

**LINEHAN:** Good morning, acting Chair Brewer and the members of the Redistricting Committee. For the record, I am Lou Ann Linehan. That is spelled L-o-u A-n-n L-i-n-e-h-a-n. I'm here today to introduce LR134, which prescribes the guidelines to be used by the Nebraska Legislature during the 2021 redistricting process. LR134 is similar to previous resolutions on redistricting, including LR102 and LR7 from 2011 and 2001, respectively. The guidelines help to ensure that the redistricting plans adopted meet the legal and constitutional requirements. The guidelines also demonstrate what redistricting principles the state holds as important. Per the Nebraska Constitution, the Legislature is required to set boundaries for the U.S. House of Representatives, the Legislature, the Nebraska Supreme Court, the Board of Regents of the University of Nebraska, the Public Service Commission, and the State Board of Education. Generally, LR134 directs the Legislature to meet the following requirements when drafting redistricting boundaries: to use population data from the 2020 U.S. Census with the districts created based on census geography; to follow county lines whenever practicable; and to trend-- and to use traditional districting principles such as compactness, contiguousness, preserve communities of interest, preserve the core of prior districts, and having district grounding lines respect the boundaries of cities and villages when feasible. Additionally, LR134 prohibits drawing district boundaries that consider political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as required by law, and it prohibits the unlawful dilution of voting strength of any minority population. Finally, LR134 mandates that all districts created shall be equal in population. For Congressional districts, U.S. Supreme Court has established, through the 1964 case of Wesberry v. Sanders, that the population amongst-- among Congressional districts shall be as nearly equal as practicable and overall deviation at or near zero. Conduct-- Congressional districts whose population deviation exceeds zero must demonstrate that the deviation was necessary to meet a legitimate state interest, such as to keep a district compact or to preserve the communities of interest. As provided under LR134, no congressional plan that exceeds 1 percent in total population deviation or has a deviation of plus or minus 0.05 percent will be considered by the Legislature. In 2011, Nebraska Congressional districts had a 0 percent population deviation, with the Congressional District 2 having one more person with a total of 608,781 people than the Congressional District 1 and Congressional District 3 having 608,780 people respectively. For the state

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

**Rough Draft**

legislative districts, the U.S. Constitution and U.S. Supreme Court, through the case-- through the 1964 case of Reynolds v. Sims, requires that-- states to achieve substantial equality of population.

Legislative districts may have a population deviation between the smallest and the largest legislative district of no, no more than 10 percent. In Nebraska, we have clarified the 10 percent deviation further by stating that we can have a relative deviation of plus or minus 5 percent, which totals 10 percent. Generally, the U.S. Supreme Court has consistently ruled that a state's redistricting plan, with a deviation of less than 10 percent, is unconstitutional. With that, I conclude my remarks and welcome any questions from the committee.

**BREWER:** Thank you for that opening. Are there any questions from the committee for Senator Linehan? All right. Obviously, you'll stay for close.

**LINEHAN:** Yes.

**BREWER:** All right. Again, we're going to start with proponents and we'll be using three minutes, so you two at green, one at yellow, and then you're-- get your red light. So our first proponent for LR134. Welcome to the Redistricting Committee.

**SHERI ST. CLAIR:** I'm-- excuse me-- Sheri St. Clair, S-h-e-r-i S-t C-l-a-i-r. I'm speaking today on behalf of the League of Women Voters of Nebraska. We appreciate the opportunity to provide commentary on this resolution. It outlines some of the important factors we've been advocating for in the redistricting process. We appreciate the support for transparency by defining criteria for items such as district boundaries and allowable population deviations, but I do have a couple of comments. We like that efforts will be made to preserve communities of interest. However, it's unclear how these communities are going to be defined. The goal of preservation of cores of prior districts is something not typically included in redistricting rules. We're hoping that this is intended to prevent gerrymandering, particularly in the metro areas. Item 5 specifies district boundaries should not be established with the intention of favoring a political party, group, or [SIC] person. And since more than 20 percent of Nebraska voters are now registered as nonpartisan, this is an important consideration. Item 7, in which district boundaries which would result in unlawful dilution of voting strength of the native population shall not be established, appears to be an effort to prevent hacking and cracking, which is good. All other districts other than congressional may have up to a 10 percent population deviation. We'd like to see minimal

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

deviation since the larger the allowance for deviation, the more room there is to produce biased maps. The league urges the committee to think about what's best for the voter, not the politician, during this process. Ideally, the committee would go beyond what's required by public meeting and open records laws such as the draft products being made available on a draft-dedicated Web site, when and how a public input and testimony be received and made available, and when will there be a timeline? The league supports advancing LR134 to General File for full floor debate and looks forward to continuing to be engaged in a fair and transparent redistricting throughout the rest of the year.

**BREWER:** All right. Thank you and thanks for staying within time. All right, questions for Sheri? Yes, Senator Blood.

**BLOOD:** Just real quickly-- and, and I'm going to ask this of anybody who talks about it-- so you feel that reducing deviation would be better because why again?

**SHERI ST. CLAIR:** Less chance for, for biased hacking, cracking, all that sort of-- terms that get thrown out a lot for redistricting.

**BLOOD:** Thank you.

**BREWER:** All right. Any additional questions for St. Clair? All right, thank you--

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

**BREWER:** --for your testimony. All right, next proponent. Welcome to the Redistricting Committee.

**WESTIN MILLER:** Chairman Brewer, members of the committee, my name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of public policy with Civic Nebraska. I will take you up on your condensation offer. We support every element of this proposal. We're very thankful for it. I think it encourages a fair redistricting process. It's easy to understand. I did want to agree with Sheri, though, on one additional note is just to encourage you in the direction of transparency. These rules are important. They're also an important baseline. We can always go above and beyond, particularly in how you use your office and your office's communication about this process. I think that the single biggest thing you can do to encourage the public's trust in redistricting is just communicate really clearly with your constituents about what's going on. Redistricting has become

**Rough Draft**

a much more top-of-mind issue for voters. People don't like gerrymandering. They particularly don't like it because it just feels murky and it feels political and it feels messy and I think that really clear communication from your office can go a long way in, in encouraging that process. So with that, I'd be happy to answer any questions and thanks again for this proposal.

**BREWER:** All right, thanks, Westin. OK, questions for Westin? Questions? All right, seeing none, thank you for coming in and testifying. It's like old home week here if you're in the Government Committee. Welcome to the Redistricting Committee.

**GAVIN GEIS:** Senator Brewer, members of the committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I'm here representing Common Cause Nebraska. In the spirit of keeping things short like everyone else, I will say that we also support a lot of what's in this bill, but I will point out a few areas where I think there could be improvement. First of all, the provision on the dilution of voting power, it does go a long way towards preventing fracking [SIC] and cracking, but it doesn't hurt to mention front-- or sorry, packing, not fracking. We're not talking about oil or gas--

**BREWER:** Good, had me a little thrown there.

**GAVIN GEIS:** --packing and cracking. It is worth it to mention both. I think the way that it's stated, it could only-- it might be worth arguing that it only deals with cracking and not packing. I think there's arguments to be made that packing people into one district might not be a dilution. Some may argue that. By mentioning both, explicitly stating neither packing nor cracking are allowed goes a long ways. And then on top of everyone else, I will encourage transparency. I think that is a key component of the Legislature handling this. These discussions have gone in these hall-- on these halls for a while, who should handle the redistricting process? And many in this building argue that the Legislature is the best body to handle that. If you want to prove it, give us transparency, give us access to what's happening, be completely clear about why the maps are created, what the maps look like, and give as much room for public input and access to this data as you possibly can. Some examples of things we could do, many states require explicitly in their laws a Web site dedicated to redistricting where the maps are held, where all the data on the maps is held, where public comment can be registered. These are states like Colorado and Utah that explicitly say we will have a Web site for redistricting that the public can access to engage

**Rough Draft**

with the process. The other thing is just access to information. As you all know, much of the legislative data is privileged, is not accessible by the public, but yes, you can go above and beyond what's required by law and give greater access to the work products of this committee and to all of the data you are using to draw these maps. This is in Col-- states like Colorado, Utah, Michigan, and California all give greater access to this data about redistricting and I think it's worth considering, as the committee, how much access you want to give people. Finally, there's always room for more public meetings on this. States like-- once again, Utah has seven, Colorado, three in each Congressional district, 15 total in Michigan, and we don't have to go California crazy, but 20 to 30 in California. So I'm not requesting that, just giving an example. Otherwise, we do-- we support much of what's on this bill. We hope you will advance it and hold to it, but just to say, please be transparent, be open. That's the only way we're going to have a fair and trustworthy redistricting process. Thank you.

**BREWER:** Thank you. Gavin, I wasn't sure how long you were around before I started here. Were you here for the last redistricting?

**GAVIN GEIS:** I was not. No, that, that was Jack Gould, not me, so I've, I've heard plenty about the last redistricting process.

**BREWER:** We only have a few that were long enough-- the two-- I'm not looking at you--

**GAVIN GEIS:** Right. Well, yes, luckily, you have one on your committee here.

**BREWER:** --but--

**GAVIN GEIS:** He knows a few things.

**BREWER:** --sometimes that's helpful when you have folks that have been through the meat grinder at least once before.

**GAVIN GEIS:** I wish I was there.

**BREWER:** And on the issue of information and transparency, there is going to be a, a redistricting Web site that they can go to and, and check as those things are updated and they change too. So I think we're going to try our best to keep everybody informed.

**GAVIN GEIS:** Perfect.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

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

**GAVIN GEIS:** Thank you.

**BREWER:** All right, next proponent after we decontaminate. Welcome to the Redistricting Committee.

**MEG MIKOLAJCZYK:** Good morning--

**BREWER:** Good morning.

**MEG MIKOLAJCZYK:** --committee members. My name is Meg Mikolajczyk, M-e-g M-i-k-o-l-a-j-c-y-z-k. I am the deputy director and legal counsel for Planned Parenthood Advocates of Nebraska, which is the 501(c)(4) organization attached to Planned Parenthood North Central States. We do our work in the community under the dome and at the ballot box, which is why we're here on this issue. So at a time when our fundamental rights and, and the rights that are at the core of a functioning democracy do feel sort of at stake, we have had concern in other parts of the country that states are going to undertake some partisan or devious approaches to redistricting. And it's great that we live in Nebraska where the committee has taken this really seriously and so I'm just here to say thank you and that we support the LR134 that you've put forth, specifically preserving communities of interest, preserving voting strength for minority populations, and the districts' cause. These key provisions ensure that Nebraskans continue to be fairly represented by leaders of, by, and for the people. I will just add some comments that other folks have already added on. With population deviation at 10 percent, of course, the greater the population deviation between districts, the more diluted voices and votes of constituents can become in districts with more people. And of course, the more powerful voices and votes of those in underpopulated districts can also become, both in choosing representatives and also being able to hold those people meaningfully accountable. So just a small caution from us, but despite that concern, we're really grateful to the committee for their work and we just wanted to say we support it and ask you to please vote it out, so--

**BREWER:** Well and this is, this is nice because we compressed everything today. We, we can get our five minutes here even if we can't get it from you, so thanks for the--

**MEG MIKOLAJCZYK:** You can read it if you want. Thank you so much.

Rough Draft

**BREWER:** --being visionary. All right, thank you for your testimony. Questions? Any questions for Meg? All right, thank you again.

**MEG MIKOLAJCZYK:** Thank you.

**BREWER:** All right. Quick cleanup. Committee hearings are going to go so much faster when we no longer have to do the cleanup between. All right, next proponent for LR134. Oh, come on up and another familiar face.

**SPIKE EICKHOLT:** Not that familiar.

**LATHROP:** It is to me.

**BREWER:** Welcome to the Redistricting--

**LATHROP:** It is to me too, Mr. Chair, yep.

**BREWER:** Is it? OK.

**SPIKE EICKHOLT:** You say it so fondly.

**LATHROP:** [INAUDIBLE] with the door of the Judiciary Committee.

**BREWER:** Good morning.

**SPIKE EICKHOLT:** Good morning, members of the Redistricting Committee. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska in support of LR134. We don't have a stake necessarily in the actual drawings of the districts in-- other than to that we have the interest in making sure that voting rights and democracies are protected and defended. Fair redistricting is critical to protecting democracy and voting rights. Fair redistricting strengthens democracy and fair elections ensure better policy for more people and not just narrow partisan interests. As Senator Linehan explained, this is a LR that seems to reflect the best practices and is a thoughtful approach to redistricting. The terms themselves and the guidelines are reflective of relevant state and federal law and case law and all these terms have specific and important meaning and we applaud these for being established as the guidelines for the committee to follow. We testified on-- before this committee earlier and when we testified before, we mentioned that we did commission a poll earlier this year with respect to the subject of redistricting and we shared that poll with you before. I can share it with you again after this hearing. I'll email it to you or provide you

**Rough Draft**

with paper copies if you want it, but I want to highlight a couple of things from our polling that we did. The polling sampled people across all different demographics in Nebraska, across parties, geography, and other demographics. The polling numbers show the following: 94 percent of the voters expect this process to be transparent, 93 percent expect the redistricting process, process to be data driven, 85 percent of the people who were polled want to be-- participate or at least have community or transparency in the process itself in redistricting, 87 percent asked and expected it to be nonpartisan, and 91 percent wanted the redistricting process to respect minority voting rights. As I said before, we've circulated the poll before. We will provide access to the polling company that did the work if you'd like to visit with them as well and I'd look for that in your emails and I'll share it with you after today's hearing. And just the poll itself reflects this Legislature's nonpartisan approach to legislating and I think that should be done and when it comes to redistricting as well. I'd encourage this committee to adopt this resolution and answer any questions that we-- you may have.

**BREWER:** All right, thank you, Spike. Questions? Senator Geist.

**GEIST:** Yes, thank you. It is good to see a familiar face.

**SPIKE EICKHOLT:** Thank you.

**GEIST:** How many people total were in your poll?

**SPIKE EICKHOLT:** There were 650 polled and I've got a copy of the-- I didn't bring the actual [INAUDIBLE] copy of the press release over. I'll just give this copy to you after the hearing, Senator, but--

**GEIST:** OK.

**SPIKE EICKHOLT:** There were 650 likely voters polled from January 7 to January 11, 2021.

**GEIST:** OK, thank you.

**BREWER:** Spike, you've always got great information.

**SPIKE EICKHOLT:** Thank you.

**BREWER:** All right, additional questions? All right, thank you for your testimony. All right, we're doing, we're doing a good pace here, so I appreciate everybody working with us on time. All right, additional



Rough Draft

proponents, come on up. Good morning and welcome to the Redistricting Committee.

**PRECIOUS MCKESSON:** Good morning. I'll make this quick. I don't have data like Spike, so I'll make this quick. Good morning, Senator Brewer and senators. My name is Precious McKesson, P-r-e-c-i-o-u-s M-c-K-e-s-s-o-n, and I'm here as a Nebraska voter as well as the United State of Women Nebraska ambassador in support of LR134. Like I said before, I'm going to make it very quick. Why are we here today and how do we ensure the upcoming redistricting is fair? That's what many of us are asking and as we know, every ten years, we have this very important discussion and this time is no different. We are here to ensure that this committee makes the right decision when it comes to redrawing lines that no-- not only impact our Congressional districts, but as well as our Legislature, Supreme Court, Board of Regents, public service, and State Board of Education. Let's talk about what we need-- we don't need to see and that's gerrymandering. The drawing of Congressional districts to favor one party and pushing candidates' ideological extremes disempowers minority party voters in those districts. We know this is unfair-- this is an unfair practice and we know what this does to, to the power of the vote in communities of color. Lines should not be drawn to impact communities-- should not be drawn to impact communities of color. The Voting Rights Act of 1965 was created to prevent these such tactics denying minorities the right to vote, including redistricting techniques. So after reading over the resolution, the one question I have is what is preserving communities of interest and how do-- how will these be defined? It is my hope that the community contends-- continues to be transparent, ask for voter input, and acknowledges the concerns many will have during this process. Again, thank you so much for this opportunity to speak and again, I'm here in support of LR134 and I hope you all have the rest of the good day.

**BREWER:** Well, thank you for getting up early and coming in to testify because I know that's, that's cutting into your day, but we'll see if we have any other questions. Any questions for Precious? All right.

**PRECIOUS MCKESSON:** Thank you so much.

**BREWER:** Thank you for coming in. Thank you for your testimony.

**PRECIOUS MCKESSON:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

**BREWER:** All right, next proponent. Not everybody at once. All right, then we're going to transition to opponents. First opponent. Welcome to the Redistricting Committee.

**MARK MCHARGUE:** Good morning, Senator Brewer, committee. My name is Mark McHargue. I'm president of Nebraska Farm Bureau. I'm also here on behalf of the Nebraska Cattlemen, Nebraska Corn Growers, Nebraska Pork Producers, Nebraska State Dairy Association--

**BREWER:** Could we have you spell that for the record, please?

**MARK MCHARGUE:** McHargue, M-c-- M-a-r-k M-c-H-a-r-g-u-e.

**BREWER:** Thank you.

**MARK MCHARGUE:** ---State Dairy Association, Soybean Association, Wheat Growers. I'm here today to testify in opposition to LR134 as currently construction-- constructed. Let me be very clear just right out of the gate here, we, we support supporting as many rural seats as possible in the redistricting process. We don't have the final population numbers yet from the U.S. Census Bureau and as a result, we believe that we need-- flexibility is paramal-- paramount importance for this committee. As originally written, LR134 contains a number of guidelines that we do support, including protecting communities of interest, following county lines, protecting unlawful dilution of the voting strength of any minority population. We also support the population deviation guidelines relating to the Legislature, but the provision about preserving cores is problematic for us because it takes away the flexibility you guys need to draw the best maps possible for the states, maps that would protect the voice of rural Nebraskans. This is not a partisan issue. This is about preserving the voice of rural Nebraska in the Legislature. As a result, our ag leaders coalition oppose LB134 unless you adopt the amendment striking that particular provision. We believe doing this would give the committee the right amount of flexibility needed to draw a map that best reflects the voice of our members across the state. On behalf of our members across the state and the other organizations I represent, we ask you-- the committee to strike the preserving core provisions and I thank you for the opportunity to testify today. I'd be happy to answer any questions.

**BREWER:** All right, thank you. And that's a pretty big hat you've got to wear there, all those organizations. Senator Blood.

**BLOOD:** Thank you, Senator Brewer. Thank you for your testimony today.

**MARK MCHARGUE:** The pleasure is yours.

**BLOOD:** I'm going to ask you two kind of hard questions.

**MARK MCHARGUE:** OK.

**BLOOD:** Who brought to light this issue in reference to LR134? Was it your members, was it another senator?

**MARK MCHARGUE:** Well, we-- amongst all of our committee that represent rural Nebraska, so that's the reason I'm here. As a group on the coalition, as we were looking through, we have very invested interest of how these lines are going to be redrawn and as we look through how that, how that happens, then we want to make sure that we just have a lot of flexibility because we don't know the numbers yet.

**BLOOD:** So--

**MARK MCHARGUE:** So it's important we have flexibility and we believe that that, that part of the provision would reduce the flexibility for the committee to make that decision.

**BLOOD:** Can you walk me through why you think that? I haven't heard that yet. I hear you saying that and that's why I was curious if someone had brought this to you and said that we were concerned about it from this building or if this is something that, that the farmers, the ranchers, the cattlemen are saying this is why we want it out of here because we feel this will prevent flexibility because of-- I'm not hearing you say why would prevent flexibility.

**MARK MCHARGUE:** Well, we believe that the communities of interest, that's enough. That, that, that creates enough of space. The, the core part, we believe is, is-- just reduces flexibility. But we do have a team that collectively, with all of our ag leaders, did flag this and so we can certainly get you more information on that if you would like.

**BLOOD:** Yeah, I would actually like to hear why. I'm not hearing why. I'm just hearing you feel it will do this, but not how--

**MARK MCHARGUE:** Yeah, we believe it will reduce flexibility. That would be the why.

**BLOOD:** Fair, fair enough. Thank you.

**BREWER:** OK. Senator Morfeld.

**MORFELD:** So it's just interesting to me because in your testimony, you have bolded here this is about preserving the voice of rural Nebraska in their Legislature. Wouldn't one be able to make the argument that preserving the core of the current districts would be the most effective way to do that?

**MARK MCHARGUE:** I think should-- I think some could argue that. I think it has been, it has been argued that. I think this is-- my understanding that it's been in there for a while, but I think as we look at our, our districts out in, in rural Nebraska, the, the flexibility that we need, I think is covered if you take that out. I think that's-- that particular core language does reduce the flexibility of the conversation as we look at redrawing the maps.

**MORFELD:** OK, can you explain to me exactly, technically how that would-- how that's the case?

**MARK MCHARGUE:** No, I would, I would defer that to, to our, to our team and if you want to get more information on that, we could certainly get that to you, so--

**MORFELD:** Yeah, if you guys could get me that information in written form, I'd appreciate it.

**MARK MCHARGUE:** Absolutely. Yep, we can do that.

**MORFELD:** Thank you.

**BREWER:** All right. Any additional questions for Mark? All right, thank you for your testimony.

**MARK MCHARGUE:** Thank you.

**BREWER:** OK? We are still on opponents. Quick cleanup here. Opponents for LR134. Let's have the next one go ahead and start up. Good morning and welcome to the Redistricting Committee.

**STEVE EBKE:** Good morning, Senator Brewer and members of the Nebraska Redistricting Committee. My name is Steve Ebke and that's spelled S-t-e-v-e E-b-k-e and I'm a farmer from Daykin. Agriculture is the backbone of Nebraska's economy and I'm proud to be part of the diverse

**Rough Draft**

Nebraska agriculture industry that contributes \$80 billion in total output and accounts for nearly one-quarter of our state's gross state product. Employment is critical to our state's economic growth. One of every four jobs is attributable to Nebraska's agricultural complex. As this committee proceeds with the redistricting process, I ask that you give consideration to the following. First, that you preserve rural representation in the Legislature. Nebraska's agricultural footprint is extensive. Retaining districts and representation, particularly representation that understands agricultural issues, is key to Nebraska's agricultural long-term viability. Second, while acknowledging that you will probably have to adjust some district boundaries, I would request that when a-- in all practicality, that the current district boundaries not be significantly altered while adhering to the substantive guidelines contained in LR134. Third, while supportive of most of the guidelines in LR134, the statement relating to preserving the core of prior districts is concerning. This provision would seem to restrict the flexibility of the committee, probably would benefit urban interests over rural, and most likely would lead to a loss of rural representation. This concern results in my opposition to LR134 unless that provision is removed. You have a difficult, but important task ahead. I ask that you proceed in a manner that maintains agriculture and rural Nebraska's voice in the Legislature. Thank you for your, thank you for your consideration and the opportunity to testify today.

**BREWER:** All right. Thank you, Steve. OK, questions? Well, I'll go with Senator Morfeld first this time.

**MORFELD:** Thank you for coming in today, sir. I guess I'll ask you the same question that I asked of the other testifier. So from what I heard from your testimony is you want to preserve the current boundaries, but not the core of the current districts.

**STEVE EBKE:** Yes, that's-- and maybe I stumbled there too, but to preserve the current boundaries where, where practical, yes.

**MORFELD:** I guess that just makes no sense to me, just like the other testifier. So can you explain to me how that would work, how you want to preserve the current boundaries of the current districts, but not the core?

**STEVE EBKE:** I guess I'll have to do the same thing and see if I can find some of the information from ag groups that I, that I belong to. The, the way I understand the, the core issue, that would allow urban

Rough Draft

districts possibly to just constrict somewhat to maintain their population, but we're looking at then the rural districts having to cannibalize one another to maintain that population.

**MORFELD:** But if we maintain the core of all the rural districts, then it would be tough to cannibalize them. And in fact, my urban district, it would constrict because there's been more population put in it, but it would allow for-- do you know what I'm saying? Excuse me, I'm losing my voice. It would constrict my district, but then it would allow for more population to be put in other districts, which would allow rural districts to be able to maintain their current boundaries.

**STEVE EBKE:** And I guess my main emphasis is that we want to maintain our rural representation.

**MORFELD:** OK and I just think that your testimony saying that you want to remove the core language then is completely contradictory to that, unless somebody can explain to me the logic behind it, which doesn't appear to be any.

**BREWER:** OK. Senator Blood.

**BLOOD:** Thank you, Chair Brewer. Thank you, Mr. Ebke, for coming in today. I just want to build on that a little bit. I'm listening to the opposition and the proponents. And the proponents, all of their testimony is really different. I mean, they emphasized multiple things that were important to them, but so far, the opposition seems to be the same and so I'm curious who or what organization brought this to your attention that it might be something worth opposing?

**STEVE EBKE:** As I stated previously, I am a member of several ag organizations. Our political consultants have looked at this for some-- you know, going back as far as the-- you know, the, the two or three previous redistricting efforts and they believe that this is an issue and it's an issue that could more than likely impact rural representation and ag's representation.

**BLOOD:** So they believe that the, the prior two redistricting groups did not protect rural Nebraska is what you're telling me?

**STEVE EBKE:** Not saying that. I'm just saying that the core issue was there and we've been-- you know, the, the feeling is that that this is, is an issue that could impact rural representation.

**BLOOD:** Fair enough, thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

**BREWER:** All right. Any additional questions for Steve? All right, thank you for your testimony. OK. Cleanup here. Let's go ahead and have the next opponent start up and we'll keep it flowing smoothly here. All right, welcome to the Gov-- to the Redistricting Committee.

**BOB TWISS:** Good morning, Senator Brewer and other members of the Redistricting Committee. My name is Bob Twiss and that's B-o-b T-w-i-s-s. I'm here in opposition to LR134. Actually, I agree with most of it. There are just a couple of things I don't agree with. Unlike some of the previous testifiers, I've been around here-- this is the fourth census that I have testified on and my polling is my own observation over almost 30-plus years of fighting for equal representation to support the strength of our population to be reflected with legislative districts, basically. And Sarpy County was treated very, very badly in 2010-- excuse me, 2000-- very, very badly. We had three full legislative districts and four pieces that did not even connect, did not connect, so it was not compact and contiguous. There was a lawsuit filed by an individual. He didn't go forward with it, but there's-- basically it hit the highlights. There are two critical things, county boundaries-- and that was certainly reinforced with the Day v. Nelson suit out of Madison County in 1992. Two senators won primary districts and because of the unconstitutionality of that, they lost an opportunity to even run in the fall. De Carlson from Crofton, Gus Pick from Huntington [SIC] had no place to run after that. Time up-- is up-- warning, but let me hit some highlights I think Senator Linehan hit: 1992, 2 percent deviation; 2000, it was 5 percent, which makes 10 percent; 2010 was .051 percent and so we got-- finally got there in Sarpy County, but ripe for court suit if there's going to be pieces that aren't even connected. So the two levels are county boundaries must be respected. In those counties with more than one legislative district, those districts shall be compact and contiguous, so please keep that in mind as well. I am opposed to the core, protecting the core. I think community of interest is better defined and doesn't open up the opportunity quite so much to litigation. Looks like I'm done.

**BREWER:** Well, actually since you're the only guy here old enough to remember four census, so that will probably give you a little extra time here, but let's see what we got for questions for you. And, and if you're angry about the last one, there is really only one guy here that was there last time, so-- OK. Senator Blood.

**BLOOD:** Thank you, Chairperson Brewer. How are you today, Mr. Twiss? I haven't seen you for a while.

**BOB TWISS:** Good morning.

**BLOOD:** So I, I didn't understand your statement about the Congressional districts. Can you repeat what you said, that there's--

**BOB TWISS:** Well--

**BLOOD:** --there's--

**BOB TWISS:** --I'm not sure I even commented on Congressional districts. However, I will comment, if you don't mind, part of the problems back in '92 also were the Congressional districts. And I have focused over the years more so on two aspects, congressional and legislative, and some of the others needed some attention, but didn't get my attention, but I didn't say anything in particular. I will say this. I have been in both Congressional districts over the last 20 years. I was in the Lincoln district and then I, I was in the 2nd Congressional District, then into the 1st Congressional District, and now back into the 2nd, 2nd Congressional District. And really, I don't see any difference.

**BLOOD:** You, you had mentioned in your statement--

**BOB TWISS:** I--

**BLOOD:** --that there are two Congressional districts in, in Sarpy County. So in my district in particular, we have two Congressional districts, both--

**BOB TWISS:** OK.

**BLOOD:** --Fortenberry and, and Bacon.

**BOB TWISS:** Right.

**BLOOD:** I just want a clarification on that, but apparently that was just a statement of fact and not necessarily anything you were concerned about?

**BOB TWISS:** Not real-- not really a problem, not at all. In fact, in 2010, that was the best redistricting that I've seen and like I say, Sarpy County finally got treated fairly and some of that's our own fault, quite frankly. If people aren't paying attention, sometimes a county may be allowed to just let things happen and work.



Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

**BLOOD:** So, Mr. Twiss, over here-- so knowing that in 2010, they preserved the core and say that-- you just said that 2010 was great, but you're saying now that preserving the core is bad. Is that--

**BOB TWISS:** I, I focus--

**BLOOD:** Do I hear you clearly?

**BOB TWISS:** I'm not sure I understand your question, but if, if not, try again. I focus more on community of interests than I do on core.

**BLOOD:** Because?

**BOB TWISS:** Because I think a community of interest, number one, is easier to define and I think it probably is subject to less litigation.

**BLOOD:** And so--

**BOB TWISS:** That, that is a term that the courts have used for years.

**BLOOD:** And so when you found out about LR134, you read it, that was the first thing that came to mind. Nobody came and talked to you. No organization discussed this with you. You didn't get an email that said we need you to come and testify? This is something that you brought forward on your own?

**BOB TWISS:** I'm sure glad you asked that question because I failed to say right at the beginning-- and I have it highlighted here-- it says self. I am here representing myself and nobody else. I'm representing no organization whatsoever. In fact, redistricting, as you probably can tell, has been a hot-button issue for mine for over 30 years because my district, which was legis-- your district number at that time, Legislative District 3, I ran for the legislature in '92 and you could not walk that boundary. You could not drive that boundary and find it and that was right southwest of 132nd and Harrison and the reason I'm probably more sensitive than others is because I lost to the ultimate winner in '92 by three votes.

**BREWER:** All right. Any additional questions? Senator Lathrop.

**LATHROP:** I do want to ask a question--

**BOB TWISS:** Sure.

Rough Draft

**LATHROP:** --because you're the third person as an opponent that's come up and used the same concern and not been able to identify how it would adversely affect this process. If your concern is what the inclusion of core-- the, the core language, how do you think that would adversely affect the process of redistricting? And be specific.

**BOB TWISS:** Well, as specific as I can be is it-- the flexibility. It affects the ability--

**LATHROP:** And-- OK, so in what way do you think it would not--

**BOB TWISS:** --excuse me.

**LATHROP:** --allow us to be flexible?

**BOB TWISS:** I, I'm sorry, I, I was trying to complete my sentence, sentence, but flexibility in drawing various boundaries.

**LATHROP:** I, I understand that, but tell me-- give me an example of where you think it would impair our flexibility because uniformly, the three opponents have come up and identified this, but I, I don't hear an explanation for how it would-- an example of how it would impair our ability to draw lines that meet constitutional mustard.

**BOB TWISS:** I'm not sure that I am equipped to get into the weeds that far.

**LATHROP:** OK and I'm just going to make this observation. You're the third person that has said I need to check with somebody and I don't understand--

**BOB TWISS:** I'm not checking with anybody, sir. I'm-- the only person I would be checking with would be myself.

**LATHROP:** OK, well, then you need to get back to me for an answer, is that what I'm hearing?

**BOB TWISS:** I'm not sure that I can get back to you with an answer that's going to satisfy you.

**LATHROP:** OK, just it impairs flexibility?

**BOB TWISS:** It certainly would impair flexibility.

**LATHROP:** OK, thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

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

**BOB TWISS:** Thank you.

**BREWER:** All right, we're going to keep pushing here. We're running low on time. Additional opponents? Seeing none, we will go to those in the neutral. Do we have a neutral testifier? We do. Come on up. Good morning and welcome to the Redistricting Committee.

**SHERRY VINTON:** Good morning, Senator Brewer, members of the committee. My name is Sherry Vinton, S-h-e-r-r-y V-i-n-t-o-n. I ranch along with my husband Chris near Whitman, Nebraska, in Grant County, which is Legislative District 43. I'm here today to testify in a neutral capacity and urge you to create rules that allow the flexibility to preserve as many rural seats in the Legislature as possible. There was a recent article in the Lincoln Journal Star and it indicated that we could lose as many as three rural seats to redistricting, so I'm here today to encourage you to keep that number as close to zero as possible for us. While I realize that you don't have the final numbers from the Census Bureau yet, it's important that this body does everything within its power not to disenfranchise our rural voices too. Currently, District 43 encompasses all or part of 13 counties, as Senator Brewer well knows, riding-- I don't know how many days it took to ride a mule across there, but for perspective--

**BREWER:** 37 days.

**SHERRY VINTON:** And I know it's a little bit quicker in a Bronco, but it still takes a long time. For perspective, Cherry County is like a super-sized county. It's just shy of 4 million acres. And while I've been in this district-- I've been District 43, 45, 47, 49-- the, the lines do shift and change, so it's important to me to keep our representation. Senator Brewer has done a great job, but it's a big district and it's a big challenge for one person. So with that, the potential of increasing the size of these rural districts greatly concerns me and it could lead to further distrust in the legislative process. With that, I thank you all for giving me the opportunity to testify.

**BREWER:** Well, Sherry, thank you for coming all the way here for this. And just as a reference, we're over 17,000 square miles just in District 43, yes. OK, questions for Sherry? All right, well, thank you

Rough Draft

for making the trip here to Lincoln. Hopefully you've got other stuff on your agenda.

**SHERRY VINTON:** Delivered some meat last night.

**BREWER:** All right. Additional neutral testifiers on LR134? Good morning and welcome to the Redistricting Committee.

**JUDY KING:** My name is Judy King. J-u-d-y K-i-n-g, and I'm really conflicted on this because normally when I heard something about redistricting and that it was a Republican that was bringing this forward, I was going to get my same old story about the takeover on January 6 and-- but after I read it, it didn't, it didn't sound too bad. And then after listening to some of the responses in here today, I think it's, it's something that should be moved forward. But on the other side of that, I heard in the past that there was a quick, quick revision of this and that's why we got Fortenberry and so I'm all for anything stopping Fortenberry being elected again, so that's all I have to say, so--

**BREWER:** All right. Thank you, Judy. Questions for Judy? All right, thank you for coming and testifying. OK, any additional neutral testifiers? Sir, welcome to the Redistricting Committee.

**DENNIS FUJAN:** Good morning-- Senator Linehan, good to have you here-- Senator Brewer and the rest of the committee. Thank you for having us here. My name is Dennis Fujan, D-e-n-n-i-s F-u-j-a-n. I'm a lifelong resident and a soybean and corn producer from rural Prague in Saunders County. I'm here today on my own behalf in regard to LR134. I do not oppose or support this bill. I came here as a concerned citizen to ask you to carefully consider the ramifications, ramifications of reducing what I call rural-route Nebraska due to redrawing legislative district boundaries. Over the years, we've been losing our voice more and more throughout the-- through the redistricting process. And because of that, we have been burdened with greater and greater share of local government financial support due to the fact that we cannot get property tax relief in a form that will help us to get an equal share or to have an equal support of, of our rural government support or our local government support, things like schools, fire districts, just the local business. In my opinion, it's simply a matter of fairness to make sure the number of rural senators is not reduced or we, we will have no voice. I don't know how an industry such as agriculture can survive if we lose the little bit of voice we have. As it was mentioned before, the agriculture is the backbone of the economy of

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

Nebraska, so I ask you to please do not weaken it by taking away our voice, by reducing the representation that we have earned and deserve. Thank you for the chance to voice my opinions here and I'd answer any questions if there are any.

**BREWER:** Thank you, Dennis. All right, questions for Mr. Fujan? All right, thank you for coming in.

**DENNIS FUJAN:** Thank you very much.

**BREWER:** All right, any additional in the neutral position? All right, with that, we-- oh, come on up. If you hesitate, you're lost here, so just so you know. Got your green slips in. Welcome to the Redistricting Committee.

**STEVE WATSON:** Good morning, Senator, Senator Linehan. My name is Steve Watson, S-t-e-v-e W-a-t-s-o-n. I come as a citizen representing only myself. I read the LR143 and noticed that there was language stating that there would be no consideration of partisanship. My interest in this is who draws the maps? I read the Supreme Court Opinion in Rucho v. Common Cause and the dissenting opinion by Justice Kagan indicated that there are data analytic companies that are able to evaluate that information and they can be hired to prepare literally thousands of proposed maps. Once the thousands of proposed maps are prepared using the state's criteria of contiguous boundaries for the, for the counties and the cities and so forth, then you can take voter preference information, partisanship, and overlay those maps on top of the neutral maps and you can determine which one of your committee maps that you select, how it deviates from the median. And so my question is who draws the maps? Are you going to have a computer scientist draw the maps? Are you going to have a data analytics assist you in drawing the maps? Because the United States Supreme Court in Rucho vs. Common Cause says the Supreme Court provides no guidance. It's up to the legislature to come up with a fair legislative district and I have no further comments.

**BREWER:** Well, you threw the question out there and of course, we only have one-- how shall I put it-- knowledgeable person who has been through one of these. Senator Lathrop, can you kind of give him an idea of how we did it last time?

**LATHROP:** Well, I think it goes through Legislative Research, but honestly, I wasn't on the, on the committee. I was on the Exec Board,

Transcript Prepared by Clerk of the Legislature Transcribers Office

Redistricting Committee May 18, 2021

LR134

Rough Draft

but not on the committee and-- but I was involved in choosing the committee and we'd have to go back and talk to--

**BREWER:** Senator--

**LATHROP:** --people that were members at the time.

**BREWER:** Senator Blood, please.

**BLOOD:** Thank you, Chair Brewer. So you should know that this year, we're going to utilize software called Maptitude and you can find information on it if you were to Google it and it actually does-- it's not going to create thousands of maps because that's not necessary in a state of such low populus, but it's going to take the criteria, take the population, and it's going to fairly give us a starting point. And so you should know that there's no bias in that, that it only is done through data, and it is nationally known as being a very effective tool. So Maptitude, Maptitude is what we're using.

**STEVE WATSON:** Map 2, t-w-o?

**BLOOD:** T-u-d-e, like attitude.

**STEVE WATSON:** OK, thank you.

**BLOOD:** You're welcome.

**BREWER:** Well done. OK, thank you for your testimony. All right. Senator Linehan, we are almost to the, the witching hour. Yeah. OK. Will the Speaker understand if we're AWOL?

**LINEHAN:** Yeah.

**BREWER:** OK.

**LINEHAN:** They will know where we are.

**LATHROP:** I don't think they're going to get to a vote on the next bill without--

**BREWER:** OK, good. All right. Welcome to the Redistricting Committee.

**JASON PERDUE:** Thank you, Senator Brewer, and good morning, Redistricting Committee. I am Jason Purdue, J-a-s-o-n P-u-r-d-u-e, and I live in York County between York and Waco. I'm here today to share a few thoughts on LR134 and the overall task of redistricting in

**Rough Draft**

Nebraska. I'll start by openly admitting I'm far from an expert when it comes to the intricacies of redistricting and in all honesty, I'm sure I know the least in this room. What I do know is that yourselves and the Legislature as a whole has a big task ahead of you that will have an impact on myself, perhaps my district, and of course, our state. My wife and I, along with our four kids, have a small farming operation that consists of row crop and contract pullet barn and we also operate Perdue Family Farms with my parents, which includes row crops as well as a small cow-calf herd. My family is part of a shrinking population directly involved in production agriculture. I know you are all aware of the benefits that this shrinking population brings to the state. I would just like to point out a few of these from the 2017 Economic Impact of the Nebraska Agricultural Production Complex, a report authored by the UNL ag economists, along with the Bureau of Business Research. They found that agriculture accounts for nearly 34 percent of business sales, 22 percent of the gross state product, and nearly one-fourth of the state's jobs are connected to the-- Nebraska's ag industry. So this creates quite a conundrum. How can a task that goes hand in hand with population help ensure a shrinking population and one that brings so much benefit to our state still gets fair representation? This is why I ask that you keep the agriculture community and our rural areas top of mind during the redistricting process. Not only is fair representation important to me and others in agriculture, but to the state as a whole. Thank you.

**BREWER:** All right, thank you. All right, questions for Jason? Any questions? Well, thanks--

**JASON PERDUE:** Thanks.

**BREWER:** --thanks for coming in. All right, we are still on neutral testifiers. Are there any additional neutral testifiers? All right, then we will have Senator Linehan go ahead and close on LR134.

**LINEHAN:** Excellent.

**BREWER:** Welcome back to your committee.

**LINEHAN:** Chairman-- I need to-- perfect. I'd just like to thank everybody for coming today, proponents, opponents, neutral, and I will check with all of you and figure out when we can exec.

**BREWER:** OK. All right, with that then, there are no letters to read in proponents, opponents, or neutral, so that will close our hearing on

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Redistricting Committee May 18, 2021

LR134

Rough Draft

LR134 for the morning and we will get to the floor to do more  
business.

**LINEHAN:** Thank you very much.