

# **NEBRASKA SECRETARY OF STATE REPORT TO THE ELECTION SYSTEM ADVISORY TASK FORCE**

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## **Definitions**

**ADA:** The Americans with Disabilities Act of 1990 (ADA) prohibited unjustified discrimination based on disability. Discrimination included public services and accommodations that were not accessible to individuals with disabilities. ‘ADA compliant’ is commonly used to describe a building or service that is accessible to individuals with disabilities.

**Ballot-Marking Device (BMD):** A type of electronic voting machine that a voter can use to mark a physical, paper ballot. It is often equipped with a large variety of accessibility tools to assist voters with disabilities in casting a ballot privately and independently. A key feature is that it does not log or count votes that are cast on the machine.

**Ballot-on-Demand (BOD) Printer:** A printer used by a local election official to print ballots as needed. This system is often coupled with specialized software and a dedicated computer, tablet, or laptop to control the printer. This system is used as a supplement or alternative to bulk ordering ballots from commercial printers.

**Direct-Recording Electronic (DRE) Voting Machine:** This type of machine electronically displays candidates and ballot issues on a screen. Voters are prompted to make their selections using a touchscreen, a pushbutton or accessible devices, or to write-in votes using an onscreen keyboard. A DRE voting machine processes information using a computer program, and votes are cast and stored within the machine on a removable storage device such as a USB flash drive. Voters are instantly notified of under- voting and over-voting. DREs can be equipped with a printer to keep a voter-verified paper audit trail (VVPAT), which provides feedback to the voter as well as a means to audit the electronic vote totals.

**U.S. Election Assistance Commission (EAC):** An independent, bipartisan commission created by the Help America Vote Act of 2002 (HAVA) which serves as a national clearinghouse for election administration information and guidelines. In addition to four presidentially appointed commissioners, the EAC includes a Standards Board, made up of state and local election officials, and a Board of Advisors, which includes election experts and representatives of election-related organizations.

**Election Management System (EMS):** In Nebraska and within the context of the system provided by ES&S, this is the software interface that allows county election officials to create ballot templates, manage voter registrations and records, prepare early voting materials, verify petition signatures, and run and print reports including poll books and rosters. The system is managed with participation and oversight by staff from the Secretary of State's office. Nebraska uses the election management system, PowerProfile, from ES&S.

**Electronic Poll Book (e-poll book):** Hardware, software, or a combination thereof that contains a list of registered voters for an election. Functions include the ability to look up eligible voters and their polling place information by either manually entering the voter's name or scanning the voter's driver's license or state identification. It also allows a voter to sign in electronically and check the voter's status.

**HAVA:** The Help America Vote Act of 2002 (HAVA) authorized Congress to provide \$3.65 billion to states and federal agencies for broad election reforms and modernizing election equipment. The law created the Election Assistance Commission and expanded the federal government's role in elections through mandates, standards and funding.

**Optical Scanner:** This scanner functions similarly to those used for standardized tests – a voter indicates a vote by marking small circles or rectangles next to candidates' names or issues on the ballot. The ballot is then fed into the optical scanner which scans the ballot and tabulates the votes based on where the marks appear.

**Over-vote:** An over-vote occurs when a voter chooses more than the permitted number of selections in a single race or ballot issue.

**Under-vote:** An under-vote occurs when a voter chooses less than the permitted number of selections in a single race or ballot issue, or does not vote at all for a race or ballot issue for which the voter is eligible to vote.

**UOCAVA:** The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) expanded and enhanced absentee voting rights for specific groups of citizens. Citizens protected under UOCAVA include U.S. citizens who are active members of the uniformed services, the Merchant Marine and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family members and U.S. citizens living outside of the United States.

# **NEBRASKA SECRETARY OF STATE REPORT TO THE ELECTION SYSTEM ADVISORY TASK FORCE**

## **Introduction**

Nebraska is confronted by a situation that is faced or will be faced by nearly every other state in the nation, plus the District of Columbia; namely, the aging of election equipment and its associated products. This deterioration has forced states to not only consider what equipment should be purchased going forward, but also how citizens should vote in the future: at a polling place, by mail or a combination of various means.

Starting in 2003, the federal government funded comprehensive and sweeping election administration and equipment reform across the nation. Some states, operating from the bottom-up, distributed funds to their counties to spend according to federal standards. Other states, like Nebraska, took a top-down approach and spent funds to centralize their election systems, creating uniform and standardized processes to be managed at the state level.

Not only are federal funds now depleted, but the equipment purchased with those funds is becoming obsolete. While some studies and news reports have characterized this situation as critical, states have, for the most part, recognized the impending situation. As such, they are taking steps to either upgrade or replace their equipment and are trying to identify appropriate methods for financing. Nebraska is among those states critically examining its options with regard to its current election system and its election equipment.

In recent years, efforts have been undertaken to research and identify not only what election system might be best (i.e., how citizens vote), but also, what equipment might be best suited to support that system. In 2016, the Secretary of State's Office proposed and supported LB1107,

introduced by Senator Tommy Garrett. That bill called for the formation of a 16-member advisory committee tasked with studying Nebraska's current election system as well as possible alternatives to replace it.

The idea was to bring together a variety of stakeholders during 2017 with differing opinions and perspectives and make findings and conclusions that would have been submitted to the legislature at the end of 2017. Such a report would have assisted parties of interest, including state senators and Nebraska citizens, during 2017-2020 in the consideration of appropriate choices for an updated or new election system in preparation of the 2020 statewide presidential election.

At the time LB1107 was submitted, the Nebraska Legislature approved passage of LR403 which created the Special Committee on Election Technology, composed of seven state senators, to study similar issues in 2016. Findings from that committee were submitted to the legislature by December 2016.

While LB1107 was not advanced out of the Government, Military and Veterans Affairs Committee, Sec. Gale felt it was important to bring together a group of stakeholders to study potential alternatives to the current election system and evaluate the potential costs associated with those alternatives. The Election System Advisory Task Force was created with the intent that a report could be generated reflecting overall conclusions and findings, based on the meetings, presentations and discussions that were held.

The hope was that such a report would reflect varying points of view from county election officials, individuals representing various public interest groups and those who understood the needs and concerns of voters with disabilities.

The Election System Advisory Task Force was created out of the formation of two parallel committees: one consisting of county election officials and the other of citizens representing various organizations and groups considered to be key stakeholders in the future of Nebraska's election system and election equipment needs. Three meetings were in the summer and fall of 2016. The first meeting on August 23, 2016 involved representatives from the various public interest groups. The second meeting on September 7, 2016 involved county election officials. The third meeting on October 5, 2016 combined both committees.

## **Goals Of This Report**

1. Describe federal election laws and processes impacting the current and any future election system;
2. Detail the election equipment acquired by Nebraska with funding under the Help America Vote Act of 2002 (HAVA) and explore what alternatives exist for upgrading or replacing that equipment;
3. Provide a useful summary of Nebraska's current election system and election equipment;
4. Compare Nebraska's current election system and equipment with those used in other states;
5. Provide county election officials, Nebraska citizens and members of the legislature the benefit of a broad-based perspective on the future of the state's election system based on the views and experience of those comprising the Election System Advisory Task Force.

This report should be considered reliable as a descriptive compilation of:

- 1) information researched, investigated, and presented by the Nebraska Secretary of State's Office to the Election System Advisory Task Force;
- 2) information shared by representatives of election technology companies with the task force; and,
- 3) information shared amongst members of the task force during their discussions.

## **Federal Laws Impacting Elections**

Four federal laws have guided election administration nationally for almost 25 years. They are the National Voter Registration Act of 1993 (NVRA); the Americans with Disabilities Act of 1990 (ADA); the Help America Vote Act of 2002 (HAVA); and, The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) as amended by the Military and Overseas Voter Empowerment Act of 2009 (MOVE).

Prior to NVRA, Nebraska, like other states, had a decentralized process for conducting elections. Elections were carried out at the local level with little state supervision or sharing of resources. Each county adopted different methodologies for managing election oversight. Additionally, each county election office was responsible for the acquisition of its own election equipment, printing its own ballots and managing its own voter registration rolls.

NVRA was designed to enhance voter registration by: increasing the number of eligible citizens registered to vote in elections; ensuring that a greater number of citizens were better able to participate in elections; and, protecting the integrity of the electoral process by keeping voter registration files updated and correct.

Implementation of NVRA involved three key mandates: 1) allow for voter registration at Department of Motor Vehicles (DMV) offices as well as government public assistance agencies; 2) create a process by which voter registrations were obtained and maintained by each state; and, 3) permit and standardize the process across all states for registering to vote by mail.<sup>1</sup>

The ADA had a significant impact on the conduct of elections by requiring that public facilities, including voting precincts, were accessible to disabled citizens. Although the ADA itself barely mentions

voting, it had a significant impact on the conduct of elections. It provided clear and strong standards addressing accessibility for individuals with disabilities in government services and public accommodations, among other things. Polling places were already required to be physically accessible for voters with disabilities under prior law, but there were no strong or consistent standards to determine what constituted a building being physically accessible, until the ADA.

The most sweeping election law passed by Congress, HAVA, was designed to make broad reforms to the nation's voting process. HAVA addressed improvements to voting systems and voter access that were identified following the 2000 presidential election. It was determined that millions of people were disenfranchised in that election due to: registration problems, equipment failures, improper ballot design (e.g., the infamous butterfly ballot), hanging chads and the failure of local jurisdictions to mail ballots to military and overseas civilians in a reasonable amount of time.

HAVA created new mandatory minimum standards for states to follow in several key areas of election administration. The law authorized \$3.65 billion in funding to help states meet these new standards by replacing voting systems and improving election administration.<sup>2</sup> Nebraska received nearly \$21.5 million, which included a five percent mandatory match provided by the state.<sup>3</sup>

The goal was to make the nation's election system more modern, reliable, accessible and accurate for every voter. HAVA required that the states do this by implementing the following new programs and procedures: casting and tracking of provisional ballots; providing voter education materials; replacing any punch card or mechanical voting equipment; upgrading outdated voting equipment; creating statewide voter registration databases; updating polling places to be ADA

compliant; requiring voting equipment in each precinct for voters who were disabled or visually impaired; and, administrative compliance procedures.

HAVA also established the U.S. Election Assistance Commission (EAC) to assist the states in complying with the mandates of HAVA and to distribute federal funds to the states. The EAC was also responsible for creating voting system guidelines and operating the federal government's first voting system certification program.

HAVA greatly expanded the role of chief election officers or boards across the 50 states making them responsible for carrying out the mandates of HAVA and properly allocating federal funds to do so. Congress did not want to deal with some 8,000 local election jurisdictions; but rather, just state officials.

Each state election office was required to appoint a citizen advisory committee to advise the chief election officer or board in the development of a state plan to implement HAVA. As a result, Secretary Gale appointed the 16-member Nebraska State Plan Commission in 2003. The Nebraska State Plan was adopted in 2004 and amended in 2009 and 2011.

UOCAVA as amended by the MOVE Act, created additional requirements for states to better insure that military and overseas citizens were assured of adequate time to receive and return their ballots by mail. Additionally, it required that states establish electronic transmission options for delivery of blank early ballots to UOCAVA voters.<sup>4</sup>

## **New HAVA Equipment for Nebraska**

With the guidance and recommendations made by the Nebraska State Plan Commission, the state moved forward with finalizing a \$10.9 million contract for the purchase of new election equipment obtained through Election Systems and Software (ES&S) of Omaha in the fall of 2005. Each of the state's 93 counties was supplied optical scanning equipment to count paper ballots as well as ballot-marking devices known as AutoMARKs. AutoMARKs were specifically designed to allow voters who were disabled the ability to cast a ballot privately and unassisted.

One of the key determinations of the State Plan Commission was the utilization of technology that would allow citizens to continue marking votes on paper ballots. Stakeholders, media and citizens all emphasized the importance of having paper ballots for recounts and court challenges. The alternative would have been to purchase direct-recording electronic voting equipment (i.e., DREs). At the time, DREs were considered to be controversial because they did not provide voting paper trails. Many experts did not consider DREs to be acceptable election technology.

Prior to purchasing equipment in 2005, 42 counties were hand counting ballots and the remaining 51 counties were utilizing optical scanning devices.<sup>5</sup> The Secretary of State's Office was concerned about the issue of equal protection under the U.S. Constitution since the two methods of counting ballots had considerably different error rates. Voters and candidates were potentially treated differently depending on where they lived and the system used to tabulate ballots.

To ensure uniformity across the state and achieve accuracy across counties when tabulating ballots, the State Plan Commission decided that all counties should be provided new election equipment free of

charge as well as coverage of annual maintenance costs, so long as federal funds were available. The annual maintenance cost for the election management system and election equipment was about \$900,000 per year paid solely from federal funds without county contribution. Federal funds ran out during the 2013-15 budget cycle, at which time the state took over all costs.

At the time of purchase, 36 counties had fewer than 3,600 registered voters. Those counties received precinct-based optical scanners. The remaining counties received central optical scanners installed at the county election office for countywide tabulation (Adams County received multiple precinct scanners and a central scanner and was the only county to do so).<sup>6</sup> The state provided all of these machines and since that time, the Secretary of State's Office has been responsible for keeping the inventory and maintenance records. Currently, Nebraska has a stock of around 229 optical scanning machines (plus five DS850 scanners that are owned by the counties).

## **A New Election Management System (EMS)**

It should be noted that in 2005, as Nebraska was purchasing and distributing new election equipment, the state also finalized the move from a county-based to a statewide EMS, the key feature of which was a voter registration system provided by ES&S. The cost of the EMS accounted for approximately \$4 million.

The EMS is a centralized, closed, password-protected computer system developed by ES&S. It is owned by the Secretary of State and is managed with cooperation from the 93 county election offices. Since it is software-based, there is no hardware to risk becoming obsolete. It should continue to function well into the future with regular upgrades and maintenance.

Up until 2015, there were relatively few changes made to the state's voter registration application process. The process of submitting registrations was primarily paper-based. Information collected on a paper form was manually inputted by county election staff into the EMS.

In 2013, the legislature approved the creation of an online voter registration system. In the fall of 2015, Nebraska became the 24<sup>th</sup> state to implement an online voter registration system called NEReg2Vote. In January of 2016, the state DMV also began transmitting all voter registration applications electronically. The DMV has created a process through its website by which users can update their voter registrations or register for the first time while renewing or ordering a duplicate driver's license. Both online systems provide language options, are accessible by mobile devices, and are compatible with voice-activation for citizens with visual impairment.

Nebraska's centralized EMS offers several benefits: 1) it allows for interaction between the counties in dealing with issues such as duplicate

voter registrations; 2) it allows for uniform maintenance of the voter registration rolls and voter history; 3) it provides a method by which the voter registration database can be compared with other states; 4) it establishes a process for checking driver's license numbers, death records, social security numbers and tracking of felony convictions and completion of felony sentences; and, 5) it provides county election officials greater functionality when it comes to processing voter registrations and managing elections.

## **Summary of NE's Current Election System and Equipment**

Nebraska primarily uses the precinct/polling place voting model (hereinafter, "polling place model") in statewide elections, although, there are some precincts that have converted to all-mail, per permission granted by the Secretary of State's Office. The majority of voters in statewide elections still prefer to vote at a polling place. In the last two presidential elections, approximately 75 percent of voters voted at their polling place and 25 percent voted early. Of the 25 percent who voted early, approximately 85 percent did so by mail, or 21 percent of total voters.

Elections in Nebraska are paper-based. Voters can request to receive a ballot early by mail, vote early at their county election office or vote at their polling place on Election Day.

There are two primary types of equipment utilized in Nebraska's current election system. The first type is a ballot-marking device (BMD) known as the AutoMARK. This equipment was acquired in order to provide a method by which voters who are disabled or visually impaired can cast a private and unassisted ballot. Ballots used with an AutoMARK device are indistinguishable from any other ballot type face.

The other type of equipment is an optical scanning device used to tabulate ballots. Optical scanners are either centrally-located or precinct-based. Various model types are utilized by the counties, all supplied by Election Systems and Software, LLC (ES&S) of Omaha.

There are nearly 1,400 precincts in Nebraska. Precinct scanners are used in 36 counties and 57 counties use central scanners. The current inventory of equipment includes: 160 (model M100) precinct scanners, 69 (model M650) central scanners, five (model DS850) central scanners (which are owned by the counties) and 1,367 AutoMARKs.

All optical scanners and AutoMARKs have been provided and maintained by ES&S. ES&S has indicated these machines, which are now more than 10 years old, should last a few more years. One of the challenges going forward is the ability to find storage Zip drives that are used with the M650 central scanners. Those drives are programmed by ES&S for each election and are utilized to store and upload election results. While ES&S has a current supply of these drives, eventually they will run out.

The other immediate challenge is that ES&S is no longer manufacturing AutoMARK machines and those devices will need to be replaced with a suitable alternative. While some states have had to resort to cannibalizing equipment in order to maintain an appropriate inventory, Nebraska has not reached that stage. However, as these machines age, it will be difficult to find parts necessary to keep them working.

Coupled with the necessity of upgrading or replacing equipment is the need to find the funds to pay for it. New election equipment could drive costs into the tens of millions of dollars, to be shouldered by the state, the counties or both.

## **Voting Systems**

### **1. Polling Place Model**

The most common method of voting in the United States, including Nebraska, is the polling place model. In this system, voters are assigned a particular place to vote, depending on where they live. On Election Day, voters show up at their polling place, check in by confirming their address and signing the poll book. Then they place the completed ballot into a ballot sleeve, which is used to deposit the ballot into a ballot box by the poll worker.

Nebraskans have a strong tradition of voting at the polls on Election Day. As reported in the 2016 general election, some 615,000 citizens voted at the polls, or around 75 percent. Not only do many people like the tradition of voting in a polling place, but for those concerned about security, they prefer to vote in person rather than entrusting their ballot to be delivered through the mail.

One of the primary benefits of the polling place model is that county election officials know exactly how many voters are registered within that precinct through the statewide voter registration system and can have the appropriate number of ballots printed ahead of time. County election officials can accurately estimate ballot need based upon historic need and the nature of the election. In Nebraska, the maximum number of voters that can be assigned by law to a precinct is 1,750. The average size of a precinct in the state is close to 900 voters.<sup>7</sup>

Polling places are generally located in, or close to, the geographical area of the precinct. Nebraskans vote in a variety of places: schools, churches, courthouses, fire houses, community centers, American Legion halls, retirement centers and others. Some polling places will house more than one voting precinct.

The polling place model requires that voters know the location of their precinct and how to get there. The goal for county election officials is to locate polling places in areas that are easily accessible, conveniently located and able to accommodate voters who are disabled. Meeting all of these goals is not always easy.

Location can pose transportation issues, especially in extreme weather conditions. Additionally, voters may need to drive significant distance to reach their polling location. For those who do not drive on their own, getting to a polling place can be complicated by a lack of available public or alternative transportation. It is often difficult to find a site that is both centrally located and ADA compliant.

Other challenges associated with the polling place model concern staffing each location with enough poll workers and transporting election equipment and materials to and from each location.

Finding enough poll workers is a growing struggle for county election officials. It is getting harder and harder to recruit younger men and women to take over for this aging force. In a 2016 survey of Nebraska county election officials, 56 said that it was somewhat difficult or very difficult to find poll workers, an increase of four from 2014. In the 2016 survey, 17 officials said it was very difficult to find poll workers; an increase of eight from 2014.

In 2016, nearly 71 percent of poll workers were over the age of 60, while less than one percent were under the age of 26. County election officials have the authority to draft poll workers, but at this time, Douglas County is the only one to do so.

## **2. Vote Centers**

Vote centers are very similar to the polling place model. In some states, vote centers serve as an alternative to traditional precincts. Rather than being tied to one particular precinct and polling place, voters can go to any vote center in their county, regardless of where their address is located.

Nebraska effectively utilizes vote centers in that each county election office serves as a vote center during the early voting period. The voter is issued a ballot based on their precinct location. Enough ballots are printed in advance to accommodate early voters.

Much like polling places, vote centers can host multiple precincts on Election Day; although in a polling place, precincts must be clearly separated from each other within the location. This is the case in Cherry County. The polling location in Valentine houses three different precincts; but, voters who go there must be sure to check into their correct precinct in order to obtain a ballot.

Vote centers are usually much larger facilities than polling place locations, with more parking, better accessibility and more space to accommodate many voters, staff and equipment. Because any number of voters can appear at a vote center, it is difficult to predict how many to expect. This has led to long lines in other states on Election Day. Like polling places, vote centers need to be staffed with trained workers and have set-ups similar to precincts.

In addition to allowing early voting at county election offices, some states offer satellite voting, which can stand alone or be combined with voting centers. In Indiana for example, early voting is offered at various designated satellite locations. Then on Election Day, some of those locations become vote centers. The distinction is that Indiana considers

satellite voting to be strictly established for the purpose of early voting. Vote centers, at least in that state, are only used on Election Day.

In Nebraska, use of satellite voting has not been embraced by county election officials. An effort was made at one point to establish satellite voting locations inside public libraries in Lancaster County. However, political party disputes about the locations ended that proposal. With other attempts, counties found they did not get the type of volume to justify the costs associated with staffing a satellite location for early voting.

In Washington, Colorado and Oregon, vote centers offer an alternative and are complimentary to the all-mail voting model. Vote centers are used for both early and Election Day voting. Only Washington and Colorado refer to them as vote centers.<sup>8, 9</sup> Oregon uses its county election offices as vote centers.<sup>10</sup> They are not called vote centers and there is only one office per county. But at those locations, any voter within that county can show up through Election Day to cast a ballot.

Should Nebraska shift to an all-mail voting model, vote centers would help supplement the process. As in other states, they would provide an alternative for voters who are not comfortable with returning their ballot through the mail. They would also provide an accessible and independent voting option to voters who are disabled.

Enabling electronic access to the state voter registration system in order to verify each person's eligibility to vote is another consideration with use of a vote center. Barring that, each county would have to print an alphabetical listing of every voter, which could amount to thousands and thousands of names. Additionally, counties would have to have enough pre-printed ballots on hand or ballot-on-demand (BOD) printers located on site to produce each required ballot face. In the alternative, the site

would need to be equipped with direct-recording electronic voting machines (DREs), to record votes.

When it comes to pre-printed ballots, it is essential to have enough on hand at any given time to ensure that all voters receive one. That could be particularly challenging in a state like Nebraska. In any given statewide election, Nebraska utilizes over 4,000 ballot types, due to the large number of political subdivisions and splits among precincts and counties to elect those races.

Using vote centers the way other states do, electronic poll books (e-poll books) would be crucial to assist with processing voters properly with the right ballot type. Essentially, the poll worker would check the voter in using an iPad or another tablet device. The voter would receive a pre-printed ballot, a BOD-printed ballot or an access card to vote on a DRE.

While using BOD printers would alleviate the cost of providing enough pre-printed ballots at vote centers, issues associated with printing ballots on site could pose additional challenges. Tabulation equipment might have a tough time reading ballots that are not printed clearly or printed out of alignment. The chance for misreading or errors is far greater when using an off-the-shelf product versus a professional grade printer for manufacturing the ballot. As a result, a large number of ballots may need to be reviewed and counted individually by the county resolution board. Furthermore, if there was a mechanical problem with the printer, voting could be slowed or stopped until the problem was resolved.

Installing DREs in a vote center would alleviate the cost of providing pre-printed ballots or purchasing BOD printers. However, costs and associated maintenance of DREs tend to outweigh the costs of printing ballots. Additionally, DREs share similar issues with BOD printers in that if a machine goes down, voting might be slowed or halted.

### **3. Voting By Mail**

Voting by mail, which is also known as all-mail or by-mail voting, has gained attention in recent years and has been well received when implemented. However, transitioning to all-mail voting has been slow, despite the fact that states which have converted to all-mail have generally reported good turnout in elections. Oregon (2000), Washington (2011) and Colorado (2013) are currently the only three states that are all-mail. Some states, like Utah, have provisions for all-mail elections under special circumstances or for a limited section of the state.

Current Nebraska law allows election officials in counties with a population of less than 10,000 to identify any precincts for all-mail voting as well as allowing officials to conduct special elections by mail.<sup>11</sup> Special elections are elections by political subdivisions within a county for economic or candidate issues. These are not part of regularly scheduled primary or general elections. Nebraska has allowed counties the choice of conducting special elections as all-mail elections since 2005 for nonpartisan issues, and since 2015 for candidate issues. When seeking to designate a precinct as all-mail or conducting a special election by mail, the county election official must submit their election plan to the Secretary of State's office for approval.

All-mail special elections have become the method of choice by many county election officials in Nebraska. Table 1 shows that turnout has increased by an average of 15 percent when special elections have been conducted by mail compared to the traditional polling place method. All-mail special elections have been conducted in

Table 1. Average voter turnout in all special elections conducted in Nebraska since 2008 broken down by voting method.

Method	Elections	Avg. Turnout
Polls	122	35.43%
All-Mail	121	50.43%

54 counties, with some of them involving multiple counties. On average, these 54 counties have conducted three all-mail special elections each.

Mailing a ballot not only helps to raise awareness about the nature of the election, it provides an added convenience for voters. Having more time to vote by mail removes some of the urgency of getting it done right away. It provides more time for a voter to research the candidates and issues, up until the last day or two before the election.

The cornerstones of an all-mail voting model are: 1) a ballot is sent to every eligible registered voter; 2) the ballot must be placed in a sealed envelope with the signed oath of the voter and returned to the election office by mail, drop box, or in person; and, 3) only a very limited number of polling places or vote centers are needed, compared to the traditional polling place model.

Each of these processes is described at length below.

#### **A. A ballot is sent to every eligible registered voter.**

In an all-mail voting model, voters are no longer tasked with requesting an early ballot and remembering to do so in a timely fashion. At a set time before an election, a ballot is automatically delivered to the voter at the mailing address provided in his or her voter registration record.

Admittedly, getting all ballots out on the same day could be a challenging process among 93 county election officials. It would require prior coordination and communication with print shops or mail houses on a scale larger than currently utilized during the early voting process. It would also involve significant coordination with the United States Postal Service (USPS) and counties would need a way to deal with incorrect addresses on a scale that is likely larger than they handle now in the polling place model.

When it comes to preparing ballots for early voting, Nebraska counties primarily interact with a single statewide vendor to print their ballots and envelopes. Only a few counties print their own ballots, including those used on Election Day. Most county election offices resort to stuffing ballots and materials into envelopes by hand.

In an all-mail election, there would be increased volume with more reliance on print shops or mail houses to print all necessary materials, stuff ballot envelopes, prepare addresses and handle coding of the envelopes for mailing. To get the best rates for mailing on a large scale, all-mail voting envelopes would need to meet predefined formats, weight and mailing order as dictated by the USPS. This double burden of printing ballots and arranging for mass mailings could require changes in the print shop/mailing house process not to mention additional staffing needs at the county election office.

The USPS has a plethora of election-related instructional instruments for election mail ranging from contact information, step-by-step training for election officials, and best practices on designing mail to save on postage costs and speed delivery.<sup>12</sup> Oregon has created its own “Vote by Mail Procedures Manual” that outlines best practices from the perspective of election officials.<sup>13</sup>

Since the consolidation of USPS mail processing facilities in 2012,<sup>14</sup> concerns have been raised over delays in mail delivery in Nebraska. In January 2015, processing times increased from one-day delivery for local mail to two-day delivery.<sup>15</sup> Despite these concerns, millions of ballots are successfully sent back and forth nationwide through the mail every year.

In our increasingly mobile society, voters are more likely to change their address multiple times. It is estimated some 35 million people in the

U.S., or about one in every nine, move every year.<sup>16</sup> Some of those moves may occur right before an election. As a result, it is possible that the voter registration database will not contain the voter's current address at the time of ballot distribution. That being said, county election officials, as well as the state, enlist a multitude of processes and checks designed to keep voter registrations as current as possible in Nebraska.

Among the various systems in place to limit incorrect addresses include: National Change of Address files (NCOA); the Interstate Voter Registration Crosscheck Program (IVRC); the Electronic Registration Information Center (ERIC); and, automatic voter registration (AVR). Nebraska uses NCOA and IVRC. Other list maintenance processes include: obtaining death records from the Nebraska Department of Health and Human Services (DHHS), checking felon records, and running a check against the DMV database for people who have indicated that they are not U.S. citizens.

Despite best efforts to keep voter registration records updated, there will certainly be ballots sent to incorrect addresses in an all-mail voting model. Some may have forwarding addresses available; however, it is important to note that ballots cannot automatically be forwarded, unlike other forms of mail.

Currently, if a county election official receives a returned ballot with forwarding information, it is likely that they will try to contact the voter to confirm their registration address. If the voter can confirm or provide a new address, the ballot can be re-mailed or in the alternative, the voter can obtain a replacement ballot in person from the county election office.

If, however, the voter does not confirm or correct his or her address, the county election official will note in the record that the registrant may

have moved and will follow up with a confirmation card. Voters who do not respond to that mailing and do not vote in two subsequent general elections, are eligible to be removed from the voter registration roll; however, the person's record still remains in the system, should they re-register at some point.

Ultimately, an all-mail election system helps to improve the accuracy of the voter registration database. Because a ballot is sent to every registered voter, it will either be delivered without issue or it will be returned to the county election official, who can take then steps to confirm the voter's registered address or make the voter inactive.

One challenge of switching to an all-mail voting model has to do with ADA and HAVA compliance. In Nebraska, under the current polling place model, compliance with the mandates of those acts is achieved by locating polling places inside buildings that are ADA compliant. As well, BMDs, like the AutoMARK, are provided, which allow voters who are disabled to mark their ballots privately and independently.

In an all-mail voting model, compliance with ADA and HAVA can be achieved in different ways. One option is for voters to go to a vote center or the county election office and mark a paper ballot or use a BMD or DRE.

A second option is to access the ballot electronically. In both Oregon and Washington all voters are mailed a paper ballot, but they may also access the state's website to complete and print off a ballot to be returned.

In Oregon, the website is part of the online voter registration system.<sup>17</sup> Features allow text to be enlarged, brightness and contrast to be adjusted and text-to-speech, enabled. Although the ballot can be marked electronically using those accessory features, it must still be printed and

physically delivered to the election office or returned by mail inside the return envelope.

Utilizing such a website in the all-mail voting model can provide a dual benefit. As described previously, it provides access to voters who are disabled. Secondly, it helps meet the needs of military and overseas voters.

UOCAVA, as amended by the MOVE Act, requires that states establish electronic transmission options for delivery of blank early ballots.<sup>18</sup> Lancaster County has used a website to provide ballot delivery and ease of tracking for military and overseas citizens. Basically, registrants are emailed a link to a special web portal where they can access the ballot, print it off and sign the oath. They can either return the ballot by mail or get approval to return it by email or fax. It is the only county in Nebraska using this process, which was designed as a pilot project. However, software systems could be purchased that would allow for this process to occur statewide for UOCAVA voters, as well as those voters who are disabled.

For voters who do not have accessible equipment at home or internet access, and cannot travel to the county election office, county employees could be deployed to their homes with easily transportable, ADA compliant equipment. There is also the possibility of doing group home outreach, where employees could be deployed to assist large numbers of voters at once.

An Oregon election official stated that personal assistance is rarely utilized in her state because many voters with disabilities already have equipment in their homes to assist with daily tasks.<sup>19</sup> That equipment is better than anything else voters might use, including a BMD. In instances where voters do need additional assistance, county election

officials in Oregon will send out two workers with a tablet or laptop computer, a printer, and any necessary attachments (e.g., sip-and-puff device) to the voter's home to assist with voting.<sup>20</sup>

Election equipment like BMDs and DREs provide another alternative for voters who are disabled and wish to cast a private and unassisted ballot. In an all-mail voting model, they would be placed in county election offices and if utilized, in vote centers. It should be noted that it is likely that ballots generated with these devices will appear different from other ballots, including those delivered by mail. While tabulated just as accurately as other ballots, those produced by BMDs and DREs will be tabulated differently, either internally by the machine, or through an optical scanner.

Nebraska currently uses BMDs known by the brand name AutoMARK. Nearly 1,370 are used in statewide elections. The benefit associated with the AutoMARK is that it utilizes a ballot that is indistinguishable from a printed ballot. As mentioned, AutoMARKS are becoming obsolete and those products are no longer produced. The new BMDs do not use a ballot similar to those that are printed and mailed. However, those ballots are still able to be tabulated by an optical scanner.

As standard practice, county election officials in Nebraska do not print ballots for every eligible voter for distribution to polling places on Election Day. Instead they manufacture ballots based on a percentage of projected turnout. In an all-mail voting model, the expense of printing and mailing a ballot to every registered voter would greatly increase ballot cost.

In the 2016 general election in Nebraska, 186,080 people voted early by mail out of 1,211,101 registered voters. While mailing ballots to all registered voters marks a considerable cost, it is one that can be

mitigated. First, counties would not have to deal with costs associated with hiring and training poll workers, securing precinct sites, and paying for storage or transportation of equipment.

Secondly, counties could benefit from reorganizing how they mail ballots. As an example, many counties in Nebraska are currently sending ballots through first-class mail. This is required by state law for precincts that have been designated all-mail, but it is not required for mailing early voting ballots in statewide elections.

NVRA authorizes local voter registration officials to send election materials at the same rate as a qualified nonprofit organization.<sup>21</sup> The first-class mail standard rate for a 3 oz. large envelope is \$1.36 per flat, while the nonprofit indicia standard rate is 40 cents per flat. With bundling and organization of the mail by 5-digit zip code, counties could take advantage of the cheaper 24 cents per flat rate – a savings of 83 percent.

Nebraska counties are already bundling some costs, but not all the time and not for every situation. Ordering mailing envelopes and return envelopes might cost a county 40 to 48 cents per envelope, but by pooling together and ordering in bulk with other counties, they can reduce their costs 16 to 19 cents per envelope – a savings of 60 percent. Buffalo County was able to reduce its costs by this amount in the 2016 primary, when it bundled with other counties to produce its envelopes.

Lastly, with larger volume, the use of a print shop or mail house to print, stuff, and send ballots can significantly reduce the amount of time invested by county staff as well as maintain a higher level of accuracy. Many smaller counties are ordering ballots and envelopes and then stuffing them by hand in the county office, while some other counties

have been using mail houses to help facilitate the processing of mailing ballots.

**B. The ballot must be placed in a sealed envelope with a signed oath of the voter and returned to the election office by mail, drop box, or in person.**

In an all-mail voting model, a ballot and return envelope are sent to every voter along with instructions. The return envelope has an oath that must be completed and signed by the voter. The voter is then responsible for delivering the voted ballot in the completed return envelope to the county election office by mail, drop box, or in person. After receiving the envelope, the county election official verifies the signature and address of the voter by means of a barcode on the return envelope. The office logs the ballot as received in the EMS, and then separates the ballot from the envelope for tabulation.

Risks must be mitigated with any voting system. However, there are different risks associated with an all-mail process. When ballots are sent out and returned, both the voter and county election official lose a degree of control over the fate of the ballot, especially when compared to the polling place model.

To help maintain the security of the ballot, county election officials will: code the ballot and the return envelope; place their initials on the bottom of the ballot; track the status of each ballot through the EMS; and, make sure that the signature on the ballot return envelope matches that of the correct voter.

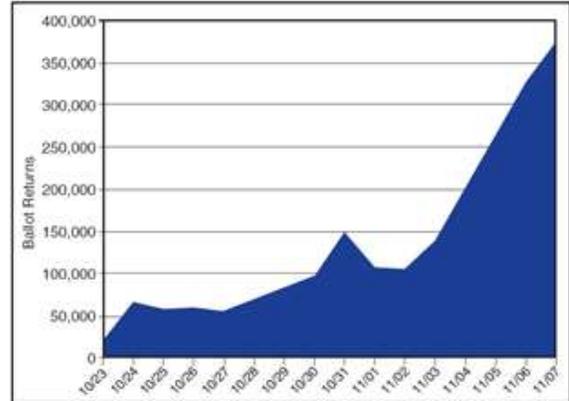
These processes work well in preventing possible fraud. For example, if someone duplicated a ballot and attempted to vote twice in an all-mail election, the EMS would accept the first returned ballot but indicate an error had occurred when the second ballot was received. By the same

token, if someone intercepted another voter’s ballot and attempted to vote it, the signature verification process would provide an added level of security.

While signature verification provides a layer of security in the all-mail voting model, it can also cause delays in processing. Take for

instance results from the 2000 general election in Oregon. That was the first statewide election following the state’s switch to all-mail. As shown in Figure 1 and Table 2 county election officials in that state received 45 percent of ballots returned on the last two days of voting.<sup>22</sup> Although that is a large amount of ballots received in a very short period of time, more ballots are received during approximately the same time frame in the polling place model, because much of the activity happens on Election Day.

Figure 1. Cumulative Statewide Ballot Returns, November 2000 Oregon Presidential Election



In Nebraska, counties now process 75 percent of all ballots on Election Day, and 90 percent of ballots are processed over the same two-day period. The time it takes to tabulate ballots in an all-mail voting model versus the polling place model would be approximately the same.

The hang up would occur in the processing or preparation of ballots to be counted. In the polling place model, signatures of voters who sign the

Table 2. Statewide Daily Ballot Returns, November 2000 Oregon Presidential Election

Date	23-Oct	24-Oct	25-Oct	26-Oct	27-Oct	30-Oct	31-Oct	1-Nov	2-Nov	3-Nov	6-Nov	7-Nov	Total
No. of Ballots Returned	20,579	65,907	57,381	60,158	55,884	96,720	149,872	106,891	104,894	138,136	327,480	374,986	1,558,888
Ballots Returned as Percent of Total Ballots Cast	1.3	4.2	3.7	3.9	3.6	6.2	9.6	6.9	6.7	8.9	21.0	24.1	

poll books are not verified against the signatures on file for those voters. But for ballots that are mailed in, all signatures must be verified.

Clearly, many signatures must be verified in a very short period of time. In that instance, it would be vital to have increased staff on hand to process ballot returns, especially as in Oregon's example, most of the ballots were received at the very end of the election. Despite the increased need for staffing, the amount of help needed would still not reach the level of poll workers required to staff precincts on Election Day.

Return envelopes that are sent out with early voting ballots include barcodes that are unique to each voter and are used to speed up processing. Additionally, the voter is required to sign an oath and write their residential address as part of the oath. The barcode is scanned and the voter file is retrieved from the EMS along with a snapshot of their signature from their voter registration. Trained staff will compare the printed name, address, and signature in the oath to the name, address, and signature on file. If any of these fields do not match, the envelope remains unopened and the ballot is rejected. If they match, then the ballot is removed from the envelope and stored separately to maintain voter privacy.

A voter is given credit after the envelope has been processed, and his or her ballot status is updated in real time through the Secretary of State's EMS. This provides confirmation to the voter, but it also serves as a fraud prevention tool. If another ballot is returned for that voter, it will be caught as soon as his or her voter record is retrieved.

Some opponents of the all-mail voting model contend that it removes voter secrecy. In the traditional polling place model, voters can visually see their ballot go into the ballot box and have confidence that their

ballot is no longer identifiable from any other ballot within the box. In the all-mail voting model, that loss of visualization might be a concern to some. However, it can be mitigated through the use of well-established rules, transparency in the process and potentially, through the use of secrecy envelopes.

In any voting model, a level of trust is granted by the voter to election officials and poll workers. For instance, election officials are expected to safeguard personal information found in the voter file. Poll workers are trusted to examine our ballots and local canvassing boards to accurately tabulate and report votes. It helps to have multiple people involved in each stage of the process, to ensure that transparency and accuracy are maintained.

There is perhaps a greater expectation that transparent processes are adhered to in the all-mail voting model, to ensure that all ballots are delivered and returned and that ballots are not subject to inspection along the way.

Some states address this issue with a secrecy envelope or sleeve, which contains no identifiable voter information, and is included with the return envelope and ballot. The ballot is sealed inside the secrecy envelope, and it is mailed to the county election office in the return envelope. Election workers then perform the same signature verification and tracking process as before, but an additional step is added. The secrecy envelope is combined with other secrecy envelopes, and ballots are removed from secrecy envelopes in a separate stage by different workers. Nebraska does not currently have any laws requiring secrecy envelopes.

Another issue of contention is whether or not return postage is paid by the county or by the voter in an all-mail voting model. Not providing

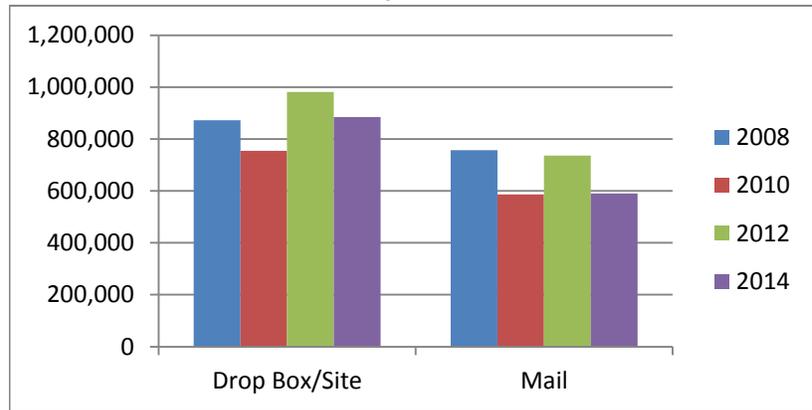
return postage is seen by some as a poll tax. A poll tax was a required payment for an otherwise eligible voter to be able to register to vote. Poll taxes were prohibited for federal elections after the ratification of the 24<sup>th</sup> Amendment in 1964, and they were ruled unconstitutional for an election by the United States Supreme Court in 1966.<sup>23</sup> Despite what the name implies, voters are not required to return their ballot by mail in an all-mail voting model. The ballot can be returned via drop box or in person at no cost to the voter.

Election drop boxes are nearly identical to USPS mailboxes, but they are only used for returned ballots. No postage is required, and only county election workers access the drop boxes. Voters can avoid postage costs and can eliminate any issues of lost mail by using drop boxes. In fact, drop boxes are a crucial aspect of an all-mail voting model, and one that can often be overlooked.

In Oregon, ballot return via drop box

has been the most popular method of return since at least 2008. As shown in Figure 2 and Table 3,<sup>24</sup> drop box usage increased by seven percent when compared to past presidential/non-presidential elections respectively, while mail returns fluctuated very little, and in-person returns dropped steadily.

Figure 2. Statewide Ballot Method Bar Graph, 2008 – 2014 Oregon General Elections



Nebraska’s website currently features a program that allows a voter to locate their correct polling place. It could be modified to provide information similar to the system used

Table 3. Statewide Ballot Method Report, 2008 – 2014 Oregon General Elections

Delivery Method	2008	2010	2012	2014
Other	107,347	73,135		2,152
Counter/Office	103,364	62,952	77,358	51,480
Drop Box/Site	872,010	755,047	981,717	884,934
Email	-	-	1	717
Fax	-	-	955	48
Mail	757,055	586,543	735,983	590,484
Other County	18,591	9,866	15,740	12,231
<b>Grand Total</b>	<b>1,858,367</b>	<b>1,487,543</b>	<b>1,819,618</b>	<b>1,544,060</b>

in Oregon. That state’s website includes a drop box locator that provides the nearest drop box to the entered location and displays the results on a map akin to Google Maps.<sup>25</sup>

Based on data from the 2014 Survey of the Performance of American Elections, Pew researchers found that convenience was the most often cited reason for using a drop box in both Oregon and Washington, while saving postage was a close second. The third highest reason was to ensure the ballot was received by the election office because voters did not trust the postal system.<sup>26</sup>

Drop boxes have gained popularity in Nebraska as well. Douglas County added four more drop boxes before the 2016 primary election for a total of nine drop boxes in the county. This increase was due to the growing popularity of the boxes, an anticipated increase in early voting by mail, and community input. In the 2016 primary election, just over 50 percent of the county’s mailed ballots were returned via drop box.

Drop boxes located in Douglas County are bolted to the cement and remain in place year-round. The boxes are further secured with lock bars and padlocks. Ballot pickup is done by a team of two people of differing parties every weekday; and as an election gets closer, they also do weekend pickup. On Election Day, the county stations a team of two

people of differing parties at each drop box to pick up the ballots as soon as the polls close, unless a line has formed. Those in line before the close of polls are allowed to drop off their ballots, similar to when a line has formed at a polling place.

While a number of counties already use drop boxes, an all-mail voting model would require a greater number of drop boxes in comparison to the polling place model. A typical drop box can cost several hundred dollars, but counties that bundle that purchase together could potentially reduce that cost.

Additionally, some states require a security plan to be submitted by the county for review by the Secretary of State, while others leave it to county discretion. Having best practices and standards for drop box design, security and location can help ensure that costs stay low, security stays high and voters have equal access to drop boxes throughout a county.

**C. Only a very limited number of vote centers are needed, compared to the traditional polling place model.**

Traditional polling places have deep roots in some communities, and it is the only method that some Nebraskans have ever used. However, those citizens who have voted by mail consider it to be much more convenient and participation rates are higher in all-mail elections. The lack of polling places is a distinctive aspect of the all-mail voting model. This is the largest source of savings for counties in terms of poll worker employment and training, equipment storage and transportation as well as potentially having to pay for polling place locations.

In Nebraska's current polling place model, there are more than 1,000 polling places located throughout the state. Some polling sites host

multiple precincts. Several election workers are required to staff each precinct, even if those polling sites have multiple precincts.

Traditionally, polling places have been located in schools, libraries, and other public facilities. Public facilities are preferred because statute requires they be made available free of charge. Other locations can include churches, event centers, and meeting halls, but they usually require payment from the county. Any buildings that are used must be ADA compliant. They must have enough parking and space to support the size of the precinct and ideally, they should be located in an area that is close and easy for voters to find.

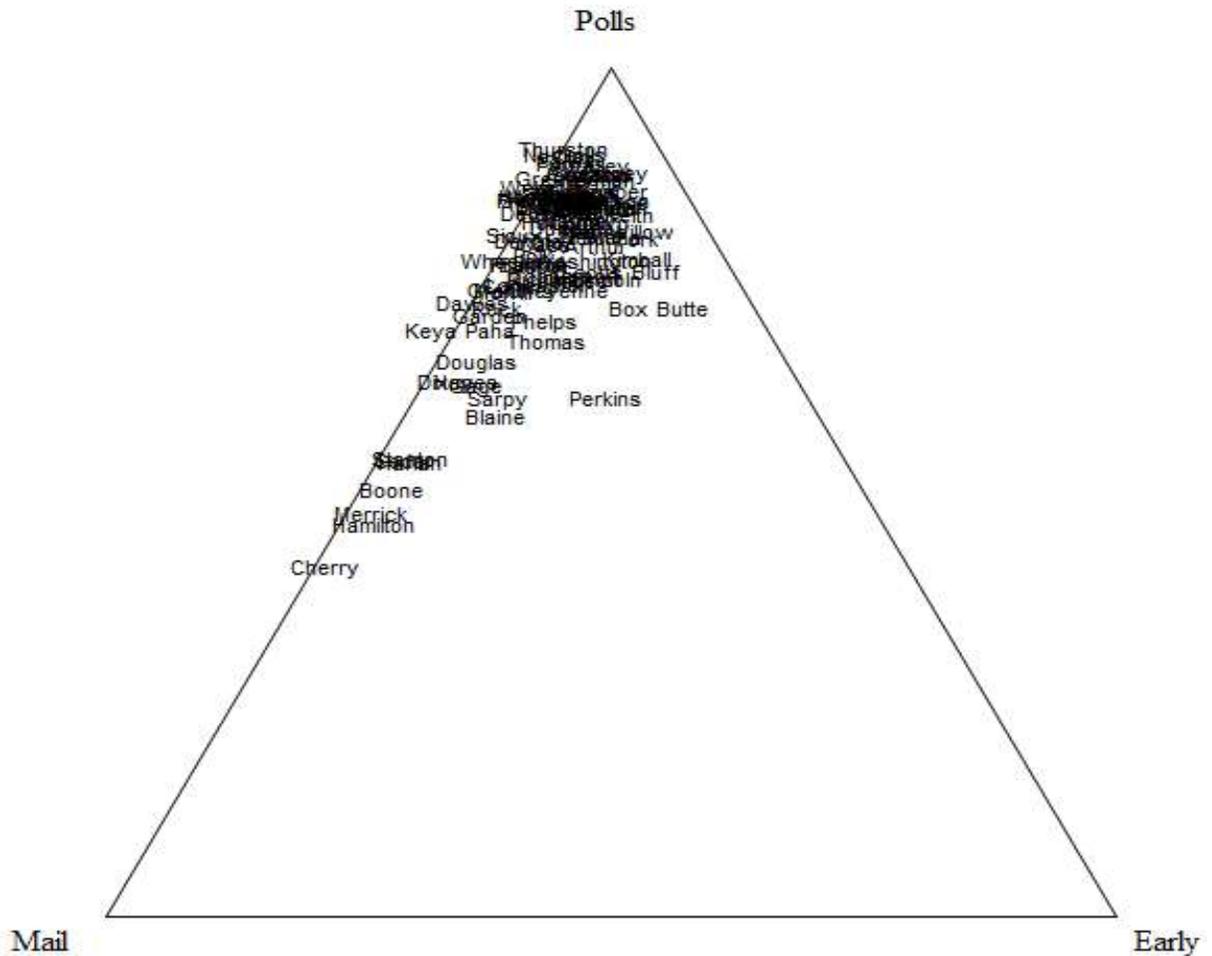
For the last decade, the issue of finding ADA compliant buildings in Nebraska was offset by grant money provided by HAVA. Grant money allowed counties to seek reimbursement on behalf of schools and other public buildings in order to upgrade their facilities to be ADA compliant. The availability of grant money represented a win-win situation for election officials and local subdivisions that otherwise could not pay for upgrades to buildings or parking areas. Unfortunately, federal funds have dried up, so counties will need to fund any projects to perform similar upgrades in the future or they will need to stick to using buildings that are already ADA compliant.

Another issue related to identifying available polling locations has to do with the reluctance of school officials to allow strangers on school grounds while students are in class. Some school districts have opted to make Election Day a teacher in-service day, while others have limited or relocated the previous space used for polling to keep that area secure and separate from students.<sup>27</sup> For some county election officials, using schools has proven to be more complicated, and they have attempted to pursue other suitable locations, even if they have to pay rent to use the

space. A statewide all-mail voting model does away with all of the issues associated with finding, securing, and staffing polling places.

In Nebraska's polling place model, voters can vote early by mail, vote early in person, and vote at the polls on Election Day. In the 2016 general election, 71.2 percent of voters voted at the polls, 21.6 percent voted early by mail, and 5.5 percent voted early in person. This trichotomy, as shown in Figure 3,<sup>28</sup> causes election officials to thinly split what limited resources they have and invest in more equipment and personnel than would be needed if only one election system was used. An all-mail voting model would significantly reduce reliance on two of the three voting methods, which would allow election officials to consolidate resources and reduce their costs per vote.

Figure 3. Statewide Primary Voting Method Ternary Graph, 2016 Nebraska General Elections



An all-mail voting model does not necessarily mean total elimination of polling places. In Colorado, the law was changed to require that a ballot be mailed out to each eligible registered voter, but the state retained voting centers as well. Washington and Oregon do not rely on additional vote centers per se. Voters in those states do, however, have the ability to vote in person at their county election office, which does serve as a vote center.

A logical transition to an all-mail voting model occurs when a large percentage of voters want to vote by mail. In Oregon, citizens voted to change the state's election system to by-mail. Considering that only 21.6 percent of Nebraskans voted by mail in 2016, getting all voters to accept the transition to an all-mail system may require additional effort and public education. Obviously, the greater public support for a system change, the easier it will be to implement.

In order to understand how these other states have made the switch to all-mail voting, it is useful to consider the history of the three states that have all-mail elections. Oregon, Washington, and Colorado all have a long history of allowing at least some elections to be conducted all-mail, and they all made a slow progression toward switching to all-mail. For instance, in Washington and Colorado, by-mail turnout eventually reached such a majority that those states passed legislation, mandating an all-mail process.

Early voting by mail was first authorized in Nebraska in 1913.<sup>29</sup> Until 1999, voters were required to provide an excuse as to why they required an early voting ballot.<sup>30</sup> While there are similarities as to how Oregon, Washington and Colorado progressed to all-mail voting and the way that Nebraska has also increased all-mail voting, there are still some intermediary steps that Nebraska has not undertaken.

For example, Nebraska law does not currently allow for voters to opt into a permanent absentee list to receive ballots on an ongoing basis. Such a move would require a change in state law. Lancaster County does maintain a permanent absentee request list, which is slightly different in that voters who are on that list must confirm prior to the election that they wish to receive their ballot by mail. Voters who do not respond to that particular confirmation mailing will not receive a ballot by mail,

which differs somewhat from the concept of a true permanent absentee process.

States that have switched to all-mail voting have often experienced a catalyst to undergo that change. In 1996, before switching to an all-mail voting system, Oregon had a unique opportunity to conduct a special statewide election by mail for a vacancy in the U.S. Senate. In Colorado, voters were decidedly against approving an all-mail initiative when it was put on the ballot in 2002. Nearly 58 percent voted in opposition. Additionally, the state did not have a process for permanent absentee status and by-mail voters represented only 29 percent of total voters in 2004. But, once a permanent absentee list was implemented in 2007, mail voting increased substantially, reaching 69 percent in 2010 and 74 percent in 2012.<sup>31, 32</sup>

#### **4. Online Voting**

Online voting has yet to come to fruition, primarily because of security concerns associated with developing a process that is impervious to hacking, disruption or influence. While several vendors have been working to develop a system and at least one state (Alaska<sup>33</sup>) has adopted a process for online voting, it is not expected that online voting will be widely adopted across all states at any time in the near future. Many experts say a secure, online voting system is still 20 to 25 years away.

#### **5. Voting Systems for Uniformed and Overseas Citizens (UOCAVA)**

UOCAVA was designed to provide enhanced voting rights to military personnel, their families, and United States citizens residing outside the U.S. The federal act was amended by the MOVE Act several years later.

UOCAVA voting has certain similarities to online voting. The MOVE Act requires states to provide UOCAVA voters the ability to request, receive, and submit voter registrations by electronic transmission. It also requires that states provide an option to electronically deliver a blank ballot to the voter, if so requested. Furthermore, UOCAVA requires that states: uniformly send ballots out 45 days prior to an election; remove any restrictions on notarization requirements or envelope type; and, provide a free method by which UOCAVA voters can track the status of their ballots.

The process of electronically transmitting the ballots to UOCAVA voters varies among states between three formats: email, fax, and/or a web portal where voters can access their ballot. Some states have designed and maintain their own UOCAVA web portals, while others have contracted a third party vendor.

In Nebraska, electronically delivered ballots are sent to UOCAVA voters by email, except in Lancaster County, which has been using a web portal designed by ES&S as part of a pilot project. For the 2016 general election, 1,588 UOCAVA ballots were delivered electronically to voters and 841 were mailed.

Standard practice is for UOCAVA ballots to be returned by mail to the appropriate county election office for processing. However, mail delivery is not always a viable option for UOCAVA voters. Some military personnel are deployed in remote and hostile locations with no access to mail delivery, while some overseas citizens are missionaries located in politically unstable countries where mail delivery is unreliable at best.

Although returning a ballot electronically is inherently less secure than mail voting, it represents the only voting option for a very small number

of citizens. Nebraska goes beyond MOVE Act requirements and allows for completed ballots to be returned electronically by email or by fax if permission is obtained from the Secretary of State.<sup>34</sup>

Because electronic return of a ballot presents both a security risk and a privacy issue, approval is granted on a case-by-case basis and requires that the voter acknowledges through a waiver that their privacy might be limited. The voter must explain why the ballot cannot be mailed back to the county election office. In Nebraska's 2016 general election, no such requests were denied and 193 ballots (9.5 percent) were returned by email out of 2,026 total ballots returned.

Having a state-hosted web portal that syncs directly with the voter registration database is something that could be of great benefit going forward. It would provide the dual benefit of a place where UOCAVA voters could access a ballot, as well as voters who are disabled

## **Equipment Used to Generate Ballots**

Regardless of whether the voting model switches or stays similar to the current polling place model, election equipment in Nebraska is in need of replacement. There are several choices to consider, and not all choices will work for all voting models. It is important to identify the type(s) of equipment that will support Nebraska going forward.

Although not all equipment choices will work for every voting model, every voting model must accomplish the same goals: generate a ballot, connect the ballot to the voter and tabulate the completed ballot. There are four primary ways to generate a ballot: utilize a print shop; print the ballot in-house using a BOD printer; use a DRE voting machine; or use a website that provides delivery of a ballot electronically.

### **1. Print Shop**

Nebraska counties primarily use ES&S as their print shop with the exception of a few counties like Douglas and Scotts Bluff, which print their ballots in-house. Utilizing a print shop eliminates the need for any county ballot printing equipment, but it does create a steady cost for the county in each election.

All counties in Nebraska utilize ES&S to provide software assistance in generating ballot layouts, with the exception of Douglas County, which generates all of its own ballot layouts. Counties create the various layouts they need and then send the layouts to either ES&S or another shop for printing the necessary number of ballots. A proof of each layout is returned to the county election official for review. Once approved, the print shop sends the entire order for early voting and use on Election Day.

In the polling place voting model, where a county can reasonably predict how many ballots of each layout it will need, ballot costs can be saved. Since each voter in the precinct must go to their assigned polling location, any one polling place does not need to keep every ballot layout on hand.

Utilizing a print shop also works well in the all-mail voting model, where a county knows exactly how many registered voters will receive each ballot layout and can reasonably estimate how many additional ballots might be needed for new registrants or replacements. However, as pointed out earlier, the number of ballots needed in an all-mail voting model will certainly exceed those required in the polling place voting model because a ballot must be produced for each and every registrant.

Print shop ballot production does not work as well in the vote center model. In a vote center model, registered voters can go to any vote center location in the county. Therefore, it becomes difficult to predict how many voters will turn up. Thus, every vote center needs to have many more paper ballots on hand than may actually be used in the election. That could create a great deal of waste. Otherwise, it would be better to equip the vote center with BOD equipment which could be coded to generate any ballot face used in the county.

## **2. Ballot On Demand (BOD) Printers**

BOD printers can eliminate the costs associated with using a print shop and they can eliminate the cost of extra, unused paper ballots. For instance, in Sacramento, California, election officials ended up with nearly 800,000 unused ballots in the 2008 election cycle and ended up destroying nearly \$400,000 worth of materials. This proved to be a major catalyst for making the transition from print shops to BOD printers.<sup>35</sup>

By the same token, there are other costs associated with BOD printers including: the upfront cost of the equipment, annual maintenance costs, storage fees and the time and effort it takes to program the machines.

In a vote center or an all-mail voting model that includes one or more vote centers per county, each county would need a minimum of one printer at each location. In a polling place model, each county would benefit from having at least one printer in the county election office. For example, Lancaster County currently uses a BOD printer in the county election office to print all early voting ballots. In this sense, BOD printers can also be used to supplement ballots printed through a print shop, rather than used alone to handle that job.

It is not easy to quantify the time and effort associated with coding BOD printers. Equally difficult is predicting the storage costs associated with storing them. Nebraska county election officials already have difficulty finding storage space for the election equipment they currently use. Adding additional equipment to the inventory would amplify this challenge. Also, counties would have to invest staff time and effort to operate the printers and ensure that ballots generated by the BOD tabulate correctly.

### **3. DRE Voting Machine**

DRE voting machines eliminate the need to produce a large number of paper ballots. Instead, electronic ballot layouts are stored in the DRE, and a voter can be issued a card to insert into the DRE to pull up their appropriate ballot layout. These machines have been the source of numerous controversies since their inception, but they have greatly improved over the years.

While reducing the costs associated with printing, counties may be saddled with the initial outlay to purchase DRE equipment as well as the

costs associated with storage, coding and maintenance over the life of the machine. In the polling place voting model, each voting booth would need to be equipped with a DRE voting machine.

Nebraska law currently requires that if DREs are used, there must be at least one device for approximately every 500 registered voters in a precinct.<sup>36</sup> Precincts can range from as few as 75 voters to 1,750 registered voters, so a single precinct could need up to four DREs (by law), but would likely necessitate more in larger precincts. A switch to DREs would require a hard look at these current requirements and how many DREs would be needed within a precinct. Estimating that an average of five DREs would be used in each of Nebraska's 1,376 precincts, that comes to approximately 7,000 DREs required.

As mentioned, there are additional costs associated with DREs that should be considered. They include things like: environmentally-controlled storage facilities, replacement batteries, additional poll workers, and increased poll worker training that might be required due to the complexity of operating the DREs.

One of the benefits of a DRE is that the voter is given instant notification as to whether they under-voted or over-voted. In the polling place model, voters mark a ballot and put it in a ballot box where it is later tabulated. If the ballot is under-voted or over-voted, the voter is usually not able to correct the issue. HAVA requires that states address the issue of under-voting and over-voting. Nebraska currently uses publicly posted voter education notices to satisfy this requirement. However, the instant notification provided by a DRE would help to identify ballots that may be accidentally incomplete or incorrect and afford the voter an opportunity to make a correction on the spot.

#### **4. Websites Providing Electronic Ballot Delivery**

Websites that offer online ballot delivery are becoming more sophisticated and offer a real convenience for voters who use them. The core concept is that voters can go to the portal, enter in their voter information, and retrieve a blank ballot that can be printed, completed and returned in a security envelope that is also signed. That ballot can be returned by mail or in person to a drop box or the county election office.

There is a distinct difference between websites that offer electronic ballot delivery and the concept of online voting. Currently, in Nebraska no voters can submit their vote online. Only Alaska has an online voting system. As stated previously, online voting systems have not proven to be completely secure and it is likely that widespread implementation is years away.

## **Technology that Connects the Ballot to the Voter**

As technology expands, so does the ability to provide different options to get a ballot connected to the voter. This can be accomplished through traditional means that involve no electronic equipment, or through a variety of electronic means. Whatever method is used, it is imperative to provide accessible options to voters who are disabled.

### **1. Poll Books and Paper Ballots**

In Nebraska's polling place model, voters check into their precinct and poll workers confirm the address of the voter by looking them up in the poll book. Poll books can contain hundreds of names, and finding each voter in these rolls can be cumbersome. Once the voter entry is found in the poll book, the voter signs his or her name and a poll worker provides the appropriate ballot.

The voter then takes their ballot to a voting booth, marks the ballot with a pencil and returns the voted ballot in a secrecy sleeve to the poll worker. The poll worker verifies the election official's initials through a window on the secrecy sleeve, and the ballot is transferred from the secrecy sleeve into a locked ballot box.

Ballots are either tabulated on site through a precinct-based optical scanner or are delivered to the county election office for tabulation by a central scanner.

### **2. Ballot-Marking Devices (BMDs)**

Prior to the passage of HAVA in 2002, voters who were disabled were not guaranteed the ability to mark their ballot privately and independently at the polling place. Instead, they often had to rely on the assistance of a family member or a poll worker to mark a paper ballot. The use of BMDs, like the AutoMARK, help to bridge that gap in that

they provide the same voting experience to all voters, regardless of disability.

The voter inserts their paper ballot into a BMD and choices are made by touchscreen or with buttons. These machines are also equipped with a variety of accessibility tools such as: a headphone jack to have the ballot questions and responses read aloud; tactile markings on all the buttons that can be read by touch (e.g., braille); the ability to turn the screen off for additional privacy if the audio feature is being used; color, contrast, and zoom options; big button paddles; and sip-and-puff tubes.

After a voter confirms their choices, the BMD mechanically marks the ballot and then returns it to the voter. The voter places it into a sleeve, and the ballot is deposited into the ballot box for tabulation

### **3. DRE Voting Machines**

DREs can be equipped with all of the same accessibility tools as a BMD, making them compliant with the provisions of HAVA. Thus, DREs can serve as a less expensive alternative to BMDs.

Since DREs use a touch screen-based, computerized process, there may be some discomfort among Nebraska voters with utilizing this new technology in an election. Additional assistance may be required. Poll workers will need extensive training on the equipment to not only assist voters in operating the machines but to also trouble shoot any technical problems that arise.

Coupled with a voter's unfamiliarity with this type of technology is the concern some voters may harbor as to the tabulation of their ballot; especially, if a paper ballot is not produced and votes are only tabulated internally. There is a commonly held perception that election tabulation that does not involve counting paper ballots is less trustworthy. It may

take some additional public education addressing the reliability of these machines and possibly providing demonstrations as to how they work.

#### **4. Electronic Poll Books (e-poll books)**

E-poll books can be used in both the polling place model and the vote center model, but they are not used in an all-mail voting model. E-poll books consist of a combination of hardware and software that are designed to speed up the voter check-in process. They allow poll workers to more quickly find and confirm the voter's information and provide them with a ballot. After the election is done, they allow for county election officials to quickly apply voter history credit to each voter's registration record, a process that currently requires either manual entry or scanning printed barcodes found in the poll book next to each voter's signature.

E-poll books can be tablets, PCs, or laptops that interface with the voter registration database. They can be equipped to scan a voter's driver's license or state identification card to immediately pull up his or her information or, this process can be done manually by typing in the name of the voter.

In a polling place model, paper poll books can be sufficient. The poll book size is limited to a maximum of 1,750 voters, and while it can be cumbersome for poll workers to find a name, it can be accomplished in a reasonable amount of time. County election officials, especially those in larger counties, often need a few days of lead time prior to an election to print out all the poll books for their precincts.

In a vote center model, voters from all over the county can vote in a single location. Although paper poll books are sufficient when there is a maximum of 1,750 voters, looking up voters in a poll book that might contain hundreds of thousands of names is not realistic. In a vote center,

use of e-poll books would be essential in speeding up the voter check-in process.

In the all-mail voting model, paper or e-poll books are not needed at all. Instead, county election officials are able to directly access the voter registration database in their office. If additional vote centers were created in counties to compliment an all-mail voting model, e-poll books could again be advantageous.

### **5. Software Plus Commercial Off-the-Shelf Equipment (COTS)**

COTS is defined by the EAC as “Software, firmware, device or component that is used in the United States by many different people or organizations for many different applications other than certified voting systems and that is incorporated into the voting system with no manufacturer- or application-specific modification.”<sup>37</sup>

The major benefit to COTS compared to DREs is the ease of scalability for use in any voting model. Devices like laptops and iPads can be repurposed as voting devices if a polling place needs more voting booths. Devices are portable and to a large degree, easily and cheaply replaced. Additionally, it is possible that these devices could be repurposed for other uses within the county, once they outlive their usefulness in an election environment. By comparison, DRE’s are limited to one function and the ability to quickly acquire more or selling them when they are no longer needed is either difficult or not feasible.

While other types of election equipment are federally certified, that is not the case with COTS products. Therefore, they could be prone to security issues.

## **6. Websites that Provide Electronic Ballot Delivery**

Websites that provide online ballot delivery function as both a means for generating a ballot and as part of a system that connects a ballot to the voter. Providing a blank ballot electronically presents security risks not found in DREs and COTS products, but the risks are not as significant as online voting. Despite the associated risks, blank ballots are currently transmitted electronically to military and overseas voters and such systems could be modified to also provide ballots to voters who are disabled.

UOCAVA, as amended by the MOVE Act, requires that states establish electronic transmission options for delivery of blank absentee ballots to military and overseas voters. Lancaster County uses an electronic ballot delivery website to satisfy this requirement, while other counties will email ballots to UOCAVA voters. Ballots are printed off, completed and returned either by mail or if given prior approval, by email or fax.

As mentioned previously, in Nebraska's 2016 general election 2,486 ballots were delivered to UOCAVA voters and of those 1,588 were delivered electronically. The state currently limits this process to UOCAVA voters due to security concerns. This process could supplement any particular voting model and would provide a more robust system for the growing number of UOCAVA voters who are requesting ballots electronically. If a statewide portal was provided, electronic delivery of ballots could be expanded to include voters who are disabled.

The implementation of online ballot delivery is taking place across the country. More than 30 states and localities have received a total of \$35.9 million through two federal grant programs from the Federal Voting Assistance Program to develop online tools for UOCAVA voters.<sup>38</sup>

## **Equipment to Tabulate the Completed Ballot**

After the ballots have been voted, the results of each race must be tallied. The methods and equipment used for tallying ballots have changed over time. In the past, votes were cast on paper ballots that were hand counted, punch cards that were tabulated by a machine, or lever machines that provided vote totals on mechanical counters. Technological advances have changed the equipment employed, but the same principal methods are in use today. Optical scanners have replaced punch card machines, and DREs have replaced lever machines.

### **1. Hand Counting**

Tabulating paper ballots by hand for each candidate and issue is the oldest tabulation method since the switch to the secret ballot in the late 1800s. Although this method is archaic, it has continued to be used through modern times. Notably, the Dutch government will be counting all their ballots for the 2017 election by hand amidst fears of election hacking.<sup>39</sup> Australia, the creator of the secret ballot, still hand counts all of its ballots for some elections, as does Canada.<sup>40, 41</sup> Even in America there are some rural jurisdictions that continue to hand count ballots for general elections.<sup>42</sup>

Hand counting paper ballots takes a significantly longer period of time than employing optical scanners. In addition, hand counting results in higher error rates than using optical scanners.<sup>43</sup> However, the major advantage of hand counting is that it is not prone to computer hacking concerns associated with electronic machines that transmit data via wireless or internet connection.

Hand counting is comparatively cheaper than all of the costs associated with utilizing electronic machines, despite the increased labor needs. HAVA provided funding to states to update and replace older methods

of tabulation, including hand counting. Because federal funding has dried up, unless the state provides funding for new election equipment to all counties in Nebraska, many smaller counties may find themselves reverting back to hand counting simply because they will not be able to foot the entire bill to replace outdated or defunct machinery.

## **2. Optical Scanners**

Optical scanners have experienced a huge jump in use since their inception a few decades ago. In 1988, optical scanners were used to tabulate the votes of just 7.5 percent of registered voters nationally.<sup>44</sup> By 2016, optical scanners were used to tabulate the votes of 47 percent of registered voters nationally. In addition, a combination of optical scanners and DREs were used to tabulate votes of an additional 19 percent of registered voters.<sup>45</sup>

Voters mark a small rectangle or circle on a paper ballot next to the printed candidate names or issues of their choice. The ballot is later fed into a scanner, which scans the ballot and correlates the position of the marks on the paper to votes for the appropriate candidates or issues. The scanner can either optically shine light or infrared through the paper to see the marks, or it can be digitally imaged and analyzed.

Using optical scanners to read paper ballots is a process that is very familiar to Nebraska voters. Voters are generally good at marking their ballots accurately so as to be read clearly by the scanner. Nebraska has been using optical scanners in all of its counties since 2006. Younger generation voters are also familiar with the concept of optical scanners as many schools utilize the same technology to grade multiple choice tests.

Coding an optical scanner does present an opportunity for tampering or machine error, but there are countermeasures that can be taken to

minimize these risks. Counties in Nebraska must run three independent tests through their optical scanners prior to each statewide election.<sup>46</sup> These tests are sets of ballots where the true number of results is already known. The test sets or ‘decks’ are created by the election commissioner or county clerk, the deputy or a registered voter with a different party affiliation, and the vendor providing the coding. After the election, the integrity and accuracy of the machines are again checked through a hand count audit of ballots in randomly selected precincts.

Optical scanners fall into two major categories: precinct scanners and central scanners. While voting takes place on the local level, counting can take place locally or centrally.

A precinct scanner is smaller and cheaper than a central scanner, but it also counts ballots significantly slower. Ballots must be inserted one by one. A major benefit of precinct scanners is that they can provide immediate over-vote and under-vote notification to the voter when they feed their voted ballot into the scanner. The voter is then given the opportunity to correct this issue if they so desire. Scanning ballots on site also removes any complications that could possibly arise from transporting the ballots for counting.

Precinct scanners do have their drawbacks. Although they are smaller and cheaper than central scanners, many more must be used to accomplish the same task. This increases the storage space requirements, annual maintenance costs, and testing requirements. Additionally, these scanners must be transported to each polling place and are often stored overnight. This opens up new security concerns related to tampering and possible theft of the scanners.

A central scanner is basically a more powerful, high-speed precinct scanner. It can process up to 300 double-sided ballots per minute, and

ballots can be inserted in stacks. In addition to faster processing, these scanners are also able to process folded ballots accurately. This allows counties to use smaller envelopes for early voting instead of the larger, flat (and more expensive) envelopes. All of the ballots in any given county are scanned in a central location. This allows the county election commissioner or county clerk, and their counting board, maximum control and oversight of the counting process. Furthermore, central scanners do not require as much storage space as precinct scanners, and they don't normally have to be transported to other locations, reducing concerns about tampering and theft.

A major downside to central scanners is that they do not provide immediate under-vote and over-vote notification to the voter. HAVA requires that voters receive this notification, but it does make an exception for central scanners.<sup>47</sup> Counties may meet the HAVA requirements by providing an education program to notify voters of the effect of over-voting. With central scanners, ballots must be delivered to the county election office prior to being counted, which is a unique concern compared to the precinct scanner.

The choice between precinct and central scan can be complicated, especially when taking the distribution of population into account. Nebraska currently uses a mix of both precinct and central scanners, with larger counties using central scanners and smaller counties using precinct scanners.

### **3. DRE Voting Machines**

In addition to being able to generate the ballot and connect the ballot to the voter, DREs are also able to tabulate the total results. After the polls close, the results from all DREs are compiled at the county election office. The all-in-one package makes DREs an appealing option.

Originally, DREs did not come with any paper trail for the voter to see, instead, the votes were stored directly in the machine. Then, the total tallies were transmitted to a removable storage device and sent off to the election office for tabulation. The lack of a paper trail caused significant issues in numerous elections, notably in the 2006 Florida congressional race between Christine Jennings and Vern Buchanan where 18,000 votes “disappeared” from paperless DREs and Buchanan won with a slim margin of 369 votes.<sup>48</sup>

Including a verified voting paper trail (VVPAT) dramatically increased the verifiability of DREs. It provides a voter the equivalent of a receipt which can then be used to verify that the correct races were marked. The method in which the VVPAT is set up varies from a running roll of paper that a voter can visibly see in the machine but cannot take, to a printed receipt that the voter can take.

## **Findings & Conclusions**

This report was researched, drafted and edited by the Secretary of State and his election staff and shared with task force members. There was no formal vote of approval by task force members. This report does not necessarily represent their personal views. It is intended to help augment meaningful debate and discussion of how Nebraska's current election system works, what alternatives are available and how those alternatives have been adopted by other states. It is hoped that this report will stimulate further investigation and consideration by interested parties, state and local government officials, and concerned stakeholders.

Enumerated below are the general findings and conclusions expressed by members of the task force and supplemented by presentations to that group by technology experts and research conducted by the Secretary of State's election staff.

1. The current Nebraska election system was implemented during 2004-2006 with federal and state funds pursuant to HAVA of 2002 and has been accountable, transparent, fair, modern and reliable. It has received strong and consistent support from county election officials, representatives of the disabled and visually impaired communities, candidates, and voters throughout the last decade, which has included six statewide election cycles and three presidential elections.

2. The 2016 election cycle included a record number of registered voters (1,211,101) and a record turnout of 860,573 voters in the general election. Both the primary and general elections were conducted smoothly and reliably with minimal issues regarding equipment, security, precinct voting, early voting, or tabulation of the ballots.

3. The clear consensus of the task force was a sincere regret that the current election system and associated equipment were becoming obsolete and required a change. The common opinion was that the system and equipment had served Nebraska well. At the same time, the task force also acknowledged that progress and time have compelled the need to explore new options.

4. Nebraska's election system has been accessible and trustworthy thanks to a myriad of factors including, but not limited to: reliance on paper ballots; precinct-based voting on Election Day; the availability of AutoMARKs at each precinct to enable independent, private and secure voting by voters who are disabled; an early voting opportunity for those wanting that convenience; a centralized, computerized, EMS system; an online voter registration portal with mobile device accessibility, dual language choices, and compatibility with speech recognition software; and highly accurate vote tabulation equipment with a hand count audit of ballots from randomly selected precincts following each primary and general election.

5. A state-owned and maintained election system helps to overcome the disparity of resources between the larger 36 counties and the smaller 57 counties. A state-owned system also provides better assurance of ADA compliance and accessibility for voters who are disabled.

6. Polling place voting systems have come under increased scrutiny due to challenging issues for counties such as: the cost associated with employing and training approximately 8,000 poll workers for each election; the aging of poll workers; controversy over the appropriate size and the location of polling precincts; the need for accessible voting equipment for voters who are disabled in each of Nebraska's roughly 1,400 precincts; the cost of storing, maintaining, and transporting this volume of equipment to precincts for each election; the challenge of

finding ADA compliant and centrally located sites in every precinct; and, the degree of confusion by voters as to where they need to go to vote.

7. While early voting, including by mail and in person, has been steadily growing in popularity among Nebraska voters, the percentage of such voters statewide in the 2016 general election was still only about 25 percent. It is clear that the tradition of voting in person on Election Day has remained popular, particularly outside metro areas.

By contrast, in the 54 counties where local special elections have been conducted by mail for economic or candidate issues, Nebraska voters have responded very positively. Turnout has regularly exceeded that of special elections conducted at the polls.

8. Costs for election technology have grown exponentially in order to sustain the status quo in Nebraska's election system. In 2005, Nebraska spent \$10.9 million for the ballot tabulation machines for the counties and the AutoMARK ballot-marking devices. Now, the cost to have a comparable system is estimated as high as \$30 million, assuming that the entirety of the cost is shouldered again by the state. Bundling of costs for equipment through a state purchase would likely result in a significant savings compared to pushing the costs of new equipment to each individual county to negotiate, through perhaps, multiple vendors.

9. With a state-based election management system, the registration list must be maintained by the state or counties regularly to ensure names and addresses are up-to-date in order to accurately mail ballots to each registered voter.

10. The voter registration system is a state-based software system and not subject to the hardware obsolescence and should be retained.

11. The simple fact is that few, if any, of the smaller 57 counties will be able to pay for the purchase of replacement equipment to achieve an election system equivalent to what we have now.

12. With rapidly changing technology, relying on an election system that is equipment-laden may be short sighted. If Nebraska moves toward an all-mail voting system, it is likely that a large arsenal of voting and tabulation equipment might not be necessary.

13. With certain conditions and reservations, the best long-term, county-friendly, and least-expensive choice for Nebraska generally would be an all-mail voting model. In that model, every voter is assured of receiving a ballot. Such a choice would: eliminate the challenge of recruiting, training and paying just over 8,000 poll workers; reduce the need to identify suitable ADA compliant polling sites in urban and rural areas; and, allow counties to focus efforts primarily on a single voting system instead of the trichotomy that consists of early voting, by mail voting and voting in person on Election Day. An all-mail voting model would also remove certain inconveniences for voters including: locating and driving to their precinct location on Election Day; traveling to the county election office in order to vote early; and, eliminating the need to request an early voting ballot by mail.

14. Returning ballots in an all-mail voting model need not cost the voter any postage because they can be left at drop boxes or delivered in person to county election offices. Drop boxes have already become a preferred method of returning early ballots.

15. In order to provide equal access to voters who are disabled, an all-mail system may require at least one voter center in each county. Additionally, online ballot delivery with features that are similar to those that are available on the AutoMARK would provide voters the ability to

access the ballot electronically. That process would allow the voter to mark and print out the ballot, returning it by mail in an appropriately marked envelope with a signed oath.

The state could also choose to do as Oregon does and deploy a team of election workers to the home or location of a voter who is disabled, or to long term care facilities. Election workers can assist the voter in marking the ballot, sealing the envelope and also return the ballot to the proper county election office.

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- <sup>35</sup> *Colorado Model of Elections: Joint Oversight Hearing before the Senate Committee on Elections and Constitutional Amendments & Assembly Committee on Elections and Redistricting*, 2015 Leg.. (Cal. 2015), statement of Jill LeVine, Sacramento County Registrar of Voters. <http://aelc.assembly.ca.gov/sites/aelc.assembly.ca.gov/files/Jill%20LaVine%20comments.pdf>
- <sup>36</sup> Neb. Rev. Stat. [§32-903\(3\)](#)
- <sup>37</sup> *Voluntary Voting System Guidelines*, Version 1.1 (2015), Volume 1, Appendix A: Glossary. U.S. Election Assistance Commission.
- <sup>38</sup> "Grant Program." Federal Voting Assistance Program. Accessed January 17, 2017. <https://www.fvap.gov/eo/grants>.
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<sup>40</sup> Australian Electoral Commission. "Counting the votes." Updated July 13, 2015.  
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<sup>42</sup> U.S. Election Assistance Commission. [2014 EAC Election Administration and Voting Survey](#). 264-65.

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<sup>45</sup> DeSilver, Drew. "On Election Day, most voters use electronic or optical-scan ballots." Pew Research Center. November 08, 2016. Accessed December 12, 2016.  
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<sup>46</sup> Neb. Rev. Stat. [§32-1049\(5\)](#)

<sup>47</sup> [Help America Vote Act of 2002](#). Pub. L. No. 107-252, § 301(a)(B), 116 Stat. 1704 (2002).

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