

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1390

Introduced by Bostar, 29; Bosn, 25; Wayne, 13.

Read first time January 17, 2024

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend section 32-1511,
2 Reissue Revised Statutes of Nebraska, and section 32-101, Revised
3 Statutes Supplement, 2023; to define terms; to require a report; to
4 prohibit and change provisions relating to interference with certain
5 election officers and workers; to prohibit dissemination of the home
6 address of certain election officers and workers as prescribed; to
7 prohibit deep fakes; to provide and change penalties; to harmonize
8 provisions; to repeal the original sections; and to declare an
9 emergency.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Supplement, 2023, is
2 amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 2 and 4 to 6 of this
4 act shall be known and may be cited as the Election Act.

5 Sec. 2. The Secretary of State shall provide a report
6 electronically to the Legislature on or before December 31 of each
7 presidential election year regarding reported threats to or acts of
8 harassment of the Secretary of State, any employee of the election
9 division of the office of the Secretary of State, any election
10 commissioner, any county clerk, any employee of an election commissioner
11 or county clerk, or any person assisting in the conduct of an election
12 pursuant to the Election Act at the request or direction of an election
13 commissioner or county clerk. The report shall include information about
14 instances known to the Secretary of State of deep fakes as defined in
15 section 6 of this act regarding any person listed in this section having
16 been disseminated to provide misinformation about an election.

17 Sec. 3. Section 32-1511, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-1511 Any person who (1) knowingly or willfully obstructs,
20 hinders, assaults, or, by bribery, solicitation, threat, harassment, or
21 otherwise, interferes with any deputy registrar in carrying out his or
22 her powers or duties, (2) hinders or prevents the attendance of any
23 deputy registrar at any registration of voters or revision of voter
24 registration lists, or (3) unlawfully molests, interferes with, removes,
25 or ejects from any place of registration or revision of registration any
26 deputy registrar or unlawfully threatens, attempts, or offers to do so
27 shall be guilty of a Class III misdemeanor.

28 Sec. 4. It shall be a Class III misdemeanor for any person to:

29 (1) Knowingly or willfully obstruct, hinder, assault, or, by
30 bribery, solicitation, threat, harassment, or otherwise, interfere in
31 carrying out the powers or duties pursuant to the Election Act of the

1 Secretary of State, any employee of the election division of the office
2 of the Secretary of State, any election commissioner, any county clerk,
3 any employee of an election commissioner or county clerk, or any person
4 assisting in the conduct of an election pursuant to the Election Act at
5 the request or direction of an election commissioner or county clerk; or
6 (2) Unlawfully molest, interfere with, remove, or eject any person
7 listed in subdivision (1) of this section from any place of voter
8 registration, any place of election administration, or any polling place
9 or unlawfully threaten, attempt, or offer to do so.

10 Sec. 5. It shall be a Class III misdemeanor for any person to
11 disseminate the home address of the Secretary of State, any employee of
12 the election division of the office of the Secretary of State, any
13 election commissioner, any county clerk, any employee of an election
14 commissioner or county clerk, or any person assisting in the conduct of
15 an election pursuant to the Election Act at the request or direction of
16 an election commissioner or county clerk if:

17 (1) The dissemination is done without the consent of such person;

18 (2) The dissemination is done with:

19 (a) The intent to aid, assist, encourage, facilitate, further, or
20 promote any criminal offense which would be reasonably likely to cause
21 death, bodily injury, or stalking; or

22 (b) Knowledge of or reckless disregard for the reasonable likelihood
23 that the dissemination of the information may cause death, bodily injury,
24 or stalking; and

25 (3) The dissemination of the home address:

26 (a) Would cause a reasonable person to fear the death, bodily
27 injury, or stalking of himself or herself or a close relative; or

28 (b) Causes the death, bodily injury, or stalking of such person or a
29 close relative.

30 Sec. 6. (1) For purposes of this section:

31 (a) Deep fake means any video recording, motion-picture film, sound

1 recording, electronic image, or photograph or any technological
2 representation of speech or conduct substantially derivative thereof:

3 (i) That is so realistic that a reasonable person would believe it
4 depicts speech or conduct of an individual who did not in fact engage in
5 such speech or conduct; and

6 (ii) The production of which was substantially dependent upon
7 technical means, rather than the ability of another individual to
8 physically or verbally impersonate such individual; and

9 (b) Depicted individual means an individual in a deep fake who
10 appears to be engaging in speech or conduct in which the individual did
11 not engage.

12 (2) It is a Class I misdemeanor for a person to make or disseminate
13 a deep fake or enter into a contract or other agreement to make or
14 disseminate a deep fake if the person knows or reasonably should know
15 that the item being made or disseminated is a deep fake and the making
16 and dissemination (a) takes place within sixty days prior to an election,
17 (b) is without the consent of the depicted individual, and (c) is
18 intended to mislead voters about an election by misrepresenting the
19 Secretary of State, any employee of the election division of the office
20 of the Secretary of State, any election commissioner, any county clerk,
21 or any employee of an election commissioner or county clerk.

22 (3) A cause of action for injunctive relief may be maintained
23 against any person who is reasonably believed to be about to violate or
24 who is in the course of violating this section by (a) the Attorney
25 General, (b) a county attorney or city attorney, (c) the depicted
26 individual, or (d) a person listed in subdivision (2)(c) of this section
27 who is likely to be misrepresented by such dissemination.

28 Sec. 7. Original section 32-1511, Reissue Revised Statutes of
29 Nebraska, and section 32-101, Revised Statutes Supplement, 2023, are
30 repealed.

31 Sec. 8. Since an emergency exists, this act takes effect when

1 passed and approved according to law.