

**SECRETARY OF STATE
STATE PLAN COMMISSION
MARCH 18, 2003 MEETING
ROOM A, STATE OFFICE BUILDING
LINCOLN, NE**

DRAFT MINUTES

9:30 A.M. **Welcome and Introductions** – *Secretary of State John Gale*

The purpose of today's meeting is to get acquainted, to get a sense of the mission and identify how each can contribute.

Commission Members Present:

Dale Baker, Amy Bracht, Dr. Sara Crook, Pauletta Gerver, Kathy Hoell, Lois Poppe, June Remington, Mike Scarpello, Senator DiAnna Schimek, Carlos Serván, David Shively, Steve Virgil

Also Present:

Secretary of State John Gale, Neal Erickson, Assistant Secretary of State for Elections, Josh Daws Information Technology resource from Secretary of State Office

Donna Goldsberry, Recorder for Gadberry & Associates
Martha Gadberry, Gadberry & Associates, Facilitator

Absent Commission Members:

Holly Burns, Wayne Houston, D'Andra Orey, Tim Shaw

Project Outline – *Martha Gadberry*

The desired outcome of the project is to identify recommendations to consider for the State Plan.

The desired outcome of today's meeting is to identify priorities for discussion.

The agenda (Appendix A) was reviewed and ground rules agreed to.

General Project Overview – *Secretary of State John Gale*

It became evident to the nation after the November 2000 presidential election that the election system had flaws which resulted in millions of voters being denied the right to have their ballots cast or counted. The nation's outcry for change resulted in the Help America Vote Act (HAVA) of 2002. The Act authorized \$3.8 billion to be distributed to the 50 states. In February 2003, the U.S. Congress in its Omnibus Appropriations bill \$1.5 billion to begin funding the reforms mandated under HAVA. In order to access its share, each state needs to create a State Plan Commission. The vision of the Nebraska State Plan Commission is a broad-based, diverse, inclusive, open and nonpartisan group of people representing a cross-section of Nebraska citizens who are committed to assuring Nebraskans that we have a fair, honest, reliable, accessible election

system. What the Nebraska State Commission does will be historic and Commission members are part of the dynamic of changing the face of elections in America. Neither Secretary of State Gale or Neal Erickson, Deputy Secretary of State for Elections, are members of the Commission by deliberate choice as they want the Commission to be a partner with the Secretary of State office and not a part of the office. There are several immediate and mandatory goals that the Commission will have to address and answer before Nebraska can be fully funded under HAVA. Once Nebraska has qualified itself through the Commission efforts and the Secretary of State Office, a longer look can be taken at where voting is going in America and where resources should be expended to improve voter turnout, improve voter education and train our young people to be more committed to participatory democracy. Three important things to remember are:

1. This Committee will serve for a least three years to accomplish the federal mandates and to set the course for changing patterns of voter turnout. The Plan adopted will be subject to ongoing discussion and amendment as new information and ideas come forth.
2. A plan must be adopted and implemented that does not push costs downstream. We must rely on the match funds from the State and Federal governments to accomplish the tasks.
3. Money cannot be spent that we don't have. We cannot assume there will be any more state funds than the 5% match that has been provided.

Plan Requirements – Neal Erickson

Title III contains mandates of what each state must do in order to be compliant with the Help America Vote Act. Some of the big-ticket items are:

- Each state is required to have a uniform, interactive computer system that becomes the official list for registration records.
- Each polling site must have a voting system available that allows for privacy and unassisted voting.
- Second Chance Voting allows the voter to self-check and the opportunity to correct their vote prior to the vote being counted. Our current scanner system that prevents counting over votes technically could comply with the requirements. We might want to add on site training of voters that they should self-check and can have a second ballot if they checked too many for one office.

If fully funded, HAVA will authorize \$22.3 million for Nebraska. The State match is \$260,000. Title I, Section 101, "Early Out" money will be distributed in May 2002 (approximately \$5 million) and certification that we will comply will be needed from the Governor. Title I money for punch card replacement will not be available to Nebraska as the punch card system is not used.

Title II money is to be used for Title III activities. Nebraska's share of the available money is \$4.9 million. In order to receive the money, each state must have a plan identifying time frames and compliance.

The plan must address the 13 issues identified (see Appendix C). The fiscal year ends October 1, 2003 and the plan must be on file by that time. Prior to that, the plan must be published for 30 days for public review and after that, it must also be published in the federal register for 45 days so the Commission is working with a compressed timeline. The plan must be to the Secretary of State by mid-May and must be published by June 1, 2003.

The Matching Fund bill advanced today and Washington will start releasing money by late April. Important dates:

05/15/2003	State Plan Commission Recommendation due
06/01/2003	Publish for public comment
10/01/2003	Plan on file in Washington
01/01/2004	Statewide Voter Registration database should be in place
01/01/2006	Waiver is available for Voter Registration until this date
01/01/2006	DRE must be in place
01/01/2006	Second Chance must be in place

11:10 A.M. Ms. Gadberry called a recess.

11:25 A.M. Ms. Gadberry called the meeting back to order.

Mr. Erickson provided a brief recap of the 13 requirements for compliancy. Mr. Scarpello asked if there will be subcommittees and Mr. Erickson indicated that the Commission is self-directed and they can determine if they want subcommittees. The Commission can also use additional experts and resources, however, they would not be considered part of the Commission.

Mr. Scarpello asked what resources are available to assist with administrative items. Mr. Erickson stated that Martha Gadberry would be the contact for any requests relating to the Commission needs. Ms. Gadberry will draft the recommendations for the Commission to approve before sending to the Secretary of State.

Mr. Serván asked if he could have someone attend as his representative if he is not available to attend the Commission meetings. The group agreed that each person could designate one regular substitute to attend meetings in their place.

The 13 items were reviewed and it was determined that the items the Commission needs to address are:

1. How the State will use funds to meet requirements
2. How to distribute money to state or counties to carry out activities
3. Voter Education, Election Official training (on DRE), poll worker training

4. Digital Recording Electronic (DRE) and Voter Registration System, Second Chance Voting
5. Fund
6. Budget
7. Maintenance of effort
8. Performance goals, timetables, measurements
9. Complaint procedure
10. How to spend Title I \$5 million
11. Ongoing management of plan, procedures to change
12. Amendment to current plan
13. Commission description

Mr. Virgil asked if bylaws, organizational appointments, membership rules, etc. needed to be established by the Commission. Mr. Erickson said that it is not necessary but it's up to the Commission. The Secretary of State has requirements of categories he must follow in appointments.

Mr. Erickson stated that expenses incurred by Commission members for overnight stays and mileage will be reimbursed. He will bring expense forms to the next meeting.

Ms. Hoell asked what the next step is after meeting the May 2003 deadline. Mr. Erickson indicated that they would need to get together in 2004 and amend the plan and it is up to the Commission to identify when they want to get together.

Determine Meetings/Dates— Martha Gadberry

Upcoming Commission meetings will be held as follows and a working lunch will be planned:

Wednesday	March 26, 2003	9:30 - 4:30
Monday	April 7, 2003	9:30 - 4:30
Monday	April 21, 2003	9:30 - 4:30
Monday	May 12, 2003	9:30 - 4:30

12:05 P.M. Ms. Gadberry called a recess.

1:05 P.M. Ms. Gadberry called the meeting back to order.

Prioritize Topics of Interest – Group Discussion

Commission members were asked to identify their top concerns and they were categorized as follows:

Undecided Category Title:

- Establish regional voting jurisdictions in less populated areas
Comments: Smaller counties have Clerks, not a Commissioner. Maybe a Regional Commissioner could conduct smaller county elections.

- Pros/Cons of reducing the number of polling places
Comment: There are obvious pros for reducing the number of polling places from 1700 to 1500 but what are the cons for smaller communities and merging polling places – it may become inconvenient for voters.

Accessibility:

- DRE (Direct Recording Electronic)
- Talking voting machines for blind and visually impaired
Comment: DRE's will have this.
- County-owned DRE
- State-owned DRE
- Large print available for ballots and registrations
- Update registration criteria
Comment: Mentally incompetent – no recision
- Language barrier

Voting Process:

- Voting mobility – ability to vote at any statewide site
Comment: Easier accessibility – be able to vote at any location based on where a person is registered - would get more college kids and rural areas
- Technological considerations for mobility of voting access
- College students and rural areas would benefit from mobility
- If everyone has a choice, it may be overwhelming to one area, although if technology is used rather than paper ballots, it might not be an issue
- If DRE has voter registration bank on it then people could vote anywhere
- ID check – everyone? First time voters?
- On-line voting
Comment: This would be one way to engage college kids but there may be security issues.
- Vote by mail
Comment: This would be for everyone and there would not be an alternative. A couple of Nebraska counties use it now.

- Importance/Expanded use of absentee ballots

Voter Registration:

- Voter registration state database is required
Comment: Real time
- National crosscheck of voter registrations
Comment: Might be accomplished by proof of citizenship – take ID upon registration and then won't have to check when voting. Prevents voting in more than one state.
- Proof of citizenship to accompany voter registration
Comment: People sign voter registration forms that indicate they are citizens.

Polling Place Preparation:

- Training poll workers – especially on DRE and accessibility issues
Comment: Poll worker training typically takes between 1 to 1 1/2 hours.
- Accessibility training
- Poll workers like Jury Duty
Comment: This would help counties have the number of people to work the polls – make it a civic obligation like jury duty and would include young people. It would also stress the importance to college age kids.
- Provide ADA access to polling places, and to voting

Education and Training:

- To show citizens the importance of voting to increase turnout
- Participation incentives
- Voter education “poll practicum” for high school seniors

Topic 1 – Group Discussion

Commission members identified the top issues needing addressed. It was decided to prioritize as follows:

- #4 DRE and Voter Registration System, Second Chance Voting
- #3 Voter Education, Election Official training (on DRE), poll worker training
- #10 & #6 How to spend Title I \$5 million and Budget

It was determined that the Commission needs to have more information and further discussions about DRE, Voter Registration and Second Chance.

The next meeting will include discussion of equipment – If ESS vendor appears it may give unfair advantage, since they may be a bidder to provide the equipment. Ms. Bracht will give an overview of the election process.

Ms. Hoell noted that Mark Schults with Assistive Technology Partnership in vocational rehabilitation could be a resource for voting machines for the disabled.

Ms. Gadberry informed Commission members that she could be reached via her email address, which is gadberry@inetnebr.com.

Ms. Bracht informed the group that Maryland's State preliminary plan is available at <http://www.elections.state.md.us/citizens/hava/index.html>. There is a pdf file on this site that everyone can download.

2:30 P.M. Ms. Gadberry adjourned the meeting.

Appendix A

Secretary of State State Plan Commission Agenda March 18, 2003

9:30	Welcome Self-Introductions	John Gale
	Introduction of Martha	
	Desired Outcome of the Project	Martha Gadberry
	<ul style="list-style-type: none">Identify recommendations to consider for the State Plan	
	Desired Outcome of the First Meeting	
	<ul style="list-style-type: none">Identify priorities for discussion	
	Agenda	
	Ground Rules	
	<ul style="list-style-type: none">Listen to understandOne at a timeAll ideas okay todayLook for agreementAnswer cells outsideEnjoy the discussion	
10:00	General Project Overview	John Gale
	Plan Requirements	Neal Erickson
10:45	Break	
	Prioritize topics of interest	Martha Gadberry
	Determine meetings, dates	Martha Gadberry
	Topic 1	Martha Gadberry
2:00 or 3:00	Adjourn Meeting	Martha Gadberry

Appendix B

13 Items/Issues

1. How the State will use funds to meet requirements
2. How to distribute money to state or counties to carry out activities
3. Voter Education, Election Official training (on DRE), poll worker training
4. Digital Recording Electronic (DRE) and Voter Registration System, Second Chance Voting
5. Fund
6. Budget
7. Maintenance of effort
8. Performance goals, timetables, measurements
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