



From the Office of Secretary of State John Gale

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Date set by Secretary of State for hearing on voting complaint

The Secretary of State's office has established a hearing date for a voting complaint. It is the first complaint filed in Nebraska under the Help America Vote Act (HAVA) of 2002.

The hearing will take place 1:30 p.m. on November 16, 2012 in hearing room 1507 at the Nebraska State Capitol.

Robert D. Kinsey, Jr., has been appointed to serve as the hearing officer for the proceeding. Kinsey is partner in the law firm of Kinsey Rowe Becker & Kistler in Lincoln. He has been with the firm since its founding in 1990.

One of the mandates of the HAVA Act ensures that physically handicapped and visually impaired individuals have access to and accommodations provided at polling sites that allow them to cast a private, unassisted ballot by use of special equipment. Mrs. Fatos Floyd, who filed the complaint, said she was unable to vote early at the Lancaster County Election Commission Office during the first week of October because the necessary equipment was not ready.

The hearing officer will receive testimony regarding the alleged violation and review the relevant law. He will determine if any violation occurred. If that is the case, the hearing officer will issue recommendations to the Secretary of State for remediation. If there is no violation, the hearing officer will issue a written finding dismissing the complaint.

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