

**SECRETARY OF STATE
STATE PLAN COMMISSION
MAY 12, 2003 MEETING
CAPITOL ROOM, COUNTRY INN AND SUITES
LINCOLN, NE**

DRAFT MINUTES

9:30 A.M. **Welcome and Introductions** – *Martha Gadberry*

Commission Members Present:

Sara Crook, Pauletta Gerver, Kathy Hoell, Lois Poppe, June Remington, Mike Scarpello, Carlos Serván, Tim Shaw, David Shively, Steve Virgil

Also Present:

Christy Abraham attending for DiAnna Schimek
John Gale, Secretary of State
Neal Erickson, Assistant Secretary of State for Elections
Donna Goldsberry, Recorder for Gadberry & Associates
Martha Gadberry, Gadberry & Associates, Facilitator

Absent Commission Members:

Dale Baker, Amy Bracht, Holly Burns, Wayne Houston, D'Andra Orey, DiAnna Schimek

Agenda Review – *Martha Gadberry*

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

Loose Ends – *Group*

Martha noted that the following loose ends needed to be addressed:

- Issue of “mentally incompetent” under Requirement 3 and that Steve Virgil was going to research this issue. No report was available at this time.
- Budget proportions for voter education versus election official training under Requirement 6 needed to be addressed. After discussion, it was agreed that it is difficult to assign percentages because at this time the total amount available is not known and that the priority list previously identified should be used to determine how the money is spent. Additional comments regarding this were:
 - * Christy Abraham informed the Commission that a task group would be set up in the fall to look at voter education (LB 358, originally LB 153).
 - * Provisional voting needs to be well known.
 - * Voter education needs to be done early enough and money spent prior to election day so people are registered.
 - * Education and awareness are critical as it is evident there is distrust in the population. It's important to be prepared to respond to people's concerns and that clear answers are provided.

- The question of whether or not there is a need for an appeals process was addressed. Neal Erickson provided the following information:
 - * National Voter Rights Act (NVRA)
 - Lawsuits are allowed
 - No private right of action
 - The Admin Complaint Procedure in HAVA only applies to Title III issues
 - This process does not limit any rights under other laws. (Note: It was agreed that this sentence should be added to the Recommendations report.)

Review Draft Report – Group

The group reviewed the Draft Report and made revisions. Martha will make the revisions noted and will circulate the final draft to Commission members for a final reading before submitting it to the Secretary of State's office on the Commission's behalf. The target date for sending the report to the Secretary of State's office is May 19, 2003. The specific revisions are itemized at the end of this document. In addition, they will be reflected in the Draft Report Martha is revising for Commission members' review.

Neal noted that this isn't the last opportunity for the Commission to comment on the plan and that he would like for them to attend the public hearing. He will notify them of the date the public hearing will be held.

12:05 P.M. **Working Lunch**

Comments – Secretary Gale

Secretary Gale informed the Commission that in reviewing the Draft Report, he's impressed with the work done and stated that it will be helpful as a roadmap. He indicated that individuals were appointed to this Commission to represent various viewpoints and everyone's efforts are appreciated and he wanted to extend his thanks. He also hopes that Commission members will attend and testify at the public hearing.

Continue Discussion on Review Draft Report – Group

Neal informed Commission members that with reference to Requirement #4, he is going through it line item by line item, so the Commission doesn't need to identify the specific areas it belongs under.

It was suggested that the Secretary of State plan for a local option to buy precinct scanners using matching state dollars. It will be added to the plan as a suggestion under Requirement #4.

Time Tables – Group

- June 2, 2003 - Publish plan for public comment
- June 16th or the week of June 23rd - Public hearing will be held
 - * The Commission recommends holding one public hearing in Lincoln and setting up a toll free phone number for call-ins. This phone number should be listed on the Secretary of State website.

- August 2003 - Comment period will end.
- October 1, 2003 - Plan should be on file in Washington

Next Steps – *Martha Gadberry*

- Martha will make revisions to the plan based on this meeting and will email to Commission members for their review.
- Martha will also be responsible for delivering the Final Report to the Secretary of State.
- The Secretary of State Plan will be sent to the State Plan Commission. Martha will be assisting the Secretary of State's office with writing the plan.
- The next State Plan Commission will be held November 18, 2003 and Neal will provide updates regarding RFP's, VR system, vendors, specifications, etc.

2:55 P.M. Meeting adjourned

APPENDIX A

Agenda State Plan Commission Meeting May 12, 2003, 9:30 a.m. to 4:30 p.m.

Country Inn and Suites - 402 476-5353
5353 North 27th Street
Capitol Room

9:30 A.M.	Opening
	Review Agenda
	Review Ground Rules
	One at a time
	Listen to understand
	Seek agreement
	Loose Ends
	#3 Mentally Incompetent
	#6 Budget for Voter Education vs. Election Officials Education
	#9 Appeals
	#11 Timetables
	Review Draft Report
12:00 Noon	Lunch Served – continue discussion
	Secretary Gale's Comments
	Next Steps – Meetings

Revisions to the Draft Report based on the 5/12/03 State Plan Commission meeting are as follows:

- Martha to add text that indicates letters and numbers are ideas/suggestions and bullets are recommendations.
- Page 2 - Member Name & Office/Group Represented:
 - * Mike Scarpello, Acting Douglas County Election Commissioner
 - * David Shively, Lancaster County Election Commissioner
 - * Pauletta Gerver, President, Nebraska Association of County Clerks, Register of Deeds & Election Commissioners
 - * Carlos Serván (add accent)
 - * Tim Shaw, Nebraska Advocacy Services, Inc.
 - * Kathy Hoell, Statewide Independent Living Council, Inc.
 - * Change the category title to read "Members appointed to the State Plan Commission"
- Page 3 – Public Comment Period
 - * Change text to read "...postings on the Secretary of State website..." in the 4th line of the paragraph.
- Page 3 – Management of the Plan
 - * Insert as a 2nd sentence: "As a part of this, the State Plan Commission will review and comment on other efforts related to voter education and outreach, and how they affect the plan and implementation"
 - * Add to this paragraph the number of times the Commission will meet, the schedule, and look at LB 358 for additions.
 - * Add a sentence that states, "Continue to update the plan as needed".
- Page 3 – Principles II & III
 - * Remove existing Principle II & III and insert as a new Principle II (and renumber the rest of them accordingly) "The plan should be guided by a principle of accessibility that assures all voters the same opportunities for access and participation including privacy and independence throughout the entire voting process".
- Page 4 – Principle VIII
 - * Revise to read, "The State should continue to do long-range thinking and planning. Current investments should be designed as building blocks for future technology changes that increase accessibility and participation in the voting process".
- Page 5 – Requirement #1
 - * Martha to put together and email to Commission members an overview of the outline including
 - Buying DRE's
 - Voter Outreach
 - Training of Election officials
- Page 5 – Requirement #2
 - * Add as a first paragraph under A. "The State Plan Commission recommends that the State should be responsible for purchasing equipment and any associated support and maintenance. Additional information is contained in Requirement #4. If funds are distributed to counties they should go through the grant program, described as follows."
 - * Change 2nd sentence of A.1. to read "...those who are disabled, ethnic minorities, and those who do not read or speak English."
 - * Revise A.1. 3rd bullet to read "supplement state and local funds..."

- Page 6 – Requirement #2
 - * Add ethnic minorities to 4. (Do a search to incorporate “ethnic” wherever minorities are referred to).
- Page 7 – Requirement #3
 - * Add 3rd sentence to B - “The Secretary of State should work with them collaboratively to develop an education program”.
 - * Revise B.1.d. 2nd sentence to read “Identify a faculty/staff position or student organization on campuses to meet with local election ...”
- Page 8 – Requirement #3
 - * Remove last bullet “Train all Americans to vote in English” under C.1.
 - * Remove 3rd bullet “Provide incentives for counties to keep voter registration updated” from C.3.
- Page 9 – Requirement #3
 - * Revise 5th bullet under #4, change text from mentally incompetent to individuals deemed mentally incompetent.
- Page 9 – Requirement #3
 - * Revise A.2.b. to read “... how to implement them, as well as all other voting requirements related to elections”.
- Page 10 – Requirement #3
 - * Revise C.1.e. to read “Provide education to encourage voting for individuals who are no longer adjudicated “mentally incompetent”.
- Page 10 – Requirement #3
 - * Martha to reconstruct the text on C.1.5 to explain training with regard to the oath, provisions of the oath, add citizenship & age, and that it’s at time of registration and not voting. Also, instead of “mentally incompetent”, use verbiage “... prohibition of individuals deemed mentally incompetent”
- Page 11 – Requirement #4
 - * Remove “(Exact language in italics)” from the first paragraph and then remove all italics text below that.
- Page 12 – Requirement #4
 - * Move 4.4 and 4.5 to Requirement #1 in the overview area talking about how Title III money will be used.
- Page 13 – Requirement #4
 - * Change the word model to modem in the fourth line of the first paragraph.
- Page 14 – Requirement #4
 - * Change the word on line to online in 4.11.B.
- Page 16 – Requirement #6
 - * Change language under Priority 1, 6th bullet and do a search on all other targeted population so that it states that targeted population includes but is not limited to youth, elderly, those who are disabled, ethnic minorities and those who do not read or speak English.
- Page 18 – Requirement #9

- * Complain should be changed to complaint in the second line of the first paragraph.
 - * Instead for “for the blind and bilingual” in the first paragraph, third line, it should say for persons who are blind and/or who are non-English speaking persons.
 - * Add a sentence to the complaint procedure that states “This process does not limit any rights under other laws”.
- Page 18/19 – Requirement #11
 - * Revise the 2nd bullet under C to state “... help to review the grant design” rather than design the grant process. Also add a conflict of interest phrase to this sentence.