



SECRETARY OF STATE UPDATE

The Honorable John A. Gale of Nebraska

Summer 2009

All-mail special elections gain favor in Nebraska

Nebraskans are learning it's possible to conduct elections without using polling places.

Special elections conducted exclusively by mail are becoming more common in Nebraska, according to Secretary of State John Gale.

Gale is an enthusiastic proponent of all-mail voting in special elections. "This method is consistently producing heightened interest by the electorate regarding special issues and increased voter turnout as a result," he said.

All-mail special elections can only be used in non-candidate situations such as bond issues, tax levy overrides and sales tax issues. Special elections involving an office vacancy or a recall of an official must use polling places.

Of 20 non-candidate special elections held in Nebraska in 2008, seven used the all-mail method, according to a survey by Gale's office.

The seven all-mail elections had turn-



outs ranging from 43 to 87 percent, with an average turnout of 64 percent.

The 13 special elections using polling places had turnouts ranging from 19 to 44 percent, with an average turnout of 31 percent.

The Legislature in 1996 authorized all-mail special elections in non-

candidate situations.

In 2005, the Legislature authorized county election officials to designate whether a non-candidate special election would be held exclusively by mail or through the use of polling places. Previously, that decision was determined by the political subdivision calling the election.

"As a result of the 2005 law, our county election officials are increasingly using the all-mail method, especially in political subdivisions with smaller populations," Gale said. "It is proving to be an effective alternative."

Besides producing higher turnouts, he said, the all-mail elections have the advantages of avoiding weather problems, being convenient for voters and avoiding the work of using polling places.

"We expect that all-mail special elections will continue to see good use," Gale said. "It shows that there is more than one way to hold an election."

'Cactus Jack' entertains children at statehood birthday parties

The legend of "Cactus Jack" lives on.

Reprising a role he has played in past years, Secretary of State John Gale appeared in costume as the character "Cactus Jack" at nine Nebraska statehood birthday parties throughout the state from Feb. 23-27, 2009.

Some 3,000 school children and 300 adults attended the parties that were held to observe the 142nd anniversary of Nebraska becoming a state on March 1, 1867.

The parties were held in Hastings, Kearney, Nebraska City, Seward, Fremont, Norfolk, Omaha, Boys Town and Columbus.

Gale, the NEBRASKAland Foundation and the Nebraska Humanities Council sponsored the free parties.

Participating students enjoyed musical entertainment, sing-a-longs, an opportunity to show their knowledge of

Nebraska and, of course, a birthday treat.

"Cactus Jack" has become a big hit at the parties.

"It's unusual for a government officeholder to don a costume and play such a character," Gale said. "But it's a lot of fun, and it helps me connect with the students."

Besides Gale, the traveling troupe for the parties included 2009 Miss Rodeo Nebraska Amy Amack and entertainers David Seay ("Deadwood Dave"), Chris Sayre ("Sodbuster Sam") and Tom Bassett ("Casey Jones").

The parties are part of Gale's civics education mission to encourage students to become good

citizens.

"While the parties are done with an educational purpose, we try to engage the students by making the parties fun and entertaining," Gale said.



Students assist Secretary of State John Gale, portraying "Cactus Jack," in lighting candles on a Nebraska birthday cake at the Fremont party.

Hand-count audit confirms accuracy of voting machines

Sample hand counts of results from the November 2008 general election show that Nebraska's vote tabulation equipment is extremely accurate, according to Secretary of State John Gale.

Gale ordered an audit of results in 17 randomly-selected precincts (1 percent of the state's total) to test the accuracy of the equipment. A total of 7,239 ballots were hand counted in three contests – president, U.S. House of Representatives and a community college or natural resources district race.

In 16 of the precincts, there were no discrepancies between the hand counts and the machine counts. The lone discrepancies were found in a Dawes County precinct, where two changes resulted.

"We've always had the utmost confidence in our vote tabulation equipment," Gale said. "But this audit confirms the amazing accuracy of these machines."

The audit should allay any public mistrust in the accuracy of the equipment, he said.

"Nebraska voters can be highly confident in the integrity of our elections and that their ballots are counted correctly," Gale said.

Nebraska uses paper ballots to vote, and the ballots are counted by optical-scanning equipment.

Using federal funds, the Secretary of State's Office purchased new optical-scanning machines for all 93 counties for the 2006 election cycle.

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Students show creativity in art contest

Elementary school students demonstrated their talent and creativity with their entries in the 2009 Nebraska Spirit Art Contest.

Secretary of State John Gale and Nebraska.gov, the state's Web site, sponsored the contest for students in kindergarten through fifth grade to showcase their knowledge of Nebraska and its history.

The winners were kindergartner Michaela Keller of Valentine, first-grader Jon Keller of Valentine, second-grader Marissa Salber of Omaha, third-grader Kaila Avent of Hastings, fourth-grader Nathaniel Kiolbasa of Juniata and fifth-grader Mackenzie Allen of Alliance.

The winners will have their artwork featured on a downloadable screen saver for one year. The screen saver is available at the secretary of state's Web site.

On June 5, 2009, the winners and their families were hosted to a day of activities in Lincoln, including a ceremony

with Gale and Gov. Dave Heineman, a tour of the State Capitol, a luncheon at the Governor's Mansion and an outing at the Lincoln Children's Zoo.

The winners were determined through online voting that involved five finalists from each grade.

"We're pleased that we have the opportunity to show the world the winners' wonderful artwork that represents their proud Nebraska spirit," Gale said.



The contest winners were honored at a State Capitol ceremony. Front row (from left): Kaila Avent of Hastings, Michaela Keller of Valentine and Jon Keller of Valentine. Back row (from left): Secretary of State John Gale, Mackenzie Allen of Alliance, Nathaniel Kiolbasa of Juniata, Marissa Salber of Omaha and Gov. Dave Heineman.

Secretary of state to license athlete agents

The licensing of athlete agents in Nebraska has been added to the secretary of state's duties.

This is the result of the 2009 Legislature's passage of LB 292, which adopts the Nebraska Uniform Athlete Agents Act. The legislation takes effect on Jan. 1, 2010.

The act provides for the registration of agents seeking to represent student athletes regarding professional sports contracts or endorsement contracts.

"We welcome the responsibility of registering athlete agents," Secretary of State John Gale said. "The legislation will help protect the interests of our student athletes and high school and college athletic departments."

The registering of athlete agents will fall to the secretary of state's Licensing

Division, which currently licenses collection agencies, debt management agencies, private detectives, and polygraph and voice stress examiners.

As part of the registration process, athlete agents must supply detailed background information.

The secretary of state may refuse to issue a certificate of registration or may suspend, revoke or refuse to renew a registration if it is determined that the "applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent."

A certificate of registration or a renewal is valid for two years.

The secretary of state may assess a civil penalty of up to \$25,000 against an agent for violation of the act.

Gale aids Learning Community start-up

The task was certainly daunting: Create a new political subdivision in the Omaha metro area from scratch. Adding to the difficulty was the fact that the new entity would be breaking new ground in the field of public education.

That was the challenge in creating the Learning Community of Douglas and Sarpy Counties. And the task fell to Secretary of State John Gale to oversee the start-up.

The Legislature created the Learning Community as a cooperative venture of the 11 school districts in the two counties while maintaining the school districts' autonomy.

The Learning Community has the task of trying to provide all students with access to quality education. The Learning Community will distribute property taxes, administer a voluntary integration plan and work on student achievement issues for the 11 school districts.

The Learning Community's governing board, the Coordinating Council, consists of 18 voting members and three nonvoting ones. The Coordinating Council held its first meeting on Jan. 8, 2009.

The Legislature selected Gale as the statutory facilitator to get the Learning Community off the ground. Gale's office provided organizational assistance from



Secretary of State John Gale is pictured with the Learning Community Coordinating Council's officers. Front row (from left): Lorraine Chang, secretary; Gale; and Brad Burwell, treasurer. Back row (from left): Justin Wayne, vice chairman, and Rick Kolowski, chairman.

August 2008 through March 2009.

"Creating any entity from the ground up is an enormous challenge," Gale said. "My job as facilitator was certainly aided by the great help and cooperation my office received from the Coordinating Council members."

At its March 19, 2009, meeting, the Coordinating Council presented Gale with a plaque recognizing his office for its excellent assistance in the start-up.

"I believe the Learning Community has tremendous potential," Gale said. "It has the opportunity to become a role model for other states that are seeking solutions to educational challenges."

State hall of fame honors poll workers for longtime service

Secretary of State John Gale has honored 268 people for inclusion in the Nebraska Poll Worker Hall of Fame.

The list of honorees was announced in February 2009. The program honors election workers who have served a minimum of 20 years.

"These people have provided exemplary public service for the nation, the state and their communities," Gale said.

"They are unsung heroes who have made it possible for our democratic elections to succeed," he said. "They deserve our gratitude and a big thank-you."

Three of the honorees have served as poll workers for 50 years or more: Peg Lawler of Paxton, 56 years; Rita M. Hinds of Lexington, 51 years; and Norma E. Rhone of Cozad, 50 years. Thirteen other honorees have worked for 40 years or more.

Each honoree received a congratulatory letter and certificate from Gale.

Shively wins award for election service

David J. Shively, Lancaster County election commissioner, is the 2009 recipient of the Meritorious Service Award presented by Secretary of State John Gale for outstanding service in election administration.

Gale cited Shively for his efforts to promote the voting process through registration, education and participation.

Gale commended Shively for his valuable contributions on statewide committees and task forces set up to evaluate and improve election administration, voting legislation and poll-worker training.

Shively's 10-year tenure in his position is the longest in Lancaster County history.

"Dave has worked tirelessly for the county and my office to ensure the election process is conducted with the utmost integrity and efficiency," Gale said. "His exemplary service has advanced the cause of democracy at the local, state and federal level."

Nebraska Hall of Fame ceremony

Noted University of Nebraska scientist Charles E. Bessey (1845-1915) was inducted into the Nebraska Hall of Fame during a State Capitol ceremony on June 26, 2009. Bessey was honored for his contributions to botany, education and conservation. Secretary of State John Gale (left), who participated in the ceremony, is pictured with Littleton Alston, sculptor of Bessey's bust.



Nebraska students debate foreign policy

What does the future hold for U.S. foreign policy?

Nebraska high school students extensively debated the subject at the 11th annual Nebraska Capitol Forum on American's Future held on March 30, 2009, at the State Capitol.

The daylong event was attended by some 90 students and their teachers from 21 schools.

The event is part of a civics education program sponsored by the Nebraska Humanities Council and Secretary of State John Gale.

The students debated four distinct options for the future of U.S. foreign policy. The students considered such issues as terrorism, immigration, environmental problems, international trade and proliferation of nuclear weapons.

As part of the event, the students got to ask questions of U.S. Sens. Ben Nel-



Students and teachers gather for a group photo in the State Capitol during the 2009 Capitol Forum on America's Future.

son and Mike Johanns and U.S. Reps. Jeff Fortenberry, Lee Terry and Adrian Smith via video conferencing from Washington, D.C.

As part of Capitol Forum, entire classes study and consider global issues. The students attending the Lincoln event were there as class representatives.

Regional election event set for Kansas City area

Emerging election administration issues will be the focus of the sixth Midwest Election Officials Conference to be held Dec. 6-9, 2009, in Overland Park, Kan.

Nebraska Secretary of State John Gale and his counterparts in Iowa, Kansas and Missouri are sponsoring the conference, which will be held at the Overland Park Marriott.

The registration fee is \$100, and lodging at the Marriott will cost \$85 per night. For interested Nebraska participants, there are plans to provide round-trip bus transportation from Lincoln to the conference.

For information about the conference, contact Sharon Hambek of the Nebraska Secretary of State's Office at (402) 471-6044.

"This will be a national-caliber conference that will provide participants the opportunity to network and enjoy some of the attractions of the Kansas City area," Gale said.

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