



From the Office of Secretary of State

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**For Release**

April 4, 2013

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### **Bill to reduce early in-person voting advances in legislature**

LINCOLN – A bill that would reduce the number of days for early in-person voting in Nebraska cleared the first round of debate in the legislature, with an attached amendment. The proposal calls for reducing the voting window from 35 days to 30 days.

Initially, LB271 called for reducing early in-person voting to 25 days. The bill was approved by state senators by a vote of 31 to 0, after the amendment reducing voting to 30 days. The bill did not affect the start date for absentee ballot requests.

The bill, introduced by Senator Scott Lautenbaugh for Secretary of State John Gale was brought in response to a complaint filed under the federal Help America Vote Act (HAVA). A visually impaired woman in Lincoln was not able to vote in-person on the same date as other early in-person voters at the Lancaster County Election Commissioner's office in October 2012. The AutoMARK machines for those who were physically disabled or visually impaired were not able to be coded in time as to meet the early in-person voting start date under state law.

The hearing officer who heard the complaint recommended that the appropriate remediation would be to reduce early, in-person voting from 35 days to 25 days. The average for most states for early in-person voting is 22 days.

"That 25 day period was not an arbitrary number, so of course I am disappointed" explained Gale. "The HAVA hearing and the hearing by the Government, Military

and Veterans Affairs committee both found the 25 day period to be appropriate to avoid any future HAVA complaints. We felt that was a reasonable buffer, especially during years in which there is a presidential election and there are even more deadlines that delay ballot certification which delays the equipment voting."

"I don't know if five days will be enough," said Gale. "We'll have to see. A 25 day period would have given us a better window to be prepared for all early in-person voters including the disabled and visually impaired, but we will do the best we can to meet this new deadline."

Gale said while it does provide some breathing room, it may still be too close to prevent possible HAVA complaints in the future. "There are certainly a number of factors that come into play during each and every election. No one election is like any other."

Gale said he greatly appreciated, in particular, the efforts by Senator Lautenbaugh and Senator Bill Avery for their leadership during the floor debate, and their ability to achieve a compromise that gives election officials some relief to be ready to meet the needs of all early in-person voters.

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