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Government, Military and Veterans Affairs Committee
March 09, 2017

[LB25 LB34 LB112 LB197 LB290]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, March 9, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB112, LB34, LB197, LB290, and LB25. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Carol Blood; Tom Briese; John Lowe; and Justin Wayne. Senators absent: Joni Craighead; Mike Hilgers.

SENATOR MURANTE: Welcome to the Government, Military and Veterans Affairs Committee. My name is John Murante; I'm the state senator for District 49 which includes Gretna and northwest Sarpy County and I'm the Chairman of this committee. We're here today for the purposes of conducting five public hearings. We'll be taking the bills up in the order in which they appear on the agenda outside of this room. If you are here and wish to testify on any of the matters before us, we ask that you fill out one of these green sheets of paper that are located on either side of the room. If you are here and wish to demonstrate support or opposition for any of the matters before us, but you do not wish to testify, we ask that you fill in one of these sign-in sheets that are also located on either side of the room. If you do testify, we ask that you begin by stating and spelling your name for the record which is very important for our Transcribers Office. The order of proceeding is that the introducer will be given an opportunity to open, then we will listen to proponent testimony, followed by opponent testimony, then neutral testimony, and then the introducer will be given an opportunity to close. We ask that you listen very carefully and try not to be repetitive. In the Government Committee we do use the light system. Each testifier is afforded four minutes to speak. When the amber light comes on, you have one minute remaining and we ask that you begin concluding your remarks. When the red light comes on, your time has expired and we will open the committee up to any questions that they may have of you. At this time, I would encourage you to turn off or silence any cell phones or other electronic devices, anything that makes noise. If you have a prepared statement, exhibit, or anything you wish to have distributed to the committee, we ask that you provide 12 copies to our page. If you don't have 12 copies, that's fine, provide what you have to our page and he will distribute it and make copies for you and distribute it to the committee. And our page for the day is Joe Gruber. Joe is from Omaha. And with that we will proceed to the introduction of members. On the far right is State Senator John Lowe; Senator Lowe represents Kearney, Nebraska. To his left, Senator Tom Briese; Senator Briese represents Albion. To his left, Senator Mike Hilgers; Senator Hilgers represents Lincoln. To his left, Senator Tom Brewer; Senator Brewer represents Gordon, Nebraska; and Senator Brewer is the Vice Chairman of this committee. To my immediate right is Andrew La Grone; Mr. La Grone is the Government Committee's legal counsel. To my immediate left is State Senator Justin Wayne; Senator Wayne represents Omaha. To his left is Senator Joni Craighead; Senator Craighead also represents Omaha. And to her left is Senator Carol Blood; Senator Blood represents Bellevue. On the far left is Sherry Shaffer; Sherry is the Government Committee's clerk. And with that we have

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dispensed with our formalities. And welcome back to the Government, Military and Veterans Affairs, Senator Hansen. Welcome.

SENATOR HANSEN: Thank you. Thank you for having me back. Good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. My name is Matt Hansen, for the record, M-a-t-t H-a-n-s-e-n, representing Legislative District 26 in northeast Lincoln. I'm here today to introduce LB112. This bill would allow for registered voters who have continuously lived in the state of Nebraska; who have moved within the state, but not re-registered by the deadline to vote provisionally and re-register at the new polling location and to have their provisional ballot accepted. Under current law, this practice is already available to those who move within a county, but not across county lines. For example, a voter moving from Gretna to Bellevue currently vote provisionally and re-register at the polling place under current law, since obviously Gretna and Bellevue over the course, both in Sarpy County. But that same voter would be prevented from having their provisional ballot counted if they moved a few blocks north of Harrison Street and into Douglas County. This bill would change that so that all the registered voters in Nebraska would have the same benefit regardless of where they move. Again, LB112 would provide for those who had been previously registered within the state of Nebraska but have moved to another county but not updated the voter registration to register to vote provisionally. It is my intent the process be put into place where the election commissioners will check the voter roles to make sure that person has not voted elsewhere within the state or county before (inaudible) ballot. I feel this is a simple and fair way of treating all voters within the state of Nebraska equally. I understand that there will be questions on how to check the voters only voting in their current and correct location, but I feel this is addressed in my bill by allowing the Secretary of State to create the rules and regulations that will govern this process. That being said, I remain committed to the intent of this bill and would be happy to hear concerns and work with stakeholders and interested groups to make sure this bill is effective and we can move it forward. With that I'll close and ask the committee to consider the bill. [LB112]

SENATOR MURANTE: Thank you very much for your testimony. Senator Blood. [LB112]

SENATOR BLOOD: Thank you, Chairman Murante. I actually have two questions. [LB112]

SENATOR HANSEN: Sure. [LB112]

SENATOR BLOOD: Question number one would be in reference to the fiscal note. Do you anticipate being able to get that number down at all, having worked with the Secretary of State on this? [LB112]

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SENATOR HANSEN: I've not had a direct conversation with the impact of that fiscal note with him yet. [LB112]

SENATOR BLOOD: Okay. And then help me understand, since I...say that I move to Scottsbluff, but before I moved, I was able to request a (inaudible) by mail ballot which could then be forwarded to me, why wouldn't this process be better than that process? [LB112]

SENATOR HANSEN: Well, in that process...so, let's say you move. So I'm assuming you're moving from Sarpy to Scotts Bluff County. You would now have a place you'd now consider your permanent residence, which would be Scottsbluff, so you'd be voting in elections in a place you no longer consider your permanent residence. I think it would be more appropriate to give you the opportunity to vote in the place you're planning on living. [LB112]

SENATOR BLOOD: So the benefit being then, if I heard you correctly, is that since I don't live in Sarpy County, I probably have no business actually voting for people in Sarpy County, I should be voting for the people in Scotts Bluff, that county, and have the ability to do so without jumping through a lot of hoops. [LB112]

SENATOR HANSEN: Right. [LB112]

SENATOR BLOOD: Would that be right? [LB112]

SENATOR HANSEN: Yep. [LB112]

SENATOR BLOOD: Okay. Thank you. [LB112]

SENATOR MURANTE: Thank you. Are there any additional questions? Senator Lowe. [LB112]

SENATOR LOWE: Is there a time period that this would be on? I mean, if you're moving, does it give you a year or six months to do this? [LB112]

SENATOR HANSEN: I'm not quite sure you understand the question. So it would be for people who did not re-register by the current statutory deadline, and we have a variety of those both in mail and in person, and I think there's even a third one, deputy registrars, so if you did not meet those provisions, you could re-register and vote provisionally at the polling location then. But, obviously, we don't have elections... [LB112]

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SENATOR LOWE: Any time within that year, within the election. [LB112]

SENATOR HANSEN: Yes, if this is the first time you're showing up at your new polling location, you'll be able to vote and re-register. [LB112]

SENATOR LOWE: What happens if I only vote every three years? [LB112]

SENATOR HANSEN: If that's your first time at your new polling location, under this bill that would be an option. [LB112]

SENATOR LOWE: Okay. [LB112]

SENATOR MURANTE: All right, any additional questions? Seeing none, thank you for your opening. [LB112]

SENATOR HANSEN: Thank you. [LB112]

SENATOR MURANTE: And we will proceed to proponent testimony on LB112. Welcome back. [LB112]

BRI McLARTY HUPPERT: (Exhibit 1) Hi. Good afternoon. Thank you for having me, members of the Government, Military and Veterans Affairs Committee. My name is Bri McLarty Huppert, that's B-r-i M-c-L-a-r-t-y H-u-p-p-e-r-t. And what I'm passing out today is another well-footnoted study about how county-to-county portability could increase the number of ballots that are actually counted. So what Senator Hansen was talking about is the only change we're making under this bill is whether or not the ballot is accepted. So the provisional ballot process-- individual shows up to the polling place at their rightful polling place in the district or precinct where they live. They didn't update their voter registration when they moved from one county to another. They still go through the entire provisional ballot process, which includes a voter registration application and a certification that they sign. Right now, the county election officials investigate, then they decide whether or not the ballot is accepted or rejected. And so that's the point that we're changing is we're making it and expanding which ballots they can accept. There's a list in that document, I think on page 2, that lists the six reasons why a provisional ballot may be rejected. And we're only addressing the, I believe it's the first one, where it's a voter that isn't properly registered in the polling place or in the precinct that they're trying to vote on election day. So the investigation still goes the same. And I know that some of the problems that we've heard in the past from election commissioners is that there is this seven day period that they have to process these provisional ballots and is that enough time to not only process

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them, determine whether or not they're accepted or rejected, then also cross reference them with other counties. We did a little bit of research into HAVA, which is the Help America Vote Act, which is the federal legislation that created the provisional ballot. And there's actually no requirement that it be done within those seven days. And in fact, I've cited seven other states that currently have a similar portable registration program. Pennsylvania does it within seven days, but Oregon and Utah actually do it within 14 days. They have 14 days to process and then cross check the provisional ballots. So just to provide you a little bit of background information for you there. And then on the second page, there's...to give you an illustration of how many ballots are currently impacted; in looking at the 2012 and 2014 general elections, about 20 percent of provisional ballots were rejected, and 80 percent of those would have been counted had county-to-county portability been in place. So we will impact a sizeable amount of provisional ballots that are being cast right now but are not being counted even after the election officials go through the entire process. And that's really what we're trying to aim there. Our theory is that if this were in place, more individuals would go instead and vote at their current...at their rightful polling place knowing that their vote would be counted, as opposed to going back to their old polling place and trying to vote there because they failed to update their registration. So we kind of want to make sure that they're voting where they're supposed to be voting and that in that process we're updating their voter registration. So I'll let you read that, and if I can answer any questions I'd be happy to do so. [LB112]

SENATOR MURANTE: All right, thank you for your testimony. Senator Blood. [LB112]

SENATOR BLOOD: Thank you, Chairman Murante. Can you tell me what percentage of Nebraska voters typically utilize provisional ballots? [LB112]

BRI McLARTY HUPPERT: So we gave you some raw numbers there, and I would say it's a pretty small turnout. I'm trying to remember the overall turnout for 2012 and 2014. I'd say, 2012 the number was about 14,000, right, that's what's listed there? I'd say it's a small percentage. I'm not very good at math, but I would say we're like in the less than 1 percent kind of situation. I'd have to pull the actual number and I can get that number for you from the Secretary of State's Board of Canvassing reports. Yeah, but it's a small percentage, but the majority of those provisional ballots that are rejected are because the person was registered in Nebraska, they just moved across county lines and failed to update their registration. [LB112]

SENATOR BLOOD: Thank you. [LB112]

SENATOR MURANTE: Are there additional questions? Seeing none, thank you for your testimony. [LB112]

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BRI McLARTY HUPPERT: Thank you. [LB112]

SENATOR MURANTE: Additional proponent testimony? Welcome back. [LB112]

SHERRY MILLER: (Exhibit 2) Yes, I'll be back again and again and again. Good afternoon, I'm Sherry Miller, S-h-e-r-r-y M-i-l-l-e-r. And today, Chairman Murante and members of the committee, I want to represent the League of Women Voters to support LB112 which I see as portability of one's vote within our state. The League believes that voting is a fundamental citizen right that must be guaranteed. We also believe that it should be hindrance free as stated in our state constitution. In this age of mobility, sometimes the task of getting voter registration changed may not get done in time before an election, particularly due to lack of time for the average worker or student, retiree, or even a nursing home resident. Allowing voters who have moved the right...within the state, the right to vote provisionally, we do support the provisional part, while changing registration at the same time is a safeguard for both the voter and the election system. I want to thank Senator Hansen for bringing this bill and urge you to advance LB112 to General File. Short and sweet. [LB112]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you, much appreciate it. Additional proponent testimony to LB112? Seeing none, is there opposition testimony to LB112? Mr. Secretary, welcome back. [LB112]

JOHN GALE: (Exhibit 3) Senator Murante and members of the Government, Military and Veterans Affairs Committee, I'm John Gale, Secretary of State for the state of Nebraska, G-a-l-e. It's a great privilege to appear before you on LB112 and I do appear in opposition to this bill for a variety of reasons. First of all, it's a bill with a lot of ambiguity. It's attempting to revise a whole series of provisions of the existing election law. And it is mixing a lot of apples and oranges and maybe some rutabaga in trying to change the existing current system that we have which is county-based and precinct-based into a system that deviates from that and attempts to provide for a cross-county portability which has never, to my knowledge, seen the light of day from this committee because, honestly, it's election day registration, maybe, L-I-T-E, LITE EDR, but it is moving in the direction of changing the tradition and the law that has worked so well for us in terms of county-based registration. There are several things that are of great concern to us. Number one, the law would say, as changed by this bill, that if you're living in Scottsbluff and you're registered there and you move to Douglas County, and it doesn't specify any period of time, Senator Lowe, in terms of how long you might live in Douglas County and remain registered in Scotts Bluff County, but on election day, if you're compelled to want to proceed to vote, you need to go, fill out a new voter registration form, and a request for a provisional ballot, and if you are properly registered in another county, in Scotts Bluff County, and have not resided, registered, or voted in another state, and you've continuously resided in the state of

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Nebraska that your provisional ballot will likely count. Well, there are several questions about that because they impose on the Secretary of State the duty of providing rules and regulations that they're going to try to help the county election officials determine whether someone has not only been properly registered in another county for that period of time and registered before the deadline, but also whether or not the person has continuously resided in the state of Nebraska, which is an entirely different question than whether they've been registered in a county in the state of Nebraska, how do we know where they resided after they left Scotts Bluff County or whether they have resided, registered, or voted in another state. Because of the law that requires provisional ballots to be processed by the county election office, we say within seven days, and I still think that that's reasonably the standard of the law that they have to be processed within seven days because there are some limits to this, because within 30 days the state canvassing board has to meet and certify the election. So you can't leave this an open-ended process. Seven days is a very reasonable standard for processing provisional ballots where you're dealing with county, in-county issues. But when you're starting to deal with a registration from another county and a provisional ballot and you have to determine as a county election official whether or not the person is registered, well, that could be determined from the voter database, but whether they have voted or requested an absentee ballot is not going to be known for a period of up to 30 days when the voter history is put together. In other words, an entirely separate process, but you don't know if they've voted in another county, including the county where they're registered, Scotts Bluff County, unless you get that voter history. So you're going to have to wait 30 days. And each county is waiting on each other. So it's an absolute deadlock because no county can process the provisionals until every other county gets their voting history done. So that's a very major, major issue with this problem...with this issue, in addition to simply creating a special class in Nebraska who are going to be allowed to register to vote after the 10-day deadline that everybody else has to comply with. And these individuals who have moved, the law doesn't say that they've landed in a new county within 10 days or 20 days, they could be in that new county for a year or two years or three years. If they've remained registered in Scotts Bluff County and they don't re-register in Douglas County, they still can claim the right to come in and register on the election day and cast a provisional ballot which makes them a special class of people, and it's a very, very small class. There are only 16,000 provisionals cast in the General Election in 2016, and there were only less than 3,000 of them that were rejected because they were not registered in that county. And that could include a number of things besides being registered in a different county. So we're dealing with a small class of people, but we're starting to open the door on election day registration, which we in Nebraska in the election community have always resisted because we have such liberal registration laws that people can register through the on-line registration, which is very, very popular, 24/7, mobile device or computer; in addition, it's very available on county Web sites, on Secretary of State Web sites to download. So this is not a hard thing to do. And everybody else is held responsible as a citizen to step up. Voting is a privilege, not a right. And so you have some responsibilities. And if you sit in Douglas County for three years having failed to re-register, why should you have a right where you've had every

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opportunity to re-register to then try to re-register on election day when other people can't do so. So we do oppose this bill and appreciate the time of this committee to hear our testimony and, hopefully, our letter will hopefully help supplement my testimony. And I'd take any questions if there are any. [LB112]

SENATOR MURANTE: All right, thank you for your testimony. Are there any questions?
Senator Blood. [LB112]

SENATOR BLOOD: Thank you, Chairman Murante. I just have a very brief question. Fiscal notes are always of great interest to me. The question I have is you say that if indeed this were to be passed, there is a substantial amount of money that would be requested to hire a consultant. What exactly...what type of consultant do you hire for something like this? [LB112]

JOHN GALE: Well, it's not a substantial sum, \$58,000 was what our fiscal note was. But when you're talking about writing rules and regulations to cover the variety of things that we're required to try to set standards to help counties determine credible evidence, credible evidence as to whether they have been continuously residing in the state; credible evidence whether they have resided, registered, or voted in another state. There are a number of very challenging issues that we're going to have to face, and we feel like we're going to have to because we're short staffed, we don't have many experts who can write rules and regulations, so we're going to have to hire an individual to help us write the rules and regulations. That's certainly one of the costs. Plus there are a number of things that we have to reprint like the confirmation cards, the provisional voting application, the provisional voting affirmation, are all new forms that we would have to reprint and republish. So those are the costs. [LB112]

SENATOR BLOOD: So what type of expert would this be again? I'm still fuzzy on that.
[LB112]

JOHN GALE: What type...which? [LB112]

SENATOR BLOOD: Of expert...what type of consultant do you hire? Is it an attorney? Is it...
[LB112]

JOHN GALE: Well, yes, I would say definitely an attorney and an attorney, probably, someone with strong history and qualifications and investigative skills to help us figure out how do you determine if someone is...has resided, registered and voted in another state. We have one system where...in about February, after each General Election, we have this connectivity with some-32 other states where all of our databases bang against each other and determine where there is an

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exact match of people who have registered or voted in more than one state. The last time we did that, we had six that were identified. And, of course, that's not many when you consider that there are 120 million names being mixed and matched in this system. But we do that in February after the election. The canvassing board meets early December. We can't wait. So what other kind of credible evidence are we going to have about whether this person has resided or voted in other states. So there are things we don't have a clue how we would accomplish rules and regulations on some of these subjects. [LB112]

SENATOR BLOOD: Well, and it sounds like fiscal note is more than \$58,000 because the fiscal note says \$54,000 for the consultant plus \$4,000 in travel expenses, and you just said you'd have to reprint and have some print...(inaudible) and printing. [LB112]

JOHN GALE: We would, we definitely would. So there could be some additional costs. But what we're focusing on was finding somebody with the expertise and talents to figure out how we can set rules and regulations to achieve the goals in this legislation which we think are hugely a big challenge. [LB112]

SENATOR BLOOD: Thank you. [LB112]

JOHN GALE: Thank you, Senator. [LB112]

SENATOR MURANTE: Are there any additional questions for the Secretary? Senator Wayne. [LB112]

SENATOR WAYNE: I think I misheard, I think I misheard, you think voting is a right, not a privilege, correct? I thought I just misheard you. [LB112]

JOHN GALE: We do say that. It is a privilege because there are things that a citizen has to do to qualify. You have to be 18 years of age, you have to live in the state, you have to live in a county if you're going to vote on county issues. So there are qualifications that it's not an absolute right. I'm not challenging under the constitution, I understand that everyone has to be treated with equal opportunity and equal fairness and equality, but they all are subject to constitutional restrictions that each state can impose on the election process. [LB112]

SENATOR WAYNE: Thank you. [LB112]

SENATOR MURANTE: Seeing no additional questions, thank you for coming down, much appreciate it. [LB112]

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JOHN GALE: (Inaudible). [LB112]

SENATOR MURANTE: Welcome back. [LB112]

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Murante, members of the committee. For the record my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing in opposition to LB112. Frankly, I had some testimony written out, but the Secretary of State described it much better than I could, so I would just like to piggy-back and say those are the reasons that we oppose it as well. I'd be happy to take questions. [LB112]

SENATOR MURANTE: Fair enough, are there any questions? Seeing none, great testimony. (Laughter) Additional opposition testimony? Mr. Shively, welcome back. [LB112]

DAVID SHIVELY: (Exhibit 4) Thank you, Senator Murante. Members of the Government Committee, my name is David Shively, D-a-v-i-d S-h-i-v-e-l-y. I'm the Lancaster County Election Commissioner. I'm here today in opposition to LB112 which will allow registered voters in the state of Nebraska, who have moved within the state but did not re-register by the voter registration deadline, to vote provisionally and re-register at their new polling location. In my opinion, LB112 is simply a watered-down version of election day registration. I've consistently opposed EDR in the past. I feel this bill defeats the purpose of a proper voter registration system in our state and could impede the public's confidence in our elections. Providing reasonable time lines for voter registration and leaving enough time for election officials to adequately process registrations are necessary to ensure a fair voting process. Eighty-five percent of voting-age Nebraskans are registered to vote. Registration numbers are high because registering to vote in Nebraska is a very easy and convenient process. Citizens may register to vote or update their registration when obtaining or renewing their driver's license. Mail-in registration forms are available on-line, in telephone books, and at many other locations such as village and city offices, banks, post offices, and libraries. In addition, voters are now able to register to vote on-line as long as they have a Nebraska driver's license or state identification card. In Lancaster County, we organize voter registration drives prior to each election at grocery stores, shopping centers, and libraries. We also provide voter registration drives at our high schools and on all four of our college campuses. Citizens are reminded frequently through media outlets about the deadlines prior to each election. Election commissioner and county clerk offices are open late until 6:00 p.m. on the final day of registration for those who wait until the last minute to register to vote. With the exception of state-wide general elections, my office rarely registers many voters on that final day of registration. Nebraska law allows voters to register up to ten days prior to an election. This is one of the latest deadlines in the country. In many states, deadlines may be anywhere from three to four weeks prior to an election. It is my belief that

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LB112 removes any incentive for voters to register to vote prior to an election. Election day can be hectic enough for poll workers processing voters who have taken the time to register to vote in a timely manner, without also requiring them to process additional provisional ballots. Is it really fair to make those conscientious voters to wait in line while poll workers process procrastinators who wait until election day? State law currently allows voters who have moved to a new address within the county and did not re-register to vote to cast a provisional ballot on election day. We currently have a method in place to process those voters. It works very well. However, we have seen those numbers continue to grow simply because voters know they are able to do that. I realise that there are those that believe that we need changes to make it easier to vote. However, the importance of increasing voter turn-out shouldn't outweigh the importance of ensuring elections are conducted honestly, fairly, and orderly. I urge you to not advance LB112 to General File. Thank you. [LB112]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. [LB112]

DAVID SHIVELY: Thank you. [LB112]

SENATOR MURANTE: Is there additional opposition testimony? Mr. Kruse, welcome back. [LB112]

BRIAN KRUSE: (Exhibit 5) Thank you. Good to be back. Chairman Murante and members of the committee, my name is Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e. I am the Douglas County Election Commissioner and I am here to testify in opposition to LB112. On September 22, 2015, the state of Nebraska implemented an on-line voter registration system. Shortly after, on January 3, 2016, the Nebraska Department of Motor Vehicles began electronically updating voter registrations at the time of driver's license and state ID renewals. These systems have further simplified the ability for voters to register, as well as update or change their voting information. The on-line system can be easily accessed by voters 24 hours a day, 7 days a week from a variety of platforms including computers, tablets, and smart phones. In addition to the on-line system, there are a variety of other ways to register to vote: in person at the election official's office, through voter registration drives, via deputy registers, and in Douglas County at public libraries. Since the inception of the electronic systems, Douglas County alone has received over 38,000 new or updated registrations through on-line voter registration and an additional 45,000 from the DMV, totalling over 83,000, which represents 72 percent of the total voter registrations or updates. As you can see, electronic voter registration is not only the most popular means, but it appears that Nebraska voters have embraced and understood the system in a relatively short time frame. Registering to vote or updating your voter information in Nebraska is simple, quick, and easy. Not only do Nebraska voters have many options for registering to vote, they also have a

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longer amount of time to register to vote when compared to a majority of other states. Nebraskans have 18 days prior to an election to register to vote by mail, electronically, or at agencies, and an additional 7 days to register to vote in person. The average number of days prior to an election that other states close voter registration is 25. In the 2016 presidential election, the state of Nebraska had a total of 16,212 provisional ballots. Douglas County had 6,294 of those. According to the laws you've heard, we have seven days. In Douglas County, that process begins literally on election evening after the polls close and we start receiving provisional ballots in the office. In the most recent election, it took Douglas County the full seven days, including Saturdays and Sunday, with 20 employees working an average of 15 hours a day to complete the task. And, yes, even I got in on the fun. If provisional voting becomes an option for more people, I believe, if passed, this bill would increase the number of provisional ballots. In Douglas County, for larger elections, we are at our maximum capacity for processing provisional ballots, without additional personnel and hours or increasing the number of days given to process provisional ballots. As the bill is currently written, all 93 counties would have to wait until all provisional ballots are processed before an all-county check could occur making sure voters did not vote provisionally in more than one county. In theory, a voter could vote provisionally in as many counties as they could physically get to during the time polls are open. This verification would be an important step and should be done. However, it will cause a majority of counties a delay in their canvass process because they will not be able to open and count the accepted provisionals ballots until all counties are finished. In other words, everybody would be waiting on us. In conclusion, voters have a variety of platforms to register to vote and update their registration. Nebraska has some of the latest voter registration deadlines in the nation. I understand there are some who believe these changes would make it easier and more convenient for the voter. However, convenience should never be the only or deciding factor looked at when conducting elections. Every voter has one vote and only one vote, and we as elected and appointed officials and legislatures need to continue to ensure that through proper and practical procedures. I urge the committee to not advance LB112 to General File. Thank you for your time this afternoon. [LB112]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down today. [LB112]

BRIAN KRUSE: Thank you. [LB112]

SENATOR MURANTE: We're still on opposition testimony to LB112. Are there any additional opponents? Is there neutral testimony to LB112? Senator Hansen. [LB112]

SENATOR HANSEN: Thank you, Senator Murante and members of the committee, for hearing this bill. A couple of things I wanted to address on this issue. It was talked about this bill

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creating a special class. I would like to point out that the special class already exists. You're already allowed to do this within the county. I understand if our current election technology and information and overall legal structure facilitates that, but that's a privilege I could have moving from...within, say, Lancaster County that somebody who moved to Lancaster County from another county wouldn't. So there's already different classes of people who we treat differently. I'm trying to actually, in my view, abolish that and have one system that applies to every voter from there. In terms of it coming up to election day registration, I would point out that this bill and the current provisions only apply to people who have already registered once and they have moved. So this is trying to get people to vote at the most accurate location as to where they feel their residency is at. If we're worried about the integrity of elections, I believe this supports this because to Senator Blood's example, if you say have an unexpected move somewhere around the time (inaudible) and for whatever reason, perhaps, I mean perhaps it's even an assistance where, you know, your lease is ending, you don't necessarily have another one set up, you don't know where to register in that ten-day window and you end up in a metro area like the Omaha metro area, you end up moving from Papillion to Ralston, you would be forced to choose. You can vote at your new house that you're...new house or apartment that you know you're going to live in for at least a year, or you can vote at the one you've already moved out of. I think it would be more appropriate for them to have the opportunity to at least ask and request and vote provisionally at the new location. In terms of having to verify continuous residents, I was actually a little alarmed that they feel that that is an overburdensome requirement because that's already, more or less, in our state law. We are shifting a lot of statutes, true, from county to state, but they already have to verify continuous residence in the county. If I have a person in Lancaster County who maybe misses a couple of election cycles, has moved and wants to implement our current state law, there needs to be a process for that provision of continuous residency to be declared and so that's not anything we're changing. So if that's something they're feeling incapable of doing, that's actually caught my attention as something you should be aware of. A couple of other things, I'm glad Senator Wayne had Secretary Gale clarify on the right-to-vote issue. That's been something I know I've heard in the past, and again, I'm thankful to clarify. I mean, we do have a right to vote; we have a very, actually, strong constitutional provision. I believe it's Article I, Section 22 about the right to elect a franchise that is, probably, stronger than other locations. And then going back to responsible citizens. You know, this is...is a responsibility test, a test we want to put on the election and the poll worker. We've said is it fair to let procrastinators waste the time of people who don't procrastinate? I mean, start changing the names of the categories is it fair to let one group make other groups of voters wait? And that's not a very productive thought process. They are responsible voters. They're citizens, they've already re-registered and they're like...and they're thinking--hey, I now live in this neighborhood. My case, you know, if they move to my precinct, I now live in University Place, I want to show up at my local polling place and vote with my neighbors as I'm supposed to. That's being very responsible, even if they didn't meet our current statutory deadlines. With that, I'd be willing to work with the committee members on possibility of moving forward. [LB112]

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SENATOR MURANTE: All right, thank you very much for your closing. Senator Blood.
[LB112]

SENATOR BLOOD: Thank you, Chairman Murante. Senator Hansen, would you say that when we vote that that is more than likely the only time in all of our lives that we're truly equal?
[LB112]

SENATOR HANSEN: I would say...I would say we are always truly equal, but that is one of the few times we are treated as truly equal by the state. [LB112]

SENATOR BLOOD: Thank you. [LB112]

SENATOR MURANTE: (Exhibits 6-10) All right. We do have some letters of support from Danielle Conrad, ACLU of Nebraska; Nancy Meyer, representing herself; Mary Sullivan of the National Association of Social Workers-Nebraska Chapter. And a few letters of opposition: one from Joann Fischer, Knox County Clerk; and Diane Olmer, Platte County Election Commissioner. Senator Hansen, always good to have you. [LB112]

SENATOR HANSEN: Thank you. See you next week. [LB112]

SENATOR MURANTE: Much appreciate it. And we proceed to the next item on the agenda, LB34. Senator Ebke, welcome back to your Committee on Government, Military and Veterans Affairs. [LB112]

SENATOR EBKE: Once again. [LB34]

SENATOR MURANTE: You're just trying to get out of Judiciary. [LB34]

SENATOR EBKE: I am. We've got a big hearing going on right now. Well, thank you, Chairman Murante and members of the committee. My name is Laura Ebke, L-a-u-r-a E-b-k-e; I represent the 32nd Legislative District. I'm here to bring you LB34 today. And I would ask that you simply take a look at the bill; it's very short. We have...it's, basically, one line. And what this does is, today in order for a non-major party or a third party to gain ballot access in order to be able to register citizens to vote within that party, first they have to petition on, have to go through the expense of petitioning on. And then they have to maintain...they can maintain their status by only...by achieving at least a 5 percent of the vote in a statewide election. Okay. So governor, president, so forth, or they can do it by running somebody in each of the three congressional districts and getting at least 5 percent of the vote in each of those. Now, the reality of it is that

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this makes it very difficult for third parties to maintain their status. It also becomes very expensive for the third parties because a party that is an upstart that may have a few thousand members in a particular area of the state then has to go out and recollect...either recollect signatures or they have to run somebody for a statewide office, which they certainly don't have the support to do. So what we would do here, if you take a look at Section...or line 11, it just adds one element of maintenance of status. Ballot status would be maintained if the political party has at least 10,000 persons affiliated as indicated by voter registration records in Nebraska. So today in Nebraska, you can go and register as a Republican; you can register as a Democrat; you can register as a Libertarian; or you can register nonpartisan. And my...back in the late '90s, the Libertarian Party had ballot status. In 2007, when my daughter registered in January of 2007, the party had had...the Libertarian Party had had ballot status, but they didn't keep their ballot status after 2006. So my daughter using one of the old forms checked off the Libertarian box. And a few weeks later, or a month later, she got a note from the county clerk that said--you can't register as a Libertarian because they no longer have ballot status. So what this does, it maintains a standard of 10,000 voters. If you've got 10,000 registered voters, you don't have to start all over again if you don't get that 5 percent. And that's as simple as it is. You will notice there is no fiscal note. I would argue that in some cases it could actually have a positive effect; we don't know that for sure. But in the case of having to reverify petitions signatures if a party decides to try to stay...get back on the ballot, it saves the state money in not having to reverify all those signatures. [LB34]

SENATOR MURANTE: All right, thank you very much for your opening. For clarification, you did designate this as your priority. [LB34]

SENATOR EBKE: I did designate this as my priority bill, yes. [LB34]

SENATOR MURANTE: Okay. Senator Blood. [LB34]

SENATOR BLOOD: Thank you, Chairman Murante. I notice we have seven political parties in Nebraska that were known. I thought that was interesting. I only knew of five. [LB34]

SENATOR EBKE: Ever, you mean? [LB34]

SENATOR BLOOD: That are supposedly active. Dems, Republicans, Libertarians, Green Party, Unity Party, Reform Party, and Constitution Party. [LB34]

SENATOR EBKE: Sure those other parties that don't have actual status so that you can't go in and register, but they are loosely...yes. [LB34]

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SENATOR BLOOD: So, ball researching, the one question I had is why the 10,000 number and not less? [LB34]

SENATOR EBKE: It was a perfectly random number. When we were looking at this, we were trying to say, okay, what's a reasonable number that's not too low but not too high. And 10,000 when we were looking at this last summer would have been at about the 1 percent; it's just under 1 percent, about .93 or something like that. So we just kind of settled on a nice round number of 10,000. But I'd be happy for you to lower it to 7,500 or 5,000 or whatever you'd like. [LB34]

SENATOR BLOOD: But you feel that at 10,000 it meets the purpose what your intent was. [LB34]

SENATOR EBKE: I think at 10,000, you certainly have a party that has established some level of support within the state. And if they drop below 10,000 and lose ballot status because they haven't been able to get the 5,000 and that's, you know, it's easy enough to drop them. [LB34]

SENATOR BLOOD: Thank you. [LB34]

SENATOR MURANTE: How many registered voters does the Libertarian Party have now? [LB34]

SENATOR EBKE: I think 11,700 at last count. [LB34]

SENATOR MURANTE: Okay. Any additional questions? Senator Lowe. [LB34]

SENATOR LOWE: So this would add an extra ballot for the primary? [LB34]

SENATOR EBKE: Well, sure, if the Libertarian Party had a...it would allow them to have their own primary. [LB34]

SENATOR MURANTE: Seeing no additional questions, thank you very much for your opening. [LB34]

SENATOR EBKE: Let me just...they already do have their own primary, because they are a recognized party. So the last several elections they've been able to do that. It's just if they were to...this just prevents them from losing that status. [LB34]

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SENATOR MURANTE: Okay. All right. Thank you. And we will now listen to proponent testimony. Are there any supporters of LB34? Welcome. [LB34]

MICHAEL KNEBEL: Thank you for having me. Chairman Murante, members of the committee, my name is Michael Knebel, that's M-i-c-h-a-e-l, Knebel is K-n-e-b-e-l. I'm here speaking on behalf of LB34, mostly because not only is this a benefit to the Libertarian Party of Nebraska, which I represent, but it is also a benefit to any other party that is seeking to gain and maintain ballot access. It is also a benefit to the state as well when we're looking at saving both time and money. Utilizing the practice of lean, which is a business practice where you look to save time, money, make things more efficient. It's something that I do at my current business. I look at this and I see that this is something where if we set a reasonable and attainable limit of 10,000 registered voters, the state saves time from having to, every two to four years, look over petitions, look over signatures and verify those, changing the ballots. It also saves money because you've got to pay people to do this. It will also save time and money for the parties as well. In 2014, I paid the fee to run for state treasurer because our four years was up and we needed to maintain ballot access. I needed, or any one of our candidates needed to obtain over 5 percent in a statewide election. I paid the over \$800, ran a small campaign to go across the state; got 5.5 percent. That time and that money, while it was used beneficially to maintain the ballot access through the next four years, could have been much better used at the local level, supporting local candidates, supporting local issues. This is the issue that every minor, every third party, anyone that is not a member of the major two parties has to face here in Nebraska is that we are left with a choice of do we use our time and our money to make sure that we're getting ballot access, or do we use our time and money to make sure that sensible, reasonable people have a chance to get elected and represent the Nebraskans. Essentially, I think that this 10,000 limit is, again like I say, sensible and a reasonable limit. It's not even 1 percent of registered voters in Nebraska. And when you look at the amount of registered voters that have decided to register independent, I think that if there were more voices out there that were allowed to be at the table, they would be able to find home in some of those other parties. This is something that makes fiscal sense, because we're not having to, like I said, constantly spend money. It makes social sense because Nebraskans will be able to find more voices that represent them. And it just makes sense coming from a smaller party because we now know that we can put people out there that will represent other Nebraskans. [LB34]

SENATOR MURANTE: All right, thank you very much for your testimony. Senator Blood. [LB34]

SENATOR BLOOD: Thank you, Chairman Murante. So for clarification, are you saying that without this bill that people aren't represented properly? [LB34]

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MICHAEL KNEBEL: I'm saying that without this bill, that should the Libertarian Party not get 5 percent in 2018 and lose ballot access, that they will not have the representation that they desire in 2018. And nor will Nebraskans be able to get the proper representation at the local and state level. If they want to register as a Green or a Constitution or a Nebraska Party, they will not have anybody that will be able to be on the ballot and they will not have the county and the state structure there to support them. So no, they will not have that. [LB34]

SENATOR BLOOD: So...and I'm purely being devil's advocate, because I like to kind of hear the things out loud. [LB34]

MICHAEL KNEBEL: Sure. [LB34]

SENATOR BLOOD: So wouldn't that potentially be the party's responsibility to make sure that that didn't happen as far as making sure that they had that presence? [LB34]

MICHAEL KNEBEL: Initially, it is the party's responsibility, but it should also be the state's responsibility to make sure that the playing field is such that the parties have that opportunity. I would think that looking at this socially and that we want to make sure that all voices have the opportunity to be heard. You're right. Ultimately, it is the party to make sure that their voice is heard and that they get the support, but 10,000 is a very reasonable number to state that. If you've got that level of support, you shouldn't be losing ballot access. [LB34]

SENATOR BLOOD: So, ultimately, based on what you're...I hear you saying, we are trying to create an even playing field, then wouldn't we want to amend the bill that all seven parties had the ability to do the same thing? [LB34]

MICHAEL KNEBEL: Again, the 10,000, when we look at it, seems to be a reasonable limit, I guess. What would be...what limit or what area are you looking for? [LB34]

SENATOR BLOOD: You know, to be real...I'm going to be very frank and I...you know, you and I go back a ways, prior to your testimony, I thought this was a great idea. Now I hear your testimony and my concern is, is this just another way for the Libertarian Party to try and gain additional favor among the voters, which is, of course, is not necessarily a bad thing, but to me it almost seems like there might be a cause underlying in this bill and that's my concern. [LB34]

MICHAEL KNEBEL: My biggest concern with this would be that the senators not let personal factors weigh on this decision, but instead they look at what's going to be beneficial to all Nebraskans. [LB34]

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SENATOR BLOOD: And what personal factors would that be? [LB34]

MICHAEL KNEBEL: You said that we had a past. I just...I would prefer that we focus purely on this issue. [LB34]

SENATOR BLOOD: Just for public record, the past we had was when you and social media said something negative in reference to my very ill granddaughter. I don't harbor bad feelings about that, that's a past. And so please don't identify that we have a past that would relate to any vote that I would have. [LB34]

MICHAEL KNEBEL: I appreciate you bringing that up again. That did not need to be brought up in the situations we were discussing LB34, but thank you. [LB34]

SENATOR BLOOD: You opened the door. [LB34]

SENATOR MURANTE: All right. Are there additional...Senator Lowe. [LB34]

SENATOR LOWE: Thank you, Chairman; and thank you for speaking today. Would this not also include other parties besides the Libertarian Party? [LB34]

MICHAEL KNEBEL: It most definitely would. It would include any party that is able to... [LB34]

SENATOR LOWE: Say Green Party or somebody that would... [LB34]

MICHAEL KNEBEL: Most definitely. I would love a multiple party system in Nebraska, which the Greens, the Nebraskan Party, whatever other party is able to obtain ballot access; they're able to maintain that as well. There is a very strong presence of individuals in the state that would be registered Green if they were able to do so. [LB34]

SENATOR LOWE: Wouldn't...you stated that this would save money, but by having multiple...more parties, would that not cost the counties more money to process ballots? [LB34]

MICHAEL KNEBEL: Ultimately, you're looking at saving money by having to verify the petitions every two to four years. I mean, you're changing the ballots every two to four years. Whereas, if they maintain the ballot access, you don't have to change that. It's just that they're already there. [LB34]

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SENATOR LOWE: All right. [LB34]

SENATOR MURANTE: All right. Thank you, Senator Lowe. Seeing no additional questions, thank you for your testimony, much appreciate it. [LB34]

MICHAEL KNEBEL: Thank you. [LB34]

SENATOR MURANTE: Additional proponent testimony? Welcome. [LB34]

GENE SIADEK: Thank you. Chairman Murante, fellow committee members, thank you for the privilege of being here and speaking in favor of LB34. My name is Gene Siadek, G-e-n-e S-i-a-d-e-k. I'm currently the state treasurer of the Libertarian Party Nebraska. And I'm going to speak here in terms of some context, context to what's already been previously discussed. I've been with the party since the mid-'90s and so I've been through a lot of this process, the processes that we're talking about. In the early 2000s, we had, actually, a fairly thriving party where we ran multiple candidates. Because of the ballot access rules the way they were, we ended up losing ballot access. We had in the neighborhood of 4,000 registered Libertarians at that time. Now, what happened at that time and either the Secretary of State's Office or the county, I'm not exactly sure who, but they have to, at that point, send out letters telling folks who were previously registered as Libertarians that they are currently a nonpartisan member and they have to go re-register as another party if they'd like. At that point, we have to then go out and petition. Roughly at that time, I believe there's...I think about 8,000 petitions and then we have to present that to the Secretary of State's Office for verification, get our ballot access. We lost it again in the mid-2000s, as Senator Ebke alluded to. Again, in the year 2010, we went out and petitioned again, another 8,000 petitions; again, presented them to the Secretary of State's Office. We gained ballot access, and been able to maintain a viable party since that time. Speaking to some of the questions I've heard, I think if there's any illusion that this is an easy process, it, simply, not an easy process. And I, maybe I can speak to some of the money factors of petitioning, present them to the Secretary of State's Office, then having to comb through petitions and verify and send out letters. When we lose access again and, you know, I think those costs seem apparent. But if there's any, again, if there's any illusion this is an easy process, I've been at this for about 20 years; I believe strongly in the concepts of liberty and what the Libertarian Party stands for. So I just want to bring that point out that there's really nothing easy about this. And I guess I would leave it at that and entertain questions at this point. [LB34]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? [LB34]

GENE SIADEK: All right, thank you. [LB34]

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SENATOR MURANTE: Thank you, much appreciate it. Continuing. Welcome back. [LB34]

MATTHEW MALY: Thank you. Good afternoon, Chairman Murante, members of the committee, my name is Matt Maly, M-a-t-t M-a-l-y, and I am a lifelong Republican. I've actively supported Republican candidates; currently sit on the Douglas County Republican Central Committee. In 2015, I launched a Republican outreach program for an issue advocacy group. I'm very active in the GOP in Nebraska. And, obviously, my party reattains its ballot access every election cycle and never thinks twice about it. So it may seem to you that I have nothing to gain by being here today. But I do, because as a Republican, I believe in free and equal access to democracy for all Nebraskans. And that may seem like a little bit of an exaggeration, and in saying that I certainly don't mean to imply that the way the statute is currently written, it's trampling on the rights of the masses or anything like that. It's certainly not. But by requiring minor parties to go through this signature collection process, every time they fail to get 5 percent in the statewide race, that creates a significant impediment on parties that would like to offer an alternative point of view in our elections. If those efforts are unsuccessful, it leads to fewer options for voters, which is not a good thing. Even if they are successful, as has been mentioned, that leads to a cost and a time consuming signature validation process, when there's a much simpler, more straightforward, and more fair way to determine which parties are organized enough to warrant being on the ballot. So that's where LB34 comes in. It's a very simple bill. It's a very...it's one page. The change it calls for is anything but drastic. I would characterize it as merely a tweak to the existing statute. There will continue to be a high standard set for ballot access so that our ballots aren't loaded with dozens of frivolous parties, as is the case in some other states. It will continue to be a high standard, that wouldn't change. I would venture to guess you probably won't get much constituent communication on this bill; probably wouldn't get too much news coverage if it were to pass. But the way we improve government is one little baby step at a time. And though this is not earth shattering, it makes our election system just a little bit more fair. It also increases the competition in the marketplace of ideas. And as you know, just like in the marketplace for products and services, increased competition leads to increased innovation. By making it a little bit easier for maybe one or two additional parties to have their candidates appear on the ballot, we will increase the variety of perspectives that are being promoted in our elections. So whether or not you agree with whatever parties those may be, having a wider variety of points of view being promoted, I believe, stands to benefit voter turnout, and it also stands to benefit a healthier political dialogue in our state. So as a Republican, I strongly support LB34 because it makes our elections just a little bit more fair and a little bit more open to alternative points of view. So I would ask that you advance it to General File. And if you have any questions, I'd be happy to take them. [LB34]

SENATOR MURANTE: All right, thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down. [LB34]

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MATTHEW MALY: Thank you. [LB34]

SENATOR MURANTE: Appreciate it. Additional proponent testimony on LB34? Welcome.
[LB34]

DAVID PRATT DEMAREST: Thank you. Chairman Murante, committee members, I'm David Pratt Demarest and I'm secretary for the Libertarian Party of Nebraska and also regional representative for the Libertarian National Committee. Thank you for the opportunity to testify in support of LR34 (sic-LB34). I urge that you advance LR34 (sic-LB34) for two reasons. On the practical side, percentagewise the Libertarian Party is the fastest growing party. Our registered voter numbers have doubled in just over one year. The reality is that LP, the Libertarian Party, will be on the ballot and it depends on how much effort is required to do that; but we will do that one way or another. Why not save Nebraska needlessly spent time, money, and effort by passing LR34 (sic-LB34). On the moral side, I know that you senators believe in fairness and want to do the right thing. Advancing LR34 (sic-LB34) will ensure that all major political parties will be on the ballot. Your action will allow voters to choose among a more representative list of election choices that Nebraskans deserve. Chairman Murante and senators, Nebraska voters will be inspired by your nonpartisan support to advance LR34 (sic-LB34). I'll take any questions.
[LB34]

SENATOR MURANTE: All right, thank you for your testimony. Are there any questions? Seeing none, thank you for coming down. [LB34]

DAVID PRATT DEMAREST: Thank you. [LB34]

SENATOR MURANTE: All right. Are there additional proponents wishing to speak on LB34? Are there opponents wishing to speak on LB34? Is there any neutral testimony on LB34? Seeing none, Senator Ebke. [LB34]

SENATOR EBKE: Thank you, Chairman Murante; thank you to the committee. Let me just say, there was some concern about whether or not this was some sort of a Libertarian effort to benefit just Libertarians. Remember, all parties have to petition in initially in order to get status. And the fact of the matter is, Libertarian Party is the only party in Nebraska that currently has status, aside from the Republicans and Democrats. So that's why you heard from members of the Libertarian Party. But any other party that might come in, whether it's the Greens, whether it's the Constitution Party, whether it's the old Nebraska Party that existed once upon a time that was an offshoot of, I think, the Reform Party, any of those parties would still have to petition in. This just gives them another way to stay on the ballot. With that, I would be happy to answer any questions if you have any, otherwise I thank you for your time. [LB34]

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SENATOR MURANTE: All right, are there any final questions? Seeing none, thanks for coming down, appreciate it. [LB34]

SENATOR EBKE: Thank you. [LB34]

SENATOR MURANTE: I think we await the arrival of Senator Kolowski before we move to the next item on the agenda. We put an extra chill in the air for you, Senator Kolowski.

SENATOR KOLOWSKI: I expected nothing less. (Laughter)

SENATOR MURANTE: I don't know how to take that, Senator Kolowski. I will take it as a compliment. And welcome back to your Committee on Government, Military and Veterans Affairs. [LB197]

SENATOR KOLOWSKI: Thank you, sir. Ready, sir? [LB197]

SENATOR MURANTE: Go ahead. [LB197]

SENATOR KOLOWSKI: (Exhibit 1) All right, thank you. Good afternoon, Chairman Murante and members of the Government Committee. My name is Senator Rick Kolowski, R-i-c-k K-o-l-o-w-s-k-i, representing District 31. I'm here today to introduce LB197 that requires the development of an on-line process that allows applicants to request a mail-in ballot through the Secretary of State's Web site. The application process would utilize a system similar to the on-line voter registration system to retrieve the electronic signature of the voter. Accepting vote-by-mail applications on-line will reduce human error, ease processing for the county election officials, and make it easier for the voter to apply for a mail ballot. Studies from other states have shown that on-line applications are cheaper to process than paper applications. A similar cost savings could be seen if the vote-by-mail applications were available on-line. I also have an amendment that will remove the requirements of sending notice by the county clerk or election commissioner to remove the cost at the request of the Nebraska Association of County Officials. Thank you for your consideration. I'd be happy to try to answer any questions that you may have. [LB197]

SENATOR MURANTE: Thank you very much for your opening. [LB197]

SENATOR KOLOWSKI: Thank you. [LB197]

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SENATOR MURANTE: Are there any questions for Senator Kolowski? Seeing none, looks like you handled it. All right, thank you, thank you for the opening. [LB197]

SENATOR KOLOWSKI: Thank you. [LB197]

SENATOR MURANTE: Proponent testimony? Welcome back. [LB197]

BRI McLARTY HUPPERT: (Exhibit 2) Thank you. Good afternoon, members of the Government, Military and Veterans Affairs Committee. My name is Bri McLarty Huppert, that's spelled B-r-i M-c-L-a-r-t-y H-u-p-p-e-r-t, and I'm testifying in support of LB197 in my official capacity as the director of voting rights with Nebraskans for Civic Reform. To just give a little bit of overview of what's currently available, an individual may request a mail ballot either in person, by mail, by fax machine, and then most recently a change that happened about two or three years ago by electronic mail with either a PDF or a photograph of the application. I wanted to share a little bit of some of the observations we had in 2016 in helping voters request a mail ballot. We'd like to first thank Election Commissioner Brian Kruse and Wayne Bena for the fabulous job they did in Douglas and Sarpy County in sending out a three-part mailing to all voters in August that actually included a vote-by-mail application with specific instructions alerting voters that they could now actually snap a picture of the application and mail it in. And in my conversations with Deputy Election Commissioner, Chris Carithers, he estimated somewhere between 10 to 15 percent of voters actually chose to do it this way, myself included, and I found it to be an incredible assistance just because I definitely waited til the last minute for the deadline, which doesn't bode very well for me. We'd also like to thank Election Commissioner Dave Shively for also accepting it via e-mail. We did have a couple of counties that were reported to us as voters who tried to do the same thing, Hall County and Thurston County being two of them, that where the election commissioner or the county clerk at the time said that that wasn't a valid method of delivery, even though the larger three counties and the Secretary of State's Office confirmed that it was. And we'd like to thank Secretary Gale's office, and at the time, Neal Erickson, for alerting the counties and making sure that they knew what the rules were. So we did see some confusion about that. And in Douglas and Sarpy, they were smart to put a specific e-mail, I think it was either "vote early" or "early ballot" at their Douglas County Election Commission or Sarpy. Lancaster County did not do that, so I think most of them were sent to Commissioner Shively's e-mail address, which is the only one listed on the Web site. So that's where we feel the on-line vote-by-mail application portal would actually be very helpful. It would unify...create a uniform process across the state when individuals go to one particular site. And as Election Commissioner Kruse said, very similar to on-line voter registration which has been incredibly popular, we feel that this would also be very much utilized by voters across the state. In working with some of the voters in rural counties, specifically out in Scotts Bluff and Buffalo, we've heard some serious concerns about how long it takes for mail to be delivered. Allowing for an on-line application process would at least take out that first, kind

of, delay you might see with mail, about four or five days in the mailing of the application and could ensure that the individual's application was received by the Friday deadline when applying for an early ballot. We did see the fiscal note. We are aware of...it's larger than we anticipated, but we do see this as an investment that is spread across the state that can help all voters. So it's a worthy investment regardless of which direction the state decides to go, whether we decide to stick with our precinct-based model of elections or start looking at switching either by county-by-county or statewide to all mail elections. Three of the states that do all mail elections do have a similar type of on-line database; Oregon has a specific model similar to this, and Washington and Colorado have, kind of, "my vote" portal that allows voters to do a myriad of things, very similar to our voter information center. I will note that there are 11 states that currently have on-line applications in some capacity. About four of them have it very similar to this where it requires a driver's license or a state ID number to capture that electronic signature from the DMV. With that, I see I'm almost out of time, so I'd be happy to answer any questions that you might have about the bill. [LB197]

SENATOR MURANTE: All right, thank you very much for your testimony. Are there any questions? Senator Blood. [LB197]

SENATOR BLOOD: Thank you, Chairman Murante. Seeing that there's a substantial amount of expenditures and that you are relying on a specific fund in the state that doesn't look like it has revenue to support it, do you think there's an opportunity for any public/private partnerships or grants or anything through Nebraskan's for Civic Reform or some other entity that might be able to assist in paying for this? [LB197]

BRI McLARTY HUPPERT: Yeah, I'm not actually quite sure on what the legalities are between a public/private partnership with that and if it's something donations or a grant could be accepted. But I know that there are national organizations like, for example, ERIC which is the Election Research Information Center that sometimes does provide grants to states, I believe, to help modify the voter registration systems so that data can be shared more easily and so it can be cross-checked across states to cancel out duplicate registrations. So I imagine there might be something similar, because there are those type of national organizations like the Center for Civic Engagement that, I mean it's possible. I'd have to check the legalities and I'm sure the Secretary of State would have a better answer about what that is. But I think it's a worthy investment considering \$200,000 that could impact almost a million voters in Nebraska and provide that opportunity, especially given how much early voting, especially voting my mail, has increased in popularity, a sense we move to a no excuse early voting. [LB197]

SENATOR BLOOD: And I certainly don't question potential benefits, as you know, it's not a big secret what's going on with the budget right now, but I always look for opportunities where we

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can bring in outside money to, perhaps, help us do some of the things we need to do within the state that can make our state better. And this looks like it has some potential. That's why I was curious what your thoughts might be on that. [LB197]

BRI McLARTY HUPPERT: And this is where I'd have thank our illustrious Chair, Senator Murante, for his election technology...his work on the election technology committee. It almost sounds like that is a conversation we will be having about the greater investment in election technology in our state and how we can spend money, but spend it wisely. [LB197]

SENATOR BLOOD: Thank you. [LB197]

SENATOR MURANTE: Thank you very much. [LB197]

BRI McLARTY HUPPERT: You're welcome. [LB197]

SENATOR MURANTE: Great testimony. (Laughter) Senator Briese. [LB197]

SENATOR BRIESE: Thank you, Chairman Murante. Thank you for being here. We talk about the fiscal note here as far as the expenditures needed to set this up, but your testimony refers to the Arizona experience. Aren't there some potential long-term cost savings associated with this? [LB197]

BRI McLARTY HUPPERT: Yeah, and so in the Maricopa County case...or study looks specifically at on-line voter registration, but there are some strong arguments to be made that this could be correlated to an on-line vote-by-mail application because the reduction of human error, the ability to easily process these applications, so, yeah, I think there could be a long-term cost benefit. So I'd like to hear more from the Douglas County Election Commissioner kind of how their experience was with the e-mails. I'm guessing it might be a little easier through a portal versus an e-mail. But I'd be curious to see how Commissioner Bena, Commissioner Kruse felt like that went and if there's a way we could improve that. [LB197]

SENATOR BRIESE: Okay, and you don't have any estimates as to the long-term fiscal benefits? [LB197]

BRI McLARTY HUPPERT: No, but I could look into the 11 counties that did it. I know Minnesota did theirs slightly differently, but we could talk to the other states that have implemented it and seen it; they've seen similar cost savings. I feel like some of them were more

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fairly new. So I don't know if we have the eight years that we have with Maricopa County. [LB197]

SENATOR BRIESE: Okay, thank you. [LB197]

SENATOR MURANTE: Thank you. Any final questions? Seeing none, thank you for your testimony. [LB197]

BRI McLARTY HUPPERT: All right, thank you. [LB197]

SENATOR MURANTE: Welcome back. [LB197]

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Murante, members of the committee, for the record my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l; I'm with the Nebraska Association of County Officials and I'm appearing in support of LB197 with the amendment that Senator Kolowski handed out to all of you. We appreciate him, his consideration of that amendment for us. The amendment really is intended to address what might be a cost issue for counties. The bill, as drafted, would require counties to send a letter to individuals who have...if someone would request an early voting ballot through this process and have it be sent to a different address, the bill would require a letter to be sent to the voter's original address for their registration and nothing would really happen to the letter after that, so we ask to have that removed because that would simply be a cost to counties. I'd be happy to answer any questions. [LB197]

SENATOR MURANTE: All right, thank you very much for your testimony. Are there any questions? Seeing none, thank you. And welcome back. [LB197]

SHERRY MILLER: (Exhibit 3) Yes. Good afternoon. Sherry Miller, S-h-e-r-r-y M-i-l-l-e-r; aren't you glad I have a short, simple name. Good afternoon once more, Chairman and members of the committee. I just would like to...I'm not going to read all of this, I'm just going to point out the safeguards of proof of identity that would be used in the electronic application are the same as when someone registers to vote and that's the cross-reference with the Department of Motor Vehicles, including an electronic representation of the applicant's signature. And another safeguard against possible fraud is using only the mail address at which the applicant is registered to vote. And I thought that was important to bring up those aspects of this legislation, if anybody would be concerned about any possibility of someone trying to do this more than once for example, but the safeguards are built in. So we do support LB197 and urge you to advance it to General File. [LB197]

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SENATOR MURANTE: All right, thank you very much for your testimony. [LB197]

SHERRY MILLER: You're very welcome. [LB197]

SENATOR MURANTE: Are there any questions? Senator Blood. [LB197]

SENATOR BLOOD: Thank you, Chairman Murante. Can you tell me, and you may not know this answer, how frequently these states came on board with this advanced technology? [LB197]

SHERRY MILLER: How frequently? [LB197]

SENATOR BLOOD: How recently? I might have said "frequently", if I did, I apologize. How recently it was--Alaska, West Virginia, Connecticut, Vermont, California, Oregon, is this something all very current or did they do it several years ago? [LB197]

SHERRY MILLER: I think it's more recent. But I can find out and let you know for sure. [LB197]

SENATOR BLOOD: I can do my own research. I thought you might know. [LB197]

SHERRY MILLER: I'd be glad to help you. [LB197]

SENATOR BLOOD: I cut to the chase and ask. [LB197]

SHERRY MILLER: Basically, a lot of information I like to rely on comes from the Brennan Center for Justice. They're on top of these election changes all the time. [LB197]

SENATOR BLOOD: Thank you. [LB197]

SHERRY MILLER: Yes, you're welcome. [LB197]

SENATOR MURANTE: All right, any final questions? Seeing none, thank you for your testimony. Additional proponent testimony for LB197? Is there opposition testimony to LB197? Welcome back. [LB197]

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COLLEEN BYELICK: (Exhibit 4) Hi. Chairman Murante, members of the committee, my name is Colleen Byelick, it's C-o-l-l-e-e-n B-y-e-l-i-c-k, and I'm the General Counsel and Chief Deputy for the Secretary of State's Office here in opposition to LB197. LB197 requires the Secretary of State's Office, in conjunction with the Department of Motor Vehicles, to develop an on-line early voting application process. It utilizes much of the same frame work as the on-line voter registration application process. That process has been very successful. In the 2016 election year, we saw about 85 registration applications...85,000 registration applications submitted through that process. However we are concerned with looking at the overall technology that will be needed and funding that will be needed in the election arena and technology arena whether or not creating this particular on-line process at this point in time is prudent. Currently, the future of Nebraska's election technology and system means is not settled. We have aging vote tabulation and AutoMARK equipment which will need to be replaced in the near future. We believe this equipment will last through the 2018 election cycle, but the longevity beyond that is suspect. On the type of election system that Nebraska is going to move forward with has not been identified. For example, if Nebraska were to move/buy an all by-mail system, as we've seen in other states, an early on-line ballot application would not be necessary. So we're really, at this point, at kind of a cross roads where the future of our technology needs and our election equipment needs has not been fully settled and our concern is with the \$300,000 fiscal note, is this really a wise use of resources and state funds at this point in time. The funding source identified in the bill, the Election Administration Cash Fund, cannot sustain either the development cost or the maintenance cost related to this project. So we would be looking for a general funding if we were to move forward with this process. As it stands, the process to request an early voting ballot is easy. The form is on the Secretary of State's Web site; it can be printed off. It can be mailed, faxed, or e-mailed to the county election office. We've got about 20 percent of voters that are choosing to do that currently, so the current process is working and is being utilized. At this point in time, due to our uncertainty about funding for future technology election needs and what our future election systems are going to look like, we would oppose this legislation at this point in time and prefer a further review and study of our processes as a whole before we want to proceed with something of this nature. [LB197]

SENATOR MURANTE: All right, thank you very much for your testimony. Senator Blood. [LB197]

SENATOR BLOOD: Thank you, Chairman Murante. So if I hear you correctly, you're open to this, it's just not the time financially for your department and you're willing to work with the senator to, potentially, see it happen in the future? [LB197]

COLLEEN BYELICK: Exactly. Conceptionally, I don't think we have an issue with the idea or an on-line application. We could see that it would be utilized similar to on-line voter registration, but it's just a concern that, you know, technology costs have been estimated at \$30 million. We

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have, you know, \$30 million pending, is this really wise to be spending \$300,000 now dedicating resources to this if it's not needed in the future because the technology goes in a different direction. Is this really a good time or place to work on this on-line application? [LB197]

SENATOR MURANTE: All right, any final questions? Seeing none, thank you for your testimony, much appreciate it. [LB197]

COLLEEN BYELICK: Thank you. [LB197]

SENATOR MURANTE: Is there any additional opposition testimony to LB197? Is there any neutral testimony? Senator Kolowski. [LB197]

SENATOR KOLOWSKI: Thank you, Senator Murante and committee for this opportunity this afternoon. I think the...I think one of the main things from the last speaker testimony that we have to contemplate would be...my very simple looking back at my own career, 41 years in public education, if we hadn't made the moves we made, I hate to think what we'd still be doing because we waited too long and then waited again and waited again and waited again because someone somewhere is always going to be building the next phase or the next generation of what we might be looking at electronically. So we have a choice to make. When do we get into that stream and do the things we need to do, or are we just going to be swept along with the water and never quite make it to land and have the things in place that we need to have. We wouldn't and couldn't do that in education, otherwise our children would be far, far behind. So that is as close as I can come to the reflections I had in my own career with the things that we were doing in schools in this state to make our state education system as great as it is. And that took courage, it took insight, it took guts. I like the ideas of public/private mixtures of monies or donations or anywhere we might be able to get some funding to do some of these things because this is about us. This is about voting. This is about something that's very important, very sacred, very key to our continued survival as a democratic society. So I put that on the table as one of those things we need to think about, if not now, when, would be my question. And that applies to everything that we do on a daily basis, from the door of the refrigerator you open in the morning to the car you get in and drive here to the time you go to bed at night and set your clocks. Everything is changing, nothing is the same. Are we going to join that possibility or are we going to sit on the sideline until that opportune time eventually gets to where we want it to be, whatever that is? So I'd stop right there. Thank you very much. [LB197]

SENATOR MURANTE: (Exhibits 5-7) All right, and thank you for your testimony. Are there any final questions for Senator Kolowski? Seeing none, we do have letters of support for LB197 from Nancy Meyer; Patrick Hunter Nolan; and Anne DeVries. And that closes the hearing on LB197. Good to see you, thanks for coming down. [LB197]

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SENATOR KOLOWSKI: Mr. Chairman, thank you very much. [LB197]

SENATOR MURANTE: We'll proceed to the next item on the agenda, LB290. Senator Vargas, welcome, I believe, for the first time to your Committee on Government, Military and Veterans Affairs. [LB290]

SENATOR VARGAS: (Exhibit 1) Thank you very much, Chairman; and this is my first time in this committee. Good afternoon, Chairman Murante, members of the Government Committee...Government, Military and Veterans Affairs Committee, my name, as you know, is Tony Vargas, T-o-n-y V-a-r-g-a-s; I represent District 7, the neighborhoods of downtown and south Omaha. I introduced LB290 as a next step for our state to both modernize our elections and make them more secure. We'll go through this and hand this out in a second. LB290 switches our current opt-in voter registration system to an opt-out process moving Nebraska closer to automatic voter registration efforts that have been happening across the country. Currently, as mandated by the National Voter Registration Act, Nebraskans are asked on their driver's license or state ID application if they would like to register to vote. LB290 flips that and instead would ask individuals if they would like to opt-out of registration. The person's interaction at the DMV would largely remain the same. They would still provide their name, their birth date, an address as part of whatever application they were completing. The individual would then be prompted to either affirmatively opt out of voter registration or to register, update, or affirm their registration. If the person chooses not to opt out, they would then select their party registration, confirm they are at least 18 years of age or will be before the next election, and that they are a U.S. citizen that's eligible to vote, and provide their electronic signature. The DMV would then set the electronic files for individuals who have both self-identified as eligible and not opted out of voter registration to the county election official for the sole purpose of voter registration. The county election official would then review the files to determine and verify eligibility prior to registration. If eligible, the individual's registration is then processed and the voter is sent a voter registration confirmation card, like it is right now. I'd also like to note that LB290 provides permissive language for the Department of Education or the Department of Health and Human Services to enter into a memorandum of understanding, an MOU, with the Secretary of State that would allow them to create a similar process of sharing only the information needed for voter registration between agencies. Aside from the common goal that I believe we all share of more easily registering eligible voters and improving participation in our democracy there are two other added benefits. The first is it highly increases government efficiency by allowing the electronic sharing of information between agencies. Currently, information can only be shared for voters who answer the opt-in registration question on their DMV application. LB290 makes it easier for the DMV and counties to share more information. The second benefit is that it raises the level of data integrity in our elections allowing the DMV and other state agencies to share new and updated address information and will (1) it will cut down on provisional ballots on election day, and (2) it will clean up the county's voter rolls ensuring people to vote...ensuring

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people that vote that they're voting where they actually live. We're seeing nationally six states and in Washington, D.C., have passed some variation on automatic voter registration. Oregon was the first to pass it and is the only state that has data that we can point to from the last election. In Oregon, 2016 was the first major election held since passing automatic voter registration and they saw a record voter turnout as a result of the increase in voter registration. I hope that LB290 will do the exact same for Nebraska. Lastly, I'd like to note that since introducing LB290, my office has had conversations with the DMV, the Department of Health and Human Services, and the Secretary of State's offices. Based on their feedback and their concerns, we came prepared with AM522 which we've handed out and along with a brief explanation. Substantive changes to LB290 include language that clarifies which records are transferred from the DMV to county election officials; how signatures can potentially be obtained from the DMV by state agencies and create specific opt-out language that will go in place of the stricken opt-in language currently contained in the Motor Voter Law. With that I'm happy to take any questions from the committee and I'd like to thank you for your time. [LB290]

SENATOR MURANTE: And thank you very much for your opening. Are there any questions?
Senator Blood. [LB290]

SENATOR BLOOD: Thank you, Chairman Murante. Senator, would any of this amendment then affect your fiscal note in a positive fashion? [LB290]

SENATOR VARGAS: So, yes, the fiscal note, as they do well as they're trying to anticipate the costs, so we made sure (1) I called out this permissive language, there wouldn't be the requirement that the two different departments that we referenced in this bill would have to share this information. It's in the "shall"...sorry, it's in the may...that they "may." [LB290]

SENATOR BLOOD: It's optional. [LB290]

SENATOR VARGAS: Yeah, this an optional permissive language on purpose. [LB290]

SENATOR BLOOD: And I'm going to ask you what I've asked several people before you already...at least one person before you, are you aware of any public/private partnerships that we could utilize to help pay for something like this? Are there any grants available? We just have so many burdens that we continue to put on the Secretary of State's Office, I'm always interested in looking for monies, maybe, outside of our budget? [LB290]

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SENATOR VARGAS: I'm writing that down. So, we haven't encountered any...looking into private/public partnerships or grants, it's a great question. I'm more than happy to look more into that. I think that's a valid question. [LB290]

SENATOR BLOOD: Thank you. [LB290]

SENATOR MURANTE: Thank you. Senator Briese. [LB290]

SENATOR BRIESE: Thank you, Chairman; and thank you, Senator, for bringing this and being here today with us. When you talk about six states have adopted some version of "automatic registration" does that...is that the opt-out language you're referring to in the DMV provision of this? [LB290]

SENATOR VARGAS: So I will...they do it very different ways. I think what's important is...and I'll use Oregon as an example, Oregon...and there will be other people testifying that can provide a little bit more light to this, but Oregon has a different model, automatic voter registration, sort of the end game outcome, they went about it a very different way. Ours is a point-of-service model, which is when people are now, from here on in, coming to the DMV or other state agencies, again there's permissive language there, coming to the DMV and they're going through the application process to either get their driver's license or some other license and then also update their address on their license. They have to specifically...there's a section that would have said that you're opting in. This one is just saying you're opting out and then you're filling out information for voter registration. [LB290]

SENATOR BRIESE: Okay, okay, thank you. [LB290]

SENATOR VARGAS: Thank you very much. [LB290]

SENATOR MURANTE: Thank you, Senator Briese. Senator Lowe. [LB290]

SENATOR LOWE: Thank you for being here. Thank you, Chairman. And welcome to our great committee here. You said that six other states, and you gave us Oregon, what are the other five? Do you happen to have those, Senator? [LB290]

SENATOR VARGAS: I don't have the list with me here. [LB290]

SENATOR LOWE: Okay. [LB290]

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SENATOR VARGAS: But I know that there's going to be some other people that are experts... [LB290]

SENATOR LOWE: You can get those to us. [LB290]

SENATOR VARGAS: ...and can talk to the specific other states. We use the Oregon model because I want to make sure that we can reference states that have had data that show the increase in voter turnout. Those states don't yet have a proven proof point; but we have a proof point from the 2016 election that showed that there was hundreds of thousands increase voter registration as a result in the state and we directly attribute to one major piece is this voter...automatic voter registration component that they passed. [LB290]

SENATOR LOWE: Thank you. [LB290]

SENATOR MURANTE: Thank you, Senator Lowe. Seeing no additional questions, thank you very much for your opening, appreciate it. [LB290]

SENATOR VARGAS: Thank you. [LB290]

SENATOR MURANTE: And we will proceed to proponent testimony. Welcome back. [LB290]

BRI McLARTY HUPPERT: (Exhibit 2) Thank you. Good afternoon, members of the Government, Military and Veterans Affairs Committee, my name is Bri McLarty Huppert, that's B-r-i M-c-L-a-r-t-y H-u-p-p-e-r-t and I'd like to submit testimony in support of LB290 in my official capacity as the director of voting rights with Nebraskans for Civic Reform. Since Senator Vargas did a great job of explaining the bill and the committee amendment, I'll just kind of sidestep that part of my testimony, but it is included in the report that's being passed out. To answer Senator Briese's...I think Senator Lowe's question first about the other states, the six states in addition...or the five states in addition to Oregon include California, West Virginia, Alaska, Connecticut, and Vermont. And all of those came about it slightly different. Most of them do have a point-of-service model similar to what we have here in LB290. And Oregon was slightly different where they sent a follow-up card where the individuals could opt out in that respect, or pick a political party if they didn't respond and they'd be automatically registered as nonpartisan. We chose to go with the point-of-service model because one of the biggest issues that they saw in Oregon and in California is the electronic integration of voter registration with the DMV application. And we already have that. So here in Nebraska we're actually ahead of a lot of the other states that are currently looking at automatic voter registration. So California is looking at a point-of-service model similar to ours. In LB290, we actually integrated it straight

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into the statute to alleviate some of the confusion that California is currently seeing because they did it as a completely separate kind of section understanding that they would have to make an electronic transfer and do the integration that we already have. I believe Connecticut was actually based on a court order. The DMV wasn't actually following up with motor voter and providing voter registration, so when the Department of Justice actually sent them a letter, they decided to go ahead and utilize this as an opportunity to integrate automatic voter registration and that was part of the...I guess I'll say agreement to not sue between the Department of Justice and the state of Connecticut. So that's just a little kind of feedback about how other states have done it. In Alaska, it was actually a ballot initiative where they tied it to the PRI where individuals in Alaska can get money based on gas and revenue and natural resource money that the state makes, so they actually tied it when someone applies for...I think it's called a PRI or PRO, that's when they actually do automatic voter registration so...not even through the DMV, but through a different state agency process. So that's a little feedback about what's happening nationally. And there's some information in here about the two different models, the Oregon model versus the point-of-service model. And then also, even how LB290 slightly changes on the point-of-service model. Two other reasons that we support LB290 is specifically the security and the integrity of the data. So right now, with the DMV, I think the numbers quoted to Senator Vargas' office were about...of the 500,000 operator's permits that are done annually by the DMV, only about 100,000 opt in, so that's about a 1 in 5. And there are very strong privacy statutes that really control when the DMV is allowed to even share data. So what we're doing is just making it a little bit easier for the data to be shared instead of waiting for those individuals to then verbally opt in, which is a 1 in 5 ratio. We're trying to flip it where it's an opt out so more individuals are encouraged to actually agree to share their data with...and their updated address with the county election officials so that their voter registration can also be updated. There's a great study from the Cooperative Congressional Election Study through the Pew Charitable Research Trust. They interviewed voters in 2008, and half of them didn't even know that you could actually register at the DMV. So there is kind of an education issue about the availability of motor voter, and the 1 in 5 numbers really show that. So that's one of the reasons that we are supporting LB290 because by getting more data into the hands of the election commissioners, we can update voter registration more frequently. The Secretary of State does a national change of address matched twice a year, and the DMV does it once a year. By allowing more shared data, we're compounding the investments that those state agencies are already making to improve the data that they all have, or at least the election commissioners. So that's one of the things that you'll see in the later part of my report. And with that I'll answer any questions, and I'm sure you have a few. And I have specific numbers if you're curious. [LB290]

SENATOR MURANTE: All right, thank you very much for your testimony. Are there any questions? Seeing none, oh, excuse me, Senator Wayne. [LB290]

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SENATOR WAYNE: I was writing down a question. How does this increase security as it relates to voting fraud and voting...? [LB290]

BRI McLARTY HUPPERT: So one of the things that we've seen, there's a great Pew Research data that about 12 million voter registrations nationally have an inaccurate address. So by making it easier for individuals to update, and for election officials to update those individuals' addresses we don't have individuals doing provisional ballots, they're now voting in the proper location. And so that's some of the things that we've been seeing nationally some of the concerns that people have that they don't feel that the voter rolls are accurate. By increasing the amount of data going to the county election officials, we can improve the data that's actually being housed on our voter rolls which would make our elections more secure in that any fear of fraud or tampering or that kind of stuff, would be prevented by more accurate rolls. So that's kind of how it would increase the security. [LB290]

SENATOR WAYNE: Thank you. [LB290]

BRI McLARTY HUPPERT: Yep. [LB290]

SENATOR MURANTE: All right, seeing no additional questions... [LB290]

BRI McLARTY HUPPERT: All right, thank you. [LB290]

SENATOR MURANTE: Thank you for your testimony. Welcome back, good to see you. [LB290]

LAZARO SPINDOLA: (Exhibit 3) Good afternoon, Chairman Murante, and members of the committee. Yeah, I think I'm here quite a lot recently. Thank you for seeing me this afternoon. For the record, my name is Lazaro Spindola, that's L-a-z-a-r-o S-p-i-n-d-o-l-a. I am the executive director of the Latino American Commission and I am here in support of LB290. Voter turnout in the 2016 election was 55 percent which was the lowest since 1996 election. The challenge that we face as a nation is getting more voters to vote. Barriers to this process will continue to lower the number of citizens casting their ballots and further eroding the exercise of our basic rights and liberties. I became a citizen in the year 2004. That same year I had to renew my driver's license. I was not aware that I could have registered to vote at the same time. I was asked for my naturalization certificate, several proofs of residence, my newly acquired American passport, and whether I wanted to become an organ donor. This was the part I was quite emphasized on that driver application...driver's license application. If I had had the opportunity to register, I could have voted in that same year, 2004. In Nebraska, there were 1,213,000 eligible voters in

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February of 2016. But after the primaries, 46,000 more eligible voters registered. I urge you to advance LB290 and help more of our citizens become more engaged in the democratic process. And I included a second page, probably for answers Senator Wayne's question, about the requirements that they now have at the DMV in order to get a license for the first time. But you have to show proof of citizenship of legal, permanent residence and your address. If you are a legal permanent resident, you are automatically not eligible to vote until you become a citizen. So that would kind of do away with the fear of voter fraud that might happen. That's all. I'd be happy to try to answer any questions. [LB290]

SENATOR MURANTE: All right, thank you very much for your testimony. Senator Blood. [LB290]

SENATOR BLOOD: Thank you, Chairman Murante. When you refer to the voter turnout, are you talking about statewide at 55 percent or Douglas County? [LB290]

LAZARO SPINDOLA: In the nation. In Nebraska it was more like 76 percent. [LB290]

SENATOR BLOOD: Yeah, I was going to say, in Sarpy County I think it was like 74 percent. All right, thank you for the clarification. [LB290]

LAZARO SPINDOLA: You're welcome. [LB290]

SENATOR MURANTE: All right, seeing no additional questions, always good to see you. Thanks for coming down, appreciate it. [LB290]

LAZARO SPINDOLA: Thank you. [LB290]

SENATOR MURANTE: Additional proponent testimony. Welcome back. [LB290]

SHERRY MILLER: (Exhibit 4) Okay. Yes. For the record, I'm Sherry Miller, S-h-e-r-r-y M-i-l-l-e-r; president of the League of Women Voters of Nebraska. I would like to just sit here and say ditto to what he said and what she said, but I also want to add that the League supports changes to Section 4, which would allow the Secretary of State to add onto a memo of agreement...a memorandum of agreement...memorandum of understanding with the CEO of the Department of Health and Human Services to use an electronic registration application in lieu of a mail-in registration. This service should expedite the process of registering for clients in the DHHS system without affecting confidentiality. And it should also provide for protection against fraudulent voter registration because of the crosscheck of information conducted at the DMV. So

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the League thanks Senator Vargas for introducing LB290 and encourages the committee to advance the bill to General File. [LB290]

SENATOR MURANTE: All right, thank you for your testimony. [LB290]

SHERRY MILLER: You're welcome. [LB290]

SENATOR MURANTE: Are there any questions? Seeing none, thank you. [LB290]

SHERRY MILLER: Okay. Thank you. [LB290]

SENATOR MURANTE: Mr. Geis, welcome back. [LB290]

GAVIN GEIS: Chairman Murante, members of the committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I'm executive director of Common Cause Nebraska, of course we're testifying in support here. Would reiterate a lot of what has already been said, but to kind of summarize that I think this is a very...it's a really kind of cool concept because it let's us have it all in a way. There's so many different perspectives we come at voting rights in Nebraska, as we've seen throughout this session, but this let's us do all of it to a certain extent so we can increase accuracy, as Bri said. So it removes some human components and you make more of it digital. Okay, great, let's increase digital, access digital, transfer as much of it as we can from as many sources as we can and you also get more data points as we bring more state agencies into the equation, even though they're optional right now, I really hope, over time, we would increase across the spectrum--more data points come in, you have more accurate, more reliable information as people touch points with the state. It's also just plain old efficiency, we build a better system here. We had a lot of digital systems; we're not moving away from that; I don't see us going back to filing cabinets and piles of records. Digital is the way forward; this links those together--builds efficiency, increases access, increases accuracy. So as was also said, possibility for increased registration; some states have seen an increase in number of registrations. We don't know what they'll look like in Nebraska yet, but that is an area where people have a lot of passion, a lot of care, let us answer that in a positive way. We don't just care about accuracy, efficiency, we also care about getting as many people registered as we can. Finally, there's also a possibility that we decrease costs over time. Right now? Yeah, it's going to cost some money. But as with most digital systems, you see a taper off once it's in place and once we've connected all of that together so that the data hits together at one point in the most accurate, check ups, basically, as we can. When all of this is being fed in from different state agencies, we update the records without having a lot of leg work to do that. People do it themselves, but the government helps along the way. A few things that I think this bill covers well, issues we've seen in these other state discussions on this type of bill. First of all, a big issue that they saw in California was

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protection against inadvertent registration. And this does it from both angles. It protects, based on the entire electorate pool by making sure that people...it's clear that when you can and cannot register to vote, who is eligible and who is not eligible, we already have that built into the system, it just piggybacks on what we have, but also protects against people who accidentally register. That was a huge issue in California, a lot of outcry because it didn't do a good job of providing protections for those who signed something thinking this is for my driver's license, oh no, now I'm committing a felony. This protects against that, stops that issue right at the door. You say, as long as you aren't doing it intentionally, we're not going to charge you with a felony. Also, there's very clear notice of the opt out. It's very...the bill provides a requirement for clear...and as apparently the additional amendment here, even more clear language, that's been another issue where it's uncertain whether this is an opt out or an opt in, what are they asking me? Other states have seen problems there. This is being addressed here, I assume, quite well with the new language, clarified with the DMV. Finally, privacy, that's already built into our DMV well. But, once again, other states have had big outcries from people saying don't send my information, don't do anything with my information I don't want you to do. We're already handling that in Nebraska. We don't, necessarily, have to deal with it in the language of this bill, but it is being handled in our system. So those are some big issues that came up in Oregon and California, all the other places. They ran up against...they're handling it well with this bill as we see it. Thank you. [LB290]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thank you for coming down, appreciate it. Continuing on...welcome. [LB290]

CHRIS RODRIGUEZ: Thank you, Chairman Murante and members of the committee. My name is Chris Rodriguez, C-h-r-i-s R-o-d-r-i-g-u-e-z. I'm coming here today as a concerned citizen. As it stands, about one-third of our electoral is missing and that is young people. Many young people, such as myself, find taking the time to register to vote very daunting, unnecessary, and, frankly, just hard to do. I believe pushing forward with an "automatic voting registration" would not only remove barriers to young people, but would also get them to participate in our political system. And not only would we get more young people into the political system, we've got candidates and representatives that represent visions of not only Nebraska currently but of the future. So, that's all I had to say. Thank you. [LB290]

SENATOR MURANTE: All right, great. Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down. [LB290]

CHRIS RODRIGUEZ: Thank you. [LB290]

SENATOR MURANTE: Still on proponent testimony. Welcome. [LB290]

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JEAN DURGIN-CLINCHARD: Good afternoon, Senator Murante and committee. My name is Jean Durgin-Clinchard, J-e-a-n, Durgin-Clinchard, D-u-r-g-i-n, hyphen, Clinchard, C-l-i-n-c-h-a-r-d. I've scrapped a lot of things that I had written originally because they've already been covered. So, hopefully, I will get the right things in here. I'm a registered voter in Nebraska and have been since 1959. I've been a poll worker in Lancaster County for at least ten years; I've lost track of how many for sure. I've also been part of organized registration drives or efforts--sitting in grocery stores, at a mall, and yes, walking the streets knocking on doors in outreach to make the precious right to vote a reality for those who are eligible but are often left on the fringes. This atmosphere of outreach with voter registration is a far cry from the poll tax I paid when I registered in Virginia in the 1950s and voted for Eisenhower. This is 2017 and we're in Nebraska, and we are able now to register by opting in when we get or renew our driver's licenses at the DMV. Now, we need LB290 to go it one better and make voter registration automatic; and this is what, of course, LB290 would do. I've heard, sort of implied, and some questions, not necessarily here but around today that anyone who completes that...who does this is just being passive, it's automatic, it makes it too easy. And I would say that anyone who completes an application to vote and the questions that are asked, and they're listed in the bill, wherever they do it must sign affirming that all of the information is accurate and they know that if it is not correct, it is fraudulent, a Class IV felony punishable by up to two years in prison or a \$10,000 fine or both. Registration to vote is a serious process, and I think that is not taken lightly. And by being an automatic process, it becomes inclusive of all heritages and personal circumstances. The signatures, we know, are already electronically transmitted and therefore available as needed for comparison. So now we get to the final stage which is election day when I and my fellow poll workers greet the voter at the assigned polling precinct. The list we have is accurate and as up to date as it can be. Early voters have an X by their name so we are alerted immediately that this person has voted. A long-time inactive voter is noted for our scrutiny. Provisional ballots are applicable in a number of situations so no one is denied their right to vote if they are truly eligible. And poll workers are trained prior to every state election; so it's an ongoing training process. Someone mentioned earlier, I think it was another bill actually, but that maybe there would be pile up because there would be maybe too many provisional ballots. I guess that was in reference to the county by county. At any rate, when we do have provisional voters, we have several people of different parties as poll workers and we're cross-trained so that we can help one another out. So one of us can step aside and help the person with a provisional ballot while the others continue with the list. With automatic voter registration, the right to vote, a priceless right, being...having a free and unencumbered registration is facilitated. More people who had not previously been engaged in the civic process become a true part of this democratic republic and exercise their right to vote. And I submit that that's an active process when you have actively said, yeah, you know, I'm eligible and I signed that thing; that was an active process that I became registered. So as a registered voter, I have then the option to vote or not. And that's more than passive; it's showing that I want to get out and do something. This active decision to vote is

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civic interest and representative involvement at its very best. And I urge you, urge you to please support this bill and move it to General File. [LB290]

SENATOR MURANTE: All right, thank you very much for your testimony. Senator Blood. [LB290]

SENATOR BLOOD: Thank you, Chairman Murante. And thank you for your testimony. You brought the poll tax in Virginia? [LB290]

JEAN DURGIN-CLINCHARD: Yes, in the '50s. [LB290]

SENATOR BLOOD: No, I...do you know the Nebraska connection that helped eliminate that? [LB290]

JEAN DURGIN-CLINCHARD: No, it'd be nice, I'd like to know. [LB290]

SENATOR BLOOD: So Evelyn Butts was one of the people who took it to the Supreme Court. [LB290]

JEAN DURGIN-CLINCHARD: I did know that, yes. [LB290]

SENATOR BLOOD: Her daughter, Charlene Butts Ligon, actually lives in Bellevue. [LB290]

JEAN DURGIN-CLINCHARD: Um-hum. Thank you. [LB290]

SENATOR MURANTE: All right, seeing no additional questions, thank you very much for your testimony. Are there additional proponents wishing to speak on LB290? Is there opposition testimony to LB290? Welcome back. [LB290]

COLLEEN BYELICK: (Exhibit 5) Thank you. Chairman Murante, members of the committee, for the record, my name is Colleen Byelick, C-o-l-l-e-e-n B-y-e-l-i-c-k, and I'm the General Counsel and Chief Deputy for the Secretary of State's Office here in opposition to LB290 on behalf of the Secretary of State. LB290 also termed "automatic voter registration" creates a process by which an applicant is automatically registered to vote at the Department of Motor Vehicles unless the applicant affirmatively opts out of the registration. This process would apply to anyone receiving an original or renewal operator's license, state ID card, or a replacement of either of those documents. The bill also allows the Secretary of State's Office to enter into

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agreements with the Department of Health and Human Services and the Department of Education to implement automatic voter registration for applicants applying for public assistance. We have several concerns. My letter is pretty lengthy that I've distributed to the committee, so I'll try and highlight the concerns. This does change the nature of voter registration. We have a system in the state now where someone has to affirmatively decide that they would like to register to vote and decide that they want to opt into the process and complete the voter registration application. We give them a host of variety of ways to do that: they can do that on-line; they can do that via paper; they can do that in person; there's many ways that they can do that, but currently that is an affirmative step that they have to take. This changes that process and that every time someone goes to the DMV for the variety of documents I've mentioned, their information is going to be submitted to be processed as a voter registration application. One of our main concerns is this is going to flood the voter registration system with individuals that are ineligible or are duplicative or unnecessary registrations. Per the DMV, there's about 500,000 driver's license, ID cards, renewals, or replacements of those processed per year. We currently, for those individuals opting in at the DMV, process about 100,000 registrations from the DMV. So we're talking about 400,000 records flowing into our voter registration system. And out of those records, we don't know who might have applied independent of that, we don't know why those people opted out whether they really need to update their voter registration record and, you know, we're going to be asking our local county election officials to wade through all of those records and try and make those determinations. We're also concerned that those applications are going to be incomplete. We can imagine someone standing at the DMV being processed by the examiner may fill out three of the questions and not all of the application it goes through and now the election official at the county level is trying to sort out and make heads or tails of that application process. As the bill is drafted, there really is not a filter to filter out individuals that are ineligible. It sounds like the amendment may address some of those concerns. We just received the amendment yesterday afternoon, so we have not had time to sort through that and figure out if that eliminates some of those concerns with ineligible individuals flowing through this process. We do want to mention that as we have this existing process with the DMV, they have the signature of individuals appearing at their office. However, when you move this to a public assistance office like the Department of Health and Human Services and the Department of Education, if those individuals don't have a driver's license or some sort of identification with the DMV, there would not be a DMV signature on record that could be pulled in as part of this process. We are also concerned about the change to the voter falsification statutes that, in essence, if you apply via a paper application or an on-line application, you're subject to the penalty for election falsification, but if your application flows through this process you're not unless it can be proven that there was some sort of affirmative intent to submit an ineligible application. So we are concerned about that change for election falsification. I see that the red light is on, so I will stop there. [LB290]

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SENATOR MURANTE: All right. And thank you very much for your testimony. Are there any questions? Senator Wayne. [LB290]

SENATOR WAYNE: I know in the bill it's a lot of permissive language and you're just going...kind of based off of that, can you expound on why with the permissive language your fiscal note is the way it is. [LB290]

COLLEEN BYELICK: Sure. Well, we went ahead and included the cost for if we had to create processes with the Department of Health and Human Services and the Department of Education because we didn't know of any other way to have that money budgeted for those purposes if we were to move ahead and enter into agreements with them. So if the bill passes, those agencies want to work together to kind of move forward with automatic voter registration unless we would wait until the next budgeting cycle and submit that as part of our budget request. We didn't have a mechanism to request that appropriation unless we put it in as part of the fiscal note for this bill. So in talking with the fiscal office, that was kind of their suggestion. If we, obviously, if this doesn't move forward or we don't move forward with those particular agencies, then we would not incur those expenses or costs. [LB290]

SENATOR WAYNE: Thank you. [LB290]

SENATOR MURANTE: All right. Seeing no additional questions, thank you for your testimony. [LB290]

COLLEEN BYELICK: Thank you. [LB290]

SENATOR MURANTE: Welcome. [LB290]

RHONDA LAHM: (Exhibit 6) Thank you. Good afternoon, Senator Murante and members of the Government, Military and Veterans Affairs Committee. I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, director of the Department of Motor Vehicles. I am appearing before you today to offer testimony in opposition to LB290. As introduced, LB290 poses challenges to the Department of Motor Vehicles and may prevent the issuance of a driver's license or identification card to an individual applicant. The introduced copy of LB290 is somewhat inconsistent as written. The new language on page 4, lines 8 through 10 implies the voter has a choice in whether or not he or she wants to register to vote. However, the bill proposes to amend DMV statutes to make it mandatory to complete the voter registration while at the DMV. The bill deletes the question in current DMV statutes which makes voter registration optional at the DMV. The new language says the person "shall" complete the voter registration portion of the application for transmission

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to the election commissioner or county clerk. Completion of the voter registration portion will be required each and every time a person has a transaction to get a license or identification card. The result of this change is that if an applicant at the DMV does not want to complete the voter registration portion, the DMV will be forced to deny the license or identification card because of the "shall" language making it mandatory to complete the registration process. LB290 requires the DMV to transmit information from every transaction to the Secretary of State, which will require them to weed through each transaction to determine if it is really a new registration, an update of a record for a previously registered voter, or just duplicative information of what is already on file with the election official. DMV staff will have to deal with annoyed applicants who will be asked their party affiliation while at DMV if they choose to complete the registration but who do not need to register because they are currently registered or do not want or need to make changes to their voter registration record. Another problem with LB290 is that the DMV will be transmitting voter registration information to the Secretary of State for people who are not eligible to vote for a variety of reasons. They may not meet age requirements, they may not be U.S. citizens, or their identity may not be fully vetted. Just because a person qualifies for a driver's license or state identification card, it does not follow the person that is automatically eligible to vote. More to the point, a person may make a good-faith application not knowing he or she is not eligible to register to vote. The bill provides shelter from prosecution for persons who make this error, but it will not stop frustration if they really thought they were able to register to vote. It is possible they will blame the DMV for that failure. LB290 also requires the Department of Education and Department of Health and Human Services to provide voter registration information from persons doing business with those departments. As part of the required process in LB290, the Secretary of State is to reach out to the DMV to get signatures for persons whose applications come from the Department of Education or from the Department of Health and Human Services. This requirement is based on a fundamental misunderstanding of what is available in the DMV database. The DMV does not have a signature from everyone in the state of Nebraska. It is likely that a number of persons whose voter registration applications comes from the Department of Education and the Department of Health and Human Services will not have a document issued by the DMV and voter registration will not be able to be completed. This may frustrate persons who expect they're going to be able to register to vote. I also want to let the committee know how the motor voter system at the DMV works today. In 2014, LB661 authorized the office of the Secretary of State and DMV to work together to provide for electronic voter registration. There were two prongs to the bill. First, the Secretary of State built the on-line voter registration which...processed the signatures available to the DMV. The other part of the bill allowed DMV to build an electronic process for voter registration. When persons apply for a document at DMV, all applicants have the option to register to vote. The system was designed by the DMV and Secretary of State so that it does not forward applications from persons who are under the age or persons who have lawful status, but are not citizens. For any eligible person exercising the voter registration option, the application is transmitted electronically to the Secretary of State. This system replaced the paper system used

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in 1990. The system is now fast and accurate and available any time. I did receive a copy of the amendment yesterday afternoon. We haven't had time to fully vet it, however, some of the language in that still would have that same issue which requires to deny documents. Thank you for your time today and at this time I would answer questions. [LB290]

SENATOR MURANTE: Thank you very much for your testimony. Senator Blood. [LB290]

SENATOR BLOOD: Thank you, Chairman Murante. Director Lahm, you said you haven't had fully...time to fully vet it, but yet you're still not in favor of it. Are you willing to work with the senator and perhaps maybe finding that middle ground, since he's feeling very passionate about this bill? [LB290]

RHONDA LAHM: We can work with him. My main concern is that there's not language put in the bill that requires me to deny somebody a document if they don't want to answer the question. [LB290]

SENATOR BLOOD: Okay. [LB290]

RHONDA LAHM: So that's my main concern. [LB290]

SENATOR BLOOD: And you've made that clear to him, the senator? [LB290]

RHONDA LAHM: Yeah, we had... [LB290]

SENATOR BLOOD: And is it you personally has met with him...with Senator Vargas. [LB290]

RHONDA LAHM: I didn't meet with him, I met with his staff. [LB290]

SENATOR BLOOD: Met with his staff? [LB290]

RHONDA LAHM: Which (inaudible) before. Um-hum. [LB290]

SENATOR BLOOD: Thank you. [LB290]

RHONDA LAHM: If I could, Senator, I just wanted to comment about the numbers because while we issue 500,000 documents by year, that's correct. They actually process 650,000 to

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700,000 applicants. So information from all of those would be going. And each year we process about 110,000 name changes/address changes, so in regards to the testimony earlier, about 100,000 of those are coming through in the department, because many individuals, like myself, live in the same place for 20 years, there isn't any changes, so of course, those aren't transmitted. [LB290]

SENATOR MURANTE: Understood. Seeing no additional questions, thanks for your testimony. [LB290]

RHONDA LAHM: Thank you. [LB290]

SENATOR MURANTE: Any additional opposition testimony to LB25 (sic-LB290). Is there any neutral testimony to LB25 (sic-LB290). [LB290]

SENATORS AND AUDIENCE MEMBERS: (Inaudible) LB290. [LB290]

SENATOR MURANTE: Oh, my gosh, I'm sorry. I jumped ahead. I apologize. Although you were really quick to oppose to LB25, I have to say that. (Laughter) Is there any additional opposition testimony to LB290? Is there any neutral testimony to LB290? Seeing none, Senator Vargas. [LB290]

SENATOR VARGAS: Thank you very much, Chairman; thank you, members of the committee. I want to thank you...thank everybody that testified, both sides. I think this is an important conversation. I just want to reiterate a couple of different things I think are pretty important to this...a very simple change, simple as having somebody opt in to opting out can dramatically change the number of individuals that are eligible and that can be registered to vote in our state. I think we are constantly, and in this committee, you are debating how better to have better secure, improve our democracy, make sure government is available to every single individual. And I think that's what's happening across the country. I think there are states that are grappling and figuring out better ways to remove barriers for individuals to exercise the right to vote. I think this is one of those instances where we're trying to remove barriers to exercise people's right to vote. And specifically, the barrier of before even the right to vote which is just being registered to vote. And we've heard from some of the testimony that individuals go to the DMV and they don't even realize that it's on the application. This simple step of having to opt out is really encouraging somebody to make the decision they are knowingly not registering to vote. And I want to address a couple of different concerns and I'm happy to continue to work with both...all the agencies that testified to make sure that there's something that is workable to address their concerns. I know there's a concern about denying people because of the application. I'm more than happy to work with...work on that. There is a fundamental piece here that we are having

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people opt out, so we don't want to get rid of that. But we do want to make sure that after the fact that this is encouraging...get down to a place where people are then denied a driver's license. I do believe...I'm hopeful that there's a mechanism to ensure that that doesn't happen because it seems like there already is a mechanism with the on-line system to be able to ensure that that doesn't happen. In terms of security, I know there's a conversation about having people that are going to be applying that are not eligible, which you'll see in the amendment, there is additional language and direction that we added in. So we did remove the language around opting in and then we included language that specifically states that they are knowingly...if they are registering to...if they are deciding to register to vote or they are changing their address, that they have to knowingly decide that they're opting out. And so we provided some language to direct that so that it's clear. We also provided, made sure that there was a carry over in what we see in law already to ensure that the people that are knowingly...the only individuals that would be applying that are not qualified, they would have to knowingly be trying to register to vote. So we put that in to make sure to protect individuals. I know that conversation has been had when we had the DACA recipients also, ensuring that individuals that are applying for their driver's license aren't then also being automatically registered to vote as they are not U.S. citizens. So we wanted to make sure that same protection was carried over. But I just want to ensure that when we were talking about the credibility, the continued integrity, and making sure that we are keeping up with improved mechanisms and streamlining them, that's what this does. And I'm sitting in the Appropriations Committee and I can tell you the number of agencies that are coming to us, even when I just left, coming to us, talking about ways to improve and...the way that data is meaningful and talking to one another across our agencies. And then the agencies coming and investing in those, it's happening and at pretty much every single agency. And we are making tough decisions. We aren't making decisions about how we are continually supporting our on-line voter registration. And I believe that that system has proven to be extremely effective, which is why I believe in continuing to support it. But if other agencies were seeing this move toward making sure data is being...is...we're holding the integrity, we are improving our processes, streamlining things, and continuing to connect these databases, it's only going to help ensure that government is more efficient. And that's what this is about. And I really hope and I'm asking you to work with me to make sure that we can address any concerns on the back end, but that we still get to the root of this as an expanding democracy and making sure more people can vote and making sure Nebraska is continuing to be a leader, especially in the Midwest on this issue. So thank you very much. [LB290]

SENATOR MURANTE: Thank you for bringing this bill before us. Are there any final questions? Seeing none, thanks for coming down. [LB290]

SENATOR VARGAS: Thank you very much. [LB290]

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SENATOR WAYNE: Welcome, Senator Murante, to your Government, Military and Veterans Affairs Committee. We will open the public hearing on LB25, starting with Senator Murante. [LB25]

SENATOR MURANTE: Thank you, Senator Wayne. For the record, and members, for the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e; I'm the state senator for District 49, which includes Gretna and northwest Sarpy County and I'm here today to introduce LB25, so-called "winner-take-all" legislation. I can tell you, having served on this committee for four years, we have studied in great detail the best and most appropriate ways of allocating Nebraska's electoral votes. I'd just like to very briefly sort of summarize the various proposals that have been brought to this committee over the years and why I believe this to be the best. One of the first proposals that was brought to us, and I believe it was first brought to us by Senator Ken Haar, is the national popular vote. The Constitution of the United States gives us, as a legislature, plenary authority to allocate our electoral votes pretty much however we want to. We have...our Founding Fathers could not come to an agreement on how electoral votes would be allocated, so they said, legislatures, you figure it out. And in point of fact, there's nothing in the constitution which even necessitates an election, let alone a popular vote of any kind. But I believe national popular votes is bad public policy and is extremely problematic for a number of reasons. First of all, our Founding Fathers clearly rejected...they had the opportunity to embrace national popular vote and they rejected it. Second, right now, we don't really have one national election for presidential election. Right now, we have 50 separate state elections which allocate their electoral votes. Forty-eight states allocate their electoral votes based on who wins the most votes in that state. Nebraska and Maine does it differently. Now, one of the perks of that situation is that Nebraska has a very sound and secure election system. Now we have a very well-functioning, high-functioning Secretary of State's Office. Our local election administrators are very well respected from across the spectrum. We have not had the kind of election corruption or allegations of corruption in Nebraska, as we have seen across the country. With the system that we have right now, if there is, and there is corruption in other states, it doesn't impact us. We have 50 different states with 50 different ballots going into 50 different buckets. And if somebody else across the country does not conduct elections as fairly as we do in Nebraska, it doesn't really impact us. By going to national popular vote, one corrupts all of the votes in the entire country go into one bucket and if there is corruption anywhere, it does negate Nebraska's votes. So I have rejected national popular vote as a legitimate means of proceeding for how Nebraska should allocate its electoral votes. The second is Nebraska's system, the congressional district model. And this also has numerous problems contained within it. First of all, I believe that there should not be a time when the President of the United States is elected on the basis of lines drawn by politicians. I am the chairman of NCSL's elections...the National Chairman of NCSL's Elections and Redistricting standing committee. I can tell you the issue of gerrymandering is a national concern. I have introduced independent redistricting reform in the state. Last year, we put a bill on the Governor's desk to effectuate that plan. If the nation were to

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embrace this model, it would be gerrymandering on steroids. If you elect the President of the United States on the basis of how state legislatures draw congressional district maps, you are raising the gerrymandering game. It's that simple. There is no instance where unless we have to, as is the case with legislative districts and congressional districts, that people ought to be elected on the basis of arbitrarily drawing maps by politicians. Maybe well-meaning politicians, but that should be avoided at all costs in my view. Next was an issue that was discussed very briefly, which was brought to us via a legislative resolution was the concept of a proportional system. Which to me is a...when you hear the opponents, they will talk about the ability of the minority to be heard and have their votes count. In my view, the best way...if that is your gold standard, if that is really the goal that you're trying...that is the pinnacle, we really ought to move to a proportional system because that gets away from congressional district lines and the necessity of how maps are drawn and it's just a strict proportion system. Now that didn't get very far. I don't think it had a single vote in the committee to appropriate that, and that's not taking off anywhere in the country. But to me when the opponents make their case, that is actually the solution that they should advocate, in my view. And the final is "winner-take-all." And I believe that this is the system which best allows our state to speak with one voice. And I think that's important for a couple of reasons. First of all, the Constitution of the United States was drawn...was drafted with the understanding that states are important. The Founding Fathers did not give authority to segments of states. They gave authority to states. And the reason for that is they understood that as states we have common interests, common goals, we have shared cultures and values and we ought to speak with one voice. That was their vision; that is why they placed so much emphasises in various articles of the constitution in the states themselves. And I believe that winner-take-all is consistent with that philosophy. Now to be clear, the constitution, as I previously stated, gives us plenary authority to allocate our electors however we want to, but in my view, the spirit of the constitution is violated with our current system. And, finally, I'd like to go over just briefly the legislative history of winner-take-all. When winner-take-all was first adopted by the Legislature in the 1990s, one of the primary selling points was that this was the best system and, yeah, nobody else uses it other than Maine, but it's such a great system that if we just adopt it in Nebraska it's going to catch fire and it's going to be adopted all over the country. Clearly, that has not happened. Not a single state since we adopted winner-take-all has...since we adopted the congressional district system, has gone and joined us. They haven't seen it that way. As the chairman of NCSL's Elections and Redistricting Committee, I get...I have the opportunity to speak to election policy makers from around the country. This is not catching on. I don't see any state in the near future adopting Nebraska's system any time soon. It has been rejected by our colleagues from around the country; it is not catching on and I do believe that when it comes to the election of the President of the United States, we should all play by the same set of rules. With that said, this bill has been passed by the Legislature, vetoed by a Governor, filibustered, cloture invoked, cloture not invoked. Just within the last two years, this bill was advanced out of committee; it was filibustered on General File. There were sufficient votes to invoke cloture; it was filibustered on Select File and it failed by one vote. And

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it was prioritized, filibustered; cloture was invoked again. It went to Final Reading. It was filibustered again and it failed by one vote on Final Reading. So we are about 12 months removed from this bill being one vote away from being placed on the Governor's desk. And I think now is the time, for once and for all, dispense with this issue and to return Nebraska to a winner-take-all format, which is embraced by 48 other states. And I would be happy to answer any questions that anyone may have. [LB25]

SENATOR WAYNE: Thank you for your testimony today. Is there any questions from the committee? Senator Blood. [LB25]

SENATOR BLOOD: Thank you, Senator Wayne. You've had practice at other committees, huh? I actually, Senator Murante, have several questions. It's easier to just knock them out right now instead of going back and forth, if that's okay? [LB25]

SENATOR MURANTE: Okay. Sure. [LB25]

SENATOR BLOOD: So, I like this bill in the fact that it caused me to further read the constitution, which I always like to do. And I didn't find the words "electoral college" anywhere in it. I just saw that it did create the president be chosen by state electors. So the questions that I have, in my research, I'm curious, do you believe a winner-take-all system is undemocratic? [LB25]

SENATOR MURANTE: No. [LB25]

SENATOR BLOOD: Why? [LB25]

SENATOR MURANTE: Well, because almost every elected official, including us, the Governor of the state of Nebraska, our constitutional officers, all of those people are elected by a popular vote. Whoever gets the most votes wins. It is only the President of the United States who is not elected that way, so unless we're willing to concede that the Governor of the state of Nebraska is not democratically elected, I can't accept that doing this would not be a democratic way of electing someone. [LB25]

SENATOR BLOOD: Would you say, based on what you said earlier, that founders believed in direct...our founders believed in direct democracy? [LB25]

SENATOR MURANTE: No, they absolutely rejected direct democracy. [LB25]

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SENATOR BLOOD: Because women and slaves couldn't vote, right? [LB25]

SENATOR MURANTE: Right. [LB25]

SENATOR BLOOD: So, what I'm concerned about, because the presidential position is the highest position in the land, since we don't have a king or a queen, at least not right now. [LB25]

SENATOR MURANTE: Um-hum, right. [LB25]

SENATOR BLOOD: States don't elect a president. Citizens should elect their national leader. Would you agree with that? [LB25]

SENATOR MURANTE: States don't...well, I don't...I'm not sure what the distinction is between citizens and states. Citizens are the members of states...comprise the states, so I don't... [LB25]

SENATOR BLOOD: Because I feel that we changed the role when we go to a winner-take-all system. [LB25]

SENATOR MURANTE: I don't see how, but I... [LB25]

SENATOR BLOOD: Would you say that shouldn't it be the citizens that are responsible for the election of the president, ultimately, and it's really not our responsibility as a state? [LB25]

SENATOR MURANTE: The citizens comprise the state. So it's...they...we can't separate the two. [LB25]

SENATOR BLOOD: Okay. I'm truly trying to get...I'm not trying to make this hard. [LB25]

SENATOR MURANTE: The state exists of the people within it, so to say to the people in the state, it's not like they're in competition with each other, the people are the state. [LB25]

SENATOR BLOOD: So part of the... [LB25]

SENATOR MURANTE: Unless you're referencing the government itself. No, I don't believe the government ought to be elected. I don't think we should move to a system wherein, say, the state

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Legislature gets to select the electors and we don't have a vote at all, if that's what you're suggesting, no, I don't support that. [LB25]

SENATOR BLOOD: And our founders actually did use the state Legislatures for that purpose. [LB25]

SENATOR MURANTE: Um-hum, they did. [LB25]

SENATOR BLOOD: So I'm trying to phrase this in a way that I can get clarification. One of the things I found in my research and some of the justification I saw for the reason that it's a benefit for Nebraska to utilize this system they currently have is that we're, indeed, a one-house, nonpartisan system and quite a few experts have said because of that it does make sense to utilize a system that we have. In fact, states like California and others that had issues with their election system could actually learn from Nebraska. Now, I know nobody is lining up, like you said. I mean, what would you say to that? [LB25]

SENATOR MURANTE: That nobody is lining up? I would... [LB25]

SENATOR BLOOD: No, in reference to the fact that we are, really, the only one-house system in the whole United States. Would you also justify we're the only one that has, besides Maine, Maine, right?... [LB25]

SENATOR MURANTE: Maine. [LB25]

SENATOR BLOOD: ...that utilizes what we have? [LB25]

SENATOR MURANTE: Sure. I would say that the relationship...the number of houses in a legislature and how a state allocates its electoral votes are completely unrelated to each other. And just because we're unique in one regard, doesn't mean we need to be unique in every regard. [LB25]

SENATOR BLOOD: Thank you. [LB25]

SENATOR WAYNE: Any other questions from the committee? Seeing none, will you stay for waiving... your closing...are you? [LB25]

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SENATOR MURANTE: I'll stick around. I'll stay for waiving, Senator Wayne. (Laughter)
[LB25]

SENATOR WAYNE: Any proponents? Any proponents? Welcome. [LB25]

JOHN GALE: (Exhibit 1) Chairman Wayne and members of the Government, Military and Veterans Affairs Committee, I'm John Gale, J-o-h-n G-a-l-e, Secretary of State for the state of Nebraska and I'm testifying in support of LB25, as I have in 2011, 2013, and 2015. So those who have been here in those years know that I have been very supportive of this. Our office has done considerable research over the years to determine this question of fairness comes up every time. Well, isn't this more fair? Isn't this more fair for the citizens of Nebraska than what other states use, the other 48 states other than Maine and Nebraska. And the essence of it for us comes down to this in calculating what would happen if every state went to the same kind of congressional distribution system, it would be seldom that any candidate for president would achieve 270 electoral votes. Why is that? Because the larger states, like California, New York, Pennsylvania, Florida, once you've broken them down by congressional district and do not have winner-take-all, then you are distributing the electoral votes considerably different and the opportunity of any candidate to achieve 270 or majority of electoral votes becomes much slimmer. And so you may have a fairer system in the point of view of some people if you had congressional distribution across the country. But the answer to that is not one that we would find very comfortable, and that's the election then of the President goes to the House of Representatives, and the House of Representatives vote according to state, so each state's house members have to aggregate together and determine on a consensus of how their state vote will be cast. And you can imagine how many months and what kind of deadlock we would face if that happened in every presidential election in terms of reaching a common consensus and decision on election of a president. And I think that's a large reason why the larger states are not willing to follow the lead of Nebraska is they like that consolidated power of winner-take-all because they do get to have a major influence on the ultimate distribution of electoral votes. So that has been one of our concerns. The second issue is it hasn't worked in Nebraska in 26 years. It's only happened once in one presidential year, in 2008, where one electoral vote was distributed differently than what the majority vote was in the state of Nebraska. So we can say, well, we have this really extremely fair system, but it hasn't worked, it has not made much difference in 26 years and so why don't we recognize that fact and go ahead and move to a system that 48 other states use. And what does that do? Well, it maximizes our power in a presidential election because our two senate electoral votes are equal to the two senate votes in California, or the two senate votes in New York, or the two senate votes in Virginia. And consequently, our power as smaller states, particularly in the great west...the Midwest and the Great Plains, is that we have an opportunity to be a much more influential in a presidential election year if we have winner-take-all, primarily dominated by agricultural interests and the transportation interests and the interests we have in common throughout the Great Plains. So I think Nebraska would have a better chance to have a

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better say if we'd simply recognize the fact that winner-take-all does accept the reality of how citizens of Nebraska vote, and it does accept the reality of understanding why few, if any, states are willing to move the direction of Nebraska. So for these reasons I support LB25. [LB25]

SENATOR WAYNE: Thank you for your testimony. Any questions from the committee? Seeing none, thank you for coming down. [LB25]

JOHN GALE: Thank you. [LB25]

SENATOR WAYNE: Any other proponents? [LB25]

KENNY ZOELLER: Thank you, Senator Wayne and members of the Government, Military and Veterans Affairs Committee. My name is Kenny Zoeller, that is spelled K-e-n-n-y Z-o-e-l-l-e-r, and I'm the executive director of the Nebraska Republican Party, the largest political organization in Nebraska, representing over 560,000 registered members and I'm here to testify today on behalf of the party in support of LB25. LB25 would correct the injustices of a political ploy pushed by then Governor Ben Nelson to make the Second Congressional District a swing district. Since the 1992 presidential election, our state has allowed for this voter inequality by prioritizing voters who live in the Second Congressional District over those who live in the First and Third Districts. This inequality has further exacerbated the urban/rural divide within our state just for the hopes of having a presidential candidate visit Omaha once every four years. To put into perspective just how bad our current congressional allocation system is, let's take a look at what would have happened to the 2012 presidential election if this was a nation-wide policy. That actual result of the 2012 election was President Barack Obama defeating Governor Mitt Romney in electoral college vote by 332 votes to 206 votes; and in the popular vote by 65,918,507 votes to 60,934,407 votes. If the congressional allocation system had been implemented on a nation-wide basis, the result would have been drastically different. Governor Mitt Romney would have won the election with 274 electoral college votes to 266 electoral college votes, despite losing the popular vote by more than 5 million. This is because the congressional allocation system exacerbates the problem gerrymandering in our country, a problem that this Legislature is...this legislative body has tried to address with various bills during the current and previous sessions. If the Legislature truly wants to address gerrymandering in how the state draws their congressional lines, then LB25 needs to be part of the conversation. In our opinion, LB25 would have a greater impact to resolve partisan influence than any other bill in the Legislature at this time. Our current law, both incentivizes both Republicans and Democrats to draw lines in Sarpy County that would give their political party a statistical advantage in presidential election years to ward their presidential candidate that one electoral vote of CD2. It's unfortunate that all this time and effort is focused on 650,000 Nebraskans in CD2, while 1.25 million Nebraskans have been overlooked by the short sight of

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policy. If presidential candidates want to be awarded any electoral votes from Nebraska, they should have to earn it by making their case to voters all across the entire state, not just in one congressional district. I want to thank Senator Murante for introducing this bill, and I want to thank each and every one of you for allowing me to testify and support an issue to so many Nebraskans. The Nebraska Republican Party encourages this committee to advance LB25 to the floor. Thank you, and I'm happy to try to answer any questions you might have. [LB25]

SENATOR WAYNE: Thank you for coming today and thank you for your testimony. Any questions? Seeing none, thank you for coming. Any other proponents? Welcome back. [LB25]

LARRY STORER: Hi. Good afternoon, ladies and gentlemen. Thank you. My name is Larry Storer, S-t-o-r-e-r, 5015 Lafayette Avenue in Omaha, Nebraska. I am in favor of changes to clarify things, mostly. Thinking back over the elections that we've just had, I'd like to assure that the state of Nebraska electors are not one of the groups that want to stir the pot up by insinuating they do not have to vote the way the state voters selected the presidential candidate and vice presidential candidate. I think that's unconstitutional for certain people across this country to hold up the process. But I'd also like you to clarify that the electors meet in our state, they meet in our Capitol building and cast their votes on our property; nowhere else. I think that's misunderstood by an awful lot of people. And then all this confusion with popular vote versus electoral vote needs to be clarified for the taxpayers in the state of Nebraska. Not enough people read their constitutions, including our own state constitution which has to be subservient to the federal. Perhaps we need the LR6, I believe it is, the constitution provisions for the people to suggest amendments to the constitution through their own process. Once it's approved by 36 states, an application from Nebraska, for example, sent to the federal government. The Congress washes their hands of the process if enough states submit applications for that. That's given to us by the Founding Fathers in Article V. It's found under the "or" provision. And I think the state of Nebraska should have a similar clarification in our constitution. As I understand it, the state constitution, I can start a petition to do just that. Some of it...we get to propose an amendment rather than the state legislators. I don't know whether they would be able to override that or not; but under the constitution, Article V, the legislators are not supposed to be able to override it and neither are the courts or the President of the United States. It's given to us the citizens. So let's try to follow that and have everybody get educated on what Article V means and how it might be read into our constitution. Again, our electors need to be...our citizens need to be assured that our electors will vote the way the popular vote here went and that they will cast their ballots that way and in these chambers or in this building anyhow. Thank you. [LB25]

SENATOR WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for coming today. Any other proponents? Any other proponents? Seeing none, moving to opponents. [LB25]

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JUDY MARTINDALE: (Exhibit 2) Good afternoon. Chairman Murante, who is back there, and the board, Judy Martindale is my name, J-u-d-y M-a-r-t-i-n-d-a-l-e. One person, one vote. My name is Judy Martindale and I was born and raised in Neligh, Nebraska. My father delivered gas to the farmers so they could irrigate their crops, and my mother was a secretary for the Agricultural Soil Conservation Service. I graduated from the University of Nebraska and am retired from being a Lincoln Public School teacher. The citizens of Nebraska encompass a wide diversity of individuals and livelihoods, from the farmlands to the city. We all should have a voice in who we want to lead our country and we should have equal say in electing the President, regardless of where we live. Nebraska firmly believes in empowering all of our citizens so that their votes count in the election of our state legislators and even the Governor. Nebraska believes in a popular vote for Governor and my vote has counted for this. It believes in a popular vote for state senators and my vote has counted for this. My vote has also counted for our senators and representatives in the U.S. Congress and is a popular vote. My vote has never counted for the President of the United States because I voted against the majority in my district. This results in a district vote, not an individual vote for President. This is not empowering individual citizens with the right to equal vote representation since electoral votes decide who wins the presidency. It would be like electing our Governor by assigning one electoral vote for each of the 49 legislative districts and awarding the winning majority votes within each district the power to elect our governor. This is not equal vote representation. The winner-take-all bill before this committee is a step toward further disenfranchising the diversity of voters encompassed by our great state of Nebraska. I therefore respectfully ask this committee to vote against LB25. In the future, I would like to see Nebraska adopt the National Popular Vote Interstate Compact. This would award all electoral votes in Nebraska to the national popular vote winner. Every vote would be equal, every citizen's voice would be counted regardless of where they live. On the second page, I've given you the status of the current interstate compact, 11 states possessing 165 electoral votes have enacted it. Nebraska has tried three times, failed. There are 16 states that have bills pending for the vote. My last page, I have my position as a bipartisan method of electing the President. I've already talked about the equal vote part. And my second part about candidates for the popular nationwide would shift from campaigning mostly in battleground states for electoral votes. So a popular vote nationwide. I believe we would see an increase in voter turnout; more states would receive campaign visits and give voters an opportunity to voice their concerns. If you look down below the disadvantages of the current winner-take-all or district method, we've got...well, five times in the history, the system failed us. We had five people win the popular vote. And then we've got the huge problem of candidates campaigning predominantly in battleground states. The winner-take-all or district method or...they're looking for electoral votes. So they're going to go where they can get as many electoral votes. And in 2016, two-thirds of the campaigns took place in just six states. Twenty-five states received no campaign visits. If we do the electoral...I mean, any...if we do the winner-take-all, we at least got a visit from a Democrat and a Republican because they were going for that one district. Without that, it would be 26 states. The problem is, 32 states have voted the same political party in six

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presidential elections from 1992 to 2012. Candidates have no incentive to campaign in these states in the current winner-take-all method. I'd also like to address the fact that Senator Murante did say that there would be fraud with this national popular vote. It would be the...that's not...that's a myth. Every state would conduct their election the same way they always do. They would report the national popular vote the same way they would always do. The electoral votes would only be rewarded to the national popular vote winner and the process would be the same. There's actually, I think, a possibility for more fraud when you've got these battleground states and people will kind of gravitate there to control possible outcomes. Also, the...my time's up, sorry. [LB25]

SENATOR WAYNE: Thank you. I'll give you a second to wrap up if you have just a wrap-up thought. [LB25]

JUDY MARTINDALE: And there's just one little bit of history I wanted to note and that is the very first election in the United States, only three of the...was there 13 states at that time?...opted for the winner-take-all; the rest did the district. It wasn't until 1880 that they went for the winner-take-all. [LB25]

SENATOR WAYNE: Thank you for your testimony. Any questions from the committee? Senator Blood. [LB25]

SENATOR BLOOD: Thank you, Senator Wayne. Out of curiosity, and thank you for your testimony, what did you teach? [LB25]

JUDY MARTINDALE: I taught science five years in junior high and five years in high school, and then I subbed...I subbed after that. And I really loved it. [LB25]

SENATOR BLOOD: Thank you. [LB25]

SENATOR WAYNE: Thank you. Any other questions? [LB25]

SENATOR LOWE: That was going to be my question. And thank you for being a teacher. [LB25]

JUDY MARTINDALE: You're welcome. [LB25]

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SENATOR WAYNE: Thank you for coming today. For the transcribers that was Senator Lowe. [LB25]

JUDY MARTINDALE: Thank you, kindly. [LB25]

SENATOR WAYNE: Any other opponents? [LB25]

DIANNA SCHIMEK: (Exhibit 3) Good afternoon, Senator Wayne and members of the committee. It hasn't been that long since I've been with you before, so I'm glad to be back. I'm passing out prepared testimony, which I don't think I'm going to read, I'm going to maybe hit some parts of it. The problem with going last is there is about a hundred things that you'd like to say after hearing everybody else's testimony. It would be far better to go first. [LB25]

SENATOR WAYNE: Excuse me, ma'am, can you state your name for the record. [LB25]

DIANNA SCHIMEK: Oh, I'm sorry. For the record, my name is DiAnna Schimek, D-i-A-n-n-a S-c-h-i-m-e-k and I am representing myself. [LB25]

SENATOR WAYNE: Thank you. [LB25]

DIANNA SCHIMEK: And just to begin with, this is the 15th year that we have had a winner-take-all bill introduced. So this has been going on for a long time. And only once during all that time, as has already been mentioned, was there a split vote. And when I introduced this bill originally, I did not anticipate that we would split our votes on every election. In fact, when you go back and look at the history, as my written testimony will tell you, there were only, I think, four elections after 1940 in which we would have split our votes. And one of them goes back to 1940, and that was when Wendell Willkie won statewide in four of the then five congressional districts, but Roosevelt won the second district. The second split would have been in 1944 when Thomas Dewey won statewide in Districts 1, 2, 3, and 4, but Roosevelt won the second district. And finally in 1964, Johnson won statewide, but Goldwater won the third district. So I didn't have any sense that we would be splitting our votes all over the place, but I thought that it would be a good safety valve for when there was, apparently, some differences between districts. And you've heard from someone else here a little bit about the history of district elections. We had them in this country for a long time and that's how we did it originally, and gradually we moved away from it. I think one of the main reasons that I introduced the bill is I thought it would give people some sense of their own power, it would give them a sense that their vote really did count. And in fact, the heavy print on the second page of this is straight out of the testimony on the floor. The most important reason for enacting the bill and the reason we should not undo

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previous legislative decision in this area is that it encourages grassroots activity. And it, in this area of the deep personalization of politics and the advertising wars that occur in every election, it is critical that citizens know that their votes count. This is a state with a small, but very diverse population and it is important that citizens feel that they have a chance to make their voices heard. Now, as you know, this was discussed in other parts of the country, about that time that I introduced the bill, it was being discussed, but it had to pass both houses in other states. And in some states it did pass one house, but it didn't pass in the other house; or it passed in both houses and the governors vetoed it. And the whole thing just sort of petered out. But I don't think it makes any difference. And in fact, I think to hear all those scenarios in which all the states have this system and how the elections would be skewed one way or the other, I don't think that's the important part. I think the important part is that people do feel that their vote counts. And I think I agree with a lot of things that Senator Murante said. Maybe I should just leave it there, but I would like to say that I think that redistricting is an important component and it would be good to address that issue. And with that, Mr. Chairman, I will see my time. [LB25]

SENATOR WAYNE: Is there any questions...thank you for coming today. Is there any questions from the committee? Seeing none, thank you for being here. [LB25]

DIANNA SCHIMEK: Thank you. [LB25]

SENATOR WAYNE: Any other opponents? Any other opponents? Seeing none, those in neutral...testifying in the neutral. Anybody testifying in the neutral? With that, Senator Murante. [LB25]

SENATOR MURANTE: Thank you, Senator Wayne. I just wanted to address one thing. Mr. Storer, I believe, was his name, I wanted to clarify one thing, this committee did advance on the work of a bill introduced by Senator McCoy, the so-called "faithless elector bill." So we were among...we are among the states in the nation who bind our electors to, in our case, to the two who...the two electors who represent the entire state and then the one per congressional district are bound by who the people vote for. So there are some states who are not. We did have a record number of faithless electors around the country, but Nebraska was not part of that. So we have already passed that law. With respect...Senator Schimek is a person whom I greatly admire. Actually, I lament that we weren't...we didn't have an opportunity to serve together because we both have such a passion for election policy and election law and I would have loved to bantered with her for a few years on the Government Committee. We don't see eye-to-eye on this issue, but one thing she is correct about is this is not...I don't really believe that this is a strictly partisan issue in the sense that it's going to impact the outcome of many elections, as she very accurately described. In the modern political world, which is really the post-Reagan world, which is kind of, sort of where we are right now, it's very different from the 1960s and prior to that. This has

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
March 09, 2017

happened once. It's happened one time where the state of Nebraska and all of its congressional districts have not voted together. So is this going to be a bill which dramatically changes how elections are conducted? I really don't think so. With respect to the concern about national popular vote or the statement that there's not much concern about fraud. I do disagree with that, and not just fraud, but because of the fact that all 50 states conduct their elections very differently. And this is down into the weeds, but I'll be very brief. Because all 50 states conduct their elections very differently, we at least have in the Bush v. Gore case a 7 to 2 equal protection ruling that said when there was an instance where there is one county in the state of Florida that was counting ballots and another county that was rejecting the exact same ballot, that was an equal protection violation. Now, does that apply across state lines in the case of a national popular vote? I don't know, I'm not an attorney. But I do know it violates that principle and I do know that our standard for rejecting and accepting ballots is different from other states. And our method of electing...of conducting elections is very different. And unless it gets harmonized, unless we all do the exact same thing, the exact same way, we cannot have a national popular vote. It is not fair, as was discussed earlier, this state has a 75 percent voter turn out, generally speaking, in a Presidential General Election. The nation as a whole is 55 percent. So you can see that there are dramatic differences in how elections are conducted and how people vote. And until that gets harmonized, and I would never support ceding the conduct of elections to the federal government for them to set standards. That would be terrible public policy. So unless all the states got together and had a compact, which is not practical, I don't see how the national popular vote can be actually effectuated in this country any time in the near future. So just wanted to touch on those points. I'd be happy to take any questions, otherwise I hope everyone enjoys their weekend. [LB25]

SENATOR WAYNE: (Exhibits 4-6) Is there any questions for Senator Murante? Seeing none, I just want to read into the record LB25 opponents: Mary Sullivan, representing the National Association of Social Workers-Nebraska Chapter; George Lippert, representing himself; and Anne DeVries, representing herself. And with that that will close the hearing on LB25. And that will conclude our public hearings. [LB25]