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Transcriber's Office

Executive Board Committee
February 05, 2018

[LB974 LB975]

The Executive Board of the Legislative Council met at 12:00 p.m. on Monday, February 5, 2018, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB974 and LB975. Senators present: Dan Watermeier, Chairperson; John Kuehn, Vice Chairperson; Kate Bolz; Sue Crawford; Dan Hughes; Tyson Larson; John McCollister; and John Stinner. Senators absent: Ernie Chambers and Jim Scheer.

SENATOR WATERMEIER: (Recorder malfunction)...committee hearing. My name is Dan Watermeier. I'm the Chairman of the Executive Board...I'm sorry...serve as Chair of the Executive Board. I'm from Syracuse, Nebraska. Our hearing today is your part of the legislative process and your opportunity to express your position on proposed legislation before us today. The committee members may come and go during the hearing. We get called away for various reasons. It's not an indication that we are not interested. It's just part of the process. To better facilitate today's proceedings, I ask that you abide by a couple of procedures. Please silence or turn off your cell phones. The order of testimony will be introducer, proponents, opponents, neutral, and closing. If you are testifying, please make sure you fill out a green sheet. They are located in the other room. When you come up to testify, please hand the green sheet to the page. Please state and spell your name for the record at the start of your testimony. Each testifier will have five minutes. We'll be using the lights. Green light on five minutes, a yellow when you have a minute left, and a red light I'd ask you to close it up. If you will not be testifying and you want to go on record as having a position, please fill out one of the white sheets that are back in the back room. Written materials may be distributed to committee members that are offering testimony. We'd ask that you have 12 copies. If you don't have 12, we can get those for you. I'd also like to make you aware of a new policy that we're instituting this year. On a letter to the committee that wants to go on the record, we'd have that here the day before at 5:00. To my immediate right is legal counsel, Janice Satra. To my left is Laura Olson, my committee clerk. And helping us today is our page, Heather Bentley, from Miller, Nebraska. All right. With that, we will start with our posted agenda with LB974. Come on up, Senator Vargas.

SENATOR VARGAS: Thank you very much. [LB974]

SENATOR WATERMEIER: You bet. [LB974]

SENATOR VARGAS: Chairman Watermeier, members of the committee, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7, the communities of downtown and south Omaha. I'm here today to talk to you about my bill, LB974. The intent of LB974 is to ensure that our next redistricting process is as fair and transparent as possible. The language from this bill is taken directly from LR102, which was the Redistricting Committee's resolution on criteria in the

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redistricting process in 2011. LB974 would require that political affiliation, demographic information other than population figures, and the results of previous elections be ignored when drawing district boundaries. This criteria is crucial for our next Redistricting Committee to abide by to ensure that the redistricting plan they develop will be constitutionally acceptable. Now making this criteria part of our laws in Nebraska I believe will lend stability and transparency to our next redistricting process, which is coming up in just a couple of years. I think it's important for this Legislature to start thinking about this process now. I believe the language in LB974 is politically neutral and it's something that we can all easily agree is good for the redistricting process and ultimately good for Nebraskans. And with that, I'd be happy to answer any of your questions. [LB974]

SENATOR WATERMEIER: All right. Thank you, Senator Vargas. Are there questions from the committee? Senator McCollister. [LB974]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. Thank you for the bill, Senator Vargas. How does one know when a political boundary has been drafted with one of the evil attempts that you've indicated? [LB974]

SENATOR VARGAS: So when...I'm not an expert in the drawing of the boundaries. But I will say that when...if we're putting in stipulations that the data that is then used as the input for whatever system or program, if you set stipulations that you can't use any political affiliation data, then that input or that data wouldn't be used in the drawing of the boundaries. So we want to just make sure that the data piece that any influence of a decision using that information, you know, the political affiliation would not be utilized in the process. [LB974]

SENATOR McCOLLISTER: Yeah. It's a great objective, but I just wonder how it would work in actual practice when those people drawing the districts have preferences they would like to see occur in various districts. Any...yeah, other can carefully selecting those people that are drafting those boundaries, how else can you do it? [LB974]

SENATOR VARGAS: I think by stating as a body that we believe we're trying to remove any sort of...or put in neutral language, I think that's a step in the right direction. We won't start doing it until we set as a standard that we're not going to be using any political affiliation in the process. And so I think that's going to enable us then to have a whole set of procedural pieces that we put into place that ensure we don't go down that route. But I agree with you with your concern. I think that's fair. [LB974]

SENATOR McCOLLISTER: Thank you. [LB974]

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SENATOR WATERMEIER: Further questions? All right. Thank you, Senator Vargas. [LB974]

SENATOR VARGAS: Thank you very much. [LB974]

SENATOR WATERMEIER: You bet. Are you going to stick around for closing? [LB974]

SENATOR VARGAS: Yeah. [LB974]

SENATOR WATERMEIER: Okay. Those wishing to testify proponents of LB974. Welcome. Go right ahead and get started. [LB974]

JOHN CARTIER: Thank you. Members of the Executive Committee, my official capacity is director of voting rights...let me back up. My name is John Cartier, J-o-h-n C-a-r-t-i-e-r. I'm testifying today in my capacity as director of voting rights with Civic Nebraska in support of LB974. Civic Nebraska is a nonpartisan, nonprofit organization dedicated to creating a more modern and robust democracy. As part of our work, Civic Nebraska seeks policies that promote and facilitate voting rights and opposes policies that have the potential to limit accessibility or restrictive voters' rights. We believe efforts aimed at stopping the practice of gerrymandering when drawing legislative boundaries are beneficial to all Nebraska's voters. It should be the voters who choose the representatives, not the other way around. Civic Nebraska is aware of several different bills that have been introduced to try and address the issue of gerrymandering. I believe Article III, Section 5 gives the Legislature the power to determine how to divide the state into legislative districts with certain guidelines. The additional guidelines contained in this bill would serve the useful purpose of making a representational government more effective. It is for those reasons that Civic Nebraska supports LB974. We'd like to thank Senator Vargas for bringing this legislation forward and urge the committee to advance it to the floor. Thank you. [LB974]

SENATOR WATERMEIER: All right. Thank you for your testimony. Are there questions? Senator Bolz. [LB974]

SENATOR BOLZ: Thank you. If such statutory language was put into place and a map was found to have been out of compliance with the statute, how could an organization like yours protecting voting rights proceed based on that information? [LB974]

JOHN CARTIER: I think the natural check and balance that will come into play is then doing some sort of litigation against anything we perceive as breaking statute or a codified law moving forward. [LB974]

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SENATOR BOLZ: So it may not necessarily prevent someone from acting with those motivations. But if the proof came out later that such motivations were a part of the decision-making, it would give you a leg to stand on in terms of... [LB974]

JOHN CARTIER: Yeah, absolutely. [LB974]

SENATOR BOLZ: ...holding the committee or holding the Legislature or the individual. [LB974]

JOHN CARTIER: Um-hum, that's correct. [LB974]

SENATOR BOLZ: Okay, thank you. [LB974]

SENATOR WATERMEIER: All right. Further questions? All right. Thank you for your testimony. Further proponents on LB974. [LB974]

JACK GOULD: Senator Watermeier, members of the committee, my name is Jack Gould, that's J-a-c-k G-o-u-l-d, and I'm here representing Common Cause Nebraska. As I looked over this bill, it's pretty clear that the senator is really trying to say to you how we don't want any one advantage taken by a political party or any one-upmanship in any of the laws that are regarding this whole process of redistricting. You may remember that in 1990 there was a great deal of problem and there were lawsuits and it was a very messy situation. It's for that reason that these kind of guidelines are in place and hopefully to avoid any kind of legal action. And the most important thing is the fairness, fairness to the candidates and fairness to the public. It's not a question of anybody getting some kind of an advantage politically. It's all about making a process that's respected and represents the true interests of the public. Thank you. [LB974]

SENATOR WATERMEIER: All right. Thank you, Mr. Gould. Questions? All right. Thank you for your testimony. Further proponents on LB974. Welcome. [LB974]

ALEX GARRISON: (Exhibit 1) Hello, Mr. Chairman and members of the committee. Good afternoon and thank you for the opportunity. My name is Alex Garrison, A-l-e-x G-a-r-r-i-s-o-n, and I'm a resident of Omaha. Though I am today representing myself, I am also an active volunteer in the League of Women Voters of Greater Omaha, which also supports LB974. I'm not an expert in drawing legislative boundaries. But I am a member of a constituency that I think should be heard on this issue: I am a Nebraska voter. I've done research on this issue, and the research is clear: that drawing political lines on a partisan basis or on the basis of race, ethnicity, or any other demographic, unfortunately does happen and it should not happen. No political

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party or other entity should have the power to redraw lines in their own favor, without regard to the will of the people. Nor should anyone have the power to create districts that keep a certain group's voice small or another group it gives them only one voice. So I am a proponent of LB974 because I believe in an open and fair democracy, and I believe in a system in which voters choose their representatives. I think this is an opportunity to make things fair and easier for Nebraska voters and that's where I wish to take it. Drawing political boundaries on the basis of political assumptions, voter demographics, or the results of previous elections can rob us of our power as voters, and no one should be able to dilute that power for Nebraskans. Though several high-profile court cases in the past year have shown us that this happens, we as Nebraskans have the opportunity to do better. This is coming up in a couple of years. We can do better by our voters by making it our law that these boundaries will not be drawn in a partisan or discriminatory way. We can do better by adding LB974 to our laws. It's a common-sense, no-cost proposal that would codify the idea that in Nebraska we believe in our citizens' right to vote in fairly drawn districts. And this isn't a judgment on anything that's occurred in the past or anything going on in our state, but an opportunity to do better by our voters in the future. This bill's language comes from a bipartisan resolution, and so it's an easy win that's not divisive but uniting in our core values. And I think in these divided times we should find and support solutions like this that just make sense. You have the chance to do right by your constituents and our fellow Nebraskans when it comes to creating the districts that we all elect our representatives from. To say that we trust the voters, and ensure that we all have our power as voters and to say that you, like our voters, believe in the core Nebraskan value of equality before the law. So I urge you to support this bill. [LB974]

SENATOR WATERMEIER: All right. Thank you for your testimony. Are there questions from the committee? Thank you. Further proponents, LB974. Welcome. [LB974]

KAREN BELL-DANCY: Thank you. Good afternoon, members of the committee. My name is Karen Bell-Dancy, K-a-r-e-n B-e-l-l-D-a-n-c-y. I serve as the executive director of the YWCA Lincoln. YWCA is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom, and dignity for all. LB974 will ensure equity in our voting power. We advocate for the opportunity for every voice to be heard. We believe that voting is a fundamental right and it ensures that we are being inclusive of our voices. Prohibiting consideration of demographic information when redistricting will allow us to hear marginalized voices in our communities. We hope to continue to uplift all voices and LB974 we believe will assure that. Thank you. [LB974]

SENATOR WATERMEIER: Okay. Very good. Questions from the committee? Thank you for your testimony. [LB974]

KAREN BELL-DANCY: Thank you. [LB974]

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SENATOR WATERMEIER: Further proponents on LB974. Welcome. [LB974]

SHERRY MILLER: Hi. Who brought the snow is what I want to know? [LB974]

SENATOR WATERMEIER: Not inside of this building, no jurisdiction there. [LB974]

SHERRY MILLER: (Exhibit 2) I know. Thank you. Thank you for this opportunity to speak. My name is Sherry Miller, that's spelled S-h-e-r-r-y M-i-l-l-e-r, and I'm currently president of the League of Women Voters of Nebraska. And I want to speak today in favor of LB974. We support LB974 which promotes fair drawing of voter district maps for all public bodies in Nebraska. It simply requires that all voter maps disregard political affiliation of voters, demographic information other than population, and the results of previous elections, except as may be required by federal law and the U.S. Constitution. And going back for a moment to LB973, I feel that that bill which would use a computer program would meet those requirements. We urge the Executive Board to act favorably on this bill and send it to General File. However, since these same provisions are contained in both LB975 and LB216, which was introduced last year, these are broader redistricting bills, it wouldn't be necessary to pass this bill if either of those bills are passed. We strongly support the passage of one of the two major redistricting bills, either LB975 or LB216. And I'll be speaking to LB975 also this morning. I do present this testimony on behalf of John Else who is director of social policy for the League of Women Voters of Nebraska. And he was very instrumental in writing...in helping to write LB216 which was introduced last year. We feel that both bills are worthy of debate, both...well, when we get to LB975 and LB216, we feel they're both worthy of debate. I also want to mention you may have received in the mail or you will receive shortly a letter from the League which includes a practical guide to redistricting. Some of you may have already received that. It's something that was put together to just kind of step by step show the practicality of redistricting reform and how it would be helpful to all voters and all elected officials. Thank you. [LB974]

SENATOR WATERMEIER: All right. Thank you for your testimony. Are there questions?
Thank you. [LB974]

SHERRY MILLER: Okay, all right. You're welcome. [LB974]

SENATOR WATERMEIER: Further proponents, LB974. [LB974]

JOHN HANSEN: Mr. Chairman, members of the committee, for the record my name is John Hansen, J-o-h-n Hansen, H-a-n-s-e-n. I am the president of Nebraska Farmers Union, also their lobbyist. We have testified on similar bills down through the years, including the last effort by

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Senators Murante and Mello and we supported that bill as well. And it goes back to our history and involvement in the creation of the Unicameral. And so our organization was very actively involved in the creation of the Unicameral, worked with Senator Norris. As you know, that came with a lot of rural support and the rural organizations at that time. There were two primary focuses: one was to save money. And it was one house is simpler and also more perhaps accessible but more cost effective than two. But the other was to get the role and the influence of partisan politics out of the Legislature. And that was one of the key underpinnings of that support. And so the redistricting gets to be a part of that, and so to that end we'll be supporting this bill as well as the next one up. And with that, I'll end my comments and answer any questions if you have any. [LB974]

SENATOR WATERMEIER: All right. Thank you, Mr. Hansen. Are there questions from the committee? Thank you. [LB974]

JOHN HANSEN: Thank you. [LB974]

SENATOR WATERMEIER: (Exhibit 3) Further proponents, LB974? Seeing none, are there any opponents to LB974? Anyone in the neutral capacity? Senator Vargas, I'm going to read in two letters on LB...one. Senator Danielle Conrad from the ACLU in support of LB974. (Inaudible), Senator. Are you going to waive closing? [LB974]

SENATOR VARGAS: I'm just going to waive (inaudible). [LB974]

SENATOR WATERMEIER: Thank you. That will close the hearing on LB974. I did forget one item as far as introductions. I didn't introduce my members so I'll start with Senator McCollister.

SENATOR MCCOLLISTER: John McCollister, District 20.

SENATOR BOLZ: Senator Kate Bolz, District 29.

SENATOR HUGHES: Dan Hughes, District 44.

SENATOR KUEHN: John Kuehn, District 38.

SENATOR CRAWFORD: Sue Crawford, District 45.

SENATOR LARSON: Tyson Larson, District 40.

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SENATOR STINNER: John Stinner, District 48.

SENATOR WATERMEIER: All right. With that, we'll open up the hearing for LB975. Senator Howard, welcome. [LB975]

SENATOR HOWARD: Thank you. Good afternoon, Senator Watermeier and members of the Executive Board. My name is Senator Sara Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. Today I bring you LB975, a Redistricting Act. This bill sets forth in statute the state's redistricting process. I have crafted this legislation similar to that of our neighbor state, Iowa. In full disclosure, my husband didn't ask me to do this even though he is a strong Iowa native. It is an innovative, nonpartisan...it is innovative, nonpartisan, and allows all parties to work together to create fair and even political districts. So under LB975 you will have seen two provisions of it that have already been presented to you. The first one is the utilization of state-issued computer software so you heard that from Senator Crawford last week. And then Senator Vargas's parameters are also in this piece of legislation, so politically neutral criteria including equal population, no political affiliation may be used, no previous voting data, data only used from the Census Bureau, deference to county and municipal lines when appropriate, and contiguous districts. This is where my bill becomes a little bit different. So in my bill the director of Research will deliver the maps to the Legislature to be placed directly on General File no later than 15 calendar days after the director receives the census data from the Census Bureau. However, they can't be placed on the agenda until the Redistricting Committee delivers their own report to the Legislature, which we already have that. The Redistricting Committee distributes the census data and the maps that have been received by the Legislature and makes them available to the public and are to conduct at least one public hearing in each Congressional District to solicit input. Once this has occurred, the committee shall deliver a report of the hearings to the Legislature within 14 calendar days after the maps are delivered to the Legislature. As in the last redistricting cycle, hearings are allowed to be held via satellite due to the tight time frame. And just note for the record this bill doesn't address the composition of the Redistricting Committee. It leaves it intact the way that it is now, which is three members from each Congressional District, no more than five members of the same party. It's my intent that that structure remains the same, but that their focus really shifts into ensuring that we are garnering public feedback and that's shared with the entire Legislature on the maps that are drawn using those guide rails by the Legislative Research Office. Once debate on General File begins, there are no changes allowed other than corrective amendments; and they're not allowed during the initial round of debate. After three legislative days, if the Legislature fails to advance or adopt the first redistricting plan, debate stops and the director of Research shall begin to prepare a second set of maps; but all maps will still have to follow the same guide rails initially discussed. When debate ends, the members of the Legislature have 48 hours to submit comments on the maps to the Clerk of the Legislature who will then deliver the comments to the director of Research. And this presents a uniform way to ensure that there's no member exerting undue

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pressure on the director of Research. The director of Research shall deliver a second version of the maps, as needed, no later than 20 days after the failure of the first. The second version may incorporate such changes as suggested by members or changes suggested in a veto message from the Governor, but no changes can go beyond the guide rails that would be set forth in statute. Unlike the first time around, the Redistricting Committee is not required to hold public hearings on the additional rounds. If needed, the process starts over for a third time. Unlike the first two rounds, these maps are allowed to be amended by members of the Legislature on the floor. If the Legislature fails to adopt maps within the legislative session, the Governor is required to call a special session and within 30 days after the adjournment and begin with a new initial version of the maps. But they would obviously still have to comply with those guard rails. While there are obvious differences with the way that Nebraska would conduct this process because of our Unicameral system, the philosophy behind the Iowa system is largely the same. So according to Ed Cook who is the legal counsel for the Iowa Legislative Services Agency, he's kind of...he's our Nancy Cyr, the legislature has had very little difficulty with their redistricting plans in Iowa. His office that does the drafting of the maps is completely nonpartisan. And in his view, there is a lot of trust in his office that the scales won't be tipped one way or another. Since 2000, Iowa has had competitive congressional races, more competitive congressional races than Texas, California, and Florida combined, despite having a fraction of the number of seats. Only one district has been automatic for either party over that time in Iowa, and every other seat has remained in play or close over the past two years. According to Mike Gronstal, a former Iowa legislator, we're proud of the fact that the system we have is perceived as fair by pretty much everybody and leads to very competitive races. The strength of the ideas win elections, not the strength of the people who control the map. Since the beginning of using this process in Iowa in 1980, only in 1981 did the legislators go all the way to a third plan. And once they asked for a second effort in 2001. Other than that, the plans have passed with no problems. The legislative service office, Ed Cook stated there are judgment calls everywhere, but we're constrained by the criteria. If the legislature wants another look, he doesn't mind. It just means we need to do another plan. The standards don't change acceptance or rejection. It's their call. But they really can't steer what the next plan is going to look like. Because Iowa has taken partisanship out of their redistricting plan is the reason that I believe it would be a good fit for Nebraska. Our nonpartisan Legislature functions best when we take politics out of it and do what's best for our state and our constituents to create a fair and balanced system. I appreciate your time and attention, and I'm happy to try to answer any questions you may have. [LB975]

SENATOR WATERMEIER: Thank you, Senator Howard. [LB975]

SENATOR HOWARD: Thank you. [LB975]

SENATOR WATERMEIER: There is a question: Senator Larson and then Senator McCollister. [LB975]

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SENATOR LARSON: Thank you, Senator Howard. I guess this board I was the only member here for the last redistricting process. And did you...looking back at that process, do you have any complaints of how we did things or what the process was or what...I mean or do...pretty much, what are the complaints of how we managed it last time? [LB975]

SENATOR HOWARD: Sure. That's a great question. So my mom was here and I actually spent a lot of time this summer interviewing people who had been on that committee previously just to talk about what had gone well and what maybe had been challenging. Some folks felt that it was challenging when maps were brought in. Some folks felt that it was challenging because a resolution was the guard rail instead of a statute so there was nothing really binding that required folks to use maybe just the census data, for instance. And so this would be a real opportunity for that sort of thing. [LB975]

SENATOR LARSON: But really besides the fact that we used a resolution as our guide rail you don't have any real complaints of how we handled things in 2011. [LB975]

SENATOR HOWARD: I mean I wasn't here so I don't have (inaudible). [LB975]

SENATOR LARSON: I mean as an outsider looking in obviously, you were a constituent of your mother's more than likely. [LB975]

SENATOR HOWARD: I was not. [LB975]

SENATOR LARSON: Oh, okay. Well, a Nebraskan maybe. [LB975]

SENATOR HOWARD: No. I lived in Illinois. [LB975]

SENATOR LARSON: Okay. All right. Well, like I said, I was just kind of wondering what, you know, if there was something that happened in 2011 that sparked this or. [LB975]

SENATOR HOWARD: No. I read a book over the summer... [LB975]

SENATOR LARSON: Okay. [LB975]

SENATOR HOWARD: ...and heard the author come speak, and the Iowa method just seems...my impression of that time period and granted, I'm...you know, it was only two years after we lost my sister so my mom's like, maybe her head wasn't really in the game, but her impression was

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that it was wrought with pressure, right? It was so stressful to have to look at these maps and decide how they were going to do it. And I think taking that pressure out of it would maybe give the Legislature more room to work on things that are...things like our budget deficit, which is significantly more challenging. [LB975]

SENATOR LARSON: You've met Heath Mello. He's always high-strung and wrought with pressure (laughter) so...and he was the main driver on one side. So maybe that was part of the high pressure that was part of it so. [LB975]

SENATOR HOWARD: Perhaps. [LB975]

SENATOR LARSON: Okay. [LB975]

SENATOR WATERMEIER: All right. Senator McCollister, then Senator Bolz. [LB975]

SENATOR McCOLLISTER: Yeah. Thank you, Chairman Watermeier. And thank you for bringing this legislation, Senator Howard. Section 4(4) has to do with census data. But census data wouldn't be relevant. [LB975]

SENATOR HOWARD: Oh. Well, every state is required to use the census for their redistricting, but really you use that for a population, what we...in terms of that's really we want you to only be using that demographic information from the Census Bureau, from the annual census. [LB975]

SENATOR McCOLLISTER: And that's everything inside the census or are they certain issues that they typically bring up in these redistricting maps? [LB975]

SENATOR HOWARD: You know, I can't speak to...I know other states have used minority makeup. We don't have that here. But for us we would only be using demographic data of populations and where they live. [LB975]

SENATOR McCOLLISTER: Thank you. [LB975]

SENATOR WATERMEIER: Senator Bolz. [LB975]

SENATOR BOLZ: Thank you. Senator Howard, I appreciate the...that you weren't a part of the previous process and so are not necessarily bringing judgment on the previous process. However, I was curious if you were aware of any legal action that has been taken in other states regarding

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redistricting processes and whether you think this would be improved in terms of making sure that we don't have a legal challenge to the maps that we put forward. [LB975]

SENATOR HOWARD: Oh, yeah, there are legal challenges all over the place. I think North Carolina is one of the most talked about. They have got this beautiful Congressional District that's shaped like a map or a colon, whichever you prefer. But it certainly would be hard to say that that isn't necessarily gerrymandered. For us, we had a--I'm looking at Nancy Cyr because she will remember--we had a court case that gave us contiguous counties so we couldn't split a county. If a county is perfect and whole, then we need to leave it as such. And that happened in 2001? [LB975]

NANCY CYR: 1992. [LB975]

SENATOR HOWARD: 1992. [LB975]

SENATOR BOLZ: 1992. [LB975]

SENATOR HOWARD: 1992. And so we have had challenges previously. But I think the guard rails would really help us sort of...Senator Vargas's guard rails would really pull out some of that partisan consideration. [LB975]

SENATOR BOLZ: Um-hum. So it might provide us additional assurances against having a map contested. [LB975]

SENATOR HOWARD: Certainly. And more than a resolution. Traditionally...well, actually, there's no tradition here. We've just, for the record, we have never done this the same way twice. And so I would like to say traditionally we put forth a resolution and those are the things that the committee follows, but that's just what they did last time. It's not a guarantee that we would do it again. [LB975]

SENATOR WATERMEIER: All right. Senator Larson. [LB975]

SENATOR LARSON: And did I hear you say that we won't take a...yours wouldn't take demographics into consideration, correct? [LB975]

SENATOR HOWARD: We have only data and demographic information. [LB975]

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SENATOR LARSON: Oh, so you do have the demographic of white, Asian, Hispanic, and that would be taken into account. [LB975]

SENATOR HOWARD: That is included in the census. [LB975]

SENATOR LARSON: Okay. Because I know that... [LB975]

SENATOR HOWARD: But we don't have that as a requirement to use. [LB975]

SENATOR LARSON: Well, I guess I missed the chance to ask Senator Vargas the questions because I know there are...and I'm sure I could talk to Senator Murante more in terms of he knows that better as the Government Chair. But there are U.S. Supreme Court cases that essentially say that in certain cases you do have to take demographics into consideration because there have been states where minorities have been drawn to where they can't win. And if they can win a certain district by putting them together, that actually should be the case instead of splitting 25 and 25 to where they can't win. And really that almost happened in 2011 when Districts 5 and 7 were fought fiercely...originally had a majority-minority Hispanic district and two state senators from there split them up and it no longer had a majority-minority district. They were combined but to save seats from being combined in 5 and 7 they did it and we no longer had that majority-minority district. But originally there was one proposed. And so I just wanted to make sure that those demographics do get counted because I think there are U.S. Supreme Court cases that say that they need to be. [LB975]

SENATOR HOWARD: It's actually a federal law, the Voting Rights Act, that requires you to consider minority districts and show deference to minority communities. [LB975]

SENATOR WATERMEIER: Senator Stinner. [LB975]

SENATOR STINNER: I don't necessarily have a question but a statement. And redistricting to us rural senators probably one of the more important things that we have to look at during our tenure here. And I can tell you that I know of two or three of the rural senators who are still extremely angry about what happened the last time--49th District went to Gretna, not sure what happened in that process but it seems to be unusual for us rural senators. So we're looking for a fair and balanced approach to this, and it's very important to us that we do that and that we enter that discussion. So thank you. [LB975]

SENATOR WATERMEIER: All right. Further questions for Senator Howard? All right. Thank you, Senator. I'm assuming you'll stick around to close. [LB975]

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SENATOR HOWARD: I will. [LB975]

SENATOR WATERMEIER: All right. Those proponents of LB975. [LB975]

JACK GOULD: Senator Watermeier, members of the committee, my name is Jack Gould, that's J-a-c-k G-o-u-l-d, and I'm here representing Common Cause Nebraska. And I have actually remember back to '90. I was just a kid now, just want to make sure you're aware of that (laughter), but in '90 the rules were really challenged because we actually had hearings before there were maps. We had secret meetings of the committee without the press being there. We had...the Legislature actually didn't see the map until the committee was completely done and it was dropped on the floor, and that's when the public learned about it when it first hit the floor. So it's very important. I know Senator Larson brought up the fact that the rules were better in the last...in 2010. And I think it's important to recognize the fact that most of you will not have much of a legislative memory. I mean, you were there the last time but I don't know how many of you will be there the next time we have...comes around. So what we have in the way of rules, they've evolved from '90 and they've become helpful. I think they did a fairly good job the last time. There's still a little politics involved, but the procedure was better. The concern that I have is that this bill and the other two bills help to take what is in a rule form and put it in a statute form. And that's important when we don't have a legislative memory. I mean, a whole new group of people will walk in to do this process; and they won't know a lot about what happened in the past and they're going to be at a disadvantage. So I think the thing about the three bills that have been brought to you, they all give you a little comfort in the knowledge that it's going to be in a statute form rather than just rules that could be easily changed. That's all I really have to say. [LB975]

SENATOR WATERMEIER: Thank you for your testimony. [LB975]

JACK GOULD: Thank you. [LB975]

SENATOR WATERMEIER: Questions? Senator Bolz. [LB975]

SENATOR BOLZ: I'm sorry if I missed this in your testimony, but in 1990 when you reference we in having secret meetings, did you have a...were you a staff member? Did you have an official capacity? [LB975]

JACK GOULD: I hate to admit it, but I was just a Common Cause guy. [LB975]

SENATOR BOLZ: So you became aware of those things happening through your role as an advocate? [LB975]

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JACK GOULD: Kind of after the fact. Actually, I don't know if you remember Dick Herman. Dick Herman was on our board and Dick and I, after it was all over, met with Senator Coordsen, who was the Chair of the Executive Board, and he was aware of a lot of the problems that came along. And this was prior to the 2000. And we talked a lot about what we needed to do. And it wasn't so much about the, you know, concern about the political part of it, we just wanted a procedure. And so we wanted to be sure that the maps were out there before the hearings were held and that when the maps were visible to the public before they went to the floor and before the hearings so that the procedure made a little more sense and it wasn't viewed as a secret effort, which is what it had been before. [LB975]

SENATOR BOLZ: Okay. Thank you. [LB975]

SENATOR WATERMEIER: All right. Further questions? Senator Hughes. [LB975]

SENATOR HUGHES: Yeah. I guess I'd like to ask Senator Larson what the procedure was since you're the only one who was here when we went through it the last time, how it worked. [LB975]

SENATOR LARSON: Do you want to do that? Are you going to allow members to ask other members questions or do you want... [LB975]

SENATOR WATERMEIER: Yeah, I'll allow that as long as we have a definition if it applies to the bill. [LB975]

SENATOR HUGHES: Well, we're looking at changing (inaudible). [LB975]

SENATOR WATERMEIER: I realize that. Can you make it quick? [LB975]

SENATOR LARSON: Well, I wasn't a member... [LB975]

SENATOR WATERMEIER: It doesn't sound like something (inaudible) quick. [LB975]

SENATOR LARSON: Yeah, I wasn't a member of the Redistricting Committee, but in terms of the rules that were applied...obviously the Exec Board offered or we had a special committee. I wasn't a member of Exec Board, but they named members of the Redistricting Committee. But in 2010 or 2011, I'm sorry, any member could work to develop maps. It wasn't near as secret as 1990 I guess. [LB975]

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JACK GOULD: True. [LB975]

SENATOR LARSON: We all had access to the GIS software to draw maps. Now in the end, it was up to the Redistricting Committee. You could make offers or suggestions to the Redistricting Committee, but they were the ones that I think...I can't remember if they offered one or two maps. I think they had a preferred map and then there was a secondary one that was a possibility. But in the end, you know, the way that it worked out I think all sides of the table, both the Republicans and Democrats, pretty much agreed on the legislative districts in terms of I know Senator Stinner talked about there were hard feelings with 49 moving. But it was apparent that one rural district needed to move and it needed to move into western Sarpy County. Every viable map had that happening in terms of to keep them contiguous and whatnot. And then obviously with every other district it was the same type of process. So it was very much an open process of one where everybody could participate. [LB975]

SENATOR HUGHES: Thank you. [LB975]

SENATOR WATERMEIER: Further questions? Thank you, Mr. Gould. [LB975]

JACK GOULD: Thank you. [LB975]

SENATOR WATERMEIER: All right. Further proponents, LB975. [LB975]

JOHN HANSEN: Mr. Chairman, again, good afternoon. And again for the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n. I'm the president of Nebraska Farmers Union and appear before you today as our lobbyist as well. I do remember, of course, through the course of the years one set of redistricting versus another start to blend after a while. But I've been doing my job for 28 years, and I certainly was aware of the issues that Jack Gould brought forward in 1990. I spent a lot of time with Senator Coordsen, was a good friend but also a member of ours. And so the issues that are presented through redistricting are not only the practical part of how it is that districts actually get set up and how, kind of, communities of interest are defined and captured, but there's also the public perception part of how all of that works. And the perception of the Legislature is so very important in my view to be extremely protective of that. And that anything that we can do to help keep our, at least the old expression was to keep our skirts clean, to keep our perception above reproach, all of those things are really important, especially I would say these days. And having been a public official or the president of a farm organization since 1974, I've been actively involved in the Legislature and am a strong, strong advocate of our Unicameral system. And it pains me when I go out to the public and I hear what some of the public has to say about the loss of confidence generally in government and the political process. So anything that we can do to codify in statute good standards I think is important and beneficial.

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And that I was a part of an effort that I thought was represented a less than good faith effort relative to my home district. Legislative District 19 used to be Legislative District 21 and it got split up. It was a county that was as a unit represented the right number of votes, and so I thought that was a bad idea. And I did participate in the legal efforts to right the legislative efforts. And so because of that, Madison County is now a legislative district again. That was a successful challenge. But so the public perception of that effort, especially in my home county, was, you know, it was viewed in very...not only have we lost our legislative district but, my word, what are those people down there doing, and that perception. So this bill...I don't really have a preference over, kind of, the differences between this and the Murante and the Mello effort. But I do think that it's important, for both practical and perception reasons in maintaining the credibility and the respect of the citizens that we all work to serve, that we do whatever we can to try to make certain that we keep politics and partisan politics out of the Unicameral. And I think that as I go around the country I am a spokesman for the virtues, within my own national organization, of our Unicameral system and I hold its benefits very highly. And with that, I would end my comments. [LB975]

SENATOR WATERMEIER: All right, thanks. Thank you, Mr. Hansen. Questions? Thank you. [LB975]

JOHN HANSEN: Thank you. [LB975]

SENATOR WATERMEIER: Further proponents, LB975. [LB975]

SHERRY MILLER: (Exhibit 1) Okay. Thank you again for time to testify. Sherry Miller, S-h-e-r-r-y M-i-l-l-e-r, president of the League of Women Voters of Nebraska. Senator Watermeier and committee members, the League of Women Voters strongly supports LB975 to create a system for fair drawing of voter districts for the six public bodies in Nebraska. LB975 continues the most important feature of LB216 from last year which the League also supports, namely, the requirement that all voter maps be drawn by the Legislative Research Office, the LRO. And in fact, in LB975 the LRO draws all three sets of maps that may be required. It's favorable to the League that the legislative committee schedule and conduct all hearings on the maps, at least one in each Congressional District, and then prepare a report for the Legislature. This seems to address very clearly the concerns expressed by the Governor in his veto message on LB580 which was Senator Murante's bill from 2015. In general, we like the time line in LB975. But we note that the LRO is given 15 days to prepare the second and third maps if necessary, whereas LB216 allows only 10 days for these two revisions. The shorter time line would seem to decrease the likelihood of the need for a special session, which was also one of the points in the Governor's veto message on LB580. So if the LRO believes that 10 days would be sufficient to redraw the maps, we would recommend reducing the days from 15 to 10 for revisions. And this

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is why we urge the Executive Board to act favorably on this bill and advance it to General File. And not in my letter but sitting here thinking about redistricting from the last time, we visited with people in Crete, Nebraska, a few months ago who were really upset with the way their district was redrawn because it took this nice compact district which includes Crete and Fairbury and they took a corner of Lancaster County and hooked it on to the northwest corner...northeast corner of this district, and I think it's District 32 if I remember correctly. So they feel that their communities, the makeup of their communities was disregarded by attaching the southwest edge, the southwest corner of Lancaster County to these counties and making, you know, changing that district. It tended to change the makeup of the demographics greatly. I just wanted to point that out. [LB975]

SENATOR WATERMEIER: Okay. Thank you. Are there questions? [LB975]

SHERRY MILLER: Okay. [LB975]

SENATOR WATERMEIER: Thank you for your testimony. [LB975]

SHERRY MILLER: You're welcome. [LB975]

SENATOR WATERMEIER: (Exhibit 2) Further proponents, LB975. I have one letter for support on LB975 from Danielle Conrad, ACLU. Are there those in the opposition of LB975? Seeing none, anyone in the neutral capacity? Senator Howard to close. Senator Howard will waive closing today on LB975 and that will close the hearing on LB975. Thank you all for attending. [LB975]