

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 457

Introduced by Holdcroft, 36; Erdman, 47; Halloran, 33; Hardin, 48;
Lippincott, 34; Lowe, 37.

Read first time January 13, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-806,
- 2 32-906, and 32-1018, Reissue Revised Statutes of Nebraska, and
- 3 sections 32-904, 32-918, and 32-1041, Revised Statutes Cumulative
- 4 Supplement, 2022; to provide requirements for paper ballots, vote
- 5 scanning devices, and vote tabulating equipment; to require video
- 6 surveillance of voting; and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-806, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-806 (1) All official ballots prepared pursuant to the Election
4 Act shall be white in color, except that the election commissioner,
5 county clerk, or city or village clerk may designate a distinctive color
6 of ballot or ink for city, village, or school elections or, when
7 authorized by the Secretary of State, for elections of any other
8 political subdivision. If a distinctive color is designated, the color of
9 the ballot shall not be the same as the sample ballots as provided in
10 section 32-804.

11 (2) The style and size of type on official ballots shall be as close
12 as possible to the style used on the ballots furnished by the Secretary
13 of State.

14 (3) Every official ballot shall include serialized numbers, readable
15 by humans, but not by machines, and shall include at least three of the
16 following features:

17 (a) Watermarks;

18 (b) Holographs;

19 (c) Taggants; or

20 (d) Other anti-counterfeiting techniques developed and used to
21 protect United States paper currency.

22 Sec. 2. Section 32-904, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 32-904 (1) The election commissioner or county clerk shall designate
25 the polling places for each precinct at which the registered voters of
26 the precinct will cast their votes. Polling places representing different
27 precincts may be combined at a single location when potential sites
28 cannot be found, contracts for utilizing polling sites cannot be
29 obtained, or a potential site is not accessible to handicapped persons as
30 provided in section 32-907.

31 (2) When combining polling places at a single site for an election

1 other than a special election, the election commissioner or county clerk
2 shall clearly separate the polling places from each other and maintain
3 separate receiving boards. When combining polling places at a single site
4 for a special election, the election commissioner or county clerk may
5 combine the polling places and receiving boards.

6 (3) Polling places shall not be changed between the statewide
7 primary and general elections unless the election commissioner or county
8 clerk has been authorized to make such change by the Secretary of State.
9 If changes are authorized, the election commissioner or county clerk
10 shall notify each state and local candidate affected by the change.

11 (4) Each polling place shall be equipped so that every ballot
12 distributed at the polling place is under video surveillance from the
13 time the ballot is handed to the voter until it is sealed in the
14 appropriate storage box by the receiving board for transmission to the
15 county canvassing board. ~~Notwithstanding any other provision of the~~
16 ~~Election Act, the Secretary of State may adopt and promulgate rules and~~
17 ~~regulations, with the consent of the appropriate election commissioner or~~
18 ~~county clerk, for the establishment of polling places which may be used~~
19 ~~for voting pursuant to section 32-1041 for the twenty days preceding the~~
20 ~~day of election. Such polling places shall be in addition to the office~~
21 ~~of the election commissioner or county clerk and the polling places~~
22 ~~otherwise established pursuant to this section.~~

23 Sec. 3. Section 32-906, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-906 (1) The election commissioner or county clerk shall provide
26 each polling place with ballot boxes, ballot box locks and keys, and a
27 sufficient number of voting booths furnished with supplies and
28 conveniences to enable each registered voter to prepare his or her ballot
29 for voting and to secretly mark his or her ballot. One voting booth shall
30 be provided for approximately every one hundred registered voters in the
31 precinct. The election commissioner or county clerk may increase or

1 decrease the number of voting booths to accommodate the expected voter
2 turnout of any election other than a statewide election.

3 (2) When there is no structure within the precinct suitable for use
4 as a polling place, the election commissioner or county clerk may
5 designate a polling place outside the precinct and convenient thereto
6 which shall be provided with voting booths furnished with supplies and
7 conveniences as are other polling places.

8 (3) Standards for polling places shall include any applicable
9 standards developed under sections 81-5,147 and 81-5,148.

10 (4) The election commissioner or county clerk shall ensure that each
11 polling place is provided with appropriate video surveillance equipment
12 so that every ballot distributed at the polling place is under video
13 surveillance from the time the ballot is handed to the voter until it is
14 sealed in the appropriate storage box by the receiving board for
15 transmission to the election commissioner or county clerk.

16 Sec. 4. Section 32-918, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 32-918 (1) If a registered voter declares to the judge of election
19 that the voter cannot read or that the voter is blind or visually
20 impaired or has a disability such that the registered voter requires
21 assistance in the marking of the voter's ballot, (a) the registered voter
22 may be assisted in marking the voter's ballot by a relative or friend of
23 the voter's selection or (b) one judge of election and one clerk of
24 election of different political parties may take the ballot or ballots
25 from the polling place to a convenient place within the building as long
26 as video surveillance is maintained as required by section 32-904 ~~or to~~
27 ~~the registered voter's automobile if the automobile is within one block~~
28 ~~of the polling place~~ and the registered voter may cast the voter's ballot
29 in the general presence of the judge and clerk. If a registered voter
30 declares to the judge of election that the voter needs assistance in the
31 operation of a voting device, a judge or clerk of election may assist the

1 voter in operating the device.

2 (2) The judge and clerk shall give no information regarding the
3 casting of the ballot. Any registered voter receiving assistance in
4 voting the ballot from a judge and clerk shall declare to the judge and
5 clerk the name of the candidates and the measures for which the voter
6 desires to vote, and the judge and clerk shall cast the voter's ballot
7 only as the voter so requests. No person other than the registered voter
8 who is receiving assistance shall divulge to anyone within the polling
9 place the name of any candidate for whom the voter intends to vote or ask
10 or receive assistance within the polling place in the preparation of the
11 voter's ballot.

12 (3) The judges of election shall enter Assistance Rendered upon the
13 precinct sign-in register near the name of any registered voter who
14 receives such assistance in casting a ballot and shall include the name
15 of such person rendering assistance to the registered voter. The person
16 rendering assistance shall sign an oath before a judge of election
17 substantially as follows:, hereby swears that he or she is
18 a friend or relative of, a registered voter with a
19 disability who requested assistance in casting the ballot, that he or she
20 did enter the voting booth or aid such voter outside of the voting booth
21 and marked the ballot according to the intentions and desires of the
22 registered voter, that he or she has kept the ballot at all times in his
23 or her possession, and that the ballot was duly delivered to the judge of
24 election on this day of 20.... .

25 Sec. 5. Section 32-1018, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-1018 (1) All ballots and recorded video surveillance shall be
28 kept for three years.

29 (2) All tapes, programming boards, and other materials used with
30 vote counting devices for any the election held prior to the effective
31 date of this act shall be sealed and stored with the ballots and election

1 materials for that election for the amount of time required by law.
2 Programming boards may be reused after six months have elapsed following
3 an election in which they were used.

4 Sec. 6. Section 32-1041, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 32-1041 (1) The election commissioner or county clerk may use
7 optical-scan ballots or voting systems approved by the Secretary of State
8 to allow registered voters to cast their votes at any election. The
9 election commissioner or county clerk may use vote counting devices and
10 voting systems approved by the Secretary of State for tabulating the
11 votes cast at any election. Vote counting devices shall include
12 electronic counting devices such as optical scanners.

13 (2) No electronic voting system shall be used under the Election
14 Act.

15 (3) Any new voting or counting system shall be approved by the
16 Secretary of State prior to use by an election commissioner or county
17 clerk. The Secretary of State may adopt and promulgate rules and
18 regulations to establish different procedures and locations for voting
19 and counting votes pursuant to the use of any new voting or counting
20 system. The procedures shall be designed to preserve the safety and
21 confidentiality of each vote cast and the secrecy and security of the
22 counting process, to establish security provisions for the prevention of
23 fraud, and to ensure that the election is conducted in a fair manner.

24 (4) Any vote scanning device or vote tabulation equipment shall be
25 verified and certified, under penalty of election falsification pursuant
26 to section 32-1502, by election officials to be incapable of reading or
27 executing any embedded code or triggers on scanned ballots.

28 Sec. 7. Original sections 32-806, 32-906, and 32-1018, Reissue
29 Revised Statutes of Nebraska, and sections 32-904, 32-918, and 32-1041,
30 Revised Statutes Cumulative Supplement, 2022, are repealed.