



**From the Office of Secretary of State**

**John Gale**

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**Secretary Gale receives recommendation connected to voting complaint**

Secretary of State John Gale has received the findings and recommendation issued in connection with a voting complaint filed with his office under the Help America Vote Act (HAVA) of 2002.

In that document the hearing officer, Robert Kinsey Jr., suggested reducing the period for in-person early voting from the current 35 days to 25 days. In his written statement Kinsey said, "A shortening of the time period for in-person early voting furthers Nebraska's commitment to promoting voter accessibility for all individuals and provides adequate opportunity to vote early in-person."

Kinsey, who is an attorney with the law firm of Kinsey Rowe Becker & Kistler, was appointed by the Secretary of State to oversee the hearing, which was held at the State Capitol on November 16, 2012.

The initial complaint was filed in October 2012 by Mrs. Fatos Floyd, a Lincoln resident who is also visually impaired. She said she was unable to vote during the first week of October at the Lancaster County Election Commission office due to the unavailability of the AutoMARK machine. That piece of equipment allows those with visual impairment and other disabilities to cast their ballot privately and without assistance. Floyd was able to cast her vote at a later date.

Reviewing the recommendation Sec. Gale called it a thoughtful and well-reasoned approach. "One of the issues that our office noted during the hearing was the difficulty in having the ballots certified for each county, getting those ballots printed and having the AutoMARK machines coded all in time for early voting to start on October 1."

Coding of the AutoMARK machine was completed at the Lancaster County Election Commission office on October 9.

Gale said, "We will be looking at the timing of those deadlines and seeking a remedy through the Legislature during the upcoming session."

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