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Government, Military and Veterans Affairs Committee  
November 04, 2015

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[LR196 LR198 LR294 LR335]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Wednesday, November 4, 2015, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR198, LR196, LR335, and LR294. Senators present: John Murante, Chairperson; Tommy Garrett, Vice Chairperson; Dave Bloomfield; Joni Craighead; Tyson Larson; Mike Groene; and Matt Hansen. Senators absent: Beau McCoy.

SENATOR MURANTE: (Recorder malfunction) Affairs Committee. My name is John Murante. I'm State Senator for District 49, which represents Gretna and northwest Sarpy County, and I am the Chairman of this committee. Before we get started, I'll introduce the members of the committee. One member who is not here and will not be here, Senator Beau McCoy from Omaha. His legislative staff is here, so anything you say will be reported back to him. People here today: to my far left is State Senator Joni Craighead from Omaha; to my immediate left is State Senator Matt Hansen from Lincoln; to my immediate right is Andrew Lagrone, who is the committee's research analyst. And I'll take the opportunity right now to thank the committee's previous research analyst Charles Isom. He did a great job for us in the 2015 Legislative session, but moved on to Senator Nicole Fox's office to serve as Senator Fox's legislative aide. So it was difficult to lose him, but I'd like to state for the record that we appreciate his service here for the Government, Military and Veterans Affairs Committee. To Andrew's right is State Senator Tommy Garrett, who will be with us shortly. Senator Garrett represents Bellevue and is the Vice Chair of this committee. To his right, State Senator Dave Bloomfield from Hoskins, Nebraska. To his right is State Senator Tyson Larson--and we don't know whether Senator Larson will grace us with his presence, but we hope and pray that he will. And to his right, State Senator Mike Groene from North Platte, Nebraska. We are here today for the purpose of conducting several interim studies on a number of different subject matters. Welcome, Senator Tommy Garrett. The issues that we will be discussing will be taken up in the order on which they appear on the agenda outside of this room. If you wish to testify, there are sheets located on both sides of the room for you to fill out the information about who you are. If you come up to testify, we ask that you state and spell your name for the record. That's very important for our transcribers office. For those familiar with testifying before committees and public hearings, one different thing about legislative bills is we will not be taking up testifiers in terms of proponents and

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opponents. It will just be a first come, first serve basis. So we would ask...we're going to begin with LR198. If anyone intends on testifying on that, please make your way forward sooner rather than later, and then we'll proceed once we get started. We will start with opening testimony by the introducer, in this case, Senator Krist. Each testifier will be allotted three minutes.

Unfortunately at the moment, we are experiencing technical difficulties here in the Government, Military and Veterans Affairs Committee, so we don't have the light system set up just yet. Hopefully we will have that fixed before this interim study day is over. If we get it fixed, the green light means that your time has begun, the yellow light means you have one minute remaining, and the red light means that your time is up and we will open the committee for questions. Until that time, our research analyst will serve as our timer and we will keep time like we do on the floor of the Legislature. When there's one minute remaining, he'll say one minute, and when your time is up, he'll say time. So that's how we work things on the floor, that's how we're going to do it in this technical difficulty situation. With that, we have Senator Krist before us for LR198. Senator Krist, welcome to the Government, Military and Veterans Affairs Committee and you are recognized to open.

SENATOR KRIST: (Exhibits 1, 2, 3) Thank you, Senator Murante, and good afternoon to all of you. My name is Bob Krist, B-o-b K-r-i-s-t. I represent the 10th Legislative District in northwest Omaha, along with the north-central portion of Douglas County, which includes the city of Bennington. Given the multitude of interim studies introduced each session and the committee Chair's responsibility to select those that are worthy, I want to thank you for selecting this as an interim study that you will look at, and I appreciate it. To keep this hearing orderly and concise...I think I only know of five or six testifiers that are going to come in. Each one of them, I think you'll find, represents a slightly different twist or tilt or opinion on subject matter, which I think is important for you hear, given the depth and the intricacy of the subject matter. Full disclosure, I'm a parent of a special needs person. This is not about her. This is about the needs of a spectrum of those with disabilities and those who are disabled and handicapped. This January, when I introduced LB16, there was, in my estimation, a good deal of pushback. The fiscal notice, as you recall, became outrageous in terms of trying to put something into place. So I'd like to have...I introduced LR198, which is very simple--one page. And it underscores the simplicity of what I think is at stake. But the complexity of what's at stake will be up to you to decide if we move forward with it. Many other states, almost half of them--actually 24, have

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state use programs associations. Over half of those states with state use program associations would be considered red states, but I don't think this is about political...viewing things through a political prism. I think this is about... [LR198]

ANDREW LAGRONE: One minute. [LR198]

SENATOR MURANTE: Oh, he doesn't get a time. Sorry. Yeah. (Laughter) [LR198]

ANDREW LAGRONE: Sorry. [LR198]

SENATOR KRIST: Now you destroyed my train of thought. (Laughter) I'm going to have to start over, Chair. Yeah, this is not a handout program, this is a hands up program. Obviously, when we put people to work, it is employing people, some of them tax paying people, but most of them productive, and that is very important. So let me review for you for just a second, just to refresh your memory. There is a process called ICAP, that's an Inventory for the Client and Agency Planning. The client in this case refers to the person with the disability, the agency may refer to the state of Nebraska, it may refer to an agency that is actually trying to place an employment opportunity. State use programs are very valuable because they promote independence, generate tax dollars, stimulate local economies, reduce public assistance payments, fulfill the needs for government purchasers, and provide meaningful employment. And I can tell you from my association with this community, bringing home a paycheck and feeling that you are contributing is a valuable part of becoming and being a human being. It's a three-legged stool we have that exists right now in this area. We have one leg of that stool that is more sheltered workshop environments, sheltered areas where people come to work. They may do things like bag up political bags for hanging on doors, folding towels, doing things, but they're matched up with their capabilities in a more secure, stable, sheltered environment. The second leg is the job in the workplace. Sometimes that workplace is coached by a person who is in the employment of the place where they are worked. Sometimes it's an outside agency that brings people in and coaches them in terms of what their job responsibilities are and oversees their job performance. And then there's competitive employment. There are people with disability, both mentally and physically, that are out there employed and doing the job as a "normal person" would do. All three of those legs of that stool are very important, because if I remove, let's say, the sheltered workshop

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environment, what do I do with those that can't move to the next level? And if I remove the top end, the competitive workplace in the environment--the competitive workplace, what do I do with those people? Do I stifle them into a lower area? Both of those alternatives are unacceptable. The state of Texas has had a state use program in place and functioning since 1978. Texas and other states with the state use program where persons with disability obtain jobs, show an incredibly positive result and prove how beneficial these programs actually are. Testifiers today will mention, and I hope they accentuate many of the important things to understand and consider here, such as the incredibly broad spectrum of disabilities that exist, the nature of the work performed by those of disability at all levels. Personally, I believe the cultural shift needs to happen, and I will highlight that with some of the handouts that I have given you. And I'm going to defer from my prepared testimony and walk you through a couple of these handouts, because I think they're very important. When I say we need a cultural change, what this piece of legislation aimed to do was to, as we sometimes do in this Legislature, put something on the books that forces people to take action and take a look at people with disability and provide them opportunities. If you'll look at this one, you don't have yours highlighted, but it's a several page stapled together piece. And essentially, these are laws that are already on...these are statutes that are already on the book. They have the references 48-1506, home rule charter cities; direct negotiation for products and services. It enables the agencies and the individuals...the entities to go out and contract. Sheltered workshop, defined--the next page, 48-1501 to 48-1506. The next page sheltered workshop; negotiate contracts and conditions, that's 48-1502. And the next one, 48-1503, governmental subdivisions; direct negotiation. In fact, lady and gentlemen, this Capitol had a contract with the blind. It somewhere along the line disappeared. They handled the vending machines, they handled a lot of things within the building. Why did it disappear? Is it easier for us to contract and negotiate a contract with people that are not disabled in any way, or handicapped in any way? Is that why have the programs? Potentially, who I should be talking to is the Governor, to ask him to put a goal in place for his agencies across the board. And that may be where we go with this, other than tailoring the existing piece of statute or legislation and trying to go in a different direction. I've given you, on this page, and it is a section page-by-page breakdown of the component in the existing LB16, along with the potential compromises that we could come to. Again, I don't claim any...if there is...there's no pride of authorship here. If there's a way that LB16 should move and needs to move, then I would ask that you take a look at it and we can talk about the alternatives. And then

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there's a suggestion on a separate page called a BATNA: best alternative to a negotiated agreement. And I ask for you to just digest that, because it really does make a lot of sense to me and to the people who will probably follow me. I'm going to close by saying this, and I apologize I won't be here to close, but I think the testimony will be the closing of the people that follow. I have to get to another LR for Corrections, but I will close my comments by just saying this. I really again appreciate you bringing this forward. LB16 may be the impetus for a talking...an issue where we roundtable this thing and figure out why we're not paying more attention to people with disability in the workplace. I hope at a minimum that it does that. And again, I thank you, Chairman Murante, for bringing it forward. [LR198]

SENATOR MURANTE: Thank you, Senator Krist, for your opening. Are there any questions for Senator Krist? Senator Bloomfield. [LR198]

SENATOR BLOOMFIELD: Thank you, Mr. Chairman. Senator Krist, have you spoken at all with the Governor about the possibility of him setting some goals? Or is that something that you just now mentioned? [LR198]

SENATOR KRIST: No. I have mentioned it to him on two occasions, one when this bill came forward and then one when we talked about some future conversations that we were going to have. He's invited me to bring LB16 and to talk to him about the results from this committee hearing. So I...this LR, so I will bring it up with him again. [LR198]

SENATOR BLOOMFIELD: Okay. Thank you. [LR198]

SENATOR KRIST: Yeah, you bet. [LR198]

SENATOR MURANTE: Senator Groene. [LR198]

SENATOR GROENE: What was the group you said that used to do the vending machines here? [LR198]

SENATOR KRIST: The blind. [LR198]

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SENATOR GROENE: Did they...is there an advocacy group that organizes these folks? Or did it disappear and the state wasn't able to hire them anymore? [LR198]

SENATOR KRIST: The contract went away and it wasn't renegotiated. The contract...I know that there's a person that follows me that can talk to you about that. And... [LR198]

SENATOR GROENE: So we'll hear that? I mean... [LR198]

SENATOR KRIST: Yes, sir. [LR198]

SENATOR GROENE: You've got to have people to hire, too. And you have to have organizations or somebody organizing these folks that they do perform these duties. Are those organizations out there? [LR198]

SENATOR KRIST: Right. I can tell you from my own knowledge of the process, the system was in place, the people were in place, but the contract was not... [LR198]

SENATOR GROENE: And nobody knows why? [LR198]

SENATOR KRIST: That's correct. Yeah. [LR198]

SENATOR GROENE: All right. Thank you, Senator. [LR198]

SENATOR KRIST: Yeah. Thank you. [LR198]

SENATOR MURANTE: Senator Groene. Senator Krist, the only thing I would say is to the extent that the committee and our staff can be helpful in facilitating a roundtable discussion to come up with a compromise on this, we're at your disposal. Just let us know what you'd like to do. We'd be happy to facilitate that discussion. [LR198]

SENATOR KRIST: Thank you. And there's one more handout I'm going to give to you, and it's called Employing Individuals with Disabilities. And it walks through potential ways of doing

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that, that kind of highlights or puts into a bullet form what we've been talking about over the past few minutes and then with LB16. So. [LR198]

SENATOR MURANTE: Sounds great. Thank you very much. [LR198]

SENATOR KRIST: Thank you all. [LR198]

SENATOR MURANTE: Thank you, Senator Krist. All right, we'll now proceed to testimony on LR198. Anyone wish...and it looks like we do have a functioning light system, so it looks like our research analyst is off the hook. Anyone wishing to testify on LR198 please come forward. Welcome to the Government Committee. [LR198]

REBECCA ARMSTRONG LANGLE: (Exhibit 4) Thanks. Good afternoon, Senators. My name is Rebecca Armstrong Langle, R-e-b-e-c-c-a A-r-m-s-t-r-o-n-g L-a-n-g-l-e. I am the development and marketing coordinator for Goodwill Industries in Omaha. We employ about 150 people with significant disabilities on service contracts at Offutt, federal buildings in Lincoln and Omaha, and VA Hospitals in Grand Island and Omaha. These contracts include jobs in the fields of ground maintenance, custodial services, and postal contracts. The average wage of these employees is \$9.19 an hour, plus an additional \$4 or more that can be applied towards healthcare or retirement benefit. Goodwill supports a broad spectrum of enhanced employment opportunities for people with disabilities, especially within state government. First, we believe that the state has a duty to enhance its hiring of disabled workers. At the federal level, the administration has set a five-year goal of hiring an additional 100,000 workers with disabilities and they're on their way to achieving that goal, creating the most jobs for people with disabilities in the history of federal government. Our state, too, should establish ambitious hiring goals to hire qualified individuals with disabilities. Next, since many functions of state government are contracted to private businesses, we believe contractors who do business with the state government should be required to recruit and hire people with disabilities as well, similar to the requirement of federal contractors that went into effect in 2014. Most federal contractors have a goal of filling 7 percent of their workforce with persons with disabilities. Third, existing state statute allows agencies to contract directly with community rehabilitation programs for the provision of certain goods and services, thus creating jobs for people with disabilities. This is a

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little known and basically, completely ignored opportunity that has been on the books in Nebraska since 1984. The Department of Administrative Services should be required to educate both state agencies and other applicable bodies of government about their right to negotiate directly for contracts for the provision of services without going through a competitive bidding process. I believe a reasonable goal for the state of Nebraska is to award up to \$5 million in state use contracts to community rehabilitation agencies that provide work opportunities for persons with disabilities. This \$5 million goal mirrors that of the state of Utah. Thank you, Senators for taking a serious look at employment needs for citizens with disabilities. [LR198]

SENATOR MURANTE: And thank you very much for coming down and testifying. Are there any questions? Seeing none, thank you very much for your testimony today. [LR198]

REBECCA ARMSTRONG LANGLE: Thank you. [LR198]

SENATOR MURANTE: Much appreciate it. Additional testimony on LR198? Welcome to the Government Committee. [LR198]

DAVID SCOTT: Good afternoon, Senators. My name is David Scott, D-a-v-i-d S-c-o-t-t. I'm the director of sales at the Embassy Suites in La Vista and have been there since it opened back in 2008. In 2011, we were approached by Papillion La Vista School District to consider a program called Project SEARCH, which is a program that started at Cincinnati Children's Hospital back in 1996 to focus on ways of lowering their high turnover in their emergency department. What grew out of that was this Project SEARCH program for people with intellectual and developmental disabilities. And we're one of something like 400 host sites around the world, mainly, obviously, in the USA. But the 3 Embassy Suites here in Nebraska were the first 3 Embassys out of now, probably 12 or 13 host sites. So what that means is the kids are on site-- and they're kids because they're in the 18 to 21 age group, and I'm in my 50s. They come to work every day and they spend 30 weeks, their full school year on site at the hotel. And they learn different skills--in a hotel it could be banqueting, could be housekeeping, could be anywhere. And it is not just in Embassy Suites properties. It's out in North Platte with the Walmart Distribution Center, Bellevue schools have begun with PayPal, and Millard schools have just started with Cabela's to give you an idea of where it's going. And from our side, we've had these



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kids come in, now we have three classes, we're up to our fourth class. Out of 27 students, 26 students have found meaningful employment, and that is how Project SEARCH is measured: finding meaningful employment. Of those 26, 9 students were hosted...or actually employed by us, and 8 of those are still employed--have not left. We have very high turnover in a range of departments. Cleaning rooms and cleaning areas is not really the most exciting thing for many people, so they leave. These guys love the job. We've become their family and scenarios of where we've learned, not about the disability, but learned about their skills, that's been our focus. So as an example: Connor came in, was working in food. We lost him one day, which is not good when you're talking about students with disabilities, the food order came in and we needed to get it back into the fridge and the freezer. They lost Connor, but when they found him he was already putting away the food. And he obviously was displaying initiative, something which was displayed by doing the job, learning the job on the job. So we've become a better organization as a hotel, because we serve anyone who wants to stay at a hotel that wants to come to town. And so we've grown as an organization and as a result, that's helped our bottom line as well. It's a business decision for us to employ people with disabilities. And they are earning this job as the best candidate for the job as well. Thank you. [LR198]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Much appreciate it. [LR198]

DAVID SCOTT: Thank you. [LR198]

SENATOR MURANTE: Additional testimony on LR198? Welcome back to the Government Committee. [LR198]

MICHAEL CHITTENDEN: (Exhibit 5) Thank you very much, Senator. My name is Michael, M-i-c-h-a-e-l, Chittenden, C-h-i-t-t-e-n-d-e-n. I'm the executive director for The Arc of Nebraska. Chairman Murante and members of the Government, Military and Veterans Affairs Committee, The Arc of Nebraska is a support and advocacy agency supporting those with intellectual and developmental disabilities. We are a statewide organization. We have approximately 1,000 members. A little history: we started back in 1954, when a bunch of families came together and said there was something better for their loved ones than institutions.

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And so for 60 years, we've been advocating for the full rights and full participation of children and adults with I/DD. And together, with our network of affiliate local chapters, we work on public policy. And our values include people first, equity, community, diversity, and self-determination. Today, we're talking about LR198. We thank Senator Krist, a long time advocate for those with I/DD, for this discussion taking place. And we appreciate your time as well. Over the course of this, you're going to hear testimony about state use contracts. We want to look further into the future than just the next three to five years. We want to take a look at what the federal government and where the nation is going. In recent months, federal agencies have begun implementing policies and regulations to move people out of sheltered workshops and into competitive, integrated employment. The CMS has deemed sheltered workshops as institutions. The Department of Labor has enacted the WIOA, the Workforce Innovation and Opportunity Act. The Department of Justice has made agreements with two states already: Rhode Island and Oregon, to start the closure of sheltered workshops. So while we need the state use contracts now, we need to be looking even further into the future. I/DD services currently use a rate methodology that incentivizes sheltered workshops. We would suggest that we get together with DHHS and start to revise that, so we start to incentivize supported employment. I think we also need to start looking at incentivizing employers and state agencies as they look for employees, so that we can get rid of intermediaries. So that the person receiving the paycheck gets the paycheck from who they are employed by. I'm going to end it there. I'll tell you that with the packet that I gave you with my testimony is a plethora of handouts that talk about WIOA, the Oregon decision with the Department of Justice, and many other things that will move us towards community, competitive, integrated employment. Thank you for your time. [LR198]

SENATOR MURANTE: And thank you for testifying. Are there any questions? Seeing none, thank you very much for coming down today. [LR198]

MICHAEL CHITTENDEN: Thank you very much, Senators. [LR198]

SENATOR MURANTE: Much appreciate it. Additional testimony? And welcome to the Government Committee. [LR198]

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BRAD MEURRENS: (Exhibit 6) Welcome. Good afternoon, Senator Murante, members of the Committee. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s, and I'm the public policy specialist at Disability Rights Nebraska. Disability Rights Nebraska is the designated protection and advocacy organization for persons with disabilities in Nebraska. A series of federal legislation, starting in the 1970s, created protection and advocacy organizations in each state and territory. Our mission is to execute a combined program of legal advocacy, relationship-based advocacy, systems advocacy, public policy analysis, education, and other support activities for people with disabilities in Nebraska that secures their rights, enhances their dignity, and advocates for their full participation as citizens in their communities. We advocate through a variety of contexts: legal, regulatory, and legislative, to protect and advance the rights of Nebraskans with disabilities, as well as to assist Nebraska in developing effective and beneficial public policies for their citizens with disabilities. We want to thank Senator Krist again for bringing this issue to the fore. Since October was Disability Employment Month, it only seems fitting that we have this discussion today. According to the Bureau of Labor Statistics, which I have in my handouts here, people with disabilities have a higher rate of unemployment than their peers without disabilities. As people with disabilities comprise approximately 20 percent or so of the population, this is a significant number. As the 2012 Disability Status Report from Cornell University indicates--also in my handouts, the number of individuals with disabilities living in poverty is also very large. We firmly believe that a new paradigm is needed. Our main opposition to LB16 last session, is that or was that the model it endorses is antiquated and does not fully allow individuals with disabilities to reach their full personal and employment potential. We argued that efforts to increase competitive, integrated employment should be the path Nebraska follows, rather than relying on sheltered workshops or state use programs. As my handouts from the National Disability Rights Network and TASC, as well as the fact sheets regarding consent decrees from Rhode Island and Oregon demonstrate--which I have here for you, there are questions about the appropriateness of the use of sheltered workshops for people with disabilities. Furthermore, with the passage of the Workforce Innovation and Opportunity Act and the new Home and Community Based Services federal rules, there's a national push away from the employment policy models that stress sheltered workshops and safe use programs, as well as the longstanding trends to pay people with disabilities in these programs a subminimum wage. Rather, the trend nationally is to endorse and support programs that emphasize competitive, integrated employment with commensurate wages. Nebraska should

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follow suit. Broadly speaking, it would be beneficial to support initiatives, both public and private, that focus on an individual's strengths, aptitude, and preferences for a job type, rather than try to fill a contract job slot with any available person. A truly systemic view is needed as efforts made in one area or one program can be stymied by other barriers that arise out of other ancillary programs. One example is the Medicaid Insurance for Workers with Disabilities Program. While it is intended to provide incentives for Nebraskans with disabilities to enter, reenter, or advance in the workforce, there are inefficiencies and regulatory/programmatic problems that complicate the ability of individuals to benefit from this program, which will have also spin-off effects of other programs that are on face designs to increase employment, may be complicated by other factors and other programs that will have an effect. And I will stop my testimony and answer any questions that you may have. I have...if you want to study the issue, I have a ton of resources for all of you. (Laughter) And as you know, I like to bring in lots of data. So I'd be happy to answer any questions you may have. [LR198]

SENATOR MURANTE: Thank you very much for your information and for your testimony. Are there any questions? Seeing none, submit that to the clerk and we will all get a copy and review it. [LR198]

BRAD MEURRENS: Great. [LR198]

SENATOR MURANTE: Thank you very much. Additional testimony on LR198? Welcome. [LR198]

DAVE MERRILL: Thank you. Chairman Murante and members of the committee, my name is Dave Merrill, D-a-v-e M-e-r-r-i-l-l, executive director of Region V Services. Since we seldom testify at this committee, I'll give you a little more background than usual. In 1956, my sister Brenda was born with Down's syndrome, and at the time, the recommended course was to move her to Beatrice to what was then the Beatrice State Home. My parents chose to keep her with us at Juniata at a time there was no special education in the school system. They were involved in developing Hope Training School in Hastings, hiring a teacher for minimum wage--\$1.40 back then, in a donated building. Brenda also attended the boarding school in Cozad for several years. I've worked for Region IV in northeast Nebraska and for Region II in North Platte for a couple

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years, and I've worked for Region V Services for 33 years, the last 28 years as executive director. We support about 900 people across southeast and eastern Nebraska, with 14 area programs and 5 satellite programs. The newest programs are actually in--Senator Garrett, in your district, Gretna and Bellevue. So, we provide a full range of services and provide day services to about 686 people. Of those, 222 have jobs in the community, and the average number of hours they work is 16 hours per week. We also have work crews, contract work, volunteer positions, and day services that do not count as jobs in the community. We emphasize employment as a preferred option, because the roles of employee and taxpayer are valued in the community and give the individuals an opportunity to contribute to our Nebraska communities in very visible ways that enhance their image. Recent changes in federal funding program through CMS and rules through the Department of Labor call for more integration in the community system, as well as more employment in the community. We support this movement. There are three major components I'd like to see in any legislation. The first is that employment would be direct with the employing state or political subdivision agency hiring people directly, rather than paying agencies like ours through the contract and then paying individuals. Agencies like ours could still provide supports to individuals, but through the existing model of state authorized supports and supported employment. The second component is that supports for people with disabilities through agencies like ours would reflect the actual cost of the supports. Current funding seems to be based on congregate settings, rather than individual needs. The third component is education for the purchasing entities. We need to let the agencies know where and how people with disabilities are currently providing the services they need to purchase. We need to encourage them to consider people with disabilities for positions they have available. In closing, we support what Senator Krist has done here. And with the changes in CMS and the Department of Labor, it seems like a very timely discussion. With one of the lowest unemployment rates in the country, Nebraska can do a better job of utilizing the resources offered by capable employees who happen to experience disability. Be happy to answer any questions. [LR198]

SENATOR MURANTE: Thank you very much for your testimony. Senator Groene. [LR198]

SENATOR GROENE: You were in North Platte, I believe our center is called the Opportunity Center there. [LR198]

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DAVE MERRILL: Yes. I was the regional director in... [LR198]

SENATOR GROENE: The last two testifiers are advocating closing those centers. [LR198]

DAVE MERRILL: No. I think...I don't know that people are advocating for closing them. [LR198]

SENATOR GROENE: But talking about direct employment instead of centers. [LR198]

DAVE MERRILL: I think what we're seeing at the federal level, the federal government through the CMS funding system, is calling for more integration. And the Department of Labor is questioning some of the rate setting and the wages that have been paid. And so those things are moving us towards more integration I think. [LR198]

SENATOR GROENE: But as far as those centers like the Opportunity Center, they weren't going to advocate in closing those and having people directly employed? No? All right. [LR198]

DAVE MERRILL: It's not closing them, it's actually providing day services that actually work for each individual. But for the work piece of it, instead of...and they were making lead fishing weights when I was there, instead of doing the work in the workshop, employment in the community will be where the focus will be. But they wouldn't close the center. [LR198]

SENATOR GROENE: But the center...a small company needs a job done, they can go to the center and have that done. [LR198]

DAVE MERRILL: Correct. [LR198]

SENATOR GROENE: How do you translate that into giving them a full-time job when you only want a certain widget made? [LR198]

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DAVE MERRILL: Right. It doesn't have to be a full-time job. Our average length of time is 16 hours. So instead of contracting with the agency, what I advocate for is you hire the individual, and if it's only four hours a week, then it's only four hours a week. But then... [LR198]

SENATOR GROENE: This person gets used to the routine of going to the Opportunity Center, they feel secure there, and now you're going to take them out of that and put them into part-time jobs and move them around? [LR198]

DAVE MERRILL: I think people that experience disability are like you and me. And we have found that for the people that are working in the community, they feel that same sense of security. You know, I don't know. I understand what you're saying. There may be a few individuals that feel that way. Yeah. [LR198]

SENATOR GROENE: That need that Opportunity Center, that home feeling. [LR198]

DAVE MERRILL: We're not thinking of it going away. [LR198]

SENATOR GROENE: The jobs come to them instead of...all right. [LR198]

DAVE MERRILL: I just want you to be clear about that. We're not thinking of it going away. It's just a different focus on how we do the work part of it. [LR198]

SENATOR GROENE: Thank you. [LR198]

SENATOR MURANTE: Thank you, Senator Groene. Additional questions? Seeing none, thank you very much for coming down today. [LR198]

DAVE MERRILL: Sure. [LR198]

SENATOR MURANTE: Much appreciate it. Are there any additional testifiers to LR198? Seeing none, Senator Krist waives closing. And that will close the interim study on LR198. And

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we will proceed to the next item on the agenda. Why we all got elected: an interim study to examine current statutes governing county population thresholds for Nebraska counties. [LR198]

SENATOR GROENE: A big concern of mine. [LR196]

SENATOR MURANTE: Another campaign promise fulfilled by Senator Hansen. (Laughter)  
Welcome, Senator Hansen. You are recognized to open on LR196. [LR196]

SENATOR HANSEN: (Exhibit 1) Thank you, Chairman Murante, members of the committee. My name is Senator Matt Hansen, M-a-t-t H-a-n-s-e-n, and I appear before you today to open on LR196, which asks this committee to study county population sizes. LR196 came from a conversation I had with representatives of Lancaster County, early last session, regarding the potential for legislation that would raise certain thresholds for certain sizes of county, specifically, those of the 300,000 threshold to 400,000. By most estimates, Lancaster County is past the 300,000 population threshold, sometime before the end of 2014, and will assuredly have that confirmed in the 2020 census. After seeing the variety of statutes that are separated based on county population: from noxious weed control compliances, to the election of county board members, I opted to hold back from the legislation, and study any issue of this size during the interim and to hold this interim...ask for this interim hearing today. Being passed out is the legislation that was prepared by my office last session for potential introduction and is referenced as Request 00956. This will show the committee the breadth of the issues that prompted this study. With that, Mr. Chairman, I would like to note that Mr. Kerry Eagan, the Chief Administrative Officer of Lancaster County, will be testifying this afternoon. Mr. Eagan will be also able to provide the committee with more information on how specific sections will impact Lancaster County, as well as provide those specific sections of the request which are most important to the county. Incidentally, copies of this legislation in a memo prepared by Lancaster County were forwarded to representatives of both Sarpy and Douglas Counties, as well as the Nebraska Association of County Officials for review and comment. To my knowledge, neither Douglas County nor NACO plan on testifying today. NACO did provide some comments on which we'll be able to incorporate it into new drafts of this legislation. With that, I would like to close, and I'd be happy to answer any questions. [LR196]



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SENATOR MURANTE: Thank you, Senator Hansen. I only have one question for you, and that is it seems like what perhaps could be the most significant change is the size of the county board. Whether...do you think it's a big deal that Lancaster goes from five to seven? Do you think five is better or seven is better? I'm wondering what your thoughts are on that. [LR196]

SENATOR HANSEN: That's one of the things that jumped out at me, I'll be honest, was when I was first asked to consider introducing the legislation I noticed. I guess that's partially something that I would like just to study and see how it welds. I know...I believe, if I understand correctly, Douglas County currently operates with seven, and is maybe the only county to do so. [LR196]

SENATOR MURANTE: Off the top of my head, it's the only county I can think of. [LR196]

SENATOR HANSEN: All right. Well, this seems like an opportunity for further research. Maybe people behind us will have more to say. But personally, I think that's something to consider: the metrics behind it as to, you know, what size of district do we want each individual to represent. [LR196]

SENATOR MURANTE: Any additional questions for Senator Hansen? Seeing none, thank you, Senator Hansen for your opening. [LR196]

SENATOR HANSEN: Thank you. [LR198]

SENATOR MURANTE: We look forward to hearing from our friends from Lancaster County. Welcome. [LR198]

KERRY EAGAN: (Exhibit 2) Thank you. Good afternoon, Senator Murante, members of the Government, Military and Veterans Affairs Committee. My name is Kerry Eagan, that's spelled K-e-r-r-y E-a-g-a-n. I am the Chief Administrative Officer for the Lancaster County Board of Commissioners, and I'm here to provide information on behalf of the county board regarding the \$300,000...300,000 population...that's not the first time I'm going to say that, 300,000 population threshold, and how it will affect Lancaster County. I would like to thank Senator Hansen for introducing LR196. Also, a thank you for Jono Bradford, who's prepared the memorandum

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which is being passed out. It is included in my testimony. As you'll see from the memo, many of the statutory thresholds directly impact Lancaster County. In the interest of time, my testimony will concentrate on the main areas of concern for the Lancaster County Board. We looked at this issue several years ago, identified three major impacts on the county. Number one, we've identified it as the requirement for seven county commissioners, rather than five. Two, a number of mandated changes to the county's civil service system, which I think is the most significant. And three, the sunset of the statutory authority for the Lancaster County Employees Retirement Plan. I should note right away that last session LB126 addressed the threshold for the retirement plan, so we're no longer concerned with that issue. Regarding the number of county commissioners, the Lancaster County Board believes that citizens of this county are already well represented by five commissioners. We think the size of the districts is good, and simply crossing an arbitrary population threshold should not automatically increase the number of commissioners. This will certainly increase our costs for elections, and really we don't see any additional benefits in going to seven. I'm sure that's open for debate. The county board's biggest concern is how the 300,000 threshold will impact Lancaster County's Civil Service System. Presently, the county system is governed by a personnel policy board consisting of noncounty government members. Upon reaching the threshold, the county will be required to replace the personnel policy board with the civil service commission, which will consist of two elected county officials, two county employees, and then a member of the public that does not hold public or political office. The county board believes the makeup of the civil service commission is more likely to lead to partisan politics, which undermines the very purpose of the merit system. Another concern with the threshold is it will cause the loss of statutory authority, which Lancaster County now has to facilitate transfer of governmental functions from the state to the county, while at the same time protecting the rights and accrued benefits of the employees transferred. This legislation only applies to Lancaster County, and the authority will be lost when the county reaches the 300,000 threshold. Another concern is that the civil service system for counties with a population of over 300,000 includes department directors as protected merit employees. The board believes these directors should serve at the pleasure of the board. Finally, there should be a clear standard governing when the threshold in the various statutes become effective. Some statutes indicate the threshold is reached as determined by the most recent federal decennial census. Other statutes are silent on how the threshold is determined. Unless

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that's clarified, this language may be left up to the courts to determine. So thank you, and I would be happy to answer any questions. [LR196]

SENATOR MURANTE: Thank you very much. I'm curious if you could expand a little bit on two separate issues. First, the cost of elections relative to having seven commissioners. Do you have an estimate on how much more that would cost? And why do you think it would be... [LR196]

KERRY EAGAN: Well, it would be more ballot language, more commission. It would be both public and private costs. It would be an extra couple of elections that we'd be worried about. I think the real issue is are the districts adequate now? Are the commissioners representing the number of people? From personal point of view, I'm the administrator of a five-headed plural executive. Having seven, I think, would be more unwieldy and probably a lot more difficult to deal with. That's just from a personal point of view. I think five is the right number and has worked quite well for Lancaster County. I don't know if we're big enough to warrant seven. Douglas County, I think, is up to over 550,000 in population--it's quite a bit larger than Lancaster County. So I think the system is working now. I don't see the need to change it just because we reach a designated threshold. [LR196]

SENATOR MURANTE: Okay, thank you. Any questions? Senator Groene. [LR196]

SENATOR GROENE: How many...what's the population of Lincoln? [LR196]

KERRY EAGAN: Lincoln is 90 percent of Lancaster County. As of last May, our planning department estimates we just crossed the 300,000 threshold. [LR196]

SENATOR GROENE: So seven wouldn't help the rurals have a better representation? They would still be dominated by the...the districts would still be dominated by the urban voter, wouldn't it? [LR196]

KERRY EAGAN: Well, the way the districts are drawn--and they've been redrawn in the last election, we used to have five districts which had, you know, an equal rural number of residents

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in each. And that has been changing now, where we have one urban district, which is entirely urban, and then four other districts which have larger urban sections. So I think the urbans...or the rurals are probably better represented in these districts. [LR196]

SENATOR GROENE: The other question. Are you saying that once a county hits 300,000, it becomes like a city? Where the new mayor can't fire the fire chief or the police chief to his pleasure? [LR196]

KERRY EAGAN: With the civil service system... [LR196]

SENATOR GROENE: They are protected by the civil service if you hit 300,000? [LR196]

KERRY EAGAN: Yes, that is correct. With the civil service system applying to counties over 300,000, department heads are merit employees, which means they have all the protections of the merit system. The system that exists now, and you have to look at the statute to find the offices that are not included, and they have to be specifically listed as excluded from the merit system, and Lancaster County department heads and one deputy director, the chief administrator is not protected in Lancaster County. I would be protected under this system. [LR196]

SENATOR GROENE: You would be? [LR198]

KERRY EAGAN: Because I'm also a department head. [LR198]

SENATOR GROENE: So the voters could decide to throw out the old board because they don't like some of what's happening? And the government employees at the county...the new board with a mission to clean house would not be able to do it without going through the civil service commission? [LR196]

KERRY EAGAN: That's correct. For directors and (inaudible). [LR196]

SENATOR GROENE: It's bad enough in the cities. [LR198]

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SENATOR MURANTE: Thank you, Senator Groene. Any final questions? Seeing none, thank you very much for testifying today. [LR196]

KERRY EAGAN: Thank you, Senator. [LR196]

SENATOR MURANTE: Thank you. Are there additional people wishing to testify on LR196? Maybe? Welcome back to the Government Committee, Mr. Dix. [LR198]

LARRY DIX: Good afternoon, Senator Murante. I hadn't planned on saying anything. For the record, my name is Larry Dix, L-a-r-r-y D-i-x. I'm executive director of the Nebraska Association of County Officials. Just wanted to give a little bit of background on the size of county boards in the state. I think right now, there are probably, I think, 22 counties that have a 7-member board and those are the ones that are supervisors as opposed to commissioners. Then, right now in Nebraska, the citizens can vote if they want to eliminate township form of government. And on that ballot language they can then stipulate if they want to go to a seven, five, or three-member county board. A majority of the counties...all the counties from Custer County, west--so Broken Bow, west, all have three county board members. To give you a little bit of perspective around the United States, the state of Ohio, which those counties have much larger populations than typically our counties would, they're all governed in the state of Ohio by three-member boards. The state of Texas is many larger population counties, but some in a very, very rural environment. Texas all has five-member county boards. So they're really...you know, I don't know that you're gaining a whole lot by looking at necessarily having to go to seven. There are a number of examples around the United States. Then, if you, you know, really want to get crazy about it, you can go to New York and have some county boards that have 45 or 50 county board members--that example exists in some states. So I just wanted to sort of clarify that and give you some examples of what we see, or what I see in other states around the United States. Three is probably the most common size of county board across the United States. [LR196]

SENATOR MURANTE: Okay, thank you very much for your testimony. Any questions? Seeing none, thank you very much for coming down today. Much appreciate it. Any additional testimony on LR196? Seeing none, Senator Hansen, would you like to close? [LR196]

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SENATOR HANSEN: I will waive. [LR196]

SENATOR MURANTE: Senator Hansen waives closing. And we will proceed to the next item on the agenda as we continue Matt Hansen day here at the Government Committee: LR335. Senator Hansen, you are recognized to open. [LR196]

SENATOR HANSEN: Thank you. And I will start off by saying thank you, Larry, for coming up and correcting me. [LR335]

SENATOR MURANTE: You weren't wrong. You said commissioners and he said supervisors, so you were technically correct. Let the record reflect you were correct, Senator Hansen. Yes. [LR335]

SENATOR HANSEN: Thank you, Senator Murante for correcting me now. Well, good afternoon again. My name is State Senator Matt Hansen, and I appear before you today to open on LR335, which asks this committee to examine the most recent report of the Presidential Commission on Election Administration. The commission was a bipartisan committee chaired by a former White House counsel under President Obama, and the counsel to the Republican Governor's Association. The commission met for six months and examined the guidelines and best practices for voting and election administration. I've asked Nebraskans for Civic Reform to help prepare a report summarizing the commission's recommendations and the current state of Nebraska law. I've been told a copy of that report is already provided to your offices. I will note that a representative from Nebraskans for Civic Reform will follow me to discuss this report as well. With that, I will close and be open to questions. [LR335]

SENATOR MURANTE: Thank you, Senator Hansen. Are there any questions? Seeing none, thank you very much. [LR335]

SENATOR HANSEN: Thank you. [LR335]

SENATOR MURANTE: And once again, if you have an interest in testifying, we ask that you come forward and sit in the first row or two so that we can have an idea of how many people will

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be testifying. And the first up, unsurprisingly--welcome to the Government, Military and Veterans Affairs Committee, Ms. McLarty. [LR335]

BRI McLARTY: (Exhibit 1) Thank you, I'm glad to be here. Good afternoon, Chairman Murante and members of the Government Committee. My name is Bri McLarty, B-r-i M-c-L-a-r-t-y, and I'm the director of voting rights with Nebraskans for Civic Reform, a nonpartisan, not-for-profit, civic engagement and voting rights advocacy organization. At the request of Senator Hansen, Nebraskans for Civic Reform conducted research and created a report comparing current Nebraska election administration to those recommendations put forth in the 2014 Presidential Commission on Election Administration. Our research was focused on what election practices are codified in the Nebraska Revised Statutes as well as the administrative code. And when possible, we solicited information from local election officials to determine common practice. This report was delivered to your offices yesterday, as well as an e-mail to the on-line materials was sent to you last night. The LR335 report contains an executive summary, that's on one of the first two pages, a narrative organized to reflect the 2014 PCEA report. A table, that's the appendix a, which is kind of just a side-by-side comparison, easy to read table format for you, that has the recommendations, the best practices as laid out in the report, as well as what currently is going on in Nebraska. And then finally, we included the appendix of all the responses we received from county election officials from our 2015 questionnaire. The document that I handed out just now is separate from the LR335 report, and I want to make it very clear the analysis that was distributed last night is just an unbiased analysis, straight-up comparison, no policy recommendations. What I sent to you now is our recommendations. We hope that these will serve as jumping off points for discussion of potential legislation. The 2014 commission focused their research on voter expectations, and many of the recommendations proposed by the commission address kind of those areas where research showed election administration faltered, such as wait times and accessibility. We found that many county officials conducted on their own self-audits aimed at identifying these potential issues, and then took the necessary steps to rectify the situation. However, these audits are not shared outside of their jurisdiction--so not outside of the county lines, and they're really not consistent from one jurisdiction to the next. It's kind of what each county election official decides to do. One of NCR's recommendations is to have uniform audit guidelines. The audits would be voluntary, but the guidelines would be uniform, and we'd also recommend a central institution that collects this data. By having uniform data

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from across the state, we can identify trends and patterns in election administration, pick out where issues affect counties across the state, as opposed to those isolated incidents, and then come up with solutions. We also feel the publication of such audits would provide increased transparency of our election administration. As to the issue of accessibility in elections, the discussion really needs to go beyond physical accessibility of polling locations. Many of the recommendations NCR is proposing on that list include increasing accessibility of information to voters, so things like earlier publication of sample ballots, the availability of information in native languages for limited English proficiency voters, and increased placement of on-line voter registration links. The four proposals by NCR that focus on community involvement in election administration, two of those proposals, the bilingual poll workers and the recruitment of college students, will be discussed by other representatives. I want to talk briefly about two of the recommendations: recommendation number 7, as well as recommendation number 13. The first recommendation, number seven, proposes keeping the model of the current HAVA commission. I see I'm out of time, so I'm just going to respect the lights and hope someone asks me about the rest of my testimony. [LR335]

SENATOR MURANTE: So how do you feel about recommendation number seven, Ms. McLarty? (Laughter) [LR335]

BRI McLARTY: I am very excited about recommendation number seven. So what that recommendation is, is an extension of the current HAVA commission. That commission was required to be created, and it includes representatives from various communities, including disabled voters, students and minority voters. But its scope was very narrow, in that it was only to talk about the distribution of HAVA funds. We're recommending that that commission kind of be codified within state statute as an advisory committee that goes forth and advises and consults with the Secretary of State in general election administration, not just HAVA dollars, but contains a similar representation, so that individual voters that have specific needs can be consulted and can give kind of feedback to the Secretary of State on certain issues. And that's recommendation number seven. [LR335]

SENATOR MURANTE: Thank you for being extremely on point. You had one on, was it 13? [LR335]



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BRI McLARTY: Yes, the number 13 recommendation is the creation of the Election Technology Fund and Advisory Board. Pretty much what we're talking about is a lot of the HAVA dollars that have been given to the Secretary of State to purchase the machines and to upkeep them have been depleted. And a lot of these machines are getting up to about 10 years old. So what we are asking is that we look at creating an Election Technology Fund to kind of look into the future. In talks with the Secretary of State and election officials, they're estimating millions of dollars are going to have to be paid out in the next couple of years to replace these machines, and we think the discussion should be now about how we're going to pay for it, how we're going to not only pay for the machines up front, but also to continue the expenses of maintaining them. Just this last year, the Secretary of State reimbursed counties about \$48,000 for what they had to do to upkeep the machines. So it can't just be we're going to spend \$1 million to buy it, we also have to think about how we're going to make sure that they keep working after the first year. And that's what the recommendation number 13 is looking at, is starting that conversation now, so that way in about 5 to 6 years, when we have to replace them, we're not scrambling looking around for money. We've already thought about this and started putting things aside. [LR335]

SENATOR MURANTE: Okay. Senator Larson, you had a question? [LR335]

SENATOR LARSON: Nice to see you again, Bri. [LR335]

BRI McLARTY: Good to see you, too. [LR335]

SENATOR LARSON: I do want to kind of touch on 13 as well. Having served across many committees and also on Appropriations, you talk about creating an Election Technology Fund and Advisory Board. How would you suggest we pay for that? [LR335]

BRI McLARTY: And that's one of the...this is really to open up discussions. We didn't come here with a specific agenda. Looking specifically at General Fund dollars, I mean, we talk about how the public Campaign Finance Limitations Act has now...we no longer have public campaign financing. [LR335]

SENATOR LARSON: Thankfully. [LR335]

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BRI McLARTY: That used to be funded by fees from individuals that filed late or had some sort of discrepancy in their filings. That money now, I believe, just goes to the NADC. So it used to go to a separate fund, now it's just kind of there. Maybe this is where we start looking at redirecting those funds towards this. I mean, everyone participates in these elections. Everyone that runs for office benefits from having fair and accessible elections. Perhaps that's where we start looking at the money. [LR335]

SENATOR LARSON: Do you know how ...you probably don't know how much money is in that fund right now. We'd have to go back. [LR335]

BRI McLARTY: No, but that's also...getting these questions, I have interns in the crowd that are taking notes, because I'd love to look up the information for you. Talking to Frank Daley is one of my favorite things. So. [LR335]

SENATOR LARSON: For you guys I'm sure. Looking at...I guess, you know, that is one of the big questions. I remember when we...on Appropriations when we spent a number of dollars in the Secretary of State's office with machines and taking what we did have. There was a large pot of money that we just...I thought bought a bunch of updated machines or whatnot, but that's a constant issue. Also, you talk about like a...where was it...statewide poll training. Where is that? I forgot which number...one of these... [LR335]

BRI McLARTY: Oh... [LR335]

SENATOR MURANTE: Number three, maybe? [LR335]

SENATOR LARSON: Number three? No, that's the bilingual... [LR335]

BRI McLARTY: Oh, number six. [LR335]

SENATOR LARSON: Number six: uniform poll worker training standards. How does...do you think with...let me ask this: do the challenges that face Lancaster and Douglas and Sarpy County,

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are they significantly different than the challenges that, you know, face Cedar, Knox, Holt, Boyd, Rock and Dixon? [LR335]

BRI McLARTY: Yes, they are. That's actually... [LR335]

SENATOR LARSON: And so having a uniform training might not necessarily... [LR335]

BRI McLARTY: The uniform training that we're looking at is specific legal issues that come up with elections, so things like what can you or cannot ask an individual. Some people will testify after me about specifically in the disability voter community there is some discrepancy across counties where they're asking inappropriate questions or requiring them to prove that they can read or function the way you and I do. And that's not allowed. And so we're seeing most of those discrepancies on a legal...we completely agree that a one-size-does-not-fit-all, especially when it comes to just general polling place location, printing of ballots, I mean, that's determined even by the precinct. We're talking about there are legal standards that need to be uniform across the state. And in talking with some of the local election officials, and all their answers are in the appendix c, we did notice that a lot of the smaller counties said yeah we get guidelines from the Secretary of State, but they're guidelines, and we alter them. And we'd like to get more into depth about what they're altering, because the legal standards are the legal standards across the state. I understand that some things you just have to deal with the fact that there isn't a... [LR335]

SENATOR LARSON: In some precincts there's only one Democrat that's willing to work the poll. [LR335]

BRI McLARTY: And in some counties there's only one polling place. So we understand and we recognize that, but for the legal standard we think that there does need to be at least some uniformity that cannot be altered by the individual county election officials. And that's what we're asking. So. [LR335]

SENATOR LARSON: Thank you. [LR335]

SENATOR MURANTE: Senator Bloomfield. [LR335]

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SENATOR BLOOMFIELD: Thank you. Your recommendation number five in the thing you handed out--yesterday's number four is using the schools. [LR335]

BRI McLARTY: Yes. [LR335]

SENATOR BLOOMFIELD: In some of our rural counties, there's only one school in the entire county. Do we really want to disrupt that school system when we have other places we can... [LR335]

BRI McLARTY: Technically under a statute, any political subdivision that receives state or federal dollars is required to make itself available. It's not one of those where if it's the school, it's only the school. If there's an alternative place, that's up to the election official to choose that, but the schools are required to make themselves available at no cost. What we're recommending is that schools be deliberate in planning in-service days. Specifically, when we link it in the report that there was a recent article about Millard School Districts where they had put increased security: kind of like the locked doors, you couldn't get in unless you go through the front office, which is creating a problem on election day. And it's something that some of the Millard teachers...parents were concerned about. So we're just recommending that if schools are going to be used, as they're required to be like available, that perhaps school districts be deliberate in deciding their in-service days to be on election day so that students aren't in class, they're not at the school, you know, securing their safety, but still having that location available for the accessibility to the voters. [LR335]

SENATOR BLOOMFIELD: Yeah, I understand your recommendation is a little different than what's in the booklet, because recommendation four in the booklet says schools should be used. [LR335]

BRI McLARTY: That's what the 2014 Presidential Commission recommended. So we just looked at what they recommended and what Nebraska currently does, and just cited that there was a statute that requires them to be available. But ours is if we're going to do that going forward, we really would recommend it being in-service day and let school districts think about that and find out what works best for them. [LR335]

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SENATOR BLOOMFIELD: Thank you. [LR335]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Groene. [LR335]

SENATOR GROENE: Senator Murante, thank you. But isn't that the greatest civics lesson there is--to watch these kids watch these people walk into the school and vote? [LR335]

BRI McLARTY: Oh, yes, I definitely agree. I remember at my high school and my elementary school, I think... [LR335]

SENATOR GROENE: So why would you recommend we make it an in-service day when the kids aren't there? [LR335]

BRI McLARTY: We thought this would be the best balance for some of the concerns that parents were having--the security and the safety of the students, but the accessibility of polling locations. This is more talking...in that section about the accessibility of polling locations, public schools, being a state entity, are required to meet ADA accessibility standards. So in kind of a city or county, they're kind of an easy shot to get all of the accessibility requirements met. So we're talking just within the establishment of... [LR335]

SENATOR GROENE: But the school can turn them down...the county clerk down. Say we really can't... [LR335]

BRI McLARTY: Under the statute, they can't. [LR335]

SENATOR GROENE: Oh, they can't. [LR335]

BRI McLARTY: They can't, no. The statute--they're required to make themselves available at no cost. [LR335]

SENATOR GROENE: But do you change the law for everybody that's getting along just fine because a couple of parents in Millard decided to make a complaint? [LR335]

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BRI McLARTY: We're not recommending the law change. We're just encouraging the local school officials when they come into this...kind of what's going on with Millard, to say hey, here's a solution that balances the parents' concern with the county's need to have this as a polling location. We're just offering, essentially, a compromise that's not legislation. It's just kind of a...we're just getting the word out there that this is a great compromise that they can use. [LR335]

SENATOR GROENE: Any of your recommendations here...is there somebody that's been harmed that you can point to that didn't get a chance to vote because some of this stuff? It's all about voting and your right to vote. Can you give me one instance that somebody did not get to vote on election day because one of these recommendations wasn't in place? [LR335]

BRI McLARTY: A lot of these recommendations aren't even just about an individual voting. Like for example, the youth election service is about expanding who's recruited under that program. So I can't necessarily give that answer. [LR335]

SENATOR GROENE: So it's more about the rights of the poll worker than it is about worrying about people's ability to vote. [LR335]

BRI McLARTY: I wouldn't even say it's about the right of the poll worker. It's about how can we as a community be more involved to make our election administration more accessible. I would be happy to look over this again and see if I can figure out what exactly you're asking and follow up with you on that. But from just kind of the list off the top of my head, no. [LR335]

SENATOR GROENE: Thank you. [LR335]

SENATOR MURANTE: Thank you, Senator Groene. Any final questions? Seeing none... [LR335]

BRI McLARTY Okay, thanks. [LR335]

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SENATOR MURANTE: ...thank you very much for your testimony today. Additional testifiers on LR335? Welcome. [LR335]

KATHY HOELL: (Exhibit 2) Well, thank you. My name is Kathy Hoell, K-a-t-h-y H-o-e-l-l. I'm here actually testifying for myself. I've been disabled for over 30 years, and basically, I've been working to restore myself--right, and that includes voting. I am currently one of the cochairs of the voting rights subcommittee for the National Council for Independent Living, and I am a member of the HAVA Commission, because I fit one of those designated slots. One the token. First of all, I want to thank you for having this hearing. I mainly am talking about the recommendations from the Presidential Commission regarding people with disability. On a federal level, I was involved with some of the information they received. Accessibility is not just getting into a building. Accessibility is all kinds of things: like having access to the ballot; having a private, independent ballot; to be able to...not be having your intellect questioned. But the big thing is the attitude--it's very attitudinal. So when some of the polling places will have an accessible entrance, but they will also have an inaccessible entrance. The poll workers only open the inaccessible entrance. The other one is not made available. They don't tell you where to go to gain access. I have repeatedly been shown the stairs when I've gone to vote, and you're sending a very distinct message to people with disability when you do that. Another...I see my time is up, but under the Americans with Disabilities Act, because of my speech pattern, I'm going to ignore that. [LR335]

SENATOR MURANTE: Feel free to continue. [LR335]

KATHY HOELL: Thank you, because I would anyway. (Laughter) Anyway, but you know, another concern is the voting machines that we currently have. They're big, they're bulky, they take up a lot of space. So a lot of the poll workers...well, I'll just put it in the middle of the room, and then there's all kinds of access. But what they don't realize is that the screen is facing the front door, so anybody that walks into the polling place can see your ballot. So on occasion, what they will do is they've told individuals that are deaf, well, just pull down the privacy screen on the front of the screen and use the headphones. That doesn't make sense. I've gone into the office of the election officials to vote early, they've set the machine up in the middle of a narrow hallway. I can't even get past the machine to be able to access it. My favorite is parking, because

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in Nebraska especially, a lot of our parking lots are gravel. If you're a person with a mobility impairment, you use a wheelchair, you have a ramp on your van, gravel doesn't work. The ramp won't go down and wheelchairs are not made to go over that. So there's got to be some standards. And the Secretary of State's Office has said, okay, well, we're telling people this. Well, obviously, telling is not working. There has to be uniform poll worker training as Bri was saying legally what they have to do. So the other thing is the poll workers think that they are responsible for the vote, and so they have to protect the vote. Well, to them, it's their own internal bias coming out, I think, because people with disability are going to the polls. And actually, in Nebraska, we have a better rate than most states do. The difference between the disabled vote and the nondisabled vote is only 5.4 percent, which is really good when you consider some other states are 22 percent or 25 percent. But when the poll worker is asking you to take a test--they've asked me many times if I'm smart enough to be able to vote. HAVA changed the landscape of voting for people with disabilities tremendously, but there is still some issues. And the main issue, which was in point seven, I think, about the...well, it was the one about technology, so whatever number she had. The equipment they have now only helps a limited number of people with disabilities. It is still not accessible to all people with disabilities. And there has been a lot of work done on voting accessibility. Dr. Juan Gilbert, out of Clemson University, is leading the way in the development of this technology, and some of it is really good, but I'm not sure we'll ever see it in Nebraska. But it involves just going into your big box store and buying tablets and using software that he's beta tested across the country with different organizations. And it is really good, and it does provide significant savings, but we'll probably never see it. Thank you very much. [LR335]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Much appreciate it. We'll proceed with testimony on LR335. And welcome back to the Government, Military and Veterans Affairs Committee. [LR335]

SHERRY MILLER: I was here a few times during the last session, and I... [LR335]

SENATOR MURANTE: We missed you over the summer. [LR335]



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SHERRY MILLER: (Exhibit 3) Oh, thank you. It's getting busy again. I'm Sherry Miller, that's S-h-e-r-r-y M-i-l-l-e-r, with the League of Women Voters of Nebraska, working in coalition with NCR to present some testimony today on LR335. The League of Women Voters believes that voting is a fundamental right that must be guaranteed. This position has been developed over 95 years of research and action. Today I urge the committee to address two policy changes to implement recommendations from the 2014 Presidential Commission on Election Administration. First, is the expansion of the Secretary of State's Youth Election Service program to include college students--not only high school students, but college students. We applaud the efforts of YES to educate high school students on the election process and election day procedures, thus encouraging them to become active, lifelong voters. The League feels that expanding the YES program to college students would benefit older members of the young adult sector of our population, while also benefiting county clerks, election commissioners, and other personnel as they oversee the multitude of election day activities. Some of these benefits were identified in a case study in college poll worker recruitment conducted by the Chicago Lawyers' Committee for Civil Rights Under Law. The study was published in September of this year. Why add college students to the YES program? Well, let's look at the results of that study. And I'm going to really kind of focus on community college students in particular. Community college students, paid or volunteer, can help fill shortages of poll workers, as many current poll workers are retiring. And I know when we walk into our polling place in Lincoln, do you see any young poll workers? Typically, no, they're all kind of like me. Community college students may have less difficulty dedicating a day to poll work than a four-year college student. Plus, community college students tend to live in and be familiar with the cities or towns where they attend school. College students can improve election efficiency by helping to transmit results faster--their comfort with technology would be a plus. College students can eliminate the need for backup poll workers because they are willing to work outside their home precincts. Students are willing to continue to serve at the polls, particularly community college students and Spanish speakers, and college campuses are excellent places to find bilingual students. To quote the study, "Recruitment of bilingual and community college students serves a social interest at the same time as a pragmatic one; it promotes civic engagement in an underrepresented group, and it is a source of workers who will reliably commit to service." The other recommendation is on the back side, and it's been pretty well covered. But I agree, already, when the question came up about what to do with the schools, and parents' concern about safety for their children. The

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Millard school--I think it was Aldrich Elementary School parents who had some concern about strangers entering the building throughout the election day while their kids were in attendance. And it's based on a rather odd situation that happened, which was covered in the World-Herald article. As I said, Bri pretty much covered this in its entirety. The League just encourages maybe the adoption or a suggestion to school districts that they think about making election day an in-service worker day for teachers. That was it, okay? [LR335]

SENATOR MURANTE: Thank you very much for your testimony. [LR335]

SHERRY MILLER: Thank you. [LR335]

SENATOR MURANTE: Are there any questions? Seeing none, thank you very much for coming down today. Much appreciate it. [LR335]

SHERRY MILLER: You're very welcome. [LR335]

SENATOR MURANTE: Next testifier on LR335. Mr. Geis, welcome back to your Committee on Government, Military and Veterans Affairs. []

GAVIN GEIS: (Exhibit 4) Hello. Chairman Murante, members of the committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I'm here on behalf of Common Cause Nebraska. And I just wanted to cover a couple of the areas in the report--specifically audits, and then talking a little bit about data sharing between agencies. So...and what I passed out is on data sharing more so, so I'll cover audits first. First of all, within the recommendations, basically they cover the notion of postelection audits. Should the Secretary of State do postelection audits? In Nebraska, there's no statutory requirement to do a postelection audit. Thirteen states do have a statutory requirement that after every election the Secretary of State should carry out an audit. Now, those audits take different forms, but the key difference here is, of course, that they're mandatory. Mandatory takes away any question as to when the audit is conducted, why it's conducted, the reasons we conduct it. Audits have clear benefits. They allow for us to tell when there's a need for a full review of all election results. And they also let us determine how our system is working. Is it effective or are there changes that we need to make? A second point on audits is how audits are published. In

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short, we don't do audits in Nebraska, and thereby we don't have any data to publish. But the requirements, the recommendations say, basically, this information should be available to the public, should be available to other states in an easy to understand, usable digital format. And by doing so, that allows other states to learn from any errors in our system to correct their systems. But, as other states grow, hopefully, in this area, it allows us to do the same thing--to look at states who are using a system similar to our own, to fix or predict any errors that might come about. So in short, mandatory auditing that's disseminated to the public in an easy to understand format seems like a clear improvement. Now, the second area that I wanted to cover deals with the integration of data through the DMV. That's...now what I handed out is more of an expansion of that idea, and I view this as a good opportunity to talk to you about what is really an emerging area of policy within government data integration. So within the report, there's the notion of the Secretary of State and the DMV use data sharing to improve records, to clarify registrations. What we're seeing now is a notion of automatic voter registration. Now, the first thing this does is use DMV data, but also use other agency data. Basically, any agency of the state that collects individual data can share that data with the state or with the Secretary of State and can then be used to register voters. How this looks: the Secretary of State gets the information, determines whether that voter is eligible...or that individual is eligible to be a voter, and then they just send a postcard saying please sign here to say you are a citizen of the United States and you want to vote, you want to be registered; or check this box to say, no, I don't want to be registered, leave me alone. But this is a simple process, especially now that we in Nebraska are moving towards a system of integration between the DMV and the Secretary of State, since we're digitizing our records, we can move the step to including other state agencies in the process and catch more eligible voters. So thank you. I'd be happy to answer any questions about either subject. [LR335]

SENATOR MURANTE: Thank you very much. Thank you for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Appreciate it. [LR335]

GAVIN GEIS: Thank you. [LR335]

SENATOR MURANTE: The beard is kind of growing on me, a little bit. I wasn't sold at first. [LR335]

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GAVIN GEIS: Well, we'll see. [LR335]

SENATOR MURANTE: Well, we'll see how it goes. We'll see if it's around in January. [LR335]

GAVIN GEIS: Exactly. [LR335]

SENATOR MURANTE: Next testifier on LR335. [LR335]

SELINA MARTINEZ: Good afternoon. [LR335]

SENATOR MURANTE: Welcome. [LR335]

SELINA MARTINEZ: (Exhibit 5) Good afternoon, Senator Murante, and committee members. My name is Selina Martinez, and I'm the community organizer with Nebraska Appleseed. Nebraska Appleseed is a nonprofit law and policy organization dedicated to justice and opportunity for all Nebraskans. Appleseed's immigrant program has more than a decade of experience working with immigrant Nebraskans in communities across the state. And I just wanted to echo a few of the 2014 report's recommendations that everyone else has testified on. These recommendations include using schools as polling places, making election day an in-service day for students, and I also wanted to add establishing advisory groups of limited English proficiency and disabled voters, as this may lead to particularly helpful outcomes. These groups would give election authorities insight into what changes would best facilitate full access to the voting process, how to best reach people in these populations to inform voters, and how to best allocate resources. For example, every effort should be made to make the ballot clear and concise, to reduce reading time and increase comprehension, resulting in better access to the process for English language learners and shorter wait times for all. These groups can also advise election officials on how to prepare poll workers to better assist with any additional needs the voters may require. And I also wanted to note that we have seen some wonderfully productive outcomes coming from local election offices that have built relationships with local immigrant-led community organizations or groups. Thanks to such relationships and good communication, everyone involved is able to reach out and find answers and information to solve problems efficiently, with benefits to all. We'd like to encourage the promotion of such working

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relationships between local election offices and local immigrant-led groups wherever possible.  
[LR335]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. [LR335]

SELINA MARTINEZ: Thank you. [LR335]

SENATOR MURANTE: Much appreciate it. Additional testifiers on LR335? Welcome to the Government Committee. [LR335]

CONNER KOZISEK: Good afternoon. My name is Conner Kozisek, C-o-n-n-e-r K-o-z-i-s-e-k, and I am currently a student at the University of Nebraska. I'm here today to talk about the Presidential Commission's recommendation that election jurisdictions recruit high school and college students to serve as poll workers. Ms. Miller, with the League of Women Voters, already touched on the Youth Election Services program that recruits students 14 to 18 years old to serve as poll workers; but I'm here today to encourage the committee to consider expanding recruitment efforts to address college students as well. Citing the same report that Ms. Miller discussed, conducted by the Chicago Lawyers' Committee for Civil Rights Under Law, it looked at the recruitment of poll workers within colleges in Chicago. It found that in addition to providing the benefits she mentioned of understanding the technologies associated with changes in technology with poll workers, it also served as a greater civic learning opportunity for students: 86 percent of college students who served as poll workers learned more about the democratic and voting process; 82 percent reported that they would like to be an election official again; and 89 percent said they were more likely to vote in future elections. As far as recruitment strategies go, the study found that personal contact is neither better nor worse than recruiting these students, so simply sending an e-mail was an effective method of recruiting college students to serve as poll workers on election day. The geographic distribution of Nebraska's universities, state colleges, as well as community colleges serves as an excellent opportunity to recruit poll workers to serve in a greater number of underserved precincts across the state. As a student, I've personally seen the level of disengagement amongst many of my peers when it comes to becoming civically engaged; but as this report shows, college students are both willing

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and available to serve as poll workers. They just need to be asked first. For that reason, I recommend that the committee considers expanding recruitment efforts for poll workers to college students as well. Thank you. [LR335]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? I see none. Thank you very much. [LR335]

CONNER KOZISEK: Thank you very much. [LR335]

SENATOR MURANTE: Much appreciate it. Additional testifiers? Welcome. [LR335]

SARAH WAGELIE: Good afternoon. My name is Sarah Wagelie, S-a-r-a-h W-a-g-e-l-i-e, and I'm a senior at the University of Nebraska-Lincoln. I just want to elaborate a little bit on Conner's testimony. The report that he discussed also mentions specific recruitment techniques that were successful at recruiting college students to be poll workers, such as e-mails from the university and student groups. And I am a member of both of these types of organizations, so I wanted to give you examples of how the Secretary of State or local election officials could successfully recruit college students to be poll workers, from specifically the University of Nebraska-Lincoln. I currently work as a student assistant in the political science department, and I've utilized our e-mail LISTSERV of political science majors to pass on relevant information to my peers, and professors also utilize the e-mail LISTSERV to pass on important opportunities to political science majors, and most students check these e-mails regularly. And the report mentioned that professor-recruited poll workers were the most likely to show up on election day, so I believe it would be very easy to send out information and solicit applications for poll workers among college students in this manner. I'm also a member of the political science honorary group Pi Sigma Alpha, which is always looking for volunteering events to increase civic engagement among its members and would gladly pass along the opportunity to be poll workers. There are many other groups we could utilize on campus, but I feel qualified to speak on behalf of these organizations. It would be easy to reach out to college students about poll worker opportunities using these types of groups. Thank you for your time. [LR335]

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SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. [LR335]

SARAH WAGELIE: Thank you. [LR335]

SENATOR MURANTE: Appreciate it. Are there any additional testifiers on LR335? Welcome. [LR335]

WAYNE BENA: (Exhibit 6) Good afternoon, members of the Government, Military and Veterans Affairs Committee. My name is Wayne Bena, W-a-y-n-e B-e-n-a, and I serve as election commissioner for Sarpy County, Nebraska's third largest county, but smallest in square footage. I also serve as legislative cochair for the NACO county clerks and election commissioners subgroup. I appear today to provide testimony as it applies to the Presidential Commission on Election Administration, but more importantly, answer your questions regarding the present and the future of elections process in Nebraska as an elections administrator. I have read the commission's report and I am familiar with its findings, and as of this morning, receiving the Nebraskans for Civic Reform report, regarding their findings--I've also read that a couple of times as well this morning, and once over lunch. So I'm familiar with that report as well. Given the three minutes which we have to testify, which I believe started as the Wayne Bena rule, I want to briefly cover just a couple of points. But here...and more importantly, I want to answer your questions. The first, in regards to the age of the equipment, I think that I've been a little bit of a broken record that I would like this committee and stakeholders to really think about having a plan to have a plan--at the very minimum about how elections are going to be conducted moving forward. Our equipment is aging. My counter uses a zip disk, and if you show someone of even our new legal counsel's age what a zip disk is, they think it's an 8-track tape. It's getting to be older technology. And Douglas, Lancaster, and Hall County have now bought the new next generation scanner with their own money. I'm considering it myself, knowing that there's probably no state money in the near future, or federal money, which paid for our equipment in the first place. But then you're going to start having a situation which the counties that can afford it buy the new equipment, and the ones that can't are stuck with the old equipment. So we need a plan of how elections are going to be done moving forward here in Nebraska. And whether it's buying all new equipment or moving to a different vote model in

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which you don't need that type of equipment is something that this committee and stakeholders should start discussing. Because if we don't start looking at it now, it's going to be 2018 before...our next set of elections are 2020, and during a presidential election, we probably don't want to be looking at changing the whole system in another presidential election. That two minutes went pretty fast. But the main area that I wanted to talk about today that will be regarding to the handout that I gave you is regarding postal delivery standards in regards to early voting. Where a ballot used to be able to reach our office the next day after being mailed has now turned into two to three days--in some cases, even longer. County clerks and election officials across the state have also recently seen an unusual drop in the number of pieces of mail delivered on Tuesdays. As an example, I have provided you with a document from our most recent special election regarding a bond issue in the Gretna Public School District. This special election was conducted by mail, and all...as according to the document, all ballots were sent out on the first day we were allowed to: on Wednesday, April 22. And if you look at that document, there are three dates in the three-week period of that election that stand out, and all three were on Tuesdays. I just have a few comments regarding this and then I'll be ready for questions. [LR335]

SENATOR MURANTE: Okay. [LR335]

WAYNE BENA: We saw a dramatic return in the drop of number of ballots on each of the three Tuesdays during the election. In addition, 220 ballots were received in our office the day after the election, with the vast majority of those being postmarked on the day before the election on Monday. Most people don't realize that these mail delivery standards have changed. And again, as I said in the beginning, my county is the smallest geographic county. So if something can't get from Gretna, Nebraska, to Papillion, Nebraska, overnight or two or three days, just think of what Cherry County and Lincoln County and some other counties are going in regards to the mail. Our election laws may need to be adapted and revised to these new delivery standards as early voting is exploding throughout Nebraska. One suggested change that will be brought before this committee next session is to move back the deadline to which a voter can request an early ballot to be mailed from the current deadline of the Wednesday before the election to the second Friday before the election, which mirrors the current voter registration deadline. This change will hopefully allow a ballot mailed at the deadline enough time to reach the voter, and in turn, allow



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enough time for the ballot to be then voted and then mailed back to our office. Current deadlines put in doubt the ability of a ballot to even reach the voter by election day, given the new reality of postal delivery standards. And so, in regards to this report talking about early voting, I suggest this committee, you know, whether it be through subpoena power or what have you, help us determine from the post office what's going on. Why are...you contact your local official and they have no...they tell you we give you everything that we have. You could try to go higher, and it's like...they say it's because of closing of sorting centers. Given that elections are held on Tuesday, this is a significant issue that's going to affect early voting moving forward. And I urge this committee to take a look at how these new mail delivery standards affect our election laws and how we can make sure the ballots get to our offices on time. It was fortunate that those 220 ballots wouldn't have affected the results of that election, but there could be an election down the road that it could. So with that, I'm eagerly willing as an election administrator to answer your questions regarding this report. [LR335]

SENATOR MURANTE: Thank you. And for the record, the three-minute time rule was actually originally the Adam Morfeld rule, but then he got elected to the Legislature, so we had to rename it. (Laughter) Are there any questions? Senator Groene. [LR335]

SENATOR GROENE: I missed you, why don't you get deliveries on Tuesdays? [LR335]

WAYNE BENA: It's not that we don't get deliveries on Tuesdays, it's just...as you can see on that report, that's the number of ballots returned to our office on Tuesday. [LR335]

SENATOR GROENE: It's something to do with the postal service then? [LR335]

WAYNE BENA: Correct. [LR335]

SENATOR GROENE: And the way they sort mail on Monday. [LR335]

WAYNE BENA: And if you talk...and I would encourage each one of you to talk to your own county clerk or election commissioners. We just had a conference and we're hearing the same thing all over the state. [LR335]

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SENATOR GROENE: That's my next question. It's the postal service statewide? [LR335]

WAYNE BENA: Yeah, and if you ask your local...it's almost amusing hearing the different responses from each one of the clerks when they go up the food chain. When you ask your local carrier, they say we've given you everything that we have. If you go higher, then they say, well, we don't think there's an issue on Tuesdays. But as that, you know, when I'm receiving a hundred ballots...hundreds of ballots a day, and then the next day nothing, there's something going on. And Tuesday is an election day. A lot of people in your communities are going to try to mail their ballots on Monday, or even the Saturday before, and more likely than not, it's not going to get to our office. So it's on our part to talk...educate the voter about these new delivery standards. [LR335]

SENATOR GROENE: Absentee ballots, mailed out ballots...are these elections that are completely mailed out. A person can drop that off at the clerk's office too, right? [LR335]

WAYNE BENA: Correct. [LR335]

SENATOR GROENE: The day of the election. [LR335]

WAYNE BENA: That...those numbers were just the numbers that returned by mail. [LR335]

SENATOR GROENE: But you also get some that are hand delivered? [LR335]

WAYNE BENA: Correct. The number of the walk-ins in the drop box have significantly helped, especially in a community like mine where it's a small geographic area and people are more willing to drive to my office--to drop it off than put it in the mail. [LR335]

SENATOR MURANTE: Thank you, Senator Groene. Senator Bloomfield. [LR335]

SENATOR BLOOMFIELD: Thank you. When you mail these ballots out, is there any information on there informing the voter that may not be paying close enough attention that it's going to take three or four days for this to get back to us in the mail? [LR335]

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WAYNE BENA: For instructions, and there are instructions in my ballots, you know, I won't speak for everyone else, we have just recently seen this in the last year. The last general election in 2014 we didn't see this much of a drop. But after the first of the year, and then May, this is when we saw the significant drop on Tuesdays, and the one day overnight delivery standard is now changed from two to three or even worse. So my instructions will include...well, I can't provide a guarantee...I don't want to guarantee, I will say that, you know, check with your local post office on delivery standards. You know, my recommendation, if you don't have it in the mail Friday, drop it back in our office. [LR335]

SENATOR BLOOMFIELD: Thank you. [LR335]

SENATOR MURANTE: Senator Groene. [LR335]

SENATOR GROENE: Have the county clerks worked with the Secretary of State to ask the Secretary of State...whoever it was over the last 10 years, to put in their budget, money for election machines to help the counties? I don't know the system. If the funding can come through there... [LR335]

WAYNE BENA: Well, yeah. In 2006, the current machines that we have now were paid with from federal funds, under the Help America Vote Act. There are no funds from the state of Nebraska for that upgrade. So it's either the state...unless the federal government provides funds, which doesn't seem likely, the state's going to have to provide funds, or it's going to have to come on the counties. So, you know. [LR335]

SENATOR GROENE: Are these machines you're using wore out? They're only used very seldom. Or is it they're not accurate? Or we just want the newest toy? [LR335]

WAYNE BENA: They are ending their...the end of their life cycle. [LR335]

SENATOR GROENE: As far as service? It's hard to get them serviced...parts? [LR335]

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WAYNE BENA: Yeah, and I'm not here to say there's raise for alarm. We are very lucky that our elections vendor, ES&S, is based out of Omaha, and so we have great customer service from them. But they are ending their life cycle and there are...it is harder to find such things as the zip disk that we saved. [LR335]

SENATOR GROENE: Parts, yeah. [LR335]

WAYNE BENA: And if there's some anecdotal evidence that when you finally find zip disks--I found a company that had a warehouse. This guy couldn't get them out of his warehouse fast enough for me, because it's outdated technology. And if you open up the packets, you know, they'll talk about rebates that expired five years ago. And so, I just bought 100 disks from a company, and I found in the last election, 1 out of every 4 disks didn't work--brand new packets. So finding the things that make this stuff work is becoming harder. [LR335]

SENATOR GROENE: Do you have a price tag on what Hall County costs? Or Douglas County? Or what it costs you to replace them? [LR335]

WAYNE BENA: We're just talking the actual...the new counting machines, which are about \$100,000 for those machines. These machines I also have in talks with ES&S, they might be coming out with a more affordable machine--a smaller machine, that would be less expensive for smaller counties. I'm awaiting that machine, because I don't believe right now for my county...and you use the word that I use, I'm not going to buy something that's the shiny, new toy. I want it to pay for itself, and right now, the number of ballots that I would have to put through the machine that I don't have to fold anymore, as I do in normal elections, it would run through the expected life of that machine. So I'm waiting to see, personally, if the smaller machine would be more cost-effective for my county. So...but I think the more bigger concern are the AutoMARKs, which are the machines for, as we call them, the great equalizer, to allow anyone, disability or not, to have the same voting opportunity at a polling site. Those are, as we heard in testimony, very bulky, very big, and they're getting older. And I just had 20 repaired in my county, and we're very lucky that the people that built them are still here and they have the parts, but... [LR335]

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SENATOR GROENE: One of the testifiers said that you can replace them a lot cheaper because you can use stuff off the shelf at one of the stores. I mean, she was talking about laptops or anything else you can use for that. Is that (inaudible)? [LR335]

WAYNE BENA: You could use an iPad or...there's going to have to be a certain technology that is for all voters. There are new devices that will allow us to do that, but those again are expensive. But we also have to balance the fact that we here in Nebraska have less amount of elections than most jurisdictions throughout the country. You know, yesterday, 34 states had elections, we weren't one of them, though I had many people come to my office asking why their polling site wasn't open yesterday. But people are engaged, so we know next year is going to be a big one for us. But those machines are going to be expensive, but you know, if you don't want to have to buy those machines for the polling sites, you could go...the state could go all vote by mail like a few other states have. While I've been a proponent of that in the past, these new postal delivery standards give me pause of whether or not that's the best effective method. So, you know, I challenge this committee to help us come up with a plan of how elections are going to be conducted going forward, when the machines finally do conk out on us. [LR335]

SENATOR GROENE: Thank you. [LR335]

SENATOR MURANTE: Thank you. Any additional questions? Seeing none, thank you for your testimony. Are there any remaining testifiers on LR335? Seeing none, Senator Hansen waives closing, and that will close the hearing on LR335. Now we'll be a little bit unorthodox. [LR335]

SENATOR MURANTE: I introduced LR294, which is the catch-all interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee. I won't open, I will just sit here to see if anyone has anything to discuss relative to the Government, Military and Veterans Affairs Committee. Are there any testifiers? Mr. Dix, are you neutral on this issue? Okay. And with that, we will close the hearing on LR294, and that will end the public hearings for the day. Thank you, everyone. [LR294]