

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 23, 2022

BREWER: Good afternoon and welcome to the Government Committee. I'm Senator Tom Brewer representing the 43rd Legislative District of central and western Nebraska, and I will Chair this committee. Our committee today will take up the bills in the order that they are posted on the agenda. Our hearing is your opportunity and your public part of the legislative process. This is your chance to express your position on proposed legislation before this body today. Committee members may come and go during the hearing. This is just part of the process. Many are in-- introducing bills in other committees. I ask that you abide by the following procedures to better facilitate today's meeting. We will start by turning off all of our electronic devices or silence them. We will ask that you would please move to the reserved chair when it's time to testify. If you want to move forward, the front row is reserved for those that are about to testify. Introducers will make their initial statement, followed by the proponents, opponents and the neutral testimony. Closing remarks will be reserved for the opening senator. If you're planning to testify today, please pick up one of the green sign-in sheets at the back of the room. Have it available when you come out--up, please print. Fill out the form completely and give it to either one of the pages or the committee clerk when you come up. If you do not wish to testify today, but would like to record your presence here, there are white sheets in the back that you can fill out. If you have handouts, we'd ask that you have at least 10 copies and please give them to the pages when you come forward to testify. When you come up to testify, please speak clearly into the microphone. Tell us your name and then spell both your first and last name to ensure that it accurately goes into the record. We'll be using the light system today for testifiers. You will have five minutes to make your remarks to the committee. There will be a yellow light to come on with one minute remaining and red light when your time expires. Ask that there be no displays of support or opposition to bills, vocal or otherwise. We will start by introducing our committee members starting on my right with Senator Blood.

BLOOD: Good afternoon. Senator Carol Blood representing District 3, which means western Bellevue and eastern Papillion, Nebraska.

McCOLLISTER: John McCollister, District 20, central Omaha.

SANDERS: Rita Sanders, District 45, the Bellevue/Offutt community.

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

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HALLORAN: Steve Halloran, District 33, Adams, Kearney and Phelps County.

HUNT: Megan Hunt, District 8, and that's the northern part of midtown Omaha.

BREWER: Dick Clark, our legal counsel. Julie Condon, the committee clerk, and our pages today are Bhagya and Sophia. All right. With that, we will start by our first appointment, actually our only appointment here today and we'll just ask Ann to come up. Don't worry about the light system, because it doesn't apply to you.

ANN ASHFORD: OK.

BREWER: You get all the time you want and--

ANN ASHFORD: You may be sorry you say that.

BREWER: All right. Well, welcome to the Government Committee.

ANN ASHFORD: Thank you.

BREWER: And we'll let you go ahead and do an opening and then we'll see if we have questions for you.

ANN ASHFORD: Thank you. Thank you, Mr. Chairman. Thank you, Senators. I truly appreciate this opportunity to be confirmed for the Nebraska Accountabilities and Disclosure Commission. My name is Ann Ashford. I have run for office. I have been the spouse of someone who has run for office and who has served in office. And so I know how important it is that we have transparency and that we follow the framework set out by the Legislature in the Accountability and Disclosure Act, and that the commission is there to administer that. And so I was truly honored to receive the appointment from the Secretary of State and our Governor. And I'm hoping to go on serving. I started in, I think October was my first meeting. I was appointed in August. And so it's something that is so important to ensure that we have safe elections, that we can ensure transparency to all citizens of Nebraska, that their dollars are being watched after carefully, that there is no personal gain or conflicts of interest occurring. So thank you.

BREWER: All right. Questions for Ann? Oh, yes, Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you for coming today, Ann.

ANN ASHFORD: Thank you.

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BLOOD: I know you have a lot going on, right?

ANN ASHFORD: Thank you.

BLOOD: What do you anticipate is going to be the hardest thing for you being on a committee like that?

ANN ASHFORD: You know, I don't anticipate any difficulties because I received outstanding orientation from our director as well as our legal counsel, who made it clear that here is-- here's the formula that you stick to when issues come in front of the commission. It is laid out in the legislation that set up the commission as to how you handle these issues. And the staff, I will tell you from a personal experience in this world, the staff is-- are amazing resources for both campaigns and elected officials, as well as lobbyists or anybody else in the political process. They are very forthright with their advice. They're very clear as to the steps people need to take to comply, and so our job is merely there to follow the rules.

BLOOD: Very good. I agree too, their staff is exceptional and they have saved the butts of many a senator that's in this body.

ANN ASHFORD: They are outstanding.

BLOOD: Thank you very much.

BREWER: I'm going to-- I'm going to pipe in on that one. Every time you're about to make a decision and you're not sure if it's going to be a good or bad decision, Frank Daley does a pretty good job of giving you a warning order on whether it's going to work out well for you or not. So I think you're spot on with the-- the transparency part of that. Are there any other questions? All right. So what we'll do is Exec probably Tuesday--

ANN ASHFORD: OK.

BREWER: --and then we'll notify you. I-- I think that, you know, you're an exceptional candidate, so.

ANN ASHFORD: Thank you.

BREWER: I don't think I'd lose any sleep over it. But please pass on to-- our thanks to Brad for all of his years of service and let him know that he'll be in our thoughts and prayers.

ANN ASHFORD: I appreciate that.

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BREWER: Thank you for your testimony.

ANN ASHFORD: Thank you.

BREWER: All right. Yeah, we need first proponents for the appointment for Ann Ashford. OK. Any opponents? Anyone in the neutral? No letters and so that will complete our appointment interview for Ann Ashford, and we'll change out. And Senator McCollister, I was-- I was serious about this being John McCollister day. This is literally--

McCOLLISTER: It is, indeed.

BREWER: --your day. Welcome to your committee and you may begin whenever you're ready, John.

McCOLLISTER: Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs 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. LB793 would substantially modernize the voting process in Nebraska by allowing cities and villages to adopt rank choice voting when three or more candidates have declared their intent to pursue public office. Rank choice voting is a process that will increase voter satisfaction, efficiency and fairness in future elections. In our current election system, a voter may feel there are-- is more than one candidate who would represent them well, but that voter is required to choose a single best option. In a rank choice voting system, the voter is allowed to rank their candidates in order of preference. In rank choice voting races where the voters select one winner, if a candidate receives more than half of the first choices, that candidate wins just like any other election. However, if there is no majority winner after counting the first choices, the race is then decided by an instant runoff. The candidate with the fewest first place votes is eliminated, and voters who pick that candidate as number one will have their votes count for their next choice. In this process-- this process continues until there is a majority winner or a candidate won with more than half of the votes. Rank choice votes, as outlined in LB793, provides some key benefits as follows. Majority support. Many times low voter turnout is due to a lack of confidence with the candidates offered. Many voters believe that their vote does not count, and some areas that have implemented RCV have seen a slight increase in voter turnout. Reduces voters' concern about wasted votes. A 2020 Knight Foundation study found that 38 percent of nonvoters are not confident of election results, that they truly reflect the will of the people. RCV gets rid of the vote splitting when a candidate can win with very little support. A good example of this occurrence was

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the 2014 Republican primary for Governor, where the winner won with only 26.5 percent of the vote. Encourages collaboration and civility. With our current system, negative campaigning does not truly help inform voters, it simply increases polarization-- the polarization problem since candidates must not only hope to receive their first preference, but the second preference as well. This discourages negative campaigning. A 2016 study from the University of Iowa Public Policy Center showed that voters in cities that use RCV reported less negative campaigning and a higher satisfaction than cities using plurality voting. Less expensive and more efficient. Avoiding a runoff by obtaining results with just one ballot. This is especially important when our deployed military overseas need to vote. Issuing and getting a second ballot sent in-- international is very costly. Stan Lockhart, a former Chair of the Utah Republican Party, was once a skeptic toward the rank choice voting, is now one of its strongest proponents. Among the points Mr. Lockhart makes are these. Everywhere that RCV has been proposed, there has been skepticism. That's only natural for something new. But once RCV has been tried, skepticism has turned into overwhelming acceptance. Some of the folks testifying here today will speak to the acceptance and the importance of RCV on local elections. Mr. Lockhart has also said he has become such an advocate for RCV because he sees the results from RCV elections as representing a fuller expression of voter will. I would like to note that Secretary of State's fiscal note for other rank choice voting bill, LB125, noted that the voting equipment in Nebraska is already capable-- already using RCV. If this bill had passed last year then Nebraskans would have been guaranteed a majority winner from the parties in the primary for election for Governor this May. Finally, I brought to you AM1589 would-- which would ask the committee, which I would ask the committee to consider adoption of this amendment. In the interest of saving paper, my office has emailed the amendment to all members of this committee. The amendment clarifies some language from the introduced copy of the bill and also includes some harmonizing language based on recommendations from the Bill Drafters Office. LB973 with AM1589 is a good start for effective rank choice voting system. It will increase in fairness in Nebraska city elections and ensure greater trust in our election process. At the end of the day, the main hurdle for rank choice voting is educating voters. I'd like to thank you for your time. Would answer any questions although the supporters be-- behind me may have more information than I can provide. Thank you, Mr. Chairman.

BREWER: All right. Thank you, Senator McCollister. Questions? Senator Halloran.

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HALLORAN: Thank you, Chairman Brewer, and welcome, Senator McCollister. So in your testimony you mentioned something to the effect that some voters feel at times that they have wasted their vote. How would you define a wasted vote?

McCOLLISTER: When I suppose the candidate-- the single candidate running or the two candidates running don't really represent your views. So they would consider that wasting a vote. When you have more candidates from different positions, you would have a greater choice, so.

HALLORAN: OK. I've never felt like I wasted my vote, so I was just curious how you would define that.

McCOLLISTER: I felt that on occasion, but, so.

HALLORAN: Thank you.

BREWER: I'm going to shoot a quick one at you. If you-- if you look nationwide now, how many other states have used this? Has it-- has it caught on and is common or is it kind of just kind of taken hold?

McCOLLISTER: It's coming on slowly. In New York City, they use rank choice voting in the Democrat primary and--

BREWER: Is that for the city or for the state?

McCOLLISTER: For the city.

BREWER: OK.

McCOLLISTER: City. And there have been other states that have tried it too. I think there are some locations in Maine and Alaska, I think that have used rank choice voting. So it's becoming more popular. I think there are some countries that have adopted this system as well.

BREWER: And then when you were talking about the AM1589, that's just clarifying some things in the actual main bill.

McCOLLISTER: Yes. And that result of a-- the Bill Drafters wanted us to do some clarification.

BREWER: OK. Very good. All right. More questions for Senator McCollister? Senator Hunt.

HUNT: I wanted to mention, I think that in 2017, Maine implemented statewide rank choice voting.

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McCOLLISTER: Now that you say that, Senator Hunt, I think you're correct, so

HUNT: I did a-- I did one of those like trainings that sometimes we get to do as senators with other colleagues from around the country and meeting different people. And I had a lot of colleagues in the training from Maine. There were like three folks and all of them were very right wing conservative. And so they and I had differences on a lot of things. But I was-- we made great friends and I was most struck that they loved rank choice voting. And so I wanted to make that comment--

McCOLLISTER: Thank you very much.

HUNT: --in respect to your testimony. Thank you.

BREWER: All right. Other questions? I'm assuming you're going to stick around for close?

McCOLLISTER: Yes, indeed.

BREWER: That's the next choice you always do. All right. We'll start with proponents to LB793. Come on up. Take your time getting set up there, we're no rush here today. Welcome to the Government Committee.

CINDY MAXWELL-OSTDIEK: Thank you. My name is Cindy Maxwell-Ostdiek. That's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k, and I live in Omaha in Legislative District 4. And I'm here today as a voter, volunteer member and I am president of Rank The Vote Nebraska and we're a nonpartisan group of Nebraska voters working to bring rank choice voting to our state. And we believe this important bill, LB793, will allow local communities to choose this form of voting and have an-- an important expression of their local control. We thank Senator McCollister very much for introducing LB793, and all of us ask for the committee to please advance this to the floor and pass this important legislation. I did bring written testimony and I believe it was just shared with you from Rob Richie. He is the CEO of Fair Vote Action, and they had shared information about the success for rank choice voting across the country. And I know that in-- just a moment ago, Senator Brewer, you had asked about where all this had been implemented. There are approximately 10 million voters in 55 jurisdictions across the U.S. that are using rank choice voting now, and state legislators in Utah, Virginia and Colorado have passed local options, allowing municipalities to begin using RCV. I also have written testimony that I shared from Kim Jones. She's the treasurer of

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Rank The Vote Nebraska, and she lives in Senator Sanders district, and she was unable to attend today, but she also seconded how important this bill would be for local governments to choose their method of voting in Nebraska. We have volunteers from across the state and we live in rural as well as urban districts. We come from all age groups, different parties. We have young and older retirees as well as military veterans, and all of us are passionate about voting and making it the most fair representation for our state. And we come around this particular issue because we believe it would be the best way to strengthen our elections and represent majority winners, as opposed to simple plurality winners. And there are people who will be testifying behind me and can explain it even better, but the best way that I've found to understand the difference between plurality and majority winners is that there could be times during primaries where you have several people running in a city that, for example, city council, they might have six candidates and each of them may only receive 20-some, 30-some percent of the vote and the person who has the most votes wins. That's still not a majority of the voters in that city district for that council, and the majority winner would require 50 percent plus one. So if you had a primary, for example, where no one received 50 percent, the person who has the lowest amount of votes drops from the election. They've lost. And the people who voted for that person first, their second choice comes into play. And you keep going through this process until you get the 50 percent plus one. And having the winner required to achieve at least a majority of support is something that will hopefully result in better laws and better representation for everybody in those districts. We have visited with voting advocates from other states about how they've implemented this, and I know that there are concerns about fiscal notes and education and, you know, voter familiarity and that is something that there are a lot of organizations that would be willing and available to help and support with implementation as well. No matter what our political party, it benefits Nebraskans to have stronger candidates to choose from. And this is especially true when you expect broad and bipartisan support for the resulting laws that are implemented. Ensuring winning candidates have the support of 50 percent plus one of the electorate will create that form of government for us, and we ask you to advance LB793 to the floor and then please pass it at your earliest convenience.

BREWER: All right. Thank you for your testimony.

CINDY MAXWELL-OSTDIEK: Running out of time.

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BREWER: Well, no, you're still good. So, you're fine. All right. Questions for Cindy? Well, I wanted to thank you. You have been more than willing to come in and share information, not just on this, but other bills. I know it takes time from your daily routine, but on the previous bill, you personally helped me understand it much better. You brought information in that I was not aware of when I was working the legislation. So thank you for what you do. I know it's kind of a thankless job, but we'll do what we can to make sure that you know you're appreciated.

CINDY MAXWELL-OSTDIEK: Oh, we do, and we're more than happy to come and talk with any of you. I have charts. I didn't realize it was against the rules to bring posters. So I have information that I'd be happy to share if you have more questions.

BREWER: Well, I appreciate that you didn't make me tell you that you can't use charts, so. All right. Well, thank you for your testimony.

CINDY MAXWELL-OSTDIEK: Thank you.

BREWER: OK. We are still on proponents to LB793. Welcome to the Government Committee.

CHARLES OSTDIEK: Hello. Thank you. So, Hi. Good afternoon, my name is Charles Ostdiek, C-h-a-r-l-e-s O-s-t-d-i-e-k, and I am here as one of the founding members and one of the current co-chairs of the Nebraska Green Party, and I'm speaking on their behalf today. I support LB793 and I want to thank Senator McCollister for introducing this bill and the bill last term also. Incidentally, also I was a two-term national co-chair for the Green Party of the United States. The Green Party has been in favor of rank choice voting since before its founding 21 years ago, and it has been a part of every election campaign that they have run in basically every state and all of the campaigns that we've run in Nebraska. It has been in our platform since before I started reading the platform. The platform can be found at GP.org. It is the section on rank choice voting is in the first section of the first section. It's that important. The section is called democracy and the subsection is called electoral reform. And I'd like to simply read that. Section B enact rank choice voting for chief executive officers like mayor, Governor and President and other single seat elections. Under rank choice voting, voters can rank candidates in their order of preference one, two, three, etcetera. Rank choice voting ensures that the eventual winner has majority support and allows voters to express their preferences knowing that supporting their favorite candidate will not inadvertently help their least-favored candidate. Rank choice

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voting thus frees voters from being forced to choose between the lesser of two evils and saves money by eliminating unnecessary runoff elections. It's a short plank. The section goes on and has a lot of other parts towards electoral reform, but that's basically the short and long of what it says about rank choice voting. So-- so far it has been enacted in Maine and Alaska and, to my knowledge, over 20 municipalities or places in Utah. And according to what I've heard from contacts that I have in these various places, it's working very well for them and it seems relatively simple and straightforward. Doesn't seem like such a chore to enact. And so I think that we should be doing that here also. I'm somewhat fiscally conservative also. I'd like to save money on runoff elections whenever possible. And this seems like a good way to do it. I don't have a whole lot else to add at this point. I'm not an extremely knowledgeable scholar on this, but I've been aware of it and have been working on it for a long time. So that's all I have to say.

BREWER: All right. Thank you, Charles. Let's see if we have questions for you. You-- you helped us to add Alaska. We had Maine. And now so we've got Alaska, so we're kind of bracketing everything to figure out who all is tracking with it. And then I think in your testimony, you mentioned 25 city--

CHARLES OSTDIEK: It's over 20. I don't know the exact number.

BREWER: And when you say that, there's probably a break off because when you say cities, it's like New York. It's the bigger cities that are doing it, I'm assuming.

CHARLES OSTDIEK: I think so.

BREWER: Yeah. OK, one more time around to see if we have any questions. All right. Well, thank you for your testimony.

CHARLES OSTDIEK: Thank you.

BREWER: You bet. All right. We're still on proponents to LB793. Welcome to the Government Committee.

WESLEY DODGE: Thank you for having me. My name is Wesley Dodge, W-e-s-l-e-y, Dodge, D-o-d-g-e. I am a proponent of LB793. I'm also associated with-- I'm on the-- I'm the vice president of Rank The Vote Nebraska. I'm associated with Common Cause Nebraska, Represent Us, and also Nonpartisan Nebraska. Our democracy isn't frozen in time as intended. It's growing and it's evolving every day. Democracy should serve the many, not the few. And we honor the most noble parts of our

past by constantly trying to make our democracy better. You're part of that. We're part of that. And we think rank choice voting is part of that. A democracy works from the point of view that we are governed by those who received majority electoral support of those who they represent. And I ask, is that what we have? Has everyone that represents us now received over 50 percent of the vote, plus one from their voting constituents in both the primaries and the general-- and the general election. It was mentioned earlier about the gubernatorial primary earlier. I actually looked at the number of people that-- that vote. And when you look at it that way, potentially like 10 percent of our voting population picked a gubernatorial candidate that eventually became our Governor. And in a way, you can look down to the roots and think, is that-- is that really as much of a democracy as we want. When I've testified on this topic in the past, we had one state that had adopted rank choice voting and 20 some jurisdictions, which are cities and counties, which were using this method-- method. That was the last legislative session. Since then, we now have the two states, Alaska and Maine, that have adopted rank choice voting in nearly 60 jurisdictions. I think the number as of today is like 54 or 55. Senator Brewer, you were asking about that from a prior testifier, and it was also mentioned, somebody said was it larger cities and off of text here a little bit, but was it larger cities? And the answer to that is no. Utah has a range from small cities all the way up to its largest cities. I think, not-- not to be dismissive towards Utah, but there's probably two or three large cities and they've got in-- in the 20s for the number of cities that are using rank choice voting and the people there, I think it's going to come from other testimony that people there are happy with that system there. There's really almost no negative commentary on it. And then I have it here. You know, Senator Hunt, you addressed this when you said people are happy in Maine. There's-- there's really no negative commentary about it from Maine, nor those cities. If it can work in Maine and Alaska and Utah, why can't it work here? And it is all over the country as well. It's in-- it's in Minnesota, it's in California. It's-- I believe it's in Massachusetts and Colorado. It's kind of sweeping and growing from the ground up, and I'd like us to be part of that. I've had conversations with some city council members that I happen to work with. I'm a lawyer in Omaha and I run into them here and there. When I do broach this topic with them, they seem positive about it. And Senator Lowe, I'm actually reaching back to you when I testified on LB125 before and you commented to me that it was, you know, how can we-- how can we make sure people can handle this? That it will be something they understand and they can do. I've got a reference here that we've got a great educational system here in Nebraska. We have bright people. I

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think they'll be able to figure it out. If you look online, Alaska already has a video out there that's about three to five minutes long. It's kind of a cute little video with an elk and a polar bear and something else, and it does a mock rank choice vote and it talks people through it, and it's really very simple. So I think we can do it. I've made references that this opens a door for people in Kearney and Hastings and Bellevue and Omaha and, you know, Alliance and everywhere across the state to have autonomy and say, this is what we're going to do. This is what we'd like to do. You're giving them more democracy. You're giving them a chance to be self-determining and say, we would like to do this. So I would say, you know this-- this committee, I think you have a choice to push us closer to a better democracy, a democracy that reaches down to what the concept of democracy is, that we all have a voice. And if you can push this through committee, if-- I'd like to see LB125 make it too that if-- that if you want to see if people want a bite of the apple and see if this is something they could-- they could really, really adopt, this would be a way to do it.

BREWER: All right. Thank you for your testimony. Let's see if we have questions. Questions for Wesley? All right. Seeing none, thank you for your testimony.

WESLEY DODGE: All right, thank you.

BREWER: OK, we're still on proponents for LB793. Welcome to the Government Committee.

THOMAS BLANTON: Thank you. Hello, my name is Thomas Blanton. That's T-h-o-m-a-s B-l-a-n-t-o-n. I'm here today to voice my support for this bill. I struggled to figure out exactly what to say today, but when I looked at the transcripts for a previous hearing on rank choice voting, the comments made by Lancaster County Election Commissioner stood out most to me. First, the commissioner raised concerns about the cost of implementing rank choice voting system. Yes, this would cost money, but anything worth doing will cost something. And I ask the committee to consider all of the benefits being discussed today and weigh those benefits against the cost. If the cost is truly a pressing issue for a committee member, I would like to point out any cost issue would be decided by the local municipality in elections to adopt the rank choice voting. This would not be a cost for the state. Further, adopting rank choice voting makes the need for primaries in local municipalities unnecessary, which would have huge cost savings. Primary elections cost as much as runoff elections, so that is a significant savings. You could also spare voters for the need of

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numerous elections as we all know that voter fatigue is a very real thing. Another concern the election commissioner raised was the burden placed on election commissions. This concern has been raised many times before, notably by Utah election commissions. At Rank The Vote Nebraska, we listened to Stan Lockhart from Utah detail how Utah election officials who once opposed rank choice voting based on similar concerns ended up dropping their opposition to rank choice voting after rank choice voting was implemented. Finally, I've heard concerns that voters might not like rank choice voting, or they might find it too complicated. We're actually seeing the opposite of this where rank choice voting is practiced. Positive voter satisfaction has been more common-- has been common across the country. Rank choice voting in Utah was first done in two small cities, then 21 more, then 23 more. Eighty-percent of Utahns that used rank choice voting like it and want it expanded. Additionally, here's some highlights from exit survey results from last year's first time use of rank choice voting in the New York City mayoral primary election, the largest rank choice voting election in the United States history. New York City saw a 24 percent increase in voter turnout from the 2017 election. Ninety-five percent of surveyed New York City voters found rank choice voting easy. Seventy-seven percent said they preferred to use rank choice voting in future elections and 80 percent ranked at least two candidates. Lastly, if voters in Utah, Maine, Alaska, Minnesota and New York can understand and like rank choice voting, so can Nebraskans. And there was a question of an example of wasted votes earlier, and I'd just like to give a good example. In 2019, Lincoln had municipal elections. In the general election, there were six candidates, three of them were registered Republican candidates, three of them were registered Democratic candidates, and in the end, the three Democrats won. You know, 45 percent of the votes were cast for the Republican candidates. So those Republican voters got no representatives out of that election. The Democrats, who had 55 percent of the voters, they got three, and I think the argument could be made that Republican voters are being misrepresented in that election results, and they should have at least got one candidate on city council. Thank you for your time and patience today. I can answer any questions if you have any.

BREWER: Thank you, Thomas. First off, you did a great job.

THOMAS BLANTON: Thanks.

BREWER: So, thanks for coming in, and it's easier if you've got material that's quick and easy to read.

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THOMAS BLANTON: For the record, my wife put those together, so credit to her, yeah.

BREWER: You've got a good wife then. Let's see if we got some questions for you real quick while we go around the table. You have a couple of the charts in here. I-- I think, helps clear up some of the questions on how things work. So again, thank you for the materials and thank you for your testimony

THOMAS BLANTON: Thank you for your time.

BREWER: OK, still on proponents. Welcome to the Government Committee.

JOSHUA MUELLER: Thanks. Hello, my name is Joshua Mueller, J-o-s-h-u-a M-u-e-l-l-e-r. I'm a resident of Lincoln and I've been working for the last several months to grow interest in rank choice voting-- rank choice voting in Lincoln specifically. I've talked with several of our city council members and nearly all of them have expressed interest in the idea of switching to use RCV for our local elections. I know that other members in our organization have also been having similar discussions with their own city council members. Whenever we talk to these elected officials, the only genuine concerns that we hear are about difficulties in first implementing rank choice voting. The biggest concerns are always about the hardware or the cost or the training to implement RCV. With regards to the hardware, as it's previously been mentioned, every jurisdiction in Nebraska uses ES&S vote tabulators. These are the same as what's used in Maine for their RCV elections and are fully capable of reading RCV style ballots. There's additionally some software that is required, but our understanding is that it can be purchased from ES&S or there is free software that is currently used in other states and could be certified by the Secretary of State for use. The other common concern is always an increased cost. Yes, it is true that the first time an RCV election is held, it is more expensive due to the necessary training and voter education outreach. However, a study from 2020 found that after the first election cycle that used RCV, every subsequent election cycle wasn't any more expensive than a nonRCV election. Organizations like our own and other state and national organizations would also be willing to help with voter education and training to reduce the initial costs of that first election cycle. I'd also like to point out that AM1589, I don't know that it's been mentioned, but it allows the municipalities to hold a referendum to switch to using RCVs on their own accord. So it doesn't force anywhere to use it, but it gives them that choice, and it means that there would be a limited number in that first election cycle that would use it. And so all of the costs in the

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fiscal note are assuming that everywhere switching to RCV simultaneously, whereas if you adopt AM1589, that number goes down because presumably not every city is going to adopt it given choice. And so that fiscal note claims that there's a need for one full-time employee and new hardware and software for every county. I'd like to point out that there are only 93 counties in Nebraska that have election commissioners that might need training by a state employee, and nearly any computer-- computer should be capable of running the needed software. The estimate in the fiscal note seems to be the most expensive possible, in my opinion, and doesn't reflect the amendment, which would make it optional. Additionally, there's always some voter outreach that's part of that expense, and because the adoption of RCV has to be done by voter referendum, you would assume that the voters are already somewhat educated in the new election system that they're voting for in the previous referendum that they held, and so that cost would also be minimized. Lastly, there's always claims of RCV being more difficult or complicated or hard to implement, but we know from numerous other municipalities that these claims are unfounded. Our organization talked with the executive director of FairVote Minnesota, and they shared with us that when they first implemented RCV, they had a few hiccups the first election cycle or two. However, they were able to learn from those, and every other municipality that implemented RCV managed to avoid those problems. The people in charge of Nebraska elections are smart people and can learn from those in Colorado or Minnesota or Utah and shouldn't have any difficulty implementing RCV. The free software that I previously mentioned is easy enough to figure out that I was able to retabulate the Portland mayoral election after having used it for less than half an hour. The only legitimate concern, in my opinion, is the initial one-time cost to switch to RCV. However, it's a small cost to pay to switch to an election system that has all the benefits that the others here have previously mentioned. Additionally, this bill allows for the elimination of municipal primary elections, which could have huge cost savings. This would end up saving taxpayers, the candidates themselves, and candidates donors money. So not only would they-- we have an improved election system, but it would save everyone time and money. If you have any questions about the points that I brought up, I'd be happy to answer them.

BREWER: All right. Thank you for that testimony. We'll run through and see if we got questions for you. Well, I've got one. Normally, whether we're talking about roundabouts or voting changes, we-- we do it kind of on a small scale first to see if it works, see if people can get it figured out. Right now, if we look in Nebraska, you mentioned Lincoln and Lancaster County, there's some thinking about it, but nobody has

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actually pulled the trigger on actually doing a small scale election to see how it works and whether, you know, everything can line up and, and flow like it should.

JOSHUA MUELLER: I believe that part of that is that there is a lot of questions about the legality of municipalities switching to our city on their own. It's my personal belief looking through Nebraska law that Lincoln and Omaha could potentially switch their own elections currently to RCV, but it would be taken to court like no one is 100 percent certain with the way that the laws, the statutes currently as written, would allow for the municipalities to do it themselves. This bill in AM1589, I believe, would give them that option and 100 percent give them a legal way of making that switch and testing for themselves.

BREWER: And it's probably a question for the Secretary of State's Office, but as far as the machines, once you understand, they could be reprogrammed to do this at, say, a city or county level without causing issues statewide.

JOSHUA MUELLER: Yes. And this bill only applies to municipal, city council and maybe mayoral election. I need to double-check that.

BREWER: OK, well, let's see if we have one more check on questions. Seeing none, thank you for your testimony.

JOSHUA MUELLER: Thank you.

BREWER: All right. We're still on proponents to LB793.

LARRY R. BRADLEY: Let's see if we could count on the handouts here.

BREWER: No rush.

LARRY R. BRADLEY: I think that's ten, eleven now.

BREWER: All right. Welcome to the Government Committee.

LARRY R. BRADLEY: Hello. Thank you for having the hearing. And thank you Senator McCollister for having the bill. I'm Larry R. Bradley, Larry, L-a-r-r-y, R, middle initial, and Bradley, B-r-a-d-l-e-y. Very glad to see this bill. Rank choice voting is the path to political peace for all of us. That's because using RCV allows all points of view to be fairly expressed rather than being repressed due to the dynamics of the spoiler scenario and the fear voters have of wasting their vote. The antica-- antiquated ballot we use now enables that

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spoiler scenario and the fear. When we go to rank choice voting, we're going to have peace because when the election is over, the majority of voters are going to be able to say one of two things. So-and-so who won was my first choice. I'm glad they won, or so-and-so was not my first choice, but they were one of my choices and I'm glad they won. The methodology of bringing the peace is that we have majority winners, that I have in my written testimony, a detailed analysis of how that process works and uses the example of the chart here I used with you for LB125 that talks about the process. The main point that I want to bring up in sharing that testimony with you is that in every round of voting, the majority defeats the minority. So we come through with a majority decision for all the-- the voters, and that helps us to bring peace to it because the ones who lost are in the minority and they know they are in the minority. As far as this particular bill, I'm very much in favor of this because the bill does not mandate rank choice voting in municipalities. This bill merely authorizes rank choice voting in municipalities. If a municipality decides to implement the RCV for its local elections, then you'll see at least three benefits. Voters will only have to turn out once to vote, not twice. The winners will be guaranteed to be majority winners, not plurality winners. No longer will someone be able to win an election with 20 percent, 15 percent, 30 percent of the vote. They've got to get to 50 percent plus one or better. And the other thing is that municipalities will save the cost of an election. And I find-- I have a petition drive going on right now in the city. And in approaching people to sign the petition, one of the things that most motivates that they say, say, wow, I mean, I only have to vote once? Yes. And that we save all this money because we don't need the runoff election. Yes. Let me--- let me sign that. Let me sign that petition. The-- so, like I say, I only have to vote once. I-- and I get to choose my votes in one particular election. One of the examples I give that this is the other point I'm making here is an ad lib comment. We often have and in the-- some of the other data that we have there, we often have in the first election somebody who got a majority of the vote in that first election, but we're still obligated to have the second election by going to rank choice voting. We no longer need that runoff election, so therefore we're able to save the cost. The other way this works, in a major city election that I'm aware of, there were 11 candidates. People only got to vote for one of those candidates, only got to express a preference. The top two vote getters who went on to the runoff election only represented 40 percent of the vote, but they get to go. OK, this is a much better way of doing business because it is a more fuller expression of the voter will in a local election. So thank you very much for your time. What questions do you have?

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BREWER: All right. Thank you, Larry. OK. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. It's nice to see you again, Larry. I was trying add up in my head, I think I've known you for almost 20 years now. I'm starting to feel old today.

LARRY R. BRADLEY: Yeah.

BLOOD: I just want to get this on the record because I'm not sure it was clear in your testimony and you drove all the way up here from Missouri again, didn't you?

LARRY R. BRADLEY: Um-hum.

BLOOD: Thank you for that. So I felt obligated to ask you a question. How your books and what you've always preached and how I got to know you and were like-minded in this way is that it's really not about party, it's about the people's voice. And I'm not really clear on how this magnifies the nonpartisan voice, the voice of the people and not the voice of the party. Is that going to be too hard a question to answer?

LARRY R. BRADLEY: Let's focus on what the impact did to municipality.

BLOOD: OK.

LARRY R. BRADLEY: OK, because here very often a municipal election is a nonpartisan election to begin with, OK, but--

BLOOD: As is the Legislature.

LARRY R. BRADLEY: Yes, but in particular this way with the rank choice as a-- to use-- as to refer back to what I just said. In Kansas City in 2019, you had 11 candidates for mayor. Voters only got to express a preference for one. The top two vote getters only had 40 percent of the vote. OK. That's more than anybody else had. If we'd had rank choice voting, would that have been the two that emerged? I don't know. The fact that you only get to express a preference for one candidate limits it that way. There might well have been another second place finisher had we had rank choice voting because we have the ballot that we use now, you weren't able to get to that. OK. Does that make sense?

BLOOD: Yeah. So I saw that Neither a Republican or a Democrat B is that the name of that book?

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LARRY R. BRADLEY: Yeah, I brought Senator a copy here.

BLOOD: I read that book. It's liberal or conservative, that's what I did, yeah.

LARRY R. BRADLEY: Yeah. Well, my focus is what-- what is the action that does the greatest amount of good for the largest number of people for the longest period of time balanced against trying to do the least possible harm to the fewest number of people, the shortest period of time is least susceptible to unintended consequences and is affordable given the competing priorities that we have in government every day.

BLOOD: That's kind of what I was looking for. Thank you.

LARRY R. BRADLEY: Thank you.

BREWER: All right, Larry, while we got you in the hot chair, because if folks are listening in and trying to understand, this is not a concept that's easily visualized. And when you see the chart here, and it has the seven rounds, it teases a brain just a little bit more because you're trying to visualize this. So let's say in May we're going to have a primary and we'll just take my district. Say I've got four running on one side and two on the other and that's going to be narrowed to one and one. Then they'll move on to the fall and then that's who will go head-to-head to decide who's going to be the representative for that district. How will rank choice voting change that process on how they get to the fall?

LARRY R. BRADLEY: Here you're talking about a partisan election.

BREWER: Well, I guess, yes, it is because of the way they get divided.

LARRY R. BRADLEY: If we were using rank choice voting in our partisan elections, OK, the benefit would be that whoever the nominee is for the party would be the consensus majority choice of the party to go forward and have the nomination. You don't have, because of the number of candidates, somebody getting the nomination with 35 percent of the vote. OK, they have to get to 50 percent plus one or better. OK. And so that means that you are more guaranteed for you as a voter, maybe particularly even as an independent voter, that the party has made a decision about who they are and what they represent with this candidate and that they feel this candidate represents the-- the point of view of the majority of the members of that party.

BREWER: OK, I understand what you're saying, what I'm trying to now is visualize this. I am in a voting booth and I'm in Scottsbluff, and I

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got my four candidates on, say, if it's a Republican and I'm going to flip a switch on one of them and that vote is going to go toward that individual and its tally. After we switch, we do it the way you're talking about, how does that change?

LARRY R. BRADLEY: OK, for you-- let's-- let's see if I can skirt around the-- because you're right. We wanted to show you and the rules prohibit today, so let me show just a little little thing here. I think--

BREWER: That's OK, why don't you do that.

LARRY R. BRADLEY: The camera is OK. The normal ballot you have, you have the list of names and one row of votes, OK? With this rank choice ballot, you're going to have three rows of votes.

BREWER: OK.

LARRY R. BRADLEY: OK, so you mark your first choice in the left-hand column. Your second choice in the middle column and your third choice in the right-hand column. For you, it's all over. Here's my top three choices. I'm done. OK. The-- the algorithm looks a little-- the algorithm is for counting the votes based on people's preferences. I will tell you that in my process of trying to go around and get the signatures on this petition to put this measure on the ballot in August, one in 50 people will ask me, how do you get to a majority? The rest of what they hear is, oh, I only have to vote once? Oh, I get to vote for more than one candidate, I get to rank my top choices. Oh, we're going to save X hundreds of thousands of dollars every four years because we're only going to have one election. Oh, I like that. Let me sign. And when we start bringing this up to people, when a city council brings this up and passes a referendum that puts it on the ballot for a local election, that's what the voters are going to be told. You get to vote less. You get to rank the choices and you save money. Oh, I like that. Eighty percent are going to say that to you, I would say. Have I answered your question here with my little--

BREWER: You've, uh--

LARRY R. BRADLEY: --sketch?

BREWER: --how do we call it. You, Soldier-proved it. It came clear when you-- when they drew the picture there. So I think that--

LARRY R. BRADLEY: Picture worth a thousand words.

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BREWER: All right. One-- one other question before we turn you loose here. You're retired Army?

LARRY R. BRADLEY: Yes, sir.

BREWER: What branch were you?

LARRY R. BRADLEY: Army.

BREWER: Of which-- which--

LARRY R. BRADLEY: Infantry.

BREWER: Infantry. Very good. All right. Well, that was the answer I needed. Thank you. OK, thank you for your testimony.

LARRY R. BRADLEY: Thank you.

BREWER: OK. We are still on proponents to LB793. Proponents? Welcome to the Government Committee.

JUDY KING: Thank you, Senator Brewer. My name is Judy King, J-u-d-y K-i-n-g, and I want to thank Senator McCollister for bringing this bill forward. It's got everything I want in a democracy. Majority votes brings more voters in. And one thing I wanted to say is, I think, Cindy, there's a calculator if you ever want to try it out. There's a calculator on a website that you can sit there and play with it so you can actually see how it works. Isn't there, right? Yes. So if you ever want to see how it functions, you can just try it out there. I'm kind of basically here today, though, because I am-- I'm getting pretty old and I've worked on a lot of campaigns and I'm getting tired of the primary and then the general and what all you have to do with that. I think that there's money that could be saved, I'm conservative that way. And like that fiscal note, like he-- one of the gentleman said here today, that fiscal note, I think, is over the-- is a little more than what it should be. And I think it'd be great to just try it out. If you have a question on it, try it in the city, if we can make that possible. And my big thing is just, you know, it includes everybody, gets more people out there, and gets them involved in the Republicans, Democrats and Green Party, which, you know, everybody, Independents. It encourages civility, supposedly. So I'm just-- I'm just a proponent of it, and I hope that it goes through. That's all-- that's all I have to say.

BREWER: All right. Thank you, Judy. Let's see if we've got questions for you. She's already testified, but if Cindy was to give me a site,

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I can go on to do that calculator. If you would relay that to her, I would appreciate it.

JUDY KING: I will.

BREWER: Thank you.

JUDY KING: That's how I had to figure it out because I didn't understand how it works.

BREWER: All right. Thank you for your testimony.

JUDY KING: Thank you, Senator Brewer.

BREWER: OK. We are still on proponents for LB793. Opponents, would be next. Wayne, welcome back to the Government Committee.

WAYNE BENA: Thank you. Senator Brewer and members of the committee. My name is Wayne Bena, W-a-y-n-e B-e-n-a. I'm here on behalf of Secretary of State, Robert Evnen, in respectful opposition to LB793, and I say respectful of all the advocacy groups that are looking at election reform. I will put folks for RVC at the top of the list of being the most polite and nice to work with, and I wish all groups would be of the similar nature. However, we are opposed to this bill and again, I haven't seen the amendment so I can't really speak to what's in the amendment. Happy to talk about the fiscal note. Want to talk a little bit about how RVC (SIC) RCV or rank choice voting, it is harder to input in regards to how Nebraska runs elections and talk a little bit about the costs to the counties as well as the need. So we hear in-- what's great about our national system of elections is it's very decentralized in the 50 states, and all 50 states run it differently. And Nebraska is very unique and has been-- has been deemed by many election vendors the most complicated ballot in the entire nation. And why is that? It is because we're the only state that holds all of their elections in the even numbered year outside of the city of Lincoln and the city of Omaha that has their own separate charter elections. We also vote for more things than most states, public power, NRDs, Board of Regents. So we vote for everything in the even numbered year. Whereas in other states where you talk about in New York, in Maine, in city of Minneapolis, they have separate elections in the odd numbered year. And you know, I get a little bit of grief from my colleagues across the state that I don't have to do much except special elections in the even numbered year. So it is not as easy as putting this system into our-- the way of Nebraska runs elections as easier as someone else that just has a city election at

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one point to do this. I passed around a sheet from the 2020 primary to talk about the need. In the primary only 10 percent of all the city races in the entire state of Nebraska needed to actually have a primary. We ought to advance 90 percent of the races to the general election. And in those cases, there would not need to be rank choice voting because you're choosing two to one or what have you, you're going to have that plurality, that 51 percent. So to spend the amount of money we would need to spend for what we see on-- this bill is specifically for cities and villages where we see the least amount of opportunities for the need for more than to even have a primary. So there is a great deal-- excuse me --of cost that would go to setting this up based upon the need of how Nebraska runs elections. I don't have necessarily personally anything against rank choice voting, but how Nebraska runs elections, a lot more would need to be changed than what's in LB793 to be able to make it happen. We talked-- you know, a lot was talked about the Governor's race. Well, this doesn't apply to the Governor's race. This is just cities and villages, which villages, it's hard enough to find one person to run, let alone to get two or three. So you're going to have rank choice voting coding in these ballots in the middle of everything else that you're-- so a voter is like, well, why don't I get a multiple choice here, but not for Governor? That could be-- that could be confusing to the voter. Can we overcome that? Absolutely. So we do have voter education in the fiscal note, and we model that off of the city of Minneapolis, which is the closest that we came in regards to do this. I will say, is, based upon between 120-- LB125 and LB793, we did hear from our vendor ES&S that they no longer support the reporting portion of rank choice voting. So we're going to need to do something different and buy in additional air-gapped computer for security reasons for every county that goes about doing this. And I'll talk a little bit about about the fiscal note. Finally, we don't have runoffs here in Nebraska. And that's one thing that-- that rank choice voting does help is if you have a runoff, some people don't like runoffs because the turnout side is high. We don't have runoffs here in Nebraska, so we're not going to be saving that money necessarily. I'm going to be respectful of the light that's about to hit me. I know there's probably a lot more we want to talk about, but ultimately of how we run elections in Nebraska currently, a lot more would have to be done for rank choice voting to actually be implemented on top regards to the need. 10 percent in the 2020 primary would actually have to be-- to use it. And finally, there's going to be cost to the state, but a fiscal note don't also-- doesn't talk about the fiscal note for the counties. They're going to have a lot larger ballot coding and printing costs and multiple pieces of paper. Thus, larger envelopes and more postage for sending out

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early ballots. The possibility in those cases in which they have elections. So thank you. See the red light, and I'm happy to answer any questions.

BREWER: Well, but I'll treat you the same as I would the Secretary of State, since you're speaking for him. Let's see. On the fiscal note, so if we look at it, we would need to consider that the counties would have an additional cost above and beyond that. So that wouldn't be the total cost or would it?

WAYNE BENA: This, again, with fiscal notes, we can only talk about the state costs, but the counties will have, who are responsible for the coding and printing of their ballots will have an additional cost and then that-- some of that costs will then seep down to the political subdivisions that they can charge. So, you know, we can only charge for so many races on the ballot, the rest the county has to eat. But they're going to have to eat those costs. So there is going to be a county cost component to this as well.

BREWER: All right. Thank you. All right. Questions for Secretary of State's Office? All right.

WAYNE BENA: Thank you.

BREWER: Thank you for your testimony. OK. We are still on opponents to LB793. Come on up. Welcome back to the Government Committee.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Brewer, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm testifying in opposition to LB793. We haven't seen the amendment, so I can't speak to that. I will just echo everything that Mr. Bena said. He really laid it out much more articulately than I could about the expenses to counties, the costs for running a rank choice election, the coding and the potential cost from more ballot faces if it runs over or more postage and those kinds of things. We would agree with his comments that it's-- it's-- Nebraska elections are run well. They're complicated, like he said, but they're run well and we have a system that works in Nebraska. We would suggest that if this is something that you want to pursue as a committee, maybe we need to look at the whole election process in much bigger scope than rather just doing it piecemeal, one kind of elections for rank choice voting. Maybe it needs to be a broader study of the overall election process. I would be happy to answer questions.

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BREWER: All right. Thank you for your testimony. You heard kind of the line of questioning I had with the Secretary of State's Office. You guys don't actually work up any type of fiscal note on the county side for stuff, do you?

BETH BAZYN FERRELL: We do for some things, we don't for others. It depends on if we get a request from the Fiscal Office, we do. Typically, those are bills that would go to the Revenue Committee. We don't generally get bills that come to the Government Committee.

BREWER: Yeah, that's a fair point. All right. See if we got questions. Senator Halloran.

HALLORAN: Thank you, Mr. Chairman. Along the lines of the Chairman's question, Beth, would you consider this to be an unfunded mandate on the county?

BETH BAZYN FERRELL: To a certain extent, I think it would be. Anytime that there's a cost that's not accounted for, otherwise, I think it would fall into an unfunded or underfunded mandate.

HALLORAN: OK, thank you.

BREWER: My legal counsel reminded me that this is just the state, not-- not county, and that that's not where we would have that if it was here. And so it's good to be corrected now and then, so you better understand what's going on. Anyway, any other questions for Beth? All right. Thank you for your testimony. All right. We'll continue with opponents to LB793. Seeing none, we'll go up, if there's anybody here in the neutral. All right, we'll invite Senator McCollister to come back. John?

McCOLLISTER: Yes, sir.

BREWER: Welcome. I'll come back to close.

McCOLLISTER: Yeah. Thank you, Mr. Chairman, members of the committee. I want to thank all the folks that testified this afternoon. I think we had some great testimony and they explained the bill pretty well, perhaps better than I did. And so my opposition testimony, respectful opposition testimony, and I don't get often respectful opposition testimony, so I thank Mr. Bena for that. In the mid-1930s, a gentleman by the name of George Norris traveled around Nebraska, convincing Nebraskans about a one house, nonpartisan Legislature. And I would guess that some of the objections he had from people at that time were very similar to objections we heard today. But I think we know this

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bill would increase voter satisfaction, reduce polarization. So I think it's got some, some points that would do well this time in our country's history. So with that, I'm prepared to take any questions that you may still have.

BREWER: All right, thank you. And I-- I definitely understand more about it than I did before the hearing started and that's what hearings are about is to learn. So hats off to you there. Questions for Senator McCollister? All right. We have 12 letters in support, three in opposition, zero in the neutral, and with that we will close on LB793 and we'll reset to open on LB794, which happens to be Senator McCollister also.

McCOLLISTER: McCollister day in the Legislature.

BREWER: It is. It's all yours.

McCOLLISTER: Yes, sir.

BREWER: OK. Whenever you're ready, John.

McCOLLISTER: Thank you, sir. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I'm John, J-o-h-n, McCollister is spelled M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th legis-- Legislative District in Omaha. Since 1937, Nebraska has been the only state with a nonpartisan, Unicameral Legislature. George Norris, by leading the campaign for the change, believed that political parties and lobbyists had far too much influence on legislation. He wanted to connect an individual legislator directly with constituents. The Governor and state officers run with a party designation or as an independent. The auditor and treasurer provides financial oversight over state and local government. They do not make public policy but carry out policies adopted by the Legislature and administered by the Governor. What has happened over the past number of years is the Governor and the auditor and the treasurer are in the same party. Perhaps it's time to open the election process by putting these officers on a nonpartisan ballot. That would be the auditor and the treasurer. We are a state unlike any. We are a state that more than any other state has followed a nonpartisan tradition. By making these offices nonpartisan, it follows this tradition and removes a matter of law partisan influence on the operation of offices that must by definition, be nonpartisan in order to operate without undue influence by the Governor or other partisan leaders. Thank you, Mr. Chairman.

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BREWER: All right. Thank you, Senator McCollister. Questions on LB794 for Senator McCollister? Seeing none. Again, you'll stick around for close?

McCOLLISTER: I think I will.

BREWER: All right. Thank you. All right. We'll start with proponents to LB794. Cindy, welcome back to the Government Committee.

CINDY MAXWELL-OSTDIEK: Thank you. My name is Cindy Maxwell-Ostdiek. That's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k, and I am a registered nonpartisan, longtime registered nonpartisan. I live in District 4 in Omaha, and I concentrated so much on the other bill for this hearing that I apologize I didn't have any prepared testimony for this one. I would like to say that I would appreciate all elections to be open and nonpartisan. As a registered nonpartisan, I am pleased that the Legislature is elected with this particular format as well as my city council. The only other times I am able to enter into a primary as a nonpartisan is for congressional seats. That's by statute that all nonpartisans can request a ballot regarding one of the different parties. And then the Democrats open up their presidential primaries recently as well. And so as a registered nonpartisan, I think it's important that we consider that there are 25 percent of us here in our state and we want to participate in the primaries as well. And the particular-- I would like it for all elections, but these particular positions are especially important that they not be partisan. That's all I have to say. Thank you very much.

BREWER: Thank you for your testimony. See if we got questions for you. Any questions for Cindy? All right. Thanks for sticking around--

CINDY MAXWELL-OSTDIEK: Thank you.

BREWER: --for round two. All right. Continue on, proponents?

THOMAS BLANTON: Thomas Blanton, again, it's T-h-o-m-a-s B-l-a-n-t-o-n. I also didn't have something prepared, but it sounded like such a good idea I thought I'd jump in and say something. I've been a Republican, I've been a Democrat. Yesterday, I became nonpartisan again and all over the place, and I think it's a good idea to have more nonpartisan elections. I think that, you know, I've lived in several other states besides Nebraska, and I keep coming back and I see that, you know, there's a lot of problems in other states where political parties have too much control over the electoral process, and that's what I really love about Nebraska having all the nonpartisan elections and, you

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know, so I mean, I think it's a great idea. Yeah, I wish every election was-- was nonpartisan. Yeah, any questions?

BREWER: All right. Let's see if we have some for you. Any questions for Thomas? Oh, again, thanks. Thanks for coming back--

THOMAS BLANTON: Thank you.

BREWER: --and "impromptive" or extemporaneous there. All right. Additional proponents for LB794? All right. Judy, welcome back to the Government Committee.

JUDY KING: Thank you, Senator Brewer. Judy King, J-u-d-y K-i-n-g, and I just have one comment on this bill-- or two. I thank you again for bringing this forward. This is important too. Doesn't the Governor run the prison system? And aren't we having several problems with that right now? I guess that would be my thing is, that's been going on for several years since '88. Several Governors have not done anything about it and so that's where we are right now. Not fond of having him in charge of anything else than what he's got right now. And that's probably more than what he should be in charge of. So that's all I have to say.

BREWER: All right. Thank you. Let's see if we've got questions.

JUDY KING: I don't think so.

BREWER: All right. Thanks. Still had to ask.

JUDY KING: Yes. Thanks.

BREWER: OK. We're still looking for proponents to LB794. None, we'll go to opponents to LB794. Do we have anybody here in the neutral for LB794? All right, Senator McCollister, welcome back.

McCOLLISTER: Mr. Chairman, members of the committee, I contend that the nonpartisan Legislature has served Nebraska well, and I know that to be true from going to NCSL and CSG and talking to other legislators in other states. And when I talk about the fact that we don't have a caucus system and that we actually hear every bill that gets offered, I think we have a better system than any other-- any other state in the country. And I would also contend that if we went to a greater number of nonpartisan elections, we'd be better served with that as well. I think we would improve voter participation, and I think Nebraskans would like that system and by adopting this bill and making the treasurer and the auditor nonpartisan, and they're truly

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functionaries. You know, they don't have political positions that they take, as far as I know. So I think we would be better served if we were to make these offices nonpartisan as well as Legislature.

BREWER: All right.

McCOLLISTER: Thank you.

BREWER: I think I am going to have to argue with you a little on the nonpartisan caucus scene. You remember right, the last week or so of the session when they provide the ice cream machine back there, I believe that's a pretty nonpartisan caucusing that happens around that. Doesn't do anything for our waistlines, but it is a good place to discuss issues, and it's pretty nonpartisan. All right. Questions?

McCOLLISTER: Is that a question, Mr. Chairman?

BREWER: Well, I think it's more of a statement that I think there may be just that small window where we have a caucus, a nonpartisan caucus and that ice cream machine seems to be it because we kind of--

McCOLLISTER: I should have brought some ice cream today.

BREWER: --looking for a reason to get off the floor and get together and just talk about issues other than we have on the floor, and we seem to all get along when we do that.

McCOLLISTER: I agree.

BREWER: OK, any other questions for Senator McCollister? All right. Got some letters to read into the record. We have three in favor, zero opposed, and zero in the neutral, and that will close our hearing on LB794. And for the committee, we're looking to do a Exec next.