LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1042

Introduced by Fredrickson, 20.

Read first time January 08, 2024

Committee: Government, Military and Veterans Affairs

A BILL FOR AN ACT relating to elections; to amend sections 32-307, 32-315, 32-1506, 60-484, 60-484.02, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, sections 32-312 and 32-1002, Revised Statutes Cumulative Supplement, 2022, and sections 32-202, 32-308, and 60-4,144, Revised Statutes Supplement, 2023; to change provisions relating to registration of voters and voting; to change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-309, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 32-202, Revised Statutes Supplement, 2023, is amended to read:
32-202 In addition to any other duties prescribed by law, the Secretary of State shall:
(1) Supervise the conduct of primary and general elections in this state;
(2) Provide training and support for election commissioners, county clerks, and other election officials in providing for day-to-day operations of the office, registration of voters, and the conduct of elections;
(3) Enforce the Election Act;
(4) With the assistance and advice of the Attorney General, make uniform interpretations of the act;
(5) Provide periodic training for the agencies and their agents and contractors in carrying out their duties under sections 32-308 to 32-310;
(6) Develop and print forms for use as required by sections 32-308, 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;
(7) Contract with the Department of Administrative Services for storage and distribution of the forms;
(8) Require reporting to ensure compliance with sections 32-308 and 32-310;
(9) Prepare and transmit reports as required by the National Voter Registration Act of 1993, 52 U.S.C. 20501 et seq.;
(10) Develop and print a manual describing the requirements of the initiative and referendum process and distribute the manual to election commissioners and county clerks for distribution to the public upon request;
(11) Develop and print pamphlets described in section 32-1405.01;
(12) Adopt and promulgate rules and regulations as necessary for elections conducted under sections 32-952 to 32-959;
(13) Establish a free access system, such as a toll-free telephone...
number or an Internet website, that any voter who casts a provisional ballot may access to discover whether the vote of that voter was counted and, if the vote was not counted, the reason that the vote was not counted. The Secretary of State shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system. Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot;

(14) Provide a website dedicated to voter identification requirements and procedures. The Secretary of State shall establish, maintain, and regularly update on the website a document entitled "List of Acceptable Forms of Identification" that lists forms of identification that qualify as valid photographic identification for purposes of voter identification;

(15) Provide a public awareness campaign regarding the voter identification requirements and procedures, including communication through multiple mediums and in-person events;

(16) Provide instructions and information to the Department of Health and Human Services, the Department of Motor Vehicles, and the State Department of Education for distribution by such agencies to Nebraska residents regarding the requirement to present valid photographic identification in order to vote and the way to obtain free valid photographic identification; and

(17) Not use or allow the use of citizenship information shared with or collected by the Secretary of State pursuant to the Election Act for any purpose other than maintenance of the voter registration list, including law enforcement purposes.

Sec. 2. Section 32-307, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 3. Section 32-308, Revised Statutes Supplement, 2023, is amended to read:

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

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

(3) The Department of Motor Vehicles, in conjunction with the
Secretary of State, shall develop a process to electronically transmit
citizen of the United States and at least
eighteen years of age or will be eighteen years of age on or before the
first Tuesday after the first Monday in November of the then-current
year. The Department of Motor Vehicles shall not transmit voter
registration application information for applications pursuant to section
60-480.01. The Director of Motor Vehicles shall designate an
implementation date for the process which shall be on or before January
1, 2016.
(4) The voter registration application information shall be transmitted to the election commissioner or county clerk of the county in which the applicant resides not later than ten days after receipt, except that if the voter registration application information is received within five days prior to the third Friday preceding any election, it shall be transmitted not later than five days after its original submission. Any information on whether an applicant registers or declines to register and the location of the office at which he or she registers shall be confidential and shall only be used for voter registration purposes.

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

(6) State agency personnel involved in the voter registration process pursuant to this section shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

Sec. 4. Section 32-312, Revised Statutes Cumulative Supplement, 2022, is amended to read:
32-312 The registration application prescribed by the Secretary of State pursuant to section 32-304 or 32-311.01 shall provide the instructional statements and request the information from the applicant as provided in this section.

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

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

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

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

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

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

ADDRESS OF LAST REGISTRATION—the name and number of the street, avenue, or other location of the dwelling from which the applicant last registered.
TELEPHONE NUMBERS—the telephone numbers of the applicant. At the request of the applicant, a designation shall be made that a telephone number is an unlisted number, and such designation shall preclude the listing of such telephone number on any list of voter registrations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. Section 32-315, Reissue Revised Statutes of Nebraska, is
amended to read:
32-315 Upon receiving a completed voter registration application pursuant to section 32-308, 32-309, or 32-310 indicating that a voter who is registered in the county has changed his or her name or moved to another residence within the same county, the election commissioner or county clerk shall change the voter registration record of the registered voter to the new name or new address and shall send an acknowledgment card to the registered voter indicating that the change of registration has been completed and the address of the voter's new polling place.

Sec. 6. Section 32-1002, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

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

(3) The election commissioner or county clerk shall also (a) verify that such person has not voted anywhere else in the county or been issued a ballot for early voting, (b) investigate whether any credible evidence exists that the person was properly registered to vote in the county before the deadline for registration for the election, (c) investigate whether any information has been received pursuant to section 32-308, 32-309, 32-310, or 32-324 that the person has resided, registered, or voted in any other county or state since registering to vote in the county, and (d) upon determining that credible evidence exists that the person was properly registered to vote in the county, make the appropriate changes to the voter registration register by entering the information contained in the registration application completed by the voter at the time of voting a provisional ballot.
A provisional ballot cast by a voter pursuant to section 32-915 shall be counted if:

(a) Credible evidence exists that the voter was properly registered in the county before the deadline for registration for the election;
(b) The voter has resided in the county continuously since registering to vote in the county;
(c) The voter has not voted anywhere else in the county or has not otherwise voted early using a ballot for early voting;
(d) The voter has completed a registration application prior to voting as prescribed in subsection (6) of this section and:
   (i) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is located within the precinct in which the person voted; and
   (ii) If the voter is voting in a primary election, the party affiliation provided on the registration application completed prior to voting the provisional ballot is the same party affiliation that appears on the voter's voter registration record based on his or her previous registration application; and
(e) The certification on the front of the envelope or form attached to the envelope is in the proper form and signed by the voter.

A provisional ballot cast by a voter pursuant to section 32-915 shall not be counted if:

(a) The voter was not properly registered in the county before the deadline for registration for the election;
(b) Information has been received pursuant to section 32-308, 32-308, 32-310, or 32-324 that the voter has resided, registered, or voted in any other county or state since registering to vote in the county in which he or she cast the provisional ballot;
(c) Credible evidence exists that the voter has voted elsewhere or has otherwise voted early;
(d) The voter failed to complete and sign a registration application
pursuant to subsection (6) of this section and subdivision (1)(e) of section 32-915;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 8. Section 60-484, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) The applicant shall provide his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, two forms of proof of address of his or her principal residence
unless the applicant is a program participant under the Address Confidentiality Act, evidence of identity as required by subsection (6) of this section, and a brief physical description of himself or herself.

The applicant:

(a) Shall may also complete the voter registration portion pursuant to section 32-308, (b) shall be provided the advisement language required by subsection (5) of section 60-6,197;

(b) Shall, (c) shall answer the following:

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

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

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

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

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

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

Please explain: .................................

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

Please explain: .................................

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

Please explain, including how the above affects your ability to drive: ......................

(c) Shall be advised as follows: We will use your information to update your voter registration record or register you to vote.

The applicant shall be given the opportunity to choose not to use his or her information for voter registration, otherwise the applicant...
shall complete the voter registration portion that is transmitted to the
election commissioner or county clerk to register the applicant to vote
or update his or her voter registration record pursuant to section
32-308. If the voter registration portion is only partially completed,
the department may still proceed to issue the operator's license or state
identification card and shall transmit the incomplete voter registration
portion to the election commissioner or county clerk pursuant to section
32-308. The department may still proceed to issue the operator's license
or state identification card if the applicant refuses to answer or does
not complete the voter registration portion; and

(d) May, and (d) may answer the following:

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

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

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

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

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

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

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

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

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

(c) An applicant may present other documents as proof of identification and age designated by the director. Any documents accepted shall be recorded according to a written exceptions process established by the director.
(7) Any individual applying for an operator's license or a state identification card who indicated his or her wish to have a veteran designation displayed on the front of such license or card shall comply with section 60-4,189.

(8) No person shall be a holder of an operator's license and a state identification card at the same time. A person who has a digital image and digital signature on file with the department may apply electronically to change his or her Class O operator's license to a state identification card.

Sec. 9. Section 60-484.02, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) No officer, employee, agent, or contractor of the department or law enforcement officer shall release a digital image except to a federal, state, or local law enforcement agency, a certified law enforcement officer employed in an investigative position by a federal, state, or local agency, or a driver licensing agency of another state for
the purpose of carrying out the functions of the agency or assisting
another agency in carrying out its functions upon the verification of the
identity of the person requesting the release of the information and the
verification of the purpose of the requester in requesting the release.

Any officer, employee, agent, or contractor of the department or law
enforcement officer that knowingly discloses or knowingly permits
disclosure of a digital image or digital signature in violation of this
section shall be guilty of a Class I misdemeanor.

(4) No officer, employee, agent, or contractor of the department or
law enforcement officer shall release a digital signature except (a) to a
federal, state, or local law enforcement agency, a certified law
enforcement officer employed in an investigative position by a state or
federal agency, or a driver licensing agency of another state for the
purpose of carrying out the functions of the agency or assisting another
agency in carrying out its functions upon the verification of the
identity of the person requesting the release of the information and the
verification of the purpose of the requester in requesting the release or
(b) to the office of the Secretary of State for the purpose of voter
registration as described in section 32-304 or 32-308, or 32-309 upon
the verification of the identity of the person requesting the release of
the information and the verification of the purpose of the requester in
requesting the release. No employee or official in the office of the
Secretary of State shall release a digital signature except to a federal,
state, or local law enforcement agency, a certified law enforcement
officer employed in an investigative position by a state or federal
agency, or a driver licensing agency of another state for the purpose of
carrying out the functions of the agency or assisting another agency in
carrying out its functions upon the verification of the identity of the
person requesting the release of the information and the verification of
the purpose of the requester in requesting the release. Any officer,
employee, agent, or contractor of the department, law enforcement
officer, or employee or official in the office of the Secretary of State
that knowingly discloses or knowingly permits disclosure of a digital
signature in violation of this section shall be guilty of a Class I
misdemeanor.

Sec. 10. Section 60-4,130, Reissue Revised Statutes of Nebraska, is
amended to read:

60-4,130 (1) Application for an employment driving permit shall be
made to the Department of Motor Vehicles on forms furnished for that
purpose by the department. The application form shall contain such
information as deemed necessary by the director to carry out this section
and section 60-4,129. If the department has a digital image and digital
signature of the applicant preserved in the digital system implemented
under section 60-484.01, the employment driving permit, if issued, may
contain such image and signature. The application form shall also include
a voter registration portion pursuant to subdivision (3)(c) of section
60-484. 32-308 and the following specific question: Do you wish to
register to vote as part of this application process? To be eligible for
an employment driving permit, the applicant shall furnish, along with the
application to the director, the following:

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

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

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

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

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

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

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

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

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

Sec. 11. Section 60-4,130.02, Reissue Revised Statutes of Nebraska,
is amended to read:

60-4,130.02 (1) Application for a medical hardship driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,130.01. If the department has a digital image and digital signature of the applicant preserved in the digital system implemented under section 60-484.01, the medical hardship driving permit, if issued, may contain such image and signature. The application form shall also include a voter registration portion pursuant to subdivision (3)(c) of section 60-484, 32-308 and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for a medical hardship driving permit, the applicant shall furnish, along with the application to the director, the following:

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

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

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

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

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

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

Sec. 12. Section 60-4,144, Revised Statutes Supplement, 2023, is
amended to read:

60-4,144 (1) An applicant for issuance of any original or renewal
commercial driver's license or an applicant for a change of class of
commercial motor vehicle, endorsement, or restriction shall demonstrate
his or her knowledge and skills for operating a commercial motor vehicle
as prescribed in the Motor Vehicle Operator's License Act. An applicant
for a commercial driver's license shall provide the information and
documentation required by this section and section 60-4,144.01. Such
information and documentation shall include any additional information
required by 49 C.F.R. parts 383 and 391 and also include:

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

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

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

(b) The applicant's social security number shall not be printed on the CLP-commercial learner's permit or commercial driver's license and shall be used only (i) to furnish information to the United States Selective Service System under section 60-483, (ii) with the permission of the director in connection with the certification of the status of an individual's driving record in this state or any other state, (iii) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (iv) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (v) to furnish information to the Department of Revenue under section 77-362.02, or (vi) to furnish information to the Secretary of State for purposes of the Election Act.

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

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

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

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

(i) A valid, unexpired United States passport;

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

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

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

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

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

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


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

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

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

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

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

(f)(i) On a date determined by the director but not later than November 1, 2023, any person assigned a parolee immigration status by the United States Department of Homeland Security may apply for and be issued a CLP-commercial learner's permit or commercial driver's license that is not in compliance with the federal REAL ID Act of 2005, Public Law 109-13, if the person:

(A) Possessed an unexpired foreign passport issued to such person at the time of such person's entry into the United States of America; and

(B) Fulfills the requirements of subdivision (2)(a) of this section and such requirements are verified pursuant to section 60-484.06.

(ii) Any CLP-commercial learner's permit or commercial driver's license issued under this subsection is otherwise subject to all laws relating to CLP-commercial learner's permits or commercial driver's licenses.

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

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

(i) A valid, unexpired United States passport;

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

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

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

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


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

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

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

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

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

(i) Complete the requirements to obtain a CLP-commercial learner's
permit or a commercial driver's license under the Motor Vehicle
Operator's License Act, except that an applicant domiciled in a foreign
jurisdiction must provide an unexpired employment authorization document
issued by the United States Citizenship and Immigration Services or an
unexpired foreign passport accompanied by an approved I-94 form
documenting the applicant's most recent admittance into the United
States. No proof of domicile is required;
(ii) After receipt of the nondomiciled CLP-commercial learner's
permit or nondomiciled commercial driver's license and, for as long as
the permit or license is valid, notify the Department of Motor Vehicles
of any adverse action taken by any jurisdiction or governmental agency,
foreign or domestic, against his or her driving privileges. Such adverse
actions include, but are not limited to, license disqualification or
disqualification from operating a commercial motor vehicle for the
convictions described in 49 C.F.R. 383.51. Notifications must be made
within the time periods specified in 49 C.F.R. 383.33; and
(iii) Provide a mailing address to the Department of Motor Vehicles.
If the applicant is applying for a foreign nondomiciled CLP-commercial
learner's permit or foreign nondomiciled commercial driver's license, he
or she must provide a Nebraska mailing address and his or her employer's
mailing address to the Department of Motor Vehicles.
(c) An applicant for a nondomiciled CLP-commercial learner's permit
or nondomiciled commercial driver's license who holds a foreign
operator's license is not required to surrender his or her foreign
operator's license.
(8) Any person applying for a CLP-commercial learner's permit or
commercial driver's license may answer the following:
(a) Do you wish to register to vote as part of this application
process?
(b) Do you wish to have a veteran designation displayed on the
front of your operator's license to show that you served in the armed
forces of the United States? (To be eligible you must register with the
Nebraska Department of Veterans' Affairs registry.)

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

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

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

(9) Any person applying for a CLP-commercial learner's permit or
commercial driver's license shall answer the voter registration question
as provided in subdivision (3)(c) of section 60-484.

(10) Application for a CLP-commercial learner's permit or
commercial driver's license shall include a signed oath, affirmation, or
declaration of the applicant that the information provided on the
application for the permit or license is true and correct.

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

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

Sec. 13. This act becomes operative on January 1, 2025.

Sec. 14. Original sections 32-307, 32-315, 32-1506, 60-484,
60-484.02, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of
Nebraska, sections 32-312 and 32-1002, Revised Statutes Cumulative Supplement, 2022, and sections 32-202, 32-308, and 60-4,144, Revised Statutes Supplement, 2023, are repealed.

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