

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 3, 2021

\*Indicates written testimony submitted prior to the public hearing per our COVID-19 response protocol

**BREWER:** Good morning, and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer of the 43rd Legislative District and I serve as Chair of this committee. Due to social distancing requirements and for the safety of our committee members, staff, pages and the public, we ask those attending the hearings abide by the following rules. We ask that you enter the hearing room for your bill only, but yet-- we have only one bill this morning. We don't have a very full room so we won't worry about that. But ask that you utilize the entrance door to my left and the exit door to my right. Request that you wear a face covering while you're in the hearing room. Testifiers may remove face covering during their testimony to assist the committee members and transcribers in clearly hearing your testimony. Committee members, I will leave it up to you on the face covering. Public hearings for which attendance reaches its max limit. Won't worry about that. The committee will take up bills as posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your opinion on the proposed legislation before us today. Committee members may be coming and going to other hearings, just part of the process here. And Senator Blood did leave me a note that she is in a Judicial hearing today, so she will not be with us. Senators may be on their computers or cell phones simply checking on information or finding out if they have another hearing to be at. Please turn off or silence any of your electronic devices. No food or drink in the briefing room. Please remove to the reserved chairs when you're ready to testify and the chairs are marked with the white tags there. If you're planning to testify, please pick up a green sheet on the table at the back of the room. Please fill out the green sheet before you testify. Please print and it's important that you have the form completely filled out and then turn in this-- this sheet when you come forward to the committee clerk or page. Any letters that are going into the official record need to be posted before 12:00 Central Standard Time, the day prior to the hearing. If you have handouts, we'd ask you provide 12 copies. No mass mailings will be included and the letters must include the bill number, proponent, opponent or neutral. When you come up to testify, please speak clearly into the microphone. Tell us your name and then please spell your first and last name for the record. We will be using the light system here today. You will have five minutes to make your initial remarks and that will be followed by one minute-- or you'll have one minute that the yellow light will indicate and then the red

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light when your time has expired. No displays of support or opposition to bill-- bills, vocal or otherwise, will be allowed. Committee members with us today will introduce themselves starting on my right with Senator McCollister.

**McCOLLISTER:** John McCollister, District 20, central Omaha.

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

**LOWE:** John Lowe, District 37.

**HALLORAN:** Steve Halloran, District 33, Adams and Hall County.

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

**BREWER:** And we've got Julie Condon, the committee clerk on my left, and Dick Clark, the committee counsel on my right, and our pages today, Jon Laska. Jon is a senior at UNL from Genoa, Nebraska, and we've got a stand-in today as the other one, Evan Tillman. She is also a UNL. She's from Wisconsin and a sophomore. With that said, we will begin today's hearings on LB442. Senator Hansen, welcome to your committee.

**M. HANSEN:** Thank you. Good morning, Chairman Brewer, and fellow members of the Government, Military and Veterans Affairs Committee. My name is Matt Hansen, M-a-t-t H-a-n-s-e-n, and I represent District 26 in northeast Lincoln. I'm here today to introduce LB442 which would create an Asian-American commission in Nebraska. You may recall the discussion we had last year around creating an African-American commission, Nebraska. I thought that was a very timely bill and was very appreciative of Senator Wayne's work on it. By a bit of luck, last year, I was asked to join the board of the Asian Community and Cultural Center here in Lincoln, in part because it was located in my district in northeast Lincoln. Following the adoption of Senator Waynes' bill, I discussed the idea of our board president and executive director to create a similar Asian-American commission, and it was well received. LB442 is modeled after the African-American commission bill we passed last year, that if passed, would join that commission as well as two others, the Commission on Indian Affairs and the Latino American Commission. This would provide a commission to study specific issues to our Asian-American community, educate state

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officials on those issues and propose policies or programs to address them. I believe there are some written testimony and letters on the bill by the Asian Community and Cultural Center, as well as some members, other members of our board. I appreciate the opportunity to discuss this bill, and I'll be happy to answer any questions.

**BREWER:** All right. Thank you, Senator Hansen, for the opening on LB442. Questions for Senator Hansen. Senator Sanders.

**SANDERS:** Thank you, Chairman Brewer. Senator Hansen, thank you so much for bringing this forward on behalf of the 21.4 million Asian-Americans living in our country from 20 different countries and the fastest growing major ethnic group in America. And I'm speaking on behalf of an Asian-American, so thank you for bringing that forward. If there's anything I can do to help. Thank you.

**M. HANSEN:** Of course, I would appreciate having help.

**BREWER:** All right. Any other questions for Senator Hansen for now? You'll stick around for close?

**M. HANSEN:** Of course.

**BREWER:** All right. Thank you. All right. We will begin with proponents to LB442 as soon as Jonathan finishes his cleanup there.

**ROSE GODINEZ:** Good morning.

**BREWER:** Good morning and welcome to the Government Committee.

**ROSE GODINEZ:** Thank you. My name is Rose Godinez and I'm testifying on behalf of the ACLU of Nebraska in support of LB442 which creates a long overdue-- oh, spell my name, R-o-s-e G-o-d-i-n-e-z-- long overdue commission on Asian-American affairs. First, I want to thank Senator Hansen for introducing this legislation. Asian-Americans are an integral part of our community and like other marginalized communities, have a history with systemic racism in our country and state, which we have yet to break free from. After a wave of immigration from China to California in the late 1800s, Asian-Americans in the United States were targeted using racist stereotypes that developed into policies and laws such as the 1882 Chinese Exclusion Act, which was not fully repealed until national quotas were eliminated in 1952. Then during World War II, the U.S.

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Government actively fabricated smears again-- against Japanese-Americans in the United States, including in filings before the Supreme Court, resulting in the mass incarceration of people of Japanese descent, including U.S.citizens in internment camps. The ACLU led both of those cases before the Supreme Court of the United States and lost, but the cause was just and the decision was wrong. Fast forward to September 11th, Muslim, Arab, Iranian, Middle Eastern and South Asian-American communities faced this spike in hate crimes, including some homicides. And turning to the present with the rise of COVID-19, fear is once again-- once again driving racism and creating an environment rampant with acts of hate and violence in which many Asian-Americans are afraid to go out to seek basic necessities. As the COVID-19 pandemic continues to take an increasing toll in our country, Asian-Americans have experienced alarmingly high levels of harassment, as well as physical attacks. With the creation of this commission, Asian-Americans will know that they are supported and will have representatives to fight for them and protect them as individuals, families and communities. We are looking upon the Legislature to exert strong leadership by advancing this bill to General File so that Asian-Nebraskans can participate fully in our state without fear and with full access to policy. For those reasons, we urge you to advance LB442 to General File.

**BREWER:** All right, thank you. Questions? Questions for Rose on LB442? Thank you for your testimony. Oh, I'm sorry.

**SANDERS:** Thank you, Chairman Brewer.

**BREWER:** Plexiglass here. Senator Sanders.

**SANDERS:** Good morning and thank you for testifying.

**ROSE GODINEZ:** Good morning.

**SANDERS:** I just saw on the news the other night that the violence against Asians in our country is going up and it was the first I've seen of any of that report. Do you know why or what's behind that?

**ROSE GODINEZ:** That's exactly right. It is going up and we believe it's due to rhetoric at the federal level that placed the blame on Asians for COVID, which is completely off base. Nobody can be blamed for any type of virus. And that's what led to a lot of people attacking

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Asian-Americans, and it is a hate crime and they should be prosecuted for those.

**SANDERS:** Thank you.

**BREWER:** Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Thanks for being here today, Ms. Godinez. One thing I wanted to mention on the record is just in the last week in Omaha at the Nebraska Chinese Association, there was a bomb that went off outside the building. And I know that's still being investigated and no one-- I don't think anybody has been arrested yet, but I think that we talk a lot in the Legislature and in activist circles and advocacy circles about-- about black violence, about police violence, you know, the Black Lives Matter movement and what has happened to George Floyd last summer and so many other black people who have been targeted for violence either by the state or by others. You know, we know that we have a scourge of violence against black people in this country.

**ROSE GODINEZ:** Right.

**HUNT:** And we know that we have a scourge of violence against Muslims and brown people in this country and-- but-- but we don't really see that as much, and I think that we don't talk about that as much, and I'm glad that this Asian Affairs Commission would include South Asians, you know, people-- a lot of people--

**ROSE GODINEZ:** Right.

**HUNT:** --of Muslim descent, a lot of people who would be in that group. And I think it would be a good thing to shine a light on that in our state because of the escalation in violence that we've seen since the COVID-19 pandemic. But, you know, even just exemplified in the last week with this bomb that went off at the Nebraska Chinese Association, and this is something I haven't heard anybody talk about and these things just fly under the radar and we don't see, you know, marches in the streets about things like that. We don't see, you know, big nationwide movements around anti-Asian violence, but it's definitely there and is on the rise. And even in our own-- even in my city--

**ROSE GODINEZ:** Yeah.

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**HUNT:** --even in our own state.

**ROSE GODINEZ:** Completely right. And I'm glad this includes so, like you said, a broad amount of countries, not a lot of people think have-- regionally how big it really is, not only physically, but it also just includes a lot of cultures, a lot of languages and a lot of people that are currently in the U.S. Also, I was a part of the Latino-American commission not too long ago. And the importance that that commission signifies for Latinos, and I can imagine for Asian-Americans, is something you really can't put into words because it's an access to you all that not a lot of people have the privilege to just sit here before you because we're working, because we're taking care of kids. But the commission is a representative that can come here and tell you how we feel as a whole and-- and although we don't all represent the same policies, at least how we feel on certain policy legislation that you-- you all decide on.

**HUNT:** And just one more statement that isn't a question, again. I think that so much of the racism and ignorance of the country is really just ignorance. It's not even malicious. It's not even like coming from a place of, of malicious racism. It's just like you don't know.

**ROSE GODINEZ:** Right.

**HUNT:** And I can say that I've learned so much from the Latino commission and I consider myself-- you know, I don't-- I don't know everything, but I sure try to listen and learn. I sure try to-- to be open minded to other people's experiences. And, you know, even with my ear to the ground and even with trying to listen to diverse voices all the time, I still learn things all the time and so--

**ROSE GODINEZ:** Yeah.

**HUNT:** --I would like the opportunity to learn from the Asian-American community as well in the same way that I have from the Latino community.

**ROSE GODINEZ:** I'm glad you said that, because I think racism does have to do so much with exposure. If you're not exposed to a person from that culture, you don't really learn where they come from and where they stand on certain issues, so thank you.

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**HUNT:** Thank you.

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

**ROSE GODINEZ:** Thank you.

**BREWER:** And we'll continue with proponents to LB442. Welcome to Government Committee.

**SUZANNE SWANSON:** Thank you, Senator Brewer. Thank you, committee, for being here to listen to this today. My name is Suzanne Swanson, S-u-z-a-n-n-e S-w-a-n-s-o-n, and I am here to encourage you to move this to the General File. Sorry, try not to get emotional, but we have been so underrepresented. Since the 1800s, as she touched on with the Chinese and the railroad, the racism against Asian-Americans continues today. I have been attacked. Thank you. I've been attacked with comments saying, go back to China, you don't belong here. That is not right. Some people do it out of malicious intent and other people just think China is the only country that makes up Asia, which I don't understand. But I-- my experiences have not been positive. The racism has been out of control. And it did not help when we elected Donald Trump as President because he fueled more of it. And from my experience, this commission would do so much benefit for us. It's so hard to even get Asian-Americans into office and when they get into national office, it's a huge deal for us, we celebrate it. And that's what I want to see, is the Asian-American community being represented. I want to see what we can bring to the table. We have been so much benefit to the nation. We have been so much benefit to the state. There are jobs we would take that other country-- that other countries don't take. There are jobs that we have taken that the-- and I don't mean-- I'm not trying to be racist stereotypical, but the white population has not taken because they think they are too good and too high for that kind of job. We need this representation in this bill to pass. Without it, we will continue to be marginalized. We will continue to not have a voice. We have been silenced all these years and I am tired of it. I am always advocating for the community. I'm always sticking up for myself. I'm always getting attacked with racist comments. And I just kind of, you know, be like, how ignorant can you be? It doesn't help when you won't even have someone in office do that to you. That shouldn't have happened, but it did to me, and that made international news, but I moved on from it. But not everyone can. This needs to stop, so please advance this to General File. Please make

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this a priority to get done the representation. We can provide the input, the culture we can give you guys. All this insight would be very beneficial to the state and it'll be very beneficial to the nation. We can be a model for other states. And I really encourage that because the Asian-American community is slim here in Nebraska. I want to move to Minnesota just so I can be around other Korean adoptees and Koreans, it's a bigger population. We don't really have that here in Lincoln and Omaha. And I think part of it is because they know how under-represented we are and how we are treated down here at times. I would love to see our population expand here. We could do so much good for the city. We could do so much good for the state and I just dread getting on social media, seeing what's going on because I know someone's going to be a keyboard warrior and think they're being cute and tell me, go back to China or go back. If they actually get Korea right, it would be a miracle. We have the population immigrating in from South Asia. They speak Karen. That is a very hard language to learn. We don't have enough people to translate for them, but they're starting to represent their country and culture. Why can't we bring more in like them, more refugees? Why are we so scared of that? I can't understand it. I really think that by creating this commission, we will do some really good work and like I said, we could be a model to the other states and show, hey, this is a very good thing and they are very beneficial. Thank you.

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

**HUNT:** Thank you, Chairman Brewer. Thanks for being here, Ms. Swanson. Can you explain or say more, and you don't have to if you don't want to, of course, but the incident you were talking about that made the news. I'm not familiar with that.

**SUZANNE SWANSON:** I commented, well, Omaha put in a curfew for the riots and I-- I called Mayor Stothert out and said, you know what? I called her a coward because she put that curfew in and she prohibited anyone from Omaha going into Omaha, no matter what the reason, except for emergency care. And I just said, you know, it's a cowardly move because they don't-- it's like she doesn't trust the citizens. Some of them did act up in the riots. Majority of them were very peaceful there. And she shot back with-- something about someone who hides behind symbols is a troll or something.

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**HUNT:** Oh, I remember this. That was you?

**SUZANNE SWANSON:** It was me.

**HUNT:** OK, go on. Yeah.

**SUZANNE SWANSON:** And I just laughed at that comment. I was-- and everyone was like, oh, my gosh. And people jumped into my defense and other people called me on. I didn't really care, but I screenshot it and I posted to show the Omaha community what happened in-- that kind of accidentally went flying viral, which was not my intention, but it brought awareness to us again, being thinking that we're only Chinese here because she didn't understand Korean. She didn't look-- even bother to look and see if it was a Korean name I was under because that's the only place I get to be actual Korean. I'm expected to be white here because I'm adopted. I'm expected to be grateful and it's hard. But because of her lack of education and knowledge, she made that comment. Should she have made it, no, but she just fired back, upset. The Asian-American community was not happy with me because I accepted her apology. But I said to them, you were not in that room, you don't know what was said, and she truly did not understand the Korean culture. David Kang from Nebraska Korean Association and I sat down with her and we talked about the culture. She was so interested in learning about it. Is-- this is just a good example of why we need this commission so we can teach about our culture, our traditions, our representations and without this commission, these incidents, like I experienced, will continue.

**HUNT:** So to be clear, your name was in Korean--

**SUZANNE SWANSON:** Correct.

**HUNT:** --and she thought that you were a troll, quote unquote, because your name was in a different language.

**SUZANNE SWANSON:** And their legal team called-- deemed me a troll because I'm always trying to start things with people.

**HUNT:** OK.

**SUZANNE SWANSON:** And I said to her, I shoot back the way I do to people, it may come off that way, but I do it because I want to show them how stupid they sound and she believed me and it's true because

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those people who I shot back at, they said, it was ridiculous stuff they said and I just wanted to prove to them, you know, how dumb you sound right now saying this kind of thing, but that was just one of the incidents. That was the most major incident in my life. I have so many screenshots on my Facebook profile, people being racist towards me, tell me, go back to China or calling me racist names. You know, when is it going to stop?

**HUNT:** Well, I'm glad that Mayor Stohert sat down and talked to you. I mean, I can say as an elected official you can't do this job if you don't expect to get some detractors. You know, if you don't expect to get some criticism and you have to handle that with grace and also with cultural sensitivity and so that's the kind of thing that I hope that something like an Asian-American commission could take the initiative and provide a little more education, especially for elected officials and for that cultural sensitivity until we do get more representation in government from people like Asian-Americans and South Asians. But I'm glad that she had that meeting with you, so thanks for elucidating that situation.

**SUZANNE SWANSON:** You're welcome. And just to clarify everything, we are in great terms now. We're actually allies. And then she said, if I need anything, let her know.

**HUNT:** That's great.

**SUZANNE SWANSON:** So we're just now to the point of, hey, we both moved on, let's just continue our life.

**HUNT:** That's the outcome you want, so thank you.

**BREWER:** OK. Any additional questions on LB442? All right. Thank you for your testimony.

**SUZANNE SWANSON:** Thank you.

**\*CAMDYN KAVAN:** Good afternoon, Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Camdyn Kavan and I'm the policy and outreach coordinator at OpenSky Policy Institute. We're here to testify in support of the creation of the Commission on Asian American Affairs for a couple of reasons. First, fiscal policy has implications for racial equity and the Commission could play a pivotal role in advancing interests of the Asian American

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community in Nebraska on that front. Second, we believe the Commission could help collect new data - particularly related to the Asian American community - that could be helpful in analyzing policy and the impact on racial equity. The way state and local governments raise and spend revenue has major implications for racial and ethnic equity and fiscal policy can mitigate racial disparities or it can worsen them. Working to ensure fiscal policies provide equal opportunity for all Nebraskans will help promote prosperity. Fiscal policies do not need to be explicitly race-based to worsen or perpetuate racial inequities. Some legislation -- such as income tax cuts - can exacerbate such inequities. Tax cuts in North Carolina in 2013, for example, resulted in white North Carolinians receiving 81 percent of the benefits despite being only two-thirds of the state's population. Similarly, according to an October 2018 report by the Institute on Taxation and Economic Policy, the Tax Cuts and Jobs Act passed by Congress in 2017 overwhelmingly benefitted white Americans, who are three times more likely to be among the nation's wealthy. Considering these examples, OpenSky believes it is vital to ensure that no unintended negative effects are imposed upon communities of color and the Commission in LB442 could play a pivotal role in promoting economic prosperity and equity for the Asian American community in Nebraska. OpenSky has identified several policy areas where we believe the Commission could be especially impactful since changes in the tax code often serve to temper - or conversely, increase - racial disparities. The Commission could be helpful in examining how health, education and transportation policies impact racial inequities within the state and having access to more data would help the legislature have a better-informed debate on these issues. For these reasons, we support the creation of the Commission on Asian American Affairs. Thank you.

**BREWER:** All right, we will continue with proponents to LB442. Seeing none, we will go to-- oh, and we do have one letter, proponent letter, a written testimony. Thank you. Let's see. Camdyn Kavan from OpenSky Policy Institute. And with that, we'll transition to opponents to LB442 and none of that and so we'll go to any in the neutral. So we will invite Senator Hansen back up to close on LB442.

**M. HANSEN:** Thank you, Chairman Brewer, and thank you members of the committee. I'll close, just briefly. First, let me thank both of the testifiers today, as well as everybody who submitted letters and written testimony. Um. Sharing some of these personal stories is really hard, and I think it's a good combination of, you know, it's

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kind of that balance. It's very hard to do but at the same time it's probably some of the most meaningful testimony you can have. So I always appreciate Ms. Swanson and others who have the courage to come up and share that. One of the things that was highlighted, kind of in the testimony, and I appreciate this event, about this when we talk about this, you know, the Asian-- Asian-Americans, kind of the continent of Asia, the people from Asia. There's so many different cultures, regions, ethnicities, languages, that something like the commission could be helpful because oftentimes, you know, people maybe think of one in particular, Chinese, Japanese, and don't think of Korean, don't think of Vietnamese, don't think of, you know, some of the smaller ethnic groups, such as the Karen population that was mentioned earlier. Having a commission that could help that, help bridge some language barriers, help, you know, do some of those public outreach from the government, they could be just a huge benefit to the state of Nebraska, and happy to keep working with everybody on this bill to move it forward.

**BREWER:** All right, thank you. I did think it was unique and for those that aren't familiar with the regiment designated 442, your bill number, in World War II was one of the highest decorated regiments and they were an all Japanese regiment that served-- I think most of their time was in Italy. But ironic that your bill was the same number as that regiment.

**M. HANSEN:** Maybe a bit of good luck, so.

**BREWER:** OK. Other questions for Senator Hansen? All right. Thank you for your bill and your time.

**M. HANSEN:** Thank you.

**BREWER:** And with that, we'll read in. We had six letters as proponents, no opponents, none in the neutral, and with that we will close on LB442. And I want to remind everybody, we do have a Exec tomorrow. So don't let us forget that we need to Exec tomorrow morning and address as many bills as we can. All right, thank you.

**BREWER:** Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer, representing the 43rd Legislative District of western Nebraska. I serve as Chair of this committee. For the safety of our committee members, staff, pages,

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and the public, we ask that those attending our hearing abide by the following procedures. Due to social-distancing requirements, seating in the hearing room is limited. Again, today it looks like we will be, we will be fine with the seating, but if we have excess people for seating, then we'll just make sure that the ones in the room are the ones for, for the bill that's up and we can rotate people if needed, but it doesn't look like that's necessary today. We'll have a pause between testifiers to give us time to clean the table and the chair, so just understand that when you come up. Request that you wear a face covering while in the hearing room, but testifiers, when you come up to testify, you can remove the mask so that we can hear your testimony and record it properly. Committee members, I'll leave it up to you on face coverings because of the plexiglass and the separation here. If we do have to monitor the room, the Sergeant at Arms-- the gentleman in the red jacket there-- will help monitor that and bring folks in and out as necessary. The committee will take up bills in the order they are posted on the agenda today. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before this body. The committee members may come and go during the hearing. I know we have got several senators here that are presenting in another committee and so they'll, they'll be coming and going as needed and others may need to leave. Just be aware of that, that it's just part of the, the procedures here. You'll see the senators on computers and cell phones. They will be looking up information or finding out if they have to be in another committee. We ask that any electronic devices are put on silent or turned off. No food or drinks in the hearing room. Please move to the reserved chairs that are designated and you can see the white signs that are marking the, the chairs that are designated. Introducers will be making the initial statements, so the senator who's presenting the bill will make the initial opening, then proponents, opponents, and those in the neutral testimony and then the closing remarks will be reserved for that senator to come back and give closing remarks. If you're planning to testify today, we'd ask that you pick up one of the green sheets and fill it out. Make sure it's filled out completely so that it can be used in the record and be sure when you come forward to either give the green sheet to one of the pages or to the committee clerk in the corner there. All letters in support should be in by 12:00 p.m., noon, the day prior to the hearing and if you have handouts, we'd ask that you provide 12 copies. Letters must indicate the, the bill number, whether you're proponent, opponent, or neutral,

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and then we will not be using any mass mailings to account for those support letters. When you come up to testify, please speak clearly into the microphone. Tell us your name then please spell your first name and your last name to ensure we get it accurately into the record. We'll be using the light system for all testifiers today. I think-- how many are here to testify on the first bill, LB29? OK and the second bill? And the third bill? OK, well, we should be fine on time, so we'll go five minutes and you'll get a, a yellow/amber light when you have one minute to go and then the red light will come on when your time expires and you might hear, hear an audible alarm too. No displays of support or opposition to bills, vocal or otherwise, will be allowed during the hearing. And the committee members that are here with us today will introduce themselves starting on my right with Senator McCollister.

**MCCOLLISTER:** Yeah. John McCollister, District 20, west-central Omaha.

**SANDERS:** Rita Sanders, District 45. That's the Bellevue-Offutt community.

**BREWER:** Senator Blood, we'll let you jump in there.

**BLOOD:** Senator Carol Blood representing District 3, which is western Bellevue and southeastern Papillion, Nebraska.

**BREWER:** Thank you.

**HALLORAN:** Steve Halloran representing District 33, which is Adams County and parts of Hall County.

**HUNT:** I'm Megan Hunt. I represent District 8 in midtown Omaha, the neighborhoods of Dundee and Benson.

**BREWER:** Dick Clark is our legal counsel for Government and Julie Condon is the committee clerk on the corner there and our pages today, Caroline Hilgert-- put your hand up-- she is junior at UNL and we got Peyton Larson. Peyton is a sophomore at UNL. So with that said, we're going to invite up Senator Wayne to open up on LB29. I had Senator McKinney waiting in the wings and if you weren't here, he was going to just fill in and you--

**WAYNE:** I am OK with either of those things that would have happened, but I showed up, so we'll be all right.

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**BREWER:** Senator Wayne, welcome to the Government Committee.

**WAYNE:** Thank you. My name is Justin Wayne. I represent-- J-u-s-t-i-n W-a-y-n-e and I represent Legislative District 13, which is north Omaha and northeast Douglas County. I want to start with a basic thought. What do you think about when you think of America? What words come to mind? Oftentimes it is justice, freedom, or equality or maybe it's the land of the free or the home of the brave. Sometimes you might say one nation under God, indivisible, with liberty and justice for all. These thoughts, these phrases, these words are around this idea of a more perfect union rooted in liberty and freedom. It is this fabric of a more perfect union that has joined us over the last 400 years. People have lived, fought, and died for these words and the application of liberty and justice for all. Nebraska adopting Juneteenth as a state holiday is another important way that we as a state can honor the sacrifice, the sacrifices that were made to this country and celebrate the foundation of our country and the ideals that it was built on, particularly around liberty for all. Juneteenth, a combination of June and June 19th, also known as Freedom Day, Jubilee Day, Liberation Day is a monumental movement-- or moment in the United States' history. Now one might look at this and say well, June 19th, why is that important? When the emancipation was signed in 1863, the passage of the 13th Amendment, which outlawed slavery, was actually a couple of years before that and even the surrendering of General Lee of our Confederacy happened two months prior to June 19th. But see, it was this day, June 19, 1865, that Union Army General Gordon Granger arrived at Galvinton-- Galveston, Texas, and he read order-- General Order No. 3, which freed the slaves at that time. It is June 19th that marks the moment when emancipation finally reached the deepest, darkest parts of the former Confederacy. It is June 19th where slavery and the Confederacy truly ended. It was this day that America honored its promise, finally, that every citizen has the right to life, liberty, and the pursuit of happiness. To me, this was the true declaration of independence for everyone in America. Now to understand the importance, I got to first give a little bit of background of how we got here. In 1860, President Lincoln was elected on a anti-slavery platform. Immediately, seven slate-- seven states declare secession from the country to form the Confederacy. The Civil War started in 1861. Initially, African-Americans and African descendants were not allowed into the ranks of the army or any military. By 1862, there was a fear growing among Lincoln and the

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generals that they could be losing the war. Generals were actually begging and saying send us more men, send us more men and it was also at that time Frederick Douglass and others begin to pressure Lincoln to allow African-Americans to fight in the war. Frederick Douglass wrote why does the government reject the Negro? Is he not a man? Can he not weld a sword, fire a gun, march and countermarch and obey orders like any other? Allowing blacks to be in the army, he deemed, this is our golden opportunity. See, Frederick Douglass knew that if a black man were to go to war and bleed for their country, then they would truly be free, that a man who will intelligently lay down his life for his country is a man who deserves citizenship, protections, and the rights afforded to all men in the United States of America. He also knew the symbolism of this act, the ability for an African-American descendant to put on a flag and wear it around this country on their arm or their chest. It symbolizes their freedom, that they were no longer just a piece of property, but they were part of this country. It fundamentally changed, as these soldiers marched throughout the south and throughout the north, how America viewed African-Americans. January 1, 1863, President Lincoln heard the calls of his general and said we will emancipate, allow African-Americans to be in the army, in the Navy. This was truly a military order and this Emancipation Proclamation allowed the liberated to become liberators. By the end of the war, almost 200,000 black soldiers and sailors fought for the Union and their freedom. Although Emancipation Proclamation did not end slavery in the nation, it captured the hearts and the imagination of millions of Americans and fundamentally transformed the war in favor of the Union. As soldiers, particularly black soldiers, marched through the south, they literally freed slaves. Although the Emancipation Proclamation was signed in 1863, oftentimes slave owners in the south did not recognize it. So literally as they marched through, they read the orders and freed the slaves. And again, it was June 19th, some three and a half years, that the last part of the Confederacy in Galveston, Texas, heard that they were free. So why is this important? Well first, I think it's important to honor the soldiers who fought for their freedom. These soldiers staked their lives and their fortunes and their own human sacrifice for a cause for their country. They believed in liberty so much that they put everything on the line. These soldiers were oftentimes not even viewed as humans, but they stayed, fought, and died for a country who didn't believe in them. These soldiers were men of peace, but they preferred revolution to the peaceful submission of

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bondage. They believed in order, but not the order of slavery. We should cherish the memory of such men and Juneteenth is a culmination of everything they stood for. Juneteenth also-- and the second reason is Juneteenth also reminds us that the laws we pass do not guarantee implementation. Only through people carrying and upholding the systems of laws and the virtues and principles we believe in, does this country work for everyone. Decades after the war, we would see waves of lynching, imprisonment, new Jim Crow laws that took root. African-Americans still had to live with slave codes, civil rights movements before they even received partial rights. And even today, if you look at the modern-day era, we still see the legacies of Jim Crow-- discriminatory housing practices, lack of economic investment-- proving that freedom has never been guaranteed, but it reminds us and gives us hope that while laws might be passed, if we have the right team and the right people with dedication and implementation, we can see the results. It is a celebration of overcoming, but also a realization the fight is still ongoing. For an individual, Juneteenth is a reflection on our ability to change and we have to look no farther than President Lincoln himself. Abraham Lincoln wanted separate societies. In fact, after he was elected in 1860, he called a group of African-American leaders into his office with reporters and basically said we should colonize Central America because we do not believe even if you're free, we should live together. And then watch that transformation, although it was because of the idea of winning the war-- by January in 1863, the Gettysburg Address where he said all men are created equal, that this was a new birth of freedom-- what the civil rights was about. He went from colonizing a different country to integration. And lastly, the reason this is important is Juneteenth provides us all with hope. Hope that as a nation, we can continue to strive for a more perfect union. If we start to peel back the layers about slavery in the Civil War in the context of today, Juneteenth is a reminder that we often bring a divided history to everything we looked at. But it shows us if we embrace Emancipation Proclamation, the 13th Amendment, and the foundation, which the Emancipation Proclamation was for the 14th Amendment and the 15th Amendment, that the possibility of change and making society work for everybody is still there. It creates a day of reflection of how America can change. So why did I bring this bill now? Well we often celebrate holidays and we also celebrate the beginning of something new or the ending of something. MLK was in January to celebrate the beginning of a, of a life of an icon. President's Day was about George Washington and our

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founders and the first founders of a new beginning. July 4th was a celebration of a birth of a new country and we even celebrate Christmas as the birth of Christianity. I think Juneteenth is necessary-- is a necessary moment of observation because it is truly the beginning in this country for liberty and justice for all. It also acknowledges the trauma that over 4 million enslaved people and their descendants faced along the way of securing equality under the law. For far too long, we haven't acknowledged that and this is one way, a small way that we can acknowledge that. Every day I come in this body and people kind of know I never forget where I came from and I stand on the shoulders of great people who have always strived for the idea of a more perfect union. One of the great things about this country is the foundation that the community as a whole, the country as a whole, is best served if the individual is best served based upon their inalienable rights. That's something we all agree and I fundamentally believe that America promise us-- all of us that if we work hard, we have a better chance at life and that's what the foundation of the American dream is about. The American dream says that you can transcend the barriers of poverty, race, gender, and achieve your God-given potential, but that American dream is founded on the same principles of justice, self-governance, liberty, and the rights of all humans. Juneteenth celebrates all of these principles. It acknowledges our past and prepares us for a better future. And with that, I will answer any questions.

**BREWER:** Senator Wayne, we have heard dozens of bills this year, but I think that is the best opening that we have heard this year and maybe since I've been here, so well done, sir.

**WAYNE:** Thank you, sir.

**BREWER:** All right. Questions? I know your schedule. Will you be able to stick around for close?

**WAYNE:** Yes, I do want to mention that I had a-- in my bill, it swapped Arbor Day and the reason I did that was because of a fiscal note. For four years, it was pounded into my head that we can't have anything with a fiscal note, but thank you for-- Senator McKinney, who has a bill that did not swap a holiday, I know that the fiscal note is going to be around \$479,000. That is doable this year. We can do that this year and we can send a message and the reason why I say it's important, Senator Brewer, Chairman Brewer is because Nebraska was

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part of the Nebraska territory, hence the Nebraska territory. And many of the things that arise, arise out of Juneteenth started in 1850 around the compromise and the Fugitive Slave Act and the Nebraska-Kansas territory and this will send a strong message that we are embracing our past, but we are moving forward to our future.

**BREWER:** The other I was going to share with you is, is the numbers on Civil War: 180,000 Army, 20,000 Navy-- we'll count them even though they're not Army-- but 40,000 died, so that's a worthy number to include in those notes.

**WAYNE:** I will do that when it gets to the floor.

**BREWER:** All right. Yeah, if you'll hang around for a close, we are going to go ahead and go straight to proponents. All right, we'll have a quick, quick cleanup duty here and we will start with those that are proponents, supporters for LB29. Welcome to the Government Committee.

**KAREN BELL-DANCY:** Thank you, Chairman Brewer. Good afternoon, Chairman Brewer and members of the Military-- Government, Military and Veteran Affairs Committee. I am Karen Bell-Dancy. That's K-a-r-e-n B-e-l-l-D-a-n-c-y and I serve as the executive director of the YWCA of Lincoln. The YWCA is dedicated to the elimination of racism, empowering women, and promoting peace, justice, freedom, and dignity for all. I am here testifying in support of LB29 to make Juneteenth a state holiday and I want to thank Senator Wayne for introducing this bill. While Independence Day marks white America's freedom from British rule, Juneteenth marks a major milestone in black America's freedom from enslavement. In 1852, 75 years after the Declaration of Independence and 13 years before Juneteenth, Frederick Douglass and abolitionists asked what, to the American slave, is your Fourth of July? I answer a day that reveals to him, more than all the other days in the year, of the gross injustice and cruelty to which he was a constant victim, yet every year, we celebrate with you. We now ask that you celebrate with us. Far too many Americans have an understanding of both the history of the black community and the systems of racism and oppression that still impact every aspect of black Americans' lives. Even as the number of people who are willing to stand up and say black lives matter-- that number continuously grows-- is-- not enough is being done. Juneteenth is still largely seen as an African-American experience. It is not seen as something for the general population. Making it a state holiday would be a small

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step to not only celebrate black lives, but also would be an opportunity to teach all Americans about and acknowledge the painful consequences of millions of enslaved people and their descendants. Making Juneteenth a state holiday is one gesture that would not only demonstrate recognition of the past what-- but would also be an affirmation that black lives matter. I want-- continue on because I do believe Senator Wayne did such a wonderful job with that opening, with the background and more of the information, but I do want to say we have great support for this bill. And if there are any questions, I will gladly answer them.

**BREWER:** Thank you. Well, you have a, you have a great champion for the bill, so--

**KAREN BELL-DANCY:** Thank you.

**BREWER:** --that's always a good start.

**KAREN BELL-DANCY:** Yes.

**BREWER:** All right, any questions for Karen? All right, well, thank you for coming in.

**KAREN BELL-DANCY:** Thank you.

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

**ANNETTE HARRIS:** Thank you. All righty. Hello. My name is Annette Harris and I actually didn't plan on coming here for the LB29 bill--

**BREWER:** Can we have the spelling on the name so we get it right?

**ANNETTE HARRIS:** I apologize. Yes, it's A-n-n-e-t-t-e, last name, Harris, H-a-r-r-i-s.

**BREWER:** OK.

**ANNETTE HARRIS:** So I wasn't prepared for this bill because I didn't even know that Justin was bringing it forth, but after listening to him, I'm definitely in support of it. For so many years, we've been treated as three-fifth humans. Even after slavery ended, we never really got our equality that we deserved. We were never really appreciated for our contribution to the war, as he stated, and a lot

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of times, people don't even understand why we celebrate June 19th. They don't understand that the last slave was actually free in 1865 after slavery was illegal. So I think by making this a holiday, it will open up the doors where everyone, all children, white and black, will be aware of why we celebrate Juneteenth and I think it's long overdue. It shouldn't be just in our community. It should be celebrated statewide. So I'm definitely in support of it. I was not prepared, as I mentioned, but Justin didn't need any help. I just wanted to offer my support.

**BREWER:** OK. Well, thank you and--

**ANNETTE HARRIS:** Thank you.

**BREWER:** --if that's extemporaneous, you, you did very good at it. Any questions--

**ANNETTE HARRIS:** Any questions?

**BREWER:** --for Ms. Harris before she leaves?

**ANNETTE HARRIS:** No. Thank you.

**BREWER:** All right, thank you for coming in. All right, cleanup crew here. OK, we're going to continue on LB29. Any more proponents that want to speak on LB29?

**\*ROSE GODINEZ:** Thank you, Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Rose Godinez and I am Legal and Policy Counsel with the ACLU of Nebraska. The ACLU offers its support of LB29 and we would like to extend our gratitude to Senator Wayne for introducing this legislation. The ACLU of Nebraska aims to preserve and extend constitutionally guaranteed rights to people who have historically been denied their rights on the basis of race. In pursuit of a world free of discrimination and a Nebraska that is true to the state motto of "Equality Before the Law," the ACLU of Nebraska works in coalition with other civil rights groups and advocates in Nebraska to lobby in local and state legislature and support grassroots movements. Through these efforts, we strive to educate and empower the public on a variety of issues, including how race relates to criminal justice, economic justice, immigration, and inequality in education. The authors of the Declaration of Independence outlined a bold vision for America: a nation in which

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there would be equal justice for all. Of course that aspiration was not the reality at the time of drafting and more than two hundred years later, it has yet to be fully achieved. The enslavement of those of African descent marked the beginnings of a system of racial injustice from which our country and our state has yet to break free. This measure continues the important dialogue as part of the long overdue racial justice reckoning in 2020, builds on related efforts this Legislature has led recently such as recognizing Indigenous Peoples day and establishing a Commission on African Americans Affairs, and referring a constitutional amendment to the voters to remove the last vestiges of slavery from our state constitution, and even recognizes the importance of Juneteenth to our communities and as negotiated in the recent Omaha Police contract. For those reasons, we urge you to advance this bill to General File.

**BREWER:** OK, well, let's transition to opponents. Didn't expect any of that. Anybody here in the neutral for LB29? Well, Justin probably wasn't expecting to be called up quite that quickly. We got a little bit of paperwork to do here. We do have written testimony on LB29, proponent, and let's see-- this is from ACLU Nebraska and it's Rose-- help me out, there-- Godinez. OK, so she will go on the record there and then we'll go ahead and look at our letters. Position letters on LB29, we have two proponents, 11 opponents, one in the neutral-- put that in the record. And for Senator McKinney's sake, I think we will probably-- oh, there he is. Any-- are you waiving?

**WAYNE:** Yeah.

**BREWER:** Yeah, I'll wave back. That basically means that he's, he's ready to go ahead and, and let Senator McKinney have a shot at his bill, so we'll go ahead and close on LB29 and we'll have a quick swap-out and then we'll invite Senator McKinney to come on up. Sir, welcome to the Government Committee.

**MCKINNEY:** Thank you. Thank you, Senator Brewer and members of the Government, Military and Veteran Affairs Committee. LB349 acknowledges that El-Hajj Malik El-Shabazz, better known as Malcolm X, was a civil rights leader, a staunch advocate, and pursuer of freedom, justice, and equality. To acknowledge his work and dedication to the progression of people, LB349 intends to incorporate and observe May 19th of each year as El-Hajj Malik El-Shabazz, otherwise Malcolm X Day. Globally, Malcolm is recognized as a central figure in the fight

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against racism, oppression, and for human rights. Knowing this, I have always been extremely disgusted and disheartened by the lack of acknowledgment and appreciation shown by our state to Malcolm for his efforts. What I recognize is that there is a great misconception and ignorance as it pertains to Malcolm X, his work, and his legacy. It is my goal to illustrate briefly why he is beloved by so many. The honorable El-Hajj Malik El-Shabazz, presently-- also known as Malcolm X, was born in Omaha, Nebraska, on May 19, 1925. While his mother was pregnant with him, their family was attacked by Ku Klux-- KKK members tried to force his family out of town as a result of them being an interracial family, as well as the activism of Malcolm's father. The plight that ultimately followed Malcolm and his family is sadly all too familiar amongst the most victimized and vulnerable in this country today. Despite these obstacles, Malcolm went on to excel academically, expressing aspirations to become an attorney. He had to be right-- he had to be reminded of the real-world limitations oppose-- imposed upon him because of his skin color by a teacher. Malcolm's impact on the Civil Rights Movement stemmed wholeheartedly from his staunch belief in human possibility. What I implore you to digest is that Malcolm X is a symbol of perseverance and, and perpetuates the notion that a person's past does not define them. This means a lot to me and members of my community. The fact that I'm even able to sit here today is-- in this very seat, I've had-- I had to overcome a lot of obstacles to get where I'm at today. That have could-- that could have led to my incarceration or my death many times. Like Malcolm, I grew up poor. Like Malcolm, I was arrested before. Like Malcolm, I've had to deal with racism and oppression my whole life and still do till this day, even as a state senator. Even so, I sit here representing my community no matter the obstacles. And no matter the obstacles, Malcolm overcame, overcame them. And prior to his death, he stood as a central figure in the fight against racism, oppression, and for human rights. Let's not let fear mongering and warped, revisionist history define the legacy of Malcolm X and the entire Little family for the state of Nebraska. In this bill, I will direct you to Section 1. On May 19th of each year, which shall be El-Hajj Malik El-Shabazz, Malcolm X Day, shall, shall be set apart for holding suitable exercises in schools for the state in recognition of the sacrifices of the late El-Hajj Malik El-Shabazz, Malcolm X and his contributions to the betterment of society. "The Governor shall, prior to May 19 of each year, issue a proclamation inviting and urging the people of the State of Nebraska to observe El-Hajj Malik El-Shabazz,

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Malcolm X Day in schools and other suitable places with appropriate ceremony and fellowship." The State Department of Education is directed to make, within the limits of funds available for such purpose, information available to the schools and all people of the state regarding El-Hajj Malik El-Shabazz, Malcolm X Day and observe therefore. I point this out because I want to leave you with a quote and I think it, it kind of gets to the point of the reason why I decided to bring this bill. It is a quote from Malcolm. It says education is the passport to the future, for tomorrow belongs to those who prepare for it today. How can we ever get to a better future if we don't recognize the legacy of a great Nebraskan, a great man who stood up against racism and oppression and for human rights? I think, you know, it would be a great gesture for the state to honor his legacy and, you know, right some wrongs of the history, especially the history of his family in our state. And I'll be open to any questions.

**BREWER:** All right, well, thank you for that opening. Let's run around the table here and see if we have questions. Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. Thank you for bringing this forward. I actually have a question that I just want to make sure we get in the record because I didn't hear this. So the Klansmen, that was north Omaha at 34th and Pinkney area, correct?

**MCKINNEY:** Yeah.

**BLOOD:** I just want to make sure we have that it's actually Omaha on the record.

**MCKINNEY:** Yes, it was Omaha.

**BLOOD:** And isn't there a historical marker, because it was such an important time in history, by Adams, Adams Park?

**MCKINNEY:** Yes, it is. It's located at the Malcolm X Center.

**BLOOD:** Thank you.

**MCKINNEY:** No problem.

**BREWER:** All right, additional questions for Senator McKinney? Will you stick around for a close?

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**MCKINNEY:** Yes.

**BREWER:** OK, good. Thank you. All right, we'll start with proponents for LB349 as soon as we finish cleanup. Paperwork's done. Welcome to the Government Committee.

**LEO LOUIS II:** Thank you. Good afternoon. My name is Leo Louis. That's L-e-o, last name is spelled L-o-u-i-s II. I currently serve as the board president of the Malcolm X Memorial Foundation in Omaha, Nebraska, located at 3448 Evans Street. We do maintain and preserve the birthplace of Malcolm X at 3448 Pinkney Street and currently own approximately 18 acres of land dedicated to the birth of Malcolm X. Our organization has existed since 1971, post the death of Malcolm X, founded by a woman named Rowena Moore, who was an immigrant from Meridian, Oklahoma, to Omaha, Nebraska, as of the early 1920s. May I remind the group here and the committee that Malcolm X was born under very adverse circumstances. The Nebraska State Historical Society has recognized Malcolm X and the birth site, but the Nebraska State Historical Society also recognizes that there were approximately 45,000 Ku Klux Klan members in the state of Nebraska between 1920 and 1930. His father, Earl Little and Louise Little, faced this opposition on a regular basis, as Malcolm's father, Earl Little, was a preacher, a Baptist preacher of the Marcus Garvey teachings here in Omaha, Nebraska. He worked at the packing plant in south Omaha alongside Rowena, Rowena Moore, the founder of the Malcolm X Memorial Foundation. Malcolm X was born in a home and prior to his birth, as stated by Senator McKinney, which was terrorized by the Ku Klux Klan local chapter. For those who don't know, that local chapter was located at approximately 41st and Farnam here in Nebraska, in Omaha, and that family eventually moved approximately a year and a half after Malcolm X was born, December of 1926. This information can be found in a book called The Dead Are Rising by Les Payne, which was recently released this year and has received acclaim across the nation. And as Senator McKinney mentioned, it is imperative for Nebraska to right it's wrongs and recognize our ability as a people to move forward and recognize this great man because Malcolm is celebrated worldwide as a human rights hero. And what Malcolm was attempting to do for African-Americans, for those who only know the propaganda, was actually attempting to get African-Americans an identity similar to those who are of Czech, Czech history or Dutch history or French history or Polish history. Black people don't have those type of ethnic identities associated with our race and Malcolm died attempting

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to form an organization called the Organization of Afro-American Unity, which would give blacks an identity as Afro-Americans, not African-Americans or black Americans, but an ethnic identity, which has been coined black nationalism and has received negative press and connotation. But black nationalism is simply an ethnic origin, which would allow blacks to be represented on the United Nations stage, which is how Malcolm wanted things to go moving forward politically for African-Americans in America. So the Malcolm X Memorial Foundation strives to keep Malcolm's name alive and we are sincere proponents for this legislation, LB349. I thank you for your time.

**BREWER:** Thank you, Leo, and for not having a single note in front of you for all the facts and all the stuff you shared, well done.

**LEO LOUIS II:** Thank you.

**BREWER:** All right, questions, questions? All right, seeing none, thank you for your time. Welcome back--

**ANNETTE HARRIS:** This is actually why I came.

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

**ANNETTE HARRIS:** Thank you.

**BREWER:** No problem.

**ANNETTE HARRIS:** All right. Again, my name is Annette Harris, that's spelled A-n-n-e-t-t-e, Harris, H-a-r-r-i-s, and I am a proponent for this bill, LB349, and basically I'm here to support the bill and Terrell. Being born in the same city as one of the greatest and most influential civil rights activists is a great honor. I actually grew up right off of 24th and Pratt Street, less than one mile from where the honorable Malcolm X was born, and I never knew it as a child. No one ever told me that. No one ever really spoke about Malcolm X. Our city and state has not done the due diligence in honoring Brother Malcolm X. Our students are not taught about Malcolm X as they should be. While with the Nation of Islam, he had beliefs that there were-- that were contradictory to the beliefs of immigration and I can understand his concerns, given how, how African-Americans were treated and still are in this country today. But he was given the opportunity to travel abroad where he saw multiple nations, races, and people with different religious beliefs living respectably amongst each other

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peacefully. So by him being able to experience that, that was something that he wanted to bring back to this country, something that ultimately he ended up giving his life for. In 1964-- that was around the time he broke away from the Nation of Islam-- Brother Malcolm created the Organization of Afro-American Unity and he used it as a bridge to close the gap of inequality and gain momentum to fight for all human rights, not just ours. But we had a wonderful man that once also resided here in Omaha, Nebraska, Mr. Marshall Taylor, who just recently passed, but he was a local activist who was able to restore the birth site of Malcolm X and create a foundation in remembrance to Malcolm X's work. By adding a state holiday in honor of Malcolm X, that will gain potentially national and international attention to our city and it can possibly bring forth revenue to our city as well. So to be able to have a say so on this decision is a milestone in our history and I hope you all vote to have the holiday and help build a bridge to close the gap of racial differences in Omaha that we've been seeing a lot of lately. So I hope you all be the change that we preach about to our children. That's all I had. Thank you.

**BREWER:** All right, thank you for the testimony. Let's see if we have any questions for you real quick.

**ANNETTE HARRIS:** Nope?

**BREWER:** Questions, questions? All right.

**ANNETTE HARRIS:** Thank you.

**BREWER:** Thank you again for testifying. OK, next proponent. Welcome to the Government Committee.

**KARA WARNER:** Thank you. Chairman and members of the Government, Military and Veterans Affairs Committee, my name is Kara Warner. First name, Kara, K-a-r-a, last name, Warner, W-a-r-n-e-r. I am here representing myself in support of LB349 to create El-Hajj Malik El-Shabazz, Malcolm X Day. Coming from a community of people who are often encouraged to ignore the true fundamentals of our history, which is black history, it is important that on this day, we encourage the commencement of one of Omaha's unsung heroes, El-Hajj Malik El-Shabazz, also known as Malcolm X. I grew up an-- I grew up an African-American bookstore regular. The bookstore founded and owned by Brother Marshall and Sister Annette Taylor, located on 33rd and Lake

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Street in Omaha, Nebraska, just about maybe five blocks south of the historical birth site of Malcolm X, was one of my favorite local places to visit. At ten years old, one of my most fondest memories at the bookstore was when I made my very first purchase of an autobiography authored by Alex Haley. The autobiography was written about the life and many contributions of Malcolm X. It was during my read of the first three chapters that I learned that Malcolm was born in Omaha, Nebraska, in the heart of north Omaha. Since reading and completing the book nearly 27 years ago, I still often wonder why the city of Omaha failed to honor and properly acknowledge Brother Malcolm by way of a holiday, parade, or even a monument. I often wonder if the city of Omaha's ploy was to destroy and completely ignore the legacy of Malcolm. Brother Malcolm provided the black community a sense of self-empowerment and self-identity, while holding us accountable for learning and understanding our true genetic disposition as divine and powerful melanated beings. Because of Brother Malcolm's boldness and resiliency, I have made it my personal duty and responsibility to introduce black youth to the made contributions Brother Malcolm provided us. I currently sit as chairwoman of the Black Agenda Alliance and director of the Black Studies Bootcamp for Youth and it often saddens me how many adults, let alone youth, are unaware that Brother Malcolm was a native Omahan. The city's acknowledgment in honor of a man so unique and special to Omaha's black, black community is long overdue. Nearly 54 years after Malcolm's assassination, it is about time he received the proper honor from the city in which he was born. Thank you.

**BREWER:** Thank you. All right, let's check for questions here. Committee, questions for Kara? All right, thank you for coming in and testifying.

**KARA WARNER:** Thank you.

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

**DEVONTE ABRAM:** Thank you. How are you doing today?

**BREWER:** Good.

**DEVONTE ABRAM:** Thank you, everybody, for being here. My name is Devonte Abram. That's D-e-v-o-n-t-e A-b-r-a-m. I'm here today in support of LB349 because I believe it's important. The reason why I

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believe it's important is because we've got to recognize our individual contributions to history and how that history is ongoing. It was Brother Malcolm X who once said that the most threatening and dangerous black man to America is the one who has been sealed up in northern America because he knows the hypocrisy of democracy. I believe that Senator McKinney is the reckoning of that. It was also Brother Malcolm who said that when we replace I with we, even illness can become wellness. I know more or knew more about Gerald Ford in elementary school than I knew about Malcolm X. Gerald Ford is an Omaha native and a Nebraska native. Malcolm X is a Omaha native and a Nebraska native, but it was also Gerald Ford in 1976 who decided that Black History Month should be a national celebration. So I just want to put this and recognize our own individual contributions and how will we be looked at in history when it comes chances to vote on bills like this? We've got to think about our legacy and how will history remember us? Because history isn't so fond and forgetful as we can be in the current. I'm an educator. I work in a nonprofit sector and as a young black man, struggling to find identity is difficult. And in that struggle to find identity, we find it in all kinds of ways, whether that's gangs or whatever, but I believe that if we understand the contributions of people like Malcolm X and his fight for human rights, we can decide, like Senator McKinney, to become senators, enact change in different ways as opposed to taking to the streets to demand change in those ways. That's my piece and I just want to charge every one of you to think about how y'all will be remembered in the future, 15 or 20 years from now. Thank you.

**BREWER:** All right, thank you. Hang on just a second in case we got a question for you. Questions for Devonte? OK, thank you for your testimony.

**DEVONTE ABRAM:** Thank you.

**BREWER:** OK, any additional proponents for LB349? Come on up. Welcome back to the Government, Military and Veterans Affairs Committee.

**ROSE GODINEZ:** Thanks. Good afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am testifying on behalf of the ACLU of Nebraska in support of LB349. First, we want to thank Senator McKinney for introducing this legislation. ACLU of Nebraska aims for a world free of discrimination and one that remains true to our state motto, which is "Equality Before the Law." LB349 would commemorate the life,

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legacy, and importance of El-Hajj Malik El-Shabazz, Malcolm X's work. Additionally, this measure continues the important dialog that's part of the long overdue racial reckoning that we have endured both in recent history and past history. It also builds on your recent efforts in the Legislature, such as recognizing Indigenous Peoples Day, establishing a commission on African-American affairs, and referring a constitutional amendment to voters to remove the last vestiges of slavery from our state constitution and recognizes the importance and significance of this incredible Nebraskan. And then I just want to add a quick note. I went to school in Nebraska my entire life and I was not taught-- as a Latina, I was never taught about Malcolm X until I studied it in college. And then I have seven nieces and nephews, all in Nebraska public schools, none of them knew who Malcolm X was until we let them know, so obviously incredibly important and someone that we really should all know and be proud of. For those reasons, we urge you to advance this bill to General File.

**BREWER:** All right. Rose, thank you for your, your testimony and doing double-duty today because you were here this morning too. All right, any questions, questions? All right, thank you for being here. Thank you, Caroline. All right, any additional proponents for LB349? All right, any opponents? How about anybody here in the neutral for LB349? Well, then we will invite Senator McKinney back and as he's coming up, I saw him coming at me already, I've got to read in the written testimony for LB-- let's see, I have one for LB349. I got LB577. Unless it was already in my pile here and I just-- well, we got LB577 twice. Tell you what, why don't we go ahead and let you close. If we find any-- LB19, LB442. Go ahead, Senator McKinney, and-- let you close on your bill here.

**MCKINNEY:** All right, thank you. In closing, I just would like to say that Malcolm X was killed during his fight for human rights, not only in the United States of America, but across the world. It's a fight that welcomed Malcolm prior to his birth here in the state of Nebraska, in the city of Omaha. I think it's very important that we do all that we can to honor his legacy, but to also educate our youth and other adults of this, of this state. Because when we don't speak of Malcolm, we leave out a great man and a great addition to our history and we all can learn from Malcolm. I think it's important because he showed that no matter what, no matter the obstacle, you can persevere and you can overcome anything. That's important, not only just for a black kid growing up in north Omaha, that's important to a Latinx kid

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growing up in rural America, rural, rural Nebraska. That's important to a Native American kid growing up on the reservation. That's important to a white kid growing up in rural Nebraska as well or wherever. I think it's important to us all. This is something that, you know, prior to running, it was just always on my heart that I, I-- once I'm in a position to do so, I have to do something and push for something to honor Malcolm and his legacy because I think it's very important, especially for me. I had to overcome so many things and without icons like Malcolm, I don't know if I would have had something to look to. I had a standard to live by. I had a structure to look to and say that's what I need to be if, if I want to, you know, overcome these obstacles and stand up for my community. And I just implore you all to vote this out of committee on to General File and let's get this passed and let's, you know, honor a great man. Thank you.

**BREWER:** Senator McKinney, first off, thank you for bringing this bill. There was no written testimony, opposition, neutral, or otherwise. Letters, we had three proponents, 9 opponents, one in the neutral. Any questions for Senator McKinney? Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. These are going to be uncomfortable questions and I apologize in advance. So I'm reading the letters in opposition and they make my heart hurt. Actually, I might cry when I ask these questions. I apologize. So I think that there is a misunderstanding because I'm seeing in letters of opposition that they're comparing Malcolm X to Martin Luther King. So the question that I have for you-- that when-- and I learned about Malcolm X in high school, so-- and that was in the '70s, so I think it's interesting that younger people haven't and that needs to change. So what, what I want to make sure we get on the record is clarification about-- the opposition letters are saying that Martin Luther King was about being peaceful while Malcolm X was about being violent, but the quote that I'm seeing-- I think it's been misinterpreted-- where he suggested that you, you do-- you are be-- you would be peaceful, you should be peaceful, but if somebody puts their hands on you, fight back. So in my head, I can't understand why something like that would be considered violent. I think it's considered common sense and I think that both were ways to get social justice. So can you kind of walk us through what's wrong with those statements when people are comparing the two, where people are saying well, then why don't we just make it Martin Luther King and Malcolm X Day or-- you know, I--

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I'm seeing a lot of comparisons and judgments and it's making me a little buggy and I'd like to hear your version.

**McKINNEY:** Prior to his death, ML-- Martin Luther King Jr. was probably one of the most hated men in America and he was preaching nonviolence. I really don't like when we compare Martin to Malcolm because I don't-- I think when we do that, we do a disservice to both because few really understand each individual, few really understand that they had a lot of similar ideologies. I don't know what's wrong with saying if somebody assaults you, you should, you know, respond. I think any of us, if pushed, will probably push back. That's not to say he-- Malcolm never advocated for violence. There's no instances ever where he said go outside and punch somebody in the face or do anything violent. That's not-- you can't find it. Malcolm wasn't for violence. He was, he was for human rights, but he also wanted us to understand that we have to stand up for ourselves and we have to have pride in ourselves and have to stand on our own two feet to ensure that no one would attack us or do anything to harm us. He died with those beliefs. He wasn't racist. He wasn't preaching violence. He was just saying stand up for yourself and have pride in who you are as a man, as a woman, as a kid from a black community. There's nothing violent or offensive about that.

**BLOOD:** About being equal?

**McKINNEY:** Yes.

**BLOOD:** Thank you.

**McKINNEY:** No problem.

**BREWER:** All right, any additional questions? All right, well, we'll close the hearing on LB349. We're reading the letters here, so again, three proponents, 9 opponents, and one neutral and no written testimony. And we will have a quick changeover here and get ready to open on our next bill, which must be LB577 and we have a-- yeah, we do have a Senator Bostar. With that-- those are the letters-- trying to get all of our paperwork together here.

**BOSTAR:** No problem.

**BREWER:** I was off track on the last one because there wasn't the written testimony, so I thought I lost the paperwork. Just didn't have

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any, so-- didn't have to find any paperwork. All right, welcome to the Government Committee. Start whenever you're ready, sir.

**BOSTAR:** Thank you. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I'm Senator Eliot Bostar, E-l-i-o-t B-o-s-t-a-r, and I represent Legislative District 29. I'm here today to introduce LB577, a bill that establishes Election Day as a state holiday, requires absentee, vote-by-mail ballot return envelopes to be postage paid, and updates the voter registration process at the Department of Motor Vehicles. The right to vote is the foundation of American democracy and as stewards of our democracy, we should endeavor to ensure that all eligible Nebraskans have access to the ballot. Elevating Election Day by establishing a state holiday makes a statement about the importance that we all place on civic duty. LB577 would provide the majority of the state workforce with an enhanced ability to cast their ballot. Similarly, private employers would be more likely to grant employees the day off for Election Day, thus extending the benefits of this proposed legislation and further increasing voter turnout. For many people, it is difficult to find the time to vote on a workday while the polls are open. According to a Census Bureau survey, the primary reason that 14 percent of people did not vote in the 2016 general election was due to their busy schedule. An Election Day holiday is not a partisan issue. A Pew Research Center poll found that Americans on both sides of the aisle support making Election Day a holiday. In fact, 65 percent of Americans, a majority of both parties, favor the idea. Montana, Louisiana, Delaware, Kentucky, Ohio, Indiana, Maryland, Michigan, Rhode Island, West Virginia, and Virginia have already made Election Day a state holiday. We would be remiss to not give Nebraska voters the same ballot access that is currently afforded in other states. LB577 requires absentee, vote-by-mail ballot return envelopes to be postage paid. The process for voting by mail should be as seamless as possible so that voters can participate with ease. However, in Nebraska, absentee ballots can require multiple stamps, which can cause needless confusion and acts as a hindrance if voters mistakenly "understamp" their ballots. Prepaid postage is convenient and easy to understand for voters. Simply fill out their ballot and drop at any mailbox. If passed, LB577 would be particularly helpful for people who are vulnerable to disenfranchisement due to physical disabilities, lack of transportation, lack of childcare, unpredictable work schedules, or other limitations. Prepaid postage would help vulnerable

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populations exercise their right to vote. Finally, Nebraskans are asked on their driver's license or state ID applications if they would like to register to vote. LB577 reverses the question and instead would ask applicants if they would like to opt out of the voter registration process. The interaction at the Department of Motor Vehicles would largely remain the same. If an individual chooses not to opt out, they would then select their party registration, confirm they are at least 18 years of age or would be before the next election, that they are a U.S. citizen that is eligible to vote, and then provide their signature. The Department of Motor Vehicles would transmit the voter registration portion of the application to the county election commissioner or county clerk who would review the file to determine and verify eligibility prior to registration. If eligible, the individual's registration is then confirmed and processed. It's important to note that an opt-out registration process has no disadvantage to an opt-in process when examined from the perspective of ensuring ballot security and voting system integrity. The passage of LB577 would increase voter turnout for future elections and ensure that all Nebraska voters are able to exercise their fundamental right to vote. Thank you for your time this afternoon. I would encourage you to support LB577 and I'd be happy to answer any questions you might have.

**BREWER:** All right, thank you, Senator Bostar. Questions on LB577? I see that as with many bills, they've given you a, a fiscal note. It's always a surprise and sometimes a challenge to understand exactly how it all sorts out, but-- I guess if there's no other questions, we'll let you standby. We'll take input and then you'll be around for a close?

**BOSTAR:** Absolutely, sir.

**BREWER:** All right, good. I'm going to ask-- Gavin, I know you're headed up, so welcome to the Government Committee.

**GAVIN GEIS:** Chairman Brewer, members of committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I'm the executive director for Common Cause Nebraska. Common Cause is a grassroots, nonpartisan organization dedicated to the core values of American democracy and we also sometimes act as a government watchdog. We're here to register, of course, our support for LB577. Now Senator Bostar went and took all of my testimony and gave you all the facts you could possibly want, so I

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appreciate him preceding me because that's nice. I will go through point by point, just let you know why we support this legislation and why we think it would overall have a positive effect on Nebraska's democracy, right? Just broadly speaking, looking at this from a commonsense angle, this will-- these reforms will let people vote more easily and register to vote more easily. There's basically no question to that. I think the question that remains is do we want people to register to vote more easily or have more easy access to the polls? Common Cause believes yes, believes that there's gigantic benefits to having an active, engaged, and participatory, participatory electorate. So having said that, the idea of an election holiday is nothing new. This has been bouncing around for decades and decades, but as the Senator said, it's happened in many other states. They have declared it as a holiday and honestly, I would, I would enjoy Election Day being a holiday. Just from a personal perspective, we celebrate the Fourth of July when we secured our democracy. Why too should we not also celebrate the day when we renew that democracy, when we say get out, go and vote, and heck, celebrate democracy today. Get together and celebrate that you have the freedoms you have. We can do that more than once a year. I'm OK with that. The second element, postage, by itself, I don't know if this accounts for a lot of new voters, but that's something smart about this legislation. He's included a lot of avenues to get at getting-- contacting more voters, getting more people registered, and getting more ballots in during our election cycle. So I mean, I have been in the situation where I didn't have postage and I wondered, heck, I'm going to have to get postage now. Yes, this is a minor problem that we all face, but this is super pro-democracy, right? The idea is we're not going to ask you to pay to send this in. We want it back. Please send it back. Right now, we presume well, you should do more. You should work harder to be a part of the democracy. Finally, the registration improvements noted at the end of the bill would --it would seed-- it would ease the transition for a lot of voters between registering, right? Right now, we assume that no one wants to exercise their right to vote. We assume they come in and would rather not. We asked them would you like to? In my mind, we should be asking-- we should let, let people not register to vote. If you do not want to participate in the democratic system-- I don't agree-- but that is your right, but the final thing here is we should be opting people in, in the very beginning. We should be assuming that every person who comes in wants to vote, wants to exercise that right, and we shouldn't be putting up walls between them and that. Also in

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the states that were listed by the senator before where this has begun to be instigated as well, we're seeing drastic improvements on the accuracy of data. So this has great backend improvements in that by more deeply connecting the DMV and our voter registration system, we can feed data back and forth between the two and update records as they go without having to ask the voter if they want to do that. We should be doing this in a lot of different agencies, connecting them to our voter registration systems so that we know when they move addresses. I know that's not in this bill, but I think this gets us on the road of using all the agencies we have to create the most accurate voter records as possible and to increase accessibility. That is all I have. Thank you for the time.

**BREWER:** All right, thanks, Gavin. All right, questions for Gavin? All right, done good. All right, next proponent for LB577.

**KAREN BELL-DANCY:** Good afternoon again.

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

**KAREN BELL-DANCY:** Thank you. Karen Bell-Dancy, K-a-r-e-n B-e-l-l-D-a-n-c-y, again representing YWCA of Lincoln as executive director. I will not go through all the points because they mostly have been stated before me, but I did want to add that as the YWCA of Lincoln and our mission to-- dedicated to the elimination of racism and support of women and the empowerment of girls, we push for all Nebraskans to have the opportunity, especially women, women of color, to have access to the polls. LB577 would help in that effort. LB577 streamlines our voter registration by creating an opt-out system where citizens are automatically registered vote-- registered to vote when they interact with a government agency unless they affirmatively decline. This measure will not only increase and make voter registration more feasible, but also help maintain and update voter rolls. Requiring that postage be paid for all election-related mail is a commonsense reform to increase voter turnout. As our system stands now, voters have to pay to cast their ballot via mail or vote absentee. This quintessentially has become a poll tax, something that should have been eliminated. LB577 brings our state elected-related mail in line with our-- Nebraska's Constitution's promise to make elections free, which states all elections shall be free and there should be no hindrance or impediment to the right of a qualified voter to exercise the elected franchise. We want to thank Senator Bostar for

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bringing this and we are in complete support and we hope that this is advanced to General File.

**BREWER:** All right, thank you for that testimony. Let's see if we have questions for you. Questions, any questions? All right, thank you again for coming in to testify.

**KAREN BELL-DANCY:** Thank you.

**BREWER:** OK, any additional proponents for LB577?

**ROSE GODINEZ:** Last time.

**BREWER:** Welcome back again.

**ROSE GODINEZ:** Hello. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I'm here to testify on behalf of the ACLU of Nebraska in favor of LB577. First, we'd like to express our gratitude to Senator Bostar for introducing this legislation in order to bring regist-- voter registration into the twenty-first century and make voting as convenient as possible. The ACLU of Nebraska advocates for reform such as the ones contemplated by LB577 that have been demonstrated to be extremely effective at making sure that all eligible voters who want to cast a ballot are able to do so. The ability to vote is one of the most fundamental rights that we have as citizens of the United States. It is a vital right that demonstrates a person's connection to and participation to our community. When we make it easier for Nebraskans to register to vote and cast a ballot, we are also lifting up their political voice. LB577 is important because it mirrors trends in our sister states that have enjoyed broad support across the political spectrum to remove administrative burdens and barriers to voter registration, thereby improving access to democracy for more Nebraskans. Removing barriers to voter participation also aligns with the trajectory of Nebraska policies like the recent expansion of online voter registration and current pending legislation to restore voting rights to people with a former felony conviction. Next, I'll talk, I'll talk about each of the measures and why we support each of the components. So first, designating Election Day as a state holiday would obviously improve voter turnout. If Nebraska recognized Election Day as a state holiday, as Senator Bostar mentioned, thousands of state employees would have the day off work. This would allow them more time to travel to their

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polling locations and vote and when this bill-- this bill is good for everyone, obviously, but it would be particularly helpful for people who are vulnerable due to disenfranchisement because of physical disabilities, lack of transportation, lack of childcare, unpredictable work schedules, or other limitations. As to the second component of the bill, prepaid postage for election-related mail, this is an important measure to implement regardless of the times we are living, but particularly during a pandemic when we are seeing voters without Internet access be forced to risk their health going out in public to purchase stamps or struggling to find a ride to the post office or to drop off their ballots because they live in a rural area without public transportation or rideshare services. As the system stands, the Secretary of State has imposed, like Ms. Bell-Dancy mentioned, a poll tax on individual voters and placed an undue burden on the organizations dedicated to increase voter turnout and it goes against our Nebraska Constitution. As to the third component about automatic voter registration, there is growing consensus on the many advantages of AVR. For election officials, the online efficiencies translate into reduced administrative burdens. I haven't looked at the fiscal note, but other states have, have actually saved millions of dollars by having automatic voter registration. It's also a quick, convenient, and accurate and perhaps more importantly, it allows more eligible voters the ability to register. Lastly, we look forward to working with the committee to address some technical issues and potential amendments based on best practices learned from other jurisdictions. The amendments would help clarify issues surrounding noncitizens who unintentionally or unknowingly may be impacted by this legislation and just try to prevent unintended consequences on noncitizens. You could also consider expanding AVR to other agencies under the National Voter Registration Act. DHHS, for example, the Department of Education, they also have to maintain voter registrations. So we thank Senator Bostar for introducing LB577 and urge the committee to advance this bill to General File. Thank you.

**BREWER:** All right, thank you for your testimony and thanks for a triple day. I don't know if we've ever had one of those.

**ROSE GODINEZ:** You won't see me anymore.

**BREWER:** OK, questions, any questions? All right, thank you again for your testimony.

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**ROSE GODINEZ:** Thank you.

**\*KATIE PITTS:** Chairperson Brewer and committee members, My name is Katie Pitts (K-A- T-I-E P-I-T-T-S) and I am the State Policy Director for Nebraska Appleseed. We have a longstanding tradition of fair and just elections in Nebraska, due in large part to our commitment to voter enfranchisement. We support LB577 because it would break down barriers to voting for eligible Nebraska voters by making improvements to the vote-by-mail process and finally establishing Election Day as a state holiday. We have seen first-hand the barriers to voting faced by many Nebraskans due to strict work schedules, family responsibilities, and other practical obstacles - and the difference early-voting and similar options can make in addressing those barriers. Through our organization's nonpartisan Get Out the Vote efforts together with community leaders and volunteers across the state, we know policies that eliminate barriers to voting are necessary and helpful to working families. Establishing Election Day as a state holiday, simplifying voter registration or updating voting information, and providing postage for ballots are great steps forward to ensuring access to the democratic process. Voting is the cornerstone of our democracy and is fundamental to a fair and functional government. Nebraska is committed to a policy goal in which eligible voters are welcomed to the polls to exercise their right to vote. Early voting and vote by mail make a critical difference in achieving accurate representation by giving Nebraska voters better access to the polls. In particular, rural areas often lack enough polling locations and other resources for voters, which makes it more difficult to participate in democracy. Voters may have to drive hours to their polling location in remote areas. LB577 establishes Election Day as a state holiday. Additionally it requires vote-by-mail ballots to have postage paid which alleviates a financial and practical burden for Nebraska voters. The bill will also automatically update voter registration or register eligible Nebraskans to vote when updating an operator's license or state identification card, simplifying the process for voters. Finally, LB577 extends further critical privacy protections of Nebraska voters' records. Voting is an American right at the core of our democracy. We strongly urge you to support this bill, which simplifies the processes for keeping voter information up to date and breaks down barriers to participation for eligible Nebraska voters.

**\*MEG MIKOLAJCZYK:** Dear Chair Brewer and members of the Government, Military, and Veterans Affairs Committee, My name is Meg Mikolajczyk,

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and I am the Deputy Director and Legal Counsel for Planned Parenthood Advocates of Nebraska. As the advocacy and political arm of Planned Parenthood North Central States in Nebraska, our 501(c)(4) organization, Planned Parenthood Advocates of Nebraska, mobilizes supporters of all parties to protect, promote and expand access to sexual and reproductive health care and education, and we support social justice partners across intersecting issues such as democracy reform and voting rights. We do our work in the community, under the dome, and at the ballot box. PPAN recognizes that our democracy and democratic norms, including accessibility to the ballot box, are under unprecedented threat due to a global pandemic, unchecked white supremacy, and other political pressures seeking to disenfranchise voters across our state and country. At a time where our fundamental rights - rights at the core of a functioning democracy - seem at stake, it is more important than ever to support efforts like those proposed in LB577 - particularly making election day a holiday and removing the cost of a stamp for those returning vote-by-mail ballots. By removing economic and geographic barriers to voting, LB577 works to ensure all eligible Nebraskans have a chance to be heard by exercising their fundamental right to vote. Nebraska has an important opportunity to demonstrate what full participation in democracy can look like by enacting legislation making it more possible for all people, regardless of where they live, their mobility, their jobs, or their health, to vote. Nebraskans voted in record numbers in the 2020 general election despite the challenges COVID-19 imposed upon the health and safety of those voting on election day. Voter turnout was so impressive in large part because, as of Nov 2, 2020, 536,626 Nebraska voters submitted their vote via absentee ballot. Of all the early ballots requested in Nebraska for the 2020 general election, 88% were returned. 966,920 Nebraskans cast their vote in the 2020 general election, or 76% of eligible voters in the state. This data reflects both that the opportunity to vote by mail increases participation and that a majority Nebraskans (55.5%) prefer to vote absentee as opposed to in-person on election day (43%). By making sure postage is pre-paid for those requesting early ballots, and that work is not a barrier for those wishing to vote in person on election day, Nebraska could see even higher rates of participation. PPAN is proud to support Senator Bostar's efforts to ensure this trend in Nebraska continues by making it even easier for Nebraskans to participate in democracy regardless of their job or resources. We respectfully request the Committee support LB577 and advance it to General File for full debate.

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**BREWER:** So we will now go to any additional proponents. Any opponents?

**\*BOB EVNEN:** Chairman Brewer and members of the Committee, Good Morning, my name is Bob Evnen. I have the honor and privilege of serving as Nebraska's Secretary of State. I appear before you today in opposition to LB577. LB577 has provisions regarding automatic voter registration that are similar in form and function to LB687, introduced by Senator Vargas in the 2019 Legislative session. This committee did not advance LB687 and the Secretary of State's office continues its stance in opposing this legislation. Among our concerns are the sheer number of duplicate registrations that would be created were this bill to pass. Our county election officials already deal with a tremendous number of duplicate registrations; from November of 2018 to November of 2020, Nebraska election officials processed over 65,000 duplicate registrations statewide with over 32,000 processed in Douglas County alone. This also reflects a 54% increase of duplicate registrations from the previous two-year period. Processing these duplicate registrations takes time, money, and effort from our county election officials who are currently in the midst of preparing for redistricting and the 2022 election cycle. This bill would increase these numbers by requiring already registered voters to continue to apply every time they go to the DMV. We anticipate an additional 354,000 more records per year as a result. In addition, while this bill intends to automatically register or change current registrations of citizens, it does not require the applicant to completely fill out all fields of the registration form. Consequently, it does require the incomplete registrations to be sent to county election offices. Such incomplete registrations will cause delays in processing registrations while the county election officials try to track down this information from the applicant. In some cases, it will cause the inability to register the applicant at all. My office is already taking steps for outreach to unregistered but eligible voters. Nebraska intends to become a member of ERIC, a multi-state voter list maintenance collaborative. As part of the requirements of membership, the state will be sending voter registration information to eligible voters who hold a driver's license or state ID, are not currently registered and have not indicated previously that they did not wish to be registered. Beyond the provisions of automatic voter registration, there are unfunded mandates to the counties requiring them to pay for postage for return ballot envelopes as well as requiring an additional envelope be included in the early ballot materials. The provisions

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requiring postage be paid for by the counties is in conflict with Neb. Rev. Stat. §32-949(3) which requires that any ballot return costs be paid by the applicant. Based upon an estimate from this past election cycle, these costs could be upwards of \$300,000 per election. Voting by mail is only one of many options a person can use to cast a ballot. If a voter does not wish to pay for postage, they may drop off their ballot at a drop box or vote in person at their local election office during the early voting period or at their polling site on election day. The provision requiring both a return and identification envelope be provided is something that the Secretary of State's Office, as well as county election officials, have opposed in the past. Additionally, this bill aims to make the statewide general election day a state holiday. Protections already exist in the law to require employers to give time off to employees (not just state workers) who work during the times the polls are open. Having taxpayers pay for state government employees to have the day off without any requirements for private employers to do the same is not a practical solution. This bill also adds a penalty for a deputy registrar, election judge or clerk, or other officer using voter registration records for anything other than voter registration, election administration, or enforcement of the Election Act with a Class III misdemeanor under §32-1506. This provision does not take into account other permissible uses of voter data under Neb. Rev. Stat. §32-330 such as jury selection and law enforcement purposes. More information should be provided to the committee on why this provision is necessary. Finally, I would like to provide the committee information regarding the fiscal note which reflects the need for an IT professional. The Secretary of State's Elections Division would need an additional FTE to assist with the initial implementation and ongoing support of Automatic Voter Registration if this legislation were to become law. In addition, we anticipate additional costs from the OCIO due to the increased traffic. This fiscal note, however, does not reflect the fiscal needs of any additional staff, overtime pay, postage and envelope costs that our county election offices will incur in order to fulfill their requirements under this bill. In closing, somewhere between 85 and 90 percent of eligible Nebraskans already are registered. Automatic Voter Registration is unneeded, expensive, and would introduce error into our voter registration processes. I urge the committee to decline to advance LB577. I would be happy to answer any questions that members of the committee may have.

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**\*JON CANNON:** Good afternoon members of the Government, Military and Veterans Affairs Committee. My name is Jon Cannon. I am the Executive Director of the Nebraska Association of County Officials. I appear today in opposition to LB577. LB577 would increase election costs to counties by requiring all early voting ballots that are mailed to contain a postage-paid, preaddressed return envelope for voters to return the ballots. This envelope would be separate from the identification envelope containing the marked ballot. At the most recent general election, many counties paid \$1.20 in postage to mail each early voting ballot. The extra cost for return postage, as well as the cost of the extra envelope and any additional weight attributed to it, would increase county costs. LB577 would automatically transmit drivers' license application information to election commissioners or county clerks unless the applicant specifies that their voter records should not be updated. Although the application information is adequate for issuing a drivers' license, the voter registration information may not be complete or may partially duplicate a registration already on file. The proposed process would significantly increase the time spent by election officials to verify changes and missing application information. In addition, LB577 would designate Election Day as a state holiday. While we appreciate the recognition of the importance of elections in Nebraska, designating a new state holiday would increase costs to counties and the state because state and local public employees would have to be paid at a holiday pay rate. Thank you for your consideration of our comments prior to taking action on LB577. If you have any questions, please feel free to discuss them with me.

**\*MICHELLE ANDAHL:** Good afternoon Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Michelle Andahl. I am the Sarpy County Election Commissioner and am testifying on behalf of the Nebraska Association of County Clerks, Registers of Deeds and Election Commissioner's (NACREC) Election Law Committee, in opposition to LB577. LB577 addresses multiple subjects related to elections, including items that would establish November Election Days as a state holiday, change provisions related to early voting, and change provisions related to automatic voter registration. Each of these changes would have tremendous work force and financial impacts on counties and election officials across the state. Page 5, line 4 of the Bill would require that every driver's license applicant's information be automatically transmitted from the DMV to

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election commissioners or clerks, as a request to register to vote, unless the applicant specifies otherwise. This would cause a dramatic increase in duplicate registrations. In the largest three counties, the numbers would be stifling. According to the 2019 Nebraska Licensed Drivers By County Report, Douglas County has over 92,000 drivers licenses applicants a year/1,777 a week. Lancaster County has over 51,000 applicants a year/912 a week. Sarpy County has 31,000 a year/641 a week. There is currently not a way to extract duplicate registrations when the Secretary of State receives voter registrations from the DMV. That means that every driver's license application would be sent to the election offices for processing. Because duplicates must be reviewed and processed in the same manner as a first-time voter, the time that would be required to process that many applicants on average per week, would require hiring additional workers, as well as increase costs for materials and mailings. Page 17, line 28 of LB577 requires that every applicant's information be sent to election officials, even if incomplete. It states that, "If the voter registration portion is only partially completed, the department may still proceed to issue the operator's license or state identification card and SHALL transmit the incomplete voter registration portion to the election commissioner or county clerk pursuant to section 32-308." This section of the Bill creates two problems. The first being that this then puts the responsibility on election officials to chase down every incomplete application to see if the applicant wanted to register and/or collect the missing party information, mailing address etc. Secondly, the language is in conflict with that of State Statute 32-308 that clearly states that all required information must be completed. The duplicity of work would be unsustainable and cause problems for voters that did not respond, as they would then not be eligible to vote until they respond with all information, even for an otherwise previously registered voter. The DMV also does not confirm that addresses used for licenses are valid and legal for use as a voter registration address. On page 12, line 27, LB577 stipulates that for all Early Voting Ballots that are mailed to voters, the election official SHALL enclose with the ballot, a separate privacy envelope for voters to place their signed ballot envelope into for mailing and that privacy envelope SHALL be postage-paid by the election commissioner or clerk. This portion of the bill would incur large increases in election costs for counties. This would require double the number of envelopes needed to return ballots, and return postage on the envelopes would cost between .55 cents to \$1.20 per ballot,

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depending on the county and method of mailing ballots. Lastly, while we understand the possible intent of changing Election Day to a state holiday to allow more voters a day off to vote, making November election days a holiday will not likely impact many voters. As it stands, there are state holidays such as Arbor Day, that are generally only observed by state agencies. Banks, schools, and most businesses do not, and are not required to, observe such holidays. For those organizations that would observe the holidays, any organization that requires some staff to work on such holidays would then be required to pay overtime or holiday pay, including county government. Current state statute allows for voters to take time off from work to vote, without penalty. This bill also does not help address closing schools to allow for use as polling places. Schools do not always observe state holidays. Because the holiday only applies to the November General Election dates, it leaves the Primary Election out. Since polling places must be in the same location for the Primary and General Election, the possibility of closing schools for only November election dates does nothing to aid in using schools as polling places. I appreciate your consideration of my testimony, and on behalf of NACREC's Election Law Committee, I respectfully ask that you not advance LB577 to General File.

**BREWER:** Anybody in the neutral? I know. There's no one here, but I still had to go through the motions. Oh, and then so I don't mess up again here, I got to read this in before you start. Written testimony on LB577, we've got Nebraska Appleseed and Planned Parenthood and then opponents, we've got Jon Cannon from the Nebraska Association of County Officials, Sarpy County Election Commissioner, and Bob Evnen, Nebraska Secretary of State. That said, Senator Bostar, you are good to go to close.

**BOSTAR:** Thank you, Chairman Brewer and members of the committee. This morning, my office received a call from Mr. Preston Love Jr., who informed us that he had planned to come in and testify, but that he was now unable and if I would be so kind as to distribute a letter from him, so that's something going around. The second thing you're receiving is a draft amendment language. The Department of Motor Vehicles, in their comments about the bill, mentioned that there could be some inconsistencies regarding-- some language inconsistencies in the leg-- in the proposed legislation. I spoke with the Bill Drafters Office. They don't quite think that's the case, but depending on what would be useful for the committee, we drafted something that should

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address it if the committee determines that there is an issue there, so you have that in front of you now as well. Please feel free to, to use it if that's useful to you.

**BREWER:** OK.

**BOSTAR:** And, and then I think with that, I'll just add that the passage of LB577 would increase voter turnout for future elections and ensure that all Nebraska voters are able to exercise their fundamental right to vote and that we should endeavor to ensure that everyone has access to the ballot. And with that, I'll be happy to answer any final questions anyone might have.

**BREWER:** All right, let's go ahead and see if we have any questions for Senator Bostar on LB577. All right, seeing none, I guess we will go ahead and read in our letters, which we have nine proponents, two opponents, and two in the neutral for LB577, so we'll read that in. With that, we will close on LB577.

**BOSTAR:** Thank you very much.

**BREWER:** You bet, thank you, and that will close our hearings this afternoon.