

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1263

Introduced by Clements, 2; Albrecht, 17; Arch, 14; Brewer, 43; Erdman,
47; Lowe, 37; Moser, 22; Murman, 38; Sanders, 45; Slama, 1.

Read first time January 20, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Election Act; to amend section 32-1049,
- 2 Reissue Revised Statutes of Nebraska, and section 32-101, Revised
- 3 Statutes Cumulative Supplement, 2020; to provide for secure ballot
- 4 drop-boxes as prescribed; to change requirements for using a vote
- 5 counting device; to harmonize provisions; and to repeal the original
- 6 sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
4 known and may be cited as the Election Act.

5 Sec. 2. (1) If an election commissioner or county clerk maintains a
6 secure ballot drop-box for voters to deposit completed ballots, the
7 election commissioner or county clerk shall ensure that the secure ballot
8 drop-box:

9 (a) Is securely fastened to the ground or a concrete slab connected
10 to the ground;

11 (b) Is secured by a lock that can only be opened by the election
12 commissioner or county clerk or by an election official designated by the
13 election commissioner or county clerk; and

14 (c) Complies with the federal Americans with Disabilities Act of
15 1990 and is accessible as determined by the election commissioner or
16 county clerk.

17 (2) The election commissioner or county clerk shall inform the
18 Secretary of State of each secure ballot drop-box's location no later
19 than forty-two days prior to any statewide primary or general election.

20 (3) The election commissioner or county clerk or an election
21 official designated by the election commissioner or county clerk shall
22 open each secure ballot drop-box no later than the sixth Friday prior to
23 any statewide primary or general election and no later than the fourth
24 Friday prior to any special election. Each secure ballot drop-box shall
25 remain accessible to voters until the deadline for the receipt of ballots
26 for any statewide primary or general election as provided in section
27 32-908 and for any special election as provided in section 32-954.

28 (4) After a secure ballot drop-box is made available for depositing
29 ballots, the election commission or county clerk shall ensure that
30 ballots deposited in such secure ballot drop-box are collected and
31 returned to the office of the election commissioner or county clerk at

1 least once during each business day.

2 (5) The Secretary of State may adopt and promulgate rules and
3 regulations to carry out this section.

4 Sec. 3. Section 32-1049, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-1049 Any election commissioner or county clerk using a vote
7 counting device to count ballots in a centralized location shall:

8 (1) Provide for the proper sealing of the containers and the
9 security of the ballots when transported from each polling place to the
10 centralized location and when removed from their containers and delivered
11 to the personnel who operate the vote counting devices;

12 (2) Provide a process of counting which allows for the ballots of
13 each precinct to be placed in a sealed container and placed in a secure
14 location after the counting process has been completed;

15 (3) Provide for a method of overseeing the ballots that have been
16 overvoted or damaged which does not involve judging voter intent to
17 assure that these ballots have not been or will not be intentionally
18 mismarked;

19 (4) Provide for a procedure for counting write-in votes when such
20 votes and names of write-in candidates are to be counted and recorded;

21 (5) Provide for at least three independent tests to be conducted
22 before counting begins to verify the accuracy of the counting process,
23 which includes the computerized program installed for counting various
24 ballots by vote counting devices, by (a) the election commissioner or
25 county clerk, (b) the chief deputy election commissioner or a registered
26 voter with a different party affiliation than that of the election
27 commissioner or county clerk, and (c) the person who installed the
28 program in the vote counting device or the person in charge of operating
29 the device;

30 (6) Provide for storing and safeguarding the magnetic tapes or
31 computer chips of the vote counting devices for the required period of

1 time;

2 (7) Provide the appropriate security personnel or measures necessary
3 to safeguard the secrecy and security of the counting process;

4 (8) Develop a procedure for picking up and counting ballots during
5 election day at the discretion of the election commissioner or county
6 clerk. No report or tabulation of vote totals for such ballots shall be
7 produced or generated prior to one hour before the closing of the polls;
8 and

9 (9) Develop a procedure for picking up and transporting ballots from
10 a secure ballot drop-box to the office of the election commissioner or
11 county clerk; and

12 (10) ~~(9)~~ Submit a written plan to the Secretary of State
13 specifically outlining the procedures that will be followed on election
14 day to implement this section. The plan shall be submitted no later than
15 twenty-five days before the election and shall be modified, as necessary,
16 for each primary, general, or special election.

17 Sec. 4. Original section 32-1049, Reissue Revised Statutes of
18 Nebraska, and section 32-101, Revised Statutes Cumulative Supplement,
19 2020, are repealed.