

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 687

Introduced by Vargas, 7.

Read first time January 23, 2019

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 32-202,
2 32-307, 32-308, 32-315, 32-1002, 32-1506, and 60-4,130.02, Reissue
3 Revised Statutes of Nebraska, and sections 32-312, 60-484,
4 60-484.02, 60-4,130, and 60-4,144, Revised Statutes Cumulative
5 Supplement, 2018; to change provisions relating to registering to
6 vote; to change penalty provisions; to eliminate obsolete
7 provisions; to harmonize provisions; to provide an operative date;
8 to repeal the original sections; and to outright repeal section
9 32-309, Reissue Revised 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 to 32-310;

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

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

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

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

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

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

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

30 (13) Establish a free access system, such as a toll-free telephone
31 number or an Internet web site, that any voter who casts a provisional

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

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

11 32-307 No materials advocating or advertising any political issue,
12 candidate, or party shall be displayed or distributed within fifty feet
13 of any voter registration site. No alcohol shall be served within fifty
14 feet of any voter registration site. The registration procedure shall be
15 conducted in a neutral manner and shall not be connected with anything
16 unrelated to the object of registering electors except as otherwise
17 provided in sections 32-308 and ~~to~~ 32-310.

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

20 32-308 (1) The Secretary of State and the Director of Motor Vehicles
21 shall enter into an agreement to match information in the computerized
22 statewide voter registration list with information in the data base of
23 the Department of Motor Vehicles to the extent required to enable each
24 such official to verify the accuracy of the information provided on
25 applications for voter registration. The Director of Motor Vehicles shall
26 enter into an agreement with the Commissioner of Social Security under
27 section 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)
28 (8), as such section existed on April 17, 2003, for purposes of the
29 Election Act.

30 (2) The Department of Motor Vehicles, with the assistance of the
31 Secretary of State, shall prescribe a voter registration application

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

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

1 of this section to the election commissioner or county clerk of the
2 county in which the applicant resides within the time limits prescribed
3 in subsection (4) of this section for each applicant verified by the
4 Department of Motor Vehicles to be a citizen of the United States and at
5 least eighteen years of age or will be eighteen years of age on or before
6 the first Tuesday after the first Monday in November of the then-current
7 year. The Department of Motor Vehicles shall not transmit voter
8 registration application information for applications pursuant to section
9 60-480.01 . The Director of Motor Vehicles shall designate an
10 implementation date for the process which shall be on or before January
11 1, 2016.

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

21 (5) For each voter registration application for which information is
22 transmitted electronically pursuant to this section, the Secretary of
23 State shall obtain a copy of the electronic representation of the
24 applicant's signature from the Department of Motor Vehicles' records of
25 his or her motor vehicle operator's license or state identification card
26 for purposes of voter registration. Each voter registration application
27 electronically transmitted under this section shall include information
28 provided by the applicant that includes whether the applicant is a
29 citizen of the United States, whether the applicant is of sufficient age
30 to register to vote, the applicant's residence address, the applicant's
31 postal address if different from the residence address, the date of birth

1 of the applicant, the party affiliation of the applicant or an indication
2 that the applicant is not affiliated with any political party, the
3 applicant's motor vehicle operator's license number, the applicant's
4 previous registration location by city, county, or state, if applicable,
5 and the applicant's signature.

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

10 Sec. 4. Section 32-312, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 32-312 The registration application prescribed by the Secretary of
13 State pursuant to section 32-304 or 32-311.01 shall provide the
14 instructional statements and request the information from the applicant
15 as provided in this section.

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

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

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

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

28 RESIDENCE—the name and number of the street, avenue, or other
29 location of the dwelling where the applicant resides if there is a
30 number. If the registrant resides in a hotel, apartment, tenement house,
31 or institution, such additional information shall be included as will

1 give the exact location of such registrant's place of residence. If the
2 registrant lives in an incorporated or unincorporated area not identified
3 by the use of roads, road names, or house numbers, the registrant shall
4 state the section, township, and range of his or her residence and the
5 corporate name of the school district as described in section 79-405 in
6 which he or she is located.

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

9 ADDRESS OF LAST REGISTRATION—the name and number of the street,
10 avenue, or other location of the dwelling from which the applicant last
11 registered.

12 TELEPHONE NUMBERS—the telephone number of the applicant at work and
13 at home. At the request of the applicant, a designation shall be made
14 that the telephone number is an unlisted number, and such designation
15 shall preclude the listing of the applicant's telephone number on any
16 list of voter registrations.

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

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

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

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

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

8 REGISTRATION TAKEN BY—show the signature of the authorized official
9 or staff member accepting the application pursuant to section ~~32-309~~ or
10 32-310 or at least one of the deputy registrars taking the application
11 pursuant to section 32-306, if applicable.

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

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

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

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

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

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

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

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

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

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

11 Sec. 5. Section 32-315, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 32-315 Upon receiving a completed voter registration application
14 pursuant to section 32-308, ~~32-309~~, or 32-310 indicating that a voter who
15 is registered in the county has changed his or her name or moved to
16 another residence within the same county, the election commissioner or
17 county clerk shall change the voter registration record of the registered
18 voter to the new name or new address and shall send an acknowledgment
19 card to the registered voter indicating that the change of registration
20 has been completed and the address of the voter's new polling place.

21 Sec. 6. Section 32-1002, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-1002 (1) As the ballots are removed from the ballot box pursuant
24 to sections 32-1012 to 32-1018, the receiving board shall separate the
25 envelopes containing the provisional ballots from the rest of the ballots
26 and deliver them to the election commissioner or county clerk.

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

31 (3) The election commissioner or county clerk shall also (a) verify

1 that such person has not voted anywhere else in the county or been issued
2 a ballot for early voting, (b) investigate whether any credible evidence
3 exists that the person was properly registered to vote in the county
4 before the deadline for registration for the election, (c) investigate
5 whether any information has been received pursuant to section 32-308,
6 ~~32-309~~, 32-310, or 32-324 that the person has resided, registered, or
7 voted in any other county or state since registering to vote in the
8 county, and (d) upon determining that credible evidence exists that the
9 person was properly registered to vote in the county, make the
10 appropriate changes to the voter registration register by entering the
11 information contained in the registration application completed by the
12 voter at the time of voting a provisional ballot.

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

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

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

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

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

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

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

31 (e) The certification on the front of the envelope or form attached

1 to the envelope is in the proper form and signed by the voter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 violates this section shall be guilty of a Class III misdemeanor.

2 Sec. 8. Section 60-484, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 60-484 (1) Except as otherwise provided in the Motor Vehicle
5 Operator's License Act, no resident of the State of Nebraska shall
6 operate a motor vehicle upon the alleys or highways of this state until
7 the person has obtained an operator's license for that purpose.

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

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

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

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

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

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

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

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

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

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

30 Please explain:

31 (ii) Do you experience any condition which affects your ability to

1 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,
2 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...
3 no

4 Please explain:

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

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

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

11 The applicant shall be given the opportunity to choose not to use
12 his or her information for voter registration, otherwise the applicant
13 shall complete the voter registration portion that is transmitted to the
14 election commissioner or county clerk to register the applicant to vote
15 or update his or her voter registration record pursuant to section
16 32-308. If the voter registration portion is only partially completed,
17 the department may still proceed to issue the operator's license or state
18 identification card and shall transmit the incomplete voter registration
19 portion to the election commissioner or county clerk pursuant to section
20 32-308. The department may still proceed to issue the operator's license
21 or state identification card if the applicant refuses to answer or does
22 not complete the voter registration portion; and

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

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

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

31 (ii) (iii) Do you wish to include your name in the Donor Registry of

1 Nebraska and donate your organs and tissues at the time of your death?

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

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

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

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

24 (6)(a) Each individual applying for an operator's license or a state
25 identification card shall furnish proof of date of birth and identity
26 with documents containing a photograph or with nonphoto identity
27 documents which include his or her full legal name and date of birth.
28 Such documents shall be those provided in subsection (1) of section
29 60-484.04.

30 (b) Any individual under the age of eighteen years applying for an
31 operator's license or a state identification card shall provide a

1 certified copy of his or her birth certificate or, if such individual is
2 unable to provide a certified copy of his or her birth certificate, other
3 reliable proof of his or her identity and age, as required in subdivision
4 (6)(a) of this section, accompanied by a certification signed by a parent
5 or guardian explaining the inability to produce a copy of such birth
6 certificate. The applicant also may be required to furnish proof to
7 department personnel that the parent or guardian signing the
8 certification is in fact the parent or guardian of such applicant.

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

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

17 (8) No person shall be a holder of an operator's license and a state
18 identification card at the same time. A person who has a digital image
19 and digital signature on file with the department may apply
20 electronically to change his or her Class 0 operator's license to a state
21 identification card.

22 Sec. 9. Section 60-484.02, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 60-484.02 (1) Each applicant for an operator's license or state
25 identification card shall have his or her digital image captured. Digital
26 images shall be preserved for use as prescribed in sections 60-4,119,
27 60-4,151, and 60-4,180. The images shall be used for issuing operators'
28 licenses and state identification cards. The images may be retrieved only
29 by the Department of Motor Vehicles for issuing renewal and replacement
30 operators' licenses and state identification cards and may not be
31 otherwise released except in accordance with subsection (3) of this

1 section.

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

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

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

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

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

19 60-4,130 (1) Application for an employment driving permit shall be
20 made to the Department of Motor Vehicles on forms furnished for that
21 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 60-4,129. If the department has a digital image and digital
24 signature of the applicant preserved in the digital system implemented
25 under section 60-484.01, the employment driving permit, if issued, may
26 contain such image and signature. The application form shall also include
27 a voter registration portion pursuant to subdivision (3)(c) of section
28 60-484. ~~section 32-308 and the following specific question: Do you wish~~
29 ~~to register to vote as part of this application process? To be eligible~~
30 for an employment driving permit, the applicant shall furnish, along with
31 the application to the director, the following:

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

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

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

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

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

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

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

31 (5) When the holder of an employment driving permit is convicted, on

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

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

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

14 60-4,130.02 (1) Application for a medical hardship driving permit
15 shall be made to the Department of Motor Vehicles on forms furnished for
16 that purpose by the department. The application form shall contain such
17 information as deemed necessary by the director to carry out this section
18 and section 60-4,130.01. If the department has a digital image and
19 digital signature of the applicant preserved in the digital system
20 implemented under section 60-484.01, the medical hardship driving permit,
21 if issued, may contain such image and signature. The application form
22 shall also include a voter registration portion pursuant to subdivision
23 (3)(c) of section 60-484. ~~section 32-308 and the following specific~~
24 ~~question: Do you wish to register to vote as part of this application~~
25 ~~process?~~ To be eligible for a medical hardship driving permit, the
26 applicant shall furnish, along with the application to the director, the
27 following:

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

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

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

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

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

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

19 Sec. 12. Section 60-4,144, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 60-4,144 (1) An applicant for issuance of any original or renewal
22 commercial driver's license or an applicant for a change of class of
23 commercial motor vehicle, endorsement, or restriction shall demonstrate
24 his or her knowledge and skills for operating a commercial motor vehicle
25 as prescribed in the Motor Vehicle Operator's License Act. An applicant
26 for a commercial driver's license shall provide the information and
27 documentation required by this section and section 60-4,144.01. Such
28 information and documentation shall include any additional information
29 required by 49 C.F.R. parts 383 and 391 and also include:

30 (a) Certification that the commercial motor vehicle in which the
31 applicant takes any driving skills examination is representative of the

1 class of commercial motor vehicle that the applicant operates or expects
2 to operate; and

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

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

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

31 (c) No person shall be a holder of a CLP-commercial learner's permit

1 or commercial driver's license and a state identification card at the
2 same time.

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

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

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

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

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

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

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

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

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

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

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

30 (ix) A driver's license or identification card issued in compliance
31 with the standards established by the REAL ID Act of 2005, Public Law

1 109-13, division B, section 1, 119 Stat. 302; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) Complete the requirements to obtain a CLP-commercial learner's
31 permit or a commercial driver's license under the Motor Vehicle

1 Operator's License Act, except that an applicant domiciled in a foreign
2 jurisdiction must provide an unexpired employment authorization document
3 issued by the United States Citizenship and Immigration Services or an
4 unexpired foreign passport accompanied by an approved I-94 form
5 documenting the applicant's most recent admittance into the United
6 States. No proof of domicile is required;

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

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

21 (c) An applicant for a nondomiciled CLP-commercial learner's permit
22 or nondomiciled commercial driver's license who holds a foreign
23 operator's license is not required to surrender his or her foreign
24 operator's license.

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

27 ~~(a) Do you wish to register to vote as part of this application~~
28 ~~process?~~

29 (a) ~~(b)~~ Do you wish to have the word "veteran" displayed on the
30 front of your operator's license to show that you served in the armed
31 forces of the United States? (To be eligible you must register with the

1 Nebraska Department of Veterans' Affairs registry.)

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

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

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

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

11 **(10)** ~~(9)~~ Application for a CLP-commercial learner's permit or
12 commercial driver's license shall include a signed oath, affirmation, or
13 declaration of the applicant that the information provided on the
14 application for the permit or license is true and correct.

15 **(11)** ~~(10)~~ Any person applying for a CLP-commercial learner's permit
16 or commercial driver's license must make one of the certifications in
17 section 60-4,144.01 and any certification required under section 60-4,146
18 and must provide such certifications to the Department of Motor Vehicles
19 in order to be issued a CLP-commercial learner's permit or a commercial
20 driver's license.

21 **(12)** ~~(11)~~ Every person who holds any commercial driver's license
22 must provide to the department medical certification as required by
23 section 60-4,144.01. The department may provide notice and prescribe
24 medical certification compliance requirements for all holders of
25 commercial drivers' licenses. Holders of commercial drivers' licenses who
26 fail to meet the prescribed medical certification compliance requirements
27 may be subject to downgrade.

28 Sec. 13. This act becomes operative on July 1, 2020.

29 Sec. 14. Original sections 32-202, 32-307, 32-308, 32-315, 32-1002,
30 32-1506, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and
31 sections 32-312, 60-484, 60-484.02, 60-4,130, and 60-4,144, Revised

1 Statutes Cumulative Supplement, 2018, are repealed.

2 Sec. 15. The following section is outright repealed: Section

3 32-309, Reissue Revised Statutes of Nebraska.