

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

[LB794 LB850 LB875 LB951]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Wednesday, January 27, 2010, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB794, LB951, LB850, and LB875. Senators present: Bill Avery, Chairperson; Scott Price, Vice Chairperson; Robert Giese; Charlie Janssen; Russ Karpisek; Bob Krist; Rich Pahls; and Kate Sullivan. Senators absent. None. []

SENATOR AVERY: Welcome to the Government, Military and Veterans Affairs Committee. My name is Bill Avery; I represent District 28. We are...I'm going to start by introducing the members and staff, and then I'll make a few comments about today's agenda and how we will proceed. Senator Pahls will be with us shortly; he represents Millard in Omaha. Senator Janssen will also be joining us later; he is from Fremont. Sitting next to him is Senator Bob Giese from South Sioux City; our Vice Chair, Senator Scott Price from Bellevue; and the committee counsel, Christy Abraham. To my left will be Senator Karpisek from Wilber. And he sits next to Senator Kate Sullivan from Cedar Rapids. And next to her is Senator Bob Krist from Omaha. The committee clerk is Sherry Shaffer. We have two interns. Our interns are from Omaha and Oswego, Illinois. From Omaha is Lisa Cook, and from Oswego, Illinois, is Mark Woodbury. When you come forward to testify, I'm going to ask that you fill out this sheet for testifiers. And they are available at each entrance. Now since the first two bills deal with the same issue, we will hear them together. Senator White will go first, and I will go second. And then after we have made our introductions, we will then go to the proponents, opponents, and neutral testifiers. That will avoid the time-consuming process of people repeating themselves on those two bills. The...if you are testifying on one of the two first bills, LB794 or LB951, please indicate on here which of the bills you are supporting or opposing or whether you want to be recorded as supporting both. It is quite okay to testify for both or opposed to both. We will also have a second sheet for you to record your opposition or your support or neutrality toward any of these bills; if you do not wish to testify on them, then fill out this sheet. That also is available at the entrance. We probably will not use the light system today. That doesn't mean we never will; it's just that if we don't need to...and I prefer not to use them. But we will ask that, when you testify, that you print your name very clearly on the forms that I just talked about, indicate who you're representing, and--when you take the stand--please spell your name very clearly for the record. Even if it's a simple name and we all know you, it still needs to be spelled for the record. The introducers, of course, will make initial statements. Then we will move to proponents, followed by opponents and then neutral testifiers. Closing remarks are reserved for the introducing senators only. If you have a cell phone, please turn it off or put it on vibrate so that it doesn't disturb the proceedings. Please listen carefully to previous testimony so that we're not repetitive and wasting time. We're all here. That's great. So we can start. Senator White, would you like to come forward? I will step aside and turn the chair over to the Vice Chair, Senator Price.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

[]

SENATOR WHITE: Thank you, Mr. Chairman. Tom White, T-o-m W-h-i-t-e; I am a state senator representing District 8. I have introduced LB794, and I'm pleased to recognize that Senator Avery, the Chairman of this committee, has introduced a similar bill. This is a bill that will put Nebraska in compliance with newly passed federal legislation. The new legislation is in response to developments in technology and the fact that a large number of our citizens are overseas, many of them in the armed services. The federal legislation in this bill, which would put us in compliance with that, would require that at least 45 days before the election absentee ballots be sent out to people who properly request them. And it also requires that such requests be permitted electronically, either through e-mail or through fax. This is an important development so that we do not disenfranchise those Americans who are overseas, either in the military services or on personal or business reasons. It's a simple bill; it's largely mandated by federal law. And unless there are questions, that is really all I have to say about it. [LB794 LB951]

SENATOR KARPISEK: Thank you, Senator White. Any questions for Senator White? Seeing none, thank you. [LB794 LB951]

SENATOR WHITE: Thank you for your courtesy. And with your permission, I'll waive closing and go back to the Revenue Committee; it's property tax day. (Laughter) [LB794 LB951]

SENATOR KARPISEK: Do some good work over there, Senator. [LB794 LB951]

SENATOR PAHLS: Did you say exemption day? (Laughter) [LB794 LB951]

SENATOR KARPISEK: Welcome, Senator Avery. [LB794 LB951]

SENATOR AVERY: Thank you, Senator Karpisek. Members of the committee, my name is Bill Avery, B-i-l-l A-v-e-r-y. I represent District 28. My bill is numbered LB951. It...I bring this to you...it's not uncommon to have two bills that deal with the same subject. These bills were developed independently of each other, but I think the difference might be...at least my understanding in looking at both bills is that the bill that is before you here, LB951, was developed in close consultation with the Secretary of State. It is intended, as is Senator White's bill, to implement the provisions of the federal MOVE Act--that stands for Military and Overseas Voters Empowerment--that Congress passed in October of last year. The MOVE Act, as Senator White indicated, requires, among other things, that states transmit ballots for early voting no later than 45 days before an election. Additionally, voter registration applications, early voting applications, and blank ballots must be made available electronically to the military and overseas voters. The MOVE Act requires the Secretary of State to develop a free-access system by which a military and overseas voter may determine whether his or her ballot has

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

been received by the appropriate election official. Some of the provisions required by the MOVE Act are already in state law here, such as transmitting ballots for early voting 45 days before the election. LB951 puts into place additional requirements of the MOVE Act, such as providing that members of the armed forces, overseas citizens, and persons residing outside the country may indicate a preference for ballots and other election materials to be delivered via facsimile transmission or electronic mail by indicating such preference on the federal postcard application. If the person indicates such a preference, the county election official must accommodate the voter's preference. Also, the Secretary of State will develop a process for members of the armed forces, persons living outside the country, and overseas citizens casting a ballot to check the status of their ballot by way of the Internet or a toll-free telephone call. The Secretary of State's office also will go into detail after I have finished this introduction. They will talk about the details of the bill; they will also address the fiscal note, which is attached to the bill. It is my understanding that the explanation from the Secretary of State will reduce the heartburn that might be generated by the fiscal note. So with that, I will stop and entertain any questions that you might have of me. [LB794 LB951]

SENATOR KARPISEK: Thank you, Senator Avery. Senator Sullivan. [LB794 LB951]

SENATOR SULLIVAN: Thank you, Senator. Just logistically, when you indicated you have two bills that are very similar, what usually happens, then, going forward? We certainly don't need two... [LB794 LB951]

SENATOR AVERY: No. [LB794 LB951]

SENATOR SULLIVAN: ...statutes that are very much the same. [LB794 LB951]

SENATOR AVERY: Now, in executive session, with the consultation of committee counsel, we will decide which of the two most completely addresses the requirements of federal law and either report that one out, or if we choose not to report that one, we'll amend the other one, if it needs it, to conform to federal law. [LB794 LB951]

SENATOR SULLIVAN: I see. Thank you. [LB794 LB951]

SENATOR KARPISEK: Thank you, Senator Sullivan. Senator Janssen. [LB794 LB951]

SENATOR AVERY: Good question, by the way. [LB794 LB951]

SENATOR JANSSEN: Thank you. Senator Avery, what...help me out here. They're very similar bills. One of them has a fiscal note; the other one doesn't. Can you go over that again for me? [LB794 LB951]

SENATOR AVERY: Well, to be quite honest with you, I was surprised that it generated

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

a fiscal note. But then I'm sure the Secretary of State can explain why. And I think that the reason one has a fiscal note and the other does not is that the Secretary of State has been intimately involved in the development of LB951, and... [LB794 LB951]

SENATOR JANSSEN: So things cost more if we go through the Secretary of State? [LB794 LB951]

SENATOR AVERY: Well, I guess you...that was an implication, wasn't it? [LB794 LB951]

SENATOR JANSSEN: Okay. [LB794 LB951]

SENATOR AVERY: That was not my intent, however. (Laughter) [LB794 LB951]

SENATOR PAHLS: Sure, sure. [LB794 LB951]

SENATOR JANSSEN: Okay. [LB794 LB951]

SENATOR AVERY: My intent is that perhaps it is more complete. And the Secretary of State would know, having been involved in the development of this legislation, exactly what the MOVE Act requires him to do and therefore much more aware of the costs that would be incurred. I think that's a better answer. [LB794 LB951]

SENATOR JANSSEN: So in summary, Senator White puts forward incomplete bills, and yours are complete. I'm just...you don't have to answer that. (Laugh) [LB794 LB951]

SENATOR AVERY: That was not...also, that was not my intent either. [LB794 LB951]

SENATOR PAHLS: Sure, yeah. Why not? Keep it up. [LB794 LB951]

SENATOR JANSSEN: I wish he was still here. Thank you, Senator Avery. [LB794 LB951]

SENATOR AVERY: (Laugh) I think that the correct answer is the Secretary of State puts together... [LB794 LB951]

SENATOR JANSSEN: Ah. [LB794 LB951]

SENATOR AVERY: ...more complete bills... [LB794 LB951]

SENATOR JANSSEN: Could be true. [LB794 LB951]

SENATOR AVERY: ...because the Secretary of State knows what the implications are

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

for his office. And I couldn't know that, and Senator White could not. [LB794 LB951]

SENATOR KARPISEK: Any further questions? Seeing none... [LB794 LB951]

SENATOR AVERY: You guys are tough. [LB794 LB951]

SENATOR KRIST: We were taught well. [LB794 LB951]

SENATOR KARPISEK: Can we have the first proponent for the bills presented? Or, I suppose, one over the other would be helpful for the committee. Welcome. [LB794 LB951]

JOHN GALE: (Exhibit 1) Thank you, Mr. Vice Chair and members of the Government Committee. I'm John Gale, J-o-h-n G-a-l-e, Secretary of State for the state of Nebraska and chief election officer. I'm having distributed a letter that explains in fuller detail the background and philosophy of why we're supportive of the endeavor here to adopt an appropriate bill that would implement the requirements of the MOVE Act. So I won't go into those details. I'll give you some kind of general overview, however, and I will try to catch the pass that Senator Avery threw to me with regard to the fiscal note and explain that in some further detail. Essentially, since I've been Secretary of State in 2001, we've been very actively involved working with the Federal Voter Assistance Program, FVAP, which is a branch of the Department of Defense, which has been very, very proactive, very aggressive about helping states adopt legislation that further promotes and accommodates our military and overseas civilians in their ability to cast a vote and have their vote counted. And it's been a major challenge, because the percentage of those who are overseas--both military and civilian--who have been able in the past to get their ballot cast and counted has been a fairly miserable percentage for a lot of different reasons. But one of the primary reasons is the fact that many states haven't provided the transmission time to get the ballot sent and the ballot returned. And that's why this 45-day provision is very, very critically important. We are supportive of LB951. We're not in any way opposing LB794, but LB951 is more comprehensive and covers, we think, more completely the details of the implementation of the act. Both bills have good intention and are moving in the right direction, but LB951 accomplishes what we think needs to be accomplished to carry out the mandates of the MOVE Act. Now the nice thing in Nebraska...and I'll brag a little bit, not about my office but about the Legislature: we have had an outstanding working relationship with this committee, and we've worked very hard on this issue, and we have adopted proposed legislation that's been suggested by FVAP and the military defense committee over the years. And so we have that 45-day requirement. We're not one of those states who are an impediment to overseas voters. We also...you adopted a bill that would allow us to transmit by fax to overseas civilian and military their ballot, which reduces the transmission time in half. So rather than two to three weeks over by mail and two to three weeks back, by using the fax machine you cut that in half. Unfortunately, because of the rapid change of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

technology and also the mobility of our military forces abroad, about the time that we adopted that here in Nebraska it was becoming less and less available to the military deployment forces abroad. Fax machines just weren't that conveniently available and were not used that much. So we moved ahead, and the Legislature adopted another bill, which gives me the authority as Secretary of State to allow overseas military to transmit a digital ballot to me by e-mail if there are circumstances that justify why they were not able to transmit by regular mail. And there aren't many of them, but in 2008 there were 29 overseas military personnel who, due to their circumstances, were not going to be able to vote unless I allowed that, and I did allow that for those 29. Now that doesn't, of course, add up to large numbers, but we, working with you, have been trying to accommodate the military and overseas civilians in many ways. There are estimates that there could be up to 2 million Americans abroad--missionaries; students studying abroad; businesspeople working abroad; civilians working for the Department of Defense, State Department, etcetera; plus all of the military deployments in South Korea and Bosnia and Afghanistan and Iraq. So it's a major issue for many Americans who are out there on the front lines, both as civilians and as military. I think Nebraska gets an "A" in having accommodated what the MOVE Act seeks for the rest of the states to accomplish. If every state had done what the Nebraska Legislature has done, we wouldn't, probably, see the MOVE Act having been adopted on the federal level. So...but there are things that we do need to implement. For example, we need to have the Web site so that the absentee ballot can be traced. We need to provide for that accommodation as well as accommodating better access by telephone to elected officials. So it's really not a matter of choice; it's a matter of federal law that we do this. But what we're doing we've significantly accomplished; and this is just, maybe, frosting on the cake for us. There is a fiscal note of some \$80,000, which is primarily for the Web site. I advised Senator Lavon Heidemann of this fact; at noon I saw him at the Nebraska Association of NRDs luncheon and told him that we did have an unusual fiscal note that we were going to be suggesting to the Government Committee. What makes it unusual is that under this act, we're allowed to use Help America Vote Act funds, which are federal funds, strictly segregated federal funds, that we can use to implement federal election law changes. And there are some issues that still, we think, need to be resolved. Both...Neal Erickson, my deputy for elections, is going to be in Washington at the National Association of State Election Directors. I'll be back, the same weekend, with the National Association of Secretaries of State. And these issues are going to be discussed--about the need for maybe a little more clarification on the funding mechanism and also some other clarification with regard to the protection of the privacy of the overseas voters. So while we certainly would normally urge that this bill be advanced to General File, we would simply ask the committee to postpone that action, if that is your desire, until we've been able to come back and communicate with your counsel on what clarifications we've been able to learn so they can be communicated to you. We think that they'll be helpful rather than in any way harmful. But I think we need that clarification, because we do have Title I money under the Help America Vote Act, and that money is in hand and available. And we do need to amend

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

our state plan in order to add that to one of our goals, and we'll be able to accomplish that this spring, before the general election. But we are supportive of LB951 and would urge you to advance it but, please, not to do so--to allow us to report back to you next week. Thank you. [LB794 LB951]

SENATOR KARPISEK: Thank you, Secretary Gale. Questions? Senator Krist. [LB794 LB951]

SENATOR KRIST: Secretary, so if I understand, there's money available to offset the \$80,000, but you can't commit it until you check at the national level that it's available. [LB794 LB951]

JOHN GALE: There's...and that's correct. It's strictly federal money, and it's maintained in a segregated account. So it's not money that we're hoping for or that...someone promising the check is in the mail. We have the funds. But there's a little dispute going on between the U.S. Election Assistance Commission, which is a federal advisory body, and they think that there needs to be another amendment to the Help America Vote Act in order to accomplish what MOVE wants to accomplish. The MOVE Act seems to make it very clear that HAVA money can be used for this purpose, but the EAC is saying: Well, but there's no amendment to the HAVA Act to allow that. And their point of view is you have to have both. And between our two meetings, I think we're going to get clarification from FVAP and the EAC if they have worked that out. If there needs to be another amendment, I presume they'll just throw it on some other bill and get that amendment to the HAVA Act passed in short time. [LB794 LB951]

SENATOR KRIST: And what's...your sense is that they're going to work it out--you're going to be able to use the money. [LB794 LB951]

JOHN GALE: Well, if that's not worked out, it's an impossibility of implementing the act; simply, the funds aren't there... [LB794 LB951]

SENATOR KRIST: Right. [LB794 LB951]

JOHN GALE: ...through Nebraska general funds. But we're very, very confident that it is going to get worked out. It's just kind of a little bureaucratic battle, I think, that's going on that should be easily resolved. I don't think EAC wants to stand in the way of helping military and civilian overseas citizens vote in the 2010 election. [LB794 LB951]

SENATOR KRIST: It's not like we've ever seen a federal unfunded mandate by the federal government either, so... [LB794 LB951]

JOHN GALE: No. No, it's not. And fortunately, all the states have funds in hand. We're lucky, as a small state, because we have Title I funds available. The Title II funds are

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

the funds that were used for the equipment and the voter registration system, and that was part of about an \$18 million package. And we've pretty much exhausted the Title II funds, but we do have Title I money available for this type of purpose. It can be used more generally. [LB794 LB951]

SENATOR KRIST: My other question is simply--if I could--there's no fiscal note on one of the bills; there is a fiscal note on the other. Would we assume that for implementation on either of those two bills that there would have to be the Web site set up, so the fiscal note... [LB794 LB951]

JOHN GALE: Yes. [LB794 LB951]

SENATOR KRIST: ...would apply? [LB794 LB951]

JOHN GALE: Yes. [LB794 LB951]

SENATOR KRIST: Okay. Thank you very much. [LB794 LB951]

JOHN GALE: Correct. Thank you, Senator. [LB794 LB951]

SENATOR KRIST: Thank you for testifying. [LB794 LB951]

SENATOR KARPISEK: Senator Sullivan. [LB794 LB951]

SENATOR SULLIVAN: Could you explain to me a little bit more about why you need a Web site? [LB794 LB951]

JOHN GALE: Well, as Senator Avery pointed out, there are requirements in the MOVE Act that are similar to the requirements in the HAVA Act for provisional voters to be able to track their provisional ballot to ensure that it gets cast and counted. So it's a tracking system. It's like our rules and regulations tracking system: If people want to know where a particular rule is in the process of adoption, we have a tracking system. And this will allow an overseas voter to track on our Web site the circumstances of their absentee ballot. [LB794 LB951]

SENATOR SULLIVAN: How are you handling the ballots now here in Nebraska--the overseas ballots? [LB794 LB951]

JOHN GALE: Well, we don't provide for that; we don't provide a tracking system. We do have a tracking system on the provisional ballots, but we don't for military and civilian overseas. [LB794 LB951]

SENATOR SULLIVAN: Thank you. [LB794 LB951]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR KARPISEK: Any other questions? Seeing none, thank you. [LB794 LB951]

JOHN GALE: Thank you, Senator. Thank you. [LB794 LB951]

SENATOR KARPISEK: Further proponents. Welcome to our committee. [LB794 LB951]

BETH BAZYN FERRELL: Thank you. Senator Karpisek, members of the committee, for the record my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm an assistant legal counsel with the Nebraska Association of County Officials. I'm here in support of the bill. We support moving forward with this and implementing the federal legislation. Of the two bills, we do prefer LB951. I'd be happy to try to answer questions. [LB794 LB951]

SENATOR KARPISEK: Any questions? Seeing none, we'll let you off easy. Any further proponents? Seeing none, do we have any opponents of either bill? Seeing none, do we have any in the neutral? Seeing none, Senator Avery to close. [LB794 LB951]

SENATOR AVERY: Thank you, Senator Karpisek. Very, very briefly--both of these bills are good bills. It is my belief that you could advance LB794; it might require a committee amendment for some of the technical details that are already in LB951. Certainly, we'd advance the fiscal note with either one of them. This is important legislation. Despite the fact that we may not like unfunded mandates, it is a mandate--it's a good one. And I believe that the Secretary of State provided adequate justification for how and why we can do this probably without any impact on the General Fund. So I'd urge you to advance LB951. Thank you. [LB794 LB951]

SENATOR KARPISEK: Senator Sullivan. [LB794 LB951]

SENATOR SULLIVAN: Thank you. It just occurred to me: Is there a time line on when, at the federal level, the states have to enact this? [LB794 LB951]

SENATOR AVERY: You know, I don't know what it is, Senator Sullivan, but I would bet you there is a time line. (Laugh) There is a deadline somewhere. [LB794 LB951]

SENATOR KARPISEK: Any further questions? Senator Krist. [LB794 LB951]

SENATOR KRIST: Can we ask a question of...no? Okay. I'd like to know that as well, in terms of the time line. [LB794 LB951]

SENATOR AVERY: We can get that by--before exec session. [LB794 LB951]

SENATOR KRIST: All right. Thank you. [LB794 LB951]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR KARPISEK: Any further questions? I would like to remind everyone that Senator White waived his closing, and that will end the hearings for LB794 and LB951. We will now open the hearing for LB850, introduced by Senator Avery. [LB794 LB951]

SENATOR AVERY: Thank you, Senator Karpisek. For the record my name is Bill Avery, spelled B-i-l-l A-v-e-r-y; I represent District 28 here in Lincoln. This bill, LB850, also involved a lot of collaboration with the Secretary of State. You may remember that I have brought to this committee a number of times a bill that would put in place, in the state, Election Day registration. And that has not been successful. And in my efforts to convince the Secretary of State that I was right and he was wrong, I asked for a meeting, and he continued to tell me that I was wrong and he was right--in a very friendly manner, I must add. And in the course of that conversation, he came up with an idea that I found appealing. And that idea is contained in LB850. You may remember that this committee did an interim study over the past summer on Election Day registration. And in the course of that time, in meeting with Secretary Gale and Neal Erickson, we talked about ways that we might be able to achieve one of the objectives of Election Day registration, which is increased voter turnout, especially among students. And one of those ways is what I'm going to talk about now. In one of those meetings, there was discussion about a rule the federal government has that's been in place for a few years now that requires universities and colleges to provide voter registration information to their students. Now one of the most ardent supporters of Election Day registration is a group of students at UNL who were particularly concerned about college students finding themselves past the last day to register to vote and--at the university--not able to get home in time where they are registered and not having changed their registration and find themselves unable to vote and feeling frustrated. So the students wanted same-day registration in order to get around that problem and increase voter turnout among students. This federal law that requires universities to provide voter registration information to students provides us with an opportunity. And the idea is that we take that requirement to provide information to students and we add to that information about early voting and how to request an early voting ballot, in addition to voter registration materials. This was the idea of Secretary Gale. I thought it was a good idea; the legal counsel thought it was a good idea. And so we went to work on it. So what we'll do is have the universities, community colleges, and state colleges--have them include in their information about how to get registered--include in that information also information about how you can request an early ballot, and you don't have to worry about getting caught after the deadline for registering here in Lincoln but your voting place is back in Broken Bow, because you will have information easily available on how to vote early and, in fact, how to request an early ballot. We met with the representatives of the university, the community colleges, and the state college system to discuss how they would implement this. They all agreed that it's important and that they could easily adjust their notification process to include this request for a ballot for early voting. At that meeting, the Secretary of State discussed how they will provide an electronic link to the universities and colleges that will take students directly

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

to information on how to register to vote and how to request a ballot for early voting. Under the bill, the information on early voting will be provided to students prior to each statewide primary and general election. This information will be provided to each student enrolled in a degree or certificate program and physically in attendance at the institution. As mentioned before, this requirement is in addition to the federal law that now requires universities and colleges to make a good-faith effort to distribute voter registration materials. I think this is a no-cost item; there are few of those these days when it comes to voting. It's a good idea. It doesn't go as far as the students wanted us to go with Election Day registration, but it is an improvement. They support it; the Secretary of State supports it; I think it's a good idea, and I ask you to advance it. Thank you. [LB850]

SENATOR KARPISEK: Thank you, Senator Avery. Any questions? Senator Sullivan. [LB850]

SENATOR SULLIVAN: Thank you. Senator Avery, it's indicated in the bill: "The institution may provide the information electronically." Is that typically how all the institutions provide the information? [LB850]

SENATOR AVERY: Yes. It is. [LB850]

SENATOR SULLIVAN: Okay. [LB850]

SENATOR AVERY: That was my understanding in the meeting we had with the representatives of the universities. [LB850]

SENATOR KARPISEK: Senator Janssen. [LB850]

SENATOR JANSSEN: Thank you, Senator Karpisek. Senator Avery, as we all are aware, you're a former government teacher. I'm not certain if you were a high school teacher at any point in time, but the information you're telling me about was something that I learned in my high school civics class. Had I chosen not to...well, I didn't go to college right away, but if I'm a 19-, 20-, 21-year-old student, you're telling me that since I didn't pay attention in high school, I need to get this additional information. And we pile it onto the state colleges, university that are probably saying it's easy enough for them to do it. I would gather the Secretary of State saying: Fine, if you can get them to shut up about the Election Day thing, I'll support this. It's just my surmise on this. I never thought I'd say I'm more in favor of Election Day registration than I am this, because this is an absolute do-nothing. I just can't see what...I don't know; I'm waiting to hear some compelling argument on this. The link is already available, isn't it, that--maybe the Secretary of State can answer that--but isn't the link already available to...? [LB850]

SENATOR AVERY: The link is available that provides how to get registered, but it is not

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

available yet to provide the early-voting information. [LB850]

SENATOR JANSSEN: This just reminds me... [LB850]

SENATOR AVERY: And I did not teach high school, by the way. [LB850]

SENATOR JANSSEN: Okay. Okay. So you had to get to secondary education before they taught that. This just kind of reminds me of a quote I saw in the paper yesterday from my new best friend, Senator Loudon, that, you know, we can't tell people--we can't make people brush their teeth in the morning; we shouldn't have to remind them to brush their teeth in the morning. This is a civic responsibility; these are responsible students. I trust in them. I trust in them to be smart enough to pay attention in their high school civics class and know when the election is. It's on CNN; it's on C-SPAN; it's even on FOX, which I know you've never watched. [LB850]

SENATOR AVERY: Oh, actually, I have. [LB850]

SENATOR JANSSEN: But no, sorry... [LB850]

SENATOR AVERY: But... [LB850]

SENATOR JANSSEN: ...I just... [LB850]

SENATOR AVERY: ...I keep looking for the fair and balanced part. (Laugh) [LB850]

SENATOR JANSSEN: Keep looking. Thanks, Senator Avery. [LB850]

SENATOR AVERY: Let me respond. I don't believe every high school student takes civics. They might; I'm just not aware of that. But...and a lot of high school students who do take civics and then go on to college probably were not always paying attention during the particular day that voting might have been covered. It's a very easy thing for the Secretary of State to do this. The colleges want to do it and are willing to do it and might do it without this legislation. But since we're already providing registration information, it doesn't take much to add the additional information. [LB850]

SENATOR JANSSEN: It's kind of a feel-good. I imagine the...at Wayne State, The Wayne Stater probably puts it in their information and says this is how you do it. I'd imagine the UNL newspaper could or should do it. [LB850]

SENATOR AVERY: Yeah. [LB850]

SENATOR JANSSEN: I just hate... [LB850]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR AVERY: But you can imagine that a student who's here from out in the western part of the state at, say, UNL, registered to vote in his or her home county, gets down here and forgot to change their registration to Lincoln. And they realize the election is approaching, and they may be two or three days out; they don't have time to go back home to vote, so this information could be very useful for them. [LB850]

SENATOR JANSSEN: I'm certain we'll have the same debate on whether or not how interested they are into voting to begin with, but I appreciate it. [LB850]

SENATOR AVERY: Well, this is a part of what I believe in--and we may disagree on this--of making voting easier, making it as easy as possible so that as many people as who want to vote and are motivated to vote... [LB850]

SENATOR JANSSEN: Motivated. [LB850]

SENATOR AVERY: ...motivated to vote can do that when they discover that perhaps something is--there's some impediment there to keep them from voting. So we just remove some of those. [LB850]

SENATOR KARPISEK: Senator Pahls. [LB850]

SENATOR PAHLS: Well, as Senator Sullivan says at times, we should look at the bigger picture. I think this is a very small piece. We ought to take a look at the civics standards for the state, that it would really get this point across so when they should register, etcetera, etcetera. And if we don't have those standards yet, we should, because civics we all--you would know, especially, I'm assuming... [LB850]

SENATOR AVERY: Yeah. [LB850]

SENATOR PAHLS: ...would be a significant factor. So we ought to be looking at the big picture, and this is just a small pebble--and the state, through its standards, would meet this need. And if it's not there, then it should be placed there. [LB850]

SENATOR AVERY: Good. I think that means you're (inaudible) vote this bill out of committee. [LB850]

SENATOR PAHLS: No, I would vote if the standards were there. [LB850]

SENATOR AVERY: Well, I would start with the standard that voting is a right. It's not a privilege; it's a right. And we should make it as easy as possible for people to exercise the right to vote. [LB850]

SENATOR KARPISEK: Thank you, Senator Pahls. Any further questions? Seeing none,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

thank you, Senator Avery. First proponent on LB850. Secretary Gale. [LB850]

JOHN GALE: (Exhibit 1) Mr. Vice Chair, members of the committee, I'm John Gale, J-o-h-n G-a-l-e, Secretary of State and chief election officer for the state of Nebraska, and I'm here to testify in support of LB850. Just as a little background on what's trying to be accomplished--first, this effort on the part of any university or college that receives federal student loan funds is required to participate. This law was passed back in 2000, and consequently the university system, the state college system, the community college system, the private colleges who have federal student loan programs are required to furnish voter registration information to their student body. So that's been going on for some time. As Senator Avery testified, we have been working closely with him on a number of, I guess I would say, student-related issues because of the Election Day registration issue that has come up. Promoting citizenship has been one of my priorities as Secretary of State, that we have any number of voter programs--the Student Vote program, which reaches out to 85,000 students every two years from K-12 to help them learn how to cast a ballot and participate in an election. We have Honor a Veteran, Vote in Honor of a Veteran. We have a number of civics programs, all for the purpose of promoting good citizenship and, particularly, participating in our democratic system. So as we talked about Election Day registration with Senator Avery and within our own office, we brought it back into our program called College Student Advisory Committee. I have a College Student Advisory Committee consisting of college representatives of student government from UNO, UNK, and UNL, and we're expanding that to a couple of other colleges this year. And I meet with them on a monthly or twice-a-month basis, and we talk about student issues and what are they facing in terms of becoming active citizens, participating in our democratic system. For the most part, it seems like our voter registration program in the high schools has been very successful. High school teachers, high school administrators, plus the local county election officials work very, very hard to get the high school seniors to register to vote before they leave high school. They spread out--go into the military, get jobs, come to college. The ones that are going to college are away from home for the most part, and they're still registered at home. And one of the philosophical conflicts on Election Day registration, in my opinion, is Election Day registration allows them to show up on Election Day and change their registration to the local community where they're going to college, which means they're not as familiar with the candidates or the local issues on that ballot and therefore are more than likely just to vote on the very, very top candidates. What I like to promote is participation in their home community, where you have ESUs and NRDs and city councils and mayors and county commissioners. They grew up in those towns; they and their parents know those candidates and know those issues. That's where I would prefer that they be voting, but they have to vote either in person or absentee ballot. So how do we communicate to the students not only the need to be a registered voter, which most of them are, but also the need to be aware and alert to their need for an absentee ballot? So you rely largely on parents. Sometimes that works; sometimes that doesn't work. And we look, then, at the university systems and realize that they are

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

already, by federal law, required to provide the registration information. And it used to be by paper form, and as time passed, with the digital age, that became more a referencing of the students to a Web site. And we have several of the universities who are referencing students to a Web site run by FVAP. Well, FVAP, as we discussed, is a federal voter assistance program for military and overseas civilians--not particularly helpful to students who are trying to figure out what to do in their home state. So Neal Erickson and Senator Avery met with university officials to decide in a cooperative way what's the best way to reach students directly with the best information for them in Nebraska--for Nebraska citizens--and what can we do to help those students who are from other states who need to be guided to Web sites with their state information. And that's where this bill, then, kind of coalesced into LB850. So the focus here is: we would devise the Web site for the students that would be simple, straightforward, and relevant to Nebraska voting citizens--students in particular. We would have frequently asked questions about residency, about: Okay, I live in Harrison, but now I'm in Lincoln; what's the problem with regard to my registration? And that information would be so much more direct and simple and relevant to Nebraska students than being sent off to the FVAP Web site. So we thought it would be a more effective way of educating the students not only on registration but also on absentee ballots and the request for a ballot, giving them the forms to fill out--download it, send it back to their county election official--have the Web site contain the names, addresses of all the county election officials. So it's a neat, succinct package for Nebraska students. That's our focus. The universities and state colleges were very supportive of the idea, realized it would be a much more helpful link. And the students that I work with on my College Student Advisory Committee think that it's a good idea to pursue this and give them that means. They're all very digitally connected, much better than my generation, and that's where they go for their information. And we want them to have this available to them so they can get an absentee ballot and vote in their home county, where they know the people, they know the issues, and where their local candidates need their vote--the down-ticket elections that need their attention. Thank you. [LB850]

SENATOR KARPISEK: Thank you, Secretary Gale. Any questions? Senator Janssen. [LB850]

SENATOR JANSSEN: I still have a question that this is even necessary. You're talking about a link and whatnot, and, with all due apologies to Chairman Avery--or current chairman Karpisek--I broke a little rule here. I used my Blackberry while you were testimony-ing, and I put in "how to vote in Nebraska absentee." And up pops your face, FAQs on how to do it, exactly how to do it. Everything you're talking about is right there right now and took me little more effort than to sit there, on my Blackberry. And it gives me all of the details and all the information I need right now. I certainly don't...and so it's just not necessary, and I guess there's no way that you can make me think that. I just don't want to get to the point now that we're telling the state colleges that you have to put this in there--and the universities--because, I would warn, it's going to start with this,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

and then it's going to be something else and something else. It also got me to wonder a little bit, and I'm asking this as a question: Are we creating a little bit of a closed class here? Because if I'm a 19-year-old that graduates and I'm, you know, out in Ogallala, but I'm going to go work on a ranch for six months after graduation, and the vote comes up. As a 19-year-old that went out and got a job, paying taxes back to the state, now, all of a sudden, I don't get all this information. I'm not...my employer is not mandated to do this. Is that where we're going next, that our employer is mandated to let the ages 18 to 22--the normal postsecondary education age--make them aware of what their voting rights are in their communities? So is there a closed class that we're kind of setting a precedent for here? [LB850]

JOHN GALE: We work very, very hard with our county election officials to ensure that there is no closed class that's left unreached by our voter education programs. If you read the local newspapers, you find voter guides, you find stories by the local newspaper put out by the county official on where to vote, how to vote, how to secure information, what Web sites to go to. So that information is available to anybody who occasionally reads a newspaper or occasionally watches television, in terms of the voter education outreach of all elected officials to reach all citizens of all classes anywhere to know where to go to get information to vote. So I would be greatly concerned if there was some group of people who are unable to secure that kind of free information. And as you said, our Web site is very, very accessible. The difference, in this case, is the universities and state colleges and community colleges are already required by law to do something. And what they're doing isn't working real well when they send them off--and they can send them to different Web sites; they're not required to send them to our Web site. And so they send them off to the FVAP Web site, or they send them off to some other Web site where there is considerably more irrelevant information than what they need. Now, if the point is: Well, let the universities do what they want to do--and not interfere with the process and leave it up to them, that's one option. They have to do it, though. There's no choice under federal law. We're trying to make it more relevant to the students; we're just trying to draw it and focus it. And if it's going to be done, let's make it effective; let's not waste everybody's time. Let's make it focused and do what you did...and I'm a student, and every semester I get this information reminding me; okay, I'll check that Web site. So we're just trying to get them to go in the right direction. [LB850]

SENATOR JANSSEN: I certainly understand what you're trying to do, but I just think we're just kind of wasting a little bit of time with this. And you kind of mentioned occasionally you would expect that 19-year-old that left his hometown to go to work, to read the newspaper or look at TV. I guess I'll use your son, because I know him personally. I'm assuming that yours also did that while he went to college. He also watched TV, read the newspapers. I'm assuming the students that...will now get an additional reminder that, in my opinion, I don't think it's going to--I don't think it'll make one more person vote...probably not going to vote. But this to me just seems like a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

feel-good thing that we're doing to kind of assuage...I think the same-day voter actually--if you want to talk about it--actually made more sense for that 19-year-old that went somewhere else. I don't know. I guess you could respond to it. I guess I'm just... [LB850]

JOHN GALE: And I understand your point. To me, it's like we're trying to build a building, and we're trying to lay bricks. My College Student Advisory Committee is one brick. We had Tom Osborne involved in voter outreach and voter education in the 2008 election. President J.B. Milliken spoke to our college student symposium. We're trying to reach them in many ways. Governor Heineman spoke to them in a very interactive way for about an hour. And they deeply appreciated that connection with government, the fact that we recognize them, we acknowledge them, we appreciate them, and we're trying to help them be good citizens. So this is just one other way for the universities and state government to try to help them in the progress of becoming a good citizen. So if we can get them to vote while they're in college, we've probably captured them as a good citizen the rest of their life. If they register in high school and forget it and don't ever participate through college and maybe even graduate school, they may not ever care the rest of their life. It's like anything; you've got to capture their attention, get them involved. The thing universities aren't required to do is to provide absentee ballot information. That's the new ingredient that's very important to me and to Senator Avery--that the college students have that available so they will vote in their home county, where they're familiar with the people and the issues and will vote the full ticket. That's important to me. If that isn't important and we don't care whether they have information and we are perfectly happy with them reregistering in Lincoln or Omaha or Kearney, where they're not from, and they're going to vote the top of the ticket...to me, that's one of the consequences that's beneficial, is that we help them obtain that absentee ballot. [LB850]

SENATOR JANSSEN: Thank you, Secretary of State. [LB850]

JOHN GALE: Thank you, Senator. [LB850]

SENATOR KARPISEK: Any further questions? Seeing none, thank you, sir. [LB850]

JOHN GALE: Thank you, Mr. Chairman. [LB850]

SENATOR KARPISEK: (Exhibit 2) Any other proponents? While Mr. Morfeld is coming up, I will read into the record a letter of support from Diane Olmer, Platte County Election Commissioner. Welcome. [LB850]

ADAM MORFELD: Thank you. Good afternoon. My name is Adam Morfeld; that's A-d-a-m M-o-r-f-e-l-d, and I am here today on behalf of Nebraskans for Civic Reform. As many of you know, we're an organization consisting solely of college students, mostly

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

law students but some undergrads. First off, we're kind of ecstatic to be on the same side of an issue as Secretary Gale is on, as Secretary of State. It took about three years, but we're there. And we're happy to testify in support of this legislation today. A few things, I guess--I didn't really have much to say, but Senator Janssen gave me a lot of things to say, as usual. I appreciate that. [LB850]

SENATOR JANSSEN: You're welcome. [LB850]

ADAM MORFELD: (Laugh) First off, students are somewhat of a unique group, because we're highly mobile--and particularly after our first year. Our first year we're required, at UNL anyway, to be in the dorms. So we're in one spot. But oftentimes students are also first-time voters. They're 18--I know a few students who were 17 when they first came to college--and they don't know about all of the different voting regulations and what they need to do. And, granted, that is a responsibility. However, there are varying degrees of education of what that responsibility is. And I don't think it's uniform across the state. And I agree with Senator Pahls. I think this goes back to more of a fundamental issue of civic education, and that's something that we've tried to get into. But getting into a curriculum is something that we found to be a little messy, so we'll leave that to other people. But...so, for example, there was one year where I moved four different times, because I was a residence hall assistant director; I worked in the summer conferences, so I lived in another address; and then after that, I lived somewhere else for about three months until I finally got another lease. And so I moved four different times. And sometimes...I think that's somewhat of an anomaly. But I would say, on average, students probably move around two times a year and go to different addresses, and it's not always their home address. So I think they're in a unique position, where they're moving around a lot. Secretary Gale emphasizes the early voting, and I think that's important. But I think a lot of students also register where they're at, at the time, and they don't really think--oh, I'm not going to be here in another year or another six months. So this is a good reminder before each primary and general election to do that. And I think that's kind of atypical of a lot of people who are not in college. In addition--and maybe I'll be the first one to say it, but--the colleges do not send out this information, and they do not make it readily available, as of right now. Whether they're required to or not, you know--I didn't really know that until Senator Avery and Secretary Gale brought this up. They are willing to, though. When I was in student government, we asked our vice chancellor of student affairs, Dr. Franco, to send out a university-wide e-mail of, you know, a link to the Secretary of State's Web site with information on how to register to vote and early vote, and he was more than willing to do that. But this isn't something that...I was at UNL for five years, and I was extremely involved and very active in student government, and I never knew of any link or any resource that the university provided. And perhaps that's something that needs to be looked into. Some of...I'm just going down my notes of some of the things that Senator Janssen addressed. You know, as far as the difference between maybe a student that goes to college and a person that goes off to work right away, you know--and I've

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

already addressed the difference that I think they probably move around a little bit more and they're in a different situation than that individual--but also, sure, that person that's working full time is paying taxes, but these students are also paying a lot of tuition that goes to salaries, and, you know, the effects are spread down. I...you know, if you look at my student loan bill right now, I've also invested a lot in the state and a lot in the economy as well, and so I think that's significant to point out, that students are investing just as much into the state and probably will invest maybe a little bit more later on down the road, as statistics show with education. But with that being said, I don't think I have any other comments. I'd be more than willing to answer any questions, though. [LB850]

SENATOR KARPISEK: Thank you, Mr. Morfeld. Senator Janssen. [LB850]

SENATOR JANSSEN: Thank you, Senator Karpisek. Mr. Morfeld, thanks for your testimony. Always look forward to it. [LB850]

ADAM MORFELD: Likewise. [LB850]

SENATOR JANSSEN: As we've talked in the past--I'm not sure if you recall or not--we talked about a mobile group, and I agree: college students are a mobile group. I was, too, when I was...well, I was probably past your age at the time, but, like, freshman. I was mobile, because one morning I'd wake up in one port; the next morning I'd be in the middle of the ocean; the next day I would be in the Straits of Gibraltar. And so I was very mobile, stationed on a U.S. naval ship. I always found time to vote. It's been brought up on the floor the other day by Senator Lautenbaugh, I believe. I always found a way to register to vote via absentee. And I gotta ask--and I think I know the answer to it, is: Have you ever missed a vote? [LB850]

ADAM MORFELD: Never a primary or a general election, no. [LB850]

SENATOR JANSSEN: I believe I've asked you that question in the past, so that's why...because, in my opinion of you, you're a responsible citizen. You take civic responsibility, you know. You don't have to be overly bright to figure out how to vote. I mean, I did it, and voters of all of our districts voted for us, more than 50 percent; so you can question that one way or the other, but...so, to me, I mean, I guess I've already kind of said the way I feel about the bill. I just think sometimes we're making things a little too easy. And by no means did I say that--or intend to mean that students are not providing...or anything, any benefit to the state. Anything but. I think your tuition is probably too high, but that's because we pay benefits and high salaries to government teachers at the University of Nebraska on some occasions. You can respond to anything. [LB850]

ADAM MORFELD: Well, I won't respond to Senator Avery's former salary, because he was my former professor, and I got a fairly good grade in his class. That being said, I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

think that, you know, we all come from varying walks of life and varying levels of education, and we had varying levels of good civic--government teachers and whatnot. And I think that some people are privy to more information and are brought up in households that value civic involvement a little bit more than others. And I think that this bill just simply reinforces getting the correct information out to another population. And we do it in high schools. I mean, we could argue, too, that we shouldn't teach any civic education in high school, that we should just simply leave it to the motivation of those individuals to find out that information and do that. But we don't do that. We try to bring our young people up to have a degree of civic responsibility. And I think this is just another measure that does that. [LB850]

SENATOR JANSSEN: Thank you. [LB850]

SENATOR KARPISEK: Senator Pahls. [LB850]

SENATOR PAHLS: Well, then, I want to see if I can't get a pitch. So you're saying that right now the big push is you have to have science, math, four years of English--civics is maybe getting shortsighted. [LB850]

ADAM MORFELD: Well, I believe so. And, you know, I think federal standardization in particular has kind of pushed civics and social sciences to the side. I'm certainly not an expert in it, but I know that the emphasis on it has certainly changed. And talking to social science teachers, there's a lot less requirements in the social sciences than there were in the past. So I think it does get pushed to the wayside. [LB850]

SENATOR PAHLS: Um-hum. Okay, thank you. [LB850]

SENATOR KARPISEK: Senator Krist. [LB850]

SENATOR KRIST: I think there's a mandate coming up from the Governor and from Education that we're going to see more design in civics classes, at least in the elementary and middle school level, I believe. I think that's a fact. So I'm encouraged by that. But I have a question that I'm curious your opinion. The Secretary talked about absentee ballots promoting an investment in the community you come from and a total ballot vote. In your opinion as a mobile student, do you think that that may encourage...and we make that accessible and make that a priority, do you think that may encourage people to actually go home after they get an education and stay in those communities and invest themselves in those communities? [LB850]

ADAM MORFELD: You know, I don't think I'm really qualified whether or not to say that. I don't... [LB850]

SENATOR KRIST: We're not either, but go ahead. [LB850]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

ADAM MORFELD: (Laugh) Yeah. Fair enough. I really don't know. And I think that it may. It may keep them more invested, and it may keep them more engaged in their community in looking into the issues and...I know that there's a lot of students who, you know, do their homework very quickly before Election Day, and they'd probably have to go back to their community newspapers and whatnot on-line to look at some of the issues that will be on the ballot, particularly if they had the ballot in front of them and they just need to send it in. However, I also know that after I moved to Lincoln for school, I was much more well informed about the community issues in Lincoln than I was about the issues back home, because I got the Journal Star every day, the Omaha World-Herald, and there was--I was more interested in what was going on in the community that I was living in at the time and more well-informed about the candidates on that ticket. However, in smaller communities--students that come from smaller communities, you know, they may know more of the candidates and have more of a personal connection with them and want to have that opportunity to do that. So I think it could promote that, and I think Secretary Gale is onto something with that. [LB850]

SENATOR KRIST: Thank you. Thank you, Chairman. [LB850]

SENATOR KARPISEK: Thank you, Senator Krist. Any other questions? Seeing none... [LB850]

ADAM MORFELD: Thank you. [LB850]

SENATOR KARPISEK: ...thank you, Mr. Morfeld. Any other proponents of the bill? Welcome. [LB850]

JERRY HOFFMAN: Thank you, Senator Karpisek. Committee members, my name is Jerry Hoffman, J-e-r-r-y H-o-f-f-m-a-n. I represent the Nebraska State Education Association, which is an association of 28,000 teacher-educators, faculty, and education support professionals across the state. We are in favor of means to increase voter participation in the state and believe that LB850 moves in that direction. I think, for the sake of time and brevity, because a lot of the issues have already been raised and comments made, I would entertain any questions that you might have at this point. [LB850]

SENATOR KARPISEK: Thank you, Mr. Hoffman. Any questions? Seeing none... [LB850]

JERRY HOFFMAN: Thank you. [LB850]

SENATOR KARPISEK: ...thank you. Further proponents? Welcome, Senator. (sic) [LB850]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

DENNIS BAACK: Senator Karpisek and members of the Government, Military and Veterans Affairs Committee, for the record my name is Dennis Baack, D-e-n-n-i-s B-a-a-c-k. I'm the executive director of the Nebraska Community College Association, here to support LB850. I...my board and I had a discussion of this on Monday--and along with the presidents of the community colleges--and our feeling is that if there's any way we can help facilitate more voter involvement, we are very happy to do that. This is something that's not difficult for us to do, because we already have the electronic capabilities set up at all the campuses and stuff, so this is not something that's hard for us to do, and we're happy to help facilitate this if we can. With that, I'd be happy to answer questions. [LB850]

SENATOR KARPISEK: Senator Sullivan. [LB850]

SENATOR SULLIVAN: Thank you. Mr. Baack, it says in the bill that this will be supplied to each student enrolled in a program "physically in attendance at the institution." So, you know, with community colleges, you've got some students that are taking classes on-line, and, I mean, you're saying you can access all your student body. [LB850]

DENNIS BAACK: Right. They're still part of our database, so we can access all of our students that way--the part-time ones just as well as the full-time students. They will all be accessed by this information. [LB850]

SENATOR SULLIVAN: Okay. Thanks. [LB850]

DENNIS BAACK: Um-hum. [LB850]

SENATOR KARPISEK: Thank you, Senator Sullivan. Any further questions? Senator Janssen. [LB850]

SENATOR JANSSEN: Thank you, Mr. Baack. [LB850]

DENNIS BAACK: Sure. [LB850]

SENATOR JANSSEN: Is the...you said the colleges would be willing to help in any way to help with voter turnout and whatnot. If this had a mandate to you of \$100,000, do you think you still would have that same feeling--and your board--just in your estimate? I know you can't speak for the entire board. [LB850]

DENNIS BAACK: Well, I would think they'd look at it a little more seriously. I mean, you know, I think it would be something that would be more difficult for them to do if there was a fiscal note attached to it. But with the ability that we have to communicate now, I don't think there will be any fiscal impact on us by doing this. But if there was, yeah,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

we'd have to think about it, because we have to make choices all the time, you know, when it comes to fiscal policy. [LB850]

SENATOR JANSSEN: So you'd do anything--to summarize--you'd do anything to help with voter turnout that doesn't cost money. [LB850]

DENNIS BAACK: Yeah, we might. I mean, I didn't say they wouldn't do it. I said they would have to look at it and decide what the priorities were and whether or not that fit within the priorities for the institution and if that was important to them; I think they would do it. [LB850]

SENATOR JANSSEN: Okay. All right. Thanks. [LB850]

DENNIS BAACK: Um-hum. [LB850]

SENATOR KARPISEK: Thank you, Senator Janssen. Any further questions? Seeing none, thank you, Mr. Baack. [LB850]

DENNIS BAACK: Thank you. [LB850]

SENATOR KARPISEK: Further proponents of LB850. [LB850]

STAN CARPENTER: Thank you, Senator Karpisek and members of the Government, Military and Veterans Affairs Committee. My name is Stan Carpenter, S-t-a-n C-a-r-p-e-n-t-e-r. I'm the chancellor of the Nebraska State College System, and we're here today in support of LB850. Our institutions are stewards of place. And by that I mean we encourage our graduates to go back to their communities or to their new communities after they graduate and become involved civically, whether it's by voting or whether it's by participating in committees or school boards or running for office or whatever. And as such, we encourage our students now to become involved in the communities in which they are living. We do that through various and sundry ways, but not the least of which is through service-learning programs. Our students have taken alternative breaks to go to Galveston, Texas; or to New Orleans or to L.A. during those breaks to help those communities when they were damaged and hurting. Our students at Peru support folks in Auburn and in Omaha and homeless shelters by raising funds and collecting clothes and so on and so forth for those things. At Chadron they do much of the same kinds of things, as they do at Wayne as well. And at Wayne we have students who are involved in service-learning projects, and they have the third-largest number of students in the state involved in those kinds of projects. So we encourage our students to be involved, and we see this as just another step in that involvement. There's an old Chinese proverb that says something like: Tell me and I'll forget; show me and I'll remember; and involve me and I'll understand. And so that's why we think this is an important bill. We think it's just the next step in our institutions and the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

philosophy of our institutions, and we would support it, and I'd be happy to answer any questions you might have. [LB850]

SENATOR KARPISEK: Any questions? Senator Pahls. [LB850]

SENATOR PAHLS: Yes, I'm curious, with all the different campuses, if something happens on the campus in a negative way, how do you inform the students? [LB850]

STAN CARPENTER: We have a e-mail system set up at all of our institutions, where we can e-mail our students. We also have a system at our institutions--at least two of our institutions--where there is a sound system available to let students know that there is a problem. [LB850]

SENATOR PAHLS: Okay. Could that be--or would that be an abuse--if you used that same situation for what we're trying to talk about here? [LB850]

STAN CARPENTER: Well--and I think that's, in fact, what we would do. As you know, we're required under federal law to provide election information now, and that's how we do it, through the e-mail system. [LB850]

SENATOR PAHLS: Okay. Thank you. [LB850]

SENATOR KARPISEK: Thank you, Senator Pahls. Any further questions? Seeing none... [LB850]

STAN CARPENTER: Thank you... [LB850]

SENATOR KARPISEK: ...thank you. [LB850]

STAN CARPENTER: ...Senator Karpisek. [LB850]

SENATOR KARPISEK: Further proponents. Welcome, Senator. (sic) [LB850]

RON WITHEM: Thank you, Senator Karpisek. I'm Ron Withem, R-o-n W-i-t-h-e-m, here representing the University of Nebraska. I think you've heard from our two colleagues in higher education their reasons for supporting this. Our reasons are similar. We believe in civic engagement, and we also believe this is something we could implement relatively easily and are happy to comply with it if the Legislature chooses to pass this legislation. Would respond to any questions. [LB850]

SENATOR KARPISEK: Senator Pahls. [LB850]

SENATOR PAHLS: Yeah, I'd like to ask the same questions. Right now you have the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

capacity to alert every student, if you so choose, on your campuses. [LB850]

RON WITHEM: It's my understanding that we not only have the capacity but that we do it. I'm a little troubled by Adam's testimony that he's never received this information; I'm going to go back and check on that. But...and we also have emergency procedures set up. I'm not directly involved in those, so I can't give you a lot of specifics. But we have procedures in place to notify students of natural disasters, catastrophes, and anything of an emergency nature. [LB850]

SENATOR PAHLS: So would you classify civics as a natural disaster? [LB850]

RON WITHEM: I certainly--as a former high school government teacher, I certainly would not--although some of my students might... [LB850]

SENATOR PAHLS: Yeah. [LB850]

RON WITHEM: ...have thought that it was. [LB850]

SENATOR PAHLS: Okay. (Laughter) Thank you. [LB850]

SENATOR KARPISEK: Thank you, Senator Pahls. Any further questions? Seeing none, thank you. [LB850]

RON WITHEM: Thank you very much. [LB850]

SENATOR KARPISEK: Any further proponents? Welcome. [LB850]

DAVID SHIVELY: Thank you. Good afternoon. My name is David Shively, D-a-v-i-d S-h-i-v-e-l-y. I'm the Lancaster County Election Commissioner, and I'm here today in support of LB850. As the commissioner in the county that has the largest university or state college, we deal a lot with students. And we've worked closely with students over the years to try to make sure voting was as simple and easy process for them as possible. I just see this as another means for us to be able to get that information out to them, to make sure they understand what the rules and regulations are. I don't think there's probably...probably the year that's going to create the most traffic for us is always going to be a presidential year, because that's when the students seem to be more interested in voting. But this might be an opportunity to get that information out to them at other times, too, to remind them. So I really think this is a very good idea; I think this will be something that would be assistant with us and make sure that information is done and that they get their information back to us in a timely manner, whether they're choosing to register to vote here in Lincoln as a student here or want to leave their voter registration at their home address, whether it's here in Nebraska or another state. [LB850]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR KARPISEK: Thank you, Mr. Shively. Senator Krist. [LB850]

SENATOR KRIST: On a related issue, as long as you're sitting in that chair, if I came to you and I was from Ogallala and I thought that I registered to vote and I showed up at Lancaster--one of your facilities and wanted to vote, obviously, my credentials wouldn't allow me to vote there at that place. How would I be handled? [LB850]

DAVID SHIVELY: You mean they were registered to vote... [LB850]

SENATOR KRIST: In Ogallala. [LB850]

DAVID SHIVELY: ...in Ogallala, showed up on Election Day... [LB850]

SENATOR KRIST: Right. [LB850]

DAVID SHIVELY: ...to vote. If they indicated that they had registered to vote here in Lancaster County, they'd be offered a provisional ballot. If their name wasn't on the list, they'd be offered a provisional ballot. If they'd indicated that they had registered to vote here, then that would be checked out afterwards to see if we did receive their registration and they voted in the correct precinct--that type of thing. [LB850]

SENATOR KRIST: But if I'm registered in another county... [LB850]

DAVID SHIVELY: If they were registered in another county... [LB850]

SENATOR KRIST: ...you're out of luck. [LB850]

DAVID SHIVELY: ...that ballot would not be counted, because the rules are that you have to move within your jurisdiction, which is within Lancaster County. [LB850]

SENATOR KRIST: Okay. What if I was a college student and I had an address in Lancaster County and I moved to another address in Lancaster County and now I've presented myself to vote. Would I be allowed to vote? [LB850]

DAVID SHIVELY: Yes, you'd vote a provisional ballot, as long as you were voting in the precinct for your current address, where you're currently residing. [LB850]

SENATOR KRIST: And if I was out of the precinct? [LB850]

DAVID SHIVELY: The ballot would not be counted, because the laws reflect that you have to vote in the precinct where you're currently residing. [LB850]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR KRIST: It's the same answer Senator Lautenbaugh gave me; that's good. Thank you. (Laughter) Thank you very much. [LB850]

SENATOR KARPISEK: We don't know if they're both right or both wrong. (Laughter) [LB850]

SENATOR KRIST: They read the same book. [LB850]

SENATOR KARPISEK: Senator Sullivan. [LB850]

SENATOR SULLIVAN: Thank you, Senator. And maybe you don't have a good sense for this, but in your interaction with college students coming to you with questions with respect to voting, do you get a sense of whether the majority of them are interested in voting in Lancaster County, or are they more concerned about how to place that early voting ballot in their home county? [LB850]

DAVID SHIVELY: It's actually both; we have both. We have students that are contacting us, and we provide them with the information how to get an absentee ballot at their home community. And then we also have students that choose to register to vote here in Lincoln and will vote here. So it's actually both. I don't know which one actually would be more, but we do have both questions. [LB850]

SENATOR SULLIVAN: Okay. Thanks. [LB850]

SENATOR KARPISEK: Thank you, Senator Sullivan. Any further questions? Seeing none, thank you, Mr. Shively. [LB850]

DAVID SHIVELY: Thank you. [LB850]

SENATOR KARPISEK: Any further proponents of LB850? Welcome back. [LB850]

BETH BAZYN FERRELL: Thank you. Senator Karpisek, members of the committee, for the record my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm an assistant legal counsel with the Nebraska Association of County Officials. In the interest of time, I won't repeat the testimony that you've heard. I would say that our election officials do work hard to get the word out about early voting, about registration, and all of the aspects related to the elections. We believe that this bill would help get that word out. Be happy to answer questions. [LB850]

SENATOR KARPISEK: Thank you. Any questions? Seeing none, thank you. Any further proponents? Seeing none, do we have any opponents of LB850? Seeing none, do we have any neutral testimony? Seeing none, Senator Avery to close. [LB850]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR AVERY: Thank you, Senator Karpisek. I appreciate all the positive testimony. I just want to say this is a modest proposal. It will not resolve the issue of nonvoting. However, anything...it does have the potential to increase turnout; it does have the potential to assist students in knowing how and getting access to information on how to vote early. Anything we can do to increase participation in the democratic process, we should do it, because without it, democracy won't work. Thank you. [LB850]

SENATOR KARPISEK: Thank you, Senator Avery. Any further questions for the senator? Seeing none, that ends the hearing on LB850. [LB850]

SENATOR AVERY: All right. We will now open the hearing on LB875 and invite Senator Giese to the table. [LB875]

SENATOR GIESE: (Exhibit 1) Thank you, Senator Avery and members of the committee. My name is Robert Giese, G-i-e-s-e, and I represent the 17th Legislative District, which includes Dakota, Dixon, and Wayne counties in northeast Nebraska. One of the primary themes that has emerged this session is the potential to save significant taxpayer dollars through the increased use of technology. In his State of the State address, Governor Dave Heineman pointed to the greater use of technology as one of the three priorities to keep Nebraska moving forward. Among the materials being handed out to the committee is just a small sampling of government services requiring some form of identification that are currently available via the Nebraska.gov Web site. These include filing state tax returns, ordering copies of birth certificates, and renewing professional licenses, all transactions which warrant the utmost security concern. In his State of the Judiciary address, Chief Justice Michael Heavican also highlighted how Nebraska's court system has begun to increasingly rely on technology to save money in these difficult times. Electronic payment of court fines is currently available statewide, and the bulk of the state's district and county courts accept on-line court filings. I believe the breadth of services currently being offered on-line in a secure manner by our state government demonstrates that we can and already are doing our best to reduce costs while still protecting Nebraska's information on-line. LB875 represents the next step in this growing trend of on-line services: on-line voter registration. The concept of on-line voter registration is hardly a new idea. First adopted in the state of Arizona in 2002, the idea of phasing out paper registrations has picked up steam in recent years. Two other states, Kansas and Washington, as well as the District of Columbia have on-line registration systems currently up and running. Another six states have already passed legislation adopting on-line voter registration, three of which are scheduled to be implemented by the time this Legislature adjourns sine die. In addition, there is pending federal legislation that would require states to adopt on-line voter registration for federal elections. Those states that have already adopted on-line voter registration have recognized significant cost savings at both the state and county level. The state of Arizona, where on-line voter registration has been in place for nearly a decade, estimates that a paper registration form costs at least 83 cents to process versus an

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

average of just 3 cents for a registration that is completed on-line. In the first year of operation, their program, called EZ Voter, saw nearly 25 percent of all voter registrations performed on-line. That number grew to nearly 70 percent during the 2008 presidential election. In Arizona's largest county, Maricopa County, the data entry savings from on-line voter registration were the equivalent of eight full-time employees. Under LB875 the procedures for on-line registration would follow the procedures that other states currently allowing on-line voter registration have successfully implemented. In order to provide county election officials with a signature that can be used for signature comparisons, the bill provides for the use of the voter's digital signature already on file with the Department of Motor Vehicles. Upon receiving a valid on-line registration application, the Secretary of State's office would obtain a copy of the signature and forward the signature and the application to the appropriate election commissioner or county clerk. The bill also allows the Secretary of State to employ any additional security measures as necessary to ensure the accuracy and integrity of on-line registrations. For all intents and purposes, LB875 would treat on-line registration in the same manner as mail-in registrations. Similar to mail-in registrations, if the voter was registering for the first time or had not previously voted within the state, that voter would be required to show identification prior to voting at the polls or receiving an absentee ballot. Also as with mail-in registrations, a registration submitted on-line would not be valid for the purpose of signing a petition until the application has been received by the election commissioner or county clerk. Most importantly, LB875 would not expand the current time lines for voter registration either. On-line voter registrations would have to be submitted on or before the third Friday before the election in order to be valid for that election. I recognize that adopting on-line voter registration is by no means an easy change and will require significant attention to the details of the proposed system. Since introducing LB875, my office has heard a number of concerns, many of them valid, from county clerks, the Secretary of State's office, and the Department of Motor Vehicles. Rather than allowing these concerns to stand in the way of adopting on-line registration, however, I believe that we can work through them. I stand ready to work with the committee to address these issues, and I would be happy to answer any questions. [LB875]

SENATOR AVERY: Thank you, Senator Giese. Probably your biggest obstacle here is going to be the security of this procedure. Would you agree with that? [LB875]

SENATOR GIESE: I'm not so sure, Senator, that that is the biggest obstacle. I think the biggest obstacle is the fiscal note. [LB875]

SENATOR AVERY: Oh. [LB875]

SENATOR GIESE: I have... [LB875]

SENATOR AVERY: I was going to get to that next. (Laughter) [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR GIESE: Oh, that...okay, well, I...honestly, I think it's the fiscal note... [LB875]

SENATOR AVERY: Yeah. [LB875]

SENATOR GIESE: ...and the cost involved. I think we can resolve the security issues and work through that with the Secretary of State's office and Department of Motor Vehicles. [LB875]

SENATOR AVERY: Yeah. What has been the experience of the other states that have done this, with the security issue? Is the language in your bill similar to what other states have experienced or what they have done in order to maintain security? [LB875]

SENATOR GIESE: Senator, my answer is I have seen--I'm not going to say that the system is flawless--but I have seen where it has worked extremely well. Registration and voter turnout has increased dramatically in states that have on-line voter registration. So...and it is being done by or is proposed in approximately nine states, I believe, now. So I think this is something that we need to take a look at and is being used already. [LB875]

SENATOR AVERY: I'm interested in this, because I have a bill that we'll be hearing later that would allow signatures to be collected in petition drives by way of the Internet. And the security issue is huge there. So I'm looking for ideas on how I can deal with those security issues. I have... [LB875]

SENATOR GIESE: Well, I would be more than happy to... [LB875]

SENATOR AVERY: My guess is your bill has a lot better chance than mine will. [LB875]

SENATOR GIESE: I would hope so. (Laughter) [LB875]

SENATOR AVERY: Senator Pahls. [LB875]

SENATOR PAHLS: Senator, I just...does our capacity at the programs or at the computer at the state level--can we handle all this additional stuff? I mean, as I look at this--there's a list here...and I can't wait till department of transportation comes up here. But they're always telling me that they can't handle some of this stuff because of the capacity of the computers. You don't...this is not an issue? [LB875]

SENATOR GIESE: Well, I'm not a computer or...I'm technologically challenged, let's put it that way. And I'm not going to say--tell you that there are no problems with that. But I think we can handle it... [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR PAHLS: Okay. [LB875]

SENATOR GIESE: ...just as we handle a lot of things... [LB875]

SENATOR PAHLS: Okay. [LB875]

SENATOR GIESE: ...with computers. And this, to me, seems like a, as I stated, a system that has a proven track record, and some of these issues have been worked out. And I think Arizona is bigger than Nebraska, and they seemed to handle it. But, again, I will be interested in the testimony as well. [LB875]

SENATOR PAHLS: Okay. And I just sort of said this in case some of the future testimony...because I had a bill--one-stop shop, you know, you buy a car and get everything done there. But I was told--almost 30--some states were doing it--that our program couldn't handle that. So I'm just...so I'll just be curious to hear. [LB875]

SENATOR GIESE: I have not heard that... [LB875]

SENATOR PAHLS: Okay. Okay. [LB875]

SENATOR GIESE: ...that we can't. But... [LB875]

SENATOR PAHLS: Maybe that's already been cured and I didn't realize that. Good. [LB875]

SENATOR GIESE: Let's hope. [LB875]

SENATOR PAHLS: Okay, thank you. [LB875]

SENATOR GIESE: Let's hope. [LB875]

SENATOR AVERY: I'm sorry. Senator Sullivan. [LB875]

SENATOR SULLIVAN: Thank you, Senator Avery. Senator Giese, timing is everything. How do you justify the fiscal note on this, and is there any way to make it a little easier sell? [LB875]

SENATOR GIESE: Senator Sullivan, no, I don't think the...and I'll just say that the initial costs of getting started are a concern. But as...I think it is a key element of getting and making it easier. Senator Lautenbaugh yesterday, I believe, on the floor said that if we had 600 more ideas to save \$1 million, we'd be headed in the right direction to do that. And this is one bill, I think, that will help eventually save money. And I don't know how we get around the fiscal note to start with. But it's potentially...the cost savings is...!

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

don't know; maybe we'll hear some numbers later on what they may be, but... [LB875]

SENATOR SULLIVAN: And the cost savings would be realized at the county level more than the state? [LB875]

SENATOR GIESE: I see it at the county level. The figures that I...and as I mentioned in my testimony, 83 cents versus 3 cents for on-line registration--that's huge. [LB875]

SENATOR SULLIVAN: Okay. Thank you. [LB875]

SENATOR AVERY: Senator Krist. [LB875]

SENATOR KRIST: Did you...in your conversations based upon the fiscal note, how did they come to \$100,000? Did you follow through with that in terms of what... [LB875]

SENATOR GIESE: I can't answer that. We received the fiscal note this morning, and I have not had time to do that. I'm sure we'll hear testimony on how that was arrived at. So I haven't had the fiscal note for very long. [LB875]

SENATOR KRIST: Just a quick comment. There are national security agencies--NSA, federal programs--out there certifying programs like SendItSecure that, honestly, are endorsed by the highest levels of security. The security issue is not an issue. It's there. It's a program; it's a software package; it's out there. I think if you stop investing in your business, then you doom your business to failure. And I think that what we need to do is look at the fiscal note in terms of how we get it done to present a cost that's palatable--and maybe it's not this session--but present a cost that's palatable as an investment into the business so that we can save the money down the road. This is...I just...I look at this number, and in my experience over--my life experiences, it's outrageous. It's outrageously low if I'm thinking that they're going in one direction, and it's outrageously high if they're not using present technology that's out there. But again, the pipeline and the capability within the system is another huge question, and I'm sure we'll hear that testimony. So I applaud you for bringing it forward. I think that everything we do on-line--including Senator Pahls's suggestion in the past about one-stop shopping, in terms of doing all your registration and everything--it's the way to save money, and it's the way to eliminate the manpower--intense manpower. So thank you. [LB875]

SENATOR GIESE: Thank you. [LB875]

SENATOR AVERY: Any more questions? Thank you, Senator. You going to stick around to close? [LB875]

SENATOR GIESE: Yeah. [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR AVERY: All right. Proponent testimony. [LB875]

ADAM MORFELD: Good afternoon. My name is Adam Morfeld; that's A-d-a-m M-o-r-f-e-l-d, and I'm the executive director of Nebraskans for Civic Reform. I'd like to thank Senator Giese for introducing on-line registration legislation. Nebraskans for Civic Reform's interest in promoting on-line registration began with the desire to reduce administrative costs and increase the accessibility of our civic institutions while simultaneously maintaining the security of the process. On-line registration does all three of these. A recent study in Arizona--that Senator Giese just cited--of the cost of processing voter registration went down from 83 cents per paper registration to 3 cents with on-line voter registration. On-line voter registration has become so popular in Arizona that 60 percent to 70 percent of all registrations are now being conducted on-line. Then obviously--besides the obvious benefits of cost savings and increased efficiencies--on-line registration is also a more secure process, in which one must have a Nebraska driver's license or identification card in order to be allowed to register on the Secretary of State's Web site. This is something that is not currently required to register, except in limited circumstances where people are required to show their ID when they vote for the first time. And I think some of those...there's very limited circumstances that perhaps Neal Erickson can address. It should also be noted that on-line registration is nothing new. Arizona, Washington, and Kansas have implemented on-line registration; another six states have passed legislation and authorized it. Arizona implemented it in 2002, and Kansas just recently implemented it, in 2009. I have talked with administrators of the systems of both states, and they both report that there have been no major problems and the system has been successful and cost-effective. Kansas goes through the same company that Nebraska does for its electronic voter database, and it is the same company that developed their on-line registration system. Thus, the system and program necessary to run on-line registration is available and provided by the election system software company that Nebraska currently works with. Over the past several years I've had the opportunity to talk with various election officials from around the state. One of their overriding concerns has been shrinking election budgets and increasing costs. On-line registration has proven to be an effective and secure cost-savings tool. For many years now, state and federal agencies have allowed the submission of various documents, some of these sensitive. Most recently, Governor Heineman encouraged and listed several examples of state agencies using technology to save money and minimize the fiscal impact on the state budget. Finally, the Secretary of State's office most recently testified in support of LB791, which would allow the office to accept electronic filings of a number of corporate and business documents. In their testimony, they stated that LB791 would, quote, greatly enhance the services we provide to the business and legal community, end of quote. We believe that the Secretary of State's office should consider not only enhancing the services provided to the business community through electronic systems but also to the general public through on-line registration. Finally, it is my understanding that the DMV may have

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

some privacy concerns with the electronic signatures that would be transposed from the DMV records onto an electronic voter registration card that would be generated by the system. In states that have on-line registration, each county clerk does not have access to this electronic signature database; they only have access to each individual's electronic voter registration card that the Secretary of State's system would then provide them electronically--something that they would have access to anyway with normal paper registration. That being said, even access to the Secretary of State--and I'm not a programmer--could also most likely be restricted as well if that's a huge concern. A few of the other comments that I wanted to make were just in response to some of the questions. And this is just from my knowledge of talking to the administrators of the state. Senator Pahls brought up the one-stop shop kind of idea. In Arizona, what they currently have is one-stop shop. If you go register on-line for, I think, renewing your tags or whatever the case may be, they also give you the option to register on-line as well. So it's all tied in to one system. In addition, I don't know where the fiscal note number of \$100,000 came from, but it cost Arizona \$100,000 to start the system back in 2002, so I don't know if they're basing it off that number. And Arizona--they provided a document--I don't know if you have it today--a 20-page document of how it works. And that document explains how they implemented it. And part of that \$100,000 was the servers necessary to run the system and handle the capacity. Some of the other questions--you know, I think that if you look at the cost savings...I mean, you take 83 cents times how many people are newly registered--that register each year--and then how many people re-register each year. And that's where your cost savings come out. I don't know what that number is, and perhaps somebody else can testify to that. But I think in the end, it would be significant--and particularly for larger counties that get a lot of registrations on general and primary elections. That being said, I urge you to support LB875 and advance it to General File. I'd be more than happy to answer any questions that you may have, to the best of my ability. [LB875]

SENATOR AVERY: Thank you, Mr. Morfeld. We have questions from Senator Price. [LB875]

SENATOR PRICE: Mr. Morfeld, thank you for coming today and sharing with us. The question you just brought up about re-registrations... [LB875]

ADAM MORFELD: Um-hum. [LB875]

SENATOR PRICE: How quickly does the system accept, acknowledge, and make available a registration? [LB875]

ADAM MORFELD: In Arizona anyway, it's done real-time. So it's automatic. And in Arizona, how they do it is it not only updates your registration and gives you a confirmation code that you can print off, but it also updates the DMV database as well with their new address. [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR PRICE: The reason I ask--we've had other bills before us about same-day registration and the issues there, and we talked about your moving within a county but you'd move within precincts and the need for re-registration. Do you feel that this might alleviate some of that concern, because my question is the poll worker out there, will they--do they have connectivity to get a real-time update? [LB875]

ADAM MORFELD: No. But, I mean, you have to register ten business days before the election. So all this information would be to the county clerks in time for them to update their rolls and books. [LB875]

SENATOR PRICE: Great. Thanks. [LB875]

ADAM MORFELD: Yup. [LB875]

SENATOR AVERY: Any more questions? Seeing none, thank you... [LB875]

ADAM MORFELD: Okay, thank you. [LB875]

SENATOR AVERY: ...for your testimony. Additional proponents? Welcome. [LB875]

JERRY HOFFMAN: Thank you, Chairman Avery. Committee members, my name is Jerry Hoffman, J-e-r-r-y H-o-f-f-m-a-n. I'm here representing the Nebraska State Education Association. The NSEA is supportive of any means that is reasonable to increase voter registration. And this legislative bill, LB875, is one of those means, and we support it. With that, I would be able to entertain any questions that you might have. [LB875]

SENATOR AVERY: Thank you. Anyone have questions? Seeing none, thank you for your testimony. [LB875]

JERRY HOFFMAN: Thank you. [LB875]

SENATOR AVERY: Additional proponent testimony. Seeing no one else, we'll move now to opposition testimony. Anyone wish to testify in opposition? Seeing...oh. (Laughter) [LB875]

NEAL ERICKSON: (Exhibit 2) Chairman Avery, members of the committee, for the record my name is Neal Erickson; I am Deputy Secretary of State for Elections, here testifying on behalf of Secretary of State Gale in opposition to LB875. And the pages are passing around a letter that has the information that Secretary Gale wanted to impart to you. And just to kind of summarize it, there are three basic reasons why we're opposed at this time. Number one is there is federal legislation pending at this point in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

time. The form that final federal legislation may take could be widely varied, and we would prefer, if this is coming down the pike, to wait for that to occur, not only because of what the requirements might be within it, but also we would anticipate there would be some funding mechanism within there. My guess is it'll be similar to what they did with the MOVE Act, which is to put insufficient language in there, but maybe they'll learn their lesson after the MOVE Act. The next one is one of cost at this point in time. Without access to funding, we do estimate this at \$100,000. I think that is borne out by Arizona's experience. Where this number came from was we talked to DMV about the standardization of the digital signature they have and being able to fit it into our system. And that estimate was between \$80,000 and \$100,000. We would also--our office would also incur some costs in terms of being able to accept that into our system. And so as a ballpark figure we're looking at about \$100,000. As mentioned, with Arizona's start-up costs, they were in that range as well in 2002. So it seems like a reasonable amount of money that it would cost to do this. The last item is...we've talked about this on-line registration; it's not--you know, from my view--it's not technically on-line registration. It's not where you fill out everything, you sign the form, you send it in, it's gone. What we do instead--what on-line registration has come to mean is if you have a driver's license--so someplace we can grab a signature--you fill out everything but that signature, and we're going to deem that signature to be your voter registration signature. One of the difficulties we have is I'm not sure, from a fraud-prevention standpoint, if we could successfully convict someone of election falsification, for violating that oath, based on a signature they did not apply to that form--they instead applied to a DMV form. And that is something we haven't been able to get a good answer from, about whether that type of prosecution would even be possible. But that is something that, to a degree, sticks in our head with this as well. As I said, I think the bulk of Secretary Gale's testimony is in the letter he provided to you, and I'd be happy to answer any questions you might have. [LB875]

SENATOR AVERY: Any...? Senator Krist. [LB875]

SENATOR KRIST: You said your numbers came from Arizona. [LB875]

NEAL ERICKSON: Well, no. Our numbers came from talking to DMV to begin with. But then when we saw some of the start-up costs we had seen in other states, that number did not seem outrageous or unreasonable. [LB875]

SENATOR KRIST: Did you identify the process of the collection of the data or the security of the system or...? [LB875]

NEAL ERICKSON: No. We were just looking at the cost of being able to capture that signature from DMV's database and put it into ours, because we use that signature for a variety of things, such as petition verification, something the state of Kansas does not do. And so we need a good-quality signature in our VR system to be able to conduct the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Government, Military and Veterans Affairs Committee
January 27, 2010

functions that we do within our office. [LB875]

SENATOR KRIST: What if the databases were the same? [LB875]

NEAL ERICKSON: If the format was the same? It could be cheaper. Those formats are not the same. [LB875]

SENATOR KRIST: So if the digital format captured from one database was interchangeable with the other database...in other words... [LB875]

NEAL ERICKSON: It would reduce the cost significantly. [LB875]

SENATOR KRIST: In other words, we look at an IT upgrade that enables a lot of the things that we're talking about... [LB875]

NEAL ERICKSON: Right. [LB875]

SENATOR KRIST: The price comes down, and the utility goes up. [LB875]

NEAL ERICKSON: Right. [LB875]

SENATOR KRIST: Okay. Thereto my point. This is incredibly cheap on one side... [LB875]

NEAL ERICKSON: Exactly. [LB875]

SENATOR KRIST: ...and it is incredibly expensive on another side, depending upon the validity of the database and the security of the system. [LB875]

NEAL ERICKSON: Right. [LB875]

SENATOR KRIST: And so again I go back to the database itself. The second thing is, by definition, legally, isn't that DMV signature a state ID? So prosecution...it doesn't make sense that we can't prosecute somebody for falsifying data on a state ID. [LB875]

NEAL ERICKSON: Well, but let's take an example. [LB875]

SENATOR KRIST: Okay. [LB875]

NEAL ERICKSON: I get ahold of your driver's license number. I fill out a registration form with your driver's license number in there and submit it. Under the on-line registration system, that is going to change your information, because we're going to capture your signature from DMV and deem it to be part of that registration. Now, let's

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

suppose we're able to, you know, trace the address, whatever; we're able to catch this person. Are we going to be able to get a prosecution that that was election falsification, when that oath was never signed. That oath on the registration form is specific--that all the information on there is correct: a citizen, all this stuff. And that's...you sign that form. That's how we currently prosecute. [LB875]

SENATOR KRIST: Well, I understand how we're doing it today. I guess what I'm saying is that to say that we wouldn't be able to prosecute using a state ID--there would have to be, in any of these systems, there has to be a PIN number, an electronic identification... [LB875]

NEAL ERICKSON: Um-hum. [LB875]

SENATOR KRIST: ...which is separate from the signature, which validates the process. And trust me... [LB875]

NEAL ERICKSON: Well... [LB875]

SENATOR KRIST: ...I've been doing this for a long time on the IT side. [LB875]

NEAL ERICKSON: And I understand that. [LB875]

SENATOR KRIST: But on the state side, I think that we're going--we speed ahead when we say: Oh, I'd like to do this. You can't do it with the present system. And that comes back to it. I'll take that critique, definitely. [LB875]

NEAL ERICKSON: Right. [LB875]

SENATOR KRIST: You can't do it...we can't get there from here unless we build a bridge. [LB875]

NEAL ERICKSON: Right, and I agree with you. My background is not in IT, and I do understand what you're talking about in terms of digital electronic signatures. That's not what we're doing with on-line registration. [LB875]

SENATOR KRIST: Right. [LB875]

NEAL ERICKSON: Now, yes, and, you know, Senator Avery--when he talks about his petition bill is coming up--talks about assigning a digital or electronic signature to every signer. That's a little bit different situation than what we're doing here. What we're doing here is just grabbing the image of the signature. [LB875]

SENATOR KRIST: Okay. Thank you. And I don't mean to be combative. [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

NEAL ERICKSON: No, no. And I understand. I mean, it's... [LB875]

SENATOR KRIST: Thank you, sir. [LB875]

SENATOR PRICE: Are there further questions? Yes, Senator Sullivan. [LB875]

SENATOR SULLIVAN: Thank you, Senator. Yes, Mr. Erickson, in the letter that you gave us from Secretary Gale, he said that there could be ongoing costs of \$1 million a year. So we're not really looking at a cost savings, or what? [LB875]

NEAL ERICKSON: No, I think we're talking about...what I think is intended there is that, you know, if we have federal legislation that allows use of HAVA funds... [LB875]

SENATOR SULLIVAN: Um-hum. [LB875]

NEAL ERICKSON: ...even to a degree, that is a little bit misleading. And in addition, you know, do we want to go spending \$100,000 on something like this right now when our HAVA funds are running out? Right now, actually previous to our last influx of dollars, we were scheduled to run out of funds in 2010; this election cycle would be the last time. The maintenance on the equipment in VR system alone that we have in place right now runs \$1 million to \$1.5 million a year. That cost is going to have to be--when the HAVA money runs out, whether it be 2012 or 2014--a cost that needs to be borne by somebody. Now, you know, I think what Secretary Gale is trying to indicate: Is it wise to be spending \$100,000 now on something like this? We've got a much bigger bill coming down the road. [LB875]

SENATOR SULLIVAN: Oh, I see. [LB875]

NEAL ERICKSON: And I think Senator Avery mentioned that same thing on LB325 earlier this week, is that down the road we've got some big bills that are either going to be paid by the state or shoved back down to the counties, because that money is not going to be there forever. [LB875]

SENATOR SULLIVAN: Thank you. [LB875]

SENATOR PRICE: Are there further questions from the committee? Seeing none, thank you, Mr. Erickson. [LB875]

NEAL ERICKSON: Thank you. [LB875]

SENATOR PRICE: Next opponent. [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

BEVERLY NETH: (Exhibit 3) Good afternoon, Vice Chairman Price, members of the committee. I am Beverly Neth, B-e-v-e-r-l-y N-e-t-h, director of the Department of Motor Vehicles. I am appearing today in opposition to LB875, as the department has concerns with the use of DMV data in the bill that I want to address. I do want to clarify that the department is taking no position on the policy of on-line voter registration. With the adoption of the digital driver license system in 2001, with LB574, Nebraska created a database of images and signatures. When that bill was adopted, the Legislature enacted a specific section of law--Nebraska Revised Statute 60-484.02--that strictly limited access to digital photos and digital signatures. In the original version, the department could not release the digital image or signature to anyone except for a law enforcement officer for the purpose of carrying out the function of the law enforcement agency after the department verified the purpose of the request and the identity of the requestor. Subsequent to its adoption in 2001, the statute has been amended three times: expanding the use to other states' DMVs, to federal and local law enforcement agencies, and finally to include certified law enforcement officers employed in an investigative position by a state or federal agency. Since the implementation of the digital driver license system, the department has received numerous requests for the release of stored images and signatures. The DMV has been consistent in opposing expanded uses. LB875 adds the Secretary of State, county clerks, and election commissioners to the list of entities with access to the digital signatures. I'm concerned that the bill contains no language limiting the use of the signatures once they are acquired by those entities. The bill states that the digital signature may be used for purposes of carrying out the function of the agency without limitation. County clerks and the Secretary of State have broad areas of responsibility and function. As written, these offices could use the digital signature for any purpose of that office, not just for voter registration. In contrast, the existing statute limits the use of the signatures by DMV and law enforcement. The addition of the Secretary of State, election commissioners, and county clerks is not a good fit within the language originally intended for law enforcement access. LB875 does not require the Secretary of State to have a secure system; it says the Secretary of State may employ additional security measures. I'm concerned about this permissive language in the bill. The Department of Motor Vehicles takes very seriously its responsibility to protect Nebraska's citizens' data. We adhere to the Uniform Motor Vehicle Records Disclosure Act and other statutes regarding the release of data and strive to employ the highest level of security possible relating to the information, particularly to the personal information, signatures, and images of Nebraskans' data contained in our database. Thank you for listening to my concerns. I'll be happy to address any questions you may have. [LB875]

SENATOR AVERY: Thank you for your testimony. Any questions from the committee?
Senator Sullivan. [LB875]

SENATOR SULLIVAN: Well, it occurs to me, based on your testimony, that you probably aren't too keen with having retailers swipe the driver's license. (Laughter)

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

[LB875]

BEVERLY NETH: Well, I think with that bill, what you're seeing is that there is a limitation on the data that can be stored, particular to a specific use. And so, I mean, that's a public policy that you all have grappled with and have determined, in your wisdom, to move that along to Final Reading. [LB875]

SENATOR SULLIVAN: Okay. Thank you. [LB875]

SENATOR AVERY: Any more questions? Senator Pahls. [LB875]

SENATOR PAHLS: You know, since the last time we've had the opportunity to discuss this, is your computer program or system or whatever--is it in any better shape that I can bring back some more legislation that would--like the one-stop shop--or we still can't do it? [LB875]

BEVERLY NETH: Well, Senator Pahls, we're really talking about different systems. [LB875]

SENATOR PAHLS: I know we are, but I'm just... [LB875]

BEVERLY NETH: In our world of driver licensing, we have seen two technological upgrades since I became the director. In 2001 we implemented the original digital driver license system and the interactive driver license system. And in 2009, just this last year, we went through a technological upgrade with our digital driver license system. That is different from the vehicle titling and registration system, the one where you're proposing the dealers be able to collect taxes and register vehicles at the dealership. That system is still 20-plus years old. That system was developed in the late '80s and implemented in Nebraska in the early '90s. That is the system that is problematic with moving forward. It's not that it can't be; it's simply that the system--it has irregularities in it now; it's a little fragile. If you try to put that kind of a large project into it, one, you're investing in a very antiquated technology, and we would prefer that we really look at the VTR system for replacement in the very near future so that we can do the types of business processes you were talking about, that have a tremendous amount of merit associated with them. [LB875]

SENATOR PAHLS: Okay. What you're saying is I'm talking two different... [LB875]

BEVERLY NETH: Two different systems, two disparate systems. The Department of Motor Vehicles, when these systems were built...these systems are really built in silos. We're not a customer-centric agency in the delivery of our services like some other...some other departments of motor vehicles across the country have, with major IT upgrades and implementations...it's certainly the way...I want to move the agency away

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

from business-centric systems into a customer-centric system so that you could do the types of things that Adam talked about, where if you're on-line and you're registering your motor vehicle, which you can do in Nebraska, we can also say: Here are other services, and we know you do these things with us; do you want to do any of those now? Our systems don't talk to each other that way, so that's very difficult for us to deploy that kind of on-line presence. We've been very active in putting an on-line presence out there, but it's still limited by the way our systems are built. [LB875]

SENATOR PAHLS: But you're trying to move in that direction? [LB875]

BEVERLY NETH: Absolutely. [LB875]

SENATOR PAHLS: It's just the money? [LB875]

BEVERLY NETH: It's...well, it's...they're huge technological projects. The replacement of a vehicle title and registration system is really a multi-year...first of all, you've got to design the system; you've got to find a vendor to help you put the system in place; and then you're talking about putting it across the board. [LB875]

SENATOR PAHLS: But we have that out there, though. [LB875]

BEVERLY NETH: Pardon me? [LB875]

SENATOR PAHLS: It's out there. [LB875]

BEVERLY NETH: We...it is... [LB875]

SENATOR PAHLS: Other states are doing it. [LB875]

BEVERLY NETH: Well, certainly they are. And we're looking at other states and how they're deploying their systems. Iowa is a perfect one we've looked at recently. They've upgraded their vehicle registration system and gone to a customer-centric model. They've spent \$30 million, \$40 million doing that though. [LB875]

SENATOR PAHLS: So that's what it would cost the state of Nebraska--or something similar. [LB875]

BEVERLY NETH: Potentially, yeah. You're talking tens of millions, really, to upgrade that system. [LB875]

SENATOR PAHLS: Okay. [LB875]

SENATOR AVERY: Senator Price followed by Senator Krist. [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR PRICE: Thank you, Chairman Avery. Ms. Neth, in dealing with the IT, I'm fairly certain Senator Krist will follow up with a question. I hope that you're able to include these requirements in sizing of your future systems. I hope that when the requirements are generated, that we're allowing for the growth in a throughput and capacity we're going to need, for one. For two, I'm kind of curious how in a client-server relationship, you know...and from my understanding, you have a system that's out there...dealing more with what Senator Pahls...but you have a system out there in the offices, and you have a central system and taking the output from a system and building code and put in some middleware and ingest data, it kind of befuddles me that we are not at that point now, instead of buying whole new systems. But the question was more about--to get to the subject at hand, the requirements for security are significant, as you pointed out in your letter, for the digital signature and only doing that; but the capabilities of the system do exist, correct? [LB875]

BEVERLY NETH: Yes. The system would allow for the transmission of the digital image, which is a--and I'm not sure; I could get it backwards: Our original system--I think they were jpg images, and now I think they are a gif image. So, yes, those can be transferred. And we transfer those now through an "encure"--through an encrypted secure tunnel to our vendor for production of cards. We do transfer those, but it's a very high level of security we use, and our vendor is restricted by all of the privacy protections that we're restricted by, and they have a huge investment in their business, and so they're not willing to do anything that would harm their business, of course. But, yes, it can be done. [LB875]

SENATOR PRICE: Okay, I like the word "encure," too, by the way; I think it works, because that's a tough...no, truly, I hope that our language changes to include that. But I'm just glad to hear we have the throughput and the capacity, that we haven't hamstrung ourselves already and not be able to do this should we choose to move in the direction that we do. [LB875]

BEVERLY NETH: No. Really, when you're talking about the digital driver license system, that's a system that's been developed, I think, with very new technology. The vehicle title and registration system is very old. It is a mainframe filing cabinet for central data here; it is an AS/400 server system, although AS/400 server is still a valid type of system, but there is an AS/400 server sitting in every county. We do real-time data exchange, but it's costly, and there are different ways to attack that kind of system now and to look at it. So it's something we're very interested in doing. [LB875]

SENATOR PRICE: Okay. Thank you. [LB875]

SENATOR AVERY: Senator Krist. [LB875]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

SENATOR KRIST: As a director, can you tell me how many different systems are out there that we're dealing with on a daily basis, whether it's driver's license, registration, voter registration--how many different systems do you know of? [LB875]

BEVERLY NETH: Just in my world, in the Department of Motor Vehicles? We probably deal with...well, I would just take the driver license system, for one, and tell you we interface with a multitude of systems, even in the driver licensing system. We interface with SAVE, the verification for immigration documents; we interface with a system called the Commercial Driver's License Information System, or CDLIS; we interface with the Problem Driver Pointer System; we transmit data from our interactive system to our digital driver license system; we do transmit data to some of the Secretary of State for HAVA compliance. And I'm sure I'm missing a couple, but just in that system we do a lot--we are interfaced with the Social Security database for Social Security verification. There's a tremendous amount of databases we're hitting with every single application for a driver license or an ID card or a permit. And then there's layers of security involved in each one of those, and it's very complicated IT. Beyond that, the Department of Motor Vehicles has a number of databases. We have a motor carrier division that has four different types of business processes in it; we have an imaging system that is used throughout the agency for document management; we have a financial responsibility system; we have systems in our legal division. We have many, many, many systems. [LB875]

SENATOR KRIST: So thank you for that picture. And I understand that we're not talking all about encompassing at this point. But how would you like, as a director, to wipe the board clean and start over again and say: This is how I want to design it. Is it possible in our generation? [LB875]

BEVERLY NETH: Well, I think if you're redesigning a department of motor vehicles, one, it would be costly. It's not without an extreme cost, and we're talking, maybe, \$30 million for a vehicle registration system. With all the other systems thrown in, I mean, the price tag could reach over \$100 million just to redesign one agency. But when you talk about how you deliver the services, well, when we've implemented technology within the Department of Motor Vehicles, we've not just taken a piece of technology and said: Okay, that's how we're going to do it. We have made it a point to, each and every time, review our business process to make sure that we're maximizing the technology and modifying our business processes to maximize the technology so you can have the cost savings that have been talked about. One of the things in this particular bill...when I spoke with the election commissioner in Kansas, he told me Kansas really approached this in a two-phase kind of process. One was to take the motor-voter process that the department of motor vehicles does, which is what happens in Nebraska: we register about 80 percent of the voters through motor-voter in Nebraska. There were some 40,000--a little over 40,000--people last year; about 33,000 of those saw us and registered through the Department of Motor Vehicles. Kansas recognized that the cost

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

savings is taking that system and that process, which was paper-based with them and is still paper-based with us, and making an e-motor-voter process, or an electronic motor-voter process--so where we're not exchanging paper with the Secretary of State or with the election commissioners or the county clerks. We move into an electronic process in that arena. They did that by expanding their application to include a few questions that are specific to voter registration and then taking some of that process and turning it into an electronic process. [LB875]

SENATOR KRIST: So that product is now potentially an off-the-shelf buy. [LB875]

BEVERLY NETH: No. There is never an off-the-shelf buy in our world. Each and every state has a specific process they follow according to their state statutes. I've never been able to find anything, even in our document management system, even though you would think that would be off the shelf. It wasn't, because our statutory business, our policy, our rules and regs all require us to take something that looks as though it may be a canned product and modify it to meet our environment, what we do. So I would caution to say, but we can't go buy the Kansas system. We would have to look at--we certainly could look to them as: How did you do it; what did you do? and work within the parameters of designing our own kind of e-motor-voter system. But the election commissioner was clear, that that was the first part of their project. After they completed that, then they came in with the on-line registration process, because they had pieces in place that did give them the cost savings that they needed or wanted. [LB875]

SENATOR KRIST: Thank you so much. [LB875]

BEVERLY NETH: Um-hum. [LB875]

SENATOR KRIST: Thank you. [LB875]

SENATOR AVERY: Any other questions? Seeing none, thank you very much for your testimony. [LB875]

BEVERLY NETH: Thank you. [LB875]

SENATOR AVERY: Any other opposition? [LB875]

BETH BAZYN FERRELL: Good afternoon, Senator Avery, members of the committee. For the record, my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l; I'm an assistant legal counsel with the Nebraska Association of County Officials. Our opposition to this bill is based on the issues that you've heard pointed out by the Secretary of State's office and the Department of Motor Vehicles--the connectivity between the systems, the original signatures, and those kinds of things. We're not opposed to the concept of on-line registration, however; we know that it's coming. We'd like to be involved in that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

process when it is here. And I'd be happy to try to answer questions. [LB875]

SENATOR AVERY: Let me see if you can answer a question that, actually, I probably should have asked Neal Erickson, but I didn't. It was indicated that it costs about 3 cents to process one of these registrations by--electronically and about 83 cents to process one by paper. Those numbers didn't come from Nebraska, though, did they? [LB875]

BETH BAZYN FERRELL: They did not. [LB875]

SENATOR AVERY: What do you think would be the correct number for Nebraska, for a paper transaction? [LB875]

BETH BAZYN FERRELL: That's a good question. That's not something we have really studied. I'm not quite sure how we would approach coming up with that calculation. [LB875]

SENATOR AVERY: It's certainly not represented in the fiscal note. [LB875]

BETH BAZYN FERRELL: No. I don't believe we were involved in the fiscal note. [LB875]

SENATOR AVERY: No. You would expect that the fiscal note, to be accurate, would take into account savings as well as expenditures. [LB875]

BETH BAZYN FERRELL: I would think. [LB875]

SENATOR AVERY: You would think. Anybody have any questions? Seeing none, thank you for your testimony. Anyone else wish to testify in opposition? Anyone wish to testify in neutral--in neutral, no--in the neutral capacity? Seeing none, that closes the hearing on LB875 and...oh, you want to close, don't you? [LB875]

SENATOR GIESE: I will. [LB875]

SENATOR AVERY: I'm sorry. (Laughter) I was in a hurry. Sorry. I'm sorry. [LB875]

SENATOR GIESE: I will be in the neutral-yes category when I close. [LB875]

SENATOR AVERY: You can arrive in neutral. (Laugh) [LB875]

SENATOR GIESE: Anyway, thank you, committee, Chairman Avery. This is...I think, Senator Krist, you touched on, one time, building bridges as we go forward here. I think this idea is a great idea, and it has a potential cost savings for us. Is it a perfect system? Probably not. Can we do it? Probably, yes. You've heard testimony that anywhere from

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
January 27, 2010

\$100,000 to \$30 million on upkeep, and so I don't know where that all comes in. But I would just make a couple things I...when we talk about the different--the Secretary of State communicating with the Department of Motor Vehicles, I'm not an IT guy, but I think that we should be able to do that relatively easily, Senator Krist. And that's just one of my observations in the conversation today. Maybe we can't; maybe it's oversimplified. But...and also on that issue of the signature--if that language is not in the bill and we need to have limitation or limited language that deals with that, we will certainly add that to the bill. On the federal issue, if we are waiting for federal money that may possibly help us out with solving this, I think we'd better not hold our breath, because if that's our--where we draw the line in the sand, that we can't do anything--well, we're never going to get this done. So I think it's a challenge as us--as senators--to bring these ideas that although may appear to be tough, I think we can do it. I think we can do it, and that's why--and I don't ever bring a bill that I don't firmly believe in that is not going to help us, and I think this will ultimately save money. And I would just urge the committee's support. [LB875]

SENATOR AVERY: Thank you, Senator. Sorry I forgot to offer closing to you. [LB875]

SENATOR GIESE: No. [LB875]

SENATOR AVERY: (Exhibit 4) I do need to read into the record a letter of support for LB875 from Laurel Marsh, the executive director of the ACLU. That now ends the hearing on LB875 and the hearings for today. Thank you all for coming. I'd ask the committee to stay for just a minute. [LB875]

SENATOR PRICE: Do you want exec? [LB875]

SENATOR AVERY: No. I want to talk about execs, though. [LB875]