



From the Office of Secretary of State

John Gale

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**Secretary Gale issues statement related to HAVA filing**

Included is a statement from Secretary of State John Gale concerning the filing to his office today about a potential violation under the Help America Vote Act. See below.

I received a formal complaint alleging potential voter violations under federal law. The complaint arises under HAVA (Help America Vote Act) and was filed by Ms. Fatol Floyd. She complained that she contacted the Lancaster County Election Commissioner's Office on October 3, 2012 about bringing several visually impaired people to vote early in that office by using the AutoMARK equipment. AutoMARK is ballot-marking equipment which allows a person with physical disabilities or visual impairment to cast a private paper ballot. Ms. Floyd said she was informed that equipment was not available on that date.

Under the HAVA act of 2002, a complaint procedure is provided by the Secretary of State. The Nebraska Secretary of State's Office has had a formal administrative complaint procedure since January 2004, as required by federal law. A description of that procedure can be found on the Secretary of State [website](#). This is the first complaint received under that law in Nebraska. A complaint is filed with my office and must set forth certain factual allegations. My office is entitled to respond based on the complaint and upon our own investigation. At this point, we are reviewing the complaint filed by Mrs. Floyd and are determining the steps that will take place from this point to ensure the issue is properly resolved.

We work closely with our county election officials to comply with all state and federal laws. The company contracted to provide printed ballots for most of our counties is Elections System & Software, an international elections systems company with headquarters in Omaha, Nebraska. Elections System & Software provides printed ballots for our military and overseas citizens; and for use during early voting as well as Election Day. This company codes the AutoMARK equipment for use statewide. There are a variety of state and federal laws that all come to bear on deadlines for ballots and for ensuring the rights of the disabled and visually impaired voters.

I deeply regret that a visually impaired citizen had a disappointing experience. We have worked hard over eight years to ensure that the American Disabilities Act has been complied with at all levels. At the same time, we have great respect for our county election officials in Nebraska, and their efforts to ensure that all registered citizens have the right to cast a ballot under the law and have their ballot counted. Dave Shively, our Lancaster County Election Commissioner, has been a state leader in his expertise and experience in establishing high standards for all voters.

We will proceed as provided under the complaint procedures outlined under HAVA to do a thorough investigation, to provide fairness and due process to our procedures, and to craft written findings and find a remedy if one is needed to address Ms. Floyd's complaint.

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