LEGISLATIVE BILL 535

Introduced by Slama, 1.

Read first time January 17, 2023

Committee: Government, Military and Veterans Affairs

A BILL FOR AN ACT relating to government; to amend sections 32-308, 32-309, 32-914, 32-941, 32-942, 32-943, 60-484.02, and 71-612, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-202, 32-304, 32-947, and 60-4,115, Revised Statutes Cumulative Supplement, 2022; to require valid photographic identification for voting purposes; to change provisions relating to elections and confidential information; to eliminate the fee for certain state identification cards and certified copies of birth certificates; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 32-101, Revised Statutes Cumulative Supplement, 2022, is amended to read:

32-101 Sections 32-101 to 32-1551 and sections 3, 12, 14, and 15 of this act shall be known and may be cited as the Election Act.

Sec. 2. Section 32-103, Revised Statutes Cumulative Supplement, 2022, is amended to read:

32-103 For purposes of the Election Act, the definitions found in sections 32-104 to 32-120 and section 3 of this act shall be used.

Sec. 3. Valid photographic identification means:

(1) A document that satisfies all the following:

(a) The document shows the name of the individual to whom the document was issued and the name conforms to the name in the individual's voter registration record;

(b) The document shows a photograph or digital image of the individual to whom the document was issued;

(c) The document includes an expiration date and the document:

(i) Is not expired; or

(ii) Expired after the date of the most recent statewide general election; and

(d) The document was issued by the United States or the State of Nebraska;

(2) A document issued by the United States Department of Defense, the United States Department of Veterans Affairs or its predecessor, the Veterans Administration, a branch of the uniformed services as defined under section 85-2902, or a Native American Indian tribe or band recognized by the United States Government that:

(a) Shows the name of the individual to whom the document was issued and the name conforms to the name in the individual's voter registration record;

(b) Shows a photograph or digital image of the individual to whom the document was issued; and
(c) Has no expiration date or states that the document has an indefinite expiration date; or

(3) A document that satisfies all of the following:

(a) The document shows the name of the individual to whom the document was issued and the name conforms to the name in the individual's voter registration record;

(b) The document shows a digital image of an affidavit signed by the individual to whom the document was issued stating that the individual has a religious objection to being photographed as provided in section 16 of this act;

(c) The signature on the affidavit matches the signature on the individual's voter registration record;

(d) The document has no expiration date or states that the document has an indefinite expiration date; and

(e) The document was issued by the State of Nebraska.

Sec. 4. Section 32-202, Revised Statutes Cumulative Supplement, 2022, 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 to 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; and

(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;

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

(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 a valid
photographic identification in order to vote and the way to obtain a free
valid photographic identification.

Sec. 5. Section 32-304, Revised Statutes Cumulative Supplement, 2022, is amended to read:

32-304 (1) The Secretary of State in conjunction with the Department of Motor Vehicles shall implement a registration application process which may be used statewide to register to vote, and update voter registration records, and verify voter identification electronically using the Secretary of State's website. An applicant who has a valid Nebraska motor vehicle operator's license or state identification card may use the application process to register to vote or to update his or her voter registration record with changes in his or her personal information or other information related to his or her eligibility to vote. For each electronic application, the Secretary of State shall obtain a copy of the electronic representation of the applicant's digital image and 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, and electronic poll books, and verify voter identification.

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

(a) An applicant who submits this application electronically is affirming that the information in the application is true. Any applicant who submits this application electronically 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;

(b) An applicant who submits this application electronically is
agreeing to the use of his or her digital 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 and
verification of voter identification;
(c) To vote at the polling place on election day, the completed
application must be submitted on or before the third Friday before the
election and prior to midnight on such Friday; and
(d) The election commissioner or county clerk will, upon receipt of
the application for registration, send an acknowledgment of registration
to the applicant indicating whether the application is proper or not.
Sec. 6. Section 32-308, Reissue Revised Statutes of Nebraska, 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 provided on
applications for voter registration and to verify voter identification.
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 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.

(3) The Department of Motor Vehicles, in conjunction with the
Secretary of State, shall develop a process to electronically transmit
voter registration application information received under subsection (2)
of this section to the election commissioner or county clerk of the
county in which the applicant resides within the time limits prescribed
in subsection (4) of this section. The Director of Motor Vehicles shall
develop 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 and
verification of voter identification.

(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 digital image and 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 and verification of voter identification. 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 and section 32-309 shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

Sec. 7. Section 32-309, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 8. Section 32-914, Reissue Revised Statutes of Nebraska, is
amended to read:

32-914 (1) Official ballots shall be used at all elections. No
person shall receive a ballot or be entitled to vote unless and until he
or she is registered as a voter except as provided in section 32-914.01,
32-914.02, 32-915, 32-915.01, or 32-936.

(2) Except as otherwise specifically provided, no ballot shall be
handed to any voter at any election until:

(a) The voter has presented a valid photographic identification and
stated his or her name and address, if it is not
contained on the identification, to the clerk of election;

(b) The clerk has found that the voter he or she is a registered
voter at the address as shown by the precinct list of registered voters
unless otherwise entitled to vote in the precinct under section 32-328,
32-914.01, 32-914.02, 32-915, or 32-915.01;

(c) The voter has presented a photographic identification which is
current and valid at the time of the election, or a copy of a utility
bill, bank statement, paycheck, government check, or other government
document which is current at the time of the election and which shows the
same name and residence address of the voter that is on the precinct list
of registered voters, if the voter registered by mail after January 1,
2003, and has not previously voted in an election for a federal office
within the county and a notation appears on the precinct list of
registered voters that the voter has not previously presented
identification to the election commissioner or county clerk;

(d) As instructed by the clerk of election, the registered voter has
personally written his or her name (i) in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter or (ii) in the combined document containing the precinct list of registered voters and the sign-in register; and (e) The clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter or has listed the name of the voter in a separate book as provided in section 32-913.

Sec. 9. Section 32-941, Reissue Revised Statutes of Nebraska, is amended to read:

32-941 Any registered voter permitted to vote early pursuant to section 32-938 may, not more than one hundred twenty days before any election and not later than the close of business on the second Friday preceding the election, request a ballot for the election to be mailed to a specific address. A registered voter shall request a ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her home, and shall indicate his or her residence address, the address to which the ballot is to be mailed if different, and his or her telephone number if available, and shall include the identification number of the voter's valid photographic identification issued by the State of Nebraska or, if none, a photocopy of any other valid photographic identification issued to the voter. The registered voter may use the form published by the election commissioner or county clerk pursuant to section 32-808. The registered voter shall sign the request. A registered voter may use a facsimile machine or electronic mail for the submission of a request for a ballot. The election commissioner or county clerk shall include a registration application with the ballots if the person is not registered. Registration applications shall not be mailed after the third Friday preceding the election. If the person is not registered to vote, the registration application shall be returned not later than the closing of
the polls on the day of the election. No ballot issued under this section shall be counted unless such registration application is properly completed and processed.

Sec. 10. Section 32-942, Reissue Revised Statutes of Nebraska, is amended to read:

32-942 (1) Except as otherwise provided in subsection (2) of this section, a registered voter of this state who anticipates being absent from the county of his or her residence on the day of any election may appear in person before the election commissioner or county clerk not more than thirty days prior to the day of election, present valid photographic identification, and obtain his or her ballot. The registered voter shall vote the ballot in the office of the election commissioner or county clerk or shall return the ballot to the office not later than the closing of the polls on the day of the election. A registered voter who is present in the county on the day of the election and who chooses to vote on the day of the election shall vote at the polling place assigned to the precinct in which he or she resides unless he or she is returning a ballot for early voting or voting pursuant to section 32-943.

(2) If a person registers to vote and requests a ballot at the same time under this section, he or she shall (a)(i) present valid photographic identification or one of the address confirmation documents as prescribed in subdivision (1)(a) of section 32-318.01, (ii) present proof that he or she is a member of the armed forces of the United States who by reason of active duty has been absent from his or her place of residence where the member is otherwise eligible to vote, is a member of the United States Merchant Marine who by reason of service has been away from his or her place of residence where the member is otherwise eligible to vote, is a spouse or dependent of a member of the armed forces of the United States or United States Merchant Marine who has been absent from his or her place of residence due to the service of that member, or resides outside the United States and but for such residence would be
qualified to vote in the state if the state was the last place in which the person was domiciled before leaving the United States, or (iii) state that he or she is elderly or handicapped and has requested to vote by alternative means other than by casting a ballot at his or her polling place on election day or (b) fill out vote a ballot which is placed in an envelope with the voter's name and address and other necessary identifying information and kept securely for counting as provided in this subsection. This subsection does not extend the deadline for voter registration specified in section 32-302. A ballot cast pursuant to subdivision (b) of this subsection shall be rejected and shall not be counted if the acknowledgment of registration sent to the registrant pursuant to section 32-322 is returned as undeliverable for a reason other than clerical error within ten days after it is mailed or if the voter fails to present valid photographic identification at the election office on or before the Tuesday after the election if applicable, otherwise after such ten-day period, the ballot shall be counted.

(3) This section applies only to a person who appears in person to obtain a ballot as provided in subsection (1) of this section and does not apply to a ballot mailed to a voter pursuant to section 32-945.

Sec. 11. Section 32-943, Reissue Revised Statutes of Nebraska, is amended to read:

32-943 (1) Any registered voter who is permitted to vote early pursuant to section 32-938 may appoint an agent to submit a request for a ballot for early voting on his or her behalf. The registered voter or his or her agent may request that the ballot be sent to the registered voter by mail or indicate on the request that the agent will personally pick up the ballot for such registered voter from the office of the election commissioner or county clerk. A registered voter or an agent acting on behalf of a registered voter shall request a ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her residence and shall indicate the
voter's residence address, the address to which the ballot is to be mailed if different, and the voter's telephone number if available and precinct if known, and shall present a valid photographic identification of the voter and the agent, if any, or include, with the request, the identification number of a valid photographic identification issued by the State of Nebraska to the voter and the agent, if any, or if the voter or agent does not have such identification issued by the State of Nebraska, include, with the request, a photocopy of a valid photographic identification issued to the voter or agent, as applicable. The registered voter or the voter's agent may use the form published by the election commissioner or county clerk pursuant to section 32-808. The registered voter or his or her agent shall sign the request.

(2) A candidate for office at such election and any person serving on a campaign committee for such a candidate shall not act as an agent for any registered voter requesting a ballot pursuant to this section unless such person is a member of the registered voter's family. No person shall act as agent for more than two registered voters in any election.

(3) The agent shall pick up the ballot not later than before one hour prior to the closing of the polls on election day and deliver the ballot to the registered voter. The ballot shall be returned not later than the closing of the polls on the day of the election and shall be returned in an identification envelope as provided in section 32-947.

(4) The election commissioner or county clerk shall adopt procedures for the distribution of ballots under this section.

Sec. 12. (1) If a registered voter fails to produce valid photographic identification at the polling place and the voter's name appears on the precinct list of registered voters for the polling place or fails to produce valid photographic identification at the time of voting early in person at the office of the election commissioner or county clerk, the voter shall fill out a voter identification
(2) Each voter casting a ballot using a voter identification verification envelope shall enclose the ballot in an envelope marked voter identification verification and shall, by signing the certification on the front of the envelope or a separate form attached to the envelope, certify to the following facts:

(a) My name is .......
(b) I am registered to vote at.........
(c) I did not provide valid photo identification as required by law.
(d) I am eligible to vote in this election and I have not voted and will not vote in this election except by this ballot.
(e) I acknowledge that if I do not provide valid photographic identification on or before the Tuesday after the election to my county election office, my ballot will not be counted.

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

Sec. 13. Section 32-947, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

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

VOTER'S OATH

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

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

(a) I, .................., am a registered voter
in .................. County;

(b) I reside in the State of Nebraska at ..................;

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

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

(e) My Nebraska driver's license or state identification card number
is .................., or for a voter without such identification, a
photocopy of my valid photographic identification is enclosed.

ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE
MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND
Dollars, or both.
I also understand that failure to sign below will invalidate my ballot.

Signature........................................

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

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

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

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

(b) (c) Written instructions directing the voter to submit a photocopy of a valid photographic identification document pursuant to section 32-318.01 if the voter is submitting a registration application or does not have a valid photographic identification issued by the State of Nebraska required to present identification under such section and advising the voter that failure to submit such identification
to the election commissioner or county clerk by the close of the polls on
election day will result in the ballot not being counted.

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

Sec. 14. (1) As the ballots are removed from the ballot box
pursuant to sections 32-1012 to 32-1018, the receiving board shall
separate the voter identification verification envelopes from the rest of
the ballots and deliver them to the election commissioner or county
clerk.

(2) Upon receipt of a voter identification verification envelope,
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 verify that
such person has not voted anywhere else in the county or been issued a
ballot for early voting.

(4) A ballot cast by a voter pursuant to section 12 of this act
shall be counted if:

(a) The voter presents valid photographic identification to the
office of the election commissioner or county clerk on or before the
Tuesday after the election; and

(b) The voter completed and signed the certification on the voter
identification verification envelope.

(5) A ballot cast by a voter pursuant to section 12 of this act
shall not be counted if:

(a) A valid photographic identification for such voter is not
provided to the office of the election commissioner or county clerk on or
before the Tuesday after the election; or

(b) The voter failed to complete and sign the certification on the voter identification verification envelope pursuant to subsection (2) of section 12 of this act.

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

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

Sec. 15. The Secretary of State shall provide a standard affidavit and prescribe the form for a valid photographic identification for an individual who has a religious objection to being photographed. The Secretary of State shall provide the affidavit to the election commissioners and county clerks. A person shall execute the affidavit and submit it to the election commissioner or county clerk. The election commissioner or county clerk shall check that the signature on the affidavit conforms to the signature on the person's voter registration record, and if it matches, transmit the affidavit to the Department of Motor Vehicles for issuance of the photographic identification in the form prescribed by the Secretary of State. The valid photographic identification shall show a digital image of an affidavit signed by the individual to whom the document was issued stating that the individual has a religious objection to being photographed.

Sec. 16. 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 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. 17. Section 60-4,115, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,115 (1) Fees for operators' licenses and state identification cards shall be collected by department personnel or the county treasurer and distributed according to the table in subsection (2) of this section, except for the ignition interlock permit and associated fees as outlined in subsection (4) of this section and the 24/7 sobriety program permit and associated fees as outlined in subsection (5) of this section. County
officials shall remit the county portion of the fees collected to the county treasurer for placement in the county general fund. All other fees collected shall be remitted to the State Treasurer for credit to the appropriate fund.

(2) Except as otherwise provided in subsection (7) of this section, the fees provided in this subsection in the following dollar amounts apply for operators' licenses and state identification cards.

<table>
<thead>
<tr>
<th>Department</th>
<th>County of Motor Vehicles</th>
<th>State General Fund</th>
<th>Cash Fund</th>
<th>General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Document</td>
<td>Total Fee</td>
<td>General</td>
<td>Cash Fund</td>
</tr>
<tr>
<td>State identification card:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valid for 1 year or less</td>
<td>5.00</td>
<td>2.75</td>
<td>1.25</td>
<td>1.00</td>
</tr>
<tr>
<td>Valid for more than 1 year but not more than 2 years</td>
<td>10.00</td>
<td>2.75</td>
<td>4.00</td>
<td>3.25</td>
</tr>
<tr>
<td>Valid for more than 2 years but not more than 3 years</td>
<td>14.00</td>
<td>2.75</td>
<td>5.25</td>
<td>6.00</td>
</tr>
<tr>
<td>Valid for more than 3 years but not more than 4 years</td>
<td>19.00</td>
<td>2.75</td>
<td>8.00</td>
<td>8.25</td>
</tr>
<tr>
<td>Valid for more than 4 years for person under 21</td>
<td>24.00</td>
<td>2.75</td>
<td>10.25</td>
<td>11.00</td>
</tr>
<tr>
<td>Valid for 5 years</td>
<td>24.00</td>
<td>3.50</td>
<td>13.25</td>
<td>7.25</td>
</tr>
<tr>
<td>Replacement</td>
<td>11.00</td>
<td>2.75</td>
<td>6.00</td>
<td>2.25</td>
</tr>
<tr>
<td>Class O or M operator's license:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valid for 1 year or less</td>
<td>5.00</td>
<td>2.75</td>
<td>1.25</td>
<td>1.00</td>
</tr>
<tr>
<td>Valid for more than 1 year but not more than 2 years</td>
<td>10.00</td>
<td>2.75</td>
<td>4.00</td>
<td>3.25</td>
</tr>
<tr>
<td>Valid for more than 2 years but not more than 3 years</td>
<td>14.00</td>
<td>2.75</td>
<td>5.25</td>
<td>6.00</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Price 1</td>
<td>Price 2</td>
<td>Price 3</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>1</td>
<td>Valid for more than 3 years</td>
<td>19.00</td>
<td>2.75</td>
<td>8.00</td>
</tr>
<tr>
<td>2</td>
<td>but not more than 4 years</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Valid for 5 years</td>
<td>24.00</td>
<td>3.50</td>
<td>13.25</td>
</tr>
<tr>
<td>4</td>
<td>Bioptic or telescopic lens restriction:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Valid for 1 year or less</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>6</td>
<td>Valid for more than 1 year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>but not more than 2 years</td>
<td>10.00</td>
<td>2.75</td>
<td>4.00</td>
</tr>
<tr>
<td>8</td>
<td>Replacement</td>
<td>11.00</td>
<td>2.75</td>
<td>6.00</td>
</tr>
<tr>
<td>9</td>
<td>Add, change, or remove class, endorsement, or restriction</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>10</td>
<td>Provisional operator's permit:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Original</td>
<td>15.00</td>
<td>2.75</td>
<td>12.25</td>
</tr>
<tr>
<td>12</td>
<td>Bioptic or telescopic lens restriction:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Valid for 1 year or less</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>14</td>
<td>Valid for more than 1 year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>but not more than 2 years</td>
<td>15.00</td>
<td>2.75</td>
<td>12.25</td>
</tr>
<tr>
<td>16</td>
<td>Replacement</td>
<td>11.00</td>
<td>2.75</td>
<td>6.00</td>
</tr>
<tr>
<td>17</td>
<td>Add, change, or remove class, endorsement, or restriction</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>18</td>
<td>LPD-learner's permit:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Original</td>
<td>8.00</td>
<td>.25</td>
<td>5.00</td>
</tr>
<tr>
<td>20</td>
<td>Replacement</td>
<td>11.00</td>
<td>2.75</td>
<td>6.00</td>
</tr>
<tr>
<td>21</td>
<td>Add, change, or remove class, endorsement, or restriction</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>22</td>
<td>LPE-learner's permit:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Original</td>
<td>8.00</td>
<td>.25</td>
<td>5.00</td>
</tr>
<tr>
<td>24</td>
<td>Replacement</td>
<td>11.00</td>
<td>2.75</td>
<td>6.00</td>
</tr>
<tr>
<td>25</td>
<td>Add, change, or remove class, endorsement, or restriction</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>2023</td>
<td>2023</td>
<td>2023</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>1</td>
<td>endorsement, or restriction</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>2</td>
<td>School permit:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Original</td>
<td>8.00</td>
<td>.25</td>
<td>5.00</td>
</tr>
<tr>
<td>4</td>
<td>Replacement</td>
<td>11.00</td>
<td>2.75</td>
<td>6.00</td>
</tr>
<tr>
<td>5</td>
<td>Add, change, or remove class, endorsement, or restriction</td>
<td>5.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>6</td>
<td>Farm permit:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Original or renewal</td>
<td>5.00</td>
<td>.25</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>Replacement</td>
<td>5.00</td>
<td>.25</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>Driving permits:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Employment</td>
<td>45.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>11</td>
<td>Medical hardship</td>
<td>45.00</td>
<td>0</td>
<td>5.00</td>
</tr>
<tr>
<td>12</td>
<td>Commercial driver's license:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Valid for 1 year or less</td>
<td>11.00</td>
<td>1.75</td>
<td>5.00</td>
</tr>
<tr>
<td>14</td>
<td>Valid for more than 1 year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>but not more than 2 years</td>
<td>22.00</td>
<td>1.75</td>
<td>5.00</td>
</tr>
<tr>
<td>16</td>
<td>Valid for more than 2 years</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>but not more than 3 years</td>
<td>33.00</td>
<td>1.75</td>
<td>5.00</td>
</tr>
<tr>
<td>18</td>
<td>Valid for more than 3 years</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>but not more than 4 years</td>
<td>44.00</td>
<td>1.75</td>
<td>5.00</td>
</tr>
<tr>
<td>20</td>
<td>Valid for 5 years</td>
<td>55.00</td>
<td>1.75</td>
<td>5.00</td>
</tr>
<tr>
<td>21</td>
<td>Bioptic or telescopic lens restriction:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Valid for one year or less</td>
<td>11.00</td>
<td>1.75</td>
<td>5.00</td>
</tr>
<tr>
<td>23</td>
<td>Valid for more than 1 year</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
but not more than 2 years | 22.00 | 1.75 | 5.00 | 15.25  
Replacement | 11.00 | 2.75 | 6.00 | 2.25  
Add, change, or remove class, endorsement, or restriction | 10.00 | 1.75 | 5.00 | 3.25  
CLP-commercial learner's permit:  
Original or renewal | 10.00 | .25 | 5.00 | 4.75  
Replacement | 10.00 | .25 | 5.00 | 4.75  
Add, change, or remove class, endorsement, or restriction | 10.00 | .25 | 5.00 | 4.75  
Seasonal permit:  
Original or renewal | 10.00 | .25 | 5.00 | 4.75  
Replacement | 10.00 | .25 | 5.00 | 4.75  
Add, change, or remove class, endorsement, or restriction | 10.00 | .25 | 5.00 | 4.75  
(3) If the department issues an operator's license or a state identification card and collects the fees, the department shall remit the county portion of the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(4)(a) The fee for an ignition interlock permit shall be forty-five dollars. Five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Forty dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Ignition Interlock Fund.

(b) The fee for a replacement ignition interlock permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Six dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the General Fund.
(c) The fee for adding, changing, or removing a class, endorsement, or restriction on an ignition interlock permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(5)(a) The fee for a 24/7 sobriety program permit shall be forty-five dollars. Twenty-five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Fifteen dollars of the fee shall be remitted to the State Treasurer for credit to the General Fund. Five dollars of the fee shall be remitted to the county treasurer for credit to the county general fund.

(b) The fee for a replacement 24/7 sobriety program permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Six dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the General Fund.

(c) The fee for adding, changing, or removing a class, endorsement, or restriction on a 24/7 sobriety program permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(6) The department and its agents may collect an identity security surcharge to cover the cost of security and technology practices used to protect the identity of applicants for and holders of operators' licenses and state identification cards and to reduce identity theft, fraud, and forgery and counterfeiting of such licenses and cards to the maximum extent possible. The surcharge shall be in addition to all other required fees for operators' licenses and state identification cards. The amount of the surcharge shall be determined by the department. The surcharge shall not exceed eight dollars. The surcharge shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(7) No fee shall be charged for issuance of an original, renewal, or duplicate state identification card to a resident of Nebraska who does not have a valid Nebraska driver's license, who is requesting issuance of such card for voting purposes, and who will be at least eighteen years of age on or before the next election conducted under the Election Act.

Sec. 18. Section 71-612, Reissue Revised Statutes of Nebraska, is amended to read:

71-612 (1) The department, as the State Registrar, shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by rules and regulations of the department, a certified copy of the record of any birth, death, marriage, annulment, or dissolution of marriage or an abstract of marriage. The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use. Except as provided in subsections (2), (3), (5), (6), and (7), and (9) of this section, the department shall be entitled to charge and collect in advance a fee of sixteen dollars to be paid by the applicant for each certified copy or abstract of marriage supplied to the applicant or for any search made at the applicant's request for access to or a certified copy of any record or abstract of marriage, whether or not the record or abstract is found on file with the department.

(2) The department shall, free of charge, search for and furnish a certified copy of any record or abstract of marriage on file with the department upon the request of (a) the United States Department of Veterans Affairs or any lawful service organization empowered to represent veterans if the copy of the record or abstract of marriage is
to be issued, for the welfare of any member or veteran of the armed
forces of the United States or in the interests of any member of his or
her family, in connection with a claim growing out of service in the
armed forces of the nation or (b) the Military Department.

(3) The department may, free of charge, search for and furnish a
certified copy of any record or abstract of marriage on file with the
department when in the opinion of the department it would be a hardship
for the claimant of old age, survivors, or disability benefits under the
federal Social Security Act to pay the fee provided in this section.

(4) A strict account shall be kept of all funds received by the
department. Funds received pursuant to subsections (1), (5), (6), and (8)
of this section shall be remitted to the State Treasurer for credit to
the Health and Human Services Cash Fund. Money credited to the fund
pursuant to this section shall be used for the purpose of administering
the laws relating to vital statistics and may be used to create a petty
cash fund administered by the department to facilitate the payment of
refunds to individuals who apply for copies or abstracts of records. The
petty cash fund shall be subject to section 81-104.01, except that the
amount in the petty cash fund shall not be less than twenty-five dollars
nor more than one thousand dollars.

(5) The department shall, upon request, conduct a search of death
certificates for stated individuals for the Nebraska Medical Association
or any of its allied medical societies or any inhospital staff committee
pursuant to sections 71-3401 to 71-3403. If such death certificate is
found, the department shall provide a noncertified copy. The department
shall charge a fee for each search or copy sufficient to cover its actual
direct costs, except that the fee shall not exceed three dollars per
individual search or copy requested.

(6) The department may permit use of data from vital records for
statistical or research purposes under section 71-602 or disclose data
from certificates or records to federal, state, county, or municipal
agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under security provisions which shall assure the integrity and security of the records and database and shall charge and collect a fee that shall recover the department's costs.

(7) In addition to the fees charged under subsection (1) of this section, the department shall charge and collect an additional fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for access to or a certified copy of any such record, whether or not the record is found on file with the department. Any county containing a city of the metropolitan class which has an established city-county or county health department pursuant to sections 71-1626 to 71-1636 which has an established system of registering births and deaths shall charge and collect in advance a fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for such record, whether or not the record is found on file with the county. All fees collected under this subsection shall be remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

(8) The department shall not charge other state agencies the fees authorized under subsections (1) and (7) of this section for automated review of any certificates or abstracts of marriage. The department shall charge and collect a fee from other state agencies for such automated review that will recover the department's cost.

(9) The department shall not charge any fee for a certified copy of a birth record if the applicant does not have a current Nebraska driver's license or state identification card and indicates in the application that the applicant needs a certified copy of the birth record to apply for a state identification card for voting purposes.
Sec. 19. Sections 8, 9, 10, 11, 12, 13, 14, and 20 of this act become operative on January 1, 2024. The other sections of this act become operative on their effective date.

Sec. 20. Original sections 32-914, 32-941, 32-942, and 32-943, Reissue Revised Statutes of Nebraska, and section 32-947, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 21. Original sections 32-308, 32-309, 60-484.02, and 71-612, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-103, 32-202, 32-304, and 60-4,115, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 22. Since an emergency exists, this act takes effect when passed and approved according to law.