

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 290**

Introduced by Vargas, 7; Blood, 3; Wishart, 27.

Read first time January 11, 2017

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 32-202,  
2 32-307, 32-308, 32-310, 32-312, 32-315, 32-1002, 32-1506, 60-4,130,  
3 and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections  
4 60-484, 60-484.02, and 60-4,144, Revised Statutes Cumulative  
5 Supplement, 2016; to change provisions relating to registering to  
6 vote; to change penalty provisions; to eliminate obsolete  
7 provisions; to harmonize provisions; to repeal the original  
8 sections; and to outright repeal section 32-309, Reissue Revised  
9 Statutes of Nebraska.  
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-202, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-202 In addition to any other duties prescribed by law, the  
4 Secretary of State shall:

5 (1) Supervise the conduct of primary and general elections in this  
6 state;

7 (2) Provide training for election commissioners, county clerks, and  
8 other election officials in providing for registration of voters and the  
9 conduct of elections;

10 (3) Enforce the Election Act;

11 (4) With the assistance and advice of the Attorney General, make  
12 uniform interpretations of the act;

13 (5) Provide periodic training for the agencies and their agents and  
14 contractors in carrying out their duties under sections 32-308 and ~~to~~  
15 32-310;

16 (6) Develop and print forms for use as required by sections 32-308,  
17 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

18 (7) Contract with the Department of Administrative Services for  
19 storage and distribution of the forms;

20 (8) Require reporting to ensure compliance with sections 32-308 and  
21 ~~to~~ 32-310;

22 (9) Prepare and transmit reports as required by the National Voter  
23 Registration Act of 1993, 42 U.S.C. 1973gg et seq.;

24 (10) Develop and print a manual describing the requirements of the  
25 initiative and referendum process and distribute the manual to election  
26 commissioners and county clerks for distribution to the public upon  
27 request;

28 (11) Develop and print pamphlets described in section 32-1405.01;

29 (12) Adopt and promulgate rules and regulations for elections  
30 conducted under sections 32-952 to 32-959; and

31 (13) Establish a free access system, such as a toll-free telephone

1 number or an Internet web site, that any voter who casts a provisional  
2 ballot may access to discover whether the vote of that voter was counted  
3 and, if the vote was not counted, the reason that the vote was not  
4 counted. The Secretary of State shall establish and maintain reasonable  
5 procedures necessary to protect the security, confidentiality, and  
6 integrity of personal information collected, stored, or otherwise used by  
7 the free access system. Access to information about an individual  
8 provisional ballot shall be restricted to the individual who cast the  
9 ballot.

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

12 32-307 No materials advocating or advertising any political issue,  
13 candidate, or party shall be displayed or distributed within fifty feet  
14 of any voter registration site. No alcohol shall be served within fifty  
15 feet of any voter registration site. The registration procedure shall be  
16 conducted in a neutral manner and shall not be connected with anything  
17 unrelated to the object of registering electors except as otherwise  
18 provided in sections 32-308 and ~~to~~ 32-310.

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

21 32-308 (1) The Secretary of State and the Director of Motor Vehicles  
22 shall enter into an agreement to match information in the computerized  
23 statewide voter registration list with information in the data base of  
24 the Department of Motor Vehicles to the extent required to enable each  
25 such official to verify the accuracy of the information provided on  
26 applications for voter registration. The Director of Motor Vehicles shall  
27 enter into an agreement with the Commissioner of Social Security under  
28 section 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)  
29 (8), as such section existed on April 17, 2003, for purposes of the  
30 Election Act.

31 (2) The Department of Motor Vehicles, with the assistance of the

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

30 (3) The Department of Motor Vehicles, in conjunction with the  
31 Secretary of State, shall ~~develop a process to~~ electronically transmit

1 voter registration application information received under subsection (2)  
2 of this section to the election commissioner or county clerk of the  
3 county in which the applicant resides within the time limits prescribed  
4 in subsection (4) of this section. ~~The Director of Motor Vehicles shall~~  
5 ~~designate an implementation date for the process which shall be on or~~  
6 ~~before January 1, 2016.~~

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

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

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

5           Sec. 4. Section 32-310, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           32-310 (1) The State Department of Education and the Department of  
8 Health and Human Services shall provide the opportunity to register to  
9 vote at the time of application, review, or change of address for the  
10 following programs, as applicable: (a) The Supplemental Nutrition  
11 Assistance Program; (b) the medicaid program; (c) the WIC program as  
12 defined in section 71-2225; (d) the aid to dependent children program;  
13 (e) the vocational rehabilitation program; and (f) any other public  
14 assistance program or program primarily for the purpose of providing  
15 services to persons with disabilities. If the application, review, or  
16 change of address is accomplished through an agent or contractor of the  
17 department, the agent or contractor shall provide the opportunity to  
18 register to vote. Any information on whether an applicant registers or  
19 declines to register and the agency at which he or she registers shall be  
20 confidential and shall only be used for voter registration purposes.

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

28           (3) Department personnel, agents, and contractors involved in the  
29 voter registration process pursuant to this section shall not be  
30 considered deputy registrars or agents or employees of the election  
31 commissioner or county clerk.

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

22           (5)(a) The Secretary of State may enter into agreements with the  
23 Commissioner of Education and the chief executive officer of the  
24 Department of Health and Human Services to prescribe an electronic voter  
25 registration application which may be used as described in this  
26 subsection in lieu of a mail-in registration application. The electronic  
27 voter registration application shall contain the information required  
28 pursuant to section 32-312 and shall be designed so that it does not  
29 require the duplication of information in the application described under  
30 this section, except that it may require a second signature of the  
31 applicant. As part of the agreements, the Department of Health and Human

1 Services and the State Department of Education shall agree to  
2 electronically transmit voter registration application information  
3 received under this subsection to the election commissioner or county  
4 clerk of the county in which the applicant resides within the time limits  
5 prescribed in this section.

6 (b) For each voter registration application for which information is  
7 transmitted electronically pursuant to this subsection, the Secretary of  
8 State shall obtain a copy of the electronic representation of the  
9 applicant's signature from the Department of Motor Vehicles' records of  
10 his or her motor vehicle operator's license or state identification card  
11 for purposes of voter registration. Each voter registration application  
12 electronically transmitted under this subsection shall include  
13 information provided by the applicant that includes whether the applicant  
14 is a citizen of the United States, whether the applicant is of sufficient  
15 age to register to vote, the applicant's residence address, the  
16 applicant's postal address if different from the residence address, the  
17 date of birth of the applicant, the party affiliation of the applicant or  
18 an indication that the applicant is not affiliated with any political  
19 party, the applicant's motor vehicle operator's license number, the  
20 applicant's previous registration location by city, county, or state, if  
21 applicable, and the applicant's signature. If a voter registration  
22 application is submitted under this subsection with the signature of the  
23 applicant but the applicant is not eligible to register to vote, the  
24 submission shall not be considered a violation of section 32-1502 or  
25 32-1503 and the document submitted shall not be considered a valid or  
26 completed voter registration application for purposes of registration or  
27 enforcement of the Election Act unless the applicant has willfully and  
28 knowingly taken affirmative steps to register to vote knowing that he or  
29 she is not eligible to do so.

30 (6) ~~(5)~~ The departments shall adopt and promulgate rules and  
31 regulations to ensure compliance with this section.



1           Sec. 5. Section 32-312, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           32-312 The registration application prescribed by the Secretary of  
4 State pursuant to section 32-304 or 32-311.01 shall provide the  
5 instructional statements and request the information from the applicant  
6 as provided in this section.

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

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

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

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

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

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

31          ADDRESS OF LAST REGISTRATION—the name and number of the street,

1 avenue, or other location of the dwelling from which the applicant last  
2 registered.

3 TELEPHONE NUMBERS—the telephone number of the applicant at work and  
4 at home. At the request of the applicant, a designation shall be made  
5 that the telephone number is an unlisted number, and such designation  
6 shall preclude the listing of the applicant's telephone number on any  
7 list of voter registrations.

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

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

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

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

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

30 REGISTRATION TAKEN BY—show the signature of the authorized official  
31 or staff member accepting the application pursuant to section ~~32-309~~ or

1 32-310 or at least one of the deputy registrars taking the application  
2 pursuant to section 32-306, if applicable.

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

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

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

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

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

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

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

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

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

31 APPLICANT'S SIGNATURE—require the applicant to affix his or her

1 signature to the application.

2 Sec. 6. Section 32-315, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 32-315 Upon receiving a completed voter registration application  
5 pursuant to section 32-308, ~~32-309~~, or 32-310 indicating that a voter who  
6 is registered in the county has changed his or her name or moved to  
7 another residence within the same county, the election commissioner or  
8 county clerk shall change the voter registration record of the registered  
9 voter to the new name or new address and shall send an acknowledgment  
10 card to the registered voter indicating that the change of registration  
11 has been completed and the address of the voter's new polling place.

12 Sec. 7. Section 32-1002, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 32-1002 (1) As the ballots are removed from the ballot box pursuant  
15 to sections 32-1012 to 32-1018, the receiving board shall separate the  
16 envelopes containing the provisional ballots from the rest of the ballots  
17 and deliver them to the election commissioner or county clerk.

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

22 (3) The election commissioner or county clerk shall also (a) verify  
23 that such person has not voted anywhere else in the county or been issued  
24 a ballot for early voting, (b) investigate whether any credible evidence  
25 exists that the person was properly registered to vote in the county  
26 before the deadline for registration for the election, (c) investigate  
27 whether any information has been received pursuant to section 32-308,  
28 ~~32-309~~, 32-310, or 32-324 that the person has resided, registered, or  
29 voted in any other county or state since registering to vote in the  
30 county, and (d) upon determining that credible evidence exists that the  
31 person was properly registered to vote in the county, make the

1 appropriate changes to the voter registration register by entering the  
2 information contained in the registration application completed by the  
3 voter at the time of voting a provisional ballot.

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

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

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

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

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

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

17 (ii) If the voter is voting in a primary election, the party  
18 affiliation provided on the registration application completed prior to  
19 voting the provisional ballot is the same party affiliation that appears  
20 on the voter's voter registration record based on his or her previous  
21 registration application; and

22 (e) The certification on the front of the envelope or form attached  
23 to the envelope is in the proper form and signed by the voter.

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

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

28 (b) Information has been received pursuant to section 32-308,  
29 ~~32-309~~, 32-310, or 32-324 that the voter has resided, registered, or  
30 voted in any other county or state since registering to vote in the  
31 county in which he or she cast the provisional ballot;

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

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

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

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

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

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

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

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

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

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

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

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

7 Sec. 8. Section 32-1506, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 32-1506 Any deputy registrar, judge or clerk of election, or other  
10 officer having the custody of records, registers, copies of records or  
11 registers, oaths, certificates, or any other paper, document, or evidence  
12 of any description by law directed to be made, filed, or preserved (1)  
13 who steals, willfully destroys, mutilates, defaces, falsifies, or  
14 fraudulently removes such paper, document, or evidence or any part  
15 thereof, (2) who fraudulently makes an entry, erasure, or alteration in  
16 such paper, document, or evidence except as allowed and directed by the  
17 Election Act, (3) who uses the voter registration records for any purpose  
18 other than voter registration, election administration, or enforcement of  
19 the Election Act, (4) who permits any other person to commit any  
20 violation listed in this section, (5) or who advises, procures, or abets  
21 the commission of such a violation shall be guilty of a Class III  
22 misdemeanor and shall forfeit his or her office. Any other person who  
23 violates this section shall be guilty of a Class III misdemeanor.

24 Sec. 9. Section 60-484, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:

26 60-484 (1) Except as otherwise provided in the Motor Vehicle  
27 Operator's License Act, no resident of the State of Nebraska shall  
28 operate a motor vehicle upon the alleys or highways of this state until  
29 the person has obtained an operator's license for that purpose.

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

1 (3) The applicant shall provide his or her full legal name, date of  
 2 birth, mailing address, gender, race or ethnicity, and social security  
 3 number, two forms of proof of address of his or her principal residence  
 4 unless the applicant is a program participant under the Address  
 5 Confidentiality Act, evidence of identity as required by subsection (6)  
 6 of this section, and a brief physical description of himself or herself.  
 7 The applicant (a) shall ~~may also~~ complete the voter registration portion  
 8 that is transmitted to the election commissioner or county clerk to  
 9 register the applicant to vote or update his or her voter registration  
 10 record pursuant to section 32-308, (b) shall be provided the advisement  
 11 language required by subsection (5) of section 60-6,197, (c) shall answer  
 12 the following:

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

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

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

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

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

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

22 Please explain: .....

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

27 Please explain: .....

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

30 Please explain, including how the above affects your ability to  
 31 drive: ....., and (d) may answer the following:



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

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

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

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

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

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

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

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

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

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

21           (7) Any individual applying for an operator's license or a state  
22 identification card who indicated his or her wish to have the word  
23 "veteran" displayed on the front of such license or card shall comply  
24 with section 60-4,189.

25           (8) No person shall be a holder of an operator's license and a state  
26 identification card at the same time.

27           Sec. 10. Section 60-484.02, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29           60-484.02 (1) Each applicant for an operator's license or state  
30 identification card shall have his or her digital image captured. Digital  
31 images shall be preserved for use as prescribed in sections 60-4,119,

1 60-4,151, and 60-4,180. The images shall be used for issuing operators'  
2 licenses and state identification cards. The images may be retrieved only  
3 by the Department of Motor Vehicles for issuing renewal and replacement  
4 operators' licenses and state identification cards and may not be  
5 otherwise released except in accordance with subsection (3) of this  
6 section.

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

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

26 (4) No officer, employee, agent, or contractor of the department or  
27 law enforcement officer shall release a digital signature except (a) to a  
28 federal, state, or local law enforcement agency, a certified law  
29 enforcement officer employed in an investigative position by a state or  
30 federal agency, or a driver licensing agency of another state for the  
31 purpose of carrying out the functions of the agency or assisting another

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

22 Sec. 11. Section 60-4,130, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 60-4,130 (1) Application for an employment driving permit shall be  
25 made to the Department of Motor Vehicles on forms furnished for that  
26 purpose by the department. The application form shall contain such  
27 information as deemed necessary by the director to carry out this section  
28 and section 60-4,129. If the department has a digital image and digital  
29 signature of the applicant preserved in the digital system implemented  
30 under section 60-484.01, the employment driving permit, if issued, may  
31 contain such image and signature. The application form shall also include

1 a voter registration portion pursuant to section 32-308. ~~and the~~  
2 ~~following specific question: Do you wish to register to vote as part of~~  
3 ~~this application process?~~ To be eligible for an employment driving  
4 permit, the applicant shall furnish, along with the application to the  
5 director, the following:

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

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

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

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

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

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

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

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

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

17 Sec. 12. Section 60-4,130.02, Reissue Revised Statutes of Nebraska,  
18 is amended to read:

19 60-4,130.02 (1) Application for a medical hardship driving permit  
20 shall be made to the Department of Motor Vehicles on forms furnished for  
21 that purpose by the department. The application form shall contain such  
22 information as deemed necessary by the director to carry out this section  
23 and section 60-4,130.01. If the department has a digital image and  
24 digital signature of the applicant preserved in the digital system  
25 implemented under section 60-484.01, the medical hardship driving permit,  
26 if issued, may contain such image and signature. The application form  
27 shall also include a voter registration portion pursuant to section  
28 ~~32-308\_ and the following specific question: Do you wish to register to~~  
29 ~~vote as part of this application process?~~ To be eligible for a medical  
30 hardship driving permit, the applicant shall furnish, along with the  
31 application to the director, the following:

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

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

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

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

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

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

23 Sec. 13. Section 60-4,144, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 60-4,144 (1) An applicant for issuance of any original or renewal  
26 commercial driver's license or an applicant for a change of class of  
27 commercial motor vehicle, endorsement, or restriction shall demonstrate  
28 his or her knowledge and skills for operating a commercial motor vehicle  
29 as prescribed in the Motor Vehicle Operator's License Act. An applicant  
30 for a commercial driver's license shall provide the information and  
31 documentation required by this section and section 60-4,144.01. Such

1 information and documentation shall include any additional information  
2 required by 49 C.F.R. parts 383 and 391 and also include:

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

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

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

21 (b) The applicant's social security number shall not be printed on  
22 the CLP-commercial learner's permit or commercial driver's license and  
23 shall be used only (i) to furnish information to the United States  
24 Selective Service System under section 60-483, (ii) with the permission  
25 of the director in connection with the certification of the status of an  
26 individual's driving record in this state or any other state, (iii) for  
27 purposes of child support enforcement pursuant to section 42-358.08 or  
28 43-512.06, (iv) to furnish information regarding an applicant for or  
29 holder of a commercial driver's license with a hazardous materials  
30 endorsement to the Transportation Security Administration of the United  
31 States Department of Homeland Security or its agent, (v) to furnish



1 information to the Department of Revenue under section 77-362.02, or (vi)  
2 to furnish information to the Secretary of State for purposes of the  
3 Election Act.

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

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

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

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

16 (i) A valid, unexpired United States passport;

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

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

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

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

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

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

1 (viii) A Certificate of Citizenship issued by the United States  
2 Department of Homeland Security;

3 (ix) A driver's license or identification card issued in compliance  
4 with the standards established by the REAL ID Act of 2005, Public Law  
5 109-13, division B, section 1, 119 Stat. 302; or

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

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

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

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

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

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

31 (i) A valid, unexpired United States passport;

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

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

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

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

11 (vi) A valid, unexpired Permanent Resident Card issued by the United  
12 States Department of Homeland Security or United States Citizenship and  
13 Immigration Services.

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

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

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

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

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

3 (i) Complete the requirements to obtain a CLP-commercial learner's  
4 permit or a commercial driver's license under the Motor Vehicle  
5 Operator's License Act, except that an applicant domiciled in a foreign  
6 jurisdiction must provide an unexpired employment authorization document  
7 issued by the United States Citizenship and Immigration Services or an  
8 unexpired foreign passport accompanied by an approved I-94 form  
9 documenting the applicant's most recent admittance into the United  
10 States. No proof of domicile is required;

11 (ii) After receipt of the nondomiciled CLP-commercial learner's  
12 permit or nondomiciled commercial driver's license and, for as long as  
13 the permit or license is valid, notify the Department of Motor Vehicles  
14 of any adverse action taken by any jurisdiction or governmental agency,  
15 foreign or domestic, against his or her driving privileges. Such adverse  
16 actions include, but are not limited to, license disqualification or  
17 disqualification from operating a commercial motor vehicle for the  
18 convictions described in 49 C.F.R. 383.51. Notifications must be made  
19 within the time periods specified in 49 C.F.R. 383.33; and

20 (iii) Provide a mailing address to the Department of Motor Vehicles.  
21 If the applicant is applying for a foreign nondomiciled CLP-commercial  
22 learner's permit or foreign nondomiciled commercial driver's license, he  
23 or she must provide a Nebraska mailing address and his or her employer's  
24 mailing address to the Department of Motor Vehicles.

25 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
26 or nondomiciled commercial driver's license who holds a foreign  
27 operator's license is not required to surrender his or her foreign  
28 operator's license.

29 (8) Any person applying for a CLP-commercial learner's permit or  
30 commercial driver's license may answer the following:

31 ~~(a) Do you wish to register to vote as part of this application~~

1 process?

2 (a) ~~(b)~~ Do you wish to have the word "veteran" displayed on the  
3 front of your operator's license to show that you served in the armed  
4 forces of the United States? (To be eligible you must register with the  
5 Nebraska Department of Veterans' Affairs registry.)

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

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

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

12 (9) Application for a CLP-commercial learner's permit or commercial  
13 driver's license shall include a signed oath, affirmation, or declaration  
14 of the applicant that the information provided on the application for the  
15 permit or license is true and correct. The application shall also include  
16 a voter registration portion pursuant to section 32-308.

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

23 (11) Every person who holds any commercial driver's license must  
24 provide to the department medical certification as required by section  
25 60-4,144.01. The department may provide notice and prescribe medical  
26 certification compliance requirements for all holders of commercial  
27 drivers' licenses. Holders of commercial drivers' licenses who fail to  
28 meet the prescribed medical certification compliance requirements may be  
29 subject to downgrade.

30 Sec. 14. Original sections 32-202, 32-307, 32-308, 32-310, 32-312,  
31 32-315, 32-1002, 32-1506, 60-4,130, and 60-4,130.02, Reissue Revised

1 Statutes of Nebraska, and sections 60-484, 60-484.02, and 60-4,144,  
2 Revised Statutes Cumulative Supplement, 2016, are repealed.

3       Sec. 15. The following section is outright repealed: Section  
4 32-309, Reissue Revised Statutes of Nebraska.