

## LEGISLATIVE BILL 526

Approved by the Governor May 9, 1997

Introduced by Dw. Pedersen, 39

AN ACT relating to elections; to amend section 49-237, Reissue Revised Statutes of Nebraska, and section 32-1041, Revised Statutes Supplement, 1996; to provide powers and duties for the Secretary of State; to change provisions relating to expenses of elections for constitutional amendments proposed by the Legislature; and to repeal the original sections.

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

Section 1. Section 32-1041, Revised Statutes Supplement, 1996, is amended to read:

32-1041. The election commissioner or county clerk may use paper ballots, voting machines, punch card ballots, or optical-scan ballots to allow registered voters to cast their votes at any election. Paper ballots may be used in combination with other methods of casting ballots. The election commissioner or county clerk may use voting machines and vote counting devices for tabulating the votes cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners and electronic tabulating machines used in punch card voting systems. Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk. Notwithstanding any other provision of the Election Act, the Secretary of State may adopt and promulgate rules and regulations to establish different procedures for voting and counting votes pursuant to the use of any new voting or counting system. The procedures shall be designed to preserve the safety and confidentiality of each vote cast and the secrecy and security of the counting process, to establish security provisions for the prevention of fraud, and to ensure that the election is conducted in a fair manner.

Sec. 2. Section 49-237, Reissue Revised Statutes of Nebraska, is amended to read:

49-237. When the Legislature calls a special state election to submit a proposed amendment to the Constitution to the electors on a date other than the statewide primary election as provided in section 32-401, the Legislature shall appropriate to the Secretary of State sufficient funds to pay all expenses of such election. The county clerk or election commissioner in each county shall certify to the Secretary of State all expenses incurred in conducting such election. The Secretary of State shall transmit payment for such expenses to the county clerks or election commissioners who shall then pay the expenses incurred in their counties.

Sec. 3. Original section 49-237, Reissue Revised Statutes of Nebraska, and section 32-1041, Revised Statutes Supplement, 1996, are repealed.