



From the Office of Secretary of State

John Gale

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**Sec. Gale receives findings & recommendations of HAVA hearing**

LINCOLN – Secretary of State John Gale has received and reviewed the findings of a hearing officer hired to conduct a hearing on a complaint filed under the Help America Vote Act (HAVA) by Nebraskans for Civic Reform (NCR).

Hearing officer Rob Kinsey determined that a violation occurred when some Douglas County voters were asked to provide voter identification numbers before casting a provisional ballot on Election Day.

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 Office Building on January 18, 2013. The entirety of his report can be found on the Secretary of State's website ([www.sos.ne.gov](http://www.sos.ne.gov)) under "News Releases".

During the hearing, Douglas County election commissioner Dave Phipps agreed from his own investigation there appeared to be some confusion among poll workers who asked voters for their identification numbers, because that information was suggested on some provisional ballot materials supplied by his office.

Once he was made aware of the situation on Election Day, Phipps said poll workers were notified immediately that they did not need to obtain voter identification numbers in order to provide a provisional ballot.

In order to prevent the same situation in future elections, Phipps testified that he would remove any references to voter identification numbers on those election materials. In his findings, Kinsey concurred with that recommendation.

Kinsey also recommended that poll workers and call center operators receive additional instruction during training so that they know they do not need to request identification numbers from voters so they may cast a ballot provisionally.

"I find the suggested remedies made by both commissioner Phipps and the hearing officer to be proper and necessary to prevent poll worker confusion in the future," said Gale.

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