

ONE HUNDRED FOURTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 403

Introduced by Hansen, 26; Murante, 49.

Read first time January 12, 2016

Committee: Executive Board

WHEREAS, the election equipment used as of January 1, 2016, to facilitate Nebraska elections contains outdated technology and data storage that is either hard to repair or replace or no longer available. The equipment was purchased by the Secretary of State between 2004 and 2006 with federal dollars granted to the State of Nebraska by the federal government pursuant to the federal Help America Vote Act of 2002, Public Law 107-252. The equipment is approaching or past the estimated lifecycle of the equipment; and

WHEREAS, state and federal laws require voting assistance machines be available in all precincts so any voter may cast a ballot independently and privately, but the age and condition of the existing equipment make its availability to voters in future elections questionable; and

WHEREAS, the cost to replace the election equipment will be significant and no federal dollars are expected to be available to assist states with the purchase. Furthermore, uncertainty exists whether this cost will fall to the State of Nebraska or to the individual Nebraska counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Executive Board of the Legislative Council shall appoint the Election Technology Committee as a special committee of the Legislature. The committee shall have seven members, including the chairperson of the Appropriations Committee of the Legislature or his or her designee and the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature.

2. The chairperson of the Government, Military and Veterans Affairs Committee shall serve as the chairperson of the Election Technology Committee. The Election Technology Committee shall elect a vice-chairperson from among the members of the committee. The legal counsel, committee clerk, and other staff of the Government, Military and Veterans Affairs Committee shall serve as staff for the Election Technology Committee.

3. The Election Technology Committee shall study the longevity of the technology used by election commissioners and county clerks to conduct elections as of January 1, 2016, and the feasibility of updating or replacing the technology. The study shall include, but not be limited to, a review of:

(a) The condition of the hardware used by election commissioners and county clerks to allow voters to mark ballots and to tabulate ballots;

(b) The availability of repair parts for such hardware;

(c) The hardware and software and other methods of voting used by other states or otherwise available as of January 1, 2016, to comply with Title III, section 301, of the federal Help America Vote Act of 2002, as such section existed on January 1, 2016;

(d) The cost to acquire hardware and software or use other methods of voting;

(e) The infrastructure and technology necessary to support such hardware and software or other methods of voting;

(f) The cost to purchase and implement such necessary infrastructure and technology; and

(g) The cost of long-term maintenance of such hardware and software or use of such voting methods.

4. The Election Technology Committee shall study options for acquiring hardware and software or implementing other methods of voting, including, but not limited to:

(a) The state contracting for all necessary equipment at state expense to be distributed to the counties for elections;

(b) The state contracting for all necessary equipment to be distributed to

counties for a fee to cover part or all of the cost;

(c) Ninety-three counties purchasing the necessary equipment separately with county funds;

(d) The merits of purchasing all necessary equipment in one fiscal year; and

(e) The merits of purchasing all necessary equipment on a rolling timeline.

5. The Election Technology Committee shall consult with and request information, testimony, or research from:

(a) The Secretary of State;

(b) The election commissioner from each county with a population of more than one hundred thousand inhabitants;

(c) At least three election commissioners or county clerks from other counties;

(d) A representative of the Nebraska Association of County Officials;

(e) Individuals with disabilities, including at least one individual with a vision impairment and one individual with a physical disability;

(f) At least one representative of organizations advocating for individuals with disabilities;

(g) At least one representative of organizations advocating for the voting rights of citizens; and

(h) Representatives from election technology and equipment manufacturers.

6. The Election Technology Committee shall electronically issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.