

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 26, 2020

**BREWER:** Good afternoon, ladies and gentlemen. Welcome the Government, Military and Veterans Affairs Committee. My name is Tom Brewer. I'm the committee Chair, representing the 43rd Legislative District, which is 13 counties of western Nebraska. We have our committee members here today, and we'll start by a-- introducing on my right. Senator Blood.

**BLOOD:** Good afternoon. My name is Senator Carol Blood, and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska.

**LOWE:** John Lowe, District 37: the southeast half of Buffalo County.

**HILGERS:** Mike Hilgers, District 21: northwest Lincoln, Lancaster County.

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

**KOLOWSKI:** Rick Kolowski, District 31 in southwest Omaha.

**BREWER:** On my right is Dick Clark, the committee counsel, and on my left, Julie Condon, the committee clerk. And Michaela is right there and will be our page. Today we're going to have four bills for public hearing: LB1005, LB1121, LB1122, and LR286CA. And Senator Hunt is going to be late. We'll jump into some of our admin things. First off, I would ask you to check your electronic devices to make sure they're on silent, and remind you that the committee members will be working on electronic devices or getting text messages to tell them when to go to their next hearing that they've got to be presenting in. And Senator Blood and Senator Kolowski both have Judiciary requirements. If you wish to record your attendance, the white sheets are there on the back table; please fill out your position with those. If you intend to testify, we ask that you get a green testifier sheet and, when you come up, give it to the committee clerk. If you have materials to pass out, be sure you have 12 copies. We'll read letters at the end of the hearing. Those letters have to be in by 5:00 p.m., the day prior. They must have your name, your address, the bill number, and your position on the bill: for, against, or neutral. We don't accept mass e-mailings. We'll ask that, when the bill comes up, that you move to the front of the room. The presenting senator will have an opening. We ask that you spell your name and speak clearly into the mike so that it's recorded. After the opening, we'll have those in, those that are proponents, then those that are opponents,

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and those in the neutral. Today, because it looks like we have a rather small house, we're going to go with the five-minute light system, so you'll have four minutes on the green, one on the amber, and then you'll get the red light. With that said, our first bill up is LB1005. Senator McCollister, welcome to the Government, Military and Veterans Affairs Committee.

**McCOLLISTER:** Thank you, Chairman Brewer. Thank you very much. And good afternoon, members of the committee. I am John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District in Omaha. Today I am introducing LB1005. This proposal would amend sections of the Election Act that govern the contents of official ballots for primary elections. Primary election ballots for many offices now, that now list political party affiliations would no longer do so. The goal of LB1005 would be to enhance voters' focus on candidate qualifications rather than a party affiliation. The bill would also amend voter registration requirements concerning declarations of party affiliation. Today, Nebraska is only, the only state in the country that uses one system, open and nonpartisan, to elect some, to elect state senators, and a completely different system, closed and partisan, to elect federal and state officials. LB1005 would open the door to a serious conversation about expanding our highly popular and successful nonpartisan election process. As a first step, the bill would eliminate political party designations from the wording of primary ballots. General election ballot language would not be changed. The bill, bill would amend the Election Act in several ways. It would eliminate designation of political party affiliation on official primary election ballots for candidates for United States Senate and House of Representatives, state of Nebraska constitutional offices. Nebraska Public Service Commission, and nonpartisan local offices. Political party affiliation on official primary election ballots for candidates for President and Vice President of the United States, and for local partisan offices would remain unchanged. The two candidates receiving the highest number of votes for offices, other than partisan county, city or village offices, would advance to the statewide general election. The statewide general election ballots would continue to show party-- political party affiliation of candidates for partisan offices. Citizens registering to vote would be required to declare a partisan affiliation if the voter wishes to vote for candidates in both partisan and nonpartisan local offices. A voter who does not declare a party affiliation would only receive ballots for a nonpartisan local office, plus the ballot for our statewide offices: U.S. Congressional offices, President and Vice President.

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Eighty-six years ago, Nebraskans developed a commonsense blueprint to make our state Legislature elections inclusive. It has made a huge difference in the political landscape of our state. Simply put, the Nebraska system works. LB1005 would provide an opportunity to demonstrate that our nonpartisan system can work for offices other than just for the Legislature. Thank you, Mr. Chairman.

**BREWER:** Thank you for your opening. All right, questions for--on LB1005-- questions. All right. Senator, your plan is to stick around for closing?.

**McCOLLISTER:** I am not.

**BREWER:** Oh, OK. So you're waiving close. Thank you.

**McCOLLISTER:** OK. Thank you.

**BREWER:** All right. We'll start with proponents, proponents to LB1005. Come on up. Welcome to the Government Committee.

**THOMAS ROBINSON:** Good afternoon. My name is Thomas Robinson. T-h-o-m-a-s R-o-b-i-n-s-o-n. I support LB1005. I think it's a good, good bill, but I think it could go a little bit further in increasing our democracy, enhancing it, and getting the divisive partisanship out of Nebraska elections. And I think two amendments would be good, and I'm going to try to briefly go through them. One would be the National Popular Vote Interstate Compact. Adopting that-- that would only be for presidential elections and it would take the Nebraska Electoral College votes, five of them, and commit them to the winner of the popular vote nationally. Fifteen states have already passed this and the District of Columbia, as well-- large states, medium-sized states, and small states. This, this idea has been raised in this committee six years ago, and on LB1058, sponsored by then Senator John Murante. I don't think it went anywhere because I didn't find any evidence of a vote in the Legislature. But the bill must have been popular because two surveys were taken, in 2008 and 2011, of Nebraska voters. And they found a substantial support in, in the area of 60 percent and above, for the National Popular Vote Interstate Compact. And I would love to see this added to the amendment. I'm not going to go into it any further, other than to mention the Web site where you can find quite a bit of information on this. That would be [www.nationalpopularvote.com](http://www.nationalpopularvote.com). The Second Amendment-- I'd like to say, and my colleague will speak further to this-- is ranked-choice voting, and-- I'm sorry, I'm going to pass these around. I have a handout for that. And let's see. We'll

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start with the side that says Ranked Choice Voting. This is a unique system of voting that has been adopted in the great state of Maine for all elections. And many cities, including New York City, just, just passed it last November by, I think, a 72 percent margin, and it'll go into effect there next year. I'd like to direct your attention to the sample ballot first. We have three, three candidates: purple, pink, and blue. And what you, what you would do is fill out your first choice, your second choice, third choice. And then there's, yeah, on the other side is the, is the results of this hypothetical election, where pink-- no, note on-- you'll notice on round one, no, no candidate made 50 percent. You, you must make 50 percent plus one, to, to be the, the winner of the election. So pink, but pink got the least votes. So pink's votes are split, 15 percent went to-- that will be their second choice then. You go to round two if no one candidate makes, makes 50 percent or more. Pink would go to purple-- 15 percent would go to purple, 10 percent of pink's votes go to blue. Now, after that, with pink out of the running, purple has passed the threshold, and purple would be elect--be, be big winner of the election. What does rank choice voting do? It's a-- some of the benefits on the other side there. It allows people to vote, vote their conscience. They don't have to feel like they're wasting a vote If they, they prefer a minor party candidate. Winners have broad support because they're going to be the second choices or probably a note-- it, it stops divisive campaigns, as well. My, my colleague will speak more to that.

**BREWER:** You want to hang on just a second?

**THOMAS ROBINSON:** Oh.

**BREWER:** We'll see if we have some questions for you.

**THOMAS ROBINSON:** Yeah.

**BREWER:** Thank you for your testimony. Questions? Questions? All right. Thank you. OK. Next proponent. Sorry, I was looking down, reading. I didn't see the time. Welcome to the Government Committee. You can start whenever you're ready.

**LARRY R. BRADLEY:** Thank you, Senator Brewer. I'm Larry, L-a-r-r-y R. Bradley, B-r-a-d-l-e-y. I always give the middle edition to distinguish myself from the other Larry Bradley that's in Omaha. I am in, I am always interested in any bill that tries to reduce the partisanship, and the bickering, and the rancor that goes on in our politics. I'm testifying to offer some insights into what I feel will

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be the unintended consequences of LB1005 that the committee might want to consider. I lecture. I'm a retired army officer. This is a passion of mine, and I lecture at colleges, and universities, and civic groups about election reform. At one of the universities I was at in the fall of 2018, when I was done, the professor said to me and the students, you know, in a jury trial, there are two forms of justice. One is the verdict. The other is the method by which you had arrived at the verdict. And if the method that you arrived at the verdict at is unjust, then the verdict is unjust. And she said, what this man is doing is just showing you why our elections are unjust. And you say: Wait a minute. What? How, you know, why are our elections unjust? That's your question. I go send people through, when I do my lectures, through a series of questions that are like aligning your wheels and balancing your tires; and I'll pose them to you here, is-- do you or do you not believe that a representative form of government should-- policies should reflect the will of the majority within the bounds of the Constitution? Your first reaction to that is that it must be a trick question. But when you think about it, do you want policy that reflects the will of the minority? No. Do you want policy outside the bounds of the Constitution? No. So the answer to that question is yes. So if the answer to that question is yes, that leads us to question number two. And that is to say, shouldn't one of the purposes of our elections be to determine what the will of the majority is? And you say: Well, yes, that's true. So then the third question is, why aren't we doing that? Because we're not, OK? We are allowing plurality winner, winners and we are not demanding majority winners. And that is because of the kind of ballot we use. We need to change the kind of ballot we use in order to guarantee a majority winner at all times. Now, I think one of the great examples that I have for you here today comes from the 2014 primary election for Governor. I've got some numbers there. I see some of you are already looking ahead, which is fine. The results that I have here show that, first of all, I displayed the numbers according to the partisan thing under the existing system. And if I could get ahold of the piece of paper so I could look at the numbers myself, that would be good. OK. So as we see here, in this case, Mr. Ricketts got the nomination from the Republican Party with 26.56 percent of the vote. He was only about-- let's see, how many would you say-- a little over 2,000 votes ahead of Mr. Bruning, who finished with 25.49 percent of the vote, OK? A majority winner is somebody who gets 50 percent plus one or better. And as you see there, no one came close to getting 50 percent plus one or better. Mr. Hassebrook, of course, was unopposed. Mr. Elworth was unopposed. So what I did was I took those same results from 2014, and

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I arrayed them according to number of votes from top to bottom, as it would be under this proposed bill of LB1005. And in this case, Mr. Hassebrook and Mr. Ricketts would again be the nominees. But you'll note that, looking at the percentage of the vote, neither one of them gets more than 50 percent of the total vote, OK? So that means that the majority of voters who voted in that primary election are going to be unhappy with that election because their candidate didn't make the final two. And there's no recourse with the winner-take-all ballot in order to be able to get to a majority and to, to winnow this field to determine the top two. Now I'm recommending that ranked-choice voting be used to determine the top three candidates, which, in the general election, would then take away the canard that we hear all the time that you're being forced to choose between the lesser of two evils. So I've got the rest of the things written out here. Other states and municipalities have already made the shift to RCV. Maine, in particular, has made the leap. I would like to see other states, including Nebraska, do the same. Thank you for your attention and consideration. What are your questions?

**BREWER:** Yes. Thank you, Larry, for your opening. Just out of curiosity, which branch of service?

**LARRY R. BRADLEY:** Infantry.

**BREWER:** Ah, cool.

**LARRY R. BRADLEY:** Army Infantry.

**BREWER:** Well, thank you for your service.

**LARRY R. BRADLEY:** Thank you, sir. Yeah.

**BREWER:** All right. Questions. Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. And thank you, Mr. R. Bradley. Before I ask your question, I want to say that I read your book in 2006, 2007. Does that sound right? And I have loaned that book out at least 12, 13 times since I read it, because I, I believe that the partisan shenanigans are out of control. I don't care what party you are, they're out of control. And so the question that I would have for you is that I know, I know, personally, that you, based on your book, have been working on this issue for well over a decade, going on two decades. Do you see, do you see any opportunity for change in a state like Nebraska?

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**LARRY R. BRADLEY:** Oh, yes. Yes, I, I think it's just like-- I almost think of it like cell phones. You know, once people have it, and they see it, and they use it, they say: Wait a second, why can't I have that? And so as other states and municipalities are adopting ranked-choice voting, people are going to say: I want this, because it's a more modern way of voting.

**BLOOD:** It is indeed.

**LARRY R. BRADLEY:** Thank, thank you for your asking, for your question. You know, this last-- in November this last year, we had a record number of locals-- cities use ranked-choice voting in their elections, OK? So the, the momentum is there. Utah, a predominantly Republican state, has formalized going to ranked-choice voting. They're allowing people to start using ranked-choice voting in municipalities. That could be another thing here. Even if you were to pass a bill here that would say local municipalities are authorized to use ranked-choice voting, if they wish. If you pass such a bill, then I think local municipalities will look into it and say: OK, what is that? The, the, the Unicameral said we could. Do we want to? Well, yes, we do. That's so much better because we take away the spoiler scenario. People don't feel that they're wasting their votes, as you saw there in that first handout that my colleague gave. And so-- long way to answer your question-- so yes, I think it's something that people understand intuitively that they want.

**BLOOD:** So on a closing note, I just, I want to personally thank you, because you're the reason that I sincerely ran for office, and you are the reason why, when I run for office, I don't talk partisan politics. And so I don't know if anybody else has ever told you that you've influenced him that way, but I'm so glad you spoke up when I came in the room today and jogged my memory that I knew you. So thank you.

**LARRY R. BRADLEY:** Thank you. I appreciate it.

**BREWER:** Just a quick question, sir. In case. I want to read that book, what is it titled?

**LARRY R. BRADLEY:** It's called "Neither Liberal Nor Conservative Be: An Action Plan for People Disgusted by Polarized Politics." I have a--

**BREWER:** OK, do you have it, like in your local bookstore? Or where do you get it?

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**LARRY R. BRADLEY:** On my Web site at thecenterstrikesback.org, if nowhere else. Amazon has it.

**BREWER:** OK.

**LARRY R. BRADLEY:** And I also have a DVD program called--

**BREWER:** OK. Other questions?

**LARRY R. BRADLEY:** But--

**BREWER:** Yes, Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Thank you for being here. I, I'm also a fan of your work and I want to thank you for your service. There have been so many elections where I wish we had ranked-choice voting because, like, maybe my first choice didn't win, but then my fourth choice won. And it's like, I thought nobody liked this guy. It, like, it just really gives people a little bit more control over who ends up representing them, because it really is common in a lot of elections, where your first and second choice are kind of close and you're like, I would be fine with either of these people. And then neither of them gets having the opportunity to serve. But can you speak more to how this reduces partisanship in your research, in your opinion?

**LARRY R. BRADLEY:** Thank you. Yes, happy to. In --because you have to get to 50 percent plus one or better, you can't afford to be alienating other voters who support other candidates. You-- what you want to do is focus on issues so that you are the second-- or if you're not somebody's first choice, you're at least their second or third choice. That gives you a chance, OK, so our studies-- and I'm an ally of fairvote.org. And fairvote.org studies say that, in those elections where, where ranked-choice has been used, this clearly reduced the partisan rancor that is used in the campaigns, and there's a higher focus on issues rather than badmouthing one candidate or the other.

**HUNT:** Um-hum.

**LARRY R. BRADLEY:** Is that what you were looking for?

**HUNT:** I also think-- I'm, I'm also familiar with research that shows that partisanship motivates more people on the political fringes to run for office. Do you think that something like ranked-choice voting



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would motivate more people in the center or, you know, people who aren't so partisan to put their hat in the ring and go for it, as a candidate? Because it's so expensive to run for office-- like your family gets put through the ringer. You don't earn any money. It costs so much money. Normal people, quote unquote, people who aren't motivated by partisanship, don't have a lot of motivation to even become candidates today.

**LARRY R. BRADLEY:** If you'll indulge me a little bit here, I'm tempted to tell this one. This is to make a point. And the basic answer to your question is yes. But there's an old story from the Vietnam era about this person who was hurt in the field, and his buddies came to visit him in the hospital. They said: How'd you get hurt? And he said: Well, I was on one side of the road and this Viet Cong was on the other side of the road. And of course in Vietnam, Lyndon Baines Johnson, LBJ, was our president, and Ho Chi Minh was the leader of North Vietnam. And he said: I yelled out, 'to hell with Ho Chi Minh,' and the other guy yelled back, 'to hell with LBJ.' And we were standing in the middle of the road shaking hands when this truck ran us over. And so the-- what I'm saying is this system, this ballot that we use makes standing in the road, the middle of the road, dangerous. What ranked-choice voting does is, it builds a traffic island in the middle for a lot of people to gather and stand on and leave the two extremes standing on the other sides, side of the road.

**HUNT:** Thank you.

**LARRY R. BRADLEY:** You're welcome.

**BREWER:** Thank you for that story; I like that. All right. Any other questions? Senator Lowe.

**LOWE:** Thank you, Chairman Brewer. In many races, there are outside entities that come into the race, and the, the two opponents may not bring in politics, but the outside entities may. How would this affect that?

**LARRY R. BRADLEY:** I think one of the things this would do is bring back, to a certain degree-- I'm not opposed to political parties, and I think this would help solidify people gathering around a set political philosophy and saying: You know, this is what we stand for; this is what we want to do. And that's going to neutralize the effect of outside agencies because people are not making their votes based on what they see on television or what they hear on radio. They're making

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it, based on their political affiliation that is further driven by their association with ranked-choice voting. They, they move to the middle, there in the-- not necessarily the middle-- but they found the place where there is a majority of people who support this particular approach. There's a, there's another book that I would recommend that you-- if you haven't read it-- and it was written in 2008. It's called "Just How Stupid Are We?" OK, that's the true name of the book. As I say, it was written in 2008. And the, the author-- this is, of course, well before the partisanship we have today. But the author said: This is a book for everyone who's ever thrown a shoe at a television because he lives in a country stupid enough to have voted for so-and-so. And one of the points of the book is, they talk about how the advent of television, and radio, and etcetera has influenced the diversions that we have today and the conflict that we have today.

**LOWE:** Thank you.

**LARRY R. BRADLEY:** Thank you.

**BREWER:** OK. Any more questions? Seeing none, thank you for your testimony and your stories--

**LARRY R. BRADLEY:** Got more of them if you want them.

**BREWER:** --and your service.

**LARRY R. BRADLEY:** Thank you. If any of you would be interested, I have fundraisers, something like that-- town hall. If you want someone to come and demonstrate ranked-choice voting to the people who attend your meeting, just to get their opinion on it, very happy between us, myself and Mr. Robinson, to try to arrange that for you.

**BREWER:** All right. Thank you.

**LARRY R. BRADLEY:** Thank you.

**BREWER:** All right. Additional proponents, come on up. Welcome to the Government Committee.

**NATHAN LEACH:** Mr. Chairman, members of the Government, Military and Veterans Affairs Committee, my name is Nathan Leach, N-a-t-h-a-n L-e-a-c-h. I'm speaking in favor of LB1005, and speaking on behalf of Nonpartisan Nebraska, an unincorporated social media campaign I founded in 2016, dedicated to protecting and expanding nonpartisan elections and governance in Nebraska. I've been a paralegal specialist

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in the Nebraska Army National Guard since 2016, and recently moved from Kearney to Lincoln, where I'm working for the Department of Revenue to help process tax returns. I'm not speaking on behalf of, or representing, either organization. Independents like myself now account for 21 percent of registered voters in Nebraska. It's time to have a serious conversation about changing our closed partisan primaries to a primary system that allows all voters a fair and competitive election. Over 80 years ago, Nebraskans overwhelmingly approved creating the only nonpartisan unicameral in the country. It's to, it's time to expand that reform to our primary elections and remove partisanship from the ballot box. LB1005 does just that. National Open Primaries, a nonprofit leader on election reform, conducted a poll through Change Research last year, that showed nonpartisanship is favored by a substantial majority of Nebraskans. The poll showed that nearly 68 percent of Nebraskan voters support a top-two open primary for all state elections. Only 18 percent of respondents disagreed. Seventy-two percent of voters believe that the Nebraska Legislature should not be controlled by any political party, with only 11 percent supporting majority control. and, also, 72 percent of voters believe that partisan control of Congress has led to gridlock, needless bickering, and an inability to address real problems. Partisanship is not inherently bad, but when we allow parties to control our government and use party to determine who participates in elections, it leads to silencing the voices of voters. Ultimately, I believe that good processes lead to good results. A nonpartisan election is more competitive, more fair, and will result in better representation for all Nebraskans. I ask that you please vote to advance LB1005 to the full Legislature. And I'd also note that a top-two or using ranked-choice voting is definitely a great idea. It is another way to expand nonpartisanship. The reason-- and I, I didn't prepare any remarks on that just because the subject matter of this bill is open primaries. I don't particularly like that it doesn't include local elections, county elections, it's just for state officials. But this system has worked for our Nebraska Legislature, and it's something that I'd love to see expanded in our state.

**BREWER:** All right. Thank you for your testimony. Let's see if we have questions. Thank you for your service with the National Guard, and thanks for your testimony.

**NATHAN LEACH:** Thank you, Senator.

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**BREWER:** All right. Additional proponents. Welcome to the Government Committee.

**SHERI ST. CLAIR:** Thank you. I need a booster seat, though.

**BREWER:** You kind of do need one of those.

**SHERI ST. CLAIR:** I'm Sheri St. Clair, S-h-e-r-i S-t C-l-a-i-r, here speaking on behalf of the League of Women Voters of Nebraska. As you know, the league has worked to protect and enhance voting rights. And we continue to campaign for opportunities for participation and rights for open, accountable, representative, and responsive government at every level. We support the passage of LB1005 as a matter of fairness. As the number of registered nonpartisan voters in Nebraska continues to increase, it's important to make sure that those voters also have a say, early on, in every election cycle, just as voters who are party registrants have. And as was just stated, over 21 percent of Nebraskans are currently registered as nonpartisan voters. We feel that LB1005 will help to increase opportunities for voter participation, and it follows that the result will be elected bodies in Nebraska more representative of, and responsive to, all voters. And I won't get into other issues because I just wanted to focus on LB1005.

**BREWER:** All right. Thank you. Questions for Sheri? All right. Thank you for your testimony.

**SHERI ST. CLAIR:** Thank you.

**BREWER:** All right. Any additional proponents? A familiar face returns.

**WESTIN MILLER:** Welcome, sir.

**BREWER:** Welcome to the Government Committee.

**WESTIN MILLER:** Thank you, Chairman Brewer and 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 for Civic Nebraska. Last year, I testified on two bills about nonpartisan elections. One was LB144 by Senator Hughes, and the other one was LB212, introduced by Senator Crawford. Those bills were about making county elections nonpartisan. I supported both of them, and I think that the reasons I supported those bills apply pretty cleanly to LB1005. Mr. Bradley nailed the argument for this pretty well, especially when I had a couple additional words. And I do want to clarify that LB1005 is not about ranked-choice

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voting. I think that's a very cool conversation to have and I'm interested, but just to clarify, this is about a top-two nonpartisan or top-two open primary, so possibly a step in that direction, but not the, not the full deal. Regardless, the expansion of nonpartisan elections, either on the state level or the county level, is useful primarily because it promotes participation over partisanship. Civic Nebraska supports nonpartisan elections on pretty much every level. And I think that we, we understand why political parties exist, obviously, but in 2020, it's not absurd to say that partisanship and public trust are pretty much exclusively-- are mutually exclusive terms at this point. One of the reasons that partisanship erodes public trust in elections is because it makes it way harder for voters to choose their number one candidate in the general election. As Mr. Bradley touched on, very often these primary elections unnecessarily, unnecessarily eliminate the candidate who actually received the second highest vote total, simply because they're registered with the same party as the top vote getter. I feel like I've talked an obnoxious amount about public trust in elections, at this point in the session, but I think it bears saying again that, if your preferred candidate is eliminated in the primary, despite getting more votes than someone who advanced to the general just because they're registered with the same party as the winner, that is not going to make you feel better about the election. It's not going to improve your confidence in the process. It is definitely not going to make you more likely to vote in the next election. And we see those as legitimate problems. We have a really strong foundation for this policy with our nonpartisan Unicameral. Our nonpartisan legislative elections function very smoothly, and I would encourage you to expand the list of offices that are elected on a nonpartisan basis. With that support noted, I do have a technical question/concern, and this is a concern I brought up already with Senator McCollister's office. And I will happily admit that I might just be confused, but on the off chance that you are also confused, I thought I would bring it up. So my concern is about something that would affect the 250,000 registered nonpartisan voters in Nebraska. So right now, if you are a registered nonpartisan and you go into the primary, you actually have a choice between three different ballots. You can have what's called the nonpartisan Republican ballot, the nonpartisan Democratic ballot or just the nonpartisan ballot. Parties get to decide what partisan offices appear on their combo ballot. So if you choose the Republican-- or sorry-- the nonpartisan Republican ballot, you will get to vote for all the nonpartisan offices, as well as, I think, Republican primaries for President, U.S. Senate, and the House of Representatives. If you

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choose the nonpartisan Democratic ballot, you get to vote for nonpartisan offices. And actually I think recently the Democratic Party just made it the same. So you can vote for all of the Democratic partisan primary elections or you can choose to only do the nonpartisan elections, like Legislature, Board of Education, and things like that. So I do see in the bill, on page 4, there is clear language about the registration form which says who you'll be able to vote for. And it says that you have the right, on the form, to vote for statewide and local elections. And there are several places in the bill that strike party affiliation from the candidate's official listing. The part that I'm not seeing, and again, this might just be my mistake, but I've tried really hard to find this. I can't seem to find any language that actually moves these statewide races to the nonpartisan ballot. I very well could be missing something, but if I'm not, that means that, in the Republican primary for Governor, for example, Republicans would still only get to choose between Republicans and, perhaps even more importantly, candidates for Governor who would not appear at all on the nonpartisan ballot, which would kind of defeat the purpose of what we're trying to do. So, again, I absolutely support the idea of expanded nonpartisan elections. I'm just a little confused about the functional language of the bill. I would be more than happy to work with anybody over the interim. This is a conversation that is very important. I think it honors a really proud Nebraska tradition, and this is a conversation we'd love to be involved in. So with that, thank you for your time. And I'd be happy to answer any questions.

**BREWER:** Thank you for your testimony. So when you brought the question up to Senator McCollister's office, did they have any thoughts on how they intended it, even though it came out the way it did?

**WESTIN MILLER:** Um-hum, yeah. So the, the intent was absolutely to put statewide offices on the nonpartisan ballot. That was made very clear. And the best I understand, I think the intention was that that language on page 4 is what was supposed to do that. My concern is that the language on Page 4 literally is just dictating language that will go on your voter registration form. So I don't think that's enough to actually change the substance of the ballot itself. So that's my concern.

**BREWER:** So in, in this-- I want it to be your words and not mine, but--

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**WESTIN MILLER:** Yeah.

**BREWER:** And the nonpartisan one, then, you could, you could run the whole ticket with being able to vote however you want, Republican and Democrat. But it would, it would be everything instead of just the, the nonpartisan election, the, the-- whatever office is being considered there.

**WESTIN MILLER:** Sorry, I think I lost you.

**BREWER:** Well, if, if you want to vote on--you, you talked about the three different tickets.

**WESTIN MILLER:** Sure, um-hum.

**BREWER:** If you go to the nonpartisan, right now, you can't run the whole gamut. You can't vote for all the offices.

**WESTIN MILLER:** Correct.

**BREWER:** You would like to see it so you could.

**WESTIN MILLER:** I think it's great. Yeah. And so this, this bill is-- specifically is about just the statewide, so their intention was, if I choose just the straight-up nonpartisan ballot,--

**BREWER:** Right.

**WESTIN MILLER:** --it should have Governor, Attorney General, Secretary of State on that one.

**BREWER:** I'm with you. I'm with you. All right. Questions. Senator Hilgers.

**HILGERS:** Thank you, Mr. Chairman. Thank you, Mr. Miller, for being here-- appreciate it. I wanted to ask a question just about an argument you made, which I think I heard a previous testifier make, in favor of this, which is this idea-- just tell me if I've got this right,--

**WESTIN MILLER:** Um-hum.

**HILGERS:** --that the current system, there are going to be voters who might be frustrated or have some sort of negative reaction to, to supporting someone who comes in second, but might not have the most

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number of votes, but they're, they don't advance because there's a partisan primary. Is that more or less the case that's been made?

**WESTIN MILLER:** Yeah. Um-hum.

**HILGERS:** Is it-- I mean, is there any evidence that people actually-- anyone actually cares about that? I'm not-- and I'm not being, I'm not, I'm not trying to be trite about it. I'm--

**WESTIN MILLER:** Sure.

**HILGERS:** I'm really-- I mean, it seems to me that, that is-- that the rules of the game are, you've got to win the primary.

**WESTIN MILLER:** Right.

**HILGERS:** If you don't win the primary, you don't advance. I mean, is that it? I mean, in other words, if you see where-- like California transitioned to a top-two general primary.

**WESTIN MILLER:** Yeah.

**HILGERS:** Does voter turnout increase? I mean, is there ever-- is there any other study or evidence that suggests that that's actually a motivating factor for people to vote or not?

**WESTIN MILLER:** Sure. So I think qualitatively, I think Mr. Bradley's analogy about the cell phone is the best example. I also was never concerned about that, because I didn't realize there were other options. And as soon as I did, I was like, this is crazy. Like how come we don't talk about this more often? I would refer you probably to campaigns and to, to --again, somehow make this about ranked-choice voting, because it's a lot of the same values that kind of underlie that campaign. There is some pretty amazing research and, just like personal experience from campaigns in Maine and in other states that have advocated for ranked-choice voting, to again, make a lot of the points that Mr. Bradley said, which was that, it's-- if any of us have any concern about, you know, and it, it can be for different people, the, the value might be moderate political values, or the value might be just sheer number of whoever gets the most votes should advance. Like whatever your reason for coming to this. I think that once you realize there are other options, it just sort of-- it just kind of rings unfair that you can come in second place and lose to the person who got third place or fourth place. And so I think the answer is yes, people do get upset, but only once they realize there's another



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option. And this is new enough here that I think most of us don't even realize there are choices.

**HILGERS:** All right. Thank you.

**WESTIN MILLER:** Yeah.

**BREWER:** All right. Additional questions? All right, Westin. Thank you for your testimony.

**WESTIN MILLER:** Thank you.

**BREWER:** All right. Additional proponents for LB1005? So we will now transition to Opponents. And those the neutral capacity? And he has waived the closing, so well read in letters on LB1005. We have one proponent, an ACLU Nebraska-- one proponent, ACLU Nebraska; one opponent, Bob Evnen, the Secretary of State; two in the neutral: Joseph Couch; and the Nebraska Association of County Officials, NACO. With that, we will close the hearing on LB1005, and transition to LB1121. Senator La Grone, welcome to your Committee on Government, Military and Veterans Affairs.

**La GRONE:** Thank you, Chairman Brewer. 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. LB1121 does a couple things. It eliminates some obsolete provisions of law that were specific to 2013, and then, also, allows for candidates who are appointed to an elective office to fill, to fill a vacancy after the incumbent filing deadline to file for office, to run for that same spot by the nonincumbent filing deadline. So I'll give you an example. Let's say, hypothetically, some-- there is a vacancy in the Legislature today, and someone was appointed to that vacancy today. They could not run to remain in that seat currently because they would be subject to the incumbent filing deadline which has passed, although they could, obviously, file in time for the nonincumbent filing deadlines, which this year is March 2nd instead of March 1st. And this basically corrects that blackout period. So meant to be a clean-up because there's an odd blackout period in Nebraska law. And that's all the bill does.

**BREWER:** All right. Thank you for that opening. Questions for Senator La Grone? Seeing none, you'll stick around for closing, obviously.

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Thank you. All right. We'll start with proponents. Welcome to the Government Committee.

**DAVID SHIVELY:** Thank you. Good afternoon, Chairman. Members of the Government Committee, my name is David Shively, D-a-v-i-d S-h-i-v-e-l-y. I'm the Lancaster County Election Commissioner. I also serve as president of the Nebraska Association of County Clerks, Registers of Deeds, and Election Commissioners. I'm here today in support of LB1121. We feel that this bill has the clean-up that allows us to have that blackout period. I-- if someone would happen to create a vacancy in a, in an office after the filing deadline and then they would word it where it, where would become-- someone would become appointed. They would not be able to file because they would have missed the incumbent filing deadline. We had a situation here, just recently in Lancaster County, with Southeast Community College Board, the at-large seat. The at-large seat member passed away earlier this year, and they were in the process of appointing. They appointed right prior to the incumbent filing deadline, but if they waited until afterwards, that-- the person appointed wouldn't have been able to file, unless he would have filed prior to that. So we just think it's a clean-up that would be very helpful. And I'd be happy to answer any questions.

**BREWER:** OK. Thank you for your testimony. Questions? All right. Thanks. Welcome back to the Government, Military and Veterans Affairs Committee.

**BRIAN KRUSE:** Thank you. Good afternoon, Chairman Brewer and members of the Government Committee. My name is Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e. I am the Douglas County Election Commissioner and I'm here to testify in support of LB1121, which would change certain income filing deadlines. This bill makes one simple change, as you've heard, to alleviate confusion for political subdivisions and candidates when a political subdivision fills a vacancy. When a vacancy occurs and the political subdivision appoints an individual to fulfill the term in an even-numbered year, and the incumbent filing deadline has passed but the nonincumbent deadline has not occurred, it would allow the appointee to file for office and have their name appear on the ballot rather than file as a write-in. This is a rare situation and only occurs for the two weeks between the incumbent, February 15th, and the nonincumbent, March 1st, candidate filing deadlines. The current alternative is to have those interested in the appointment and running for office file before the incumbent deadline. The individual or

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individuals that are not appointed to fill the open position have one of two options. They can continue to either be a candidate for that particular office or withdraw from being a candidate. This option causes unnecessary paperwork and confusion for both the election office and candidates. With this change, individuals interested in running for office can instead file before the nonincumbent deadline, which will most likely be after the appointment has been made. In conclusion, this helps to alleviate confusion for all parties involved and would make the process cleaner and eliminate additional paperwork. I urge the committee to advance LB1121 to General File. Thank you for your time this afternoon.

**BREWER:** All right. Thank you for your testimony. Questions? All right. Thanks. All right. Additional proponents. Welcome to the Government Committee.

**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 am with the Nebraska Association of County Officials. I'm appearing in support of LB1121. We see this bill as just a commonsense clean-up bill. When there's a vacancy in county offices, those have to be filled within 45 days unless there is an undue hardship, and this would help address those situations where there's a timing issue. So I would be happy to answer questions.

**BREWER:** All right. Thank you. Questions? Seeing none, thanks again. Next proponent. A very familiar face-- welcome back.

**WAYNE BENA:** Thank you, Chairman Brewer and members of the committee. For the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a, Deputy Secretary of State for Elections, here on behalf of Secretary of State Robert Evnen, in support of LB1121. The previous testifiers have done a good job to show the purpose of the blackout period. This was something that came up in my first elections in 2018. Commissioner Kruse and I commented that we came up with this idea together, that the only solution at that time was to have everybody file. Luckily, it was, I believe, an office that didn't require a filing fee. So it wasn't a windfall for Douglas County at the point, but it was the only solution we could come to, to fix this. This has happened, I believe, twice, as I can recall. So this is something to have some clarification on. The-- I will have to laugh. The rest of it is to get rid of old language from 2013 elections for OPS in Omaha, when they expanded the board. I have to laugh. I was the Sarpy County election

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commissioner at the time, and that election fell on my wedding anniversary, when I didn't think I was going to have to worry about it 'cause it was the off year. So thank you to Senator Lautenbaugh for getting me into trouble that year. So with that, I will answer any questions you may have.

**BREWER:** All right. Thank you for your open-- or your testimony. Questions? Seeing none, thanks. Additional proponents. Well, you're earning your keep today.

**WESTIN MILLER:** This is, this is going to be a good one, yeah. Chairman Brewer and members of the committee, my name is Westin Miller. W-e-s-t-i-n M-i-l-l-e-r, the director of public policy at Civic Nebraska. Just wanted to quickly thank Senator La Grone for bringing this bill and making this fix. I did not realize this was a thing, but a candidate getting disqualified for an administrative mix-up like this is the nightmare scenario for public trust in elections. So we're glad that he discovered it and that we're fixing it; and we're allowed to support it. So thank you.

**BREWER:** All right. Questions? Thanks again for coming back. All right. Additional proponents. Are there any opponents? Anybody in the neutral? Well, there's no letters, and Senator La Grone is waiving his closure, so we will have him come up and open on LB1122.

**La GRONE:** I like these election bills. Brian asks me to introduce a bill and then I find out how many friends I have; It's crazy [LAUGHTER]. 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. LB1122, LB1122 is another election clean-up bill. Well, this one's more substantive than, than the last. What it would do is, it would change the date that the county board can start counting ballots, from the second Monday before the election to the second Friday before the election. This is, again, getting into the area of enabling better election administration. As we've seen more mail-in ballots, these are really the ballots that could be counted early, and so it becomes more arduous for election commissioners to deal with the increase in ballots. So that's what the bill would do, is give them more time to count. And I think that it's a good idea to enable them to do their jobs better.

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**BREWER:** All right. Thank you for that opening. Questions? Seeing none, again, I assume you're probably going to stick around for close?

**La GRONE:** I'll probably waive it too,--

**BREWER:** Probably waiving it, too?

**La GRONE:** --but we'll find out.

**BREWER:** All right. First proponent. You're starting to see why we bunch bills together, so you don't need to make a lot of trips down here.

**BRIAN KRUSE:** I was going to say I appreciate that.

**BREWER:** Welcome to the Government Committee.

**BRIAN KRUSE:** Thank you. Well, 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'm here to testify in support of LB1122, which would change the date to begin opening early voting ballots from the second Monday prior to an election to the second Friday prior to the election. With all due respect to Senator La Grone, I do want to comment that this does not change the statute regarding the counting of the ballots, just the opening of them. While a few additional days might not seem that significant, when you are dealing with tens of thousands of ballots, a few days would be a major improvement. In the 2016 Presidential general election, in Douglas County, we had nearly 85,000 early-voting ballots and have the potential for between 90,000 and 100,000 early-voting ballots in the 2020 Presidential general. Our new office, more space, and additional days would help reduce the stress on staff and space, while potentially saving on overtime and taxpayer dollars. Allow me to briefly describe the ballot opening process in Douglas County. After ballots are checked in, they are stored in the vault. When the date arrives to begin the actual opening process, the machine cuts open the ballot envelope. Then each ballot is removed from the envelope by teams of two individuals of differing political parties. The ballots are placed in boxes by ward, precinct, and split, are stored securely back in the vault until they are counted on the Monday before the election. During the most recent statewide general election in Douglas County, beginning on the second Monday before the election, between 8 and 20 individuals worked at least 8 hours a day, during the week and weekend, to open all of the ballots. In conclusion, I would

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like to reiterate that the sheer number of ballots that must be removed from the ballot envelopes before counting begins is a monumental task in Douglas County. Allowing this process to begin on the second Friday before the election would be a much appreciated change in Douglas County. I urge the committee to advance LB1122 to General File. Thank you for your time this afternoon.

**BREWER:** Thank you for your testimony. Questions? I have one for you real quick.

**BRIAN KRUSE:** Sure.

**BREWER:** So the ballots are secured. When you get ready to count them, they are counted through a machine that digitally scans and scores who gets the vote?

**BRIAN KRUSE:** Correct, correct. Yep. And as you're all aware, we have received, or are receiving new tabulating equipment. And so their digital-- DS850s is what Douglas County got-- digital scan. And we received eight of those from the state, and we had one, so we will have, currently have nine for the new elections coming up. And then, after we count and tabulate those ballots on Monday, we do not look at the results. So we don't know the results. Those results are then stored in the vault. And then, on election night, Tuesday evening, that's when we tabulate those results, bring them all together and then release them to the public. So even though they're counted on Monday, not even myself knows the results of those--

**BREWER:** OK, and just--

**BRIAN KRUSE:** --counts until Tuesday evening.

**BREWER:** Just following up on that first question then. At what rate can you count ballots per-- I don't know-- hour, or however you figure that?

**BRIAN KRUSE:** Well, that's a good question. These are new machines. I believe-- and, and Mr. Bena may be able to give you a better statistic on that-- I believe with the new 850s, we should be somewhere in the 6,000 to 8,000 ballots per hour, per machine, possibly more.

**BREWER:** So if you're--

**BRIAN KRUSE:** So per piece of paper.

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**BREWER:** Even if you are well over 100,000, with the new machines, you're in pretty good shape.

**BRIAN KRUSE:** Yes. Yes. Now, this will be the first election that we've used these new machines. In the, in the previous elections, I had one of the 850s, which are, were twice, potentially twice as fast as the old machines we had, which were the 650s. And one of the big reasons for that is, on the old 650s, if a ballot would go through, if it couldn't read it properly, you had to stop the machine and then rerun it through, whereas on the new machines, there's three different trays, so if it doesn't read it, it'll kick it out to another tray, but keep going on the others.

**BREWER:** So what did you do with your 650s?

**BRIAN KRUSE:** The state took--

**BREWER:** Some of them out west?

**BRIAN KRUSE:** --those back in on trade-in or-- yeah, sent them out west, yeah. No, they did not do that. But they were state-owned, so the state negotiated that in the contract, and so they took those back, yeah.

**BREWER:** All right. Well, thank you for indulging me. I, I didn't-- I've never seen that process. And so I appreciate you sharing that.

**BRIAN KRUSE:** Sure. They do go through pretty fast, and it is pretty cool to see them.

**BREWER:** OK. It's not like one of those money counters that goes "zzzzz" and does the whole--

**BRIAN KRUSE:** Uh, it's pretty quick.

**BREWER:** Really?

**BRIAN KRUSE:** It's pretty fast. If you're ever around and you want to see it, we'd love to--

**BREWER:** I'm going to have to take you up on that offer.

**BRIAN KRUSE:** --have you. Yeah, absolutely.

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**BREWER:** All right. Thank you for your testimony. All right. Next proponent. Welcome back to the Government Committee.

**DAVID SHIVELY:** Thank you. Good afternoon, Senator Brewer and members of the Government Committee. My name is David Shively, D-a-v-i-d S-h-i-v-e-l-y. I'm the Lancaster County Election Commissioner and also serve as president of the Nebraska Association of County Clerks, Register of Deeds and Election Commissioners. I'm here today in support of LB1122. This bill would just allow us to open ballots and get them prepared for counting on the second Friday prior to the election instead of the second Monday. It gives, especially us larger counties, a little extra time when we have the numbers. Lancaster County doesn't have quite the numbers that they do in Douglas County, but we have continued to see growth in early voting, and we can, we see that continuing. So I would just encourage you to advance this to General File, and I'd be happy to answer any questions. And Senator Brewer, we're happy to come and visit us, if you'd like to see the tabulation machines, as well.

**BREWER:** All right.

**DAVID SHIVELY:** Any of you would be.

**BREWER:** It'd be a shorter drive from here, so I might do that. All right. Questions for Dave?

**KOLOWSKI:** One.

**BREWER:** Oh, yes, sir.

**KOLOWSKI:** Thank you. What percentage of your ballots are early ballots compared to-- [INAUDIBLE]?

**DAVID SHIVELY:** It depends on the election. The Presidential election in 2016, I think we're about at 25 percent.

**KOLOWSKI:** OK.

**DAVID SHIVELY:** And our city primary for here in Lincoln, we were almost at 40 percent. So just between 25 and 40, just depending on the type of election.

**KOLOWSKI:** Thank you.



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**BREWER:** Additional questions? All right. Thank you. OK. Additional proponents. Welcome back.

**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 am with the Nebraska Association of County Officials, and I'm appearing in support of LB1122. As election commissioners have stated, we really see this as a little more than a cleanup, but a bill that would be helpful as they do their administrative duties with the early voting ballots. I would be happy to answer questions.

**BREWER:** All right. Questions? All right. Thank you for your testimony. Welcome back to the Government Committee.

**WAYNE BENA:** Thank you again. Chairman Brewer, members of the committee, my name is Wayne Bena, W-a-y-n-e B-e-n-a, Deputy Secretary of State for Elections, here on behalf of Secretary of State Robert Evnen, in support of LB1122, offered by Senator La Grone. As early voting has gained in popularity, states and localities across the nation have started to ask for more time to get all of those ready. I know in Michigan they're only allowed to start opening the ballots the day before. And so that's-- they're already warning that results may be late in Michigan because-- unless they get more time. So we're lucky that we have the second Friday, but as we see in elections, toward especially a Presidential year, it's becoming seven days a week. And since that day, that same day is the last day the ballots could go out, that weekend, they can transition to start opening the ballots a little early versus having to wait till that next Monday. So we're supportive of that request. Before I take questions, I'll just point out this will be my last time appearing before you this session [LAUGHTER]; I promise, outside of any emergencies. So I want to thank the committee for their work in helping us improve election administration as we move into this very exciting election cycle. So I'm willing to take any questions you have on this, or sounds like you have some questions on the equipment replacement project. So--

**BREWER:** I do. Let's talk about those 650s. What happened to them [LAUGHTER]?

**WAYNE BENA:** The 850s--

**BREWER:** I'm serious, yeah.

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**WAYNE BENA:** --that Douglas and Lancaster-- according to the specs, can do 300 double-sided ballots a minute. I will say is, is that, that's if they were continuously fed. And so you only put so in at a time, so you're not getting, necessarily, 18,000 in an hour. It's just a matter of how many you can get, actually put into the machine between each stack. So--

**BREWER:** And that's the 850.

**WAYNE BENA:** Those are the 850. The, the rest of the counties that will be getting a 450-- and they are around 72 per minute. So-- but those are, don't have as many ballots as the larger counties do. So--

**BREWER:** And he said he got rid of the 650s. What did you do with them?

**WAYNE BENA:** The six-- all? Well, right now, all of the machines are still at county offices. We-- in regards to our contract, we stipulated that all machines needed to be delivered and set up statewide. But-- and per the contract, then, a recycler is coming to pick them up and destroy them, if the county official hasn't beaten them to death before that, and they're ready to get rid of the equipment. So all of it will be destroyed. We don't want any of it on eBay or Defcon or anywhere else. So--

**BREWER:** So you're predicting that the counting of ballots in 2020 will be faster than 2016?

**WAYNE BENA:** I will not promise that [LAUGHTER]. What I will say is that, for this primary election, we're asking for accuracy, not speed. So this will be the first use of this equipment. While we'll have mock elections and plenty of tests before this, we would rather be accurate than-- right before the 10:00 news. But--

**BREWER:** I, I like that you--

**WAYNE BENA:** Do everything that I can to make sure it happens that night.

**BREWER:** We appreciate your efforts. Yes, Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Just for my understanding and clarification-- I'm looking at my own calendar right now--

**WAYNE BENA:** Um-hum.

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**HUNT:** --just trying to like, you know, count up.

**WAYNE BENA:** Yeah.

**HUNT:** When we say, when we say in statute now, the second Monday before an election, does that mean if today there was an election, it would be last Monday and then the Monday before that? Or does it mean the second Monday of the month?

**WAYNE BENA:** No, it means the-- so the election is on a Tuesday.

**HUNT:** Yeah.

**WAYNE BENA:** So the Monday before that is the first one.

**HUNT:** OK.

**WAYNE BENA:** The one before that is the, is the, is the second one.

**HUNT:** OK. So if we change it to the second Friday before the election, and the election is on a Tuesday, the first Friday is the Friday before and then the next Friday up.

**WAYNE BENA:** Correct. So right now it would be that-- that Monday after that Friday is the dead-- is when you could start doing it now. Now you're moving it up, you're moving it up three days--

**HUNT:** OK. Thank you.

**WAYNE BENA:** --over that weekend. Yeah.

**BREWER:** So you get an extra week.

**WAYNE BENA:** You get an extra three days--

**BREWER:** Right.

**WAYNE BENA:** --a weekend.

**BREWER:** All right. Additional questions? Yes, sir.

**KOLOWSKI:** Just, just to ask again, is it difficult to get enough help, physical help to, to help manage the, the number of ballots that you're, you're going through?

**WAYNE BENA:** I will say-- help? No. Time is, more time is helpful.

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**KOLOWSKI:** The calendar helps [INAUDIBLE]?

**WAYNE BENA:** Yeah, yeah. I will say our, our-- we're a volunteer-based state, in regards to all-- unless Douglas County does draft some people in regards to the counting board.

\_\_\_\_\_ : Which we do.

**WAYNE BENA:** Which we do, but-- and they're the only ones that also draft poll workers, which is available under state law, which a lot of other states are very jealous of. But we have enough people to do it normally, but it's-- and the more time that you have to do it means--

**KOLOWSKI:** Sure.

**WAYNE BENA:** --that you can better budget the time of your folks, as well as you can have them do other things close to the election versus just opening up envelopes.

**KOLOWSKI:** So they're all your employees, not just [INAUDIBLE]?

**WAYNE BENA:** See, I don't count any, I don't count ballots anymore. I make sure that 93 do. But they are, they-- there could be anywhere from-- in some offices it's the employees of the office, and some are temporary employees of the office or volunteers that come in. When I was in Sarpy, we had volunteers of different parties that came in to do not only the opening, but of the remaking of ballots that were destroyed or, or that came in from military members.

**KOLOWSKI:** Thank you.

**WAYNE BENA:** Yeah.

**BREWER:** All right. Additional questions? Seeing none--

**WAYNE BENA:** Thank you.

**BREWER:** --thank you for the last time. All right. Any additional proponents for LB1122? Any opponents? Any in the neutral? Senator La Grone.

**La GRONE:** Thank you, Mr. Chairman, and sorry about that misstatement. Yes, we're talking about the opening of the ballots rather than the actual counting of them. Obviously, that takes place on the day before. But as we talk about-- as, as we-- well, with the new election

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technology, I think it's really important to ensure that we can get the full use out of that. The only way we can do that is enable our election commissioners to have some extra time to get those ballots prepared so they can feed them in. So obviously they can count faster than we can feed them in, which is a good thing. We don't want to end up like Florida, which, if, if you're wondering why the election results come in so late, oftentimes it's because we don't give our election administrators enough time, like this bill is seeking to do. They do a great job, and I think we need to enable them to do an even better job. So-- and as for the 650s, I really hope that they put out an RFP or something on that, because I would love to recycle those, in my own way through, like Office Space. So with that, I'd be happy to answer any final questions.

**BREWER:** OK. Thank you for your closing. Questions? All right. With that, we do have one letter in support, Sarpy County election commissioner. No opponents and none in the neutral position. And that'll close the hearing on LB1122. And we will now transition to LR286CA. Senator Cavanaugh, welcome to the Government, Military and Veterans Affairs Committee.

**CAVANAUGH:** Thank you, Chairman Brewer. It's my first time here this year, so I'm glad I got it in under the wire.

**BREWER:** Barely.

**CAVANAUGH:** Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I represent District 6 in west-central Omaha. I am here to introduce LR286CA. The intent of LR286CA is to amend Article VI, Section 2 of the Nebraska Constitution so that only a conviction of treason would be a disqualification for voting. America disenfranchises millions of its own citizens on the basis of a felony conviction. The revocation of voting rights, as punishment, has historically only been used in individual cases of especially heinous crimes for-- or for election fraud. Felony disenfranchisement is a recent phenomenon that can be traced directly to backlash against expansion of voting rights to black men following the Civil War. Nearly simultaneously, laws were introduced across the country, specifically targeting African-Americans for criminal prosecution, as other laws were passed that stripped the right to vote of people convicted of a felony crimes [SIC]. The result was the mass incarceration of African-Americans who, having recently been granted a voice of their own government, had it

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taken away from them. Our voting ban for ex-felons remained in effect for life until 2005, when this was reduced to a two-year waiting period. I, I understand that there have been other bills to reinstate voting rights to eliminate the two-year waiting period. My bill's intention is to remove disenfranchisement of voting rights except for the act of treason. And so I think that's-- pretty much speaks for itself. But I'd be happy to answer any questions that the committee may have.

**BREWER:** All right. Thank you for your opening. Questions? I have one quick one for you. Treason-- and was mental illness another reason that would restrict them from being able to vote?

**CAVANAUGH:** Yes. And I believe that's still, that's still in there. Yes. I didn't change that piece. I'd, I'd be happy to entertain that if that's something that the committee wanted to.

**BREWER:** Well--

**CAVANAUGH:** But it is still in there. I apologize. Yes.

**BREWER:** Yeah. Well-- and, and, and just when you run through those, I just want to make sure [INAUDIBLE].

**CAVANAUGH:** Yes. No person shall be qualified to vote who is non compos mentis or has been convicted of treason.

**BREWER:** Yeah. Those are pretty big words. I wasn't sure, but I thought that was it. All right, one more time. Any questions? You'll stick around for close?

**CAVANAUGH:** I will.

**BREWER:** All right.

**CAVANAUGH:** Don't you pick up a little, a little bit of Latin in the--

**BREWER:** No, not at all.

**CAVANAUGH:** --military?

**BREWER:** Sorry.

**CAVANAUGH:** Thank you.

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**BREWER:** They shortchanged us. All right. We'll start with proponents, proponents to LR286CA. Welcome to the Government, Military and Veterans Affairs Committee.

**JASMINE HARRIS:** Thank you. Good afternoon, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I'm the director of public policy and advocacy for RISE. We are a nonprofit that works with people who are currently and formerly incarcerated. We run a six-month program that focuses on employment readiness, character development, and entrepreneurship. We serve people incarcerated at seven of the Nebraska correctional facilities with this program and offer reentry case management services as people return home. Before working at RISE, I was involved with different advocacy efforts that created awareness about the barriers people coming out of incarceration endure, voter engagement, and getting people involved in the civic processes of our government. During these efforts, I was able to work with some awesome people to bring forth legislation that would eliminate the two-year waiting period to vote for people with felony convictions after they finish their required sentencing, which included parole and probation. I want to acknowledge and thank Senator Wayne for those tremendous efforts and his dedication to continue to introduce the legislation we know to be just. Senator Cavanaugh is taking this a step further. Taking the right to vote away from people with felony convictions is a practice that began in the late 1700s to early 1800s. The very fabric of our country was built on the democratic process, the participation of its members to determine its course. A U.S. citizen can lose their citizenship by committing one of seven expatriating acts. The only conviction is treason or participating to overthrow the U.S. government. There are various types of felony convictions that do not fall under the category of treason so, therefore, a fundamental basic right of voting should not be taken away. Along with times changing, our policies should change as well. Maine and Vermont are the only states in America that do not take away the right to vote from anyone who is incarcerated. In Nebraska, individuals who are arrested and/or awaiting trial for a felony or a misdemeanor, whether in jail or out on bail, still have their right to vote. I would encourage our state to adopt that model. Now that I am in this role with RISE, I have many people who are incarcerated asking me about specific legislation, telling me about their efforts to engage with senators. And it amazes me every time. Working with people who are incarcerated has shown me that they are more engaged in what is going on in our government than many who have

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never been incarcerated. One of the salient comments we hear from our participants after they complete our program is they just appreciate being treated like a human. Being allowed to exercise a right like voting is not only the right thing to do, it is humane and it builds community. Along with community is connection. People are more apt to build up a community they belong to than tear it down. There have been studies that also show that having the right to vote is a factor in reducing recidivism. If this legislative resolution is passed, about 17,500 individuals in Nebraska, according to The Sentencing Project figures from 2016, will gain their right to vote back. If this legislative resolution makes it to become a ballot initiative, the caveat is that these individuals wouldn't be able to vote for the constitutional amendment; we stand in the gap for them. We are in support of LR286CA, and ask that the committee advance this resolution to General File. Thank you.

**BREWER:** Thank you for your testimony. Questions? Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Thank you very much, Miss Harris, for being here.

**JASMINE HARRIS:** Thank you.

**HUNT:** I-- from my experience in my-- I'm just in my second session here in the Legislature-- I receive so many letters from incarcerated people that are not, that are about real substantive things--

**JASMINE HARRIS:** Yes.

**HUNT:** --that are thoughtful, that are-- I think, a stereotype that many of, many people may have is that these are going to be letters that aren't really valuable to what we're doing or they're bothering you or something like that. But a lot of letters I receive from incarcerated people are more sub, substantive regarding issues than ones I receive from other constituents. And can you speak to the level of civic engagement that you see in incarcerated populations right now in Nebraska?

**JASMINE HARRIS:** For instance, we were just at a graduation that we had at the Nebraska Correctional Center for Women. And I'm there in a capacity where I'm just kind of milling around, as we're doing the business pitch competitions and the graduation pieces, so people have the opportunity to come and talk to me. There was a lady there, and she told me specifically that her and another group of ladies are



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constantly sending out letters to senators. There are people who are there on longer-term sentences or life. And so I told them to and, and encouraged them to just keep sending those letters, because it not only shows that you are involved and understand what's going on, it shows that you have rehabilitated yourself, that you do care about what's going on, that you want to be involved and help build and create something. I had other women coming up to me, asking me about bills that I hadn't even read yet, so I was like, OK, so trying to-- they're keeping me on toes. So it's really prevalent in that population.

**HUNT:** What it makes me think of is, you know, we're always asking people to engage with the civic process. When we're canvassing, when we're working in the community, we're asking people to register to vote, to know where their polling place is. And some of the people that are most engaged and know the most about the process are the people who don't even have the right to participate in it. And I think that's, that's too bad. And I think that if incarcerated people were a block that elected officials had to care about, we would have very different laws in the state and in the society. So thank you.

**JASMINE HARRIS:** Thank you.

**BREWER:** Additional questions? I was just going to let you know. Well, I work with the Native American groups at the prison. And the veterans' wing has been something I've been working on for a while now, and they are fairly aware just because they'll watch. And I told them, I said: You've got to be really bored if you're watching the Unicameral. But they do seem like they're on top of it. They compliment on my haircut. So I'm appreciative of the fact that they watch us. And so I think that part of it, you're, you're correct on, that they are probably as aware as any group of what is actually happening here in the Legislature. You said that, of the-- as there are ten facilities where we have prisoners incarcerated with the Department of Corrections-- and you're in seven of the ten or you work with seven of the ten?

**JASMINE HARRIS:** Yes.

**BREWER:** What are the three that you're not in?

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**JASMINE HARRIS:** So we do not do the Diagnostic and Evaluation Center because of the time from that individuals are there, they won't, wouldn't be able to do a six-month program.

**BREWER:** Right.

**JASMINE HARRIS:** We do not provide programming out at the--

**BREWER:** McCook?

**JASMINE HARRIS:** --WEC, McCook center, and then the youth facility, Nebraska Correctional Youth Facility.

**BREWER:** OK. Thank you. Any additional questions? Thank you for your testimony.

**JASMINE HARRIS:** Thank you.

**BREWER:** OK. Additional proponents? Welcome back to the Government, Military and Veterans Affairs Committee.

**GAVIN GEIS:** Chairman Brewer, members of the committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am testifying on behalf of Common Cause Nebraska. Thank you for hearing me out today. We are in, of course, support of LR286CA. For a moment, I was worried there were not going to be enough attorneys present for what I'm going to be talking about, because it's just a little more law school nerdy. But that's all right. Senator La Grone will show back up, so we're OK. So in thinking about this issue, I thought how I could bring up what we usually talk about. We could talk about the value of these individuals, we could talk about their contribution to society. But I want to have a little bit of a different take. So the first thing that came to mind was a college professor-- not college-- law school professor, who pointed out that we use the tax code to regulate morality; we use it to regulate ethics. We say having children is good, being married is good, owning a home is good by the way we tax people. So we use the tax code to say things about our morality, about our norms. And in that thought, I realize that we do the same thing with voting rights. We do the exact same thing with saying who can and can't vote, and when and where they can and can't vote. And we've seen this, right, over the past several centuries? We've seen, and we wrestle with the question of who should vote. Should women, should people of color? Should-- and now we're discussing younger Americans-- should they be able to vote? Or we're wrestling with the question of,

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what is the value of these people's, of these individuals' votes? What does it mean? And I think we're doing the exact same thing when we talk about felons and voting. I fear what we're saying is that these votes are not valuable, that these votes are not deserving of being cast, that instead, it-- we would be better off if these people at least waited a bit and earned their chance to vote. The second law school thought that came to my head was theories of punishment. So in the law we talk about why do we punish, and what are our reasons for punishing, and I propose that not allowing felons to vote is a punishment. You can disagree with that, but it strikes me that it is a punishment in some way. So when we go through our theories of punishment, we have retribution. Are we trying to get even? Are we not allowing voting because we want to, somehow, even the score with this individual? Now, I would say we've already done that through sentencing, through time in prison, through other methods that the court has laid out. Is it about incapacitation that is stopping this person from being a danger to others, right? We're keeping them in prison so they can't hurt others. But are we incapaciti-- why would we incapacitate their vote? What harm will it do to our elections? Are we saying that by a felon, ex-felon voting, they're somehow doing harm to our elections? I certainly hope that's not what we're saying. You can understand why they then would feel disenfranchised from their communities. So is this rehabilitation? And somehow, are we rehabilitating, making better these people by not allowing them to participate? I would propose that it's actually the opposite, that by rejoining individuals to our communities, that's rehabilitation. That's making them a civic participant and, hopefully, reducing recidivism, right? So that's what rehabilitation would actually look like. Withholding the vote, vote, I don't think that's rehabilitation. Finally, we have deterrence. I honestly don't know if anyone has thought, I won't be able to vote in this year's Presidential, Presidential election if I get caught doing this crime. As much as I would love for everyone to feel that passionate about their civil, their civil liberties, I don't think it's working in that regard. So that leads me to the conclusion that we don't know why, we have no good reason for using this as a punishment. None of the theories we use to talk about punishment fit. And so on its face, we have to get rid of this weight. We have to allow felons to vote, to rejoin our communities and just be accepted, like we accept one another, and see their value as voters. Thank you.

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**BREWER:** Thank you for your testimony. All right. Questions? I got one quick one for you.

**GAVIN GEIS:** Please.

**BREWER:** Just because I have an attorney in the hot seat, and someone knowledgeable, the way the bill is written--

**GAVIN GEIS:** Yeah.

**BREWER:** We talked earlier about treason, and we talked about mental illness. So if, if you were a felon, you were in a prison, you could actually even be on death row-- as long as you did meet one of those, and you would still be able to vote. Would that be right?

**GAVIN GEIS:** We-- it would be at least not be constitutionally barred. Now, how we go about giving them that right and exercising that right, that's a whole other statutory discussion. But today we're only talking about does our Constitution say you can't vote.

**BREWER:** All right. Good answer. All right. Any other questions? Thank you for your testimony.

**GAVIN GEIS:** Thank you.

**BREWER:** All right. Any additional proponents? Welcome to the Government, Military and Veterans Affairs Committee.

**SCHUYLER GEERY-ZINK:** Good afternoon, Chairman Brewer, committee members. My name is Schuyler Geery-Zink, S-c-h-u-y-l-e-r G-e-e-r-y - Z-i-n-k, and I'm a staff attorney with Nebraska Appleseed. We have a longstanding tradition of fair and just elections in Nebraska, due in large part to our commitment to voter enfranchisement. LR286 would welcome more eligible voters by restoring the right to vote for all Nebraska citizens, excluding those who were convicted of treason. Voting is the cornerstone of our democratic republic and is fundamental to a fair and functional government. Nebraska is committed to a social policy goal in which people are able to reintegrate back into the community and make a meaningful contribution to society. However, ex-offenders are met with significant continuing consequences to their conviction, even well after they have completed their prison sentences, such as: limitations on housing; employment; education; and civic engagement. Voting rights should never be abridged or denied while serving a sentence. These fundamental rights should not be callously rescinded as punishment. Rather, we should encourage all

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voters to care about the community and exercise their right to vote in our democratic society. As people return to and rebuild their lives, they should have the liberty to vote and the opportunity to find a job, pay taxes and provide for their families. Voting is one of the many actions which reinforces values of civic duty to reduce recidivism, and encourages a sense of community, normalcy, and political efficacy for people reentering society. So last year, I had learned my former neighbor had a past felony conviction, and he was a generous neighbor who shoveled my sidewalk and our neighbors' sidewalks. He cared for his pregnant wife when she had a life threatening health complication, played with his kids and dog in the yard, and worked at his job every day to provide for his family. A lot of misinformation about voting still exists, and even though it's been several years since he had completed his sentence, he didn't believe he could exercise his right to vote. LR286 would reduce administrative and public confusion about exercising the right to vote. According to an ACLU of Nebraska report, only half of Nebraska counties were able to provide correct and accurate information about ex-felon voting rights, in a phone survey of all 93 county election officials. The right to vote should not be abridged in the first place, not from my neighbor and not from any of the other incarcerated Nebraskans out there trying to rebuild their lives. By advancing LR286, this committee is making a long-term commitment to a population of Nebraskans who have important perspectives and are ready, willing, and able to make a meaningful contribution to their community by voting alongside their peers, even while they're in prison. We strongly urge you to advance LR286 so Nebraskans can vote to restore voting rights on a constitutional amendment on the November 2020 ballot. I'll take any questions at this time.

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

**HUNT:** Thank you, Chairman Brewer. It was my experience, too, knocking doors and talking to people, that a lot of folks I talked to would kind of say: I'm actually not eligible to vote or, oh, I don't want to talk to me, I can't vote. And it's like, well, do you mind telling me why? I don't mean to pry. And a lot of people have former felony convictions who didn't know that they actually could vote. And I see this as a failure of our system to inform them of their rights. And I think that if, If people in power didn't like the way the system worked, it would be changed. The reason it works this way and that people aren't informed about their rights is because of choices that

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are made from the top. But could you talk a little bit more about that ACLU survey of, of counties that found that formerly incarcerated people didn't understand their rights? Just a little blurb here, but I was more interested in that.

**SCHUYLER GEERY-ZINK:** Yes. So basically, the ACLU office called out to all of the counties and asked, mostly on behalf of myself or on behalf of somebody else, kind of anonymously saying: Could you explain? You know, I have a felony conviction. Can I vote? It's the kind of question that was asked. And most of those counties would come back with inaccurate information that, no, you can't vote or they said, I don't know. And I think that's really troubling, that even our own county officials, after we had passed that two-year waiting period law, didn't know and weren't able to provide that information to people when you just called the office.

**HUNT:** OK. Thank you.

**SCHUYLER GEERY-ZINK:** Um-hum.

**BREWER:** All right. I've got a quick question for you. In here, it talked about approximately 8 percent of all adults have con, con-- felony convictions. That's a national number on the 8 percent? Top of the second page.

**SCHUYLER GEERY-ZINK:** Yes, that is correct.

**BREWER:** And it would jump--

**SCHUYLER GEERY-ZINK:** And the 17-- or the, the 6 million voters and the 8 percent are national numbers.

**BREWER:** OK. And then as we jump down, it says more than 7,000 Nebraskans with felony convictions, they don't have the right to vote. And then the 17,000, that's the ones that are currently in prison with felony convictions.

**SCHUYLER GEERY-ZINK:** And probation and parole [INAUDIBLE].

**BREWER:** So the 7,000 are those that have served, they're out now, and they're in that two-year window between leaving and getting to where they can vote.

**SCHUYLER GEERY-ZINK:** Um-hum.

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**BREWER:** OK. Any additional questions? Thank you. OK. Additional proponents? Welcome back to the Government, Military and Veterans Affairs Committee.

**WESTIN MILLER:** Do I get a discount for doing three at one time? 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 still the director of public policy at Civic Nebraska. To be totally honest with you, this is not a bill that I expected to be talking about this biennium. As many of you know, in past years, our focus has been on two bills by Senator Wayne: LB75 in 2017, and LB83 in 2019. Those are bills that would eliminate the two-year additional ban on voting that we put or tack on after someone's sentence, including probation and parole. So when Senator Cavanaugh introduced LR286CA, it really caused our organization to evaluate why we supported those previous efforts. So I really want to use my time to kind of walk you through our rationale and then see if it also makes sense to you, and we can go from there. So first, a quick reminder of the landscape. Maine and Vermont are the two states who do this already. They let people vote from prison. So this has been done for a while. There have been no, no major concerns in the implementation of those programs. Sixteen states allow people to vote on probation and parole. Three states allow you to vote on parole, but not probation. Twenty states allow for voting upon completion of a sentence, including probation and parole. Nebraska is one of only five states, soon to be one of only three, who forbids voting for all felony convictions for a period beyond their sentence, including probation and parole. So that's not going great. But we'll skip over to this conversation. There are a few questions that we asked ourselves when choosing to support this bill. Number one, do our reasons for supporting eliminating the two-year voting ban apply to this effort? Number two, are there any potential negative consequences of voting from prison? Number three, is there any kind of disenfranchisement that aligns with our values or makes our democracy stronger? So here's how we tackled those questions. First, we have supported Senator Wayne's previous efforts to restore voting rights for reasons that we think translate really cleanly onto LR286CA. So when you're restricting a right-- and I kind of want to back up in bold italics-- this is probably the most important sentence I think I could bring to this hearing. When you are restricting a right as a state, and if you are restricting someone's Constitutional right, it is the burden of the restrictor, I believe, to prove both the necessity and the effectiveness of you restricting that right. I believe that the state of Nebraska has failed miserably at proving

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that: number one, restricting voting rights of convicted felons is necessary; and number two, we have failed to prove that it is effective. The state has produced absolutely no evidence of reduced recidivism, no positive public safety impacts, just thousands of Nebraskans who cannot vote. So the second question: Are there any potential negative consequences of voting from prison? And the only answer we could find for this is no. Voting does not disarm or weaken sentences. If I am convicted of a felony and I am sentenced to ten years in prison, my punishment, my sentence is ten years in prison. This above-and-beyond civic exile that we get into is unnecessary, and it is unjustified. Allowing people to vote puts no one's safety at risk. And in fact, the International Association of Chiefs of Police has for years endorsed the restoration of voting rights as an essential part of their overall strategy to reduce recidivism. And this leads us to the final question: Is there any kind of disenfranchisement that aligns with our values or makes our democracy stronger? And this is the question that ultimately led us to support this bill. There's been a, there's a quote from Chief Justice Earl Warren that's kind of stuck in my head in any of these conversations about felony voting rights. In 1958, he wrote that: Citizenship is not a right [SIC] that expires upon misbehavior. Citizenship is not a right [SIC] that expires upon misbehavior. In that same Opinion, he wrote that citizenship is not lost every time a duty of citizenship is shirked. It is simply untrue that prisoners lose all of their civil rights when they go to prison. Prisoners, incarcerated people maintain a variety of rights. And I'm quoting a journalist named Jamelle Bouie here. He says that, "Prisoners have freedom of worship. They can protest mistreatment and poor conditions. They can exercise some free speech rights, like writing for newspapers, magazines and other publications." So if we don't take away all of their rights, period, we have to answer the question, why, specifically, do we take away the right to vote? Now, this body has talked about Constitutional rights a lot in this biennium. We've talked about Second Amendment rights. We've talked about freedom of speech on college campuses. We've talked about voting rights. And the only thing I'm asking you to do, the only thing I'm asking, is that you apply the same criteria and the same questions to all three of these categories of rights. I know that Judiciary, for a lot of people on Friday, was a very stressful day, and there were some very inappropriate things said. But many of the opponents of the gun bills on Friday asked two very legitimate questions. Those questions were: number one, does the state really need to restrict this right? And number two, is the policy actually doing anything positive? And I'm asking you to, please, ask those same



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questions when it comes to restricting the rights of voting, for Nebraskans. Does the state really need to restrict this right? Is our current policy actually accomplishing anything positive? I just sincerely believe that the answer is no. So thank you all for your time. Thank you again, Senator Cavanaugh and her team. I'd be happy to answer any questions.

**BREWER:** Thank you for your testimony. Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Westin, do incarcerated people pay taxes?

**WESTIN MILLER:** Yes, they do. That's a great question. It is very possible and very likely that you could be incarcerated for a felony and pay property taxes and sales taxes and income taxes. I think that we can't get more, I think, universal or American, I guess, than no taxation without representation. And it's not just like one of the three. You, you can prop up all three legs of the stool while serving a felony in Nebraska. Yes.

**HUNT:** I was going to say, isn't that taxation without representation?

**WESTIN MILLER:** It literally is, yeah.

**HUNT:** The state says you're good enough to give us your money, but you're not good enough to have a say in how it's spent.

**WESTIN MILLER:** Right.

**HUNT:** OK.

**WESTIN MILLER:** I think-- like I said, it's, it's, it's just objectively not correct that you lose all of your rights. And so we've decided that certain freedom of speech is protected. We've decided the freedom of worship is protected. We've decided the freedom to have some jobs is protected. And so I'm just, I'm kind of baffled why voting somehow meets the criteria of, nope, you can't have that one.

**HUNT:** Thank you.

**WESTIN MILLER:** Yeah.

**BREWER:** Additional questions? Actually, I've got maybe more of a comment than a question.

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**WESTIN MILLER:** Sure.

**BREWER:** OK. So you did not plan on speaking on this when you came in here today?

**WESTIN MILLER:** When-- this is not an issue that we brought to Senator Cavanaugh or had ever thought about. We were very focused on Senator Wayne's initiatives. And so when we saw that it was introduced-- we kind of go through all the bills and evaluate-- and we saw it and we were like, OK, we have no choice but to support this 'cause it caused us to ask these questions for the first time, I think.

**BREWER:** My point is, most of time there's prepared testimony and, and that's researched and worked through and all. For you just coming in here and just shooting from the hip, you kind of brought it down to a common person way of understanding what's going on. And so thank you. I appreciate that lawyers sometimes make it hard, and, and I think you found a good way to explain your case.

**WESTIN MILLER:** Thank you; I appreciate that.

**BREWER:** Senator Hunt.

**HUNT:** Thank you, Chairman. Westin, are you an attorney?

**WESTIN MILLER:** I am absolutely not an attorney.

**BREWER:** Really?

**WESTIN MILLER:** Nope.

**BREWER:** Wow, did you fool me. OK. Well, then I'm really impressed, so--

**WESTIN MILLER:** Thank you.

**BREWER:** Well done, Westin.

**WESTIN MILLER:** Thank you.

**BREWER:** Any additional questions? All right. Seeing none, thank you.

**WESTIN MILLER:** Thank you.

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**BREWER:** OK. Any additional proponents? Any opponents? Any in the neutral? Senator Cavanaugh, come on back.

**CAVANAUGH:** Thank you, Chairman Brewer. I think that's what we'd say is a good consent calendar zone, right? No fiscal note, no opposition.

**BREWER:** This is a big one.

**CAVANAUGH:** Wow. I mean, let's, let's get this one out unanimous, everybody. I want to thank our testifiers today for coming out and speaking on behalf of this piece of legislation. And Westin is correct. Nobody brought this to me. I-- there actually are some things that were just discussed that hadn't even occurred to me. I just thought it was wrong that we take someone's right away and really, quite arbitrarily, based on how a sentence is handed down, a sentence that could be possibly knocked down to a misdemeanor or a felony. And when we look at, of course, the demographics of which way that falls, I don't think I need to beat anybody over the head on that. But we do see this is part of our, our system of breaking down historical racist practices that have been just ingrained in our country. And I think that our state has been doing a good job of systematically taking a look at those pieces and trying to move forward with them. We've been implementing legislation over the-- just in the year that I've been here. And Senator Brewer's bill, that I think we all unanimously supported last year, that was for Native women who have been disappearing and there's no documentation on it. And these are things that are, are important for us, as a body, to look at and to consider is-- when has something just been a part of our culture for so long-- and this is in the 1800s that this became law-- that it's time for us to review it. Senator Matt Hansen-- actually he just, you know, he sits in front me on the floor-- was reading me some language that the, the committee was striking. And I-- it might have been Senator La Grone's bill-- I'm not sure-- but they were striking language and he thought it was really funny. So he shared it with me that no businessman shall send his secretary to a building of ill repute. And so striking that language from, like, you know, labor laws, like, of course, these are things that we need to clean up. And to me, obviously, this is very serious, but it is kind of like archaic language that we've just had in statute for a really long time. The thing that hadn't occurred to me was the taxes. It hadn't occurred to me that somebody might be paying property taxes or income taxes or sales taxes and not be able to vote about how those dollars are spent. So I would encourage this committee and the full body to vote this

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out, just based on that alone, or to exempt felons from paying taxes of any kind, because you shouldn't be taxed if you can't have a voice in how those tax dollars are being spent or who's representing how those tax dollars are being spent. I also would like to note that, until we started the Veterans Court for alternative response, we were seeing veterans that were getting felony, felony charges and losing their right to vote, people who fought for our country, fought for our rights and our liberties, losing their right to vote because of a felony conviction. And I'm grateful to the fact that we have a veterans' court. But I think that just goes to illustrate how really unfair this-- two words are: "or felon." This strikes two words: "or felon." So I thank you very much for your time. It was a delight to be in this committee for my first and last time of this session. But thank you, and I'll take your questions.

**BREWER:** All right. Thank you for your closing. Questions? All right. Again, thank you for coming.

**CAVANAUGH:** Thank you.

**BREWER:** And we do have letters that I have promptly placed somewhere. Here we go. Let's see, proponents: Jacqueline Kehl, from Lincoln; and Planned Parenthood North Central States, Lincoln, Nebraska. We have nine in opposition and none in the neutral. With that, we will end our hearings for the day.