

AMENDMENTS TO LB661

Introduced by Government, Military and Veterans Affairs

1           1. Strike original section 4 and insert the following new  
2 sections:

3           Sec. 4. Section 32-308, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-308 (1) The Secretary of State and the Director of  
6 Motor Vehicles shall enter into an agreement to match information  
7 in the computerized statewide voter registration list with  
8 information in the data base of the Department of Motor Vehicles  
9 to the extent required to enable each such official to verify the  
10 accuracy of the information provided on applications for voter  
11 registration. The Director of Motor Vehicles shall enter into an  
12 agreement with the Commissioner of Social Security under section  
13 205(r) (8) of the federal Social Security Act, 42 U.S.C. 405(r) (8),  
14 as such section existed on April 17, 2003, for purposes of the  
15 Election Act.

16           (2) The Department of Motor Vehicles, with the assistance  
17 of the Secretary of State, shall prescribe a voter registration  
18 application which may be used to register to vote or change his or  
19 her address for voting purposes at the same time an elector applies  
20 for an original or renewal motor vehicle operator's license, an  
21 original or renewal state identification card, or a replacement or  
22 duplicate thereof. The voter registration application shall contain  
23 the information required pursuant to section 32-312 and shall be

1 designed so that it does not require the duplication of information  
2 in the application for the motor vehicle operator's license or  
3 state identification card, except that it may require a second  
4 signature of the applicant. The department and the Secretary of  
5 State shall make the voter registration application available to  
6 ~~the county treasurer, the license examiners of the department,~~  
7 ~~and any other person who issues operators' licenses or state~~  
8 ~~identification cards.~~ any person applying for an operator's license  
9 or state identification card. The application shall be completed  
10 at the office of the ~~county treasurer or~~ department by the close  
11 of business on the third Friday preceding any election to be  
12 registered to vote at such election. A registration application  
13 received after the deadline shall not be processed by the election  
14 commissioner or county clerk until after the election.

15 (3) The Department of Motor Vehicles, in conjunction with  
16 the Secretary of State, shall develop a process to electronically  
17 transmit voter registration application information received under  
18 subsection (2) of this section to the election commissioner or  
19 county clerk of the county in which the applicant resides within  
20 the time limits prescribed in subsection (4) of this section. The  
21 Director of Motor Vehicles shall designate an implementation date  
22 for the process which shall be on or before January 1, 2016.

23 (4) The voter registration application information shall  
24 be transmitted to the election commissioner or county clerk of  
25 the county in which the applicant resides not later than ten days  
26 after receipt, except that if the voter registration application  
27 information is received within five days prior to the third Friday

1 preceding any election, it shall be transmitted not later than five  
2 days after its original submission. Any information on whether an  
3 applicant registers or declines to register and the location of the  
4 office at which he or she registers shall be confidential and shall  
5 only be used for voter registration purposes.

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

24 ~~(3)~~ (6) State agency personnel and county treasurers  
25 involved in the voter registration process pursuant to this section  
26 and section 32-309 shall not be considered deputy registrars or  
27 agents or employees of the election commissioner or county clerk.

1           Sec. 5. Section 32-309, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-309 Upon receipt of a completed voter registration  
4 application under subsection (2) of section 32-308, a county  
5 ~~treasurer, a license examiner of the Department of Motor Vehicles,~~  
6 ~~and any other~~ person who issues motor vehicle operators' licenses  
7 or state identification cards shall, until the implementation date  
8 designated by the Director of Motor Vehicles pursuant to subsection  
9 (3) of section 32-308, deliver the completed voter registration  
10 application to the election commissioner or county clerk of the  
11 county in which the ~~county treasurer, license examiner, or other~~  
12 person is located not later than ten days after receipt by  
13 the ~~county treasurer, license examiner, or other~~ person, except  
14 that if the voter registration application is received within  
15 five days prior to the third Friday preceding any election, it  
16 shall be delivered not later than five days after its original  
17 filing date. The election commissioner or county clerk shall,  
18 if necessary, forward the voter registration application to the  
19 election commissioner or county clerk of the county in which  
20 the applicant resides within such prescribed time limits. Any  
21 information on whether an applicant registers or declines to  
22 register and the location of the office at which he or she  
23 registers shall be confidential and shall only be used for voter  
24 registration purposes.

25           Sec. 6. Section 32-311, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           32-311 Any elector may personally apply to register to

1 vote at (1) the office of the election commissioner or county  
2 clerk, (2) a registration site at which a deputy registrar is in  
3 attendance, (3) a department listed in section 32-310 at the time  
4 of an application, review, or change of address as provided in such  
5 section, or (4) the ~~office of the county treasurer or~~ Department  
6 of Motor Vehicles while applying for a motor vehicle operator's  
7 license or state identification card as provided in section 32-308.

8 Sec. 9. Section 32-315, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

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

19 Sec. 15. Section 32-1002, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 32-1002 (1) As the ballots are removed from the ballot  
22 box pursuant to sections 32-1012 to 32-1018, the receiving board  
23 shall separate the envelopes containing the provisional ballots  
24 from the rest of the ballots and deliver them to the election  
25 commissioner or county clerk.

26 (2) Upon receipt of a provisional ballot, the election  
27 commissioner or county clerk shall verify that the certificate on

1 the front of the envelope or the form attached to the envelope is  
2 in proper form and that the certification has been signed by the  
3 voter.

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

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

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

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

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

27 (d) The voter has completed a registration application

1 prior to voting as prescribed in subsection (6) of this section  
2 and:

3 (i) The residence address provided on the registration  
4 application completed pursuant to subdivision (1)(e) of section  
5 32-915 is located within the precinct in which the person voted;  
6 and

7 (ii) If the voter is voting in a primary election,  
8 the party affiliation provided on the registration application  
9 completed prior to voting the provisional ballot is the same party  
10 affiliation that appears on the voter's voter registration record  
11 based on his or her previous registration application; and

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

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

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

19 (b) Information has been received pursuant to section  
20 32-308, 32-309, 32-310, or 32-324 that the voter has resided,  
21 registered, or voted in any other county or state since registering  
22 to vote in the county in which he or she cast the provisional  
23 ballot;

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

26 (d) The voter failed to complete and sign a registration  
27 application pursuant to subsection (6) of this section and

1 subdivision (1)(e) of section 32-915;

2 (e) The residence address provided on the registration  
3 application completed pursuant to subdivision (1)(e) of section  
4 32-915 is in a different county or in a different precinct than the  
5 county or precinct in which the voter voted;

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

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

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

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

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

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

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



1 to be counted by the county canvassing board.

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

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

8 2. On page 2, strike beginning with "The" in line 16  
9 through the period in line 18 and show as stricken.

10 3. On page 9, line 24; and page 12, line 8, after "act"  
11 insert "or section 32-308".

12 4. On page 27, line 21, after the first occurrence of  
13 "section" insert "32-308 or".

14 5. Renumber the remaining sections and correct the  
15 repealer accordingly.