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Transcriber's Office

Government, Military and Veterans Affairs Committee  
March 01, 2017

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[LB75 LB76 LB314 LB451]

The Committee on Government, Military and Veterans Affairs met at 9:15 a.m. on Wednesday, March 1, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB75, LB76, LB314, and LB451. Senators present: John Murante, Chairperson; Tom Briese; Joni Craighead; Mike Hilgers; John Lowe; and Justin Wayne. Senators absent: Tom Brewer, Vice Chairperson; Carol Blood.

SENATOR MURANTE: (Recorder malfunction)...Committee, my name is John Murante. I'm the state senator for District 49, which includes Gretna and northwest Sarpy County, and I'm the Chairman of this committee. We are here today for the purpose of conducting public hearings on four pieces of legislation. We'll be taking those bills up in the order on which they appear on the agenda outside of this room. If you wish to testify on any of the matters before us, we ask that you fill out one of these green sheets of paper. They're located on either side of the room. If you are here and wish to state your support or opposition for any of the matters before us, but you do not wish to testify, we ask that you fill in the sign-in sheet, again, located on either side of the room. I can assure you if you fill in the sign-in sheet your opinions will be taken into consideration just as if you had testified. If you do testify, we ask that you begin by stating and spelling your name for the record, which is very important for our Transcribers Office. The order of proceedings is that the introducer will be given an opportunity to open on his bill, then we will listen to proponent testimony, followed by opponent testimony, then neutral testimony, and the introducer will be given an opportunity to close. We ask that you listen very carefully and to try not to be repetitive. In the Government Committee we do use the light system. Each testifier is afforded four minutes to testify on the matters before us. When the amber light comes on you have one minute remaining and we ask that you begin concluding your remarks. When the red light comes on your time has expired and we will open the committee up to any questions that they may have of you. At this time I would like to suggest that everyone turn off or silence your cell phones, electronic devices, anything that may make noise. If you have a prepared exhibit, a statement, anything you want distributed to the committee, we ask that you give a copy of what you have to the pages who will distribute them to us. We ask that you provide 12 copies, but if you don't have 12 copies just give what you have to the pages and they will distribute it to us. So with that, we will proceed to the introduction of members. On the far right, State Senator John Lowe. Senator Lowe represents Kearney, Nebraska. To his left, Senator Tom Briese. Senator Briese represents Albion. To his left is State Senator Mike Hilgers. Senator Hilgers represents Lincoln, Nebraska. To his left is State Senator Tom Brewer, he will be with us shortly. Senator Brewer is the Vice Chairman of this committee. To my immediate right is Andrew La Grone. Mr. La Grone is the committee's legal counsel. To my left and the introducer of the bills...the first two bills today, Senator Justin Wayne. Senator Wayne represents Omaha. To Senator Wayne's left is Senator Joni Craighead. Senator Craighead also represents Omaha. To her left is Senator Carol Blood. Senator Blood represents Bellevue and she will not be with us today. And on the

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far left is Sherry Shaffer. Sherry is the Government Committee's clerk. And with that, Senator Wayne, welcome to your committee on Government, Military and Veterans Affairs.

SENATOR WAYNE: (Exhibit 1) Good morning. I'm used to saying, good afternoon, but today is a good morning. Chairman Murante and the fellow members of Government, Military and Veterans Affairs Committee, my name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent the 13th Legislative District encompassing north Omaha and northeast Douglas County. LB75 is simple. It will restore rights to ex-felons who complete their sentence. As the law currently stands, there's a two-year ban on voting and that two years doesn't start till after the completion of whether they're on paper, what we call probation, or parole or their sentence is complete. But because today is also Statehood Day I think it's very relevant that we have a conversation about the historical context on when this was passed. A handout that was given to you that's stapled together talks about...this is from 1920 when they did a revision of our constitution at a convention. And I highlighted for you that prior to the introduction of the state being a member of the United States we had a language for limited suffrage--which is political voting, being able to run for office--to free white males. And actually, Congress...a Republican Congress decided that Nebraska could not become a member of the United States until they eliminated and recognized all race as a participant or being able to participate in the political process and to vote. That bill was vetoed by President Johnson and Congress still promptly passed it overriding the veto. And on March 1, 1867, Nebraska was proclaimed a state. The reason that is important is also a color handout that talks about our constitution. In 1866, you will see Article II, Section 2, basically said that you had to be a white citizen. Ironically, the first introduction of Section 2 which says, no person shall be qualified to vote and it talks about felony was in 1875. The reason that's important is because in 1871 we tried to have a constitutional convention in Nebraska. And that's the last page of the handout where they inserted this language. Why is 1871 important? Because in 1865 the XIII Amendment was passed. In 1868, the XIV Amendment was passed. And the XV Amendment was passed and ratified by Congress in 1870. So with that context...historical context of the issue of slavery and race in 1870, 1871, we start seeing across the country the use of felon to disenfranchise many minorities. And I just want to read for the record some important quotes, that Carter Glass, who later became a U.S. Senator and the 47th Treasury Secretary helped draft these laws in 1870 and he said: Felon disenfranchise does not necessarily deprive a single white man of a ballot, but will inevitably cut from the existing electoral four-fifths of the Negro voters. Somebody shouted, will this be done by fraud and discrimination? He replied, by fraud, no. By discrimination, yes. But it will be discrimination within the letter of the law and not in violation of the law. That was the intent of drafters around this country to deal with this particular bill. Why was it important? Senator Glass, a U.S. Senator, went on and talked about, 6 whites out of 10,000 were in prison compared to 29 blacks out of 10,000. So they knew it was a way to keep minority voters at the time disenfranchised. So what did I do, me being a student of the law, went back and read the floor debate of 1871. And I'm just going to read one passage. As you see there's a lot here highlighted, but I won't go

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through them all, where they discussed these laws in detail in this entire section of what they should do. And the most important quote that stood out to me was when they basically said, his reasons for this were sufficiently explained in his remarks when this question came up in the committee as a whole. And it's talking about the entire Article VII, the right of suffrage, but particularly this is the issue where felons came up. But the false issue has been made. The question was not shall Negroes vote, but shall the majority still rule? This is in our constitution. This is what the basis of what this section is about. Let's fast forward 150 years later on our Statehood Day. I'm not asking today for a constitutional amendment to remove that, but I am saying that today this can no longer be a partisan issue, that today 150 years later we can no longer disenfranchise people who simply made a mistake in life. And when they have completed their sentence they should be able to have one of the most precious things that many people have died for until this day we are still fighting for the right to vote. It is one of our most fundamental rights and one of our most basic tenets to a democracy process. In Texas, Arkansas, Oklahoma, Missouri, Kansas, Montana, Tennessee, Georgia, and the Carolinas, the Dakotas, and many more the legislation that I'm presenting they've already passed. On our Statehood Day let's not be the last state in the Union to stop disenfranchising people. We can change that today by getting this out of committee, getting it on the floor so we can have this discussion on the floor. And the reason it's important is that when a person gets out, whether they're off of probation or get out of prison, we want them to be reengaged and there are letters of support saying that. And one of the easiest and the best ways to reengage somebody is to let them participate in the political process to let their voice be heard. And instead of waiting an arbitrary two years--and by the way, when you do the research on how two years came about, nobody can tell me where that came from--but all I can summarize is that it was in 2005 and there was an election year in 2006. And so two years would not allow them to vote in that next election. That's not a good justification of why we should have a two-year period. And the last thing I'll mention is that with the passage of LB605 years ago, most of our felons today get out of prison and do supervised release at the end of their sentence. So there's already a period in which they're back in society and they cannot vote anywhere from six months to two years. And once they're done with that probationary period, they should be able to register to vote and participate in our political process. And with that, I'll answer any questions. [LB75]

SENATOR MURANTE: Thank you, Senator Wayne. I do have two questions for you. First, was your 2005 date not...is it your understanding that prior to 2005 there was not a two-year waiting period or was it a different period? [LB75]

SENATOR WAYNE: Correct. Prior to 2005, once you were a felon in the state of Nebraska you could not vote at all after that. There was no way for you to restore your civil rights. [LB75]

SENATOR MURANTE: Oh, so your rights were permanently... [LB75]

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SENATOR WAYNE: Permanently, unless you went through the Board of Pardons. [LB75]

SENATOR MURANTE: I see Senator Schimek is here, so she probably has the legislative history on this subject matter. And the second is, you used a term that as an attorney I'm sure you use in your line of work all the time, but as a humble pizza maker I'm unfamiliar with it. So with respect to being off-paper, what does that mean to you? And for the purposes of this bill, when does the two-year clock...when does the clock start? [LB75]

SENATOR WAYNE: So currently right now is when you're off paper, which that means is you're either on probation, a supervised probation at the end of your sentence or a parole. And that means you're on paper because you're technically still in the system and somebody is supervising you. And so when you get off of paper, what we call off paper in the criminal law world, that means that it's completely done. And that's when it starts. And even at that point we're saying, when they get off paper, when they're done with their supervised probation or parole they should be able to participate in this process of voting. [LB75]

SENATOR MURANTE: So it's not...to be clear, it's not when someone gets out of prison necessarily. It's when they're done with whatever their sentence is even after the fact. Is that correct? [LB75]

SENATOR WAYNE: Correct, but there could be a possibility where they get out of prison that their sentence is completely done. Say the judge doesn't order supervised release afterwards. So when they're done with prison per a judge's sentence, then...the easiest way to explain is, when your sentence is complete you will be able to participate. And right now, when your sentence is complete, you have a two-year waiting period. [LB75]

SENATOR MURANTE: Okay. Thank you. Senator Lowe, then Senator Briese. [LB75]

SENATOR LOWE: You may not be able to answer this, but there may be somebody who follows you that might. Does that happen very often when you get out of prison that your sentence is complete? Or normally is there parole or probation following? [LB75]

SENATOR WAYNE: Not giving you statistics, but there is a majority of time it's parole. But after LB605 almost every--that was three years ago, I believe--almost every felon's sentence has a condition of some type of supervised release afterwards. And the purpose of LB605 was to help the overcrowding of the jails. So if we can get people back out in society and engaged back in society, it's better for everybody. [LB75]

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SENATOR LOWE: Thank you. [LB75]

SENATOR MURANTE: Senator Briese. [LB75]

SENATOR BRIESE: Thank you, Chairman. And thank you, Senator, for bringing this. Question, how would your bill put us relative to the other states then? [LB75]

SENATOR WAYNE: So every state around us except for Iowa--Iowa you have to go to the Governor and get it restored--but every state around us, it would align us with every state. And that goes all the way south as Texas. I mean, Texas, when you're done with your sentence, they still see the importance of being back reengaged in society. [LB75]

SENATOR BRIESE: Okay, and of the 50 states, roughly? [LB75]

SENATOR WAYNE: I believe there's only four to five--and there's people who could have some of that data behind me--four to five that have the Governor restoration of your rights, but most of them all have...are getting back to reengagement completely. [LB75]

SENATOR BRIESE: Thank you. [LB75]

SENATOR MURANTE: Thank you, Senator Briese. Senator Hilgers. [LB75]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Senator Wayne, for bringing the bill and for the discussion this morning. My question...I want to just pick your brain and your experience as a criminal defense attorney. So my...which is far greater than my own. My understanding, for instance, if you're going to plead guilty to a felony that you have to have...it has to be a willing, knowing waiver of certain rights, including your right to a trial by a jury. And also knowing that since you might waive your right to own a firearm. So you waive...down the road there are implications to being a felon. And you would know that going in before you plead that you'll lose, for instance, your Second Amendment right to own a gun. How is it handled, if at all, on the voting right side? In other words, if you're going to plea, do you have notice that you're going to not be able to vote when your sentence is complete for two years or is it even addressed? [LB75]

SENATOR WAYNE: That's very interesting, as I'm going back through my head right now. Pleas...I don't remember them saying voting rights. I do remember then talking about the right to bear arms, but I do not remember that. And part of it is, is that again prior to 2005 it was just

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known if you were a felon in Nebraska you weren't allowed to vote. But I don't remember that being specifically mentioned in my pleas that I work with. [LB75]

SENATOR HILGERS: Okay. That's an interesting point of notice, you know, if you're going to give up a certain right, are you going to know about it? [LB75]

SENATOR WAYNE: And they may when they rumble off, I just don't recall hearing that. [LB75]

SENATOR HILGERS: My second question, and you may not know the answer, I may have it from people behind you and it may not exist. And I think one of the strongest arguments for your bill I think is that you want people to reengage in society and you don't want them to go back in jail. And that ties into a whole lot of positive societal effects if people can stay out of jail and lead productive lives. And voting is one of those things that you can do to be engaged in civil society. So...and again, I don't know if this exists. But are you aware of any academic study or research that might tie those two together? [LB75]

SENATOR WAYNE: And there should be some people who can talk a little bit more about that. It just...the research is around civic engagement. It doesn't talk specifically about voting. But I guess I'll tell you this, that when I went door to door there was a man who literally broke down in tears crying because we registered him to vote, because he didn't think he could vote. He didn't understand two-year waiting period versus not being able to vote. It means a lot to people to be able to vote, especially in this political climate to be able to have their voice be heard. But the studies that I've seen were around civic engagement and voting was a piece, but I can't tell you it was defining factor. [LB75]

SENATOR HILGERS: You actually raised a point that I thought of, because when I went door to door I met felons who said, I just can't vote. And I wasn't even aware of the two year...I mean how much education is done, if any, to let people know that they don't lose their right to vote forever? [LB75]

SENATOR WAYNE: Not a whole lot. I know in Omaha, particularly in north Omaha, there's been a concerted effort, but it's still confusing because you got that probationary period. And this is a simpler way of just saying, when your sentence is completed you can go back and register to vote. [LB75]

SENATOR HILGERS: One more question. One of the counterarguments I've heard--just to give you an opportunity to respond--is that it's sort of the two-year waiting period is sort of baked into your sentence. In other words, you have your sentence, whatever time you serve plus whatever

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time you're on parole, but in addition to that you lose your right to vote for two years. And that is...so it's not in addition to the sentence, it's sort of part of the overall sentence and that's part of what you pay to society for whatever crime you happen to have committed. Putting aside the notice question you and I were talking about before, because I think that's important, but putting that aside for a second, how would you respond to that counterargument? [LB75]

SENATOR WAYNE: So there's two ways. One, at one point in Nebraska felons couldn't vote at all. And this body said, it's important to reengage them. I think this is the logical next step. Particularly, things have changed since LB605 has been passed, because there is an emphasis on adult supervised release after your jail sentence. It's, at least in Douglas County, every felony case that I work with, that is part of their sentence. And so that's completely changed that quote unquote waiting period. The second thing is, is I can't ignore the historical context of how this was brought here. And I don't think we, as a body, should either and say that it's time to move forward. It's time to reengage people. But it's not baked in your sentence. I mean, that was a completely separate statute. Most people don't understand it. They don't tell you that, at least I've said at the pleadings that I have. So I don't see it that way and I've never seen it that way. It's a totally separate issue. [LB75]

SENATOR HILGERS: Thank you. [LB75]

SENATOR MURANTE: Thank you. Any final questions? Seeing none, thank you for your opening. I appreciate it. [LB75]

SENATOR WAYNE: I will stay for closing. [LB75]

SENATOR MURANTE: All right. We appreciate that, Senator Wayne. Senator Schimek, welcome back to your Committee on Government, Military and Veterans Affairs. [LB75]

DiANNA SCHIMEK: (Exhibit 2) Thank you so much. It seems strange to say, good afternoon, Chairman Murante, but I guess that's what it is. And if it weren't for your super efficient clerk, I probably would have been here at 1:30 this afternoon. Anyway... [LB75]

SENATOR MURANTE: You can come back if you like and do it all over again. [LB75]

DiANNA SCHIMEK: For the record, my name is DiAnna Schimek, that's D-i-A-n-n-a S-c-h-i-m-e-k, and I'm here as a proponent of LB75. Like you, I first became aware that felons were not allowed to vote in Nebraska when I was doing one of my early campaigns. I was astonished. I don't think a lot of people know that. I discovered that Nebraska had one of the most restrictive

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voting laws in the country. In fact, Nebraska was one of only six states to disenfranchise all persons with a felony conviction and provide no automatic process for restitution. And as an aside to my written testimony, at that time you could go to the Board of Pardons. But that involved being pardoned for a lot of other things as well, not just your voting rights. I began introducing legislation in 2002. It took several years, but finally in 2005, the Government, Military and Veterans Affairs Committee advanced LB53 to the full Legislature with the two-year waiting period amendment. And the reason for that is the committee thought that the full Legislature would be more receptive with the amendment. That was the only reason. And I took the counsel of the committee and agreed to it. The bill did do well at each stage of debate, passed by a 35-7 vote on Final Reading, and overcame a Governor's veto 36-11. I think it may be time to scuttle the two-year waiting period. In fact, editorials at that time in two of Nebraska's major newspapers suggested the two-year amendment wasn't needed; that was at that time. The current system places a barrier to rehabilitation of people who have served their time. At least one recent study has shown that people who vote after their release from prison are far less likely to commit future crimes than those who do not. It only makes sense. The more an ex-prisoner is reintegrated back into the community, the less likely he or she is to offend again. As a matter of public safety, the state should encourage full political participation. In America, we give people second chances. The unnecessary delay in current law means Nebraskans aren't getting the opportunity to participate in our democracy and our hard-working county officials have extra challenges in doing their jobs. And I could reference a recent study on that, but I'll let you ask the question if you have it. There is an easy fix: eliminate the two-year waiting period so an individual's right to vote is restored immediately upon completion of his sentence. If it is not being done now, it would help if upon release from prison and/or parole, the information would be given to offenders that informs them they are now allowed to vote. Also some information about how to register to vote would be helpful. Nebraska should support a commonsense change to existing law, not just because it is fair, but because it eliminates unnecessary confusion for Nebraska's hard-working election officials. Please advance LB75 from committee. And I've included with your packet a committee statement on the bill. And you'll notice all the people who came in and testified in favor and there were no opponents and there was only one neutral person; a copy of the Governor's veto message. And then finally, I'd like to call your attention to the Omaha World-Herald and Lincoln Journal Star editorials at that time. They said, why the two-year waiting period? They thought it should have passed as it was originally written. So with that, and with the comments that Senator Wayne did an excellent job in going back even further in history of this issue. Thank you. [LB75]

SENATOR MURANTE: Thank you. Are there any questions? Senator Hilgers. [LB75]

SENATOR HILGERS: Thank you, Senator Schimek. Thank you, Mr. Chairman. Your testimony...thank you for your testimony. You referenced one recent study. I think...do you have a copy of that or would you be able to get a copy for that? [LB75]



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DiANNA SCHIMEK: I would be able to get a copy. I could actually forward it to you so that you could link onto it. That's all I have, is a link. But I could probably print it off. It is done by the Florida Board of Pardons, I believe, is who did that. [LB75]

SENATOR HILGERS: Okay. Thank you very much. [LB75]

DiANNA SCHIMEK: You're welcome. [LB75]

SENATOR MURANTE: Thank you, Senator Hilgers. Thank you, Senator Briese. [LB75]

SENATOR BRIESE: Thank you, Senator. Thank you for being here. I believe that when we cite data on voting rights relative to recidivism, we're assuming causation. I think most of those studies do. Do you know of any data out there of studies that can demonstrate the restoration voting rights causes an uptick in good citizenship? [LB75]

DiANNA SCHIMEK: Well, all I can do is reference that Florida study. And I don't know if it...it's hard to say if it's a cause and effect. [LB75]

SENATOR BRIESE: That's a difficult question. [LB75]

DiANNA SCHIMEK: It's difficult, yes. [LB75]

SENATOR BRIESE: That type of data could be helpful to the discussion. [LB75]

DiANNA SCHIMEK: I will see that you get that. [LB75]

SENATOR BRIESE: Thank you. [LB75]

SENATOR MURANTE: Thank you. Seeing no additional questions, thank you very much for coming down today. It's much appreciated. [LB75]

DiANNA SCHIMEK: And I'm sorry, I didn't notice the light. [LB75]

SENATOR MURANTE: You're fine. Councilman. [LB75]

BEN GRAY: Good morning. [LB75]

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SENATOR MURANTE: Welcome to the Government Committee. [LB75]

BEN GRAY: Good morning. Good morning to the Chairman of the committee and members of the committee, my name is Ben Gray. I reside at 4942 Nebraska Avenue in Omaha, Nebraska. I'm currently the president of the Omaha City Council, though here...though today I'm here representing myself. However, I will be going back and talking to my colleagues about getting a letter to you all in support of LB75. I think it's important for us as legislators to recognize that one of the things we have to do as much as we can is be consistent. And when I'm talking about being consistent I'm talking about the fact that we recognize...you recognize as a body, I recognize as a body that prison reform is necessary. There are things that we have to change because we have overcrowding and we have other issues that really need to be addressed. And we need to really address them in a holistic sort of way. My support for LB75 today is important and I think it should be considered. I think you all should consider it and consider getting it out on the floor so that it could have a really strong and robust debate. We ask our citizens, we ask people when they commit crimes, we ask them, we tell them in a courtroom that there is a certain amount of time that they have to spend because of the errors that they have made...that they have committed to society. We also tell them that there is going to be a probation period necessary for them once they get out in the process of helping them to rehabilitate themselves. And then we add an additional burden that I don't think is necessary. We add the burden of saying, okay, now that you have served your sentence, now that you have gone successfully through probation, no matter how many years that is, there is an additional two years before you have the right to vote. First of all, I think it's inconsistent. Secondly, I don't think it's in the best interest of us as a community to continue to allow people to, even after they have done all the things that we have required them to do once they commit a crime, to add an additional burden and say, it will be two years before you have the right to vote. If that's going to be the case, then we ought to say, well, maybe we ought to wait two years before you have to pay your taxes. And we have to wait two years before, you know, whatever. I'm just going down the line and saying we are not consistent sometimes when we're talking about these issues. And I think consistency is what's important here, especially for those of us who are elected officials. The other thing I want to say that's off the subject a little bit, I want to thank some of the people behind me for allowing me to go at this point in time because Senator Craighead has a bill across the hall that I need to testify on as well. But I wanted to be here today and show my support for LB75, because I think number one, we need to be consistent. And number two, I think we need to be realistic and honest with each other. And I think we need to be fair to those who have committed crimes but have begun the process of turning their lives around. I don't think we ought to burden them further by adding an additional two years before they're able to vote. So with that, I will close my testimony and answer any questions that you all might have. And thank you for listening. [LB75]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Senator Hilgers. [LB75]

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SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Councilman, for being here for your service and testimony this morning. [LB75]

BEN GRAY: Sure. [LB75]

SENATOR HILGERS: I just had a question I might ask Senator Conrad if she's going to testify later, but I asked this of Senator Wayne. Sounded like maybe you knew about this process, so I wanted to get your insight. On this notice question of...when people plead guilty to a felony, are they given any notice that there's going to be this waiting period after their sentence is complete? [LB75]

BEN GRAY: No, they're not given any notice. I mean, the only notice that they're given is how much time they're going to serve. Absent that, I don't know that they get much notice about anything else. So I think it's fair, first of all, for us to make sure that they know what is expected of them throughout the whole process. But secondly, I don't think it's fair to have them wait an additional two years after their probation or after they get out of prison if they what they call jam their time. Once they get out, they ought to have the ability like everyone else. I mean, if they're going to pay taxes, if they're going to buy a car, if they're going to pay their car insurance, if they're going to do all of these other things once they become a full citizen again after they leave the penitentiary then we have an obligation I think to be consistent and say, okay, you have the right to vote as well. [LB75]

SENATOR HILGERS: All right. Thank you. [LB75]

SENATOR MURANTE: Thank you. Senator Lowe. [LB75]

SENATOR LOWE: Thank you. And thank you for being here,... [LB75]

BEN GRAY: Sure. [LB75]

SENATOR LOWE: ...Councilman. I had not thought of this before until Senator Hilgers brought it up. But when you plead guilty to a felony... [LB75]

BEN GRAY: Yes. [LB75]

SENATOR LOWE: ...other rights are taken away. [LB75]

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BEN GRAY: Yes. [LB75]

SENATOR LOWE: The right to keep and bear arms. [LB75]

BEN GRAY: Yes. [LB75]

SENATOR LOWE: Would you believe the same, should the right to keep and bear arms be afforded back to these people once they have completed their sentence also? [LB75]

BEN GRAY: Well, I think...yes, Senator, I think first of all that probably ought to be a case-by-case basis to a certain extent. But I think we're comparing apples to oranges here. The right to bear arms versus the right to vote, nobody is going to get hurt by a person having a right to vote. So I think again we're sort of comparing apples and oranges here. I don't think they're (inaudible)... [LB75]

SENATOR LOWE: Aren't they both amendments? [LB75]

BEN GRAY: They are. But the fact of the matter is, is that they operate differently. Okay? I mean, the right to bear arms I think is a little bit more...there's a little bit more concern about that because of the ability to use those arms. When you're talking about the right to vote there's no danger in a person who gets out of the penitentiary going to the polls and voting. [LB75]

SENATOR LOWE: Thank you. Appreciate it. [LB75]

BEN GRAY: Thank you. [LB75]

SENATOR MURANTE: Seeing no additional questions, thank you for your testimony. [LB75]

BEN GRAY: Thank you. Thank you, Senators, I appreciate it. [LB75]

JEANNETTE JONES-VAZANSKY: Good morning. [LB75]

SENATOR MURANTE: Good morning and welcome. [LB75]

JEANNETTE JONES-VAZANSKY: (Exhibit 3) Senator Murante and members of the Government, Military and Veterans Affairs Committee and Senator Wayne, my name is Dr.

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Jeannette Eileen Jones-Vazansky, that's J-e-a-n-n-e-t-t-e E-i-l-e-e-n J-o-n-e-s hyphen V-a-z-a-n-s-k-y, it's a long name. And I am the president of the Lincoln Branch of the NAACP. I'm here today to support LB75, which will restore voting rights to individuals upon completion of a felony sentence or probation for a felony. The franchise is one of the most treasured rights conferred upon citizens and it is a bedrock of any thriving and strong democracy. Since the founding of the United States, citizens and those whose citizenship status was unclear or outright denied, have fought for the right to vote without regard to race, color, sex, or previous condition of servitude. With voting rights monopolized by white land-owning males, only a privileged few could be part of the body politic. The XV (Amendment) and XIX Amendment to the Constitution safeguarded the franchise for some men and women. The Voting Rights Act of 1965 struck down southern laws and mechanisms used to deny African-Americans the right to vote. The pattern is clear. Americans have fought consistently to broaden the franchise for citizens, not decrease it, although previous years have seen attempts to move the nation backwards. So why LB75? It should come as no surprise--and Senator Wayne mentioned this--that historically, states used laws that revoked voting rights to target groups, oftentimes minorities who were disproportionately incarcerated for felonies that they wished to permanently disenfranchise for political reasons. And this is not the case, there's a two-year waiting period. But I would argue that being convicted of a crime is not a forfeiture of one's citizenship. As long as individuals remain citizens of the United States, they should be entitled to exercise the franchise. Now, we understand that you cannot do that while you're incarcerated. But after that you should not have to go through a waiting period. And let me also say that I think the discussion about the right to bear arms is very different. I don't own a gun, but I still get to participate in our political culture. I still am part of the body politic. So I think that is a very different kind of right and as the councilman said, it operates differently in our political culture. Formerly incarcerated individuals have paid for their crimes and should be integrated back into the body politic so that they can contribute to our political culture. So I urge you to support LB75. Thank you. [LB75]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. It's much appreciated. [LB75]

JEANNETTE JONES-VAZANSKY: Thank you. [LB75]

SENATOR MURANTE: Welcome back. [LB75]

DIANE BATTIATO: (Exhibit 4) Thank you. It's nice to see you all again. I've got this short little chair again. It's I'm a victim of my vertically challenge. Good morning, Chairman Murante and the rest of the committee members of the Government, Military and Veterans Affairs. My name is Diane Battiato, D-i-a-n-e B-a-t-t-i-a-t-o, and my official title is the Douglas County Assessor/Register of Deeds. I'm here to testify in support of LB75. LB75 does not specifically affect my

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elected office, but it definitely specifically affects our counties, our cities, our communities, and our state. The roots of LB75 began in the mid-2000s when the current law was passed and restored voting rights to convicted felons two years after they had served their jail time and completed their probation or parole requirements. Back then, those of us who worked on that bill viewed it as a stepping stone toward a new beginning. LB75 is a positive step forward in that it removes the two-year waiting period for felons to be eligible to vote after completing their sentences. It's always been my view that we cannot and should not continue to punish people beyond that sentence ordered by a court and that that sentence has been served. Continuing to bar someone from voting for a specific period of two years after extensively finishing their sentence, it continues to punish them after they've paid their debt to society. They've completed the requirements of their parole or probation. They've done everything society has asked of them. Once they've done everything that society has asked of them, they should be able to fully participate as citizens in our community. That means being able to regain the most basic American right, and that's the right to vote when their sentences have been completed. If we care about integrating those who have served their sentences back into society on a positive level, LB75 is a great step in that direction. After the original bill to restore voting rights passed several years ago, there was no real process to identify or reach out to those involved. For LB75 to do what it intends to do, there should probably be some type of database or some type of documentation of those who are newly eligible or now eligible to vote, and a communication process to ensure that this information is available to them and to the election commissioners where people have their voting rights restored by registering to vote. Making sure that this information is available to those administering the voting process will be important to make good on what LB75 is trying to do. I understand that LB76, which you will be hearing later this morning, addresses more clearly the logistics of that possible process. I would definitely encourage the senators today to move this bill to the floor so that we can begin to acknowledge and discuss that when someone has completed his or her sentence, restoring his or her voting rights at that point in time and not waiting an additional two years is a good way to help them, and us to help them, become a productive, participating member in our society. Thank you. [LB75]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thank you for coming down. Welcome. [LB75]

KATRINA THOMAS: Thank you. I'm Katrina Thomas, K-a-t-r-i-n-a T-h-o-m-a-s. Thank you, Senator Wayne, for bringing this to the table and the committee for taking your time to hear it. To start out with, I'm usually in front of the HHS and Judiciary Committee so I haven't met any of you, so hello. [LB75]

SENATOR MURANTE: We're much friendlier than they are. [LB75]

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KATRINA THOMAS: Oh, really? Okay. I'll ask them about that. In 2005 I was in prison. One of my concerns, which amongst many, was not being able to vote due to having a felony record. Thankfully, that was changed within the year that I was in prison through the work of many activists and organizations. Since prison I have obtained two degrees in human services and a bachelor's in social work and almost a criminal justice major, but I couldn't afford the practicum. I figured I had enough personal experience, so forget that paper. But I now work with low-income families, those on probation and parole. I serve on several community boards. I do public speaking on female incarceration and reintegration. I'm involved in legislation. I spend my free time volunteering. And I am one of the many examples that illustrate that reform is possible. Many of those I work with and others that have been incarcerated don't even know that they would be able to vote again. When I got my sentence I was never told that I was losing my right to vote. Of course, I was told I couldn't bear arms, which wasn't that big of a deal to me. But not being able to vote, I would have liked to know. So, let's see. So with the people I work with, I help educate them. I even take them ballots. I help them register to vote after their two years. Then I take them ballots and show them, because seeing your ballot for the first time is pretty intimidating. So just...I don't tell them how to vote, but then I show them how to research the politics and how to do all those things. That's not told. And so I think...and I was going to get into this later, but I think with that two-year ban, if we can get correctional...well, probational...parole officers and reentry coordinators to be able to show them and tell them that they're able to vote again...I mean, I can't do this all myself and there's other people working on it. But if we could get those people involved, it would help so much for people to know they can vote again. Actually, two weeks ago my story was given at the York prison and women were inspired knowing, oh, my gosh, I can have a voice again? Like, if I change my life I can like go and talk to senators? First time I ever talked in front of a committee I was like shaking and crying and everything. But you know, you grow empowerment through being politically involved. And so voting is the first step to civic engagement. I was able to take my son to the voting booth, which I wouldn't have ever been able to do if I couldn't vote. And so I taught him to become more civically engaged. Voting is empowering. It makes us feel like we're citizens again after we've served our time. The whole time we're in prison we're just a number. But when we've served our time and we're like trying to get our lives back, I'd like to be a citizen again. I would like to be able to vote right away, because we've done our time. So LB75 is...well, I said that part already. Being able to vote is empowering. For me and other felons I know have become more civically engaged and want to become more involved in politics, their communities, which in turn leads to more constructive life choices. Without my right to vote I might have been one of those many that feel like they can't make a difference. Passing LB75 would assist others knowing they are welcome back into society. So, thank you. [LB75]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions?  
Senator Hilgers. [LB75]

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SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Ms. Thomas. Not at question, I just wanted to say thanks for being here, thank you for sharing some of your story. I think it's really great, so thank you. [LB75]

KATRINA THOMAS: Thank you. [LB75]

SENATOR MURANTE: Senator Briese. [LB75]

SENATOR BRIESE: Thank you. Thank you for being here. So from your perspective, being able to vote leads to or helps foster good citizenship? [LB75]

KATRINA THOMAS: Definitely. [LB75]

SENATOR BRIESE: I was asking questions earlier about causation, but it's your belief that it causes and fosters good citizenship... [LB75]

KATRINA THOMAS: Oh, yes. It does. [LB75]

SENATOR BRIESE: ...and participation in the process in society. [LB75]

KATRINA THOMAS: It does. It makes you feel like you're a part of society again and you bring us back in. [LB75]

SENATOR BRIESE: Very good. Thank you. [LB75]

KATRINA THOMAS: Thank you. [LB75]

SENATOR MURANTE: And thank you. Appreciate it. [LB75]

KATRINA THOMAS: Thank you. [LB75]

SENATOR MURANTE: Welcome. [LB75]

JASMINE HARRIS: (Exhibit 5) Thank you. Good morning, Chairman Murante and senators of the Government, Military and Veterans Affairs Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s, and I'm here today representing myself and I am a proponent of LB75. The



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passing of LB75 is important to me because I do community advocacy around creating awareness for individuals with criminal records, voter engagement, and getting people involved in our civic processes of our government. This past year, I've been involved with voter registration drives and I can tell you one of the most disheartening things to hear when I'm out doing registration drives is, I can't vote because I'm an ex-felon. There was a particular drive that I was at where a lady who looked to be about 60 came up to the table and she noticed one of the pamphlets that we had on the table that said, "Voting Rights for Ex-Felons". And she kind of lingered for a minute and then picked it up and said, I completed my sentence back in the '90s. Are you telling me that I'm able to vote now? And we were telling her the schematics of the two-year waiting period and if you completed it back in the '90s then you're able to vote. For her to light up and be excited about even having that chance to register to vote was very heartwarming. She had to rush off to an appointment but wanted to make sure that we were still there at the site so that she could come back and register to vote, and she did. My father, who is a person who has a felony conviction participated in his first democratic caucus this past year. He was super excited to be able to participate in a process that was able for him to have his voice heard, to have his vote count towards the candidate of his choice. I tell you these stories to say, eliminating the two-year waiting period gets individuals who turned their lives around closer to the normalcy needed to be productive in their communities. If we truly expect for people to return home from serving sentences to get housing, a job, provide for their families, and be productive, but neglect to return to them the most basic rights, which is the ability to vote, then how do we expect them to be fully engaged in the community? How do we expect for them to say that they feel like they are a part of the community? They are a part of the community and they pay taxes like the next person, so they should have the right to vote to have their voice heard on the issues that affect them. The issues that affect them aren't going to take a two-year hiatus because they have to wait that extra two years. Those issues are still going to be right there. For example, a parent who is returning home from serving their sentence won't even be able to vote on issues that affect the education of their child for two years; which is critical timing when it comes to education. One of the things that the previous person spoke about was her being able to take her child with her to get involved in that voting process, to witness her voting. This is one of those things of breaking those generational cycles of not voting. There's countless of times where children don't see the importance of voting, because their parents aren't voting. So if you are not having that right to vote, you don't know you have that right to vote, breaking that generational cycle and being able to get your child involved in that process will then normalize voting in our communities. Giving people the immediate right to vote after they complete their felony sentence or probation can help them feel like a part of the community, therefore reinforcing the positive changes they've made in their life, which leads to them being productive and their chances of recidivating decrease. Thank you. [LB75]

SENATOR MURANTE: Thank you. Are there any questions? Seeing none, thank you for your testimony today. Appreciate it. [LB75]

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JASMINE HARRIS: Thank you. [LB75]

SENATOR MURANTE: Senator, welcome back to your committee on Government, Military and Veterans Affairs. [LB75]

LOWEN KRUSE: Thank you. Thank you. [LB75]

SENATOR MURANTE: You served on the Government Committee for while, did you not? [LB75]

LOWEN KRUSE: For a very short while until they kicked me over to Appropriations and I served my sentence there. [LB75]

SENATOR MURANTE: You got demoted, is what you're telling us. [LB75]

LOWEN KRUSE: Yeah, that's right. That's right. [LB75]

SENATOR MURANTE: Welcome. [LB75]

LOWEN KRUSE: Senator Murante and friends all, hello. I am Lowen Kruse, L-o-w-e-n K-r-u-s-e. I live in Omaha. I am one of the sponsors of the original bill. And so fit in with that, Senator Schimek and I were the chief promoters in '05. When we went at this we really didn't have much resistance and kind of responding to some of the thoughts around here, and it was high time to be doing it. But it was a new idea around here and we couldn't...Senator Schimek and I couldn't really be sure that we were going to pass. So we were kind of checking that out. And I can take away the mystery, Senator Wayne, about how this came to be two years. It was upstairs in the aisle and not a very mysterious process to any of you. We thought we had the votes, but we had a lot of stuff on our plates. And this just had to pass and we didn't want to waste a bunch of time on the floor so my neighbor said, it just isn't good to do it until they've been out for a while and so let's put a delay thing in it. Well, that didn't make any sense at all, because if they reviolate--if you use that term--they're not going to be voting. You know, there's not much point to it. But I said to him, well, would six months get your vote? And he said, no, it would have to be a year. And the fellow behind him said, two years. And the fellow behind him said--there was a little cluster of us--he said, I think five. And so I said, okay, two years. How many of you will vote for this and pass it if it's two. And every one of them said, yes. And I said, done. And that is as mysterious as it got and that's as complicated as it got. That was the entire research project and study of what that should be. It didn't make sense then, but it was a way to get the bill passed and to get a lot of felons up to the line for voting. We...the only disappointment that I've had in the

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time has been the matter of persons knowing about it. And they don't know about it. I thought the papers would kind of pick that up, but most of the felons that I meet at the doors and so on-- especially when I was campaigning--are not aware of it. And I've done a lot of voter registration and we find that is the same thing. So I'm hoping that this little bit of flurry here will add to the publicity and get people going. But I certainly affirm the ideas that have been suggested about promoting it. The reasons for doing it, I'm not going to repeat them because you've got them. I affirm Senator Wayne's assessment that it was originally a matter of race. And all the reasons for doing it are already been expressed. I'll conclude by reporting on an event at the door when I was campaigning just before this. A fellow looked at me. I asked for his vote and he said, I can't vote and why, I'm a felon. And I said, well, we're working on that and we're going to get that taken care of. He was...looked like a construction worker, 50, white, appeared to be quite active and he...a big, healthy guy. He began to cry and tears coming down his face. He had a kid around each leg and he said, I would give anything to be able to take my kids to see me vote so that they would know I'm like the other fathers. (Crying) It still gets me when I think about it. And that's the reason for doing it. I urge you to do it. [LB75]

SENATOR MURANTE: Thank you for your testimony and thank you for your story, Senator Kruse. Are there any questions for the senator? Seeing none, thank you for coming down today, much appreciate it. [LB75]

LOWEN KRUSE: Thank you. [LB75]

SENATOR MURANTE: Welcome. [LB75]

SHAKUR ABDULLAH: (Exhibit 6) Good morning, Chairman, members of the committee. My name is Shakur Abdullah, that's S-h-a-k-u-r A-b-d-u-l-l-a-h. I'm currently a case manager at ReConnect, Inc. It's a reentry initiative located in Omaha, Nebraska. But I'm here today actually as a private citizen and the initiator of the Justus15Vote initiative located out of Omaha. I'm here today to testify as a proponent for LB75. I discharged a felony sentence with the state of Nebraska a little over a year ago, after serving a 41-year sentence. You might assume that if the law were to change to allow myself and others similarly situated to vote upon discharge that it would represent my second opportunity to vote, that assumption would be wrong. If the law were changed to eliminate the two-year waiting period, it would represent my first time to vote. So that makes voting that much more personal to me. This seems like one of those common sense issues. I've served my sentence, every day of it. Yet, that fact hasn't placed me on par or on square with other citizens. The fact that I can't vote stigmatizes me with a second-class citizenship for no other reason than a prior felony conviction; in my particular set of circumstances a prior conviction that occurred when I was a juvenile, a time in my life marked by poor choices and irrational decisionmaking. Senators, I'm here today requesting that you

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advance LB75 to General File because it's the right thing to do. It's the right thing to do because the current law for a two-year period denies the right to vote to every demographic in the state of Nebraska, whether that be city, rural, young, old, black, white, veteran, Christian, Muslim. Advancing LB75 is the right thing to do for these additional reasons: I believe that voting is definitely a reentry issue. After gaining employment and housing, voting is the next most important civic activity of my reentry, reintegration, resocialization, and inclusion as part of society. It's also a census issue. Whether you are serving time or free during that two-year period, when the census is taken every head is counted. It's also a tax issue. Whether incarcerated or waiting the two-year period, I'm taxed like every other citizen in the state. To harken back to a time of the Revolutionary cry, "taxation without representation", that is the status that I'm in. It is definitely a citizenship issue. My felony conviction hasn't forfeited my citizenship. There are over 7,000 individuals in the state of Nebraska, according to some studies that have been cited, that say that there are individuals such as myself that have fully completed their sentence that cannot vote. So with that, I would simply ask that you advance LB75 to General File even if you are against it, just so it would deserve and get a full and fair hearing and debate on the floor. So when you think of this as a faceless issue, I want you to remember my face. [LB75]

SENATOR MURANTE: And thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today. Much appreciate it. Senator Conrad. [LB75]

DANIELLE CONRAD: Good morning. [LB75]

SENATOR MURANTE: It's former senators' day in the Government Committee. [LB75]

DANIELLE CONRAD: Old timers. [LB75]

SENATOR MURANTE: Although, you never served on the Government Committee, Senator Conrad. [LB75]

DANIELLE CONRAD: (Exhibits 7, 8) Good morning, Chairman Murante, members of the committee. My name is Danielle Conrad, it's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, I'm here today on behalf of ACLU of Nebraska and we are in strong support of LB75. I want to first of all thank Senator Wayne for his leadership on this issue and providing us an opportunity to readdress some of these critical legal and policy issues that are contained in ex-felon voting rights. I'm passing around some lengthy testimony that lays out the legal and policy framework on some of these issues and goes to the heart of some of the questions and dialogue that the committee has already engaged in with other testifiers. So rather than reading that, I'm going to hit some of the top lines for you and then allow for time for question and answer. But, of course, it goes without saying that voting is both a fundamental right and a civic duty. Voting rights are fundamental, are

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highly protected by our U.S. Constitution, federal law, and the state constitution and state law. And, in fact, in the Nebraska State Constitution, Article I, Section 22, has a much stronger and broader provision protecting voting rights than we even see on the federal level. So I just wanted to give you that specific state constitutional grounding as well. And so when we turn away an eligible voter from registering and submitting a ballot, we are silencing their political voice. And so in the context of that legal and constitutional framework, I think it's important to remember that there's also a very significant impact and a very specific impact in the era of mass incarceration. And particularly the disproportionate and disparate impacts that our system of mass incarceration imposes upon racial minorities. In Nebraska--and just roughly for purposes of this testimony--about 10 percent of our population identifies as part of a racial or ethnic minority. But our prison system has well over 40 percent of those incarcerated are racial and ethnic minorities. And that in and of itself is incredibly troubling. I think it's also important to remember that in this era of mass incarceration we have such a significant problem with prison overcrowding in Nebraska. You all know that. The new senators are learning that, the old senators have been dealing with...the seasoned senators have been dealing with that for many years. And dependent upon what metrics you look at, our system is either the second or fourth most crowded in the country. Director Frakes has been very clear in the media and before Judiciary Committee and in other components that if we can shave off even just a few percentage points on that recidivism rate it has significant impacts to help ease overcrowding. So we did cite some of the studies that have been conducted in other jurisdictions that do show some correlation or causation between restoration of voting rights and that recidivism rate. But we know from the social science and from common sense and in practicality is, the more connections...the more community connections we have for people when they reenter, the less likely they are to recidivate. That includes employment, that includes civic engagement, that includes family bonds, all of those different factors that help people transition back into our communities. And the vast majority of people incarcerated will transition back into our communities, well over 90 percent in Nebraska. So it also goes without saying that the current two-year waiting period limitation was a political compromise. It is not grounded in policy or law. But that's part of the era and the arena that we find ourselves in; the politics of the practical sometimes. I think it's a good time to revisit it, because what our research has shown at ACLU of Nebraska is that it's proposing a great deal of confusion amongst the community and amongst our hardworking election officials, who are doing a great job administering our elections. But even ten years later over half of our counties are still confused for application of this law. So I see my time is out there and I know you have a busy day. So I'll wrap there and throw it to any questions. [LB75]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Senator Hilgers. [LB75]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Senator, for being here. I really appreciate you and your testimony. A couple of questions for you. [LB75]

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DANIELLE CONRAD: Please. [LB75]

SENATOR HILGERS: One of the themes is, I think, coming across from the proponent testimony is that the current law...a lot of people don't even know they can ever restore their rights. [LB75]

SENATOR CONRAD: That's right. [LB75]

SENATOR HILGERS: And so if I were to ask you which would be important, educating citizens that they can ultimately get their right back or eliminating the two-year ban? I'm sure you'd say, both are important. But if I were to ask you which one would have...in your view would have a greater impact on voting engagement either...and some kind of an education process as people exited prison and reentered society or eliminating the ban without an education process, what would your view of the impact be? [LB75]

DANIELLE CONRAD: Yes. Thank you for that question. And I think the short answer is that we have a lot of experience over the last ten years since Senator Schimek's bill was successful. And so we have an opportunity to see how this is playing out in our communities. And what you've heard from other testifiers, what I can tell you from my firsthand experience doing community education--particularly impacted communities--is ten years later there exists significant confusion amongst those with criminal records about how to interface with this law. And there also exists significant confusion amongst county election officials about how to implement and apply this law as well. So we know, after ten years of being on the books, folks are really struggling to understand when does that two years trigger? What does that mean? We unfortunately today have many people who are jamming out, rather than moving into a period of probation or parole because we lack programs and services for that parole eligibility. So all of those factors that are present in our broken criminal justice system enhance the confusion rather than lessen it. And I think that community groups have worked tirelessly over the past ten years to conduct community education and it's still confusing and persistent. So I think that this legislation is important to take the next step forward to eliminate some of that confusion and make it more uniform for our county election officials and for impacted individuals. And it is a very low-cost way to potentially impact the recidivism rate, as well, which we know the Nebraska taxpayers are on the hook for, those very, very expensive price figures when it comes to incarceration. The other note, Senator Hilgers, if I may...is it Hilgers or Hil-jers (phonetically)? [LB75]

SENATOR HILGERS: Hil-jers (phonetically). [LB75]

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DANIELLE CONRAD: Hil-jers (phonetically). Okay, thank you. Thank you very much. In light of some of the questions that you asked of previous testifiers, and there may be a lack of uniformity, but it's been a while since I've practiced, done some criminal law, but typically there is an advisement of rights from the bench. And the attorneys will talk with their clients about that, hopefully, as well if they decide to enter into a plea. So you usually will see a notification at that point. Some judges also will have an advisement or notification upon completion of a sentence that's usually done in writing that will be received by the impacted individual. So there is some notification and that may be getting better over the years. I can't speak to how it was many years ago, but even then we're still seeing today some of that confusion that does exist. And I think that the original two-year waiting period was not grounded in a policy consideration, that it is a quid pro quo, that it is really a thorough part of consideration when somebody decides whether or not to accept a guilty plea in a felony. I think it was a political compromise to allow the legislation to move forward. And I think it's important to remember when we think about the criminal justice system, there is an incredible disparity in terms of power in bargaining at that stage. We know that because the sentences are so high and so steep and so severe in many instances and the communities most impacted are least able to afford private counsel and are relying upon the good work of very overburdened public defenders, sometimes a plea is just a simple cost benefit analysis, regardless of innocence or guilt. So it's important to also take into light the larger context in our criminal justice system in that regard. The final point that I just wanted to hold up in relation to your line of questioning on Second Amendment rights, I think that that's a very valid point to have as part of this discussion. And you know, I think some of these issues have yet to be tested in the court, particularly in the wake of the Heller decision, which for the first time recognized an individual right in that Second Amendment. Prior, the Supreme Court always looked at that Second Amendment as a collective right. You know from your experiences and I know that you're a strong Second Amendment advocate. But some of those issues I think are open questions at this point in time. And different states handle them differently. And the federal system handles it differently than the state courts. But as you well know with your training in the law, when it comes to fundamental rights, whether they're voting or guns, there needs to be a heightened state interest to infringe upon those rights. So in the context of criminal justice, risk or propensity for violence may be a different calculation when it comes to the Second Amendment question. When it comes to civic engagement and voting rights, I don't think we can quite meet that same level of scrutiny that that may be present if challenged. [LB75]

SENATOR HILGERS: So if I could follow up on a couple of points, please. [LB75]

DANIELLE CONRAD: Please. [LB75]

SENATOR HILGERS: And I very much appreciate that. So I think...so where I'm trying to go with the question...I think you answered one of my questions, which is... [LB75]

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DANIELLE CONRAD: Okay. Sorry. [LB75]

SENATOR HILGERS: No, no, no, I'm sorry. One of my questions from earlier that is. Is there some notice that you will lose your right to vote? [LB75]

DANIELLE CONRAD: There is. [LB75]

SENATOR HILGERS: And I think I heard you say there is. And we've also talked about the Second Amendment right that you could lose and voting rights. Are there other fundamental rights or constitutional rights that someone could lose through this process, either through becoming a felon or through the plea process? [LB75]

DANIELLE CONRAD: Yes. Thank you. That's a fantastic question. And I think that some rise to the level of constitutional rights, some rise to the level of civil rights. And you have many of these issues, actually, before the Legislature this year in addition to this bill. Some perennial issues, some newer in the era of mass incarceration. But it definitely...a criminal conviction definitely has collateral consequences beyond just the criminal sentence. Sometimes resulting in a civil death, like permanent bar to voting rights. It has impacts on ability to serve on a jury. They see impacts for fundamental rights, like the right to bear arms. And it does come into play in other contexts, like public benefits or housing or considerations in that regard. It may even come up in the context of a family law case or other areas of employment. So there are absolutely, from our perspective, far too many collateral consequences that come with a criminal conviction. I know that you maybe haven't had a chance to hear these statistics as much as maybe some of our colleagues in Judiciary, but the system is so broad at this point in time. Our friends at Nebraska...Voices for Children in Nebraska, their research demonstrates that one in ten Nebraska kids currently has a parent in the criminal justice system. I mean, wrap your head around that for a second. I mean, that's a significant amount of Nebraskans that are impacted by this system. And from a libertarian perspective, you pay your debt to society, you take responsibility for your actions, you move on with your life. But can you, when our system, when our state continues to erect so many barriers to successful reentry, whether it's civic engagement or employment opportunities or any number of things that help people successfully transition back to our communities. So this legislation touches upon so many critical issues, fundamental constitutional rights, civil rights, racial justice, the list goes on and on. So it's a great issue to think about. This is why you run for the Legislature, right? To take up these really meaty, exciting issues that have such a broad impact on so many. And I think that we can all agree that we need to remove barriers to civic engagement rather than erect them. And this is a common sense, low-cost alternative that allows us to do that. [LB75]



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SENATOR HILGERS: One more question. Thank you very much. I want to switch gears with you for a second. [LB75]

DANIELLE CONRAD: Please. [LB75]

SENATOR HILGERS: I'm going to give Senator Wayne a preview of that. I'm going to ask him this in closing, too. [LB75]

DANIELLE CONRAD: Okay. [LB75]

SENATOR HILGERS: I take your point in your testimony that Article I, Section 22 is very broad. And if we lived in a world where only that article was in existence, frankly, I think maybe the current statute would be unconstitutional. We don't live in that world, because Article VI, Section 2 still exists and that language--and I take Senator Wayne's history of that and I take that very seriously... [LB75]

DANIELLE CONRAD: Yes. [LB75]

SENATOR HILGERS: ...it's not a heartwarming history, by any means. It's not a good history. But it is a constitutional provision. Now we do have...and it seems pretty clear on its face. Now, clearly, LB605 has been in existence for ten years, so there's got to be some sort of argument as to the constitutionality of allowing these rights when the constitution says X and we're doing something that does not appear to be X. In other words, the constitution says you can't vote if you're a felon and we're allowing some restoration of those rights. So just from a pure legal perspective, putting aside the policy for a second, what's the argument that LB605 is currently constitutional under that, under Article VI, Section 2? And what's the argument that LB75 would be constitutional? [LB75]

DANIELLE CONRAD: Sure. Well, I think at this point--and I'll correct the record if I'm wrong or mistaken--but from my understanding of the current situation I don't think either have been tested in court, so it's rather academic at this point in time. And I think that our strong preference would be to allow for a policy remedy to clarify some of these issues, rather than resorting to costly and lengthy civil rights litigation, which the taxpayers again will be on the hook for if unsuccessful. So I think that it's quite clear that there may be conflict with some of those existing provisions. I don't think it's been tested in the courts, but I think this is an appropriate remedy to address some of those issues. [LB75]

SENATOR HILGERS: Okay. Thank you very much. [LB75]

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SENATOR MURANTE: Thank you. Senator Briese. [LB75]

SENATOR BRIESE: Thank you, Senator. Thank you for being here, Senator. A previous testifier suggested that the current two-year period serves no administrative or policy purpose. Do you agree with that? [LB75]

DANIELLE CONRAD: I do. I think that it is very clear. Senator Kruse was candid with the committee that it was a political compromise rather than a policy underpinning related to that legislation. And I think, in fact, if you look at our experience surveying Nebraska county election officials just this last summer you can see that the exact opposite is true, is that the two-year waiting period is causing less government efficiency and a significant amount of government confusion. So I think by removing that it's actually an argument in favor of uniformity and application in government efficiency. [LB75]

SENATOR BRIESE: Yes. And if that is true that it serves an administrative or policy purpose...a legitimate administrative or policy purpose, wouldn't it be true that a current two-year waiting period is extremely suspect from a constitutional standpoint? [LB75]

DANIELLE CONRAD: I think it very well may be, yes. [LB75]

SENATOR BRIESE: I'm surprised it hasn't been challenged. [LB75]

DANIELLE CONRAD: You never know who is going to litigate what issues, but I think that people were willing to give a good-faith effort to try in this compromise. I think we've tried it. The experiment in some ways has failed over the past ten years and this will ease the burden on our hardworking county officials and help to ease the issue for the community that's impacted. [LB75]

SENATOR BRIESE: Have these type of provisions been challenged in other states? [LB75]

DANIELLE CONRAD: You know, I know enough to know I don't know off the top of my head. So I'd be happy to follow up with the committee in that regard. But, as you know, there are certain standards that the federal system lays out. But then there's a great deal of latitude given to states to address voting rights issues. And states are really all over the map in terms of their treatment of ex-felon voting rights. Some have a permanent lifetime ban, a small minority. Some have no collateral consequence at the ballot box. Some states allow people who are currently incarcerated to vote, which would probably be the purest policy argument. But this I think sets

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an appropriate balance and compromise that we're going to restore that right automatically upon completion of sentence. [LB75]

SENATOR BRIESE: Thank you. [LB75]

DANIELLE CONRAD: Thank you. And I will be happy to follow up with you on that. [LB75]

SENATOR MURANTE: Thank you. Any final questions for Senator Conrad? Seeing none, thank you for your testimony. [LB75]

DANIELLE CONRAD: Thank you so much for your time. And happy birthday to Nebraska. [LB75]

SENATOR MURANTE: And Senator Bolz, for that matter. [LB75]

DANIELLE CONRAD: And Senator Bolz, that's right. Thank you. [LB75]

SENATOR MURANTE: How many more proponents do we have wishing to speak on this bill? Quite a few. Okay. Thank you. Welcome. [LB75]

JOSE GARCIA: (Exhibit 9) Thank you. For the record, I'm Jose Francisco Garcia. I'm here as a private citizen and as a proponent of LB75. I learned about this legislative hearing through the Latin American Commission (sic: Commission on Latino-Americans) executive director and I felt compelled to come to give very short testimony on the importance of doing the right thing and passing on to the legislative floor LB75. So many have come before me and have provided an incredible amount of substance to the reasons for doing this. And all I want to say is, good for them. I'm in support of all the proponents and thank you very much for the time. [LB75]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. [LB75]

JOSE GARCIA: Oh, and as a Nebraska State Historical Society trustee, I wish you a happy birthday. [LB75]

SENATOR MURANTE: Thank you. Welcome. [LB75]

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NICOLE PORTER: (Exhibit 10) Thank you and good morning. My name is Nicole Porter, that's N-i-c-o-l-e P-o-r-t-e-r, I am with The Sentencing Project, which is a national organization based in Washington, D.C. And I'm sort of a civic history nerd and so it's been a joy to join you all this morning and learn the history of LB75, because the expansion of voting rights is a priority for my organization. The Sentencing Project has been around for 30 years and we consider ourselves to be a bridge organization between the academy and policymakers, not just legislators but also people in the community who want to improve public policy, particularly as it relates to criminal justice policy. And hearing about the history of expanded voting rights in Nebraska from the mid-2000s was incredibly enlightening this morning. There were questions earlier about the function of the two-year waiting ban and it's baked into the sentence. And I was glad to get information about the political history. Certainly from the perspective of criminology in terms of holding offenders accountable, in terms of the purpose of rehabilitation, that is a function of the actual criminal sentence, so time spent in prison and any time spent in the community, direct community supervision on probation or parole. If prison isn't adequate enough, judges and other correctional practitioners have the opportunity generally to enhance punishment in order to hold offenders accountable while they're under supervision. And the collateral consequences that are applied in addition to the criminal penalties are enhancements on a criminal sentence. And you all learned the political history of the felony disenfranchisement laws here in Nebraska. And these are laws that are also on the books in other 49 states and other jurisdictions around the country. It's important to know that in that two-year window that LB75 would address, that there will always be individuals in that two-year window, because every year people exit prison, every year people exit felony probation, and every year people exit parole. So LB75 would expand the vote to a little over 7,000 Nebraska residents, but currently over 17,000 individuals are disenfranchised as a result of their felony classification. And given the scope of the criminal justice system, there will always be people in this category. I wanted to wrap up my comments by focusing on recidivism and public safety. This is in the committee that handles election matters, but as a criminal justice policy organization we center this issue because of its public safety benefits. And I know that this has come up earlier today, but there is one study that has found that among individuals who've been previously arrested, 27 percent of nonvoters were rearrested compared with only 12 percent of voters who are rearrested. There is also broad public support for expanding voting rights to people who've completed their sentence. Public opinion surveys report that eight in ten U.S. residents support voting rights for citizens who've completed their sentence and nearly two-thirds of adults support voting rights for those who are on probation or parole. As a national organization, we keep track of state policies around the country. And other states have similar policies similar to the one that LB75 would bring to Nebraska. And those states in many ways have similar orientations to the state of Nebraska. So you have states like Texas, which I know was mentioned earlier today. Also states like Louisiana, Indiana, and Pennsylvania do not require waiting periods after people have completed their sentence. And, in fact, it was in the late '90s when former president, then governor of Texas signed legislation that eliminated that state's two-year ban. I also wanted to say...and I think the

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letter was shared with you that there are public safety organizations in support of this policy. So you have with you now a letter from the American Parole and Probation Association that is in support of expanding voting rights to individuals who have completed their sentence. And I'm happy to be a resource to you all if you have any questions as you consider this. And I hope that you will vote this legislation out of committee and bring it to a debate on the floor. Thank you. [LB75]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Next proponent. Welcome. [LB75]

TOM VENZOR: (Exhibit 11) Thank you. Thank you, Chairman Murante and members of the committee. My name is Tom Venzor, that's T-o-m V-e-n-z-o-r, I'm the executive director of the Nebraska Catholic Conference. My testimony is getting passed around here and I'll summarize it rather than go through all of it. But the Nebraska Catholic Conference represents a mutual public policy interest of the three Catholic bishops serving in Nebraska. We want to thank Senator Wayne for introducing this legislation and we support this legislation kind of for three basic reasons. The first one is, ensuring robust participation in civil society; fulfilling the aims of justice; and just concerns that we have about the two-year waiting period in light of criminal justice reforms. And what I want to do is, you've heard about some of those things, but I want to kind of emphasize this issue of participation and the fact that Catholic social teaching recognizes that ultimately we have a duty to participate in the cultural, economic, political, and social life of civil society. And that's a duty that we're to fulfill...that all of us are to fulfill with the responsibility and view toward the common good. And it's within this duty to participate that the right to vote stems. And so while the right to vote is but one aspect of our duty to participate, it's a critical aspect of our human nature as political beings. And so we just think that LB75 finds an important way to help reinstate that duty to participate through the ability to vote. And then as well, just in terms of the aims of justice, we recognize, of course, that the state and society does have the ability to institute punishments that are proportionate to the gravity of the offense and in that terms, you know, fulfill aims of retributive justice. But I think there's underlying questions as to whether this policy even tries to fulfill aims of retributive justice or if it was just political compromise. But to that end, society should also seek in its forms of punishment in fulfilling justice, seek things that help to rehabilitate, heal, and restore individuals to society. And that's where we think LB75 helps in that way to restore and reintegrate individuals into society through voting and again hoping that they'll look toward the common good of their community in helping protect that rather than reviolating that common good. And then finally, just some further concerns that we had is just recognizing that the right to vote is just too noble of a right to be subjected to political whims one way or the other, whether an individual would be a benefit to some political cause or a detriment to some political cause. We hope that that never becomes part of the calculus for these types of legislation, because we just think it's too noble of a right for that. But then ultimately we did want to emphasize, too, in the work that the Catholic Conference

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does in terms of when we discuss this right to vote, just making sure that all people--whether it's your getting your right to vote reinstated or not--are fulfilling not only their duty to participate, but their duty to form their conscience as well, you know, studying the issues, discerning the issues, protecting things like the dignity of human life, those types of things. So in other words, that the right to vote carries with it that additional gravity of just being well formed citizens. So with that, I just thank you for your time and urge the committee to vote the bill out. Thank you. [LB75]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. Appreciate it. [LB75]

TOM VENZOR: Thank you. [LB75]

SENATOR MURANTE: And for those who wish to testify, we have some open seats in the front row. Welcome. [LB75]

GREGORY C. LAUBY: Good morning, Senators. I'm Gregory C. Lauby, G-r-e-g-o-r-y C. L-a-u-b-y. I support LB75, but I would like to request an amendment to improve it. And I would ask that my comments be applied to LB76 also, rather than coming back and testifying when it's heard. [LB75]

SENATOR MURANTE: Fair enough. [LB75]

GREGORY C. LAUBY: I know of no justification for denying felons who have completed their sentence the opportunity to vote. Those who have reached the age of 18 are allowed to register and vote in local, state, and federal elections and I, for one, think that it has had benefits for the general welfare and for the youth of Nebraska to have that procedure and policy. As a class, felons are as capable as high school students of casting informed votes. There may be legitimate reasons to suspend voting privileges...and I use the word privileges because for me it is a personal privilege to be able to vote. I would hope that any restriction of that would be examined as a fundamental right if it were reviewed by a court, but whatever scrutiny the court may choose to use, it still remains a personal privilege for me and I use the term in that sense. So I view it as a personal privilege. The expense and the potential risk to public safety may preclude polling places conforming to state requirements in prisons or jails and also preclude transporting prisoners to a polling place in order to exercise that privilege. The restricted access of the incarcerated to a diversity of information sources arguably hinders the formation of informed votes and could impair voting even by mail. But none of these possible justifications for disenfranchisement apply to those who have been released from incarceration. They can travel at their own expense to a polling place with no more public risk than if they go to a movie or go

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shopping. Access to the media, both traditional and social, and political conversation is no longer restricted by the conditions of confinement. So what rational reason remains to deny the right to vote to those who have been lawfully released from a confinement, besides as an additional punishment, an unannounced element of a criminal sentence? Is disenfranchisement really necessary to be part of that punishment? Is it still a wise and just punishment today? Does it increase public safety or compensate the victim in some way? Or is it just based on a hope of some kind of satisfaction? With the shift to increase sentences being served more frequently either entirely or in part outside of physical confinement, but under long-term supervision by probation, parole, drug or other specialty courts, the restoration of voting privileges upon release from actual incarceration can encourage community integration and a personal sense of citizenship as has been attested to over and over again today. Allowing released felons to register and to vote would also eliminate the need for LB76 and save the combined costs to the treasury, if I read the two fiscal notes correctly, estimated to be over \$20,000. It would also spare sheriffs and county election clerks the expense of accurately maintaining reports, listings, and data banks. So there would be a savings to the local government entities as well. Removing a needless government restriction and encouraging citizenship at no expense to the taxpayer is consistent with a diverse political philosophy. It would be clearer and it would be cheaper. And I hope you refer this bill out to the floor with an amendment that will allow eligibility to register to vote upon a lawful release from incarceration. [LB75 LB76]

SENATOR MURANTE: All right. Thank you very much for testimony. [LB75]

GREGORY C. LAUBY: If there are no questions, I thank you. [LB75]

SENATOR MURANTE: Are there any questions? Seeing none, thank you for coming down today. [LB75]

LAZARO SPINDOLA: (Exhibit 12) Good morning, Chairman Murante and members of the committee. Thank you for receiving me today. Is okay? For the record, my name is Lazaro Spindola, that's L-a-z-a-r-o S-p-i-n-d-o-l-a, and I am the Executive Director of the Latino-American Commission. I am here in support of LB75. According to the Nebraska Department of Corrections, minorities are disproportionately represented in the inmate population of Nebraska, 45 percent and that was just last year. Once their sentence has been completed these individuals have paid their debt to society, yet I have spoken with convicted felons who were absolutely convinced that they had lost the right to vote on a permanent basis. Personally, I have a family member that didn't know that two years after completing his sentence he could vote. His own lawyer had told him about the loss of voting rights at a permanent level. Adding to this problem is the fact that a study conducted by the ACLU--former Senator Conrad alluded to this--suggests that only half of Nebraska's county election officials know the law when it comes to voting rights

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for felons. This is not just a training or an educational issue. Such ignorance and confusion of a state voting law creates an institutional barrier to those aspiring to vote. Voter turnout in the 2016 election was 55 percent, which is the lowest since 1996. The challenge that we face is getting more voters together with their ballot. Barriers to this process will continue to lower the number of citizens casting their ballots and further eroding the exercise of our basic right to vote. Furthermore, felons who have completed their sentences need to be motivated to reenter society as productive individuals regarding past mistakes. So I urge you to advance LB75. Regarding a couple of questions that came up before, the right to own a firearm and the right to associate with felons are rights. Voting isn't just a right, it's a civic duty. That is a big difference. When an individual is not allowed to perform his civic duties, when he's not allowed to civically engage with his community, when he has barriers to getting a job due to his previous felony conviction, that individual becomes to feel like a second-class citizen and that's something that I have dealt with a lot. When this feeling of being a second-class citizen leads to a feeling of despair, a feeling of hopelessness, then that individual will be much more likely to indulge in recidivism, than if he feels that he is already being accepted as a member of society. And with that, I conclude. And I will try to answer any questions that you might have. [LB75]

SENATOR MURANTE: All right. Thank you for your testimony. Are there any questions? Seeing none, thank you. Welcome. [LB75]

BRI McLARTY HUPPERT: (Exhibit 13) Thank you. Good afternoon, members of the Government, Military and Veterans Affairs Committee, my name is Bri McLarty Huppert, that's B-r-i M-c-L-a-r-t-y H-u-p-p-e-r-t, and what the page is passing around right now is my testimony as well as a study that has some great information about the individuals that are currently impacted by the felon disenfranchisement law, as well as a citation to the Columbia Law study you asked about earlier. But instead of reading my testimony, I decided to just answer a few questions that have come up in the course of the testimonies earlier. So first answering Senator Lowe's question about specific numbers, the only numbers I have right now are from 2012. And what it has is that 936 individuals had what's called mandatory release, so kind of jam out when they are released from prison. And about 1,711 went through the parole system. So those are the only numbers I have to answer that specific question, but I will try and get some more. Just those are the most recent ones I had on the Department of Corrections' Web site. Second, to Senator Briese's...actually, first to Senator Hilgers' question. It's the Columbia Human Rights Law Review that...I think you weren't here when Ms. Porter from The Sentencing Project quoted that. Voters...so, individuals that have been arrested and convicted of a felony that voted had a recidivism rate of 12 percent, while those that were nonvoters had one of about 28 percent. And that comes from that Columbia Law study. We also tweeted it at you after your question, so you have that as well. And I think Senator Wayne's staff is also getting copies for the entire committee. Speaking to Senator Briese's question about the causation between whether civic engagement could actually reduce recidivism. Right now, the Department of Corrections I think



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has granted I think over \$11 million to individual organizations and nonprofits in the community. And a lot of them are doing workplace and job place training like at the Center for People in Need or providing community resources like the Mental Health Association. And part of this is the requirement to take all the data and send it to a UNO professor who is tracking all this data to really count and see if some of these programs are reducing recidivism rates here in Nebraska. If this were to pass, this is something that we could incorporate into the next round of grants, where we could actually then start seeing after two years of data of are these programs working, we can add civic engagement to that and say, okay, it's civic engagement now...can we see the needle moving even more? So it's something that's certainly within Nebraska we can start looking at, but nationally there haven't been some of those broader based research. A lot of it has been on a state-by-state basis, like the Florida study that was cited in the Columbia Law Review. I hope that answers a little bit of your question. In my testimony, I wanted to draw some particular attention to a 2014 Platte Institute study. Now, this study didn't incorporate civic engagement, but it did look at some of those other programs, including the ones being examined by the Department of Corrections about housing, workplace, and community resources. And in that Platte Institute study they looked at investing in those type of programs specifically to reduce recidivism and, thus, reduce some of the cost that the state bears when people do reoffend. So that's a great study that I encourage you guys to read. Unfortunately, it didn't include civic engagement, but that would be something that we as a civic engagement organization would love to see more academic research in that realm when it comes to linking that and recidivism. Finally, I know that there was a question about what's available for education in the community. Nebraskans for Civic Reform does work on that issue. And I'll say it's incredibly difficult to find individuals, getting their trust, and to work with those individuals after they're done with some of these reentry programs. Halfway houses and some of those through the Department of Corrections grant are only about six months long and it's while they're still on probation or parole. Even after probation or parole, that's the last time they have any interaction with anyone from the state or with a similar kind of community resource. So it's very hard for us to find individuals once they've been released and once they've completed those type of programs. So we're finding it incredibly difficult to find the individuals and then to educate them. So I would say that the two-year waiting period, eliminating that would certainly help. And I would say from an education side, it's really up to the probation officer, if that's something that they're dedicated to and really want to make sure their individual knows about, as well as possibly their lawyer. So there's really not a lot going on in the education realm. And that's something that if the state were to invest money in, I think would be money well spent. I think there's one more answer I have for the Article VI if you wanted to ask me about it. [LB75]

SENATOR MURANTE: Senator Hilgers. [LB75]

SENATOR HILGERS: Thank you, Mr. Chair. Thank you, Attorney McLarty. I was going to ask you that question. [LB75]

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BRI McLARTY HUPPERT: Yes. So, in Article VI, Section 2, it specifically does say that...so Article VI, Section 1, talks about what a qualified elector is, which is 18 years old of age. Section 2 talks about the two disqualifications of an elector, which is non compos mentis and a felony conviction. There is a clause at the end that says, unless restored...unless the right to vote is restored. So what that does is provide authority to the Legislature to then decide how the right to vote will be restored. So that's what the original bill did in LB53 is changed it from a Board of Pardons, which was already in statute as the proper way for an individual to restore the right to vote and, instead, cross referenced...I think it was in Chapter 29 and Chapter 32 there's a cross reference between the two statutes that looks at saying, okay, this is the affirmative way that just the right to vote. And they clarified that it's just the right to vote and not the right to run for office. And I think that was a court case about that as well as the right to serve on a jury. So they bifurcated those, took out specifically the right to vote, and they decided that that's the way that the right to vote could be restored, as dictated by the Legislature. And I'd be happy to do a little more research and help you find those statutes since I know there's quite a few between the two. [LB75]

SENATOR HILGERS: Thank you very much. Thank you. [LB75]

BRI McLARTY HUPPERT: Yeah, of course. [LB75]

SENATOR MURANTE: Thank you. Any additional questions? Senator Lowe. [LB75]

SENATOR LOWE: Thank you, Chairman. And thank you, Bri, for coming to testifying today. It sounds to me as if we already have a problem with communication, that the felons' attorneys and the probation officers are not informing. By changing this, will that solve that problem? [LB75]

BRI McLARTY HUPPERT: I think it will, because what will happen is once they have their exit interview with their probation or parole officer, at that point they can affirmatively say, you have the right to vote. You can go register. What we...actually, when we looked into this, we tried to answer the question, what is two years and when does the clock start? And there's a difference between a state felony and a federal felony and when that clock starts. So on a state felony, there's actually...you have to go into court and there is a motion to, I think, discharge. And so you actually have a piece of paper that's in the justice system that has a date of when you were discharged and that starts the two-year clock. For a federal felony, what it is is they have a date kind of set in the future, like, okay, you're on parole for six months. Your release date is March 17 and that's it. There's no official court record. There's no official kind of, you walk into court and the judge says, okay, good job, you're done. As long as you don't reoffend or have a technical violation, then that's the date. So there's even difficulty figuring out which date is the right date to start the two-year. So having a parole or probation officer say, okay, you're done; by

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the way, you have the right to vote at that time, that will give them...instead of saying, you will have the right to vote in two years. I think that happened in March, but I'm not sure when. That will eliminate some of that kind of confusion with that issue. I think the question was asked earlier about which would you rather have, the two year or the education? As an individual and as a nonprofit attorney, I can't change the two year, but I can try and invest my time and my money into educating individuals. So that's why we're asking the Legislature to address the two year. We're trying to do our part, we're just really hoping you'll do yours. [LB75]

SENATOR MURANTE: Thank you. And thank you for your testimony. [LB75]

BRI McCLARTY HUPPERT: Thank you. [LB75]

DARLENE MASON: Good morning. [LB75]

SENATOR MURANTE: Welcome. [LB75]

DARLENE MASON: (Exhibit 14) My name is Darlene Mason, D-a-r-l-e-n-e, last name Mason, M-a-s-o-n, I am currently a resident of York and I'm also 35 years old. I was raised by my mother, who was the third oldest child out of 12 children that my grandparents had. However, with four older first cousins and 21 of us altogether, I was the first to attend school and I was also the first to vote, ever. I remember that day very vividly. It was November 7 of the year 2000. The night before, my future sister-in-law had gone into labor with my second nephew. We drove from Fairbury to York in a blizzard that night to be there. I was frantic the next day, as I was so worried with the weather conditions that I wouldn't make it back in time to vote. I drove home anyway. And even though I hadn't a clue what all the questions meant on that ballot, the only thing that was important to me was marking the box for the next President. I chose President George W. Bush and he won. Even though everyone laughed at me, I thought my vote had made a difference. So when I received the letter from the voting commission stating my voting rights had been taken away because I chose to finally stand up for myself in an abusive relationship, I was crushed. And my attorney did not inform me that my voting rights would be gone; neither did the judge. So I state that. I didn't serve any time in incarceration. My sentence was probation only. But reading the words that my rights would be returned two years after completing my probation offered some hope. But I couldn't help but think, does giving someone the label "a felon" mean that I am no longer a citizen of the country I was born and raised in? I did not take anyone's life. I did not commit treason. So if I live in this country, am I not allowed to decide who will run it? But yet the label "felon" changes everything, from getting a job to putting a roof over your head. I chose to fight for my life and, in essence, had my life taken away from me. I was released from probation two days after this past election. Maybe my one vote wouldn't have changed much, but I wonder how many others are there out there like myself. How many felons

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are waiting for their two years to be up so they, too, can make their opinion heard? Have I not been punished enough? Haven't we all, as a nation, been punished enough? Please, show me that you hear me. Show me that my one voice can make a difference. I thank you for your time. [LB75]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. It's much appreciated. [LB75]

DARLENE MASON: Thank you. [LB75]

SENATOR MURANTE: Welcome. [LB75]

FRAN KAYE: (Exhibit 15) Thank you very much for having me. My name is Fran Kaye, F-r-a-n K-a-y-e, really easy, and I'm testifying for the Reentry Alliance of Nebraska and testifying in favor of LB75. I have volunteered at Nebraska state prisons for more than 20 years and have come to know many felons and ex-felons. Some have never voted and do not intend to vote, but some do want to take part again in their civic duty. Studies have consistently shown that people who are invested in society and believe that they have a voice are less likely to commit crimes against that society. People who serve time in prison do have the opportunity to read and to follow the news and many do. Just because someone has made a serious mistake does not mean that that person is stupid or venal. In fact, I've often heard more serious and informed discussions about political issues of the day in the inmate self-betterment clubs at the prisons than I have among my students at the University of Nebraska--no offense to my students. We often talk about the importance of having a voice. People who have served time in prison often feel isolated and alone when they come out. They feel they have no voice and that no one would listen to them if they tried to speak. They've lost the opportunity to be hands-on parents for their children and it is hard to pick up the pieces and take up responsibility again. Why should their children listen to them if no grownups will? How can they protect their children if they have no say, no vote in the way society is run? We tell people it is their civic duty to vote, to let their voice be heard. We tell them that if they do not vote they have no right to criticize what goes on in society. But then we tell ex-felons that they have to wait an arbitrary two years before they deserve to be heard again, even though we know that those two years are absolutely crucial for an ex-felon to establish herself or himself back in society, to develop the habits of good citizenship that prevent recidivism. People leaving prison deserve to have their civil rights restored. Some prohibitions, like against owning a gun for people guilty of violent crime, make sense for the protection of society. Prohibitions against voting though make it harder for people to integrate back into society, to feel that they have a stake in what happens, to become citizens with full responsibility of citizens to work for the good of all of us. And then I want to add something that I didn't write down. I wrote this with the help of a friend of mine. Like the lady

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who just testified, she was in an abusive situation. Things got really out of hand. She was convicted of resisting arrest and seriously enough that she had a felony against her. I think she served three months in prison for it, but she lost her voting rights for two years. She's Native American. She's someone who takes great pride in who she is and where she comes from. This...the whole thing with the end of her marriage threw her for a complete loop and she was in very bad shape. She was living on the streets. We became friends. She started staying with us, some that became her...she actually had an address so that she could register to vote. She did register to vote. She voted with my husband and me. We went to the precinct together and she voted in the primary and then she voted again in the general election. And it was really, really important to her. And there's an awful lot of people like her. And she's really smart and she's really concerned about things and she wants to do things right. And you know, she's not homeless anymore. She's working through CenterPointe. She's dealing with her addictions and she has a home. Maybe it's not because she voted, but maybe it is. So thank you very much. [LB75]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming in. Welcome. [LB75]

MARY B. MOORE SALEM: Thank you. My name is Mary, M-a-r-y, and then initial B, and then two last names, it's Moore, M-o-o-r-e, space, and then S-a-l-e-m, and I am here as a private citizen, but influenced by a group known as AVP, Alternatives to Violence (Project). And I'll tell you a little bit about that in a moment. But first about me, I was a teacher for 25 years. I worked part of the time at Cooper Village, which a third of the population--and these kids were locked in--a third of them were juvenile delinquents. I've always been interested in prison and prison reform. I have a masters in pastoral ministry. But with AVP, Alternatives to Violence, it's really about making better choices. And we do workshops in the prisons, but for the last couple of years I've done work primarily at OCC Work Release, so dealing with the people that are going to get out. And with that, we work on reintroduction to society, to families and friends. We work on relationship problems sometimes and we meet once a week. And sometimes there's venting. But we look for solutions to whatever they're facing. And it could be grief that a father or a grandfather died while they were in prison. It could be job related. But we do all of these things. We look at their past, oftentimes their present, but their future and what are they going to do with their future. Since working with these people I've gone to Parole Board hearings, and Parole Board is releasing a lot of people, the people that are ready to go. And what they say is that the more support people have, the better they're going to do. And one thing that society can do to support the people that do get out is to acknowledge you've been punished; we hope you've worked on rehabilitation; and now we want to reintegrate you into society. So that's moral, ethical support for them. I have followed up, especially this last year, with people that have gotten out. And the joy that people express about finally being able to pay bills, to be responsible, to look for an apartment, look for a home, perhaps take care of parents that are

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getting older, and working on giving back to society. My question to you is, when is enough enough? Punishment...and I think a lot of people say in prison, prison saved their life, made them think about things, but then to move forward, to move on and rehabilitation, reintegration. And I have looked at some of the sites that have talked about how many states give voting rights back, and the sites are all different. Some sites say Nebraska has already done that, and they haven't. But most of the sites say a vast majority, 30 to 40 do give voting rights back. And what I think, in order to research that is to look up each state individually to see what they say. And I'd be glad to pass that on once I find out for sure. Any questions? [LB75]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today. [LB75]

MARY B. MOORE SALEM: Thank you. [LB75]

SENATOR MURANTE: Welcome. [LB75]

WILLIE HAMILTON: (Exhibit 16) Welcome. Good afternoon. My name is Willie Hamilton, W-i-l-l-i-e H-a-m-i-l-t-o-n, I am the executive director of Black Men United. Honorable Senators; Government, Military and Veterans Affairs Committee: Dear Senators, the right to vote comes not just from the U.S. Constitution, but also from the state constitution and local ordinances. We ignore these state and voting rules at our own peril. We should create a greater incentive for an individual to participate, not put up barriers. The fact that this activity is occurring largely at the local level is itself important. Local voter expansion represents an emerging area in the debate about the right to vote. Our history of voting rights in America is not all doom and gloom. Recent Supreme Court Opinions, Shelby County v. Holder on the Voting Rights Act and Citizens United v. FEC on campaign finance have opened the door to new voter restrictions and has increased the influence of big money in politics. In the partisan motivated election rules that restrict access to the ballot, you have local initiatives to expand the electorate and find innovative ways of funding campaigns represent a locally-driven backlash against the Supreme Court rulings. In addition, voters in all 50 states will elect state representatives, many of whom will draw legislative maps in four years as part of the decennial restricting process. Both parties vigorously engage in partisan gerrymandering with little oversight of the courts, meaning that identities of those who draw the lines matter a lot given that incumbents tend to win most of the time. The representatives elected this year will likely be around 2020 when redistricting begins. Regarding voting rights for returning citizens, felons who are out of prison have largely served the punishment prescribed by the judicial system. Shouldn't that be enough? Penalizing them further by delaying their right to vote is not just unfair to them, it's bad for us. We'll be lucky if 40 percent of eligible voters cast a ballot in upcoming elections. What kind of a democracy is that? We should be finding ways to get more voters to the polls, not looking for excuses to keep

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them away. So instead of prohibiting felons from voting upon release, let's give them back their right to do it upon release and encourage them to vote. A Sentencing Project study that tracked released felons from 1997 through 2000 found that those who voted were less than half as likely to be rearrested as those who did not or could not vote. Losing one's voting rights perpetuates feelings of alienation, distrust of government, and a feeling of powerlessness. It makes the disenfranchised less likely to engage with or contribute to the community. Research has found that whenever individuals are deprived of voting rights, their families, neighbors, fellow church members don't go to the polls on election day either. That's six million population who doesn't vote because of its involvement with the criminal justice system can become much bigger. Together, Nebraska can free the vote for its citizens who have been made vulnerable by the harmful and discriminatory laws, and in turn strengthens our collective democracy. A little bit of tidbit of information. I come from a family of nine, six boys, three girls. Out of the nine children, 13 were boys. Out of the 13 boys, 10 were ex-felons. Thank you. [LB75]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Senator Hilgers. [LB75]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Mr. Hamilton, for being here. I thought...I just want to make sure I got this written down right. I think you quoted a study on the first page of your testimony that compared people...the engagement levels of people who do vote and don't vote. Did you actually name the study? I just wanted to write it down. [LB75]

WILLIE HAMILTON: Matter of fact, Nicole Porter, from The Sentencing Project, I got it out of that information. [LB75]

SENATOR HILGERS: Okay. Thank you very much. [LB75]

SENATOR MURANTE: Welcome. [LB75]

STEVE DOSSKEY: Chair, Senators, thank you for your time this morning. Sorry if I'm a little slow, I've been battling a flu bug for the last 24 hours; it's that time of year, so. Despite that, I thought it was important to come down here. First of all, my name is Steve Dosskey, S-t-e-v-e D-o-s-s-k-e-y. I come before you today not just on behalf of myself as a private citizen, but on behalf of a very dear friend of mine who is currently a felon and serving a sentence at Nebraska State Penitentiary. A lot of previous speakers have talked about how this is the fair, the right, the good thing to do, to reinstate voting rights immediately after the completion of sentence or parole or probation, about how our American justice system once that sentence has been fulfilled, these people have done all of what society has asked of them. But in the case of my friend, he's been incarcerated for the better part of the last 15 months and I've been walking with

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him through that has been quite a journey. But I go visit him weekly and each and every week the conversation comes back to, he as a person who made the biggest mistake of his life that granted him his felony conviction, he fully understands that he has made a mistake and every single week he talks about the one thing he would like to do is to...the two things. First, to be forgiven and to be able to seek forgiveness for this. And second, to become a productive member of society again. He's 24 years old, like me. Also like me, he was raised here in Lincoln, went to school here, attended UNL, was a productive member of our local society. And all he would like to do is to become a productive member of society again. And I think that when his...when he has completed the terms of his sentence--which will not be for a very long time--I think it is, as speakers before me have said, it's only right, fair, and good that he be given that opportunity to be a full and productive member of society. As previous speakers have stated, it's rehabilitating, it's empowering, and in this case I believe that upon completion of his sentence he fully deserves that right. Thank you for your time. [LB75]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you. Next proponent. Welcome. [LB75]

JUDY KING: Hi. My name is Judy King, J-u-d-y K-i-n-g, and I'm here to testify in support of LB75. My husband worked for 30 years in Corrections and he has helped me to understand things that keep the recidivism rates low in our state. There are so many positive things that can be done prior to and after the release of an inmate, of a felon that can help that person become a contributing member of our society. My daughter has a friend that was at the top of her class; she was like second in her class. And she became...went to the university, studied French, went over to France, came back, and ended up being hooked on drugs and alcohol and she became a felon as part of that. And after her sentence she was able to use the probation system to help her get through her sentence and after she came back...she finished that, she became a wonderful mother, with a great job of tutoring French, and now has a child and a very positive outlook on the future. And I also have family members that have become hooked on alcohol and drugs and one of them made it out and the other one didn't. And the other one became a felon and did his time and he now has two children, happily married, and is at the top of his business. And now he's ready to start his own business. And I think all they want is to have...be treated with all the things available to make them become better citizens. We need to help felons with everything at our disposal to help them become contributing members of our community. The fact that these people are still alive sometimes after living through a life of addiction, and in some cases it is amazing in itself that they even make it through their incarceration, and probation time is another. They have done their time. They paid their debt. They are paying taxes. And they still can't vote. That's what I have issue with. And then after all of this...after learning about this voting issue and how it affects the people that I know, I was made aware of how it affects minorities. And we should do everything we can to help individuals after they finish their incarceration. Voting is a pro-social behavior, which is linked to less crime and encouraging civic



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engagement of citizens that have paid their debt to society could reduce this recidivism rate here in Nebraska. I would encourage you to restore these voting rights immediately after they finish their sentence for probation or felony. And then my husband made me some cute little notes if you want to learn anything more about how to help with people on recidivism, so. [LB75]

SENATOR MURANTE: Thank you very much for your testimony. [LB75]

JUDY KING: Thank you. [LB75]

SENATOR MURANTE: Are there any questions? Seeing none, thanks for coming down. [LB75]

JUDY KING: Thank you. [LB75]

BILAL NOSILLA: Good morning. [LB75]

SENATOR MURANTE: Welcome. [LB75]

BILAL NOSILLA: Senator Murante, the other senators, my name is Bilal Nosilla, you spell that B-i-l-a-l, last name is N-o-s-i-l-l-a, and I am a proponent, but I didn't come here to speak. It wasn't until I sat there and I listened to all the people who are in support of this bill speak. And I'm dumbfounded because--and I apologize, I don't have a narrative, because again I didn't come here to speak--but I was part of the 2006 political apparatus when this bill was (inaudible) in effect and when felons or ex-felons were able to vote after the two-year period. What dumbfounds me is--that here it is 11 years later--are your senators that didn't know that these individuals aren't voting, didn't know that they could vote, when we worked hard back in 2006 to make sure that felons knew this and that they spread it on. And I felt that each political term after that, people who were running for office were making sure that people who had been incarcerated and done their time could now vote. So 11 years later I'm hearing people are still saying they didn't know that they could vote. Some didn't know that, it wasn't being communicated. And so I guess one of the big questions is--and hopefully this will go through, whether you support it or don't support it--is why is it that people still don't know? Why are they still surprised? I understand--I believe it was Senator Kruse--when he said that when he spoke with an individual and the person cried because this would be the first time that they could literally vote and let their children be a witness to that. I sit in a different position, because 2006 people thought you were joking when you told them, you now will be able to vote. But the reality of it, like I said, somewhere along the line it sounds like someone dropped the ball because nothing is being communicated. And I hope that this moves further and that's one of the things that you will share with your constituents as well, because this is something that needs to

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be known. And I'll leave by saying I think I heard that there were 7,000 individuals who could vote. And then I heard something...I think I heard something like 17,000. I don't know if that was collective when you look at state versus federal individuals who have fulfilled their obligation with the penal institution. But I see these stations, Senator Blood, Senator Craighead, and so on and so forth. And thank you also, Senator Wayne, for introducing this. But you got here because of votes. And if there's 7,000 votes out there, I can't think of anyone who wouldn't want to have a 7,000 grand slam on your opponent. So let's think about that, please, please, and let's move forward with this bill. Thank you for your time. [LB75]

SENATOR MURANTE: Thank you for your testimony. Any questions? [LB75]

BILAL NOSILLA: Oh, I'm sorry. Any questions? See, I don't do this. [LB75]

SENATOR MURANTE: Seeing none. You did just fine. Thank you very much for your testimony. It's much appreciated. [LB75]

BILAL NOSILLA: Thank you. [LB75]

JAMES JONES: Good morning, Senators. [LB75]

SENATOR MURANTE: Welcome. [LB75]

JAMES JONES: (Exhibit 17) Thank you. My name is James Jones, J-a-m-e-s J-o-n-e-s, I am the executive director of the Community Justice Center here in Lincoln. We do restorative justice and victims' impact education for prisons and for the whole state of Nebraska for parole. We've been doing that for the last ten years. I'm here representing the Community Justice Center as well as a private citizen as well. I'm going to do a double take here. Senators, this is...in my case, I am a convicted felon for robberies. I am a crack head. I am a opiate addict. I served three years in Nebraska prison system because I refused to basically grow up and I kept making excuses to justify my self-destructive behavior. I destroyed and hurt a lot of people's lives because I refused to basically take care of my emotional hygiene. It's critical. It's the common denominator. But what we have done, just like with the voting--and I'm a proponent of LB75--this is critical. And I use it as a life and death issue for what we do, because when you belong to the community you don't destroy it. Individuals who feel like they've been disenfranchised and they don't belong, there is no hope in a lot of cases. You're a throw away and you accordingly treat your community that same way. So please, the history is clear. This will go a long way in helping individuals give back to their community, like I have for the last 23 years. But there's a lot of other individuals

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who can be doing the same, but they feel that they don't belong or they don't have anything to contribute. So please, Senators, please give this consideration. Thank you. [LB75]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Senator Briese. [LB75]

SENATOR BRIESE: Thank you, Senator. And thank you for being here. So your testimony would be, based on your experience and the work that you do, that restoration of voting rights would cause better community involvement, cause better behavior? [LB75]

JAMES JONES: Extremely. The numbers are clear. [LB75]

SENATOR BRIESE: Okay, thank you. [LB75]

SENATOR MURANTE: Thank you. [LB75]

JAMES JONES: Thank you. [LB75]

SENATOR MURANTE: Thank you for your testimony. [LB75]

JAMES JONES: Thank you. [LB75]

SENATOR MURANTE: Still on proponent testimony. Welcome. [LB75]

FRANK LaMERE: Thank you. Senators, it's a very interesting day. First of all, I beg your indulgence. My name is Frank LaMere, L-a-M-e-r-e, I'm a member of the Winnebago Tribe of Nebraska, I'm from South Sioux City, Nebraska. I come here today to voice support for this, a proposed piece of legislation, this LB75. What I want to simply say--and I do not want to be sanctimonious, but I would share something with you--somebody recently said that Mr. LaMere is a noted social and political activist. And I like that term. They used that. And I was thinking about that of late. Many times issues of the day involving Native and other individuals, I gather people together to coalesce to see what we can get done to change things. I do that among Native people mainly in northeast Nebraska, Iowa, even in the region. And I'm always so pleased when people who are putting their lives back together, Native people, they come together and say, what can we do to change things in our community, our state, even the nation? And we get to that issue of voting. It's a block. And I always notice among all of the young men and young women, mainly Native people, the note of resignation. And when we talk a little further we come to that

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place and they tell me that, I'm a convicted felon, do not have that right to vote. Different states do different things, do things a little bit differently. I am very pleased because Nebraska has given us that opportunity in 2006. And I don't know if we've taken advantage of it; I've heard that we have not. Perhaps this piece of legislation would make it simpler and easier for many among Nebraska citizens to empower themselves. I came over here today to be a part of a celebration of Nebraska's 150th birthday. I would also note to the good senators, Frank LaMere's birthday today. And the reason I share that with you, I listened to the good Governor--who I do not always agree with--but I heard him say some things today about how we as Nebraskans historically look out for one another. And we do what we can to allow our neighbors to live, to grow, and even to flourish. And I was moved by his remarks. He spoke of being hopeful. I think LB75 would go a long way in making all of our and ensuring that all of our people who ran afoul, who have lost their way, to come back and to again regain that hope that is so necessary for them to take their rightful place. I would share that with you. And I applaud the fact that you're even coming together to talk about these things. I will leave you with this: One of our elders in Winnebago, a mentor of mine, many years ago said something that I'll share with you today. He said, the eagle that sits atop the flag sits across the staff from which hangs this country's symbol of justice and democracy. That is my lawyer. That is the interceder between the Creator of all things and humankind. He said that and I would leave you with that, because what he said is ultimately when we want to get right in our lives we first have to get right with the Creator. And when you do that, you know you can begin to make amends with your people, make amends in the village. And I would note that with you today, because we have people who have served their time, they come out, they get right with their families, get right with God, and the only people they're not right with is this system that brings us here today. So I would ask you to act in support of LB75. Listen to what the Governor says, support one another. Anyway, thank you very much and thank you for your indulgence. [LB75]

SENATOR MURANTE: Thank you for your testimony, much appreciated. Welcome. [LB75]

MARGE SCHLITT: (Exhibit 18) Thank you. And I can still say, good morning, it's not over yet. I'm Marge Schlitt, M-a-r-g-e S-c-h-l-i-t-t, and I want to thank Senator Murante for this hearing and Senator Wayne for introducing this bill. I don't have much to add, other than what has already been said for several hours. I am an active volunteer in prisons for nearly 30 years with now...currently with two programs, the Alternative to Violence Project also known as AVP, conflict resolution program, and with the Reentry Alliance of Nebraska. And both of those groups feel very strongly for all the people we've known and worked with, how they feel very strongly that they want to rejoin society. They want to become part of the group again and to prove that they aren't bad people, they are inside still good people and made mistakes. We all make mistakes. And they want to be on the side of the voting public. I don't have anything else to add that hasn't already been said over and over. So, thank you. [LB75]

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SENATOR MURANTE: (Exhibits 19-23) Thank you very much for your testimony. Much appreciate it. Are there any additional proponents wishing to speak? Is there any opposition testimony to LB75? Is there any neutral testimony? Before we close the hearing I do have letters of support from Stephanie Clark of the Nebraska Association of Social Workers; Paul Olson (phonetic) representing himself; Nebraska Appleseed; Mary Boschult of the League of Women Voters of Lincoln and Lancaster County; and Jim Maguire of the Fraternal Order of Police. Senator Wayne, you are welcome to close on LB75. [LB75]

SENATOR WAYNE: One thing I can promise is the next hearing will be a lot quicker. [LB75]

SENATOR LOWE: Are you sure? [LB75]

SENATOR WAYNE: (Exhibit 24) Yes. So again, we have to think about the context in which we sit here today on our birthday of the Nebraska state. And the context that these bills across the country, but particularly in Nebraska, in this case a constitutional amendment was brought forth. We cannot escape that history. And I want to say, but more importantly, just as important, is today we sit here and we've heard from people who are currently being disenfranchised. And so I looked up what LB605 did with the criminal system. And there's a strong presumption right now for Class IV felonies, probation only. But in addition to that, each class, through Class III, through Class IV, there is...it says a sentence and supervised release. So going forward, everybody is or should, if judges are doing it correctly, get supervised release. But what's interesting and one of the points I wanted to make up about our criminal system in general, which will not be handled here, but literally if you punch somebody it's a misdemeanor. But if I tell you, Senator Lowe, I'm going to punch you, it's a terroristic threat and that's a Class IV felony. [LB75]

SENATOR LOWE: Thanks for the warning. [LB75]

SENATOR WAYNE: And it's bizarre, but that's what a lot of young kids now who may say a thing at a school or say something on a playground get charged with. It used to be when you broke into somebody's house, you stole a big TV that was worth over \$1,500 and it was charged with a felony. But there are a lot of felons because somebody grabs a phone. And they'll never serve a day in jail, they'll be on probation for three to four years and then they have to wait an additional two years. So throughout that entire...it's like an 18-year-old until they graduate college, they may never have the right to vote in Nebraska. That doesn't send a good message to them. We want them to be engaged. We want them to participate in the political process. And I think today is a perfect day...because this went so long we probably will not be able to Exec on it, but I think today is a perfect day that we can atone for the mistakes of the past and we initially did this on Nebraska's birthday and send the message that we're no longer going to

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disenfranchise people if they're a felon. And I think that's critical moving forward and I think it's the right message we can say today on 150 anniversary. [LB75]

SENATOR MURANTE: All right. Thank you, Senator Wayne. Any final questions? I will say, Senator Wayne and to the media and public at large, Senator Wayne has indicated to me that LB75 is a bill that he intends to designate as his priority bill. Accordingly, we will attempt to have an Executive Session and vote on this bill today, just depending on how long the other bills go and the festivities this afternoon. So that is my intention for proceeding on LB75 today. And with that, we close the hearing on LB75 and proceed to LB76. [LB75 LB76]

SENATOR WAYNE: The reason why this is going to...my name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and the reason why this will be such a short hearing is when this bill was initially introduced there was a way to set up a mechanism so whether it was a two-year period or immediate release, the Secretary of State would be notified and people would have a easier way to register to vote. There was a study done by the ACLU that showed that many counties, particularly some of the smaller counties, would literally call courts and find out and it would be question after question of whether it would happen. But since being introduced, we've been talking to the Secretary of State and there are some current vendors that currently have some capabilities to do all of this already. And it could be a issue of educating the counties versus introducing the statute. So I am not asking to kill this yet, but the Secretary of State and I are working together and the office of the Secretary of State to figure out maybe a better amendment or come back next year and completely rewrite the bill, because we just need to make sure that the Department of Corrections and Secretary of State have some type of mechanism. Whether LB75 passes or not there still should be a mechanism, instead of having the clerk at Douglas County call around to judges and saying, am I reading this sentence right, would be more efficient. So with that, I'll end my opening. [LB76]

SENATOR MURANTE: You want us to hold this for you for the time being? [LB76]

SENATOR WAYNE: Yes. [LB76]

SENATOR MURANTE: All right. Seeing no questions, Senator Conrad, welcome back. [LB76]

DANIELLE CONRAD: Yes. Good morning, Senator Murante, members of the committee. It's Danielle Conrad, D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, on behalf of ACLU of Nebraska. And I think I forgot my green sheet so I'll make sure to bring that back around. I won't belabor the point. We defer to Senator Wayne's leadership and good judgment in regards to this legislation. We did just want to reiterate for the record, in the wake of our investigation into compliance with these issues across all 93 counties this summer, we subsequently had an opportunity to sit down

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and meet with the Secretary of State and with Neal Erickson, Deputy Secretary of State for Elections as well. And we continue to enjoy a very good relationship with those hardworking elected officials and state employees. And we're grateful for the collaborative nature in which they address this and so many issues to make technical improvements to our laws. So they've already updated their own Web site to address some of these issues and to provide more education for the community. They've also utilized the opportunity to engage with county officials and provide some more training on these issues for them as well. So there are good things happening outside of the legislative arena in this area as well. And we just wanted to let the committee know that, so thank you so much. [LB76]

SENATOR MURANTE: All right. And thank you for your testimony. Any questions for the senator? Seeing none, thanks for coming down. Appreciate it. Welcome. [LB76]

BRI McLARTY HUPPERT: (Exhibit 1) Welcome. My name is Bri McLarty Huppert, that's B-r-i M-c-L-a-r-t-y H-u-p-p-e-r-t, I'm here on behalf of Nebraskans for Civic Reform. And we're just going to echo what Senator Wayne said. We've been working with his office as well as the Secretary of State's Office, ACLU. The testimony I'm passing around just provides a little insight about why we're involved. We've worked with some of the county election officials, they shared some of their stories about how they've been dealing with it. But since all the parties are going to be working together, we just ask you to respect what Senator Wayne has asked you to do and just let you know that we are in support of giving the county election officials all the resources they need to be able to determine eligibility. That's it. [LB76]

SENATOR MURANTE: All right. Thank you for your testimony. Any questions? Seeing none, thank you for coming in. Any additional proponents wishing to speak on LB76? Is there any opposition testimony to LB76? Is there any neutral testimony? Welcome back. [LB76]

COLLEEN BYELICK: (Exhibit 2) Thank you. Good morning. For the record, my name is Colleen Byelick, I'm the general counsel and chief deputy for the Secretary of State's Office. I also have a letter for you that I forgot to pass out. So my purpose in being here today is just to explain what our existing system is. And we have been working with the Senator's office and others that are interested to figure out how we can improve the system. And that's our suggestion is that can we use this legislation as the vehicle to improve our existing system as opposed to creating a new system? So currently, we have two main sources of felon information and that comes from CJIS, which is the Crime Commission and the State Probation Office. And currently, both of those offices send us electronic information and that is uploaded into our voter registration system. And then when a person comes to register to vote and the county election official is processing that registration, if there is a match with someone in our records noted as a felon, that will display for the county election official as they're processing that application in

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our electronic system. And then they can determine if there is a match. There is also a monthly match process that runs and it sends essentially a file to the county election official that they can use to process to determine if there is a match with a felon record in our system. And then aside from those two processes there is actually a weekly process that runs to clear convictions. So as new information is sent each month about updates on release dates and things like that, that continues to get imported into our system. And then weekly, there's a satisfied conviction process that runs. So our sense is that possibly...our system is only as good as the data that we receive. So if we're receiving bad data or if we're not receiving complete data from the sources that we're currently getting it, then these convictions will not be cleared. And then when the person comes to register to vote there is additional work that the county election official has to do. So if the person shows up or mails in their voter registration or sends it, you know, goes on-line and registers to vote and the county election official notices that there is a felon match, notifies that individual. That individual comes back and says, well, no, actually I'm past the 24-month period. Then there has to be kind of a further investigation. And I think that's kind of some of the concern that we've heard today. I also think there's just some possible educational issues where the individual doesn't know what quite the requirements are. And that maybe adds to the confusion. But our thought process on the issue, we're looking at our data, we're looking at our records. That's always an on-going process, but if we can identify some ways to enhance the current process we think that makes more sense as opposed to kind of generating a new system where we're receiving new paper records that we have to process, so. I'd be happy to answer any questions you might have. [LB76]

SENATOR MURANTE: (Exhibits 3, 4) All right. Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down. Is there any additional neutral testimony? Seeing none, I do have letters of support from Stephanie Clark of the National Association of Social Workers-Nebraska Chapter; and Mary Boschult of the League of Women Voters of Lancaster County. Senator Wayne waives closing. That ends the public hearing on LB76. We'll proceed to LB314. [LB76]

SENATOR HILGERS: Chairman Murante. [LB314]

SENATOR MURANTE: Thank you. [LB314]

SENATOR HILGERS: Welcome to your Committee on Government, Military and Veterans Affairs. [LB314]

SENATOR MURANTE: Thank you, Senator Hilgers and members. For the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e, I'm the state senator for District 49 which includes Gretna and northwest Sarpy County. I'm here today to introduce LB314. As the members of this



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committee will come to learn, it's become an annual tradition of the Chairman of the Government Committee to introduce bills on behalf of both the Secretary of State and the election administrators from across the state of Nebraska. LB314 is the Omnibus bill introduced on behalf of the Secretary of State. LB314 has two operative provisions. Section 1 lengthens the time before an election in which a city must file a proposed economic development plan with the election commissioner or county clerk in the following ways. If the plan is to be voted on in a special election, it must be filed no later than 50 days prior to the special election. This is an increase from the current 41-day requirement. If the plan is to be voted on in a primary election, it must be filed no later than March 1, and this is an increase from the current 50-day requirement. And if the plan is to be voted on in a general election, it must be filed no later than September 1, this is an increase from the current 50-day requirement. Section 2 allows the Secretary of State to use funds appropriated from the General Fund for it's centralized, computerized voter registration list. Currently, the Secretary is limited to using funds in the Election Administration Fund for these purposes, however that fund is empty. The remainder of these sections makes no substantive changes, but conforms statutes to previously enacted legislation. And I'll take this opportunity to iterate once again to the committee and to the members of the Legislature that the Election Administration Fund is empty. We have a major project of updating and modernizing our election technology in the very near future and we're going to have to fund that to the tune of millions of dollars, probably, around \$20 million. So we need to begin thinking about that and prioritizing it. But that is LB314. I believe the Secretary of State's Office is here to talk a little bit more in details about it, but I'd be happy to answer any questions that you may have. [LB314]

SENATOR HILGERS: Thank you, Senator Murante. Any questions for Senator Murante? Senator Wayne. [LB314]

SENATOR WAYNE: Can you tell me anything that I can...that the Secretary of State will not testify to, something different than what they're going to testify to? [LB314]

SENATOR MURANTE: I'm sorry? [LB314]

SENATOR WAYNE: Never mind, I withdraw my question. [LB314]

SENATOR MURANTE: Okay. [LB314]

SENATOR HILGERS: Any other questions for Senator Murante? Okay. Thank you. Any proponents for LB314? [LB314]

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COLLEEN BYELICK: Hello, again. [LB314]

SENATOR HILGERS: Hello. [LB314]

COLLEEN BYELICK: (Exhibit 1) Members of the committee, for the record my name is Colleen Byelick, it's C-o-l-l-e-e-n B-y-e-l-i-c-k; I'm the general counsel and chief deputy for the Secretary of State's Office. I'd like to thank Senator Murante for introducing this legislation at the request of our office. There's, essentially, three main provisions. These are really clean-up provisions, harmonizing provisions. The first is amending the dates for economic development programs to be submitted to a county election official. These dates harmonize these elections with other similar election dates. So currently right now they have to submit those 41 days prior for a special election or 50 days prior for a general or primary election. And this legislation harmonizes those dates to 50 days before a special election, or March 1 for a primary, and September 1 for a general. This is similar to other political subdivision issues that are submitted to the local election officials to be placed on the ballot. The second change is with regard to funding. Currently, there is a prohibition in statute to use General Funds for, essentially, maintenance of the Voter Registration System. And we think, probably, historically this was done because there were federal funds, federal Help America Vote Act funds that were used for the creation and the maintenance of the Voter Registration System. Those funds have been exhausted. As Senator Murante mentioned, the Election Administration Fund can't support the cost associated with the Voter Registration System. And during the last biennium budget cycle, General Funds were appropriated for voter registration maintenance. So we think this was just kind of an oversight and nobody caught that that prohibition was in the election act. So we're asking to have that removed. And then the final change is really a reflection, all of the voter registration records have a criminal penalty listed for fraudulently completing the voter registration application. And that's in several different areas in statutes because the application is listed several different times. There's the on-line application; there's the paper-based application, so we've tried to catch all of those references. And because of LB605 in 2015 with the classification and change of those criminal penalty provisions, that change also needs to be made in the election act for the voter registration statutes. So we have tried to catch all those provisions and harmonize that language to be consistent with what the criminal penalty now is. Are there any questions? [LB314]

SENATOR HILGERS: Thank you very much. Any questions? Senator Lowe. [LB314]

SENATOR LOWE: Thank you, Vice Chairman...Senator... [LB314]

SENATOR MURANTE: Vice vice. [LB314]

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SENATOR LOWE: And thank you for coming. Thank you for taking out math out of, deciding on when 50 days is... [LB314]

COLLEEN BYELICK: Right. [LB314]

SENATOR LOWE: ...by giving definitive dates. That makes it much easier. [LB314]

COLLEEN BYELICK: Um-hum. You're welcome. [LB314]

SENATOR HILGERS: Thank you, Senator Lowe. Any other questions? Seeing none, thank you for your testimony. [LB314]

COLLEEN BYELICK: Thank you. [LB314]

SENATOR HILGERS: (Exhibit 2) Any other proponents for LB314? Seeing none, anyone wishing to testify in opposition? Seeing none, anyone wishing to testify in a neutral capacity? We do have a letter from a proponent, Larry Dix, on behalf of Nebraska Association of County Officials. Senator Murante, you're welcome to close. Senator Murante waives closing. That closes the hearing on LB314. Senator Murante, you're welcome to open on LB451. [LB314]

SENATOR MURANTE: Thank you, Senator Hilgers. Members of the Government Committee, for the record my name is John Murante, J-o-h-n M-u-r-a-n-t-e; I represent District 49 of the Nebraska Legislature which includes Gretna and northwest Sarpy County. I'm here today to introduce LB451. This is the bill that is introduced on behalf of our county election administrators. I'd particularly like to thank Sarpy County Election Commissioner, Wayne Bena, for bringing many of these issues to my attention. The bill cleans up provisions relating to local election administration. LB451 makes multiple changes to election law. First, it eliminates the prohibition against election commissioners running for office. Second, it moves the date that certain political subdivisions must certify information regarding offices to be filled in an upcoming election to the appropriate filing official from July 1 of an even-numbered year to July 15 of an even-numbered year...to June 15 of an even-numbered year, excuse me. Third, it changes provisions for filling a vacancy in the Legislature. Currently, if a vacancy occurs within 60 days of a general election, the vacancy will be filled in that election. A senator appointed during that intervening period shall only serve until the new senator takes office. Under the bill, the 60-day period would be expanded to February 1 of a year that has a general election, or if the vacancy occurs within the first year of office. This means that if a vacancy occurred on or after February 1 of a year that has a general election; or within the first year in the office, the vacancy would be filled at the next general election. Fourth, the bill makes the same changes for filling a

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vacancy on the Board of Regents. Currently, that period is 75 days. Fifth, the bill codifies procedures for delivering an early ballot to a qualifying voter, and for a voter returning an early ballot. And finally, the bill closes a loophole that currently allows a candidate to fail to file a statement of financial interest and still appear on the ballot under certain circumstances. The bill has a fiscal note, you'll note, from Nebraska Accountability and Disclosure Commission. The Accountability and Disclosure Commission has subsequently stated to me that they will probably be able to absorb the costs of the implementation of this bill. Although I'm sure Mr. Daley is here today to testify on that. I think it's important especially when it comes to the vacancy provisions of this bill, which is probably the most substantive policy change. The logic behind the February 1 date rather than the 60 day before general election. What that 60 day before general election essentially requires, and we almost had...we were in the discussion of the problems that this policy has last year, 60 days before a general election, 61 days before that the voters of a district may not even know that a vacancy exists so that a special election would be conducted on that general election. So someone would have to make...calculate a decision that they wanted to run for the state Legislature, secure the necessary petition signatures to get on the ballot, and then run a campaign all within that 60-day window, and the deadline for getting on the ballot by petition, I believe, is...well the election commissioners will be behind me, but all those dates sort of matched up together. That is a very bad public policy. I think it is unreasonable to ask a citizen of the state to make that sort of a calculation, it's unreasonable to ask voters to make any sort of judgement on the candidates before them in that short of a period of time. So the logic behind February 1 is pretty simple. If you can run a campaign out, just as any other candidate running for the Legislature in the event a vacancy exists, the February 1 date effectuates that. So that's where February 1 came from. I'd be happy to answer any questions. [LB451]

SENATOR HILGERS: Thank you, Senator Murante. Any questions for Senator Murante on LB451? Seeing none, Senator; any proponents for LB451? Mr. Bena, welcome. [LB451]

WAYNE BENA: Good...still can say good morning. [LB451]

SENATOR HILGERS: Three more minutes. [LB451]

WAYNE BENA: (Exhibit 1) But I won't be done in the morning. All right, thank you members of the committee. For the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a, and I serve as election commissioner for Sarpy County, Nebraska. I also serve as the legislative co-chair and election law committee for the Nebraska Association of County Officials, election commissioners, clerks, and register of deeds division. If you want to know how to get that title, you give a presentation about election law at a conference and they name you to that committee. I thank Senator Murante for introducing this bill. As a little bit of a background for what we do, I

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solicit feedback from my fellow election commissioners across the state each year and come up with a Omnibus bill on behalf of the clerks to look at different election administrations, and sometimes some small policy changes. We do this so we can have one bill and that your election commissioners in your own local communities are not bombarding you with one individual bill. We all like to get it all done at once. Senator Murante gave a good explanation of the reasonings behind this bill, so I will keep my remarks brief, but I want to be a resource to you, not only on this bill, but any other election bills that come throughout. We're starting the election phase of the Government Committee in the next few weeks, and so you'll see me in and out of these certain hearings answering those questions that affect election administration. A couple of things to quantify, in Section 7, the reason for that change is we...it's on the third page of the pamphlet that I gave you, those members of the military and overseas are required to fill out an oath, just like you would fill out the back of your absentee ballot when sending it back. Douglas County and I have also had some situations in which we've had members of the military and overseas uncomfortable with the line that says--I reside in Nebraska. Now, while by technical definition, those military and overseas people that consider themselves Nebraska residents as their last prior address within the United States are considered as residing. Sometimes people in the strictest definition of that "reside" feel uncomfortable of signing that oath. So what this does is, first, put the actual oath in the statute because it just refers to a statute number which tells you what the oath is. So Bill Drafters decided to take that statute number out and put the oath in and remove that one provision in that oath that would allow for not having to...swear to that, even though they are technically residing in Nebraska based upon that. That's just to clear up any confusion. I believe in the committee amendment as well that will be offered for this that will strike any references in that bill to the word "envelope" since many of these oaths are sent by e-mail now, that they will not be...so it's to conform to what we are doing now for these voters. One other thing I wanted to mention, in Section 6 it talks about the 40-day notice moving to 45. I believe there will be a committee amendment reducing that to 42 days. And the reasoning behind that is we're required to send a notice to all political subdivisions after they certify to us what is on the ballot to make sure that we got it right. And they have 10 days to reply to us and then we would have to change the ballot if we got something wrong. Unfortunately, sending that at the 40 day and giving them 10 days starts now at 30 days, which ballots have already started...been given to voters who have voted early. This would allow us to go to 42 day of the 5-day turnaround time. So we're able to correct any mistakes before the ballots go out. Other dates that are changing in here are just to conform to situations we saw in the past election, to be able to conform with and be able to meet certain deadlines. And with that I will answer and eagerly await your questions in this fascinating legislation that is the omnibus bill from the clerks. Thank you. [LB451]

SENATOR HILGERS: Thank you, Mr. Bena, for your testimony. Any questions for the testifier? I think the person who has the most questions, I think, is sitting behind you...or knows this area the best. Seeing none, thank you very much. Any other proponents? Mr. Shively, welcome. [LB451]

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DAVID SHIVELY: Thank you, Senator Hilgers. 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 just wanted to talk about a couple of sections that were...that I had input in on this legislation and that's Section 2 and Section 5. It's changing the date of when our political subdivisions that only appear on the general election ballot are to certify us what races, what issues will be on the ballot from July 1 to June 15. And the reason that I felt this is necessary to change that date is that we're also required in state law to provide a notice of election in the newspaper at least 15 days prior to the incumbent filing deadline which is July 15. So if you backtrack that, July 15 gets you to July 1, you have people not having to notify us, certify to us what requirements, what races are going to be on the ballot by July 1, you really don't have any time to prepare the notice of election and get that ready for us. And so that's the main reason that we wanted to get that changed. I support the rest of the bill. If you have questions, I'd be happy to answer that. But I know it's...time...I guess I'm here in the afternoon now. [LB451]

SENATOR HILGERS: Well, thank you for your testimony, Mr. Shively. Any questions? Seeing none, thank you for being here. [LB451]

DAVID SHIVELY: Thank you. [LB451]

SENATOR HILGERS: Any other proponents for LB451? Good afternoon. [LB451]

BETH BAZYN FERRELL: Good afternoon, Vice Chairman. It's been a long morning already. Members of the committee, for the record my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing in support of this bill. I think Mr. Shively and Mr. Bena, Senator Murante, have described the bill, so I won't go into detail. I just like to be on record as supporting the bill. [LB451]

SENATOR HILGERS: Okay. Thank you very much. Any questions? Senator Wayne was that a question? [LB451]

SENATOR WAYNE: No, I was just...I just thinking out loud, (inaudible). [LB451]

SENATOR HILGERS: Seeing no questions, thank you for your testimony. Other proponents of LB451? Good afternoon, Mr. Daley. [LB451]

FRANK DALEY: Good afternoon. Acting Chairman Hilgers, (laughter) and members of the Government, Military and Veterans Affairs Committee, my name is Frank Daley, D-a-l-e-y. I serve as the Executive Director of the Nebraska Accountability and Disclosure Commission.

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We're here to express our support for LB451. I will tell you our main interest is Section 9, which creates...or rather solves a problem regarding statements of financial interests. Legislation last year created a deadline for filing statements of financial interest for candidates who filed their candidate filing papers in the December before the election year. However, it created no similar deadline for candidates who filed their candidate papers in the year of the election. So LB451 corrects that oversight and puts everyone on an even basis. I will point out that we did submit a modest fiscal note. It is very modest. However, it is so modest that it is certainly something that we can absorb within our appropriation and we're not asking for an additional appropriation as to that. And I just think in this climate it's important that you know that. And I do want to thank Senator Murante and his staff for working with us on this. [LB451]

SENATOR HILGERS: Thank you, Mr. Daley. Any questions? Senator Briese. [LB451]

SENATOR BRIESE: Thank you, Senator Hilgers. And thank you for being here, Mr. Daley. As Director of the NADC, do you have any particular thoughts or comments regarding Section 3 of the bill--filling the vacancies in the Legislature? [LB451]

FRANK DALEY: I do not. [LB451]

SENATOR BRIESE: Okay, fair enough. [LB451]

SENATOR HILGERS: Thank you, Senator Briese. Any other questions? Thank you, Mr. Daley, for being here. Any other proponents for LB451? Seeing none, anyone testifying in opposition? Anyone wishing to testify in the neutral capacity? Seeing none, we have no letters. Senator Murante waives closing. That closes the hearing on LB451 and closes our public hearing for the day. [LB451]