

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1086

Introduced by Hansen, M., 26.

Read first time January 21, 2020

Committee: Government, Military and Veterans Affairs

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.