

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 381

Introduced by Janssen, 15.

Read first time January 18, 2013

Committee:

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-110.02,
2 32-311.01, 32-321, 32-902, 32-914, 32-938, 32-953, and
3 32-1027, Reissue Revised Statutes of Nebraska, and
4 sections 32-915, 32-947, 32-1002, 60-4,115, and 60-4,181,
5 Revised Statutes Cumulative Supplement, 2012; to require
6 presentation of a government-issued photographic
7 identification document to vote; to provide exceptions;
8 to provide for provisional ballots; to change
9 requirements for identification for certain first-time
10 voters; to change provisions for issuance of state
11 identification cards; to harmonize provisions; to repeal
12 the original sections; and to outright repeal section
13 32-318.01, Reissue Revised Statutes of Nebraska.

14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-110.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 ~~32-110.02 Government document means an identification~~
4 ~~document or other document issued by a federal, state, or local~~
5 ~~government agency that includes the name and address of the voter as~~
6 ~~they appear on his or her voter registration application, including~~
7 ~~those documents that acknowledge the person's civil or legal status~~
8 ~~or entitlement to a government service or program. Government-issued~~
9 ~~photographic identification means:~~

10 (1) A motor vehicle operator's license or state
11 identification card issued under the Motor Vehicle Operator's License
12 Act which is current and valid at the time it is presented or which
13 was current and valid on the date of the most recent general
14 election;

15 (2) A document issued by the United States which shows:

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

19 (b) A photograph of the individual to whom the document
20 was issued; and

21 (c) An expiration date which is not passed or which
22 passed after the date of the most recent general election; or

23 (3) Any other document which:

24 (a) Is issued by a government entity;

25 (b) Has a photograph of the individual to whom the

1 document was issued; and

2 (c) Is approved pursuant to rules and regulations adopted
3 and promulgated by the Secretary of State.

4 Sec. 2. Section 32-311.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 32-311.01 (1) The Secretary of State shall prescribe and
7 distribute a registration application which may be used statewide to
8 register to vote and update voter registration records. An applicant
9 may use the application to register to vote or to update his or her
10 voter registration record with changes in his or her personal
11 information or other information related to his or her eligibility to
12 vote. An applicant may submit the application in person, through a
13 personal messenger or personal agent, or by mail. Every election
14 commissioner or county clerk shall accept such an application for
15 registration. If an applicant who is eligible to register to vote
16 submits the application in person at the office of the election
17 commissioner or county clerk, the information from the application
18 shall be entered into the voter registration register in the presence
19 of the applicant if possible.

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

23 (a) An applicant who is unable to sign his or her name
24 may affix his or her mark next to his or her name written on the
25 signature line by some other person;

1 (b) If the application is submitted by mail and the
2 applicant is registering in the state for the first time and has not
3 previously voted within the state, the applicant must submit with the
4 application a copy of a ~~photo identification which is current and~~
5 ~~valid or a copy of a utility bill, bank statement, government check,~~
6 ~~paycheck, or other government document that is current and that shows~~
7 ~~the name and address of the applicant as they appear on the~~
8 ~~application~~ government-issued photographic identification in order to
9 avoid additional identification requirements when voting for the
10 first time if the voter votes early;

11 (c) An applicant may deliver the application to the
12 office of the election commissioner or county clerk in person,
13 through a personal messenger or personal agent, or by mail;

14 (d) To vote at the polling place on election day, the
15 completed application must be:

16 (i) Delivered by the applicant in person to the office of
17 the election commissioner or county clerk on or before the deadline
18 prescribed in section 32-302;

19 (ii) Delivered by the applicant's personal messenger or
20 personal agent to the office of the election commissioner or county
21 clerk on or before the third Friday before the election; or

22 (iii) Postmarked on or before the third Friday before the
23 election if the application is submitted by mail; and

24 (e) The election commissioner or county clerk will, upon
25 receipt of the application for registration, send an acknowledgment

1 of registration to the applicant indicating whether the application
2 is proper or not.

3 Sec. 3. Section 32-321, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-321 (1) Any elector may request a voter registration
6 application from the office of the Secretary of State or the election
7 commissioner or county clerk. The Secretary of State and the election
8 commissioner or county clerk shall make registration applications
9 prescribed by the Secretary of State available and may place the
10 applications in public places. The Secretary of State and the
11 election commissioner or county clerk may require that all unused
12 applications be returned to his or her office and may place
13 reasonable limits on the amount of applications requested.

14 (2) If an elector returns the completed application to
15 the office of the Secretary of State, the office shall deliver the
16 application to the election commissioner or county clerk of the
17 county in which the elector resides not later than ten days after
18 receipt by the office, except that if the application is returned to
19 the office within five days prior to the third Friday preceding any
20 election, it shall be delivered not later than five days after the
21 date it is returned. The deadline for returning a completed
22 application to the office of the Secretary of State is the close of
23 business on the third Friday preceding an election to be registered
24 to vote at such election. A registration application received after
25 the deadline shall not be processed by the election commissioner or

1 county clerk until after the election. The office of the Secretary of
2 State shall be a designated voter registration agency for purposes of
3 section 7 of the National Voter Registration Act of 1993, 42 U.S.C.
4 1973gg-5, as such section existed on March 11, 2008.

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

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

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

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

15 (4) If the registration application arrives after the
16 registration deadline, the application shall not be processed until
17 after the election. Written notice shall be given to any applicant
18 whose registration application failed to meet the registration
19 deadline or was found to be incorrect or incomplete and shall state
20 the specific reason for rejection. If the application is incomplete,
21 the election commissioner or county clerk shall notify the applicant
22 of the failure to provide the required information, including failure
23 to provide government-issued photographic identification if required,
24 and provide the applicant with the opportunity to submit ~~an~~ such
25 ~~identification document as described in section 32-318.01~~ prior to

1 the deadline for voter registration or to complete and submit a
2 corrected registration application in a timely manner to allow for
3 the proper registration of the applicant prior to the next election.
4 All postage costs related to returning registration applications to
5 the election commissioner or county clerk shall be paid by the
6 registrant.

7 Sec. 4. Section 32-902, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-902 (1) The election commissioner or county clerk
10 shall cause instructions for the guidance of registered voters in
11 preparing their ballots to be printed in large, clear type on cards
12 in English. He or she shall furnish at least five such cards to each
13 polling place in each precinct at the same time and in the same
14 manner as the printed ballots. The judges or clerks of election shall
15 post such cards in each voting booth on the day of election. The card
16 shall contain full instructions on preparing and casting ballots,
17 including how to cast a write-in vote. The form and contents of the
18 cards shall be approved by the Secretary of State.

19 (2) The election commissioner or county clerk shall cause
20 voting information to be posted in each polling place on the day of
21 election. The voting information shall include the following
22 information as approved by the Secretary of State:

23 (a) Information regarding the date of the election and
24 the hours during which polling places will be open;

25 (b) Instructions for voters who registered to vote by

1 mail and first-time voters and for voters to present identification
2 or vote a provisional ballot;

3 (c) General information on voting rights under applicable
4 federal and state laws, including information on the right of an
5 individual to cast a provisional ballot and instructions on how to
6 contact the appropriate officials if these rights are alleged to have
7 been violated; and

8 (d) General information on federal and state laws
9 regarding prohibitions on acts of fraud and misrepresentation.

10 Sec. 5. Section 32-914, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-914 (1) Official ballots shall be used at all
13 elections. No person shall receive a ballot or be entitled to vote
14 unless and until he or she is registered as a voter except as
15 provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
16 32-936.

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

19 (a) He or she announces his or her name and address to
20 the clerk of election;

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

25 (c) The voter has presented a government-issued

1 photographic identification which is current and valid at the time of
2 the election, ~~or a copy of a utility bill, bank statement, paycheck,~~
3 ~~government check, or other government document which is current at~~
4 ~~the time of the election~~ and which shows the same name and residence
5 address of the voter that is on the precinct list of registered
6 voters, ~~if the voter registered by mail after January 1, 2003, and~~
7 ~~has not previously voted in an election for a federal office within~~
8 ~~the county and a notation appears on the precinct list of registered~~
9 ~~voters that the voter has not previously presented identification to~~
10 ~~the election commissioner or county clerk; unless the voter votes a~~
11 provisional ballot;

12 (d) As instructed by the clerk of election, the
13 registered voter has personally written his or her name (i) in the
14 precinct sign-in register on the appropriate line which follows the
15 last signature of any previous voter or (ii) in the combined document
16 containing the precinct list of registered voters and the sign-in
17 register; and

18 (e) The clerk has listed on the precinct list of
19 registered voters the corresponding line number and name of the
20 registered voter or has listed the name of the voter in a separate
21 book as provided in section 32-913.

22 Sec. 6. Section 32-915, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 32-915 (1) A person whose name does not appear on the
25 precinct list of registered voters at the polling place for the

1 precinct in which he or she resides, whose name appears on the
2 precinct list of registered voters at the polling place for the
3 precinct in which he or she resides at a different residence address
4 as described in section 32-914.02, ~~or~~ whose name appears with a
5 notation that he or she received a ballot for early voting, or who
6 does not present a government-issued photographic identification may
7 vote a provisional ballot if he or she:

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

11 (b) Is not entitled to vote under section 32-914.01 or
12 32-914.02;

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

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

19 (e) Completes and signs a registration application before
20 voting.

21 ~~(2) A voter whose name appears on the precinct list of~~
22 ~~registered voters for the polling place with a notation that the~~
23 ~~voter is required to present identification pursuant to section~~
24 ~~32-318.01 but fails to present identification may vote a provisional~~
25 ~~ballot if he or she completes and signs a registration application~~

1 ~~before voting.~~

2 ~~(3)~~(2) Each person voting by provisional ballot shall
3 enclose his or her ballot in an envelope marked Provisional Ballot
4 and shall, by signing the certification on the front of the envelope
5 or a separate form attached to the envelope, certify to the following
6 facts:

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

8 (b) My name or address did not correctly appear on the
9 precinct list of registered voters without a notation or I have not
10 presented a government-issued photographic identification;

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

13 (d) I registered to vote
14 in person at the election office or a voter
15 registration site,
16 by mail,
17 on a form through the Department of Motor Vehicles,
18 on a form through another state agency,
19 in some other way;

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

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

25 (g) I am eligible to vote in this election and I have not

1 voted and will not vote in this election except by this ballot.

2 ~~(4)~~ (3) The voter shall sign the certification under
3 penalty of election falsification. The following statements shall be
4 on the front of the envelope or on the attached form: By signing the
5 front of this envelope or the attached form you are certifying to the
6 information contained on this envelope or the attached form under
7 penalty of election falsification. Election falsification is a Class
8 IV felony and may be punished by up to five years imprisonment, a
9 fine of up to ten thousand dollars, or both.

10 ~~(5)~~ (4) If the person's name does not appear on the
11 precinct list of registered voters for the polling place and the
12 judge or clerk of election determines that the person's residence
13 address is located in another precinct within the same county, the
14 judge or clerk of election shall direct the person to his or her
15 correct polling place to vote.

16 Sec. 7. Section 32-938, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 32-938 (1) A registered voter shall be permitted to vote
19 early by requesting a ballot for early voting pursuant to section
20 32-941 or 32-943. A registered voter voting early shall not be
21 required to show a government-issued photographic identification
22 prior to being issued a ballot for early voting except as provided in
23 subdivision (2)(b) of section 32-311.01.

24 (2) Any person excluded from voting under section 32-313
25 or 32-314 shall not be allowed to receive a ballot for early voting.

1 (3) Any person who fails to register to vote by the voter
2 registration deadline shall not be allowed to vote except as provided
3 in section 32-940 or 32-941.

4 Sec. 8. Section 32-947, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 32-947 (1) Upon receipt of an application or other
7 request for a ballot to vote early, the election commissioner or
8 county clerk shall determine whether the applicant is a registered
9 voter and is entitled to vote as requested. If the election
10 commissioner or county clerk determines that the applicant is a
11 registered voter entitled to vote early and the application was
12 received at or before 4 p.m. on the Wednesday preceding the election,
13 the election commissioner or county clerk shall deliver a ballot to
14 the applicant in person or by mail, postage paid. The election
15 commissioner or county clerk or any employee of the election
16 commissioner or county clerk shall write or cause to be affixed his
17 or her customary signature or initials on the ballot.

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

21 VOTER'S OATH

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

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

3 (a) I,, am a registered voter
4 in County;

5 (b) I reside in the State of Nebraska
6 at

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

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

11 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
12 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION
13 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE
14 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS
15 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN
16 THOUSAND DOLLARS, OR BOTH.

17 I also understand that failure to sign below will
18 invalidate my ballot.

19 Signature

20 The primary election ballot, if any, within this envelope
21 is a primary election ballot of the party.

22 Ballots contained in this envelope are for the
23 (primary, general, or special) election to be held on the day
24 of 20.. .

25 (3) If the ballot and identification envelope will be

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

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

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

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

23 (c) Written instructions directing the voter to submit a
24 copy of ~~an identification document pursuant to section 32-318.01 a~~
25 government-issued photographic identification if the voter is

1 ~~required to present identification under such section registering to~~
2 ~~vote by mail and has not previously voted in the state~~ and advising
3 the voter that failure to submit identification to the election
4 commissioner or county clerk by the close of the polls on election
5 day will result in the ballot not being counted.

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

11 Sec. 9. Section 32-953, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 32-953 The election commissioner or county clerk shall
14 mail the official ballot to all registered voters of the political
15 subdivision at the addresses appearing on the voter registration
16 register on the same day. In an election held by mail, registered
17 voters shall not be required to present a government-issued
18 photographic identification prior to being issued a ballot. The
19 ballots shall be mailed by nonforwardable first-class mail not sooner
20 than the twentieth day before the date set for the election and not
21 later than the tenth day before the date set for the election. The
22 election commissioner or county clerk shall include with the ballot
23 an unsealed identification envelope meeting the requirements of
24 subsection (2) of section 32-947 and instructions sufficient to
25 describe the voting process.

1 Sec. 10. Section 32-1002, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-1002 (1) As the ballots are removed from the ballot
4 box pursuant to sections 32-1012 to 32-1018, the receiving board
5 shall separate the envelopes containing the provisional ballots from
6 the rest of the ballots and deliver them to the election commissioner
7 or county clerk.

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

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

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

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

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

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

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

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

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

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

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

25 (a) The voter was not properly registered in the county

1 before the deadline for registration for the election;

2 (b) Information has been received pursuant to section
3 32-309, 32-310, or 32-324 that the voter has resided, registered, or
4 voted in any other county or state since registering to vote in the
5 county in which he or she cast the provisional ballot;

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

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

11 (e) The residence address provided on the registration
12 application completed pursuant to subdivision (1)(e) of section
13 32-915 is in a different county or in a different precinct than the
14 county or precinct in which the voter voted;

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

20 (g) The voter failed to complete and sign the
21 certification on the envelope or form attached to the envelope
22 pursuant to subsection ~~(3)~~(2) of section 32-915.

23 (6) An error or omission of information on the
24 registration application or the certification required under section
25 32-915 shall not result in the provisional ballot not being counted

1 if:

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

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

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

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

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

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

19 Sec. 11. Section 32-1027, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-1027 (1) The election commissioner or county clerk
22 shall appoint two or more registered voters to the counting board for
23 early voting. One registered voter shall be appointed from the
24 political party casting the highest number of votes for Governor or
25 for President of the United States in the county in the immediately

1 preceding general election, and one registered voter shall be
2 appointed from the political party casting the next highest vote for
3 such office. The election commissioner or county clerk may appoint
4 additional registered voters to serve on the counting board and may
5 appoint registered voters to serve in case of a vacancy among any of
6 the members of the counting board. Such appointees shall be balanced
7 between the political parties and may include registered voters
8 unaffiliated with any political party. The counting board may begin
9 carrying out its duties not earlier than the second Monday before the
10 election and shall meet as directed by the election commissioner or
11 county clerk.

12 (2) The counting board shall place all identification
13 envelopes in order and shall review each returned identification
14 envelope pursuant to verification procedures prescribed in
15 subsections (3) and (4) of this section.

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

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

19 (b) The ballot has been received from the voter who
20 requested it and the residence address is the same address provided
21 on the voter's request for a ballot for early voting, by comparing
22 the information provided on the identification envelope with
23 information recorded in the record of early voters or the voter's
24 request;

25 (c) A completed and signed registration application has

1 been received from the voter by the deadline in section 32-302,
2 32-321, or 32-325 or by the close of the polls pursuant to section
3 32-945;

4 ~~(d) An identification document has been received from A~~
5 government-issued photographic identification has been presented by
6 the voter not later than the close of the polls on election day if
7 required pursuant to section ~~32-318.01; 32-947;~~ and

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

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

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

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

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

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

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

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

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

10 (iii) The residence address provided on the
11 identification envelope and on the registration application is the
12 same as the residence address as provided on the voter's request for
13 a ballot for early voting; and

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

16 (c) In the case of a ballot received from a voter without
17 a residence address who requested a ballot pursuant to section
18 32-946, the ballot shall be accepted for counting if:

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

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

1 election day;

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

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

8 (d) In the case of a ballot received from a registered
9 voter required to present ~~identification before voting a government-~~
10 issued photographic identification with the ballot to vote early
11 pursuant to section ~~32-318.01, 32-947,~~ the ballot shall be accepted
12 for counting if:

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

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

18 (iii) A copy of ~~an identification document authorized in~~
19 section 32-318.01 a government-issued photographic identification has
20 been received by the election commissioner or county clerk prior to
21 the close of the polls on election day; and

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

24 (5) In opening the identification envelope or the return
25 envelope to determine if registration applications, oaths, or

1 identification documents have been enclosed by the voters from whom
2 they are required, the counting board shall make a good faith effort
3 to ensure that the ballot remains folded and that the secrecy of the
4 vote is preserved.

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

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

25 (8) As soon as all ballots have been placed in the sealed

1 container and rejected identification envelopes or ballots have been
 2 sealed in the Rejected Ballots container, the counting board shall
 3 count the ballots the same as all other ballots and an unofficial
 4 count shall be reported to the election commissioner or county clerk.
 5 No results shall be released prior to the closing of the polls on
 6 election day.

7 Sec. 12. Section 60-4,115, Revised Statutes Cumulative
 8 Supplement, 2012, is amended to read:

9 60-4,115 (1) Fees for operators' licenses and state
 10 identification cards shall be collected and distributed according to
 11 the table in subsection (2) of this section, except for the ignition
 12 interlock permit and associated fees as outlined in subsection (4) of
 13 this section and except for state identification cards issued
 14 pursuant to subsection (6) of this section. County officials shall
 15 remit the county portion of the fees collected to the county
 16 treasurer for placement in the county general fund. All other fees
 17 collected shall be remitted to the State Treasurer for credit to the
 18 appropriate fund.

19 (2) The fees provided in this subsection in the following
 20 dollar amounts apply for operators' licenses and state identification
 21 cards.

22			Department		
23			County	of Motor	State
24	Document	Total	General	Vehicles	General
25		Fee	Fund	Cash Fund	Fund

1	State identification card:				
2	Valid for 1 year or less	5.00	2.75	1.25	1.00
3	Valid for more than 1 year				
4	but not more than 2 years	10.00	2.75	4.00	3.25
5	Valid for more than 2 years				
6	but not more than 3 years	14.00	2.75	5.25	6.00
7	Valid for more than 3 years				
8	but not more than 4 years	19.00	2.75	8.00	8.25
9	Valid for more than 4 years				
10	for person under 21	24.00	2.75	10.25	11.00
11	Valid for 5 years	24.00	3.50	10.25	10.25
12	Duplicate or replacement	11.00	2.75	6.00	2.25
13	Class O or M operator's license:				
14	Valid for 1 year or less	5.00	2.75	1.25	1.00
15	Valid for more than 1 year				
16	but not more than 2 years	10.00	2.75	4.00	3.25
17	Valid for more than 2 years				
18	but not more than 3 years	14.00	2.75	5.25	6.00
19	Valid for more than 3 years				
20	but not more than 4 years	19.00	2.75	8.00	8.25
21	Valid for 5 years	24.00	3.50	10.25	10.25

1	Bioptic or telescopic lens restriction:				
2	Valid for 1 year or less	5.00	0	5.00	0
3	Valid for more than 1 year				
4	but not more than 2 years	10.00	2.75	4.00	3.25
5	Duplicate or replacement	11.00	2.75	6.00	2.25
6	Add, change, or remove class,				
7	endorsement, or restriction	5.00	0	5.00	0
8	Provisional operator's permit:				
9	Original	15.00	2.75	12.25	0
10	Bioptic or telescopic lens restriction:				
11	Valid for 1 year or less	5.00	0	5.00	0
12	Valid for more than 1 year				
13	but not more than 2 years	15.00	2.75	12.25	0
14	Duplicate or replacement	11.00	2.75	6.00	2.25
15	Add, change, or remove class,				
16	endorsement, or restriction	5.00	0	5.00	0
17	LPD-learner's permit:				
18	Original	8.00	.25	5.00	2.75
19	Duplicate or replacement	11.00	2.75	6.00	2.25
20	Add, change, or remove class,				
21	endorsement, or restriction	5.00	0	5.00	0

1	LPE-learner's permit:				
2	Original	8.00	.25	5.00	2.75
3	Duplicate or replacement	11.00	2.75	6.00	2.25
4	Add, change, or remove class,				
5	endorsement, or restriction	5.00	0	5.00	0
6	School permit:				
7	Original	8.00	.25	5.00	2.75
8	Duplicate or replacement	11.00	2.75	6.00	2.25
9	Add, change, or remove class,				
10	endorsement, or restriction	5.00	0	5.00	0
11	Farm permit:				
12	Original or renewal	5.00	.25	0	4.75
13	Duplicate or replacement	5.00	.25	0	4.75
14	Temporary	5.00	.25	0	4.75
15	Add, change, or remove class,				
16	endorsement, or restriction	5.00	0	5.00	0
17	Driving permits:				
18	Employment	45.00	0	5.00	40.00
19	Medical hardship	45.00	0	5.00	40.00
20	Duplicate or replacement	10.00	.25	5.00	4.75
21	Add, change, or remove class,				

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1	endorsement, or restriction	5.00	0	5.00	0
2	Commercial driver's license:				
3	Valid for 1 year or less	11.00	1.75	5.00	4.25
4	Valid for more than 1 year				
5	but not more than 2 years	22.00	1.75	5.00	15.25
6	Valid for more than 2 years				
7	but not more than 3 years	33.00	1.75	5.00	26.25
8	Valid for more than 3 years				
9	but not more than 4 years	44.00	1.75	5.00	37.25
10	Valid for 5 years	55.00	1.75	5.00	48.25
11	Bioptic or telescopic lens restriction:				
12	Valid for one year or less	11.00	1.75	5.00	4.25
13	Valid for more than 1 year				
14	but not more than 2 years	22.00	1.75	5.00	15.25
15	Duplicate or replacement	11.00	2.75	6.00	2.25
16	Add, change, or remove class,				
17	endorsement, or restriction	10.00	1.75	5.00	3.25
18	LPC-learner's permit:				
19	Original or renewal	10.00	.25	5.00	4.75
20	Duplicate or replacement	10.00	.25	5.00	4.75
21	Add, change, or remove class,				

1	endorsement, or restriction	10.00	.25	5.00	4.75
2	Seasonal permit:				
3	Original or renewal	10.00	.25	5.00	4.75
4	Duplicate or replacement	10.00	.25	5.00	4.75
5	Add, change, or remove class,				
6	endorsement, or restriction	10.00	.25	5.00	4.75
7	School bus permit:				
8	Original or renewal	5.00	0	5.00	0
9	Duplicate or replacement	5.00	0	5.00	0
10	Add, change, or remove class,				
11	endorsement, or restriction	5.00	0	5.00	0

12 (3) If the department issues an operator's license or a
 13 state identification card for which a fee is collected, the
 14 department shall remit the county portion of the fees to the State
 15 Treasurer for credit to the Department of Motor Vehicles Cash Fund.

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

22 (b) The fee for a duplicate or replacement ignition
 23 interlock permit shall be eleven dollars. Two dollars and seventy-

1 five cents of the fee shall be remitted to the county treasurer for
2 credit to the county general fund. Six dollars of the fee shall be
3 remitted to the State Treasurer for credit to the Department of Motor
4 Vehicles Cash Fund. Two dollars and twenty-five cents of the fee
5 shall be remitted to the State Treasurer for credit to the General
6 Fund.

7 (c) The fee for adding, changing, or removing a class,
8 endorsement, or restriction on an ignition interlock permit shall be
9 five dollars. The fee shall be remitted to the State Treasurer for
10 credit to the Department of Motor Vehicles Cash Fund.

11 (5) The department and its agents may collect an identity
12 security surcharge to cover the cost of security and technology
13 practices used to protect the identity of applicants for and holders
14 of operators' licenses and state identification cards and to reduce
15 identity theft, fraud, and forgery and counterfeiting of such
16 licenses and cards to the maximum extent possible. The surcharge
17 shall be in addition to all other required fees for operators'
18 licenses and state identification cards. The amount of the surcharge
19 shall be determined by the department. The surcharge shall not exceed
20 eight dollars. The surcharge shall be remitted to the State Treasurer
21 for credit to the Department of Motor Vehicles Cash Fund.

22 (6) An applicant for a state identification card who
23 indicates that he or she is indigent and in need of a state
24 identification card for purposes of voting under the Election Act
25 shall be issued a state identification card at no cost.

1 Sec. 13. Section 60-4,181, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 60-4,181 (1) Each applicant for a state identification
4 card shall provide the information and documentation required by
5 section 60-484 and also, beginning on an implementation date
6 designated by the director on or before January 1, 2014, the
7 information and documentation required by section 60-484.04. The form
8 of the state identification card shall comply with section 60-4,117.
9 Upon presentation of an applicant's issuance certificate, the county
10 treasurer shall collect the fee and surcharge ~~as prescribed~~ if
11 required in section 60-4,115 and issue a receipt to the applicant
12 which is valid up to thirty days. The state identification card shall
13 be delivered to the applicant as provided in section 60-4,113.

14 (2) The director may summarily cancel any state
15 identification card, and any judge or magistrate may order a state
16 identification card canceled in a judgment of conviction, if the
17 application or issuance certificate for the card contains any false
18 or fraudulent statements which were deliberately and knowingly made
19 as to any matter material to the issuance of the card or if the
20 application or issuance certificate does not contain required or
21 correct information. Any state identification card so obtained shall
22 be void from the date of issuance. Any judgment of conviction
23 ordering cancellation of a state identification card shall be
24 transmitted to the director who shall cancel the card.

25 (3) This subsection applies beginning on an

1 implementation date designated by the director on or before January
2 1, 2014. No person shall be a holder of a state identification card
3 and an operator's license at the same time.

4 Sec. 14. Original sections 32-110.02, 32-311.01, 32-321,
5 32-902, 32-914, 32-938, 32-953, and 32-1027, Reissue Revised Statutes
6 of Nebraska, and sections 32-915, 32-947, 32-1002, 60-4,115, and
7 60-4,181, Revised Statutes Cumulative Supplement, 2012, are repealed.

8 Sec. 15. The following section is outright repealed:
9 Section 32-318.01, Reissue Revised Statutes of Nebraska.