

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 12, 2020

BREWER: Good afternoon, ladies and gentlemen, and welcome to the Government, Military and Veterans Affairs Committee. My name is Tom Brewer. I represent the 43rd Legislative District, which is 13 counties of western Nebraska. I'm the Chair for this committee. We will start by having introductions of our committee members starting on my right with Senator Blood.

BLOOD: Good afternoon, my name is Senator Carol Blood, and I represent western Bellevue and southeastern Papillion, Nebraska.

LOWE: John Lowe, District 37: Kearney, Gibbon, and Shelton.

La GRONE: Andrew La Grone, District 49, Gretna and northwest Sarpy County.

KOLOWSKI: Rick Kolowski, District 31, southwest Omaha.

HUNT: I'm Megan Hunt and I represent District 8 in midtown Omaha.

BREWER: Senator Hansen has an introduction, I think he's doing. So with that, Senator La Grone is the Vice Chair. To my right is Dick Clark, the committee counsel; to my left Julie Condon, the committee clerk. Our page today is Michaela, back over there. And today, we will have hearings on the following bills: LB1193, LB1110, LB1119, LB1120, and LB1086. We will start with LB1193, Senator Linehan. Oh, hang on here. I got some admin stuff I got to go through. If you have a cell phone or electronic device, make sure that it is muted. If you wish to record your attendance, we have white sheets in the back on the table that you'll need to fill out. If you wish to testify, we'll need you to fill out a green testifier sheet and give that to the clerk when you come forward. If you have materials to send-- to pass out, be sure to have at least 12 copies. If you don't, get with the page as soon as possible to make sure that there's enough copies available when your time comes. The letters must be submitted by 5:00 p.m. the day prior to the public hearing. The letters must include your name, your address, the bill number, and your position for, against, or neutral. No mass mailings will be included. We ask that those that are gonna testify on a given bill, please move forward when that bill is introduced. When you come forward and testify, please state your name, spell it for the record, speak clearly into the microphone. We will begin with testimony from the introducing senator, followed by proponents, opponents, and those in the neutral capacity. And lastly, we'll have closing remarks from the senator who is doing the

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introducing. Today, because it doesn't look too full, we're gonna go with the five-minute rule. So I have the green light for four, amber for one, and then the red light. And because we are so gifted here, we do have the audible alarm in addition to the red light. With that, Senator Linehan, welcome to the Government Committee.

LINEHAN: Thank you, Chairman Brewer, and thank you, committee members, for having me here today. My name is Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n. I'm here to propose-- or introduce LBLL-- excuse me, LL, if I can read, LB1193, which proposes to align bond elections and elections to impose an override levy limitation with the next regularly scheduled primary or general election and not special elections. I believe this would increase transparency. I feel the special elections concern me because most of us know who ran elections, if you know how many votes you need and you know exactly how you can chase those votes and call them and you ignore the opposition, I just think it's an uneven situation when you got an entity running an election outside of all the other-- outside the regular election process. For example, if you have a bond election, override election, and it's on the general or primary election ballot, the people running for office during that same time are gonna get a question about how they feel about the levy override or the bond. But if you're doing it at a time when nobody knows elections are even going on, no elected official has to take a position. So for example, if we're-- any of us are up this fall and there's going to be maybe we don't know yet there's constitutional amendments on the ballot, we're all gonna be asked, where do you stand on that constitution amendment? And that sharpens people's understanding of what's going on and they're more knowledgeable. And I think when you do it in isolation and nobody in elected position, which has responsibility for the public's good has to take a position, I think it cheats the public out of the information they should have. So that's why I'm proposing that we do this.

BREWER: All right. Thank you for your testimony. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. And how are you this afternoon, Senator?

LINEHAN: I'm fine.

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BLOOD: So for clarification, because I, I read through all the bills during lunch, but I-- now I'm reading your statement of intent and I'm not sure I remember it correctly, so I apologize.

LINEHAN: That's OK.

BLOOD: So it says, proposes to align bond elections and elections to impose or override a levy limitation. So it isn't all special elections, it's just the special elections that refer to these things?

LINEHAN: Well, if that's the way it's written, I, I don't like any special elections. So I, I don't know other special elections. I mean, I but I think it's in the law. And this is not my expertise by any stretch of the imagination. I think you should allow a special election if there's a crisis. For instance, when I was a child, like sixth or seventh grade, our school house burned down, like it burnt to the ground. So we had to decide then and there, do you build a new school or do you consolidate? And it was like back and forth. And then I think there was an election. I understand an election when you have a crisis or a natural disaster, there should be some room in a law for that. But to override a levy or to have a bond, which can happen-- I mean, those all things had to be planned out well in advance, and you know what your budget is. I just don't see why we have to have special elections for those things.

BLOOD: But if, if the school had burned down, wouldn't that require bond issue more than likely?

LINEHAN: I, I can't recall, and it must because I was a kid. But I assume it did probably have a bond issue.

BLOOD: So--

LINEHAN: But we built a temporary school 50 years ago, it's still there.

BLOOD: Hurray.

LINEHAN: Yeah.

BLOOD: So that-- that's one of the questions I have and I'll reread it and maybe we can talk tomorrow on the floor. But I don't understand why just those and not all.

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LINEHAN: So I'm, I'm fine with all, except I do think we got to have some leeway if you've got a crisis caused by a natural disaster or some other kind of disaster.

BLOOD: So mostly we're worried about schools and municipalities?

LINEHAN: Well, yes, because, for instance, the-- Omaha is having a bond issue on the street bonds.

BLOOD: Um-hum.

LINEHAN: But they're not having a special election, they're doing it during the regular primary vote, which I think is fair because that's-- you're gonna have a larger turnout. It's just likely that more people will be-- when you have these special elections, you can have as little as 20 percent of the population decide what everybody else is gonna do, and we get-- I'm sure you all do, too, you get so much junk mail now that says this is a ballot that, you know, really is just a fundraiser. So you don't even open it. You put it in the trash can before you get inside your house. So mailing something out, something that says is a ballot, I-- I'm skeptical of how many people open.

BLOOD: You know, in Douglas County I think in the presidential year last time it was only like 57 percent turnout. So even then, it's a minority. And that's one of things that I-- that kind of sticks in my craw with-- whenever we talk about this. We talk about open meetings and we talk about special elections and the problem is, is how do we fix the apathy? I want to see someone come up with a apathy bill, and then we can fix all of this. So thank you for--

LINEHAN: I always vote.

BLOOD: --answering my questions.

BREWER: Senator La Grone.

La GRONE: Thank you, Mr. Chairman. Thank you, Senator Linehan. Just to dovetail off a Senator Blood's question. So it changes-- the bill changes Section 32-559, which is special election statute and by my count has 97 cross references to the '97 special election. So really we're looking at is all the special elections. Correct?

LINEHAN: That's what I thought.

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La GRONE: OK.

LINEHAN: OK.

La GRONE: That was my understanding as well.

LINEHAN: Yeah.

La GRONE: I just wanted to clear that up. Thank you.

LINEHAN: Yeah, it's--

BREWER: All right.

LINEHAN: --unless that there's a crisis. I get that.

BREWER: Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Senator, you mentioned school burning down, that's a definite impediment--

LINEHAN: Yes.

KOLOWSKI: --for education.

LINEHAN: It wasn't that much fun.

KOLOWSKI: To say the least.

LINEHAN: We went to school in church basements for like a year. We-- they made it work, but wasn't fun.

KOLOWSKI: Yeah. I spent 41 years in Millard Public Schools. And we were exploding with kids, kids, and kids. We couldn't wait for the, the cycle of the elections to come around. We had a lot of independent elections held by themselves just before the bond issues to get those schools built. Would you react to that compared to fires or anything else?

LINEHAN: Well, it seems-- I think in Omaha, where I've lived, or at least around Omaha, we have an election about every six months because you have the election year we're in now, so we have an election in May and we have an election in November. And then next year we'll have an election in April and election in May. So if you're growing, as is Elkhorn now-- I mean, they know right now that they're going to be growing eight to nine to a thousand kids a year. So they're ahead of

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that all the time. I don't think, I don't think they know that-- I don't think it's an emergency if you know you're growing that fast.

KOLOWSKI: The projections are there and they know how many kids are coming up, K-12, our, our births in the district. All those kind of things are-- we surveyed every home in the district. And that was numbers that were very powerful when it came time for those elections. And we were very successful at that.

LINEHAN: I lived in Millard when my kids were small. So I know, I remember.

BREWER: OK. Additional questions? All right. You'll stick around for close?

LINEHAN: Yes.

BREWER: All right. Thank you. All right, we will start with proponents to LB1193. Proponents? All right, opponents? Welcome to the Government Committee.

KATHY DANEK: Thank you. I feel a little like Lily Tomlin, a little short.

BREWER: Yeah, I know that chair should be taller [INAUDIBLE].

KATHY DANEK: Or me should probably be taller.

BREWER: Either that or the table lower, one or the other.

KATHY DANEK: I'll just, I'll just hold myself up high. Good afternoon, Senator Brewer and members of the committee. My name is Kathy Danek, K-a-t-h-y D-a-n-e-k. I am a 19 year-- almost 19-year board member from Lincoln Public Schools representing the Lincoln Board of Education. And I also represent as a board member from the Nebraska Association of School Boards. I am speaking in opposition to LB1193 because requiring elections to be tied to state or municipal primary or general elections will not best serve our taxpayers, our voters, and our students. First, I would like to speak to the issue of voter participation. For an example, this afternoon I'm going to use the election results from our 2014 LPS bond special mail-in election. It was held on February 11, 2014, because I have the data for voter turnout for both the special election and the primary from that year. In the copy of my testimony that you have in front of you, you will see the Lancaster County election results from the special mail-in

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bond election that was held in February and the primary that occurred later that spring. The special mail-in bond election had a 7.25 percent greater turnout rate and nearly 7,000 more voters shared their voice. On February 11, this is according to the Lancaster County Election Commissioner, 58,862 members voted and the turnout was 36 percent. On May 13, same source, 52,008 people voted and the turnout was 28.75 percent. On the back page of the testimony, you will see a chart of all of the spring elections in Lancaster County from 2006, 5 of the 8 turnouts have been special elections, including the Lincoln bond issue that passed with 34.10 [SIC] percent turnout. And it passed last night. It seems clear that special elections not only-- do not suppress voter turnout, they encourage greater participation than most other spring elections. Second, I want to share the negative impact of this bill on the taxpayers I represent and the students related to the timing of the construction season. If a school district holds an election in May rather than in February, it would be unlikely that the school district could have work scheduled and bidding completed in time to maximize the summer construction season. This has a financial impact on school districts just figuring inflation and other changes in construction that occur in delaying projects up to a year increases what a district would spend for the exact same project, In Lincoln, we have found this to be true even when calculating the cost of the special election. For our 2020 bond issue, Lincoln Public Schools is expected to save between \$2 and \$3 million in construction costs by capturing the full 2020 summer construction season because it was held in February special election. Capturing the summer construction season has an impact far beyond the cost savings. It also has an impact on the learning environment of our students. Initiating construction sooner means the additional capacity can be brought on-line sooner and quickly relieve existing schools' capacity issues. For instance, the passage of our bond issue last night in a special election will allow our new high schools to be built a year earlier and relieve our current high schools, which are currently 115 percent of capacity. To better serve our taxpayers, our voters, and students, we oppose LB1193. Thank you for your time this afternoon. I would be happy to answer any questions.

BREWER: All right. Thank you, Kathy. Let's see, the numbers that you had from the most recent election yesterday,--

KATHY DANEK: Um-hum.

BREWER: --you said was 34 percent?

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KATHY DANEK: Let me look. It was 34.13 percent, about 59,212 voters participated. I looked up the number of voters because I'm not wild about percents. They can be anything. So I wanted to know the number of voters and it's surpassed the voters that we had in the last special election. And by the way, it won by a 2 to 1 marginal loss.

BREWER: All right. Senator La Grone.

La GRONE: Thank you, Mr. Chairman. And thank you for being here. I found the, the info on the turnout pretty interesting. But my question is, wouldn't that be a reason to hold it in conjunction with a primary or a general to increase voter turnout at those elections? If the spe-- if school bond special elections which is driving people to the polls, why wouldn't we want to use that to increase turnout at our other elections?

KATHY DANEK: I actually think the increased turnout was because it was a mail-in election and the ballot is in everybody's home. They can sit down at their table, they can review the information, they can go to several of the hundreds of presentations that we did in Lincoln around our district and get more information before they have to vote. They didn't have to get a babysitter, they didn't have to do all the things that you have to do if you have to have a special time, get time off from work. I have constituents that had to get time off from work. Basically you fill out your ballot, you put a postage stamp on it, and you drop it either for your carrier or you can take it to the Election Commissioner's Office. And I think that's why the voter turnout is higher.

La GRONE: Well, in Nebraska at our primary and generals, we have the opportunity to vote by mail in any election.

KATHY DANEK: Um-hum.

La GRONE: So I don't see why that would--

KATHY DANEK: This was, this was all vote by mail, though. And I have had constituents in my neighborhood-- I live in a blue collar part of Lincoln, Nebraska, people represented by a lot of factories. Sometimes getting off work to go vote, if your boss tells you to stay late, you stay late and you may think you're gonna go vote. The vote by mail, most of them like a lot more. Have they applied for it? I don't know. But sometimes you just forget and you go vote when they tell you to vote. I can tell you last night, I had a gentleman say today's

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election day, I can go vote. And I looked at him and I said, if you didn't mail your ballot already, you probably need to take a break, go get it, and take it to the Election Commissioner. And that really is people want to be engaged. Vote by mail has a higher participation all across the entire country, not just here.

La GRONE: Thank you.

BREWER: All right. Any additional questions? All right. Thank you for your testimony.

KATHY DANEK: Thank you so much.

BREWER: OK. Any additional opponents? Any here in the neutral capacity? All right, Senator Linehan, you're back up.

LINEHAN: I understand that voting by mail is convenient, but I also understand, that when you vote by mail and you send out ballots and you know registered voters you can get on the phone and chase people until they turn their ballot in and you can ID people who are positive and ignore the people who would not possibly be voting for you. What I'd like to see from the-- and I don't know, I could be completely wrong, but I'd be very interested in seeing who voted and who mailed in their ballots and who-- what the breakdown was as far as party registration, Independent, Democrat or Republican in the mail-in election.

BREWER: OK. Questions? Senator La Grone.

La GRONE: Thank you, Mr. Chairman. Thank you, Senator Linehan. Dovetailing off of that a little bit, I, I know there are some counties-- I don't know whether Lancaster is one of them, I believe Douglas is, Lancaster maybe, they have a permanent absentee list, they essentially allow for everyone to get a ballot all the time. So do you think that, that same opportunity would exist in a primary or a general election?

LINEHAN: Right. I mean, you can-- we already know-- I don't-- it's not that far from now, Douglas County starts-- they can start mailing out ballots, so people can request them. And there are people who, whether they're in the service or whether they winter somewhere else, then on all spring elections they get their-- or you just like a mail-in ballot, and they'll mail them to you-- mail you a ballot every time there's an election. But it doesn't-- so, yes.

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La GRONE: Thank you.

BREWER: All right. Additional questions? All right. Before we wrap it up here, we need to run through-- there are no letters in the neutral, no letters in opposition, eight letters in support to include the Secretary of State. With that, thank you. And that will close our hearing on LB1193.

LINEHAN: Thank you, Chairman.

BREWER: All right, we'll switch out numbers here. All right, LB1110, Senator La Grone. Welcome to your committee on Government, Military and Veterans Affairs.

La GRONE: Thank you, Mr. Chairman and members of committee. My name is Andrew La Grone, A-n-d-r-e-w L-a G-r-o-n-e. I represent District 49, which is Gretna and northwest Sarpy County. I brought LB1110 at the request of Sarpy County Election Commissioner, Michelle Andahl. Essentially right now Nebraska Revised Statute 10-702 requires that a school board file an order for a special, special election with an election commissioner 50 days before the election. However, Section 32-559, which is a special, special election statute, requires the order must be filed by March 1 for the primary or September 1 for the general. The Secretary of the State is the arbiter of discrepancies in election laws, and they have told election commissioners across the state to follow the Election Act. So LB1110 is simply a cleanup, and it aligns these two statutes, there's no longer discrepancy. With that, I would be happy to answer any questions.

BREWER: All right. Thank you for your opening. Questions on LB1110? All right. Seeing none, I won't ask if you're gonna stick around for closing since the next two bills are yours. All right, first proponent? Come on up. Welcome back to the Government, Military and Veterans Affairs Committee.

MICHELLE ANDAHL: Thank you. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Michelle Andahl, M-i-c-h-e-l-l-e A-n-d-a-h-l, and I am the Sarpy County Election Commissioner, and I'm here to testify in support of LB1110. It's a simple harmony-- harmonization of language bill, because the Election Act dictates that municipalities must turn in their notification of special issues to be put on the ballot by March 1. In looking at the bill, the Election Act was done in 1994, that's when that came into play. But the last time that the part of the

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bill-- what number is that, that addresses 10-702, the last time that was updated was the, was the year that the Election Act was put into place. So I think this is just a simple case of the bill is not being harmonized, the sections of statute. This is similar to a bill that Senator Hansen introduced for us this year, LB797, which, again, was just a simple harmonization of the dates so that we don't have municipalities or entities that come to us a little after the deadline and find out that while they were technically looking at the right section of statute to introduce their, their issue for an election, they may find out that they missed the deadline. So that was simply why we asked for this to be brought. It hasn't been a terrible issue so far. We've had a few schools that have come to us luckily ahead of time and thought that they had until a later date to submit. And then after during-- after a conversation, they were very amicable and realized that it had to be March 1, but that brought to our attention that maybe this just needed to be updated.

BREWER: All right. Thank you for your testimony. Questions? Questions? All right. I guess you're gonna get off easy. Thanks.

MICHELLE ANDAHL: Thank you very much. Thank you.

BREWER: Wayne, welcome back to the Government Committee.

WAYNE BENA: Thank you, Senator. Chairman Brewer, members of the Government, Military and Veteran Affairs Committee, my name is Wayne Bena, W-a-y-n-e B-e-n-a. I serve as Deputy Secretary of State for Elections here on behalf of Nebraska Secretary of State Bob Evnen in support of LB 110 [SIC]. While our office has spent the last few years cleaning up deadlines in Chapter 32 specifically, our election commissioners have encountered different deadlines in other chapters that now need to be aligned with current election practices, thus, you see LB1110 here today. Thank you to Commissioner Andahl for spotting this issue and Senator La Grone for introducing this bill. With that, I'll answer any questions that you might have.

BREWER: All right. Thank you. Questions? Wow, easy day. All right. Any additional proponents? Come on up. Welcome back--

BETH BAZYN FERRELL: Thank you.

BREWER: --to the Government Committee.

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BETH BAZYN FERRELL: Good afternoon, Chairman Brewer, 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 LB1110. I think the previous testifiers have really described the situation as far as harmonizing and aligning statutes within the Election Act. NACO is always in support of that and, therefore, we're here in support of the bill.

BREWER: All right.

BETH BAZYN FERRELL: Be happy to take questions.

BREWER: Easy enough. Let's see if we've got any questions for you. Questions? All right. Thank you, for your testimony. All right. Any additional proponents? Anyone here in opposition? Anyone here in the neutral capacity? Senator Way-- Senator La Grone waives. So that will close out-- oh, hold it, we got-- take a look here, no opposition, no letters in the neutral capacity, and two letters as proponents. So we will close out LB1110, and move to LB1119. Presto, just like that. Senator La Grone, welcome back to the Government Committee.

La GRONE: It's been so long. Thank you, Mr. Chairman, and members of the committee. Again, my name is Andrew La Grone, A-n-d-r-e-w L-a G-r-o-n-e. I represent Gretna, which-- and northwest Sarpy County in LD49. LB1119 amends Section 32-405 to include March as a month that in even-numbered years can-- where special elections can't be held unless they're held in conjunction with the statewide primary. The reason for this is simple: essentially in March, election commissioners and election administrators are already getting ready for the primary election. And getting that close to an election, essentially is asking them to administer two elections at once, which can cause complications. So this simply adds March to the months where you can't hold a special unless it's in conjunction with the primary simply to get rid of the double administration issue. With that, I'd be happy to take any questions.

BREWER: All right. Thank you for your opening. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. And so now there are 1, 2, 3, 4, 5, 6, 7 months that a special election cannot be held. So that would only leave a handful of months available for a special election?

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La GRONE: In an even-numbered year. So this is a year in which there's already gonna be two elections that we know of, one in May, one in November. So--

BLOOD: Or will possibly be?

La GRONE: No in an, in an even-numbered year we're having--

BLOOD: The even-numbered years?

La GRONE: Yeah,--

BLOOD: OK.

La GRONE: --in an even-numbered year, we know we're having those two elections.

BLOOD: But isn't your next bill to eliminate September as one, too, on the odds?

La GRONE: Right, because that gets the same issue but with November. So this is in a situation where there's already a major election that's gonna happen, so they're preparing for that major election, and so we want to get rid of the double administration issue. Because if we're that close to one of these major elections, there's no reason not to just hold it in conjunction with that election.

BLOOD: All right. Thank you.

La GRONE: Thank you.

BREWER: All right. Any additional questions? Seeing none, again, we'll assume you're gonna stick around because--

La GRONE: Yes.

BREWER: --the next bill is yours. All right. Any proponents? Welcome back to the Government, Military and Veterans Affairs Committee.

BRIAN W. KRUSE: Thank you. Good afternoon, Chairman Brewer 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. I am here to testify in support of LB1119, which would eliminate the conduct-- or conducting special elections in March of even-numbered years. I want to start by clarifying that election officials are not opposed to conducting special elections as it is our duty to the citizens and voters of

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Douglas County in Nebraska. However, it should be noted that in even-numbered years conducting a special election two months before primary election does present some challenges. When conducting special elections in March, the process begins six to eight weeks before the election occurs when our office is well underway with preparations for the May primary. Special elections in March require the office to hire additional temporary staff, potentially work overtime, order additional supplies, and print, mail, and count ballots while simultaneously preparing for the primary election. Special elections may be conducted in January and February of even-numbered years if a political subdivision requires or requests such an election. Conducting a special election in only January or February would help to alleviate some of the pressure in preparation for the May election. In conclusion, the ideal situation for the Election Commission is that during March, April and May, we are able to devote our full resources in preparing for the May election. I urge the committee to advance LB1119 to General File. Thank you for your time this afternoon.

BREWER: All right. Thank you, Brian.

BRIAN W. KRUSE: Yes.

BREWER: OK. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. How are you today, Brian?

BRIAN W. KRUSE: I'm good. How are you?

BLOOD: You always have such a nice smile.

BRIAN W. KRUSE: Thank you.

BLOOD: So since we're adding a month, why don't we go ahead and take December out? What are you doing in December out of curiosity?

BRIAN W. KRUSE: Well, what are we doing in December? Well, in an even-number of years, we're recovering--

BLOOD: No, I, I know you guys work really-- first, I want to make sure that that goes on record, I know how hard you guys work.

BRIAN W. KRUSE: But in December, actually like this year in December, we will start getting ready for city elections in Omaha then in 2021, because candidate filing will actually start in December for the city

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election. So we're well underway in December already for the city elections in April and May.

BLOOD: I know there's a big push to eliminate special elections, but I, I have to say I'm concerned that we're just leaving such a small window. And I, having dealt with bond issues before, sometimes you just--

BRIAN W. KRUSE: Sure.

BLOOD: --you know, we're not giving them very many options and I'm not sure I like that. So that's why I was kind of curious if we're gonna bring in March-- you know, why not take something off the end or to keep that window open?

BRIAN W. KRUSE: Sure.

BLOOD: So you're saying that you're pretty darn busy in December?

BRIAN W. KRUSE: Well, we are. I mean, this year we definitely will be, it depends, you know, on what's happening in our office. But, yes, we're, we're busy year round. And in my particular office, you know, we get 150 to 175 updated or new voter registrations a day,--

BLOOD: Right.

BRIAN W. KRUSE: --which take staff time. We're cleaning up from the elections. We're always doing light-- less maintenance, you know, on the voter registration. So yes, we do keep busy year round. Obviously, there's times that are more busy than others, and depending on the year as well, if it's even- or odd-numbered year, depending on what's happening.

BLOOD: If Nebraska were to go to a straight vote by mail system, how much time do you think that that would free up staff wise?

BRIAN W. KRUSE: You know, I have-- I honestly have no idea because we're not-- we're only able to conduct special elections.

BLOOD: Right.

BRIAN W. KRUSE: Vote by mail, we're not in that-- under that limit of vote by mail for all counties. So to be honest with you, I, I haven't used my time and resources to even--

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BLOOD: No, that's fair, you didn't--

BRIAN W. KRUSE: --think about it or research it to be honest.

BLOOD: Would you say that that's an efficient-- that that has been efficient for you, though, when you do have a vote by mail in a special election? [INAUDIBLE]

BRIAN W. KRUSE: There are efficiencies to it. But there are also added costs and, and added time. You know, we, we choose to do everything in-house. So we print all our own ballots. We stuff all of our own envelopes. We've got a Bennington special going on right now. And there's folks right there right now placing the ballots in the envelopes and then we have checks and balances on that. So you know, it still is very time consuming.

BLOOD: Thank you for your answers.

BRIAN W. KRUSE: You're welcome.

BREWER: Additional questions? Senator Kolowski.

KOLOWSKI: Thank you, sir. Just double checking with you, I wanted to make sure, do you have any financial limitations or human resource, additional people that you need, anything that you're not getting at the present time that makes things difficult?

BRIAN W. KRUSE: No, no, no. It's just we have to bring in additional people, you know, but we, we, we, we can get them, we're only limited by advertising for staffing. You know, we're only limited by the work pool, essentially, that we're able to hire from.

KOLOWSKI: Sure. Are you ever short getting people or is it-- do you have an abundance of people out there?

BRIAN W. KRUSE: For part time jobs, no, we don't. It's-- we're hiring right now for the May election. And it's difficult because there are a lot of places out there that can pay a lot more than we can. One big one being the census is paying \$20 an hour right now and we're nowhere near that. So no, our, our administrative coordinator who does our hiring, it's, it's a struggle for her to get enough folks to come and work for us in the elections.

KOLOWSKI: But usually she does fill the slots?

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BRIAN W. KRUSE: We get close, we get close. We'll get 90, 95 percent, but then we lose some--

KOLOWSKI: Um-hum.

BRIAN W. KRUSE: --during the election, too. So it's, it's-- I mean, we always have enough staffing to get it done,--

KOLOWSKI: Sure.

BRIAN W. KRUSE: --but it's, it's not like we have 100 people applying for 10 jobs, you know.

KOLOWSKI: Thank you.

BRIAN W. KRUSE: Um-hum.

BREWER: All right. Any additional questions? All right. Thank you, Mark [SIC], for your testimony.

BRIAN W. KRUSE: Thank you.

BREWER: All right. Any additional proponents? All right. Welcome back.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Brewer, members of the committee. For the record, my name is Beth, Beth, 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 LB1119. As you've heard, we support this bill because it would ease some of the administrative burdens on election commissioners. Right before the primary election, they're working on a number of different issues with the primaries and trying to get those handled. So by eliminating special elections in March, that would give them more opportunity to work on a primary election. Be happy to answer questions.

BREWER: All right. Questions? All right. Seeing none, thank you for your testimony. All right. Wayne, welcome back.

WAYNE BENA: It's gonna be Groundhog Day here, I think, in the next five minutes. Good afternoon, Chairman Brewer, members the Government, Military and Veterans Affairs Committee. For the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a, and I serve as Deputy Secretary of State for Elections here on behalf of Nebraska Secretary of State Bob Evnen in support of LB119 [SIC]. As been stated, this bill would add

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the month of March to the blackout period in even-numbered years only where a special election could not be held. A little context this year, there are four school bond elections being held next month in the state of Nebraska involving six counties: Douglas, Burt, Washington, which is being hit twice, once by Burt and once by Douglas County, Pierce, Knox, and Lincoln Counties. Each of these elections could be as easily held in the statewide primary as they are in March. I, I think at one time these maybe elections maybe made sense in the month of March, but elections have gotten a lot more complicated and a lot more things go into them. And we're starting this process much earlier. Early voting begins 35 days before every election and military and oversea ballots need to go out 45 days before a primary or general election. So we're rolling up-- we're having ballots coming in for one election and ballots going out for another. And in this increased effort of election security and everything going on with elections, it just seems we want to give our election officials just a little more time to get their mandated primary election done. There are three bills in this committee today that touch upon the issue of the use of special elections in different capacities. I think this is an important conversation to have as elections evolve in this country. And we appreciate Senator La Grone for introducing this bill. Thank you for your attention, and I'll answer any questions that you might have.

BREWER: All right. Thank you, Wayne. Questions? Senator Kolowski.

KOLOWSKI: Yes, sir. Thank you. Do you stay away from the winter months, mainly because of the weather? Is that a consideration in any way, shape, or form here in Nebraska? We're not Florida. We're not California.

WAYNE BENA: We're obviously not those states, yes. Though, sometimes I would prefer to be in Nebraska than running elections in those states. I will say is I think the option to go by mail has been-- for those special elections has been a consideration because of the, the winter months. But in the same regards, I remember pulling out my snowblower in April last year. So we're not immune to the weather. So there, there are tools in the tool box for election commissioners to be able to use in consideration of, you know, what is happening in their communities in order to hold those elections in special and winter months, so.

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KOLOWSKI: Are we more prevalent in the warmer months as you look at a calendar on a yearly basis?

WAYNE BENA: In regards to holding of the special elections, I think there's no rhyme or reason sometimes of why they have a special election. I, I think while at some point you maybe-- you know 10, 15 years ago you could get a lot done in a shorter amount of time, there was less people, less ballots, less type of races, less time for early voting, and more federal guidelines put into effect. Election commissioners just need more time. And I think their time is best used to getting ready for the primary, then running a separate special election that could easily go within 90 days later in that, in that primary election.

KOLOWSKI: So an aging population is one issue, of course, but you favor mail-in ballots as often as we can?

WAYNE BENA: I will say as, not speaking on behalf of the Secretary of State's Office, but as a former election commissioner, it was a good tool in the toolbox to be able to use.

KOLOWSKI: Sure.

WAYNE BENA: And so that's why some of us came together to allow candidate elections to be able to, be able to do that as well if it was best for the time in the community. There were some instances in which a poll site election probably was the better way to go, but having the options is always helpful.

KOLOWSKI: Thank you.

BREWER: All right. Any additional questions? All right. Thank you, Wayne. OK. Any more proponents on LB1119? OK. Any here in opposition? Come on up. Welcome to the Government Committee.

MIKE LUCAS: Thank you. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. Thank you for your leadership for the great state of Nebraska. My name is Mike Lucas, L-u-c-a-s. I'm the superintendent of Westside Community Schools in Omaha. This is my 17th year as a superintendent in Nebraska, 6 in Franklin, 10 in York, and I've been in Omaha Westside since June. I'm appearing here today in opposition to LB1119 on behalf of the Nebraska Association of School Boards and Westside Community Schools. Simply put, and we have a handout coming around, we're opposed to this bill

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because it takes away more local control by diminishing and restricting our school district and our community's flexibility in holding special elections under the Election Act. I feel it's important for our lawmakers, who I have much respect for, to understand the amount of parental and community involvement in any levy override or bond election. I've been involved in several in my 17 years as a Nebraska superintendent, and these are community driven by constituents that are parents, homeowners, business leaders, and the backbone of all different sized Nebraska communities. Often these committees plan ahead years in advance and need as much flexibility as possible for potential special election dates. On the back page of our handout, we list some historical perspective for you just on Westside use of the current Election Act and the dates and years that we've had either a bond or an override election. I want to bring up one of-- a couple of other things. Westside is unique in that we have a caucus system. We're the only school district in the state in Nebraska that has an election caucus. We are a very engaged community and been around since 1947. We are a public school district. I, I hear the term government schools being thrown around now from time to time, but we are a proud public school district at Westside, so we have a bond oversight committee. In fact, I was in a two-hour bond oversight committee meeting last night with parents, business leaders, so on. They are wanting us to work on our next bond issue. We have many facility needs throughout our district. And what's interesting is they want our school board to go quicker than right now our school board wants to go, because of the local control and the restraint that school board members do not get from some elected officials for handling their local tax dollars. For example, at Westside, we have a levy override. We have not used all of that levy override. We are trying to show our voters that we are responsible stewards of their hard earned tax dollars. So we have a lot of concerns with just the, the loss of additional local control and the way that it can hamstring communities and school districts working together in the future. So thank you for your time.

BREWER: All right. Thank you for your testimony. Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you for your testimony. I have a-- I hope will be a quick question for you.

MIKE LUCAS: Yes, ma'am.

BLOOD: So walk me through a time line of a, of a bond.

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MIKE LUCAS: Yeah. I've worked on bonds that have from start to finish have been 24 months. I've worked with bond issues start to finish that have been nine months. I've heard of some that have been six months.

BLOOD: Right.

MIKE LUCAS: So it, it really depends on your community and, and the type of support that you get from, from the community. I think, I think some elected officials have this misperception that levy overrides bond issues are school board driven. The ones I've been a part of had been way more community patron driven. And for example, when I was in York, Nebraska, we, we-- the school board wanted to stay around an \$8 million mark. Our community came to us and really demanded we go to \$12 and a half million because they had other things they wanted to address. So it's not, it's not just school boards that are, that are calling the shots on these deals. We're lucky in our great state to have a lot of tremendous community support.

BLOOD: So I'm gonna back you up a little bit. Since early-- so you meet with the, the board, then you do what? Can you just-- like literally, I want you to walk me through the process.

MIKE LUCAS: Yeah, the steps. So typically-- and I-- again, I can't speak for all districts, I'll speak for my experience. Typically, a school board and a, and a senior leadership team will identify potential facility needs through a, through a facility audit of some sort. And then a, a facilities task force will be created that will consist of staff. It will consist of parents, business leaders, retirees, whoever. And, and they will study facility needs. They will create a prioritized list on this. And the board is out of the way now at this time.

BLOOD: Right.

MIKE LUCAS: OK. And so this community business leader, parent group will study facility needs, create their prioritized list, visit other facilities, talk, have tons of meetings around town, open forums and community town halls, and get as much feedback as possible on what are potential needs versus wants. And then at some point, this community driven group will come to the board with recommendations on whether or not they think the board should put a bond election on the ballot and go forward.

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BLOOD: And so in your opinion, if we were to eliminate yet one more month that you would have any window of time, are there instances where that might tie your hands?

MIKE LUCAS: There are, yeah. And that's, that's the-- and I, I appreciate the proponents and, and the factors that they, they bring in. We're, we're lucky to have the Election Commission and office helpers and workers that we do in our state. I-- we just are worried about losing more time, more flexibility, more local control, because there are a lot of times-- for example, in our Bond Oversight Committee meeting last night, we have some folks on, on our committee that are on fixed incomes, they're retirees. Well, they're not around for certain months of the year, they're snow-- you know, "snowbirding" somewhere or taking care of grandkids somewhere else. And so now you're just limiting the potential pool of people that can be involved. I think that would be an unintended consequence on, on this because I've heard proponents talk about how they want more transparency and, and more involvement. This could actually limit involvement because people may not be able to align their schedules with what our limited calendar would be for potential elections and campaigns.

BLOOD: Thank you.

MIKE LUCAS: Does that makes sense?

BLOOD: Um-hum.

BREWER: All right. Additional questions? I guess I'm gonna have to jump in here, throw a couple out.

MIKE LUCAS: Yes, sir.

BREWER: I understand there's potential for an inconvenience, but you're having one in August 2002. You have another one of September 2012. You're only talking 60 days, 45 days to where you have the November. I mean, you're gonna have folks there that are gonna set up the election and run the election. I mean, the cost to your county and the cost and, and man hours and all the requirements are gonna help with the overall cost for it. For 60 days or 45 days, I guess I'm just really struggling to understand if it was that critical. If you're planning it for six months to two years, you wouldn't think that the 60 days would, would make a difference one way or the other, would it?

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MIKE LUCAS: It, it can. I, I, I-- couple of examples come to mind. And I'm not proud of these or excited about these. But a lot of times the, the bidding-- we try and line up our success-- hopefully successful bond elections with times that we're able to get the most competitive bids and 30 to 45 minute-- or 30 to 45 days in the subcontractor and contractor bidding world can mean a lot of money on, on the bond issue side.

BREWER: OK. Any additional questions? Yes, Senator Kolowski.

KOLOWSKI: I'll take that. You did a really nice job on one of your elementary schools this last year--

MIKE LUCAS: Yes, sir.

KOLOWSKI: --in getting that done. You have a whole district of schools that need work.

MIKE LUCAS: Yes, sir.

KOLOWSKI: Is that going to be the direction you're going to continue on with each of those schools over time?

MIKE LUCAS: Yes, sir. So and I, I wasn't there, so I, I got to go the ribbon cutting, but I had nothing to do with it. But yeah, we have 13 schools at Westside, so we have 10 elementary, an alternative school, one middle school, one high school. And, and five of our schools have, have been revamped and really made a lot safer,--

KOLOWSKI: Sure.

MIKE LUCAS: --and, and those type things. But we have eight more that need a lot of work and safety is always our number one priority. And then programming has changed a lot--

KOLOWSKI: You bet.

MIKE LUCAS: --since our schools were built and a lot of accessibility issues and those types of things. So we have a lot of work to do. And that was a big part of our conversation last night with our community group. Again, our community group wants our board to go quicker than the board wants to go. And they want them to go bigger than our board wants to go. And that's what I just want to impress upon you all as lawmakers is that it's not our board members sitting around wanting to spend money. Our board members are, are-- do a tremendous job because

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of all of the accountability they have. They can't go to, to "Food Saver" or to the church or grocery store without seeing their constituents. So we have a lot of needs and there-- a lot of other places do as well.

KOLOWSKI: And you have a very diverse population, which people don't understand.

MIKE LUCAS: Exactly. This is great. So we've been doing a lot of demographic studies, and, and Westside Community Schools mirrors the city of Omaha's population demographics to a tee. We are within 1 percent of every racial ethnic category that you could have. And we're very proud of that. And that's been a change for Westside over the last 20, 25 years.

KOLOWSKI: Sure. Thank you.

BREWER: All right. Any-- Senator Blood.

BLOOD: Thank you, Chairman Brewer. Just one more quick question.

MIKE LUCAS: Yes, ma'am.

BLOOD: Because you kind of referred back to LB1193 and, and you're kind of referring to something, so when you're-- when you do a special election, do you do yours by mail?

MIKE LUCAS: Westside does. Yes, ma'am.

BLOOD: OK. So seeing all these bills today, but especially, you know, we're looking at this bill particularly, but obviously there's a lot of things combined that are in the same vein. Right?

MIKE LUCAS: Right.

BLOOD: Do you have any concern that as, as you're pushed more and more towards not having a special election, that the fact that you're gonna-- it sounds like you'll lose that right to have all mail as opposed to optional vote by mail?

MIKE LUCAS: Correct, we--

BLOOD: That you're gonna lose the audience that you're truly trying to get that really speaks to who supports the school?

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MIKE LUCAS: Yes, ma'am. Yeah, that's a great point. And so losing a mail-in, we have a very much of an aging clientele within Westside. And so they prefer the mail-in, the ease of that. So losing that flexibility hurts as well just as the time line constraints. And the thing-- the other thing I, I want you all to, to know is that the transparency that goes with bond elections is unbelievable. In little old York, Nebraska, in 2011, we did 128 bond presentations in a town of 8,000 people. If there were three old ladies playing Pinochle at Chances 'R' at 2:30 on a Tuesday, we were there. And that's the way school districts run bond campaigns and so extremely transparent. And if people want to know what the issues are, they will have dozens of opportunities. Millard's doing a great job right now; Lincoln Public Schools, there are a ton of opportunities because transparency-- public school districts are some of the most transparent organizations in the country.

BLOOD: Yeah, I agree. Thank you.

BREWER: All right. Additional questions? Chances 'R', that was a good choice.

MIKE LUCAS: Yes, sir. Thank you, all.

BREWER: All right. Thank you for your testimony. Any additional opponents? Any in the neutral capacity? Senator La Grone, welcome back.

La GRONE: Thank you, Mr. Chairman. I would just point out, this bill was really meant to get to the administration piece not getting into the validity or invalidity of school-- of bond elections. That I think is a separate subject. Really, here I was getting into the administration piece. On the convenience issue, I'd say I think Nebraska does a good job on making elections convenient because anyone can vote by mail at any point. So I think regardless of whether someone summers in a different state-- or excuse me, winters in a different state-- sorry, that wouldn't make as much sense. But yes, winters in a different state, I think we do a good job. The Secretary of State's Office does a good job and the Election Commissioners do a great job of ensuring that they still have the opportunity to vote in Nebraska. With that, I'd be happy to answer any final questions before we move into the other bill.

BREWER: All right. Thanks for your closing. Any questions? All right. Seeing none, if you want to standby, we'll switch the number out here.

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Our next stop is LB11-- oh, as soon as I read in letters. We had no letters-- or wait, two letters as proponents; one in opposition; and none in the neutral on LB1119. That closes our hearing on LB1119, and we will open on LB1120. Senator La Grone, welcome back.

La GRONE: Thank you, Mr. Chairman and members of the committee. My name is Andrew La Grone, A-n-d-r-e-w L-a G-r-o-n-e. I represent District 49, which is Gretna and northwest Sarpy County. I won't go through the whole opening again because this bill does the same thing as the last bill, except it includes September rather than March. The reason I thought they were validly two different bills is because they're-- the burden for a primary and the burden for a general in terms of election administrations, two different burdens. So that's why I thought they should be considered separately. Besides that, still the same issues, so I'd be happy to answer any questions the committee might have.

BREWER: All right. Questions? All right. Seeing none, standby for your closing. OK. Proponents? All right, it really is Groundhog Day.

BRIAN W. KRUSE: Yeah.

BREWER: Welcome back.

BRIAN W. KRUSE: Good afternoon, my name is Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e, and I'm the Douglas County Election Commissioner. When conducting special elections in September, the process again begins six to eight weeks before the election occurs. And our office is definitely underway for the big November elections, whether it's gubernatorial and especially presidential. Special elections in September put a substantial amount of additional stress on our office and do require additional staff overtime, supplies, and, again, printing, mailing, and counting of the ballots simultaneously while preparing for the election in November as well as our office every September is conducting 60 SID trustee elections. So in addition to preparing for the November election, we have 60 other elections going on and we have just come off of-- it's pretty much a given in this day and age, we have just come off of July and August of verifying tens of thousands of signatures for petition drives. So you know, we, we just move from one thing to the next to the next. There is an option for special elections to be conducted in July and August of even-numbered years if a political subdivision requires. You know, during the months of July and August, we are verifying the petitions, like I said. So conducting a special election in July or August is not ideal because

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we are extremely busy at that time, but it is certainly much more manageable than September. So in conclusion, I'd like to reiterate, and this kind of goes back to your point Senator Blood, September elections put a substantial amount of added stress on us as opposed to the March. The September really are a killer for us. The ideal situation for election commissions is that during September, October, and November, we are able to devote our full resources to preparing for the November election. So I urge the committee to advance LB1120 to General File. Thank you for your time this afternoon.

BREWER: Thank you for your testimony. Now just out of curiosity,--

BRIAN W. KRUSE: Yes, sir.

BREWER: --it-- really just take an average, because I understand it's gonna be different each time. Generally, how many ballots do you have to account for in a primary election as opposed to a general election? Is the number--

BRIAN W. KRUSE: Are you talking about different number of-- like ballot faces--

BREWER: Total, total--

BRIAN W. KRUSE: --that we print.

BREWER: Right.

BRIAN W. KRUSE: Total ballots. So there-- it's significant. I believe we have 237 precincts and I believe it's 300-- it's a total of then 364 with the splits. So in the primary, you'd have 364 times 7 because you have 7 different ballots: Democrat, Republican, libertarian, nonpartisan, nonpartisan Democrat, nonpartisan Republican, nonpartisan libertarian. So to answer your question, we have over 2,500 different ballots that we have to print and distribute in the primary. Whereas in the general election, everybody gets the same ballot, so it's 237.

BREWER: And--

BRIAN W. KRUSE: Or I mean, excuse me, the 364 with the split, excuse me. And, and don't quote me on that number, I'm going off of memory on this [INAUDIBLE].

BREWER: That's all right. We won't, we won't beat you up over that.

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BRIAN W. KRUSE: OK.

BREWER: And staffing wise, just out of curiosity, what's a general number of both of your temps and your full-time to manage something like that?

BRIAN W. KRUSE: Sure. So I have 13, 13 full-time employees. In a primary, we'll attempt to hire 30 to 35 additional temporaries. For the general, we'll hire 55 to 60 temps full-time, what we call full-time temps. So it's, it's over double for the general then it is for the primary. And then if, if we would have a special, you know, everybody's extremely busy doing--

BREWER: Sure.

BRIAN W. KRUSE: --something, so then we have to attempt to hire additional on top of that.

BREWER: Surprised you don't have more gray hair.

BRIAN W. KRUSE: Well, it comes and goes with the season.

BREWER: All right. Questions? All right. Seeing none, thank you.

BRIAN W. KRUSE: Thank you.

BREWER: Next proponent?

MICHELLE ANDAHL: And I submitted a letter of support that I just wanted to jump in,--

BREWER: That's OK.

MICHELLE ANDAHL: --because I do not have copies. I apologize.

BREWER: You're always welcome.

MICHELLE ANDAHL: Good afternoon.

BREWER: Welcome to the Government Committee.

MICHELLE ANDAHL: Thank you, Chairman Brewer, members of the committee. My name is Michelle Andahl, M-i-c-h-e-l-l-e, Andahl, A-n-d-a-h-l. I wanted to come up really quick just to address a few of the reasons that we strongly do support at least the September issue. Again, to reiterate what Brian said, we absolutely support the right for people

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and municipalities to have special elections. They're needed. Sometimes they're the only way and the, the only venue or way to get it done in a timely manner. When we do special elections during even years, part of the reason I got into this job is because I love the opportunity to serve voters and I believe in our voting process. When you begin to have excessive amounts of special elections during an election year, you can begin to have voter fatigue. And then people who have participated in three or four special elections throughout an election year, they're all important, whether it's a special election or one for candidates. But I worry about candidates who have then put their name on a ballot for a primary election or for a general election who've made it that far, and they've also spent two years or three years of their life getting to that point. So we're definitely not opposed to special elections, it just-- it creates a special situation where if we're constantly contacting the voters and it does get confusing. Didn't I just, didn't I just vote in a-- you know, in an early voting mail-in election? So we're definitely not opposed. And we're here to serve the public. And we're here to serve the people who are running and the people who need to have bond issues. The other thing I wanted to address is the gentleman from the Westside schools. They're correct. They put so much time and effort into this. Part of the problem, I think-- and this is where maybe my testimony would be neutral supportive, is that if we just had a little bit more heads up sometimes. The schools know they're gonna do this, and then we quickly find out that, oh, they're-- you know, they're gonna do this some-- you'd be surprised that we don't always know that they've been working on this. There are some issues that come up in the paper, but we are not always aware that they're gonna move forward with it in a certain month. And so maybe even just having a little bit more communication that this is gonna be coming up. Because to run a special election, we do have to hire the same amount of people that we hire additional for a regular election. And in Sarpy County, all of our people are hired and done through a union process and that takes six to eight weeks to hire someone. So when it's very short notice-- it's not an issue of not wanting to do the election or not wanting to help the schools, it's an issue of being able to get the manpower that we need and then we have to turn in budgets to, to cover those at a certain time a year. And if we're not aware that those are coming up, even if the schools came to us a year ahead and said, you know what, we might because I can budget for something, and the great thing about a budget, you can give money back that you don't spend. But if I don't ask for it, it puts me in a little bit of a pinch when hiring. So I would say maybe more neutral supportive that we're not against this,

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it's just voter fatigue and making sure that we're ready and prepared and have the heads up ahead of time.

BREWER: OK. Thank you.

MICHELLE ANDAHL: And that's it.

BREWER: Any questions? Oh, yes, Senator Kolowski.

KOLOWSKI: Just one for clarification, if I can.

MICHELLE ANDAHL: Sure.

KOLOWSKI: Is September a problem because it's-- you're starting school August, September time period? And is it more of a chunk on the calendar when you look at it because school's starting then?

MICHELLE ANDAHL: As far as conflict with elections?

KOLOWSKI: Right. Is there anything that ties into that kind of confusion?

MICHELLE ANDAHL: No, because the kids are still-- kids are still in school in May generally, at least in Sarpy County they don't get out until after our, our--

KOLOWSKI: Um-hum.

MICHELLE ANDAHL: --primary is held. So I don't think the dates of school actually that I'm aware of, but someone-- a school official could tell you if that interferes with their bond issues. But no, that doesn't impact how we run the elections. And in Sarpy County, we no longer have our polling places in any school. So polling locations and situations like that are not affected by school.

KOLOWSKI: When I was a principal, we had it at Millard West also for a while. That schools are not moving in this direction in our community, but across the country there is year-round school taking place. And when that happens, then you're spreading the kids out in a different fashion and using entirely different months as far as vacations,--

MICHELLE ANDAHL: Right.

KOLOWSKI: --and all those kind of things. It's just another what if we start moving in that direction,

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MICHELLE ANDAHL: Right.

KOLOWSKI: --does that impact what you're trying to get done? Just a question.

MICHELLE ANDAHL: No.

KOLOWSKI: Thank you.

MICHELLE ANDAHL: Thank you.

BREWER: OK. Any other questions? Seeing none, thank you for your testimony.

MICHELLE ANDAHL: Thank you to the committee.

BREWER: All right. Additional proponents? Or neutral? We need some with direction. Welcome back to the Government Committee.

BETH BAZYN FERRELL: Good afternoon, Chairman Brewer, 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 appearing in support of LB1120. We support the bill for the same administrative reasons that we supported LB1119 and that you've heard. We do have a little bit of concern about this bill. The timing in September, just because September is a busy month for budgets and if county or another taxing entity would need to have a special election to have a levy override, we would want to make sure that that's still available. I think that's something just to be considered as part of the process. But overall, we do support the bill. I'd be happy to answer questions.

BREWER: All right. Thank you. Questions? All right. Seeing none, thank you for your testimony. Wayne, come on up for the last time today. Welcome back to the Government, Military and Veterans Affairs Committee.

WAYNE BENA: Actually, not the last time.

BREWER: It's not-- jeez. [LAUGHTER] OK.

WAYNE BENA: In my defense, I was told some of these bills I was gonna be the only one, but that wasn't the case, so. Chairman Brewer, members of the committee, my name is Wayne Bena, W-a-y-n-e B-e-n-a, and I serve as Deputy Secretary of State for Elections here on behalf

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of Secretary of State Bob Evnen in support of LB1120. The same principles that we just heard in the last bill kind of apply into here. It's really in regards to the administration of elections. Elections are-- you're ramping up and you're starting much earlier now. And, and as I was sitting there thinking about all the different laws that have changed and how our processes have changed, we're starting much earlier. Before it used to be you had to have an excuse to be able to cast an early ballot. Now there is no excuse early voting in Nebraska. So thus-- you know, we're the-- our counties are sending out a lot of ballots on day 1, 35 days before the election. Thus, in the month prior, in September and in March, they're preparing to get a lot of ballots out the door since you can request an early ballot as early as January and July prior to those elections. So a lot of this-- it doesn't have much to do with the types of elections-- is a more-- it's just trying to get actually ready for those big two elections that we are required to have per state law. In regards to NACO, I think it's a good idea of, of if there needs to be a carve out for budget levies, because that's the only time you can do a budget levy override in September than that is something that you could take a look at. And I think that's why it's good to have these bills separate, is there a difference in March than in September. And so, thus, you don't have to choose one way or the other. You can have the two bills separated in this manner. Again, it's important to have this conversation as we're starting to see a lot more special elections occurring in the state. And it's an important conversation to have. And we appreciate Senator La Grone introducing this bill. And one thing I wanted to follow up on in regards to the prior testimony on the last bill, I just wanted to clarify for the record that special elections by mail, the decision is not with the political subdivision, but with the actual Election Commissioner in conjunction with approval from the Secretary of State. So when a political subdivision says they do it all by mail, it's because the Commissioner has chosen to do that in consultation with the Secretary of State's Office. With that, I will answer any questions that you might have.

BREWER: All right.

WAYNE BENA: Yes.

BREWER: Senator Kolowski.

KOLOWSKI: Thank you, sir. What percent of your locations are school entities in elementary, middle school or high school?

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WAYNE BENA: Wouldn't have that statewide.

KOLOWSKI: You have some, though?

WAYNE BENA: I do. Would I be able to figure it out? Yes, I could-- we could get that to you.

KOLOWSKI: OK.

WAYNE BENA: In my prior county, I can say it's zero now because Michelle, upon taking office, got out of all the schools in Sarpy County, so. I know-- but that's not necessarily can be-- sometimes the school's the only place that you can hold an election in a community. And so I know OPS has decided to make Election Day a in-service day for that concern. And so I think if schools have a concern in regards to that, they can definitely schedule it out. But schools are a very important part of hosting elections in the state of Nebraska.

KOLOWSKI: We did it at the school I served, but we eventually had do not do it because of parking spaces. The whole movement of students with the halls and, and where people came in and all the rest was just too much and the district said, no.

WAYNE BENA: Yeah, you know-- and that's can be in consult-- consultation with the Clerk or Election Commissioner. But unfortunately, under state law, any building that uses public funds is required [INAUDIBLE] now. Election Commissioners can work with the schools. And I, I remember we had to when I was in Sarpy, Gretna Middle School, they just were having a really hard time being able to fit it. But they had a great administration building that shared the same parking lot. And I said, can I use your board room instead? So those type of negotiations can happen all the time. But the laws in place there, because in some places we have no choice. And, and the school might be the only place to go.

KOLOWSKI: And with high school kids it's mostly driving,--

WAYNE BENA: Um-hum, yeah.

KOLOWSKI: --parking and all the entry issues. So thank you.

WAYNE BENA: And there's not too many car spaces in elementary schools as well. So--

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KOLOWSKI: That's true.

BREWER: OK. Any additional questions? All right.

WAYNE BENA: Thank you.

BREWER: Stick around, we'll look forward to seeing you again. All right. Any additional proponents? Any in opposition? Welcome back to the Government, Military and Veterans Affairs Committee.

MIKE LUCAS: Yes, sir. I'm still Mike Lucas, L-u-c-a-s, superintendent of Westside Community Schools here to represent 6,000 students of Westside Community Schools, as well as Nebraska Association school boards opposed to LB1120 for the same reasons stated in our opposition to LB1119, just the loss of local control and the hamstringing effect on community and parent committees that work on these time lines over and over and over again. I appreciate the comment from the lady who spoke about the potential to get more communication from schools, and that's something that through NASB, NCSA's leadership, we're so lucky to have the Nebraska Council of School Administrators, Nebraska Association of School Boards leadership in our state. That's something that schools can definitely make a note of and do a better job of communicating farther in advance with our polling places and processes. So appreciated that comment.

BREWER: All right. Thank you for your opening. Questions? Questions? All right. Seeing none, thank you.

MIKE LUCAS: Have a great day.

BREWER: All right. Are there any additional in opposition? Any in the neutral? Senator La Grone, welcome back.

La GRONE: Thank you, Mr. Chairman. And I'll just be quick not to belabor the point. Well, first off, I would like say in Secretary Bena's defense, I also thought he would be the only one testifying on a few of these. So I am glad to find out I have so many friends. To Senator Kolowski's point about schools and their involvement in elections doesn't speak directly to this bill. But I would just point out both Senator Hansen's committee on election technology previously and the Presidential Commission on Election Administration, I think I'm getting that right off top of my head which was a report done in conjunction of both the Democratic National Committee and the Republican National Committee, recommended nationally that election

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days be in-service days for schools and they allow students to participate via poll workers or some capacity to that, which I thought that was some useful information. For your, your point, I didn't have anything else on this. So with that, I'd be happy to answer any questions the committee might have.

BREWER: All right. Thank you. Questions? All right. I guess we will read into the record on LB1120, we have zero in the neutral, zero-- or one in opposition, and two-- wait-- zero in neutral, one in opposition, two proponents on LB1120. And now we will go to LB1086. Senator Hansen, welcome to your committee on Government, Military and Veterans Affairs.

M. HANSEN: Thank you. Good afternoon, Chairman Brewer and fellow members of the Government, Military and Veterans Committee. For the record, my name is Matt Hansen, M-a-t-t H-a-n-s-e-n, and I represent District 26 in northeast Lincoln. I'm here today to introduce LB1086, which would establish official procedures under the Election Act for those wishing to observe election activities at polling places under the term, poll watchers. I brought this bill at the request of the Nebraska Association of County Officials. Individuals wishing to observe elections and organizations wishing to designate them would need to provide notification to the proper election official, either the Election Commissioner or Secretary of State, and the election official would provide credentials to be worn by poll watchers. Poll watchers would be required to, to sign a register provided by the Election Commissioner and County Clerk and maintain a distance from election activities. To be eligible to be designated a poll worker, an individual would be either a registered voter in Nebraska or be an individual representing a state-based national or international organization. I imagine most going through this process would be part of an existing volunteer program for election observers. Person or organization wanting to appoint poll watchers would also need to provide notice to election officials in the county or counties they plan to observe. So the poll workers there know why they are there and that they are allowed to be there. If a poll watcher wants to protest anything they see during the election, they can let the Secretary of State or Election Commissioner or County Clerk who would then have to rule on the issue within a reasonable amount of time. I want to be clear, it's not my intent to restrict anyone's access to observing our elections. However, the counties have communicated with me that poll workers want more of a streamline process and clarity of what is allowed so that no one inadvertently is denied access. The bill also

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does not change current law that bans anyone from interfering with the voter's casting of their ballot or poll worker from performing their duties. I'd like to thank the Nebraska Association of County Officials, along with Civic Nebraska who I believe runs, runs one of the largest poll watching volunteer programs in the state for working together on the green copy of this bill. I believe both groups will be testifying in support behind me today. With that, I would be happy to take any questions the committee may have.

BREWER: All right. Thank you for your opening. Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you for that, Senator. I'm just-- I'm a little confused, I just want to make sure I heard you correctly.

M. HANSEN: Um-hum.

BLOOD: So this program already exists, we already have volunteer poll watchers. Correct? And so who, who complained? Who brought forward the fact that we needed to regulate this in some way?

M. HANSEN: I brought the-- NACO brought me this bill. So the county officials.

BLOOD: Because people were complaining at the polls that--

M. HANSEN: I think-- so right now, there's no official state sanctioned program for poll watchers. There are a variety of nonprofit organizations that appoint the poll watchers as kind of--

BLOOD: Right.

M. HANSEN: --as part of their duties. And those aren't-- there's not like a running list that election officials or the Secretary of State has to compare to. So somebody just kind of walks into, you know, a polling location and says, I'm a poll watcher on behalf of such and such group. Maybe they are, maybe they aren't. This would just at least clarify that there would be kind of a set process that everybody understands.

BLOOD: All right. Thank you.

M. HANSEN: Thank you.

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BREWER: So currently it's allowed, but this would formalize it?

M. HANSEN: Right. So like right now public-- you know, especially polling locations are just public places and individual citizens are allowed to be there. But there's individuals who sometimes sits by themselves, sometimes as a part of a group, kind of assume the title of poll watcher, which isn't kind of defined anywhere in our Election Act, and this would define it.

BREWER: OK. Very good. Questions? All right,--

M. HANSEN: Thank you.

BREWER: --assume you'll hang around for close.

M. HANSEN: Of course.

BREWER: Good answer. All right. First proponent? All right, welcome back to Government, Military and Veterans Affairs.

DAVID SHIVELY: First time up today, though.

BREWER: Getting to know you guys well.

DAVID SHIVELY: Well, it is Election Day here.

BREWER: That's true.

DAVID SHIVELY: Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs 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 also serve as the current president of the Nebraska Association of Clerks, Register of Deeds and Election Commissioners. I'm here today in support of LB1086, which would set guidelines for poll workers on Election Day. Transparency in government elections is important and poll watchers play an important role in, in the election process. Over the last few years, members of our association have noticed an increase in the number of organizations that are requesting to have poll watchers on Election Day. However, Nebraska law is basically silent on this issue. When groups or organizations inform election officials that they will be sending poll watchers to our polling locations, we have no guidance except to tell them that they may not interfere in any way with the voting process. I did some research on this issue last summer and found rules and regulations vary by state to state regarding poll watchers. Some are were very

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detailed while others stated they, they were permissible. Members of our association's the legislative and election law committees met with the staff of the Nebraska Association of County Officials last fall. We discussed this issue and the NACO board agreed to work on this legislation on our behalf. I also presented our initial draft language to our county official-- county election officials at the Secretary of State's election officials' training last October. From that discussion, we incorporated several of our member's suggestions. I'd like to thank Senator Hansen for introducing this legislation and to NACO staff for their diligent work on LB1086. Thank you for your time today, and I encourage you to advance LB1086 to General File.

BREWER: All right. Thank you for your testimony. I noticed on your letterhead here that Lancaster County was established 1859. So you're eight years older than the state of Nebraska.

DAVID SHIVELY: Yes, evidently.

BREWER: Well, all right. Just so you know, I actually read stuff. All right. Questions? All right, thank you for your testimony.

KOLOWSKI: One moment, sir.

BREWER: Oh, sorry.

KOLOWSKI: Thank you, sir.

BREWER: Was on the edge of my glasses, I couldn't see you there.

KOLOWSKI: Thank you, Senator. Would you describe the number of hours that a poll watcher would be trained and, and where that training takes place?

DAVID SHIVELY: Well, we don't actually train the poll watchers, that would be the organizations that do that.

KOLOWSKI: Right. [INAUDIBLE]

DAVID SHIVELY: So I'm sure someone from Civic Nebraska is going to be coming up following me and they have-- they do that. So that might be a better question for them. So--

KOLOWSKI: Sure. Thank you.

DAVID SHIVELY: You bet.

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BREWER: Senator La Grone.

La GRONE: Thank you, Mr. Chairman. And thank you, Mr. Shively, for being here. And I might have missed this in Senator Hansen's opening. So if it has already been answered, I apologize. But can you talk a little bit about poll watchers you've had in the past and what that has looked like? I'll tell you where I'm coming from on the question. I remember there was something previously about international organizations and I just remember reading that. So I didn't know if you could speak to organizations that have done so in the past and what type of groups they're talking about.

DAVID SHIVELY: Most recently, as Senator Hansen referred to, Civic Nebraska probably has the largest number of poll watchers in, in Nebraska right now. But there have been groups that maybe deal with disability issues, those types of things that have been out and have done poll watching or checking the polling sites out to see if they're accessible, that type of thing. So we've seen those types of organizations as well. We do occasionally have international visitors that have come in and we'll go out and be a poll watcher. I think the biggest thing is, is that when we've been asked about whether someone's going to be a poll watcher and they send us a list and usually the next question is what can or can't we do? How far can or can't we be away from this? And there is nothing in state law that outlines that. And so that was one of our reasons we wanted to have a little bit of guidance that we could at least fall back on to say, well, you know, you have to stay at least eight feet away from this. There is nothing in state law that said that. And so that was the reason. It was really hard for us sometimes to-- if someone said, what can or can't we do? The poll-- and our poll worker would say, well, they're here, where should they stand? What they-- you know, there was other, other questions that we got from our, our poll workers. And so I think that was kind of the biggest thing that we've had, is that-- and make sure that they're trained and they-- our poll workers understand what poll watchers can and can't do.

BREWER: All right. Any additional questions?

DAVID SHIVELY: Thank you very much.

BREWER: You bet. Thank you. One more go around. You have no more bills, so you can't be coming back after this today.

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BRIAN W. KRUSE: Fine, I want to get home before the storm.

BREWER: Good. All right. Welcome back to the Government Committee.

BRIAN W. KRUSE: Good afternoon, Chairman Brewer and members of the committee. My name is Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e, and I am the Douglas County Election Commissioner. I am here to testify in support of LB1086, which would provide guidelines for poll watchers in the state of Nebraska. I would like to start by acknowledging the parties involved in crafting this legislation and express my appreciation for the collaboration which included Election Commissioners and County Clerks, the Nebraska Association of County Officials, Civic Nebraska, and Senator Hansen's office. LB1086 is a product of many emails and much hard work. While the vast majority of poll watchers are very respectful and Nebraska nice, it is always good to have guidelines for both poll watchers and poll workers so when questions arise, there are guidelines to reference via statute. This bill would ensure that polling places all across the state have the same rules and regulations for poll watchers. Poll watchers help to ensure fair, free, and honest elections. And I welcome them in Douglas County as part of the process. While poll watchers are not overseeing or managing poll workers, they certainly are encouraged to report any irregularities immediately to the Election Commission Office or the Secretary of State's Office. In addition, it is good for election offices to have a list of poll watchers, their organizations, and locations they will be attending in the event a question arises. It is important to remember that our poll workers are either volunteers or draftees, and it is helpful to have poll watchers visibly identified so everyone at the polling site, including voters, understands the respect-- the respective roles of each is performing. In conclusion, we as election officials and election workers should welcome poll watchers to our voting locations. However, it is important to ensure that poll watching is conducted in a manner that doesn't interfere with the voting process, poll workers, and most importantly, the voter on Election Day. I urge the committee to advance LB1086 to General File, and I thank you for your time this afternoon.

BREWER: Thank you. Questions? Yes, Senator La Grone.

La GRONE: Thank you, Mr. Chairman. And thank you, Commissioner Kruse. I was able to pull up what I was remembering when-- in my question to Commissioner Shively, and it looks like it happened in Douglas County as well. Basically, I'm looking at an article from January of this year in the Associated Press that indicates basically-- and this goes

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to I think a security reason why this probably is a good idea to have some guidelines. It appears that you and Commissioner Shively were both questioned by the FBI in relation to a poll watcher from the Organization for Security and Co-operation in Europe. Can you speak a little bit about that process of how without something like this, you might have been in an awkward position on that?

BRIAN W. KRUSE: It was an interesting position. I'm not sure if there was a miscommunication or what exactly happened, but I'm, I'm pretty sure that the Secretary of State's Office was aware that they were here. So we-- and we have had this organization, I believe, in the past before me and other organizations like it, and they had identified themselves. In this particular instance, they weren't actually poll watchers. These individuals actually came to our office and took a tour and there was a particular individual or individuals, for reasons unknown to us obviously, that the FBI was interested in, in visiting with our office about and collecting data just as to where they were, what they did, and things of that nature. So any of the, the entities outside of the United States that have actually been poll watchers have gone through the Secretary of State's Office. But in this instance, it wasn't actually at polling places, it was internally in our office. They took a tour of our office and we were contacted after the fact. I'm happy to report everything was fine. There was, there was no issues which made all of us happy.

La GRONE: Yes. And as not to disparage the OS-- the Organization of Security and Co-operation in Europe and [INAUDIBLE].

BRIAN W. KRUSE: Right.

La GRONE: Most of the time they do great jobs with their election monitoring programs, especially in, in European countries. I believe the issue here is simply one of them was from Russia and therefore that caused some [INAUDIBLE].

BRIAN W. KRUSE: Correct. One or two of them, that's correct. And, and I believe he'd been traveling around the country. So I-- again, I-- you know, we were not privy to what peeked to the FBI's interest in this individual, but clearly they had some interest in knowing what he, he had done.

La GRONE: Thank you.

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BRIAN W. KRUSE: You're welcome.

BREWER: All right. Additional questions. Seeing none, thank you--

BRIAN W. KRUSE: Thank you

BREWER: --for the last time today.

BRIAN W. KRUSE: Yes.

BREWER: Welcome back to the Government, Military and Veterans Affairs Committee.

MICHELLE ANDAHL: Thank you. I will spell my name again.

BREWER: Yeah, what the heck, it's for the record.

MICHELLE ANDAHL: Good afternoon, Chairman Brewer and members of the committee. Thank you for having me back. My name is Michelle Y. Andahl, M-i-c-h-e-l-l-e Y. Andahl, A-n-d-a-h-l. I am the Sarpy County Election Commissioner, and I am here today to testify in support of LB1086, which would provide detailed guidelines for poll watchers in the state of Nebraska. Before I continue, I want to say not to be redundant, I know we're saying many of the same things, but this is an issue that is so important that I feel like you do need to have a statement from all of these people here that are interested in supporting this. Poll watchers do have-- have always played an important role in the election process of our great nation. They observe and evaluate the process of election workers at polling places and contribute to the development of polling place protocols. As an election official, I can only be in one place at one time. And I look upon poll watchers as a second set of eyes and ears at a polling location that can help us maintain the integrity in voting process. During the 2018 election cycle, we discovered that with changing times, some poll watching activity was questioned by voters and poll workers. We received a few calls from voters and poll workers that noticed that poll watchers were watching the process and we do let them know. Poll watchers were sent by known organizations such as Civics [SIC] Nebraska, and they actually ahead of time, it was a wonderful process. They called. They let us know what polling locations they were going to be at. Gave us the number of poll watchers that would be there. Even the names of some of the workers would, that would be there. So they did a great job of watching the process and respecting the voters. However, there have been cases of

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individuals that show up at polling places, call themselves poll workers, and because they don't know that there are certain rules about not interfering or talking to voters, if they-- especially if they don't want to be approached, it has become a problem. Without guidelines in place, there's not much that we can tell our poll workers as to how to handle those situations. We found ourselves without election statutes to back up the beliefs that, you know, indeed poll watchers do play an important role in the elections. In communication with other election officials, organizations such as Civics [SIC] Nebraska and NACO, we-- and other organizations that send out poll watchers, we knew that it's now time to define the rights and roles of poll watchers in Nebraska elections. Through the communication between officials, voters, poll workers, organizations, the poll watcher bill was created. And I would like to thank Dave Shively for spending the better part of a year pulling this together. I'd like to thank NACO for offering to come behind it and find someone to sponsor it. And I definitely want to thank Senator Hansen for taking this on and being a strong supporter of what is greatly needed. The language in the bill is a good starting place for outlining the requirements for participating as a poll watcher and for educating voters and poll workers of the rights of poll watchers. One thing we want you to keep in mind is that our poll walker-- poll workers are volunteers or drafted. So they come in on their own or sometimes we have to send a letter and say, guess what, guess what you get to do, you know, two times this year. They get a three-hour training and they're thrown into a situation where they don't want to cause a problem either. But then they're like, do we protect the voters' rights? Do we protect the poll watchers' rights? And without statutes for us to be able to call, if they have a question and say, you know what here's exactly where the line is and here's exactly what you could say without getting in trouble or feeling that you're impeding the voting process. It's been an issue. So the process of working the polls can be a daunting experience for a poll worker when faced with additional challenges of making unguided decisions. With LB1006 [SIC], we can provide everyone involved in elections, some guidelines and understanding of the role of poll watchers. I'd respectfully like to ask the members of the committee to advance LB1086 to General File as it will support the efforts of poll workers, poll watchers and all poll-- excuse me, all election officials equitably.

BREWER: All right. Thank you. Now I like this bill a lot better when you're done.

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MICHELLE ANDAHL: Am I done?

BREWER: Well, you did a good job explaining it. I mean, that's, that's as clear as you can get.

MICHELLE ANDAHL: All right.

BREWER: So thank you for that. Yes, Senator Blood.

BLOOD: Thank you, Chairman Brewer. And Michelle I'm asking you because I know you personally so--

MICHELLE ANDAHL: Sure, go ahead.

BLOOD: --all right. So I'm putting you on the spot--

MICHELLE ANDAHL: That's OK.

BLOOD: --and I'll probably ask Senator Hansen, too. So do you have a bill in front-- the bill in front of you?

MICHELLE ANDAHL: I have it--

BLOOD: No, it's fine. I'll read it to you. So line 17, "A candidate or a spouse of the candidate on the ballot at the election shall not be eligible for appointment as a poll watcher at such election." I don't disagree with that. So I have a question since you worked on it. You helped work on this bill, yes?

MICHELLE ANDAHL: Yes.

BLOOD: OK. So do you feel the language is inclusive based on how the world is today? And also, what about extended family? Having been stalked by a candidate's wife during an election, I am always curious. We don't want the candidate there, most definitely, I understand why we don't want their significant other or whatever we would like to call it. Why would we also allow their family-- immediate family members to do it?

MICHELLE ANDAHL: Well, and that's something-- that's a good point, that's something we could address. We could, we could look at that language. It, it comes down to you can-- we could be called too exclusive or too inclusive.

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BLOOD: I don't know if there's such a thing as too inclusive because I feel like people that are not included don't feel included in general.

MICHELLE ANDAHL: Right. Right.

BLOOD: And I just feel like we have an opportunity now to get our-- and I have talked to this with Bill Drafters, and they're working on changing language in all of statutes.

MICHELLE ANDAHL: Sure.

BLOOD: We have the opportunity to be respectful of others.

MICHELLE ANDAHL: Absolutely.

BLOOD: And I just am curious if you think that. I know you can only speak for, speak for Michelle.

MICHELLE ANDAHL: I know you asked--

BLOOD: If that could be something that we could maybe discuss or work on if this were to be voted out and maybe amend.

MICHELLE ANDAHL: Are you-- I just want to clarify, you're asking if we would take the language a little step further and say that family members of a candidate would also not be eligible?

BLOOD: And to make the language more inclusive. So not everybody's-- not every spouse is a spouse.

MICHELLE ANDAHL: I, I understand what you're saying. Yeah, we would be open to-- if it's something that makes it more workable for everyone. I can't see why we wouldn't be open to something like that.

BLOOD: I appreciate it.

MICHELLE ANDAHL: It's a first-- you know, this is a first draft. This is-- we're just now coming in with putting the guidelines out. And this is something where I have a feeling maybe we'll come back to it a few times. But it's a wonderful starting point. And we're always looking for the opportunity to make it right-- as right as we can the first time.

BLOOD: And it's better to do it right the first time then have to revisit over and over again.

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MICHELLE ANDAHL: I would sugg-- my suggestion, because they did take the lead on this and Senator Hansen definitely getting with them, and we could all have a communicate-- conversation about how we can, how we can work with everyone to make it workable.

BLOOD: No, and I'll definitely approach him, but since you're from my district.

MICHELLE ANDAHL: Absolutely. Absolutely.

BLOOD: All right. And I know you, already have relationship with you. I don't have a relationship with him. I don't even know who the heck he is.

MICHELLE ANDAHL: She's my senator, so.

BREWER: OK. Additional questions? All right. Seeing none, thank you.

MICHELLE ANDAHL: Thank you. Thank you to the committee.

BREWER: All right, one more proponent.

BETH BAZYN FERRELL: Once more.

BREWER: Welcome back to Government, Military and Veterans Affairs.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Brewer and 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. I'm appearing in support of LB1006 [SIC]. We'd like to thank Senator Hansen for introducing the bill at our request and we'd like to thank the Election Commissioners and County Clerks that worked on the bill. We'd also like to thank Civic Nebraska for their help in pulling together information and making suggestions on our drafts. It was very helpful and we appreciate that. I won't repeat what you've heard before, but Senator Blood, I would be happy to work on the inclusiveness language and I would be glad to take the lead on that with folks that have been involved.

BLOOD: Thank you.

BETH BAZYN FERRELL: So I would be happy to answer questions.

BREWER: All right. Are there any questions? All right. Seeing none, thank you. Any additional proponents? Why did I have a hunch you were

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coming up here? Actually, I would have been disappointed if you hadn't.

WESTIN MILLER: That's right, just here to watch.

BREWER: Welcome the Government Committee.

WESTIN MILLER: Thank you, Chairman Brewer, members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of Public Policy with Civic Nebraska. As I mentioned here before, and has been referenced a few times today, one of the major functions of Civic Nebraska's Voting Rights team is election observation. So since 2012, we have trained and deployed hundreds of volunteers to observe polling places and be available as a nonpartisan resource to voters. I want to thank Senator Hansen for bringing LB1086 and I definitely want to thank NACO, their staff, the Election Commissioners, the legislative committee for taking our feedback seriously. This was a very, very pleasant, useful process. LB1086 as introduced provides useful definitions. It protects the essential rights of poll watchers. And ultimately, I think it will result in a smooth confusion-free Election Day. If the committee has any questions-- Senator Kolowski mentioned training, I'm happy to answer questions about that. Otherwise, thanks for your time.

BREWER: Thank you. And Michelle gave you guys a great at a boy for the work you're doing.

WESTIN MILLER: That was very kind, and they-- they've always been great to work with, too. I think this is a good situation. I think we just want to clarify can exist and can continue to go well.

BREWER: I agree. OK. Questions? All right. Well, well done.

WESTIN MILLER: Thank you.

BREWER: Thank you. All right. Any additional proponents? Oh, yes. Sorry, I about forgot about you, Wayne. Wayne, welcome back to Government, Military and Veterans Affairs.

WAYNE BENA: All right. I promise this is the last time today.

BREWER: I promise it is, too. [LAUGHTER]

WAYNE BENA: Chairman Brewer, members of the Government, Military and Veterans Affairs Committee, my name is Wayne Bena, W-a-y-n-e B-e-n-a,

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and I serve as Deputy Secretary of State for Elections here on behalf of Nebraska Secretary of State Bob Evnen in support of LB1086. I want to highlight and thank the tremendous work of all the different organizations that came together to put these basic guidelines in order. But I'd also-- you know, we've talked about Civics [SIC] Nebraska and Senator Hansen and our election commissioners and, and NACO. But I really want to highlight Lancaster County Election Commissioner, Dave Shively, because he really drove this process. About a year ago, we were sitting in a meeting and he wanted to put this up and have the Secretary of State's Office write it and bring it up. And at that time, I was just starting the entire project to replace the election equipment statewide, getting the funding and getting all that going, and I just didn't necessarily have the capacity, and he's said that he would step up, do the research, and put this stuff together in consultation with everyone. And he did a lot of great work. And I, and I just want to make sure that he gets a lot of credit for this. I can remember this starting as back as in 2012 when we first started to have poll observers. I remember Civics [SIC] Nebraska went to Douglas, Lancaster, and Hall County in that general election. It was the first time we saw poll watchers, and guidance to the Secretary of State's Office at that time, there was no guidance. There was nothing in statute governing what could be done. And in the preceding elections, the Secretary of State, John Gale, at the time did put out guidance and some suggestions, but nothing was binding under state law. And so as we've seen organizations like Civic Nebraska come in to do observations, ARC of Nebraska has done polling site disability surveys of the polling sites. And I think even in the last election, both organizations combined efforts so they could hit more polling sites statewide. We thought it was a good idea, especially going into this next presidential election, that we just have a baseline of some guidance in regards to what can and can't happen at a polling site and who can be contacted. In regards to comments from Senator Blood, we do have some language already in regards to those that want to observe the counting process that are-- we have language that no one associated with the campaign, any campaign can be a part. So that could be some language that could be mirrored in regards to who can and cannot be a poll observer is just one idea. The last thing I just want to bring up and I just want to make sure-- I want to put this for the record and clarify it and maybe we can-- there is-- can be a little bit of massaging of the language. On page 3, starting on line 2, the last sentence says, "A poll watcher shall not be denied entry to a polling place because the poll watcher is not on the list or because the precinct is not on the list." I kind

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think this line kind of defeats the purpose of everything that we're doing. If someone just walks in and just says, well, the law says you have to let me even know that I haven't registered or I haven't announced my presence. If, if the intent of this was the person who is supposed to be there got sick and was replaced by another one, if the organization had done the legwork and they just needed to be replaced, that's fine. But I don't want this, this line to be used for someone just to walk in off the street and say, well, you can't deny me because the law says you can't deny me and I'm a poll watcher. It kind of defeats everything that we're doing. So if that can be massaged in that, that would be something that we would support. Again, I want to thank our Election Commissioners, NACO, and Senator Hansen for introducing this bill and more than willing to answer any questions, especially the 2018 OCOE [SIC] incidents, which I'm known nationally now for because of that article. So thank you.

BREWER: All right. Questions? Oh, Senator La Grone.

La GRONE: Thank you, Mr. Chairman. I'd just like to point out that Deputy Secretary Bena was known nationally for a number of reasons prior to that, so that's just an addition.

BREWER: Well, I got to tell you that idea of us having a hearing is to take bills and if we don't fully understand them, use the process of asking questions to better understand. This is one bill, when it came in, I liked the bill, but I think after the county commissioners-- or County Election Commissioners were done, I liked it a lot more. I understand the, the tweaking here, but I still think this bill has got a lot of really good quality. So thank you for taking the time to come in, and I know I harass you about coming in, but kind of glad you're here, so thank you.

WAYNE BENA: I, I enjoy doing this, so.

BREWER: All right. No other questions then. Thank you for your time. OK. Any additional proponents? Anybody in opposition? Anybody in the neutral capacity? Welcome back, Senator Hansen.

M. HANSEN: Thank you, Chairman Brewer and members of the committee. This is one of those great bills where I had to do very, very little due to all of the hard work of all of the testifiers you heard, heard just before me and I would like to thank them for all of their work, including multiple revisions and drafts up until we got to the green copy. That being said, I knew-- know we had a couple of technical

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issues raised today. As always, happy to work with stakeholders to make sure we get a language that everybody agrees upon and understands. And with that, just a final thank you to all of our Election Commissioners and county officials and Civic Nebraska for their work on the bill. I'd be happy to take any questions.

BREWER: All right. Yes, Senator La Grone.

La GRONE: Thank you, Mr. Chairman. And thank you, Senator Hansen. I'd just like to say for the record, I reached out to Senator Morfeld via the magic of modern technology, and he is OK with the renaming of Civic Nebraska to Civics Nebraska. So feel free to use that now.

M. HANSEN: All right. Thank you.

BREWER: OK. Any other additional questions? Well again, I've already showed my bias, I like your bill. Let's get it, let's get it looking good.

M. HANSEN: All right.

BREWER: Thanks.

M. HANSEN: Thank you very much.

BREWER: All right. With that, we do have some letters to read into the record. We have one neutral letter, zero in opposition, zero in support. So with that, we will close on LB1068 [SIC]. And this will close our hearings today.