

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

[QUALIFICATIONS CHALLENGE]

The Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of District 11 met at 12:00 p.m. on Tuesday, March 14, 2017, in Room 1525 of the State Capitol, Lincoln, Nebraska. Senators present: Dan Watermeier, Chairman; Kate Bolz; Sue Crawford; Dan Hughes; John Kuehn; John McCollister; Jim Scheer. Senators absent: None.

CHUCK HUBKA: The judge is on, if you'll talk in the mike. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Mr. Connolly? [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Yes,... [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: All right. This is Senator... [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: ...Connolly here. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: All right. This is Senator Watermeier. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Can you hear me, Senator? [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Yes, I can just fine. How about you, me? [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Yes. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: All right. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Coming in clear. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: We're missing a couple members yet. We're going to go ahead and wait just a few minutes and then we will get started. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Oh, okay. [QUALIFICATIONS CHALLENGE]

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

SENATOR WATERMEIER: All right, I think we're all here, Mr. Connolly. We're all here as well. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Okay, Senator. Now is there anybody in attendance other than the senators? [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: We have a few media here. Mr. Sciara is here. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Okay. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Janice is here; Patrick is here, Mr. O'Donnell, the Clerk; and my clerk is here as well. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Okay. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: This is a little different than a hearing, so I'm just going to call this meeting to order and say we have one thing on the agenda today, Special Committee to meet the Election Challenge today for one item in two parts: discuss a pretrial order and to set a date for the elections qualifications challenge. I sent out a example of the qualifications challenge and the pretrial order for all the members yesterday. You should have had a chance to look at that. And then I had on the...everybody kind of pencil-in the date of April 7 as far as the calendar. And then you do have a calendar that I had...or legal counsel put together. It shows about only one date that would be available in a reasonable time frame and that's why I set the April 7 as a recess day for our date as well. So I don't know if there's any questions for Mr. Connolly or for our legal counsel in regards to the pretrial example or a suggestion that I sent out from any of the members? [QUALIFICATIONS CHALLENGE]

SENATOR BOLZ: Yes. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Yes, Senator Bolz. [QUALIFICATIONS CHALLENGE]

SENATOR BOLZ: Could you please just refresh my memory in terms of the time frames and the deadlines that we have to achieve as a committee? [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: I could but I might turn it over to Janice. They're pictured in here as well. You can find them all in here. [QUALIFICATIONS CHALLENGE]

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

JANICE SATRA: If you take a look at the calendar,... [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: And the calendar explains it too. [QUALIFICATIONS CHALLENGE]

JANICE SATRA: ...that's probably the easiest way to look at the time line. And then once the hearing is over then this committee will have to write a report, both make a decision and then write a report that reflects that decision. [QUALIFICATIONS CHALLENGE]

SENATOR BOLZ: I maybe could ask my question more...in a more detailed way. It's my understanding that we have a specific time frame in which we need to act. Is that correct? Or can we do this at our own pace? [QUALIFICATIONS CHALLENGE]

JANICE SATRA: Well, the rule or the statute, I can't remember which, says "expeditiously." [QUALIFICATIONS CHALLENGE]

SENATOR BOLZ: Expeditiously. What does that mean? So there aren't specific parameters around when we need to hold the hearing or when we need to make a decision. We can do this. We need to work with due diligence but there isn't a specific time frame in which we need to hold a hearing or make a decision. Is that correct? [QUALIFICATIONS CHALLENGE]

JANICE SATRA: I don't remember (inaudible). [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Mr. Connolly, do you remember a discussion on that? [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Yes, and that's correct and I think it was a discussion of most of the members of the committee that, because of their...the busy schedule, that this was about the only date they had where you could put it on a Friday and not a four-day weekend. But to answer the senator's question, there is no specific jurisdictional or procedural rule saying it has to be done within a certain number of days. [QUALIFICATIONS CHALLENGE]

SENATOR BOLZ: Thank you. That answers my question. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: All right. Thank you, Senator Bolz. Further discussion or further questions? Senator Crawford. [QUALIFICATIONS CHALLENGE]

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

SENATOR CRAWFORD: Thank you. I was curious about whether the two-day...it looks like we have a two-day window after the exhibits are exchanged for objections to be filed. And I believe also that they must be served on the parties. And so I wondered if those...if those two-day windows are considered reasonable or standard in other legal...such legal situations. Is that an appropriate, an allowable window for responding to the exhibits? [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Well, Senator, in a normal...if this was a trial in a civil proceeding, an actual civil case, probably that would be a little short duration, but since we're...since I have been under the impression that we're on a fast pace here, we want to get this done expeditiously, that's why the two days were set. [QUALIFICATIONS CHALLENGE]

SENATOR CRAWFORD: Thank you. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Thank you, Mr. Connolly. But I think, Senator Crawford, what you're asking about is on the suggestion of April 5, the objections to exhibits filed on that day, which is two days before our suggest... [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: In addition, we don't...I don't anticipate a lot of documents or exhibits, physical exhibits. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Okay. Thank you, Mr. Connolly. [QUALIFICATIONS CHALLENGE]

SENATOR CRAWFORD: Thank you. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Further discussion or questions? In order for us to proceed forward, I would need a motion and a second. Then we'll take a vote. If there's further discussion? Mr. Clerk. [QUALIFICATIONS CHALLENGE]

PATRICK O'DONNELL: Yes. Just for clarity's sake, you need a room number and a time to start. (Inaudible) at least a quarter after. [QUALIFICATIONS CHALLENGE]

JANICE SATRA: We...oh, they've got another version... [QUALIFICATIONS CHALLENGE]

PATRICK O'DONNELL: Okay. [QUALIFICATIONS CHALLENGE]

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

JANICE SATRA: ...that has the room number and the date. And, Mr. Connolly, I believe we also added a sentence in G. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Was it F? [QUALIFICATIONS CHALLENGE]

JANICE SATRA: Yes, F. F. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Yes, and the last... [QUALIFICATIONS CHALLENGE]

JANICE SATRA: Page 3, F, number F, where the briefs, if there is a brief, it would also be presented to the committee, not just the opposing parties. So when you get...when the final order is sent out, it will include a sentence that just says the committee will get the briefs also. [QUALIFICATIONS CHALLENGE]

SENATOR CRAWFORD: Where is that? On page...? [QUALIFICATIONS CHALLENGE]

JANICE SATRA: Three. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Three. [QUALIFICATIONS CHALLENGE]

JANICE SATRA: F where it talks about prehearing briefs. We'll add a line there. [QUALIFICATIONS CHALLENGE]

SENATOR CRAWFORD: So that is not currently in the document? [QUALIFICATIONS CHALLENGE]

JANICE SATRA: Right, and we want... [QUALIFICATIONS CHALLENGE]

SENATOR CRAWFORD: Yes. [QUALIFICATIONS CHALLENGE]

JANICE SATRA: ...that Mr. Connolly and I talked just right before the hearing and decided that the committee would need the briefs too if they draft a brief. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: You mean from the copy that they're looking at? [QUALIFICATIONS CHALLENGE]

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

JANICE SATRA: No. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Okay. [QUALIFICATIONS CHALLENGE]

JANICE SATRA: We just decided that. So it will be in the final draft though or final order.
[QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: So the last sentence on page 3, paragraph F, it says if a pretrial brief is filed, a copy of the brief must be served on the other party and the committee no later than the end of the business day on April 5, 2017. [QUALIFICATIONS CHALLENGE]

SENATOR SCHEER: Mr. Chairman, I make a motion to approve the...setting the hearing dates per the information provided us, as amended previously. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Okay. Speaker Scheer has offered a motion and that motion I'm going to reread just a little bit, that it would be the pretrial order and setting the hearing date of April 7 and according to the calendar that I'd laid out here. [QUALIFICATIONS CHALLENGE]

SENATOR SCHEER: Correct. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Okay. [QUALIFICATIONS CHALLENGE]

SENATOR SCHEER: And with the addition (inaudible). [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Change to that, yes. Is there a second? [QUALIFICATIONS CHALLENGE]

SENATOR HUGHES: I'll second. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Seconded by Senator Hughes. Further discussion? Senator Crawford. [QUALIFICATIONS CHALLENGE]

SENATOR CRAWFORD: So was there any conversation with the parties to this hearing in terms of whether they were dates that they could attend? [QUALIFICATIONS CHALLENGE]

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

SENATOR WATERMEIER: I did not reach out to either one. In fairness, I didn't feel like I could reach to one and be fair unless I brought them in together in one room. So we picked three and a half weeks out and that's the first available date, as the conversation I had with several members that could not make it on the 24th or the 27th, which would have been my other possible motive...or mission to get on that weekend. So the only other date that really was going to work was the 7th. And we felt like Mr. Connolly and I decided that three and a half weeks was adequate time. Unless you have, Mr. Connolly, to add something else to that.
[QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: No, I really...the problem is if you get the parties involved, that nobody will have a convenient date. And this has to be done, and that's why it was set.
[QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Further discussion? I'm sorry, Mr. Sciara, we're not having public input today. Further discussion? Call the roll. [QUALIFICATIONS CHALLENGE]

LAURA OLSON: Senator Kuehn. [QUALIFICATIONS CHALLENGE]

SENATOR KUEHN: Yes. [QUALIFICATIONS CHALLENGE]

LAURA OLSON: Senator Bolz. [QUALIFICATIONS CHALLENGE]

SENATOR BOLZ: Yes. [QUALIFICATIONS CHALLENGE]

LAURA OLSON: Senator Crawford. [QUALIFICATIONS CHALLENGE]

SENATOR CRAWFORD: Yes. [QUALIFICATIONS CHALLENGE]

LAURA OLSON: Senator Hughes. [QUALIFICATIONS CHALLENGE]

SENATOR HUGHES: Yes. [QUALIFICATIONS CHALLENGE]

LAURA OLSON: Senator McCollister. [QUALIFICATIONS CHALLENGE]

SENATOR MCCOLLISTER: Yes. [QUALIFICATIONS CHALLENGE]

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

Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of
District 11
March 14, 2017

LAURA OLSON: Senator Scheer. [QUALIFICATIONS CHALLENGE]

SENATOR SCHEER: Yes. [QUALIFICATIONS CHALLENGE]

LAURA OLSON: Senator Watermeier. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Yes. All right, the motion passes so we've set the day and the pretrial order. This concludes the meeting, but just to make the public aware, we will make this document I think public as of tomorrow. It will be filed with the Clerk's Office tomorrow and I'll make it available specifically to Mr. Sciara and the incumbent as well. So thank you all for attending. [QUALIFICATIONS CHALLENGE]

WILLIAM CONNOLLY: Thank you, Senator. [QUALIFICATIONS CHALLENGE]

SENATOR WATERMEIER: Thank you. [QUALIFICATIONS CHALLENGE]