



NCR Testimony for LR 403

Good afternoon Chairman Krist and members of the Executive Committee. My name is Bri McLarty, and I am here in my capacity as the Director of Voting Rights for Nebraskans for Civic Reform, a non-profit, non-partisan advocacy organization dedicated to modernizing our elections and protecting individual voting rights. We are here in support of Senator Hansen's legislative resolution and strongly urge the committee to advance LR 403.

In the last few years we have heard from various election officials about the issues they have had procuring replacement parts and memory storage for current election equipment, last session the Secretary of State was unable to secure full funding to reimburse counties for maintenance, and just this past fall, when compiling a study for interim study LR 335, we came across a dire warning in the 2014 Presidential Commission on Election Administration about the age and condition of current election equipment.

From the 2002 *Help America Vote Act*, Nebraska received funds to purchase election equipment – vote tabulators and voting systems, referred to as “automark” machines. These machines are owned by the state and maintenance is reimbursed to the counties, originally from leftover HAVA dollars but now from the Secretary of State budget.

Some counties, in reviewing their own funds and needs, have decided to update their vote tabulators and have either purchased or leased new tabulators. None have taken action on replacing automark machines and this is where our concern lies.

Under the *Help America Vote Act* voting systems must permit the voter to vote in a private and independent manner – Nebraska's current system is a paper ballot system – and with the use of private voting booths achieves this requirement for the majority of Nebraskans. However,

there is an explicit requirement in *HAVA* that voting systems be accessible for individuals with disabilities and provides the same opportunity for access and participation including privacy and independence.

The current Automark machines meet this requirement but their age and outdated technology seriously jeopardizes their availability for future elections. The *HAVA* -requirement was new in 2002 and the only purchase of compliant machines was with federal funds. In Nebraska it is uncertain whether the state or the county should be responsible for replacing these machines. LR 403 provides the necessary framework to discuss this policy decision and make a recommendation to guide state and county election officials moving forward.

From our research there are many options for funding election equipment, from the state pays, to the county pays, to a cost-share, some states have created low-interest loan programs from the state to counties, others have utilized state purchasing power but counties footing the bill. The select committee created under LR 403 can research and evaluate all these options and recommend the best one for Nebraska.

Beyond who pays, decisions need to be made on whether to require uniformity in machines. By default we have uniformity of election equipment, but as counties begin taking initiative and consider replacing machines, that decision needs to be made on a state level by state policymakers. The question of uniformity, specifically for voting systems ensuring equal access, will have an impact on fairness and equality in our elections.

A recent Brennan Center study estimates that most machines purchased with HAVA funds have a life expectancy of 10-20 years, closer to the 10 year side. In 2020 our current machines will be approaching 15 years. Passing LR 403 now will give Nebraska ample time to research, deliberate, and plan for this expenditure. It has been estimated by the Secretary of State that replacing these machines will be in the ballpark of \$20 million. Passing LR 403 now gives us two budget cycles to find and pass a solution if a budget item is considered the best practice, or

four legislative sessions to do a separate appropriations. Giving election officials two years to research and purchase new equipment to be implemented in a non-presidential year, 2022. So while the machines may not break tomorrow, we need to start planning today for the inevitable.

Thank you for your consideration and I urge the committee to advance LR 403.

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