

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1086**

Introduced by Hansen, M., 26.

Read first time January 21, 2020

Committee:

1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-103  
2 and 32-1525, Reissue Revised Statutes of Nebraska, and sections  
3 32-101 and 32-910, Revised Statutes Supplement, 2019; to define a  
4 term; to provide for poll watchers; to provide powers and duties; to  
5 provide a penalty; to harmonize provisions; and to repeal the  
6 original sections.

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

1 Section 1. Section 32-101, Revised Statutes Supplement, 2019, is  
2 amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 3 to 6 of this act  
4 shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-103, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 32-103 For purposes of the Election Act, the definitions found in  
8 sections 32-104 to 32-120 and section 3 of this act shall be used.

9 Sec. 3. Poll watcher means an individual appointed pursuant to  
10 section 4 of this act who is legally in a polling place to observe the  
11 conduct of the election.

12 Sec. 4. (1)(a) To be eligible to be a poll watcher, an individual  
13 shall be either:

14 (i) A registered voter of this state; or

15 (ii) An individual representing a state-based, national or  
16 international election monitoring organization.

17 (b) A candidate or a spouse of a candidate on the ballot at the  
18 election shall not be eligible for appointment as a poll watcher at such  
19 election.

20 (2) For poll watchers eligible under subdivision (1)(a)(i) of this  
21 section, any political party in Nebraska, a candidate for election in  
22 Nebraska not affiliated with a political party, an organization of  
23 persons interested in a question on the ballot, or a nonpartisan  
24 organization interested in Nebraska's elections and the elective process  
25 may appoint one or more poll watchers. Any such person or organization  
26 intending to appoint one or more poll watchers shall provide written  
27 notification to the election commissioner or county clerk of the county  
28 in which the poll watchers will be active on election day no later than  
29 the close of business on the Wednesday prior to election day. The  
30 notification shall include a list of appointed poll watchers and a list  
31 of the precincts that the poll watchers plan to observe and shall be

1 provided prior to each election at which one or more poll watchers will  
2 be active. A poll watcher shall not be denied entry to a polling place  
3 because the poll watcher is not on the list or because the precinct is  
4 not on the list.

5 (3) For poll watchers eligible under subdivision (1)(a)(ii) of this  
6 section, any national or international election monitoring organization  
7 intending to appoint one or more poll watchers shall provide written  
8 notification to the Secretary of State no later than the close of  
9 business on the Wednesday prior to election day. The notification shall  
10 include a list of appointed poll watchers and a list of the counties and  
11 precincts to be observed and shall be provided prior to each election at  
12 which one or more poll watchers will be active.

13 Sec. 5. (1) For poll watchers eligible under subdivision (1)(a)(i)  
14 of this section, the election commissioner or county clerk shall provide  
15 a credential as an election observer for each poll watcher for whom the  
16 election commissioner or county clerk receives notice of appointment  
17 under section 4 of this act. The election commissioner or county clerk  
18 may approve, as a credential, a name badge provided by the person who  
19 appointed the poll watcher if the name badge includes the name of the  
20 poll watcher and the name of the person or organization who appointed the  
21 poll watcher and if the name badge does not contain any campaign  
22 materials advocating a vote for or against any candidate, political  
23 party, or position on a ballot question.

24 (2) For poll watchers eligible under subdivision (1)(a)(ii) of this  
25 section, the Secretary of State shall provide the national or  
26 international election monitoring organization with the proper  
27 credentials for each poll watcher for whom the Secretary of State  
28 receives notice. The Secretary of State shall also notify the election  
29 commissioner or county clerk in each of the counties in which the poll  
30 workers would be observing, and the notice shall include the name of the  
31 organization, a list of the poll watchers, a description of the

1 credential that will be worn by the poll watchers, and the plans of the  
2 organization for election day, including which counties and precincts the  
3 organization plans to observe.

4       Sec. 6. (1) Upon arrival at a polling place, a poll watcher shall  
5 display such poll watcher's credentials to the precinct inspector or  
6 precinct receiving board and sign the register of poll watchers. The  
7 election commissioner or county clerk shall provide a register at each  
8 precinct for poll watchers to sign. The poll watcher shall wear the  
9 approved credential with the poll watcher's name and the name of the  
10 person or organization who appointed the poll watcher while engaged in  
11 observing at a polling place.

12       (2) Subject to section 32-1525, a poll watcher may be present during  
13 all proceedings at the polling place governed by the Election Act and may  
14 watch and observe the performance in and around the polling place of all  
15 duties under the act.

16       (3) If a poll watcher or the person or organization who appointed  
17 the poll watcher wishes to protest any aspect of the conduct of the  
18 election, such poll watcher, person, or organization shall present such  
19 protest to the Secretary of State or to the election commissioner or  
20 county clerk of the applicable county. The Secretary of State, election  
21 commissioner, or county clerk shall rule on the issue within a reasonable  
22 amount of time relative to the issue presented.

23       Sec. 7. Section 32-910, Revised Statutes Supplement, 2019, is  
24 amended to read:

25       32-910 Any judge or clerk of election, precinct or district  
26 inspector, sheriff, or other peace officer shall clear the passageways  
27 and prevent obstruction of the doors or entries and provide free ingress  
28 to and egress from the polling place or building and shall arrest any  
29 person obstructing such passageways. Other than a registered voter  
30 engaged in receiving, preparing, or marking a ballot or depositing a  
31 ballot in a ballot box or a precinct-based optical scanner at the polling

1 place, an election commissioner, a county clerk, a precinct inspector, a  
2 district inspector, a judge of election, a clerk of election, ~~or~~ a member  
3 of a counting board, or a poll watcher as provided in section 32-1525, no  
4 person shall be permitted to be within eight feet of the ballot boxes or  
5 within eight feet of any ballots being counted by a counting board.

6 Sec. 8. Section 32-1525, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 32-1525 (1) No person shall conduct an exit poll, a public opinion  
9 poll, or any other interview with voters on election day seeking to  
10 determine voter preference within twenty feet of the entrance of any  
11 polling place or, if inside the polling place or building, within one  
12 hundred feet of any voting booth.

13 (2)(a) No poll watcher may interfere with any voter in the  
14 preparation or casting of such voter's ballot or prevent any election  
15 worker from performing the worker's duties.

16 (b) A poll watcher shall not provide assistance to a voter as  
17 described in section 32-918 unless selected by the voter to provide  
18 assistance as provided in section 32-918.

19 (c) A poll watcher shall not engage in electioneering as defined in  
20 section 32-1524 while engaged in observing at a polling place.

21 (d) A poll watcher shall maintain a distance of at least eight feet  
22 from the sign-in table, the sign-in register, the polling booths, the  
23 ballot box, and any ballots which have not been cast, except that if the  
24 polling place is not large enough for a distance of eight feet, the judge  
25 of election shall post a notice of the minimum distance the poll watcher  
26 must maintain from the sign-in table, the sign-in register, the polling  
27 booths, the ballot box, and any ballots which have not been cast. The  
28 posted notice shall be clearly visible to the voters and shall be posted  
29 prior to the opening of the polls on election day. The minimum distance  
30 shall not be determined to exclude a poll watcher from being in the  
31 polling place.

1           (3) Any person violating this section shall be guilty of a Class V  
2 misdemeanor.

3           Sec. 9.    Original sections 32-103 and 32-1525, Reissue Revised  
4 Statutes of Nebraska, and sections 32-101 and 32-910, Revised Statutes  
5 Supplement, 2019, are repealed.