

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board January 27, 2022

HUGHES: I think we'll go ahead and commence with our hearing today. Welcome to the Executive Board. I'm Senator Dan Hughes. I'm from Venango, Nebraska, and I represent the 44th Legislative District. I serve as Chair of this committee. The committee will take the bills up in order posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before us today. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Move to the front row when you are ready to testify. The order of testimony will be introducer, followed by proponents, opponents, neutral, then closing by the introducing senator. If you are testifying, please fill out a green form found in the back of the room. Hand the green sign-in sheet to a page or committee clerk when you come up to testify. Spell your first and last name for the record. As you begin testifying, speak clearly into the microphone and be concise. Because we are a lunch hour committee, we ask that you please keep your testimony to three minutes. When you see the yellow light come on, that means you have one minute remaining. The red light, it needs-- the red light indicates your time has ended and you need to wrap up. Questions from the committee may follow. If you do not wish to testify today, but would like to record your name as being present at the hearing, there is a separate white sign-in sheet on the tables that you can use for that purpose. This sign-in sheet will become an exhibit in the permanent record of-- at the end of today's hearing. We ask that you please limit or-- or eliminate handouts. If you have handouts, the materials may be distributed to committee members as exhibits only while testimony is being offered. Please make sure that you have 13 copies and give them to the page when you come up to testify. They will be distributed to the committee and staff. The committee members with us today will introduce themselves beginning on my far left.

GEIST: Let's see, I think it's afternoon. Good afternoon. My name is Suzanne Geist. I represent District 25, which is the east corner of Lincoln and Lancaster County.

HILGERS: Mike Hilgers, District 21, northwest-- north Lincoln and Lancaster County.

McCOLLISTER: John McCollister, District 20, central Omaha.

SLAMA: Julie Slama, District 1, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

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VARGAS: Tony Vargas, District 7, downtown South Omaha and I serve as Vice Chair.

HUGHES: And on my right.

PANSING BROOKS: Patty Pansing Brooks, Legislative District 28, right here in the heart of Lincoln.

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

LATHROP: Steve Lathrop, District 12, which is Ralston and parts of southwest Omaha.

HUGHES: To my immediate right is our committee legal counsel, Janice Satra, and then to my far right is committee clerk, Mandy Mizerski. We also have two pages helping us today. Chloe Fowler, who is a senior at UNO majoring in political science, and Natalie Reynolds is at Wesleyan, majoring in international business. So with that, we will open our hearing on LB844. Senator McCollister, welcome.

MCCOLLISTER: Good afternoon, Chairman Hughes, and members of the Executive Board. 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. LB844 would aim to increase transparency when the Office of the Governor has the opportunity to fill a vacancy in the Legislature. When a vacancy occurs in the Legislature, there is little clarity to inform citizens how the process of appointment works apart from the statutory requirement that the replacement be a suitable person possessing the qualifications necessary for a member of the Legislature. This describes most of us, more or less, but doesn't provide much transparency as the process moves forward. LB844, you've outlined that many individuals who desires to be considered for eligible for appointment to the Legislature must submit an application to the Office of the Governor within 30 days that is-- that when a vacancy occurs. After 30 days have passed, a list of eligible applicants would be made publicly-- publicly available for the next 10 days. At this point, 40 days after a vacancy occurs that the Governor would be allowed to appoint someone from this pool of applicants. This change will improve transparency, accountability and clarity for a process that seems shrouded from public view. The 30-day requirement in this bill is probably too long during a legislative session. If the bill seems workable in its other aspects, perhaps a shorter duration could be considered in the rare instance that a vacancy occurs when the Legislature is in session. Thank you, Mr. Chairman.

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HUGHES: Thank you, Senator McCollister. Are there any questions from the committee? Senator Slama.

SLAMA: Thank you, Mr. Chairman, and thank you, Senator McCollister, for being here. I just had a quick question given that one of the members of the body who's actually gone through this process, previous appointees have been listed publicly. The applicants have been listed publicly. What was your reasoning in bringing this bill? Because it seems like this practice is already taking-- taken place, if not within the time limit that you described?

McCOLLISTER: Well, I would contend there is a lack of transparency, accountability and clarity in the way the process works because it seems clouded from public view. So I-- I think we can improve on that process.

SLAMA: But your, your bill specifically, generally speaking, you'd have those comments, but generally speaking, your bill does what's already being done in terms of making the names public. So I'm just not sure.

McCOLLISTER: But the time periods don't. I mean, I think that would publish that list of nominees and then the Governor would choose from that particular list. So I think it is a bit different from the current process.

SLAMA: OK, thank you, Senator.

McCOLLISTER: Okay.

HUGHES: Any additional questions from committee members? Seeing none, thank you for opening and you'll stay to close?

McCOLLISTER: Yes.

HUGHES: OK. With that, we will open up testimony to the public. We will begin with proponents. If you wish to testify, please come populate the front rows-- the front row so we can make our transition as quick as possible. Welcome.

GAVIN GEIS: Senator Hughes, members of the committee, my name is Gavin Geis, spelled G-a-v-i-n G-e-i-s, and I'm the executive director for Common Cause Nebraska. We are testifying in support of LB844. Overall, Nebraska is not an outlier amongst the states in terms of how we fill legislative-- legislative vacancies. States do it a lot of different ways and states give as much authority to the executive as we do. What

we think LB844 would do is provide some clarity and honestly a public process to apply for these positions. That is the primary reason we are supporting this. We believe the clear intent by adding the intent within the law of allowing the public to apply, allowing a process in which frankly, members of the communities that are affected by legislative vacancies can apply, can step up and say, I want to represent my community is an improvement upon the system we have right now. This would do nothing to change who the executive could select at the end of the day. It wouldn't tie their hands or change their appointments. It would simply provide an avenue for the public to participate, to put their name forward. Even if they don't stand a chance of being selected, we think it's an important part of filling legislative vacancies. It would improve the public-- the public's perception of the process and their-- we'll say ownership of the Legislature. Additionally, the added clarity on transparency of the list. Adding that into statute is by no means a bad thing. Requiring the disclosure of that list of participants of applicants, once again will help those communities that are affected by legislative vacancies. They have the greatest stake in who is selected in the pool of applicants and should know exactly who has applied and, of course, who was selected. But oversight, greater transparency and greater participation are the reasons we believe you should consider LB844 and pass it to the floor. It would give the executive as much power as they have now. It would not tie their hands, but would provide greater-- just public support and transparency to the process. That-- that is all we have. Thank you.

HUGHES: Thank you, Mr. Geis. Are there questions from the committee? Seeing none, thank you for coming in today.

GAVIN GEIS: Thank you.

HUGHES: Next proponent. Welcome.

WESTIN MILLER: Thank you, Senator Hughes. I often get confused for Gavin, and I feel like today I really understand why that happens.

HUGHES: You're much better looking.

WESTIN MILLER: Thank you for that.

HUGHES: So we're clear on that. (LAUGHTER)

WESTIN MILLER: Senator Hughes, and members of the Exec Board, 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'm here in support of LB844. I'll just

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take a moment. I think we're very straightforward in our support for this bill. At every turn, we were looking for opportunities to promote trust in our civic institutions, and I think that one of the truly last remaining bipartisan desires is for politicians to be more transparent about the decisions that they make and why. I think this is a great example of how to do that in a process that can be sometimes quite secret. It doesn't actually affect the Governor's power. It just allows Nebraskans to be a little bit more informed about what's going on. Senator Slama, you make a great point that this often happens really well already and I think to that, I think it's good to just codify best practice so we don't have to rely on the good decisions of each administration. Let's just make it standard. So that makes it kind of a slam dunk for us, and I hope you will advance LB844.

HUGHES: Thank you, Mr. Miller. Are there any questions from the committee members? Seeing none, thank you for coming in today.

WESTIN MILLER: Thank you. Sorry again.

HUGHES: Next proponent.

SHERI ST. CLAIR: It's not as (INAUDIBLE) looking as it seems.

HUGHES: Welcome.

SHERI ST. CLAIR: Thank you, Senator Hughes. I am Sheri St. Clair, S-h-e-r-i, S-t, C-l-a-i-r. I'm here this afternoon on behalf of the League of Women Voters of Nebraska expressing our support for LB844. We support public availability of identification of people. The time frames that are provided in this legislation are also supportable. As you know, the League has long worked for the public's right to know in broad public participation in government, and we agree that adoption of LB844 will help ensure transparency in the process of filling vacancies in the Legislature and urge the Executive Board to advance LB844 for full floor debate.

HUGHES: Thank you, Ms. St. Clair. Are there any questions from the committee members? Seeing none, thank you for coming in today.

SHERI ST. CLAIR: Thank you.

HUGHES: Additional proponents. Any additional proponents? OK, we will move to opponents. Anyone wishing to oppose LB844? Seeing none, anyone wishing to offer neutral testimony on LB844? Welcome.

NATHAN LEACH: Thank you, Mr. Chairman, members of the Executive Board. My name is Nathan Leach, N-a-t-h-a-n L-e-a-c-h, and I am here speaking in a neutral capacity on LB844. My-- the reason I'm here in the committee hearing is actually to speak primarily on the next bill. But I wanted to share a little bit of my thoughts on this bill. I think that it is a step in the right direction, but to me, it raises a deeper question about the role that we want the Governor to play in filling the vacancies and particularly the question of why the Governor needs to play that role. When I was working in the Arizona State Legislature, I learned that in Arizona, the county commissioners appoint replacements in-- to the Legislature when a resignation occurs. And I think that perhaps in the state of Nebraska, we would benefit from a more localized or more nonpartisan way of filling vacancies in the Legislature. A couple of ideas that I had resonated about a little bit would be empowering the legislative caucuses to fill vacant-- vacancies within the Legislature. In that way, the vacancies are more likely to represent the political makeup of that caucus. Another option would be for the county commissioners that every legislative district that touches on a county, that the county commissioners would then be able to designate a replacement to that seat in the Legislature, which would be a lot better than the current situation where we, for example, let's say we have a Republican controlled Legislature and the Governor is a Democrat. There is a vacancy that occurs in my district in Kearney that Senator Lowe currently has. Would it be right if the very partisan Democratic Governor appointed a progressive candidate to represent LD37? I don't think it would. I think that would take away from the localized perspective of that legislative district. And of course, that same thing can happen in the reverse, where a-- a Democratic candidate from Omaha resigns and the Governor replaces them with someone who is very partisan in the opposite way of their legislative districts. So I know this bill doesn't address this subject, and that's why I'm speaking in a neutral capacity. But I think it does raise a really fundamental question about the role of the Legislature and why the Governor needs to play that role in appointing replacements. So with that, I thank you for your time and thank you for allowing me to ruminate a little bit on this subject, closely related, but not quite connected to the underlying bill.

HUGHES: Thank you, Mr. Leach. Are there any questions from the committee members? Seeing none, thank you for coming in today. Any additional neutral testimony? Seeing none. Senator McCollister, you're welcome to close. While Senator McCollister is coming up, we do have

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position comments for the hearing record. We have two proponents submitting comments for LB844. Senator McCollister.

McCOLLISTER: Thank you, Mr. Chairman, and members of the committee. I will poll members of the committee and see if there's any appetite for moving this bill forward and if so, we'll-- we'll take the next step after that occurs.

HUGHES: OK. Any questions for Senator McCollister? Seeing none, that will close our hearing on LB844 and we'll move on to LR269CA. Senator Hunt, welcome to the Executive Board.

HUNT: Thanks, everyone. Good afternoon. I'm state Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8 in midtown Omaha. LR269CA would place on the ballot a proposal to create a nonpartisan, independent, citizen-based redistricting commission. I'm eager to have this conversation now right on the heels of our Special Session where we did redistricting rather than, you know, 7, 8, 9, 10 years from now. It's good to do it now while the redistricting process is still fresh in our minds and in the people of Nebraska's minds. There's an appetite for this conversation in the public, and I think it's better we have it now than in 9 or 10 years when all of us will be gone, probably. Late last year we convened for a Special Session to complete our redistricting duties. This is something the Legislature is tasked with doing every 10 years following the U.S. Census. The census provides us with fresh population data, and the redistricting process is how we redraw the boundaries of our election districts to reflect population shifts and try to keep them roughly equal for voters. It's a highly consequential process because it determines who can vote and who represents us in the next decade. In Nebraska, our constitution was written to delegate all the responsibility for this process to the Legislature. This probably seemed like a good idea at the time when politics and state government operated much differently and didn't have the modern tools that we now have at our disposal. But for decades now, Nebraska's redistricting process has been tainted by partisan interests. That's because there's something fundamentally undemocratic about having elected officials draw their own district boundaries. Even in the Unicameral, we run and we operate on a nonpartisan basis, but we all have ties to parties in some capacity. We get support from certain people and interest groups, and we each have a vested interest in seeing redistricting go a certain way because our jobs and our votes on our bills depend on it. With LR269CA, the Legislature would resolve to put a constitutional amendment on the ballot for voters to decide if Nebraska should put some checks and balances in place around our redistricting process by

creating an independent redistricting commission. The language I have here is modeled from the initiative petition that circulated in 2020. It failed to gather enough signatures due to the pandemic that year, but it's really just a starting point for this discussion, and I'm very open to changing the particulars of it. This constitutional amendment, if approved by the Legislature and the voters, would establish a politically balanced nine member independent commission to redraw district lines. It would prohibit anyone who has been a lobbyist, elected official, party leader or candidate in the past five years and their family members from serving on the commission. Members of the Legislature would screen commission members, and the commission would recommend a plan for district boundaries to the Legislature for approval. This way, the Legislature would still play an oversight role in the process, but there would be a citizen arm of checks and balances to make the process more fair and transparent. 18 states have some form of independent redistricting commission. Five of them have advisory commissions that assist the Legislature with drawing maps, 10 have a primary commission for drawing maps and three have a backup commission to decide what the maps will be if the Legislature doesn't come to agreement. Bills like this or, you know, resolutions like this to reform redistricting and make it more democratic have been brought by Nebraska senators every session for years now. They've differed in their approaches, but they've all had an eye toward making this process more balanced and transparent. Most notably our now Treasurer, former Senator John Murante, worked on this for years and passed his bill to do this in 2016, and it was vetoed by the Governor. Murante chose not to override the veto because Governor Ricketts said that the LB improperly delegated redistricting authority because the Legislature is constitutionally required to draw district lines. My bill addresses that concern by bringing a constitutional amendment to the people. If they vote in favor of it, it will change our constitution to allow them to do this. At the time, Governor Ricketts also said that he had a concern with an unelected advisory committee having map-drawing responsibility. In my bill, I address that concern by having a check of having the Legislature Screening Committee screen and appoint members to the redistricting committee. There's also parameters around who can be in the pool, so it's not just anybody who's going to get selected, and no one who has a blatant conflict of interest is going to be eligible to serve. I would also say just in principle, elected officials should not be drawing their own maps. It's just a belief that I have and a lot of Nebraskans share that belief, and I think it'd be a good idea to let this go to the ballot and see what they decide. In this past redistricting cycle, we heard from Nebraskans about their frustrations with how everything-- well,

some things felt obscured from public view. Many meetings were closed to the public, not streamed or televised or scheduled at the last minute during a pandemic. The software that we use took so much bandwidth that we only had it on two compare-- two computers in the building for 49 senators, plus each of their multiple staff members and the public to use. And it was very slow. The mapping process itself on the computers was extremely tedious and time consuming and difficult to understand, and I have to give a huge shout out to the Legislative Research Office and their staff who carried this process on their backs and helped us all with it so much and made it possible for us to draw our maps. They did an amazing job. So I'll grant that some of the murkiness around this process was just due to us trying to figure out the process that we haven't gone before-- gone through before as we went. There's a couple of people in the body who've done redistricting before, but it-- because of our 8-year term limit, like that's really not typical for people to have done it twice. But to me, that's not really an excuse because we have the capacity to do it better. All of these factors can-- culminated in a redistricting process in 2020 that the public felt left in the dark about to hear them tell it. And all of this underscores the need for us to delegate some redistricting power into the hands of an independent body that will be unmotivated by party affiliation or special interests. As many people say, when it comes to redistricting, voters are supposed to pick their representatives, not the other way around. With our current system, the Legislature is picking its voters. And it's not just bad government for legislative districts. By letting the Legislature control the boundaries of all election districts, including those for Congress, there's always going to be ample opportunity for bribery, for quid pro quos or underhanded influencing of district boundaries in order to score points with future congresspeople or candidates, or just to set yourself up for a good run in a future office. Or maybe the Legislature doesn't really like a candidate or an officeholder, and they want to make their chances of election or reelection more difficult. The system is just ripe for abuse, and while we want to give the appearance that this is all done fairly and without any abuse and it's done in the light of day, each of us in the room knows that that's not really the case and Nebraskans know that too. So as much as we try to do the right thing, there's always going to be that pressure and incentive for some of us to make decisions that are beneficial for us and not really what's right for Nebraskans. So it's for that reason that I think Nebraskans should have the opportunity to choose if they would like us to have an independent redistricting commission that we select that then gives maps to us for approval. I think that we owe it to Nebraskans to place a significant part of the process in their

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hands and make sure that we can do this in an independent and impartial way. Thank you.

HUGHES: Thank you, Senator Hunt. Are there questions from the committee? Senator Slama.

SLAMA: Thank you, Mr. Chairman, and thank you, Senator Hunt, for being here. This isn't my critique or favorability endorsement on my part at all to LR269CA, but did you consider the single subject rule when you drafted this? Was that a consideration?

HUNT: It's always a consideration. I think that based on other CAs that we've seen come up, this fits the single subject rule. So yeah, I thought about it and I think that this draft is fine.

SLAMA: OK. Well, since it's 4-pages long and I think just broadly counting, I could count probably 12 separate subjects. I'd be happy to work with you if you wanted, like this is something I'm open to working on. I just want to make sure that if it does proceed, it doesn't get struck down by the courts as we've seen before.

HUNT: Thanks. I feel the same way.

HUGHES: Any additional questions? Seeing none, you'll stay for closing?

HUNT: Yeah, thank you so much.

HUGHES: Very good. We will now open up testimony on LR269CA, so proponents, and I remind if you wish to testify, please come populate the front rows. Welcome.

KRISTIE PSADE: Thank you. My name is Kristie Psade, K-r-i-s-t-i-e P-s-a-d-e. I'm a mathematician and I've been studying redistricting for the last three years. I am speaking in support of LR269CA because I think having persons who represent the entire state on an independent commission has a better chance of preventing problems that we saw with this last redistricting cycle where legislators who represent their districts make decisions. So I'd like to point out deep concerns that I have about the previous redistricting process. The adopted 2021 legislative maps are malapportioned. So the rural districts, by and large, have populations under the ideal population of about 40,000. Rather, the urban districts are above, and that gives more representational power to the rural districts. I pointed this out at the September 16 hearing in Omaha when I shared a map, a color-coded map and a graph to show Senator Linehan's and Senator

Wayne's legislative maps. What you see on these maps is that the blue districts are underpopulated and the red are overpopulated. And so you will see that Senator Linehan's map has largely the rural districts being blue and urban, red, whereas the Wayne map shows a randomness. The adopted map on the bottom left also shows this trend of under-populating rural districts. The graph at the bottom right. I won't go into the details, but each of those lines go with one of the three maps, and each of those lines has what's called an R value. That's a correlation coefficient. It's a statistical term. So the larger the R value, which I've included with the titles of those maps, the larger the R value, the stronger the relationship is between the deviations and the urban ruralness. So the smaller one-- the smallest one is for Senator Wayne's map, and that means there's-- it's more random how those deviations were assigned. I have additional concerns that when measuring compactness, which is in the Nebraska Constitution, the Legislature chose maps that were less compact than others that were proposed. In addition, the congressional district 2, the communities of interest, which here I consider to be an urban population, were not respected and that is part of LR134 to preserve communities of interest because a very, very rural district was paired with two urban districts when there were other very-- more sort of obvious pairings to honor that-- the urban population.

HUGHES: Thank you, Ms. Fadi?

KRISTIE PSADE: Fadi.

HUGHES: Very good. Any questions from the committee? Senator Lathrop.

LATHROP: Maybe just a comment. I know I remember that you were in the Omaha hearing. I just appreciate that out of our-- out of the public comes somebody with an interest in the topic and who spent some time on it. And-- and we appreciate your input.

KRISTIE PSADE: Thank you.

LATHROP: Then and now, yeah.

KRISTIE PSADE: Thank you.

HUGHES: Any additional questions from committee members? Seeing none, thank you for coming in today. Next proponent to LR29 or 20--- LR269. Welcome.

SHERI ST. CLAIR: Thank you. I am Sheri St. Clair, S-h-e-r-i-, S-t, C-l-a-i-r, speaking here on behalf of the League of Women Voters of

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Nebraska in our support for LR269CA. The League has long believed and supported that the responsibility for redistricting preferably should be vested in an independent special commission or independent redistricting commission IRCs. They are increasingly common. In 2018, voters in Colorado, Michigan, Missouri and Utah approved ballot measures creating IRCs. States such as Arizona, Colorado and Iowa already have commissions that remove politicians from directly drawing lines and making direct-- drawing the lines that require consensus. Although the structure of IRCs varies from state to state, they are meant to make the redistricting process more transparent and impartial by establishing standards for who can serve on the commission and the criteria that must be followed in drawing district maps. A key component is that political insiders are prohibited from participation, eliminating the clear conflict of interest that exists from elected officials or those close to them draw districts. Partisanship and the outcomes of future elections were not far from the minds of Legislatures during last year's redistricting in Nebraska. The question of drawing maps for partisan gain or incumbent protection was raised many times during public hearings by testifiers and committee members. Protecting incumbents seemed to be a greater concern to the state senators than equal voting power for every Nebraskan and the voices of the communities they're supposed to represent. Recall-- that a January 2021 poll by the ACLU found that 93 percent of Nebraskans agreed that redistricting should be driven by census data, not by deals that benefit a party. Nebraskans are willing to participate in this process. I contacted the aide to the redistricting committee once this was all said and done, and he reported that approximately 900 letters have been received during the Special Session, but they had not had time to sort the letters into proponents, opponents and neutral categories. Additional public testimony occurred at all three of the hearings throughout the state, and the numbers that I received from him are in your handout. Over 80 people, roughly, at each of the hearings, although I think the count might have been a bit higher than that. So the creation of an independent commission and a citizen run process subject to final legislative approval will increase public confidence in the redistricting process, and we urge the Executive Board to advance LR269CA for full floor debate.

HUGHES: Thank you, Ms. St. Clair. Are there any questions from the committee? Seeing none, thank you for coming in today.

SHERI ST. CLAIR: Thank you.

HUGHES: Next, proponent. Welcome.

WESTIN MILLER: Thank you, Senator Hughes, 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'm here in support of LR269CA. I do want to start by thanking Senator Hunt as she said for bringing this bill up now instead of nine years from now when we've all forgotten again how this works. I'm very candid with my team that this redistricting is my least favorite issue to work on, not because it's not very important, but because nobody knows what the heck is going on and that was half the stress the whole time, it seemed like. That being said, our support for this is very straightforward. I think that legislators drawing their own districts, deciding who is and isn't going to be able to vote for them is just fundamentally bad for public trust in this process. And I-- I just-- all I can do is say that this would be regardless of whether this last redistricting cycle was as great as possible or as terrible as possible, we still think this is a good move because legislators deciding who their voters are, it just doesn't pass the smell test for Nebraska voters. Nobody sleeps better at night knowing that your representatives choose you rather than you choosing your representatives. I think Senator Hunt has been very clear that an independent commission will not magically solve all of our problems, but I do think it's a really important step towards making this process at least slightly less partisan, at least slightly less toxic. The Legislature keeps approval power. I think that's very important for accountability, so it strikes a very important balance. And again, just an essential step for public trust. So that makes it an easy yes for us, and I hope you'll advance it to General File. Thank you.

HUGHES: Thank you, Mr. Miller. Are there any questions from committee members? Seeing none, thank you for coming in today. Next, proponent. Welcome back, Mr. Geis.

GAVIN GEIS: Senator Hughes, members of the committee, my name is Gavin Geiss. That is spelled G-a-v-i-n G-e-i-s, and I'm the executive director of Common Cause. For the record, I do not believe Westin and I are greatly different in our personal appearance, (LAUGHTER) but I will-- I'll take that as a good jab and not personal.

HUGHES: Not personal.

GAVIN GEIS: Having said that, we are in support of LR269CA for many of the reasons already mentioned. But I will hit on what for me is personally the biggest reason to move towards an independent commission, to move away from the Legislature drawing maps, and that is precisely because legislators have such a great personal interest

in the outcome of district lines. I do not blame any of you for having a personal interest in the outcome of district lines. It affects your elections. It affects the people you represent. I get it. And unfortunately, during debate, as others have mentioned, we heard multiple times this will affect reelection bids. The lines here are going to make it harder for Senator X, Y or Z to get reelected. We do not believe that should be a part of the redistricting process. Considerations of reelections, of elections, of how you'll stay in power and maintain your seat are not part of the process. It should be focused solely on the communities that are represented, on the people that live there, not on whether or not your reelection is going to be more difficult because of how district-- district boundaries are drawn. So from our perspective, LR269CA is a step in the right direction for Nebraska. There are areas, I would recommend greater transparency, greater public engagement from an ideal bill, but when it comes to the baseline of who is drawing these maps and the personal stake they have in the outcome of these maps, I think it's important that legislators not be the sole bearers of the district boundaries that the public has far more interest in be-- having it drawn by those who aren't elected in those districts and those who don't have as much of a personal stake in the outcome of max-- maps. Thank you. I appreciate the time and happy to answer questions, but thank you all.

HUGHES: Thank you, Mr. Geis. Are there questions? Senator Hilgers.

HILGERS: Thank you, Mr. Chairman. Mr. Geis, it's always good to see you. What is the-- in the CA, what is the-- what sort of level of discretion the Legislature have to approve or modify the proposal from the commission?

GAVIN GEIS: As I remember it from the CA, they are allowed to accept or reject maps, but not to edit them directly. Is that-- am I correct or am I off in my assessment?

HILGERS: The reason I asked the question is I didn't have it in front of me. So if they accept and reject, but don't modify, if there is the-- I understand the principle that's being put forward by proponents, but there's another principle and I just want to get you to react to this, which is, the Legislature is at least politically accountable to somebody. They can be reelected, they can be kicked out of office, and at least there is some accountability. And I meant to ask Mr. Miller when he was back in the chair because he said there's accountability. But if all the Legislature can do is either approve or reject, but not modify, how does that allow for accountability through elected officials?

GAVIN GEIS: It is a good question right. There-- I will agree there is some degree of accountability in how these elections affect the outcomes of maps. What I would counter with is, if you're in charge of drawing your own district, if you get to select who the voters are in your district, in the worst case scenario, right, how can we then accept that those voters in that district are going to be able to affect the outcome of elections in a way that are meaningful? If you are overseeing the drawing of the maps, can we then accept the outcomes of those elections as being true to what the voters want in those areas? So there is a chicken and egg here maybe, you would say in terms of what comes first, but.

HILGERS: Well, I would say-- I would say we already have the chicken don't we because we've been doing this for decades and I-- and I, even though I understand, I'm certainly would not be-- I would not be standing and arguing and saying it's a perfect process by-- by any means. But at the same time, it does seem that elections have been accepted, at least on the basis of how the districts have been drawn over the last several decades. So I don't know if it's chicken and egg because I think we've already been doing elections under the system. Let me ask you a different question.

GAVIN GEIS: Right.

HILGERS: I understand the point of proponents of this saying we don't want elected officials drawing their districts and from a certain point of view, I understand that point as far as it goes. On the other hand, doesn't there seem to be another principle, which is the elected officials know their districts in the community of interest better than maybe some people do? Would you stipulate-- would you stipulate to that?

GAVIN GEIS: I would agree that, yes, they do know the people.

HILGERS: Some people certainly. So one thing that I observed during redistricting is that this applied to senators as well as members of the public. It's really fine to me. I knew my District-- District 21 very well, but there are a lot of districts in other parts of the state that I didn't know. I didn't know the different school districts, I didn't know the different neighborhoods as well as the senators that were there. And so if you only have nine members of the public, isn't it-- it is necessarily true that those members-- you will have people who have no connection to the districts in which they don't live drawing the districts. It isn't there at least a negative potential consequence from that that we should at least grapple with?

GAVIN GEIS: I think we should grapple with it. I completely agree with that. To that point, and in saying there were things I would add to the bill, I do think there is more reason-- there is reason to have more public hearings if we go down this route. I think there should be a first round of public hearings where this-- where this committee-- commission would collect data on these communities, would go and have before maps are drawn, have conversations with those communities to see where should the boundaries be and then go back once maps are drawn. Right, and review that. So yes, there is something to grapple with here, undoubtedly.

HILGERS: That's fair. I guess my last and I-- that type of community input, I think is important. I would just-- my last comment and I'll go back to the chair. It's just, I think-- I certainly speak for myself, and I would wager to guess most, if not all, the members of the Legislature that we would have preferred to have more time last year and not have done it in the Special Session. So having that, because having that kind of input and the opportunity to really consider, think through these issues, I think is important. So thank you, Mr. Geis.

GAVIN GEIS: Thank you.

HUGHES: Any additional questions from committee members? Seeing none, thank you, Mr. Geis, for coming in.

GAVIN GEIS: Yeah.

HUGHES: Next proponent.

DANIELLE CONRAD: Hello, good afternoon.

HUGHES: Welcome, Senator.

DANIELLE CONRAD: Hi, it's Danielle Conrad, D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here to say on behalf of the ACLU of Nebraska. Unlike Senator Hunt, I do waste my lipstick on my mask daily, so hopefully it's not too smeared at this point in time. Somebody would help a sister out, hopefully, if that's the case. Just give me a look. Oh, oh, I got one from Senator Slama. I'm wasting my time. OK. All right. So that the hallmarks of sound redistricting are that they center voters, not politicians. That it's data driven, that it's transparent, that it's participatory, that it's nonpartisan, and that it protects the rights of minority voters. Those are kind of the big top lines that we all need to stay focused on to ensure sound redistricting. I think that we have some very painful experiences, particularly in the

post-term limits era in Nebraska, where now we've gone through two rounds of redistricting and they've been incredibly fractious. Now perhaps we've been able to avoid the very worst abuses in redistricting, which is saying something, but I don't think we're meeting best practices and I don't think that it's a sound process moving forward. So in light of that experience and in light of our unique political history in Nebraska and proud cultural and political traditions to adhere to nonpartisanship and put policy above politics, I think that this constitutional amendment belongs before voters so that we can continue the conversation and let the second house weigh in and help us achieve better practices in our redistricting moving forward. I did want to just note a couple of things quickly for the record, in response to questions from Senator Hilgers related to accountability. I don't think you lose anything from an accountability perspective. The Legislature appoints the commissioners, right? There's accountability there. The Legislature says yay or nay on the maps that come before them. There's accountability there. I think when it goes to, well, what if citizens don't have a connection to other districts, you know, how do they really sort through those complex situations? Well, I'd venture to say that the folks sitting on the redistricting committee don't necessarily have the same kind of bird's eye view to other people's districts as they do to their own, and senators can participate in the process. You saw a lot of senators organize their communities, come in and testify at the public hearings, etcetera, and nothing would prevent that from happening under-- under this new process. I have also sent around kind of a nice table from NCSL to show you how more and more states are moving in this direction. And of course, there's differences in terms of their approach, but I think that Senator Hunt's proposal captures most of the best practices from our sister states that have found and charted a better way. Last question to Senator Slama. I think when you look at single subject, you're generally talking about Article III, Section 2 in the Nebraska Constitution, and we have more learnings from very recent Supreme Court cases about what that means, particularly in the ballot initiative context. I'll just wrap up really quickly. They're looking at the singleness and the primary purpose. They're looking at the relationship to detail. They're looking at a natural and necessary connection test. So just because it's long doesn't mean it would violate single subject, but those would be the hallmarks that you'd want to evaluate.

HUGHES: Thank you very much.

DANIELLE CONRAD: Thank you. Happy to answer questions.

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HUGHES: Are there any questions from committee members?

DANIELLE CONRAD: Thank you.

HUGHES: Seeing none, thank you for coming in today. Next proponent.
Welcome.

MEG MIKOLAJCZYK: Good afternoon, Senator Hughes, and members of the Executive Board. My name is Meg Mikolajczyk, M-e-g M-i-k-o-l-a-j-c-z-y-k. You can just call me Meg. That's fine. I'm with the Nebraska Civic Engagement Table. I am the executive director there. We have not been in front of the Legislature much, so I'll just share that our mission is-- and our fundamental values too are rooted in the proper carriage of democracy. The idea that a truly representative government by and for the people where all voices are heard is-- is, you know, crucial and something worth standing up for. So of course, given our mission, we strongly support LR269CA and we really are grateful to Senator Hunt for her efforts towards this very real need for reform. Most of what I have shared with you in-- in writing is what all of my friends and colleagues have already shared, so I don't need to retread that. I do want to say from our perspective, one thing we're really focused on is making sure historically underrepresented folks do have a representative number of seats at the table here at the Legislature, and we think that this independent redistricting move would help with that and ensure an equitable and functioning government. I will also share that we have a little bit of a question around how LR269CA would still ensure equitable participation geographically in electing these commissioners. And, you know, I'm not sure if that's something that we can answer right now, but we're interested in working with Senator Hunt on that really to making sure that it's not one or two municipalities who are controlling this process, but that the rural voices part of it as well. That's a focus for us. So I just want to make sure the Civic Engagement Table is on the record in support of this, and I really thank Senator Hunt for her leadership. Thank you.

HUGHES: Very good. Thank you, Meg. Any questions from the committee? Seeing none, thank you for coming in today. Next proponent. Welcome.

NATHAN LEACH: Thank you, Mr. Chairman, and members of the Executive Board. My name is Nathan Leach, N-a-t-h-a-n L-e-a-c-h, and I am speaking in favor of LR269CA by Senator Hunt and representing an organization called Nonpartisan Nebraska. We're a new nonprofit organization that celebrates the unique, nonpartisan, Unicameral Legislature. And a lot of what I wanted to share has already been

expressed by those who spoke before me, so I wanted to maybe speak a little bit more personally to the issue. Nonpartisan Nebraska supports anything that we can do to create a nonpartisan government for Nebraskans. The nonpartisan government is based on this idea that political parties are not given any advantage over any other private organization in how our government functions. We do not believe that the political parties certainly play a role in our democracy, but when you look at things like the Legislature by having nonpartisan elections and in this case, a nonpartisan process for redistricting, we can ensure that the representatives are making decisions based on the issues of their constituencies and their own values and beliefs, and not the partisan influences or making decisions just for partisan gain. One thing that I've always found interesting about this particular reform is that it is usually placed-- it's usually introduced as a legislative bill, and the argument has been made that you can't quite do this with the legislative bill because the Nebraska Legislature is the one who was supposed to be deciding redistricting. I have always advocated-- I support this reform, and I think Nebraskan voters would certainly vote for it, but there is certainly an argument to be made that this exact resolution could be reprinted into the Nebraska legislative rules, and it would have the exact same-- or most of the same effect. The Legislature is given the authority to determine its own rules of procedures. And that's a constitutional right of the Legislature. And so if the Legislature wants to create a committee that's made up of nonlawmakers, there's nothing in the Nebraska Constitution that says they can't. The only thing that the Legislature would have to do is cast those final votes on the piece of legislation, and the piece of legislation would have to follow other constitutional requirements. But the idea that an independent commission could not be created by the Legislature under its constitutional right to create its own rules is-- is to me, does not-- does not quite follow with my understanding of that provision. So I appreciate your time and I'd be happy to answer any questions.

HUGHES: Thank you, Mr. Leach. Are there any questions from the committee members? Seeing none, thank you for coming in today. Next proponent to LR269CA.. Any additional proponents? How about opponents? Any opponents? Seeing none, anyone wishing to offer neutral testimony? Seeing none. Senator Hunt, as she's coming up, we do have position comments for the hearing record. We have seven comments as proponents. Senator Hunt.

HUNT: Thank you, Chairman Hughes, and members of the committee. I don't have anything to add that hasn't already been said on the

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record. I just wanted to offer myself to give responses to any of your questions or concerns before we adjourn.

HUGHES: OK, any questions from the committee members? Seeing none. I think you got off the hook easy.

HUNT: Thank you.

HUGHES: That will close our hearing for today on LR296CA and we are adjourned.