

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1121

Introduced by Albrecht, 17.

Read first time January 19, 2022

Committee:

- 1 A BILL FOR AN ACT relating to elections; to amend section 32-203, Reissue
- 2 Revised Statutes of Nebraska, and section 32-204, Revised Statutes
- 3 Cumulative Supplement, 2020; to require inspection of vote counting
- 4 devices; to provide for use of a fund for such inspections; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-203, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-203 In addition to any other powers prescribed by law, the
4 Secretary of State ~~shall~~ may:

5 (1) Inspect, with or without the filing of a complaint by any
6 person, and review the practices and procedures of election
7 commissioners, county clerks, their employees, and other election
8 officials in the conduct of primary and general elections and the
9 registration of qualified electors;

10 (2) Inspect all vote counting devices used in the state prior to
11 each primary, general, and special election to ensure that such devices
12 do not have any technology inside that could allow the device to be
13 directly connected by Wi-Fi, hardware, or any unsecure outside source
14 that could be hacked, and to also ensure that such devices are in proper
15 working condition. All inspections shall be done by inspectors employed
16 by the Secretary of State, and no third-party contractor may be used to
17 perform such inspections. An inspector employed by the Secretary of State
18 shall apply a seal on the outer case of the vote counting device that
19 will ensure the inner parts of the device cannot be accessed without
20 breaking the seal. When any service is performed on a vote counting
21 device by any individual outside the office of the Secretary of State, an
22 inspector employed by the Secretary of State must be present. The
23 Secretary of State shall create a report listing all vote counting device
24 serial numbers and the dates inspected;

25 ~~(3) (2)~~ Employ such personnel as necessary to efficiently carry out
26 his or her powers and duties as prescribed in the Election Act;

27 ~~(4) (3)~~ Adopt and promulgate rules and regulations in regard to the
28 registration of voters and the conduct of elections; and

29 ~~(5) (4)~~ Enforce the act by injunctive action brought by the Attorney
30 General in the district court for the county in which any violation of
31 the act occurs.

1 Sec. 2. Section 32-204, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-204 The Election Administration Fund is hereby created. The fund
4 shall consist of federal funds, state funds, gifts, and grants
5 appropriated for the administration of elections. The Secretary of State
6 shall use the fund for voting systems, provisional voting, inspecting
7 vote counting devices, computerized statewide voter registration lists,
8 voter registration, training or informational materials related to
9 elections, and any other costs related to elections. Any money in the
10 fund available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act. The State Treasurer shall transfer any funds
13 in the Carbon Sequestration Assessment Cash Fund on August 24, 2017, to
14 the Election Administration Fund.

15 Sec. 3. Original section 32-203, Reissue Revised Statutes of
16 Nebraska, and section 32-204, Revised Statutes Cumulative Supplement,
17 2020, are repealed.