



From the Office of Secretary of State

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Secretary of State provides testimony to two election bills

LINCOLN – Secretary of State John Gale submitted written testimony to the Government, Military and Veterans Affairs Committee in connection with two election bills today.

The first one, introduced by Senator Beau McCoy, mandates that members of the Electoral College in Nebraska cast their ballot for the presidential and vice presidential candidate in accordance with their pledge. Failure to do so could cause the Secretary of State to refuse and discard their ballot. Under LB167, if that were to happen, the “faithless elector” would be removed as an elector and replaced.

In submitted written testimony in support of the bill Gale said, “To allow a presidential elector to deviate from the will of the prevailing vote of the people would be arbitrary, capricious, and contrary to the fundamental concept of carrying out the will of the voters of the state.” Gale, as the state's chief election officer, supervises the casting of the Nebraska electoral votes.

Gale further pointed out that around 30 states have taken action to discourage or forbid faithless electoral votes. The bill proposed in the legislature would hold those electors to their pledge and would implement a ballot disqualification process if they did not abide.

Gale also submitted written testimony in opposition to LB183. As introduced by Senator Russ Karpisek, the bill would have county election commissioners in counties with a population over 100,000 appointed by a county board for a term of at least four years. Currently, they are appointed by the governor.

"The assumption seems to be that appointment by a governor is automatically inviting partisan abuse," said Gale. "Historically, in Nebraska, the governor has little contact or influence over county election commissioners, beyond appointing them to the job. The governor does not act in a supervisory capacity."

Gale also argued that appointment by county board in no way eliminates any partisan favoritism. He said it's likely to do just the opposite. "County boards in the three major counties are elected as partisan officials. Add to that the fact that those boards have budgetary oversight of those offices and under this bill, they would also have the ability to assure that a board-friendly supervisor would be appointed."

Gale said that county election commissioners were not in a position to abuse their power. All county election officials are subject to investigation by the Secretary of State's office when there is evidence of serious irregularities, whether criminal or not.

Speaking directly to the closing of polling places by Douglas County election commissioner Dave Phipps, Gale pointed out that while those closures may have been "too many too soon", they were carried out within the scope of the law approved by the legislature last year. More than two dozen of those polling places were restored following consultation with the Secretary of State's office. Gale said, "There is a check and balance system in place to ensure that appointed election commissioners are operating within their legal bounds."

"The election appointment process that we have now has worked well in Nebraska for many decades. It has worked well for Republicans and Democrats alike."

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