



***LR 335 Report: A Comparison of the Recommendations
of the 2014 Presidential Commission on Election
Administration and Current Nebraska Law***

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Introduction

The Presidential Commission on Election Administration (PCEA), created by Executive Order 13639, conducted public hearings over the course of six months and consulted with state and local election officials, academic experts, and organizations associated with voting or election administration. From these conversations the PCEA promulgated the 2014 Report and Recommendation central to the quality of voter participation and confidence in the democratic process. Pursuant to LR 335 and at the request of its introducer, Senator Matt Hansen, Nebraskans for Civic Reform undertook the task of evaluating those recommendations included in the 2014 PCEA Report and the current Nebraska election administration. NCR's research included an evaluation of current Nebraska statutes, current Nebraska Administrative Code, discussions with election officials and consultation with other organizations associated with Nebraska elections.

A Brief History of the Commission and Members.

In 2013, President Obama established the Presidential Commission on Election Administration. This bi-partisan commission was created to identify best practices in election administration and to make recommendations to improve the voting experience.

The PCEA was co-chaired by Robert F. Bauer, former White House Counsel to President Obama and general counsel to the Democratic National Committee, and Benjamin L. Ginsberg, national counsel to the 2000 and 2004 Bush-Cheney presidential campaigns and the Romney for President Campaign, as well as counsel to the Republican Governors Association. Both have a wide range of experience related to election

law. In addition, the PCEA is comprised of “distinguished election administrators and representatives of successful customer service-oriented businesses who bring experience drawn from the private and public sectors to help identify best practices in election administration”.¹

Executive Summary

A full comparison chart of recommendations and current Nebraska election administration practices can be found in Appendix A, this chart provides a succinct snapshot of the LR 335 study. The main take-away from the LR 335 study is that current Nebraska election administration lacks uniformity and transparency in the administration of elections. Many of the recommendations for polling place management are the current practice of Nebraska counties, however these voluntary management procedures are the result of individual election official evaluation and not the result of a uniform standard. Many of the self-audits performed by the county election officials are undertaken voluntarily, therefore there is no official reporting or publication of these audits for the public to review. Furthermore, where directives are provided by the Secretary of State’s office, such as poll worker training, these directives are not codified in statute or administrative code and counties report that they alter and add to the resources provided, creating an issue of uniformity in how elections are handled in Nebraska.

With the implementation of online voter registration this year and participation in Interstate Voter Crosscheck Program Nebraska meets many of the basic recommendations of the PCEA, however improvements can be made including joining the recommended ERIC

¹ About the Commission”, Retrieved from the Presidential Commission on Election Administration website, <http://www.supportthevoter.gov/the-commission/>. Last visited: 11/2/2015

program and applying voter registration information requirements to online public assistance programs. While the Secretary of State conducts audits of tabulation machines, these audits are voluntarily and not conducted after each election and are published as a press release, instead of being disclosed in a common data format as recommended by the PCEA. Furthermore Nebraska has not adopted the federal Voluntary Voting System Guidelines developed by the US Election Assistance Commission as recommended by the PCEA concerning voting machines.

Finally, the PCEA recommends the involvement of minority voters, like disabled voters or bilingual voters, in the promulgation of election procedures and involvement in election administration. The PCEA recommends the creation of an advisory board. Nebraska currently has a committee of such voters, as required by the Help America Vote Act, but the scope of this committee is limited to the distribution of HAVA funds and will be decommissioned next year.