 this county since registering to vote in this county;
- 21 (f) My current address is shown on the registration application
22 completed as a requirement for voting by provisional ballot; and
- 23 (g) I am eligible to vote in this election and I have not voted and
24 will not vote in this election except by this ballot.

25 (4) The voter shall sign the certification under penalty of election
26 falsification. The following statements shall be on the front of the
27 envelope or on the attached form: By signing the front of this envelope
28 or the attached form you are certifying to the information contained on
29 this envelope or the attached form under penalty of election
30 falsification. Election falsification is a Class IV felony and may be
31 punished by up to two years imprisonment and twelve months post-release

1 supervision, a fine of up to ten thousand dollars, or both.

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

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

9 32-947 (1) Upon receipt of an application or other request for a
10 ballot to vote early, the election commissioner or county clerk shall
11 determine whether the applicant is a registered voter and is entitled to
12 vote as requested. If the election commissioner or county clerk
13 determines that the applicant is a registered voter entitled to vote
14 early and the application was received not later than the close of
15 business on the second Friday preceding the election, the election
16 commissioner or county clerk shall deliver a ballot to the applicant in
17 person or by mail, postage paid. The election commissioner or county
18 clerk or any employee of the election commissioner or county clerk shall
19 write or cause to be affixed his or her customary signature or initials
20 on the ballot.

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

24 VOTER'S OATH

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

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

31 (a) I,, am a registered voter

1 in County;

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

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

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

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

13 I also understand that failure to sign below will invalidate my
14 ballot.

15 Signature

16 (3) If the ballot and identification envelope will be returned by
17 mail or by someone other than the voter, the election commissioner or
18 county clerk shall include with the ballot an identification envelope
19 upon the face of which shall be printed the official title and post
20 office address of the election commissioner or county clerk.

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

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

30 (b) A registration application and the oath pursuant to section
31 32-946, if the voter is without a residence address, with instructions

1 that the residence address of the voter shall be deemed that of the
2 office of the election commissioner or county clerk of the county of the
3 voter's prior residence and that failure to return the completed and
4 signed application and oath to the election commissioner or county clerk
5 by the close of the polls on election day will result in the ballot not
6 being counted; or

7 (c) Written instructions directing the voter to submit a copy of an
8 address confirmation ~~identification~~ document pursuant to section
9 32-318.01 if the voter is required to present identification under such
10 section and advising the voter that failure to submit identification to
11 the election commissioner or county clerk by the close of the polls on
12 election day will result in the ballot not being counted.

13 (5) The election commissioner or county clerk may enclose with the
14 ballot materials a separate return envelope for the voter's use in
15 returning his or her identification envelope containing the voted ballot,
16 registration application, and other materials that may be required.

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

19 32-1002 (1) As the ballots are removed from the ballot box pursuant
20 to sections 32-1012 to 32-1018, the receiving board shall separate the
21 envelopes containing the provisional ballots from the rest of the ballots
22 and deliver them to the election commissioner or county clerk.

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

27 (3) The election commissioner or county clerk shall also (a) verify
28 that such person has not voted anywhere else in the county or been issued
29 a ballot for early voting, (b) investigate whether any credible evidence
30 exists that the person was properly registered to vote in the county
31 before the deadline for registration for the election, (c) investigate

1 whether any information has been received pursuant to section 32-308,
2 ~~32-309~~, 32-310, or 32-324 that the person has resided, registered, or
3 voted in any other county or state since registering to vote in the
4 county, and (d) upon determining that credible evidence exists that the
5 person was properly registered to vote in the county, make the
6 appropriate changes to the voter registration register by entering the
7 information contained in the registration application completed by the
8 voter at the time of voting a provisional ballot.

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

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

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

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

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

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

22 (ii) If the voter is voting in a primary election, the party
23 affiliation provided on the registration application completed prior to
24 voting the provisional ballot is the same party affiliation that appears
25 on the voter's voter registration record based on his or her previous
26 registration application; ~~and~~

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

29 (f) The voter appears before the election commissioner or county
30 clerk within seven days after election day and the voter's identity is
31 confirmed if the voter voted provisionally under subdivision (1)(f) of

1 section 32-915.

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

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

6 (b) Information has been received pursuant to section 32-308,
7 ~~32-309~~, 32-310, or 32-324 that the voter has resided, registered, or
8 voted in any other county or state since registering to vote in the
9 county in which he or she cast the provisional ballot;

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

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

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

19 (f) If the voter is voting in a primary election, the party
20 affiliation on the registration application completed prior to voting the
21 provisional ballot is different than the party affiliation that appears
22 on the voter's voter registration record based on his or her previous
23 registration application;~~or~~

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

27 (h) The voter fails to appear before the election commissioner or
28 county clerk within seven days after election day or the voter's identity
29 is not confirmed if the voter voted provisionally under subdivision (1)
30 (f) of section 32-915.

31 (6) An error or omission of information on the registration

1 application or the certification required under section 32-915 shall not
2 result in the provisional ballot not being counted if:

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

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

7 (b) Both the registration application and the certification are
8 signed by the voter.

9 (7) Upon determining that the voter's provisional ballot is eligible
10 to be counted, the election commissioner or county clerk shall remove the
11 ballot from the envelope without exposing the marks on the ballot and
12 shall place the ballot with the ballots to be counted by the county
13 canvassing board.

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

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

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

22 32-1027 (1) The election commissioner or county clerk shall appoint
23 two or more registered voters to the counting board for early voting. One
24 registered voter shall be appointed from the political party casting the
25 highest number of votes for Governor or for President of the United
26 States in the county in the immediately preceding general election, and
27 one registered voter shall be appointed from the political party casting
28 the next highest vote for such office. The election commissioner or
29 county clerk may appoint additional registered voters to serve on the
30 counting board and may appoint registered voters to serve in case of a
31 vacancy among any of the members of the counting board. Such appointees

1 shall be balanced between the political parties and may include
2 registered voters unaffiliated with any political party. The counting
3 board may begin carrying out its duties not earlier than the second
4 Monday before the election and shall meet as directed by the election
5 commissioner or county clerk.

6 (2) The counting board shall place all identification envelopes in
7 order and shall review each returned identification envelope pursuant to
8 verification procedures prescribed in subsections (3) and (4) of this
9 section.

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

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

13 (b) The ballot has been received from the voter who requested it and
14 the residence address is the same address provided on the voter's request
15 for a ballot for early voting, by comparing the information provided on
16 the identification envelope with information recorded in the record of
17 early voters or the voter's request;

18 (c) A completed and signed registration application has been
19 received from the voter by the deadline in section 32-302, 32-321, or
20 32-325 or by the close of the polls pursuant to section 32-945;

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

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

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

29 (a) A ballot received from a voter who was properly registered on or
30 prior to the deadline for registration pursuant to section 32-302 or
31 32-321 shall be accepted for counting without further review if:

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

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

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

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

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

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

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

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

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

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

25 (ii) A valid registration application completed and signed by the
26 voter, for whom the residence address is deemed to be the address of the
27 office of the election commissioner or county clerk pursuant to section
28 32-946, has been received by the election commissioner or county clerk
29 prior to the close of the polls on election day;

30 (iii) The oath required pursuant to section 32-946 has been
31 completed and signed by the voter and received by the election

1 commissioner or county clerk by the close of the polls on election day;
2 and

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

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

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

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

13 (iii) A copy of an address confirmation ~~identification~~ document
14 authorized in section 32-318.01 has been received by the election
15 commissioner or county clerk prior to the close of the polls on election
16 day; and

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

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

23 (6) The counting board may, on the second Monday before the
24 election, open all identification envelopes which are approved, and if
25 the signature of the election commissioner or county clerk or his or her
26 employee is on the ballot, the ballot shall be unfolded, flattened for
27 purposes of using the optical scanner, and placed in a sealed container
28 for counting as directed by the election commissioner or county clerk. At
29 the discretion of the election commissioner or county clerk, the counting
30 board may begin counting early ballots no earlier than twenty-four hours
31 prior to the opening of the polls on the day of the election.

1 (7) If an identification envelope is rejected, the counting board
2 shall not open the identification envelope. The counting board shall
3 write Rejected on the identification envelope and the reason for the
4 rejection. If the ballot is rejected after opening the identification
5 envelope because of the absence of the official signature on the ballot,
6 the ballot shall be reinserted in the identification envelope which shall
7 be resealed and marked Rejected, no official signature. The counting
8 board shall place the rejected identification envelopes and ballots in a
9 container labeled Rejected Ballots and seal it.

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

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

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

27 (2) Upon application for an operator's license or state
28 identification card, each applicant shall provide his or her signature in
29 a form prescribed by the department. Digital signatures shall be
30 preserved for use on original, renewal, and replacement operators'
31 licenses and state identification cards and may not be otherwise released

1 except in accordance with subsection (4) of this section.

2 ~~(3) No officer, employee, agent, or contractor of the department or~~
3 ~~law enforcement officer shall release a digital image except to a~~
4 ~~federal, state, or local law enforcement agency, a certified law~~
5 ~~enforcement officer employed in an investigative position by a federal,~~
6 ~~state, or local agency, or a driver licensing agency of another state for~~
7 ~~the purpose of carrying out the functions of the agency or assisting~~
8 ~~another agency in carrying out its functions upon the verification of the~~
9 ~~identity of the person requesting the release of the information and the~~
10 ~~verification of the purpose of the requester in requesting the release.~~
11 ~~Any officer, employee, agent, or contractor of the department or law~~
12 ~~enforcement officer that knowingly discloses or knowingly permits~~
13 ~~disclosure of a digital image or digital signature in violation of this~~
14 ~~section shall be guilty of a Class I misdemeanor.~~

15 ~~(3)~~ (4) No officer, employee, agent, or contractor of the department
16 or law enforcement officer shall release a digital image or a digital
17 signature except (a) to a federal, state, or local law enforcement
18 agency, a certified law enforcement officer employed in an investigative
19 position by a state or federal agency, or a driver licensing agency of
20 another state for the purpose of carrying out the functions of the agency
21 or assisting another agency in carrying out its functions upon the
22 verification of the identity of the person requesting the release of the
23 information and the verification of the purpose of the requester in
24 requesting the release or (b) to the office of the Secretary of State for
25 the purpose of voter registration and voter identity verification as
26 described in section 32-304, 32-308, or 32-1002 ~~32-309~~ upon the
27 verification of the identity of the person requesting the release of the
28 information and the verification of the purpose of the requester in
29 requesting the release. No employee or official in the office of the
30 Secretary of State shall release a digital image or a digital signature
31 except to a federal, state, or local law enforcement agency, a certified

1 law enforcement officer employed in an investigative position by a state
2 or federal agency, or a driver licensing agency of another state for the
3 purpose of carrying out the functions of the agency or assisting another
4 agency in carrying out its functions upon the verification of the
5 identity of the person requesting the release of the information and the
6 verification of the purpose of the requester in requesting the release.
7 Any officer, employee, agent, or contractor of the department, law
8 enforcement officer, or employee or official in the office of the
9 Secretary of State that knowingly discloses or knowingly permits
10 disclosure of a digital image or a digital signature in violation of this
11 section shall be guilty of a Class I misdemeanor.

12 Sec. 18. Original sections 32-101, 32-308, 32-309, 32-315,
13 32-318.01, 32-321, 32-330, 32-913, 32-1002, and 32-1027, Reissue Revised
14 Statutes of Nebraska, section 60-484.02, Revised Statutes Cumulative
15 Supplement, 2016, and sections 32-301, 32-304, 32-312, 32-915, and
16 32-947, Revised Statutes Supplement, 2017, are repealed.