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Government, Military and Veterans Affairs Committee  
March 02, 2017

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[LR1CA]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, March 2, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR1CA. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Tom Briese; Joni Craighead; and John Lowe. Senators absent: Carol Blood, Mike Hilgers and Justin Wayne.

SENATOR MURANTE: (Recorder malfunction)...Government, Military and Veterans Affairs 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 one public hearing on LR1CA. If you are here to testify, we ask that you fill out one of these green sheets of paper. The green sheets are located on either side of this room. If you are here and wish to state support, or opposition for LR1CA but you do not wish to testify, we ask that you fill out this sign-in sheet where you can state your support or opposition for the proposal and I can assure you that if you fill out this sheet, your opinion will be taken into account 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. Then we will listen to proponent testimony followed by opponent testimony and then neutral testimony and then 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, Military and Veterans Affairs Committee we do use the light system. Each testifier is allotted three minutes to speak. When the yellow 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. For the purposes of this public hearing, we're going to try and confine testimony to two hours per side so that everyone has an opportunity to speak. The purposes of that is we have had a couple of public hearings this year that have ran long and people haven't been able to stay until the end, and therefore testifiers have not been given an opportunity to testify. We ask that you turn off or silence any cell phones, any electronic devices, anything that makes noise. This is a committee that is equipped for technology so you may see members referencing their cell phones or laptops, I-pads, something like that and I can assure you they're just taking notes or researching the matters before us. If you have a statement, an exhibit, or anything you would wish to be submitted to the committee, we ask that you provide 12 copies to our page. If you don't have 12 copies, that's fine, provide what you have to our page and he will make the copies for you. Our page for the day is Joe Gruber. Joe is from Omaha. And with the introduction of members on the far right is State Senator John Lowe. Senator Lowe represents Kearney. I expect him to be with us momentarily. To his left is Senator Tom Briese. Senator Briese is from Albion. To his left is Senator Mike Hilgers. Senator Hilgers is from Lincoln. He is a practicing attorney and is in court today trying to make some

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money, I think, so good for him. (Laughter) To his left is Senator Tom Brewer. Senator Brewer represents Gordon, Nebraska. Senator Brewer is the Vice Chairman of this committee and will be conducting the operations of the conduct of this public hearing, as I will be introducing. To my immediate right is Andrew La Grone. Mr. La Grone is the Government Committee's legal counsel. To my immediate left is State Senator Justin Wayne. Senator Wayne represents Omaha. Senator Wayne is also a practicing attorney and he's also in court today. To his left is State Senator Joni Craighead. Senator Craighead represents Omaha. To her left is Senator Carol Blood. Senator Blood represents Bellevue, and on the far left is Sherry Shaffer. Sherry is the Government Committee clerk. So we will wait just a minute to...on Senator Lowe, so that we can hit quorum and I'll prepare to open. All right, members.

SENATOR BREWER: Do you want me to go ahead and stand by for John or shall we go ahead?

SENATOR MURANTE: Well, I'll tell you what. I'll do my opening and if Senator Lowe isn't here by the time I'm finished, we'll wait for him so that he can hear the testifiers.

SENATOR BREWER: Well, welcome to your committee on Government, Military and Veterans Affairs.

SENATOR MURANTE: (Exhibit 1) Thank you, Vice Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. 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, and I'm here today to introduce LR1CA. LR1CA is introduced for the purpose of giving the voters of Nebraska a voice in whether voter ID should be the law of the land. The right to vote is the right to have a voice. It is the most fundamental American right. It is under threat. The threat that we have today is a lack of confidence in the integrity of our election system. People feel that their vote doesn't count. When nearly half of all Americans believe that their vote is being diluted by illegal votes, we have a serious problem. The integrity of our election system is at stake and voter ID is a commonsense solution to this problem. Nebraskans deserve a voice in this debate. They deserve the chance to stand up and say that they will not allow their voices to be drowned out by illegal votes. And we know that many other states have done this. You have a map before you which demonstrates that 32 states have some form of voter identification. Those states run the gamut from coast to coast, including states like Texas, Virginia, Wisconsin, and Rhode Island. Eighteen states do not require any form of voter identification. Those states include places like California, New York, and Nebraska. Nebraskans deserve a voice in whether our state joins those that already provide their citizens this commonsense protection. This is what LR1CA does. It gives Nebraskans a voice. Here is what it does not do. It does not disenfranchise a single voter. It does not cost the state anything. It does not violate the Constitution. The Supreme Court has been clear on that. What many who have

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argued against voter ID proposals in the past argue, isn't the proposal that's before you today. What's before you today is a simple and clear-cut question. Should the voters of Nebraska have the right to vote on whether voter ID should be the law of the land? LR1CA is also not a solution in search of a problem. We received just this week news out of the state of Ohio, where after analysis of their voter registration system, 385 non-U.S. citizens were illegally registered to vote and 83 of them actually voted. Every single vote illegally cast cancels out the vote of an American citizen and one illegal vote is too many. I can think of numerous elections in the state which would have been swayed by fewer than 83 votes, many of those races were for this Legislature. And are illegal votes happening in the state of Nebraska? Well, we won't know until we look. And a voter ID protection is a very important first step in addressing that problem. It is the first step in restoring confidence to our election system. It is the first step in living up to our responsibilities to our constituents. It is the first step in giving Nebraskans back their voice. I urge you to give your constituents the chance to stand up for their rights, give them the chance to have their voices be heard, and to give them the chance to vote on LR1CA. I'd be happy to answer any questions. [LR1CA]

SENATOR BREWER: Thank you, Senator Murante. All right, at this time, questions? Seeing none, thank you, and you'll be staying for closing? [LR1CA]

SENATOR MURANTE: I will. [LR1CA]

SENATOR BREWER: Thank you. All right. We'll begin with proponents, first up. And if you don't have enough copies, just let Joe know and he will get more copies made. [LR1CA]

DOUG KAGAN: (Exhibit 2) Good afternoon. My name is Doug Kagan, 416 South 130 Street, Omaha, and I represent NE Taxpayers for Freedom. Currently, anyone can walk into a polling place... [LR1CA]

SENATOR BREWER: Could we go ahead and have you spell your name out for us, please? [LR1CA]

DOUG KAGAN: Pardon? [LR1CA]

SENATOR BREWER: Spell your name out for us. [LR1CA]

DOUG KAGAN: Oh, sorry. D-o-u-g K-a-g-a-n. Currently, anyone can walk into a polling place, write in your name and address, and vote under your name. You come in later and express shock to discover that someone impersonated you and stole your vote. We believe that incumbent upon

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the state Legislature to preserve the integrity of the voting process, recognize a necessity for zero tolerance for vote fraud, and create confidence in the outcomes of our elections. LR1CA would curb existing and future voter fraud at the polls. Few Nebraskans lack driver's licenses or state ID cards. This photo ID standard will withstand constitutional challenge. In Crawford v. Marion County Election Board, the U.S. Supreme Court upheld an Indiana law that required voters to present a photo ID. The majority decision considered any burden placed on voters offset by the benefit of reducing fraud, that the law was reasonable. The importance of preventing illegal voting outweighs vague and undocumented cases of vote suppression. Justice John Paul Stevens in this case stated that, and I quote, flagrant examples, unquote, of voter fraud have been documented throughout our nation's history by respected historians and journalists which demonstrate that not only is the risk of voter fraud real, but that it could affect the outcome of a close election. Similar legislation already easily has passed in Wisconsin, Georgia, Tennessee, Arkansas, and South Carolina. Thirty-four states in 2011 introduced bills to impose or strengthen voter ID requirements; seven states enacted legislation. Sixteen states now require photo IDs, and 34 states have ID requirements. One must present ID to rent a movie or a vehicle, cash a check, or board a plane, and this bill is not more discriminatory. A 2014 Washington Post poll found that 74 percent of respondents agreed with the requirement that voters should show a government-issued ID when voting. A Gallup poll in August 2016 found that 80 percent of respondents favored voter ID. A November 2016 poll revealed that 100 percent of Nebraskans wanted voter ID, with 38 percent favoring the state providing free ID cards. This resolution will allow Nebraska voters and taxpayers to definitively decide this important issue. Thank you. [LR1CA]

SENATOR BREWER: Thank you. All right. Questions? Go ahead. [LR1CA]

SENATOR BRIESE: Thank you, Senator. Thank you, Mr. Kagan, for being here. Appreciate your testimony. Do you have any data on the incidence of verifiable voter fraud in Nebraska? [LR1CA]

DOUG KAGAN: No. No, Nebraska investigation has ever been made of voter fraud in Nebraska and that's why there's no verifiable data. [LR1CA]

SENATOR BRIESE: Okay. Has there ever been any reports of voter fraud in Nebraska? [LR1CA]

DOUG KAGAN: There's been reports of it, but nothing has been statistically documented because no investigations have been made. [LR1CA]

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SENATOR BRIESE: Okay. What is the penalty for voter fraud in Nebraska? Do you know?  
[LR1CA]

DOUG KAGAN: I don't know what the penalty would be. [LR1CA]

SENATOR BRIESE: Okay. Thank you. [LR1CA]

SENATOR BREWER: All right, additional questions. Seeing none, thank you, sir. All right, next up. Welcome. [LR1CA]

KATHY WILMOT: (Exhibit 3) Thank you. Senator Murante and committee members, I value this opportunity to appear to support LR1CA. Americans are required to use photo identification in everyday life, drive a car, board a plane, check into a hotel, getting into government buildings. In fact, recently, I found out just to get my Sudafed D, over-the-counter medication, I had to show ID. In states with requirements for photo ID to vote, they experienced an increase in voter participation. The usual voter ID opposition groups, the ACLU, Common Cause, NAACP, and others, brought their claims of disenfranchisement to the court, but the courts found not a single person would be unable to vote because of voter ID laws. Today, we're going to hear the same lame claim again. There is no voter fraud in Nebraska. Fraud is deceit and deceiving and if individuals are successful in their attempts to deceive or fraud, there is a good chance we don't even know it's being committed. And this is precisely why safeguards such as requiring photo ID are necessary. Currently, two males who voted more than once on November 8, 2016 are awaiting their court date in Dawson County, Nebraska because they frauded our system. They stole and robbed the integrity of our voter system. They voted more than once and do you know that devalued my personal vote and actually canceled it and took it away multiple times. The U.S. Supreme Court declared the United States has a long history of voter fraud when it upheld Indiana's strictest in the nation photo ID requirement as not merely constitutional, but necessary to prevent fraud. The landmark opinion said there is no question about the legitimacy or importance of the State's interest in counting only the votes of eligible voters and that states have justification for carefully identifying all voters participating in the election process. Between 2008 and 2013, there were over 200 convictions of voter fraud in Minnesota alone. On February 27th, this year, Ohio Secretary of State Jon Husted announced that his office had identified an additional 385 noncitizens registered to vote in Ohio and 82 of those had actually cast ballots in at least one election. This brings a total number of noncitizens identified on the Ohio voter rolls to 821 with 126 of those actually casting ballots in just four years. Opposition groups hurl threats of lawsuits. They claim staggering costs associated with providing IDs for those who do not have photo IDs. They're simple scare tactics. A nationwide study conducted by Brennan Center for Justice found that of those who stated they were certain to vote, there was only 1 percent who did not have proper ID. Protecting the integrity of our voting process is worth that minimal cost.

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The 15th Amendment begins, the right of citizens of the United States to vote. To vote, one must prove or should that they are a citizen. To require an individual to provide or prove by photo ID that he or she is in fact that legal citizen, I think it's the responsibility of you, my state. So please protect the integrity of our voting system and advance LR1CA from committee. Thank you.  
[LR1CA]

SENATOR BREWER: Perfect on timing. Thank you for that, but I do need you to state and spell your name so we have that for the record. [LR1CA]

KATHY WILMOT: Oh, I wasn't nervous. (Laugh) Kathy, K-a-t-h-y, Wilmot, W-i-l-m-o-t. I'm glad you didn't interrupt me for that because I'd have probably lost my focus. [LR1CA]

SENATOR BREWER: You did great and it's just, I'll try and remember, folks, when they first come up. It's easy to forget, and thank you for watching the time. That helps us out. Questions? All right. Thank you for your testimony. [LR1CA]

KATHY WILMOT: Thank you. [LR1CA]

SENATOR BREWER: Joe, you're going to get a workout today. [LR1CA]

JAMES SAZAMA: (Exhibit 4) Good afternoon, acting Chairman, and the rest of you fine folks here...ma'am. My name is Jim Sazama. That's spelled J-a-m-e-s, first name, that's legal. Last name, S-a-z-a-m-a. That's Bohemian-American for those of you who are interested. I reside at 9161 Charles Street in Omaha, Nebraska. That's in Douglas County, west part of town there. In a recent Kansas election, 221 cases of vote fraud occurred, the majority never investigated fully, because county attorneys lacked the time and resources to pursue cases at the expense of other criminal investigations. Not surprising. However, seven prosecutions yielded seven convictions. Kris Kobach, Kansas Secretary of State, states that hundreds of thousands of illegal aliens could have voted in this case, canceling votes of legal citizens. A similar situation could be happening here. Kobach campaigned on this legislation, the mainstay of his legislative agenda. His bill also required prospective voters to prove citizenship when registering, a positive possible addition to LR1CA. Asking what percentage of votes was cast illegally is the wrong question. Instead, ask if the number of illegal votes exceeded the margin of victory in a race. Do we do that? No, we're not doing that. In the past decade, important elections have become more competitive, with key races won by very slim margins. Examples of this famously include George Bush's critical victory in Florida in 2000 by 537 votes. The margin in an Omaha legislative race last decade was only 14. In some circumstances, a few hundred votes could be decisive, and desperate politicians would have every incentive to engage in voter fraud. We need to respond to this changing situation by initiating ways to protect the integrity of our democracy. Studies by constitutional

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scholar, Larry Sabato, prove that voter fraud is real, a danger to the integrity of ballot boxes around the nation. One of the most vocal supporters of strict voter ID laws, former Texas Attorney General, and now Governor, Greg Abbott, told the Houston Chronicle that his office prosecuted about 50 cases of voter fraud in recent years. Seems very trivial, doesn't it. I know for a fact that voter fraud is real, that it must be stopped, and that the voter ID is one way to prevent cheating at the ballot box and ensure integrity in the electoral system. If no driver's license, the cost for a state ID card for five years is only 24 bucks. Many Nebraska residents have other valid IDs, such as military and federal, which would be acceptable in this case. Could be a change to that. Now, what's amazing, I go to the store and I'll write a check sometimes for an item and when my bride lets me have the checkbook, and it's amazing I'll write the check and they run it through the machine and then it spits it back out and they say, I'm sorry, sir, but I'll have to see your driver's license. I have to show a valid driver's license with a picture ID just to cash a check because the machine spit it back out, yet we allow people to go out here to a voting place and vote with no ID whatsoever. They can just point on the list there to a name and may or may not be them, because the people...and you got my red light on. Who is controlling the red light today? [LR1CA]

SENATOR BREWER: She'll be controlling the red light. I'll be controlling whether you continue or not. (Laughter) All right. Thank you for staying within time. Questions? No questions. You're free to go. [LR1CA]

JAMES SAZAMA: Thank you, sir. [LR1CA]

SENATOR BREWER: Welcome. [LR1CA]

PAUL VON BEHREN: (Exhibit 5) Thank you. Vice Chair Brewer, Senators, I appreciate the opportunity. My name is Paul, P-a-u-l, last name is two words, V-o-n B-e-h-r-e-n. I'm here on behalf of a group called Win it Back in Fremont. We have approximately 140 members and one of the reasons that I'm here is a few years ago we became involved in a statewide drive where we thought we would be able to collect enough petition signatures to put voter ID on the ballot as an amendment. That required 114...115,000. We collected 108,000 as just a volunteer effort. And so we became very involved with this process and the closer you get to it the more you realize that we do have a very poor system in this state for registering and voting. For example, to register in this state you simply state that you're a citizen, you give them an address. There's no verification, there's no procedure to make sure that you're entitled to vote. When you vote you say that I am that person. You give them an address and if you will look, the last time I checked it, it's technically illegal to require someone to actually identify themselves when they vote. There's more detail in the handout that I have, but as we dug into this there's some fairly interesting things emerge. If you check with the Secretary of State, they routinely run their voter registration

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list against the United States Postal Service to compare. At any given time, every six months there are approximately 100,000 more addresses on file than there are registered voters. Everyone of those is a vulnerable being used and they stay on there for approximately four years until they can be taken off. Senator Briese, in response to your question, when we checked with the Secretary of State a couple of years ago, they...if they talk about their system, voter fraud is handled on a county by county basis with no central report or support. So if Secretary Gale says that he doesn't know of voter ID abuse, he's correct because it's not reported to him. So we don't have a system to document. One of the interesting things as I assume in every one of your campaigns, you used the state's registered voter list and you do that to identify people that are frequent voters, the most likely to target ad flyers, campaign flyers, that kind of a thing. Those can also be used to identify people who don't vote. So let's say for example that if 40 percent of the voters in Nebraska do not vote in any given election, you literally have 400 to 600,000 addresses where anybody can take that name and address, they can see that person is not likely to vote, they could walk in and take that vote. And if you'll look at the accusations, in the cases of Georgia and Texas where voter ID has been implemented, Hispanic and black minority voting actually increased. Nobody has a good explanation, but it's verifiable and if you look in the 2012 elections at what actually happened in the six major battleground states, Ohio, Florida, North Carolina, Colorado, and Nevada and Maryland, you will find one case in those six states where there was possibly a verified incident of voter abuse. So the basic request is, we have a very poor system that can be tightened up very simply by requiring voter ID. [LR1CA]

SENATOR BREWER: All right. Thank you again, for staying within time. Questions? [LR1CA]

SENATOR BRIESE: Thank you, Senator. Thank you for being here. One of the arguments we're going to hear regarding voter ID is equating that voter suppression. Your testimony would suggest that maybe the opposite occurs in some situations because you talked about increased voter turnout amongst minorities where voter ID had been implemented. [LR1CA]

PAUL VON BEHREN: Yeah, and we actually talked to the states that reported it and they can't quite give us the...both Georgia and Texas report they...as I noted in the notes, they reported increased lack in Hispanic turnout. And the best explanation that they could give us is that their assumption was now that people believe that their vote could actually not be countered or counted out, they were more likely to vote. But obviously, you'd have to get inside the voters mind to know the exact, but it did in fact happen in those two states. [LR1CA]

SENATOR BRIESE: Okay. It's interesting. Thank you. [LR1CA]

PAUL VON BEHREN: Yes, it is. It's very interesting. [LR1CA]



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SENATOR BREWER: Okay. Additional questions? Seeing none, thank you, sir, for your testimony. [LR1CA]

PAUL VON BEHREN: Okay. Thank you. [LR1CA]

SENATOR BREWER: Welcome. [LR1CA]

CATHERINE COOK: (Exhibit 6) Thank you. My name is Catherine Cook, that's spelled C-a-t-h-e-r-i-n-e, last name Cook, C-o-o-k. I'm at 12143 Franklin Circle in Omaha, Nebraska, and I'm just going to highlight some of the issues on this paper. Other than Nebraska we know that there has been voter fraud and identification requirements are the most direct way to fight fraud. ID laws are not discriminatory because they apply uniformly to everyone. They require everyone to show valid ID and they do not target minorities or poor people. I do believe that people who oppose this are seeking to win at all cost. If you recall in 2011, which I recall very well because I stood on Dodge Street and held signs to try to recall the mayor, and Omaha was in big trouble with this mayor and his proponents were busloading transients to the election office trying to get them to vote against the recall. There was a very big uproar over that. They tried to win at all cost and they claimed that those of us who are proponents are wanting to deny minorities and the elderly and the poor people. Just like Paul stated, minority voter turnout tends to increase when voter ID laws take effect which I think it's probably...just makes a lot of sense because I know a lot of people who have the legal right to vote and don't vote because they say their vote is not going to count. So it does make sense that their votes would increase if they know that they are legally counted and they're going to make a difference. And in our modern times, how many people lack a valid ID. Very few. People need photo IDs to get government assistance, food stamps. You have to have an ID to buy cigarettes and alcohol and when you compare that to the cherished right to vote, those are very many skilled things compared to our cherished right to vote which we should only have as citizens. And when I think about what our veterans and our men and women have gone through to protect our rights in this country, that is one of the most cherished in this country and I think it should be monitored and preserved. Thank you. [LR1CA]

SENATOR BREWER: Thank you. You did perfect in your opening, you stayed within time. You're an excellent testifier. While I've got everybody here, though, let's make sure we're on the same sheet of music. In your testimony, I'm going to be watching very closely and, of course, the written ones, it's easy to see it coming. I'm going to ask you not to use terms that are confrontational, awkward, ugly, and you guys should know what those are going to be. I just ask that everybody be fair and then we'll not have any issues. Questions? Seeing none, thank you for your testimony. Welcome. Please have a seat. [LR1CA]

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LONA FERGUSON: (Exhibit 7) My name is Lona, L-o-n-a, Ferguson, F-e-r-g-u-s-o-n. First of all, as a current member of the Nebraska Federation of Republican Women and a past president of that same group, and part of the board of directors for the NFRW, I want to express my thanks to Senator Murante for introducing this resolution to amend the Nebraska Constitution with the voter ID law. Others will, and they have presented data, current data on this subject, but I would like to review the resolution that was unanimously approved in September of 2014 at the NFRW National Board meeting in Dallas, Texas. And this resolution still stands today. This resolution came about after several years of women wanting our votes secure. Women fought very hard to be able to vote, so this is very important and should be to anyone that really had to stand up and vote and had to fight for that vote. I'm going to read that resolution quickly. It's in the support of the enactment of voter identification laws. This would be throughout the United States, not just Nebraska. WHEREAS, the seal of the National Federation of Republican Women features the American Eagle holding a quill and standing guard over the ballot box, our nation's most treasured tool of democracy; WHEREAS, the National Federation of Republican Women seal illustrates the Federation's advocacy to ensure the protection and integrity of the electoral process; WHEREAS, in 2014 alone, 2014, the Republican National Lawyers Association has documented more than 14 official investigations into double voting, noncitizen voting, nonregistered persons voting, and other incidents of fraud across 16 states; WHEREAS, also in 2014, only 16 states require photo identification to vote, 16 states also accept nonphoto identification to vote, and more than 20 states require no identification to vote; and WHEREAS, in the fall of 2012, national poll revealed nearly three-quarters of Americans favor a photo identification requirement to vote. So they resolve that the National Federation of Republican Women, meeting at its annual Board of Directors meeting in Dallas, Texas, approved this resolution on September 18 of 2014, was submitted and signed into the organization where it still stands today. [LR1CA]

SENATOR BREWER: Thank you for your testimony. [LR1CA]

LONA FERGUSON: Am I done? [LR1CA]

SENATOR BREWER: You're done. The red light is on. [LR1CA]

LONA FERGUSON: My time is up? Okay, I'm sorry. What I wanted to do was answer a question and I am going to answer it, Senator Briese. First of all, is there a fine? Yes, \$5,000. It's a first-class felony. If you're caught trying to vote illegally, if you're caught voting with improper identification, and if it goes through it can get even steeper. So there is one. Secondly, in the state of Nebraska, I, myself on January 25th, went up to the Secretary of State's Office and I wanted to know, you know, what kind of fraud do we have in the state of Nebraska? And I was directed to a young lady and she told me, well, in the last two years, we've only had one case. And it was a

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situation where a daughter thought she could vote for her mother who had died. Then, in a phone call to the Secretary of State's Office by a friend on 3-1 of '17, an employee stated that we have had approximately ten cases of voter fraud in ten years. But those members are probably misleading, the numbers are probably misleading because of other people, county election board, things like that. So I wanted to answer your question on that especially, is there a fine, so. [LR1CA]

SENATOR BRIESE: Thank you. [LR1CA]

SENATOR BREWER: Thank you, Senator Briese, for that question. (Laughter) Any additional questions? Any additional questions? Seeing none, thank you, Lona. [LR1CA]

LONA FERGUSON: Thank you. [LR1CA]

SENATOR BREWER: Next up. Welcome. [LR1CA]

LARRY STORER: Thank you, Senators. Name is Larry Storer, S-t-o-r-e-r, Omaha, Nebraska, 68132. I'm sorry, but Senator Briese set me off here and I want to start off by saying, we, the citizens, don't need evidence of fraud in Nebraska. That happens to be you people's jobs to make sure that the election commissioners in each county are doing their jobs, and how can you prevent fraud that does seem to be spreading across our nation, starting with illegal taxpayer ID numbers. And I know you guys don't have enough time to read all the newspapers and the Web sites that I do, but it is happening. Last night I did read...I think it was the state of Carolina who says, well, it wasn't a great big problem, but over the last three years, yes, there have been election results changed because of just a few illegal votes. So you can look it up in the Funk and Wagnalls. But a term that's used improperly, and I just heard it again a few minutes ago, we are not a democracy. A democracy is what, simple majority, mob rule. We are a Republic and we elect you people to do your sworn duties, number one, under the Constitution of the United States, which means, preserve, protect, and defend the Constitution. The Constitution says nothing whatsoever about requiring me to go around to this county election commissioners or the city ballot boxes personally and provide you evidence of voter fraud. I'm sorry, pure fact. So we shouldn't really need a constitutional amendment on this and we shouldn't need to have to wait until after the election on November 18 next. How many illegal votes will be cast in that and not found because we can't put it on the...we can't vote on it until that day and it's already done, isn't it? So you're not protecting us by doing that. I suggest that you write it into the Constitution or whatever you have to do. Just pass a bill. Okay. Article V of the Constitution. We, as citizens can do that through a conference of states. Take it out of your...out of the federal government's hands and put it back in your hands. We want you to support the...LR6 for that reason. Now I don't...I haven't read your Constitution in the Nebraska but there is a provision for the petition by us, not

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the voters, that we can petition as we did a few elections back and added a constitution by petition. It didn't have to be a law here waiting for the next election. I'm just about done. If you had time to pay it...well, excuse me. I lived in Colorado for about eight years, but I still maintained a property here and paid property taxes. But I did work for a registrar in the Denver area and people had to come in and get a state ID in addition to IDs for driver's license. And I don't think anybody was run out of office in Colorado because of that and I didn't hear of any illegal election because of it either. Thank you. [LR1CA]

SENATOR BREWER: Okay. Your time is up. Questions? Senator Briese. [LR1CA]

SENATOR BRIESE: Thank you, Senator. Thank you for being here, Mr. Storer, appreciate that. Appreciate your testimony and I apologize if I upset you earlier, but... [LR1CA]

LARRY STORER: Words matter. [LR1CA]

SENATOR BRIESE: Pardon? [LR1CA]

LARRY STORER: Words matter. [LR1CA]

SENATOR BRIESE: Sure. Don't read too much into my questions. [LR1CA]

LARRY STORER: Okay. [LR1CA]

SENATOR BRIESE: We're here to get to the bottom of things, get to the truth, and find out everything we can about this issue and that's simply what the questions are intended to do. But I would pose a question for you. I'm assuming someone here later might suggest that the fact that this is a felony, is that not enough to discourage or prevent voter ID in our state? I mean, the risk/reward ratio would seem off the charts when you're talking about faking a vote versus possible felony conviction. How would you respond to that assuming that thought might be...? [LR1CA]

LARRY STORER: I'm not sure I understand what felony has to do with this, sir. [LR1CA]

SENATOR BRIESE: Well, the severity of the crime. Would the severity of the crime be enough to prevent voter fraud, to discourage voter fraud? [LR1CA]

LARRY STORER: I don't see the relevance. [LR1CA]

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SENATOR BRIESE: Okay. That's fine. [LR1CA]

LARRY STORER: I'm sorry, I don't understand. [LR1CA]

SENATOR BRIESE: Okay, but thank you. Thank you for your testimony. [LR1CA]

SENATOR BREWER: All right. Any other questions? All right. Thank you. Next. Welcome. Please have a seat, make yourself at home. [LR1CA]

JIM NIPPER: (Exhibit 8) Okay. My name is Jim Nipper, J-i-m N-i-p-p-e-r. I live at 7221 Whitestone Circle in Lincoln, Nebraska. Nebraska needs an amendment that would make voter ID a part of our state Constitution. The circumstances surrounding the recent presidential election illustrates the need for such a measure. For the first time since I can remember, both Republicans and Democrats had serious questions about the election results in 2016, and both political perspectives recognized the very real threat that voter fraud poses to our democratic process. Some, in an effort to create a high-minded argument to facilitate their self-serving political purposes, say that voter ID impinges on fundamental rights of American voters. I would suggest, however, that voting, the primary way our collective voice is heard by you in the government, is such an important right that it demands a viable form of identification be presented by voters so that this collective voice we have can't be negated or undermined by voter fraud. Imagine if gun rights activists, inspired by the arguments of those who oppose voter ID, lobbied and worked towards a society where no ID was required to purchase and possess a firearm, a right that is as important as voting here in the United States. Would you be in support of such a measure? The principle is the same, and that would make those who promote ID for gun ownership but none for voting, well, unprincipled. The truth is that we all recognize there are those in the world who would wish to illegally obtain firearms for nefarious purposes. How can it be beyond the realm of possibility that there are those in the world who would wish to illegally obtain votes for nefarious purposes? It isn't beyond the realm of possibility. It's a very real threat. Some say there is no evidence or history of voter fraud. Well, imagine that you walk into a bank to start a savings account, but see, upon entering the building, that there is no vault in the bank. The cash, millions of dollars of it, is all stacked up on shelves and countertops. You ask the teller what's going on, and he says to you, well, we have no evidence that somebody is going to rob us. We have no history of being robbed. Would you feel confident putting your money in that bank? I hope not. That bank has no foresight. It isn't considering potential future problems. It isn't being a good steward of your resources, but that's the low level of confidence that many of us feel as voters today. Thank you. [LR1CA]

SENATOR BREWER: Thank you. Well done on time. [LR1CA]

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JIM NIPPER: All right. [LR1CA]

SENATOR BREWER: Oh, please, hang on just a second. I got a little more paperwork. All right. Other questions? All right. Thank you for your testimony. [LR1CA]

JIM NIPPER: Thank you. [LR1CA]

SENATOR BREWER: Welcome. [LR1CA]

LINDA DUCKWORTH: Thank you. I'm Linda Duckworth, L-i-n-d-a D-u-c-k-w-o-r-t-h. I'm from Omaha. This bill talks about fighting voter fraud but research shows there is virtually no such thing at the polls, confirmed by our own Nebraska Secretary of State who knows a lot about elections. But photo voter ID laws are a great tool for suppressing the votes of certain groups of people. So there's your reason for LR1CA. Stop them from voting and you don't have to worry they will vote for the wrong candidate. Genius. The result of LR1CA will be more confusion at the polls, a great deal more money spent to run elections, and millions of tax dollars to provide free photo ID for Nebraskans, but it will be worth it because my Republican party will win more elections for many years to come. Thank you. [LR1CA]

SENATOR BREWER: Thank you. Questions? Seeing none, thank you, ma'am. Come on up. Welcome. All right. Take a deep breath, relax, (laughter) give me your name and then spell it. [LR1CA]

LEE TODD: (Exhibit 9) Fortunately, I have a very easy name to spell. Lee Todd, T-o-d-d, is my last name. I live in Lincoln, Nebraska, grew up on a farm in northern Nebraska. We're still involved in the family farming, ranching operations, and it's a pleasure to be here. I want to thank Senator Murante for sponsoring this bill. I think it's common sense. I think it does a lot for moving the direction of where we need to be to ensure the integrity of our Constitution. You're going to hear arguments coming up shortly about how this bill is infringing on rights of certain people. I'd like to talk about some of those things, but before I do, I'd like to make an initial statement that is virtually important to protect...or is vitally important to protect the integrity of our elections and requiring the photo ID is so basic to common sense that it's hardly possible to imagine the scenario that would do otherwise, or should do otherwise. So many activities in our communities today require photo IDs. There's a long list of these at the end of this document that I submitted today for your viewing pleasure. I won't go into those in detail. First, I'd like to say, we know that photo IDs are ridiculously cheap, as evidenced by the fact that it is virtually impossible to find anyone without one. Raising the argument that someone can't afford one is becoming more and more ridiculous with each passing day. This simply is not the case. Secondly, voter IDs or photo IDs are very desirable. Almost everyone wants to have one, and for

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that matter, almost everyone already does. But what I'd like to do is talk about some of the issues surrounding the constitutionality of this particular question that we have before our Legislature today. If you look at...what you will hear, it is a constitutional right to vote and therefore, a valid photo ID should not be required. The problem is this argument falls apart under closer scrutiny. And when you look at the constitutional argument, the opposition, they forget to look at the issue as how this violates the constitutionality, if you will, for our right to have our votes counted, our right to have our vote matter. Any fraudulent illegal vote is already a de facto violation of everyone's constitutional right. And let me repeat that. Every...fraudulent voting is already a de facto violation of everyone's constitutional right to vote. Voter fraud violates each individual's right to vote by potentially canceling out my vote. And those points were made earlier. Fraudulent voting corrupts and makes the entire process reek of impropriety. Does anyone really believe Hugo Chavez garnered 96 percent of the vote in his last election? We are mortified of the unpalatable stench of voter fraud in places like Venezuela. Yet, should we not apply the same concepts to prevent it here in the United States. The Constitution protects not just my right to vote, but it also protects my right for my vote to make a difference and to really be counted. Voter fraud violates every sensibility of our constitutional right to vote, and the minor, miniscule inconvenience to obtain a photo ID pales in comparison to the repulsiveness of voter fraud. It's time that we pass this bill out of committee. Thank you. [LR1CA]

SENATOR BREWER: Thank you. Four seconds off, not bad. [LR1CA]

LEE TODD: I tried my best. [LR1CA]

SENATOR BREWER: All right. Questions? All right, thank you for your testimony. All right, real quick here just so I can get a head count. How many more proponents are there in here? Raise your hand. All right. I guess, you get to come on up then. And while he's doing paperwork, real quick, how many are in the neutral position that are here? All right, and then how many in opposition? All right, well, we'll go ahead and order in Jimmy John's. (Laughter) All right, that was a joke. Tell Senator Chambers that. Okay, sorry sir, please go ahead. [LR1CA]

DONALD SCHLEIGER: My name is Don Schleiger, D-o-n-a-l-d S-c-h-l-e-i-g-e-r, and I think that unquestionably the most cherished right for me and others in the United States is our right to vote. And I think that the government has provided security for me and has passed bills. You guys pass bills to protect me and you give law enforcement...you provide law enforcement, you provide them with the most updated tools to keep me safe. You provide social umbrellas for me if I can't sustain myself and the...in nutritional minimums for me, and I'm surprised that with the voter ID situation in protecting my right to vote, in this we're talking about the most minimal protection or making availability the right and the integrity of my vote. We seem to be talking about the tail wagging the dog here. You know, how many instances and do we really have a

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problem here. And I would say that if you implemented a voter ID, that we should be dealing with the small percentage, very small percentage. We don't even know what that is, but extremely small percentage of people that this might affect adversely. In a social umbrella here, we wouldn't be worried about, oh, we can't implement food stamps for anybody because some people have to have some kind of identification, and since we can't provide it for every single person in the state, then we're not going to provide anything to anybody. You know, we would provide food stamps and other substance programs and we would try to cater to the people who don't fall and have problems in that area, and there's plenty of people with initiative to and motivation to do that. I find it really odd that this voter ID thing is kind of different than how you approach other problems. And as I said, we wouldn't be dealing with...we shouldn't be dealing with who is disenfranchised by this because we can focus our energy if we really are serious about voter identification and people actually having the right to vote and being able to exercise that, we should easily be able to accommodate the people that are having problems. Thank you. [LR1CA]

SENATOR BREWER: All right. Questions? Thank you for your testimony. [LR1CA]

DONALD SCHLEIGER: You bet. [LR1CA]

SENATOR BREWER: All right. Any additional proponents? Seeing none, we will transition to opponents. Please come on up. [LR1CA]

GWENDOLEN HINES: Good afternoon, Senators. My name is Gwendolen Hines. It's G-w-e-n-d-o-l-e-n H-i-n-e-s. And before I go on to my prepared testimony I wanted to kind of (inaudible) on a few things. Senator Murante said that 83 people voted illegally in Ohio and that 83 people would be enough votes to string a vote for your state Legislature. But 83 is out of twelve million. I just checked the population of Ohio on my cell phone, and Nebraska has a population of two million. That would be 14 illegal votes in the entire state of Nebraska. I believe this bill would discourage more than 14 people from voting. Also this bill would not be free because if ID was required, it would have to be free. I know a voter who has no driver's license and lives on Social Security in assisted living community, she gets \$70 a month of spending money which has to cover socks, haircuts, etcetera, so she wouldn't be able to afford an ID. Now on to my prepared testimony. I do believe that this bill would wound more people than it would help. I know people without driver's licenses who cannot drive either because of age or disability, they would have to get someone to drive them to the DMV and some people can do that and some people can't. And then when they get there, they have problems with fatigue. Some people can't wait an hour as is sometimes necessary at DMV, so they'd have to go back a different day and get someone to drive them again and this could really get to be a problem. Not everybody can get someone to drive them. I know people who work two jobs to make ends meet and can't make it to the DMV to



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renew their driver's license, so wouldn't have a valid ID. My son lives and votes in Illinois but has a Nebraska driver's license. If Illinois wanted them to show a valid ID, he wouldn't be able to do it. Students in Nebraska would also be faced with trying to vote at the one place if it doesn't jive with the address on their driver's license. This bill would put onerous voting restrictions on the elderly, the disabled, the poor and the young. That's not what Nebraska is all about. Thank you. [LR1CA]

SENATOR BREWER: Thank you. Questions? Senator Briese, any questions? Thank you for your testimony and thank you for staying in time. [LR1CA]

JEAN DURGIN-CLINCHARD: (Exhibit 10) Good afternoon. [LR1CA]

SENATOR BREWER: Good afternoon and welcome. [LR1CA]

JEAN DURGIN-CLINCHARD: Well, my name is Jean Durgin-Clinchard. I'm a resident of the city of Lincoln. You need an address? Spell my name, J-e-a-n, and the last name is D-u-r-g-i-n-C-l-i-n-c-h-a-r-d. I'm going to skip my first paragraph. You have it written there. I'm thanking you for your time here. Not only am I a longtime resident of Nebraska, since 1959, and a registered voter, I have been a Lancaster County poll worker for about ten years. Poll workers are trained in specific tasks to ensure that every person who comes into the polling place is in the right place and is listed in the blue book--could be another color somewhere else--by name, address and party, as they have registered. The individual signs in and if it is a partisan election is given the appropriate ballot. No other identification is required because, you know when you register and you signed the oath on the registration card that if there is any falsification as to name or address, you are subject to a Class IV felony--Class IV felony--a fine of up to \$10,000, 5 years imprisonment, or both. I think that is something that is not necessarily required, all those other places that people are asked for their IDs. Poll workers are trained at least annually in case there are any changes that need to be aware of. Assignments to polling precincts are made so that each party is equally represented among the workers. We work from 7:00 a.m. to 8:30 p.m. on election day, with a half hour for lunch, staggered amongst us. We are dedicated to our roles, recognizing the right to vote legitimately, and without hindrance is necessary to the democratic, the republic process. We take pride in seeing a good voter turnout, and we particularly take pride in the fact that we are fulfilling our roles with integrity. That is the polling spot, this, we are the people in the front lines. I am proud to be a poll worker, ensuring that there is fair and open process for all registered voters. Requiring a picture voter ID would add an unnecessary and potentially erroneous step in the voting process. Pictures must be current and a good likeness over time when we know from our driver's licenses the changes in our images almost...sometimes make us almost indistinguishable. Even though...oh, Peg, is that me in front of it. (Laughter) Think of the poll worker having to scrutinize the image and the person for a

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match as well as checking for address and name listed for that precinct. I can imagine the lines piling up. Talk about hindrance, not to mention determining if it is a fake ID or not. Further, and others either have or will speak to this, requiring a picture/image ID is already a violation of the Nebraska Constitution in that it becomes an impediment to the free exercise of the right to vote for many people, not for everyone, but for many people, particularly those who are often described as on the fringes. That's not what the Nebraska I know is all about. I think that this is a bad response to a nonexistent problem. There is no fraudulent voting in Nebraska, or if there is, the first step should not be a constitutional amendment. And I don't have this written, but I really emphasize it. The first step is not a constitutional amendment, but the determination if there is a problem, let's find out if there is, if some of the things that have been said today, say are true, then let's find that out. Then we can do the constitutional amendment, but certainly not a first step. So I strongly urge you to put this in committee and come back another day with something different. [LR1CA]

SENATOR BREWER: Thank you for your testimony. Questions? Questions? [LR1CA]

JEAN DURGIN-CLINCHARD: I was looking for a different... [LR1CA]

SENATOR BREWER: Before we let you go, you deserve a big thanks from us for spending those ten years and helping with the polling. And we'll make sure you have some help there. [LR1CA]

JEAN DURGIN-CLINCHARD: Thank you. [LR1CA]

SENATOR BREWER: Okay. Welcome. [LR1CA]

MAJOR DEWAYNE MAYS: Thank you. I'm Major Dewayne Mays. My address is 2711 South 74th Street, Lincoln, Nebraska. I'm representing Lincoln branch of the NAACP. The NAACP... [LR1CA]

SENATOR BREWER: Sir...sir, before we get started there, could I have you spell for the record real quick, please. [LR1CA]

MAJOR DEWAYNE MAYS: (Exhibit 11) Major, M-a-j-o-r, Dewayne, D-e-w-a-y-n-e, Mays, M-a-y-s. The NAACP, the largest civil rights organization in this country, has advocated for the rights, including voting rights for all citizens. It is our mission to oppose, challenge, and fight any and all effects to limit or diminish the voting rights of the citizens of Nebraska, rights that are guaranteed under the Constitution of this nation. LR1CA, a proposed amendment for the

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Nebraska Constitution, would be an additional burden on the state of Nebraska, the election commission and the citizens that our Legislature serves. The amendment appears to be an underhanded way of trying to force a voter ID bill upon the citizens of the state in spite of a refusal by the Legislature to pass such a bill after a number of unsuccessful attempts. The Secretary of State has affirmed on a number of occasions that there is no evidence of voter fraud in the elections. Therefore, placing additional restriction on voters, such as requiring voter ID's only place added barriers on voters and limit the participation at a time when increased participation is encouraged. A proposed ballot amendment will add the additional cost of informing the public, printing, vetting, and implementation. All of these factors will increase the cost of carrying out an election, without effectiveness, when the state is looking for ways to address a budget crisis. A constitutional restrictive bill that requires state issued ID cards in order to vote, places undue hardship on the part of our population that is most vulnerable. First, the young people who are the most mobile part of our population. Second, the elderly who may be dealing with health issues or who may not drive any more. The third, persons with physical and mental limitations, and fourth, the poor who may be struggling to make ends meet, and number five, others who may be disenfranchised. The other day as I was having lunch with a group of my friends, I asked a simple question. Are you willing to pay an additional cost to implement a new voter ID system? They emphatically said no. What's wrong with what we have? We need to spend additional efforts on trying to improve our voter turnout. The barriers placed on the above-mentioned groups by LR1CA have the same effect of a poll tax that my parents had to endure in the 1940s and '50s. In talking with some of my elderly and young constituents with limited resources, a group that we are working hard to try to get to the polls, we are finding that LR1CA will counter our efforts to improve voter turnout. LR1CA will make the state and local government's effort to increase voter turnout less effective. Therefore, I encourage the members of this committee to vote no on LR1CA and on any other bill that may limit the rights to a free vote in Nebraska. [LR1CA]

SENATOR BREWER: Thank you. Questions? Go ahead, Major...no, Senator Briese. [LR1CA]

SENATOR BRIESE: Thank you, Senator Brewer, and thank you for being here, Major Mays. Appreciate your testimony, but we heard testimony earlier suggesting that voter ID can actually increase voter turnout amongst the minority communities. What is your response to that? [LR1CA]

MAJOR DEWAYNE MAYS: The research that I have seen is contrary to that. [LR1CA]

SENATOR BRIESE: If the state would offer identification cards at no cost to indigent voters, would that change your perception of what we're doing here? [LR1CA]

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MAJOR DEWAYNE MAYS: No, it wouldn't because there are other issues listed as well. [LR1CA]

SENATOR BRIESE: How about not requiring photo identification in the event of elections held by mail or early voting, unless it's their first time voting? [LR1CA]

MAJOR DEWAYNE MAYS: Mail voting would be a good step. [LR1CA]

SENATOR BRIESE: Okay. And how about provisional ballots for those that don't have the required ID. Would that alleviate a lot of these concerns? [LR1CA]

MAJOR DEWAYNE MAYS: Provisional voting, provisional balance does not guarantee that your ballot would be counted. [LR1CA]

SENATOR BRIESE: Okay. So that's not a solution then? [LR1CA]

MAJOR DEWAYNE MAYS: That's not a solution. [LR1CA]

SENATOR BRIESE: Thank you. [LR1CA]

SENATOR BREWER: Yes, thank you for your testimony. Okay, we're going to kind of go over an issue here. The lights again, remember, you're going to have a green light for two minutes, a yellow light for one minute, and then it goes to red. If it turns to red, try and keep that in your peripheral vision and wrap up whatever the statement you're making there just in fairness to the others so that we don't have people going minutes into a testimony, and then we will run even later in the day. Thank you. Welcome. [LR1CA]

JEANNETTE EILEEN JONES-VAZANSKY: (Exhibit 12) Good afternoon. My name is Jeannette Eileen Jones-Vazansky, J-e-a-n-n-e-t-t-e E-i-l-e-e-n J-o-n-e-s-V-a-z-a-n-s-k-y. Good afternoon, Senators and members of the Government, Military and Veterans Affairs Committee. I have decided not to read my testimony because a lot of things have been said. I just want to talk about one study and then address the Marion County SCOTUS decision of 2008 and then jumped to the fourth, District Court of Appeals, 2013 decision, to answer some of the questions that have come up so far. So in October, 2016, Ms. Grace Bell Hardison--this is on the second page--a 100-year-old African American woman almost lost her right to vote in North Carolina. She was among 138 voters whose registration the North Carolina Board of Elections challenged. Of the 138 voters challenged, quote, 92 of them were black and registered Democrats; 28 voters were unaffiliated; 17 were Republicans, and 1 was Libertarian. Unquote. The Board threatened

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to purge Ms. Hardison from the rolls if she did not appear before the board. These challenges were the result of claims that voter fraud was rampant in the state, so, the reason often cited to justify voter ID laws. Ms. Hardison's case should give us pause. Let me put on my historian's hat briefly and I'm paying, you know, student loans for this, so. She was born in 1916, which means that she was alive during Jim Crow and lived to see three amendments to the Constitution that expanded the franchise, the 19th, 24th and 26th amendments. She also saw the Voting Rights Act of 1965 strike down the vilest laws passed to suppress African American votes. She saw the first bi-racial African American man voted President of the United States of America. For a good portion of her life, she could not vote. Why add to her and others trauma of disenfranchisement? So I'm here on behalf of my sorority, the Lincoln Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated. A couple of things I want to talk about because she is from North Carolina. What happened in 2013 is that North Carolina because of Voting Rights Act, a certain sections were gutted, North Carolina decided to enact some law. So listen to this and hopefully this will answer a question. During the period in which North Carolina jurisdictions were covered by Section 5 of the VRA, African American electoral participation dramatically improved and particularly between 2000 and 2012 when the law provided for the voting mechanism at issue here and did not require photo ID. African American voter registration swelled by 51 percent. African American turnout similarly surge from 49 percent in 2000 to 71.5 percent in 2000 and 68.5 percent in 2012. But after the years of...after that when preclearance was put in...was eliminated, African American turnout actually decreased in that state of North Carolina. And Ms. Hardison's cases, one of those cases where you see these attempts to route out voter fraud are targeting people who are not voting and have never voted and she was voting for 40 years, I think, or more easily. So thank you. [LR1CA]

SENATOR BREWER: Thank you, and I don't know how you picked out the perfect amount to come out right, but you did, so good timing. All right. Questions? Seeing none, thank you. [LR1CA]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you. [LR1CA]

SENATOR BREWER: And I know some of you guys planned your presentations around the five minutes, so I apologize for you to have to rush on some of this, but in order to get through everybody, I think this is our best option. Please. [LR1CA]

CECILIA ROSSITER: (Exhibit 13) Hello, good afternoon. My name is Cecilia Rossiter, that's C-e-c-i-l-i-a. Rossiter is R-o-s-s-i-t-e-r. I live here in Lincoln and I'm representing voters, particularly ill...persons who are ill, or probably elderly is the same thing. So I've been quite ill in the recent past and this amendment would make it even less likely that I would manage to get to the poll and then not be prevented from voting. So there have been many years recently where

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I didn't drive at all. I didn't purchase alcohol, cigarettes. I didn't travel. It's very easy to not have a driver's license for many different reasons. So do not please amend our Constitution, and it's unfair to quite a few of us and I have to admit that I will resent if the Legislature messes with our Constitution. Thank you. [LR1CA]

SENATOR BREWER: All right. Just for the record, in the future, that's a no, no. You really can't threaten or give the threat of...so let's try not do that. [LR1CA]

CECILIA ROSSITER: I'm trying to be honest about how it affects me. I'm not trying to threaten. [LR1CA]

SENATOR BREWER: Well, I know, but that's not how we will do it. All right. Questions? Questions? Go ahead, Senator Lowe. [LR1CA]

SENATOR LOWE: Thank you for coming in and testifying today. Do you not carry any ID at all? [LR1CA]

CECILIA ROSSITER: I'm doing much better and I have a driver's license, and I am talking about 2008, 2009, 2010. [LR1CA]

SENATOR LOWE: Okay. Just curious. [LR1CA]

SENATOR BREWER: Oh, sorry. [LR1CA]

SENATOR CRAIGHEAD: Thank you, Mr. Chairman. Thank you for being here today. Would it be possible for you to vote absentee, early ballot? [LR1CA]

CECILIA ROSSITER: You know, when you're ill, getting off the couch to vote was a major effort and the way that I did it was by trying to vote. And there is a possibility I could have done absentee ballot. Again, it's a situation that you get into and I don't actually even know if my ID would be required to vote absentee or not. But any way that you make it more difficult for an ill person to vote, I'm not in support of. [LR1CA]

SENATOR CRAIGHEAD: Thank you. [LR1CA]

SENATOR BREWER: Additional questions? Thank you for your testimony. [LR1CA]

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CECILIA ROSSITER: You're welcome. Thank you. [LR1CA]

SENATOR BREWER: All right, next. Welcome. [LR1CA]

KAITLYNNE LARSON: (Exhibit 14) Hello. Good afternoon, Senators. My name is Kaitlynn Larson, K-a-i-t-l-y-n-n-e L-a-r-s-o-n. I'm a community organizer at the Heartland Workers Center and I'm here to speak in opposition to LR1CA. I will speak with you for two perspectives. One is my personal experience as a poll worker and the other is at the Community Organizer in south Omaha. First, as a poll worker, I have worked five elections in the past four years. I'm bilingual so I work specifically in south Omaha. I've served at about four different polling places in that area. In the five elections that I've worked, I have never had any issues with voter fraud or voter impersonation. I also want to emphasize that in that time I've never had any issues with an undocumented person coming to vote or, for that matter, a person with legal residence status making an attempt to vote. There are also many members that work at Community Organizers that work at the Heartland Workers Center and community members that work as bilingual liaisons at the polls in south Omaha and none of them have had issues with this either. The lady before me spoke very well about the process we go through as poll workers, so I just want to reiterate that we have steps to affirm, reaffirm, and then triple-check that the person in front of us is living where they say they are and is where they need to be to vote. And then I want to speak with you just a little bit about how the constitutional amendment would negatively affect the Latino/Latina community that we work with at the Heartland Workers Center. We work in many different facets with the community, but one that we really focus on is civic engagement. We really work to increase the voter turnout of the Latino/Latina Community. We were success and able to do so between the 2012 and 2016 Presidential election. We worked specifically in Ward 4 and we were able to increase the voter turnout by 11 percent. And this constitutional amendment would create a greater barrier to working with those people and getting them out to vote. I want to be...speak very honestly with you all, and say that if this resolution if I could see that it was creating a benefit or giving an advantage to the voters, or myself as a poll worker, community organizer, I would stand behind it. But what I see is this resolution is going to create greater barriers and more work as the poll worker and helping people get access to their ballot. So I strongly encourage you to vote no on LR1CA and I'll take any questions that you may have. [LR1CA]

SENATOR BREWER: Okay. Thank you, again. Perfect on time. Let's go back just a second here when you talked about how it would hurt the Latino turnout. Can we go to a little bit more detail there so we understand exactly what that looks like. [LR1CA]

KAITLYNNE LARSON: Yes. I thank you for your question. I had actually anticipated you guys asking this question and I want to be honest, I can't speak to this specifically because of

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constitutional resolution does not give me any details. So if you guys could share some of that with us, but it doesn't talk to me about who would pay for this, what the ID would be, what type of identification it would be. So speaking to specific barriers makes it a little bit difficult when it doesn't provide any of that information. Does that make sense? [LR1CA]

SENATOR BREWER: Kind of. If, say for example, it didn't have the voter picture part of the voter ID, does that make a difference, or is it just the ID period that would be the hindrance? [LR1CA]

KAITLYNNE LARSON: I mean, I don't think the voter...I think having to provide this documentation depending on who has to pay for it, if they're having to go get a new specific ID for it, those are the kinds of things that are going to create a greater barrier. [LR1CA]

SENATOR BREWER: Okay. Additional questions? Sorry. [LR1CA]

SENATOR CRAIGHEAD: Thank you very much. [LR1CA]

SENATOR BREWER: When I look this way, it's somebody over here, so. (Laughter) [LR1CA]

SENATOR CRAIGHEAD: Thank you, Ms. Larson, for being here. You mentioned you verify address with the voters that come in. How do you do that? [LR1CA]

KAITLYNNE LARSON: So when a voter comes in, you ask for their last name and then their first name, and then you ask them what is your address and they tell you. And if it does not match, you need to...they have to...I work in Douglas County. They have to call the Douglas County Election Commission. And I just...not to take up too much time, but like even if there's an issue with a street turning into an avenue, they have to call. [LR1CA]

SENATOR CRAIGHEAD: Okay. Do you find within the Latino and Latino community there are a lot of people that do not have IDs either a driver's license or a government issued ID? Do you find...what percentage would you say do not have IDs? [LR1CA]

KAITLYNNE LARSON: I don't want to give you a percentage because I wouldn't know specifically as far as that. But I find that a majority probably do have some type of identification. [LR1CA]



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SENATOR CRAIGHEAD: Okay. I just wondered because I figured you probably knew better than I did. Thank you so much. [LR1CA]

SENATOR BREWER: Additional questions? Senator Lowe. [LR1CA]

SENATOR LOWE: Thank you, Vice Chair, and thank you, Kaitlynne, for coming to testify today. You mentioned a triple-check that you go through? [LR1CA]

KAITLYNNE LARSON: Yes, so what... [LR1CA]

SENATOR LOWE: Can you explain? [LR1CA]

KAITLYNNE LARSON: Yeah, so what I'm saying is when someone comes in, like she said, we ask their first name, last name, address, and if there's any discrepancy with any of that, or sometimes people come in and they'll tell you, oh, I moved last week, and I'm like, okay, sorry, but now you have to call the Douglas County Election Commission. They check it on their records and then come back to us. And sometimes we have to send them somewhere else to vote or they have to vote with us provisionally or however that works, but that all takes place at the Douglas County Election Commission. So if somebody comes to us and they're ready to vote, there was some issue before they got to us. Does that make sense? As the polling place, it needs to be taken care of before it gets there. Does that make sense? And if it's not the Election Commission, it's the one that handles any of those issues. Does that make sense? [LR1CA]

SENATOR LOWE: Okay. Thank you. [LR1CA]

SENATOR BREWER: Additional questions? Well, we owe you a thank-you, too, for the time and effort you put in to helping with the polling and we have elections that work because of people like you. Thank you. [LR1CA]

KAITLYNNE LARSON: Thank you. [LR1CA]

SENATOR BREWER: Welcome. [LR1CA]

NANCY MEYER: (Exhibit 15) Hello. Hi. My name is Nancy Meyer, N-a-n-c-y M-e-y-er. You need my address? [LR1CA]

SENATOR BREWER: No. [LR1CA]

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NANCY MEYER: Okay. So I urge you to oppose LR1CA because it is expensive. The statement of intent says the state-issued photo ID would be free to people who are indigent, but in the actual bill there is no language regarding that issue. Proof of indigent status and other processes would mean more work for the county DMVs and poll workers, leading to counties having to hire and pay more people. Like a couple of other testifiers, I've worked the polls and I can tell you that the employees do not need extra duties explaining a new law and processing provisional ballots at voting time. The Legislature should be seeking ways to save taxpayer dollars, not spend them. LR1CA is unnecessary. Voter fraud simply does not happen due to a lack of photo ID. The very few and statistically insignificant number of proven cases of voter fraud nationwide involved mail-in voting. Mail-in voter fraud, even though it is extremely rare, isn't even addressed, much less corrected by this amendment. Moreover, no cases of voter fraud have occurred in Nebraska. Zero. This amendment would trigger an expensive and unnecessary legal battle for a problem that does not even exist. LR1CA is deeply flawed. This is probably the worst thing I see with this bill...this legislation. I've already mentioned how the resolution completely lacks a description of how voter...photo voter IDs would be provided or processed by county workers. Even worse, the language it specifies to be put on the ballot is inherently misleading. The resolution asks the following ballot language. A constitutional amendment to require presentation of identification prior to voting as provided by the Legislature. Notice that language. There is no mention of photo ID in this language, only the word identification, suggesting that any form of identification may be acceptable. I've noticed others, especially proponents of this bill, only call it voter ID. I think that's misleading. This inaccurate wording is less likely to be a mere mistake of omission and more likely to be an attempt to mislead the public into believing that this is a commonsense proposal in the deceptive effort to get it passed. LR1CA is also discriminatory. The poor, elderly, and disabled, among others, will be automatically disenfranchised. My 87-year-old wheelchair-bound mother-in-law has lost her mobility, her sight, and her independence. It is difficult and painful for her to leave her facility. Voting is one of the few rights she can still exercise and she is proud of the fact that she has done so for nearly 70 years, probably longer than most of you have been alive. When I told her about LR1CA she was horrified and she said, I sure hope they don't pass that. LR1CA is radical. Amendments to state constitutions are not to be made casually. Photo voter ID has been considered by the Unicameral several times in the past and rejected every time. It is not appropriate to enshrine such a controversial law into our state constitution, especially not such a defective and inessential one as LR1CA is. Please take a more conservative approach and leave well enough alone. Do not advance this bill. [LR1CA]

SENATOR BREWER: Thank you. Senator Craighead. [LR1CA]

SENATOR CRAIGHEAD: Thank you, Mr. Chairman. Thank you so much for being here. I just have a curious question about your sweet mother-in-law. Does someone take her to the poll to vote on election day or does she vote early ballot? [LR1CA]

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NANCY MEYER: She votes on an early ballot. [LR1CA]

SENATOR CRAIGHEAD: Okay. Thank you. [LR1CA]

NANCY MEYER: Yeah. It's painful for her to even sit up in bed. She has broken a wrist just by pulling herself up in bed, so you can imagine what this would do. This would disenfranchise her. [LR1CA]

SENATOR BREWER: Okay. Additional questions? Seeing none, thank you for your testimony. [LR1CA]

NANCY MEYER: I'd very much like people to call what it is, a photo ID. [LR1CA]

SENATOR BREWER: Welcome. [LR1CA]

CHERYL GOODWILLIE: Good afternoon. [LR1CA]

SENATOR BREWER: Good afternoon. [LR1CA]

CHERYL GOODWILLIE: It's a pleasure to be here. My name is Cheryl Goodwillie, C-h-e-r-y-l G-o-o-d-w-i-l-l-i-e, and I want to state that I oppose LR1CA because my own personal experience and that I believe my experience would become common to many others if this bill were to be passed into state law. I'm afraid...I hope I'm not reiterating what this woman just said. Last February, my parents moved into an assisted living community in Omaha. My mother had not driven for many years, about 20 years, so I decided to take her to the DMV and update her photo ID so she could have a new ID card. She is 86 years old and uses a walker for support. We arrived early hoping that we would be finished in about an hour. Alas, it took three hours and my mother was exhausted by the time we finished, but we got it done. Then in July, my dad died. Since my mother's income was now cut nearly in half, we immediately moved her into a smaller apartment at that same assisted living facility. So even though she's in the same building, I knew we would have to go back to the DMV to get a new state ID card as her address had changed. When I asked her if she wanted to make a return trip, she declined and said it was just too much trouble. My mom is a life-long Republican. For many years, she also...she served at her local polling place each and every election. My mom ended up not voting in last November's election, I believe for the first time in her life. Too late, I realized I could have updated her address on line. I thought I would have to take her to the election office to update her address and I knew I didn't have a current state ID anyway. The banks have been very accommodating with not having current IDs, and other sorts of businesses. So here's my thought. If this bill were to become law,

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my mother's experience and my own mistake would become a part of our state's Constitution. Elderly and disabled people across the state who depend upon others for transportation might easily lose their right to vote. Many elderly and disabled people do not want to trouble others for transportation, or it may be just too exhausting and physically demanding to go to the DMV and obtain an updated state photo ID. Please, don't make it impossible for the elderly and disabled to exercise their right to vote. I do thank you very much. I appreciate the opportunity to speak to you about this matter. Thanks. [LR1CA]

SENATOR BREWER: Thank you for coming in and thank you for your testimony. Questions? Senator Briese. [LR1CA]

SENATOR BRIESE: Thank you, Senator. Thank you for being here. In this last example, would your mother have qualified for early voting? [LR1CA]

CHERYL GOODWILLIE: She...yeah, it's me, my mistake. This is all on me, but what we're saying here is that if you...anybody moving into assisted living or into a nursing home then would require photo ID, requiring somebody to transport them. So, yes, she didn't vote. Could it have happened? Absolutely. [LR1CA]

SENATOR BRIESE: Sure. I don't know, maybe you probably heard my series of questions earlier, but if we have a system, we adopt this...eventually it gets adopted, we have a system in which identification cards are provided at no cost to indigents, election is held by mail or early voters, provide it's not their first time, would be exempt from requiring...or from needing a government issued photographic identification. Also, if you have a problem with the ballot, you could...or with the polling place, you could submit a provisional ballot. Would those three items take care of a lot of these concerns here? [LR1CA]

CHERYL GOODWILLIE: I...I'm only speaking for my mom. If there's a way to make this not overly confusing, because she's pretty easily confused... [LR1CA]

SENATOR BRIESE: But it sounds like one of those would have taken care of your mother's situation. [LR1CA]

CHERYL GOODWILLIE: Yeah. We, you know...she in the past, they had voted at home already for a couple of elections. And, you know, it's a really traumatic experience moving into assisted living at all. My dad's death didn't help. [LR1CA]

SENATOR BRIESE: A lot of circumstances. [LR1CA]

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CHERYL GOODWILLIE: Yeah, there were a lot of confusing circumstances, I guess I would say. [LR1CA]

SENATOR BRIESE: Thank you. [LR1CA]

SENATOR BREWER: All right and thank you for your testimony. Welcome. Please have a seat. Sit down and relax. All the cameras are gone, you can just speak from the heart. (Laughter) [LR1CA]

ALAN MEYER: (Exhibit 16) Well, apparently I can't. My name is Alan Meyer, A-l-a-n M-e-y-e-r. Due to time constraints, I'm giving an abbreviated version of my testimony. I have supplied a full version to committee and I hope the full version can be entered into the record, and my stated testimony is less inflammatory than my written one. I'm here to express my opposition to LR1CA. Quite frankly, this proposed resolution angers me. It angers me first because I don't believe the stated purpose of the resolution. We all know the real purpose of this resolution is voter suppression of minorities, the disabled, and other groups that tend to vote for Democrats. Of course, that cannot be stated in the resolution, so instead this resolution attempts to enshrine a transparent deception in our state Constitution. The fig leaf of preventing voter fraud is so transparent that the naughty bits are showing through. An example of the intentional deception in the resolution is the wording that is to appear on the ballot. Both the amendment and the statement of intent specifically cite a photo ID requirement. The ballot language does not. Secondly, this resolution angers me because the massive waste of money and resources that would be required to implement it. Article I, Section 22 of the Constitution begins: All elections shall be free. This means that any photo ID required to vote must be provided free of charge to anyone who wants one. The statement of intent says that the ID will be provided free of charge if the voter indicates that he or she is indigent. This is an unconstitutional requirement. If Warren Buffet wants a voter ID card because he can no longer drive, it must be provided to him for free. Should this resolution become law, I shall insist on a voter ID card, but I'm certain I will misplace that card at least once a month. (Laughter) I'm pretty sure I have ten friends that are just as negligent as I am and I think that they probably also have ten friends that tend to misplace things and so on. I wonder if the department of the Secretary of State has a large enough budget to supply all of us forgetful people with this continuous supply of free voter ID cards. Thirdly, I am angry because I have to waste my time coming down here to testify against these repellent bills and resolutions. I have better things to do with my life, but apparently the Legislature needs to be reminded that some people do care about preserving the integrity of our democracy. The authors of these bills and resolutions that attempt to suppress votes under the guise of preventing voter fraud should be ashamed of themselves for wasting our time and money, but mostly they should be ashamed of themselves for trying to undermine our democracy by suppressing votes. Thank you. [LR1CA]

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SENATOR BREWER: All right. Well, you walked the edge on this one. Just for the record, I did not stop you, but if any of the rest of you start crossing the line, you will index your testimony at that point. All right? All right, questions. [LR1CA]

ALAN MEYER: I do want to...my wife testified earlier. I do want to correct something she said. She said my mother votes by mail. She doesn't. There's a voting place in her facility. [LR1CA]

SENATOR CRAIGHEAD: Okay. [LR1CA]

ALAN MEYER: But having a voter...requiring a photo ID would require her to go out and get one. [LR1CA]

SENATOR CRAIGHEAD: Yeah, I just wondered if she had to go to the polling place. [LR1CA]

ALAN MEYER: Yes, she does go to the polling place. [LR1CA]

SENATOR CRAIGHEAD: But it's in her building. [LR1CA]

ALAN MEYER: The people...I've tried to get her to vote by mail before and I did manage to do it once, but they don't like to do that. The elderly tend not to like to do that. [LR1CA]

SENATOR BREWER: Okay. One more time. Any more? [LR1CA]

SENATOR BRIESE: Thank you, Senator, and thank you for your testimony. How would you respond to suggestions earlier that we have a constitutional right to have our vote count and the threat of voter fraud impinges on that right? [LR1CA]

ALAN MEYER: I'll tell you, I've looked into this. There are more cases of clerical errors than there are actual voter fraud...verified voter fraud cases. And this legislation will disenfranchise far more people than it does...than it would prevent fraudulent votes. Also a fraudulent vote does not remove somebody's vote. You don't know if they're voting with you or against you. The fact that they're assuming that they're voting against them kind of tells you that what the real purpose of this legislation is. [LR1CA]

SENATOR BRIESE: But a fraudulent vote does have the potential to negate the impact of someone else's vote. [LR1CA]

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ALAN MEYER: It doesn't negate the impact of somebody else's vote. That's like saying somebody owning more stock negates the stock that you have in a company. It doesn't. It does reduce the effect. So if you have 12 votes instead of 11, that person...those other 11 people did vote, but you don't know if that person's vote negated anybody else's vote or not. [LR1CA]

SENATOR BRIESE: Thank you. [LR1CA]

SENATOR BREWER: All right. Thank you for your testimony. All right, next up. Welcome. [LR1CA]

BRI McLARTY HUPPERT: (Exhibit 17) Thank you. Good afternoon, members of the Government, Military and Veterans Affairs Committee. My name is Bri McLarty Huppert. That's spelled B-r-i M-c-L-a-r-t-y H-u-p-p-e-r-t, and I'm here in my position as the director of voting rights with Nebraskans for Civic Reform. What is being passed out around is our testimony. It's a little lengthy, has a lot of studies, specifically for Senator Hilgers with citations. But I wanted to actually start my testimony on a point of consensus. I think in some of the testimony you heard from proponents and then also from the opponents is we all understand that the right to vote is fundamental. It's fundamental and vital to our democracy, and should be preserved for every eligible Nebraskan. And I'd like to start my testimony by agreeing to that point. The next question we should ask ourselves is, what policies should the Legislature invest in and how should we spend our money to preserve that right. So the question we have to ask ourselves here today is, does LR1CA further that and preserve every eligible Nebraskan's right to vote. In my testimony I'd like to point to you to three specific studies, two that actually address the issue of minority disenfranchisement with strict photo ID laws. One is the 2014 study from the Government accountability office that shows some depression of minority voters and I believe the states of Kansas and Tennessee. The second is a more recent academic study by three academics of various colleges. Those recently reported in the Washington Post, I believe on February 16th, and the citations are there. I actually have the published version so if you want to read an academic report I have it and you're more than welcome to. The third I'd like to actually send to you also is, there is a...actually I forgot which one it was, so I'll move on to the next one. Talking to Senator Briese's point about some of the accommodations that could possibly be made to lessen the impact of a photo voter ID law, we've included some specific articles as well as incidences where individuals were not served by this protection. So for example in Wisconsin, they had a free ID and they promised that it would take one trip and it would be free to be able to get that identification. In their specific instances where the DMV, after an investigation by a VoteRiders, was not providing that information, or that service to the individuals and they were turned away and unable to vote this past election. So while we may try with the best intentions to accommodate, that is not always the case and that's what we've seen in other states. Finally, I wanted to talk a little bit about the constitutionality and what was said earlier about the Crawford v. Marion County case. It's not analogous here specifically because Nebraska's constitutional

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provision in Article I, Section 22, is different than that in Indiana. It's actually stronger in that it says that it's free and actually no hindrance. The court case in Indiana was actually a facial challenge as opposed to a situation where an individual was trying to weigh at the polls. Secondly, as a plurality decision by the Supreme Court and was sued on by federal constitutional protections as opposed to way state constitutional protection which should be the issue here in Nebraska. So to say that it settled laws is not actually quite accurate and if anyone is interested, I do have a list of all current and past cases, both in state and the federal court about voter ID laws and these, what we call strict voter ID states which are states that have a photo identification requirement. So finally, just to talk a little bit, I wanted to point one more time. There's a list of situations that we have seen in Omaha and in Nebraska in our election protection program that I would be happy to expand on if asked because I see that my time is up. [LR1CA]

SENATOR BREWER: Bri, you spoke clear, you spoke fast, it was very impressive. And actually this document is well done. It's informative and it's well-organized. [LR1CA]

BRI MCLARTY HUPPERT: Thank you. The UNL College of Law will be happy to hear that. (Laughter) [LR1CA]

SENATOR BREWER: Well, I was giving you all the credit. [LR1CA]

BRI McLARTY HUPPERT: Well, they taught me everything I know. [LR1CA]

SENATOR BREWER: Questions? And you're up. [LR1CA]

SENATOR BRIESE: Thank you, Senator. Thanks for being here, thanks for your testimony. You referenced surveys that suggest voter ID laws can lead to voter suppression. Do you also agree there are some studies and data out there that suggest the opposite that voter ID laws can enhance voter turnout? [LR1CA]

BRI McLARTY HUPPERT: The studies that I've seen that say that aren't actually academic studies. If I were to posture a response to that question, I would say that because organizations like Nebraskans for Civic Reform or VoteRiders, you're putting a huge burden on nonprofit organizations that because we want every individual to vote, we are expending additional resources and time to get people the proper identification, to cover the cost of Ubers and taxis to get them to the DMV, to pay for the birth certificates, and other documentations they need. So I'd say there's a more concentrated effort that I've seen from national partners and other state partners in states with strict voter ID laws that try...exponentially harder to get people to vote and perhaps that might be the negligible impact that we're seeing. [LR1CA]



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SENATOR BRIESE: Okay. I think I saw something earlier, the Pew Institute was referenced on a study that suggested that voter ID laws can enhance voter turnout. [LR1CA]

BRI McLARTY HUPPERT: I'll look into that and get back to you. I have not seen that study. [LR1CA]

SENATOR BRIESE: Okay. Thank you. [LR1CA]

SENATOR BREWER: All right. Any additional questions? Go ahead. [LR1CA]

SENATOR LOWE: I'd just like to make a comment if I may, Bri. I appreciate you, when we ask a question that you research it and get back to us quickly during the session, so I appreciate that. [LR1CA]

BRI McLARTY HUPPERT: Of course, and I'll get the...was there anything in particular you wanted me to look into? [LR1CA]

SENATOR LOWE: That's it. [LR1CA]

SENATOR BREWER: That was our way of saying, you do good work. [LR1CA]

BRI McLARTY HUPPERT: Oh, thank you. I love working with this committee, so. [LR1CA]

SENATOR BREWER: All right. No additional questions, thank you for your testimony. [LR1CA]

BRI McLARTY HUPPERT: Thank you. [LR1CA]

SENATOR BREWER: Welcome. [LR1CA]

DANIELLE CONRAD: (Exhibit 18) Hi. Good afternoon, Senators, Vice Chairman Brewer. 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 the ACLU of Nebraska. Appreciate this opportunity to weigh in. To start out with, voting is the cornerstone of our democracy, and it is a fundamental right. It indeed is the fundamental right upon which all our civil liberties and civil rights do rest. We offer our strong opposition to LR1CA because we believe this is definitely suspect from a legal and policy perspective and that, in fact, this is a solution in search of a problem in Nebraska. We oppose LR1CA's effort to put

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any burden on the constitutional right to vote. Regardless of political philosophy, I think that we should be working together across the political spectrum to encourage more people to participate in our democratic tradition rather than erecting arbitrary barriers to access in participation as envisioned under LR1CA. Also passed around my written testimony which lays out citations for a variety of different court cases and policy research for you to take a look at. But a couple of high notes that I do want to note, in the absence of a clear record of voter fraud, the court will find requirements like this unconstitutional because we're talking about fundamental rights. So they're subjected to the very highest level of legal scrutiny, strict scrutiny. And if indeed there is a burden on a fundamental right, it must be narrowly tailored to address that. It cannot be broad in its application as envisioned in this legislation as drafted today. And we believe that if this constitutional amendment moves forward, it will provoke costly and lengthy civil rights litigation that the Nebraska taxpayers will be on the hook for. We also want to note that we have a variety of concerns with the language itself regarding the exemptions. We believe them to be lacking in definition in the current format and so much so to be impermissively big from a constitutional perspective. We also want to note and reiterate what others have noted, this puts disproportionate impact on the poor, students, minorities, and those with disabilities. The case law is clear that even a small imposition of cost, a \$1.50 for example in a seminal case, is too much from the United States Supreme Court's perspective. So any cost is going to be looked at very, very carefully. And, of course, our Nebraska Constitution affords a much broader constitutional right to vote than we even see in the various aspects of the U.S. Constitution. Final point, I do want to let you know about is that there is existing good case law from the Eighth Circuit and United States Supreme Court. That's actually an all day ACLU case that demonstrates that those who hold deeply...sincerely held religious belief against graven images cannot be forced to have those be placed on a photo or government ID and that case is Quaring and it's referenced in the testimony. So with that, I see my time is up. It goes so fast. Thank you for your time. [LR1CA]

SENATOR BREWER: All right, thank you for your testimony. Now the advantage we have is at the end, we're going to be able to come back and ask questions to the presenter. So, indirectly, we can ask your questions to him if we do this right. When it came to the exemptions, could you go into a little more detail and I can ask specifically at the end? [LR1CA]

DANIELLE CONRAD: Sure, absolutely. I think if you look at the text of the measure itself and to be clear, I had an opportunity to serve with Senator Murante and I appreciate his good work on so many issues, so when we have a disagreement in principle, it is not personal. When you look at the text itself of LR1CA, it provides kind of a broad notation for potential exemptions that might be afforded. I'm guessing by a Legislature, if the constitutional amendment itself is advanced to the people and then successful at the ballot box and not overturned through court action. But, so from a rhetorical perspective, just looking at the text itself, you know, we would raise some questions about what that might mean, what exactly are those exemptions? What is the complete waiver? How will that be determined? Is it a 100 percent federal poverty level? Is it

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some other standard who makes that determination? When we talk about photo ID and it's not clearly delineated in the text of the legislation, does that mean any photo ID? Does that mean my gym membership card? Does that mean an employer badge that you might have? There doesn't seem to be clarity in terms of that language choice in the legislation as presented today. Those would be a few examples that we would hold up for additional consideration by the committee. [LR1CA]

SENATOR BREWER: Those are excellent points. Thank you. [LR1CA]

DANIELLE CONRAD: Thank you. [LR1CA]

SENATOR BREWER: Additional questions? Seeing none. Hopefully, you remember that kind way of looking at Murante with the rest of us too. (Laughter) [LR1CA]

DANIELLE CONRAD: Absolutely. Senator Brewer, if I may, and if not, I appreciate you have a lot in front of you, but I did want to address the issue of potential criminal voter case that was held up by proponents in the Dawson County area. [LR1CA]

SENATOR BREWER: I was about to ask you that question. [LR1CA]

DANIELLE CONRAD: If that's okay, and I will be brief. But looking at the court documents and media reports that have emanated from that case, a couple of things there. Number one, I think that it's important to remember that we all hold dear the presumption of innocence in our criminal justice system and that case is currently moving its way through the court system, so we don't have any finality in terms of whether or not there was criminal intent or criminal act there. But to be fair, there was a finding of probable cause to move the case forward, so I do want to be clear about that. The case is brought under Nebraska Revised Statute 32-1534. And what that is, that is an existing law that prohibits people from voting twice. It actually does not go to the case of a noncitizen or nonresident voting. That's found in Nebraska Revised Statute 32-1530. What I understand from the court filings and from the media reports out of the Dawson County area, is that there were two Somali speaking gentlemen who voted by mail and then attempted to vote on election day. So it's not clear again if there was a criminal intent or a miscommunication in that regard. We'll have to let the court sort that out, but voter ID would not have remedied that issue. The gentlemen presented an ID actually and then the courts are working. The existing system is working to fair it out any potential issues in our voter system. In a media report from the Nebraska News channel on January 27, 2017, Secretary of State, John Gale, actually weighed in and said, at the 2016 election we had over 860,000 votes cast in Nebraska. If, in fact, these two voters did break the law in some way or another, that would represent, and quoting, 0.00023 percent of the total vote. So again, from what I understand, these folks had IDs and were citizens

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but it was a double vote issue. It wasn't a voter ID or impersonation kind of issue that usually voter ID seeks to address. And what we've seen from the federal courts, for example, with cases related to petition fraud in the past where there were a few instances of circulators running afoul of the law, that still didn't rise to the level of enough fraud for the Legislature to impose additional burdens on that fundamental right and to cast the net so widely because the remedies weren't narrowly tailored. I cited that court case and some of that in our additional testimony, but all that taken into account, even if these two gentlemen did run afoul of the law, and no one supports that, that's exactly why we have strong laws with clear penalties on the books that are serious, that are Class 4 felonies that carry jail time, potentially, and hefty fines and a period of supervised relief. The system is working in its present way and that's because Nebraska poll workers take their job seriously and Nebraska voters take their rights and responsibilities seriously. And we can be so proud of how well-run our elections are in Nebraska. That's something that we should all join together to thank those hardworking election officials and volunteers for doing on our behalf. [LR1CA]

SENATOR BREWER: I could not agree more with you. Well said, and if there's any left in the room? Yes. Senator Briese. [LR1CA]

SENATOR BRIESE: Thank you, Senator. Just one more question, if you would. Thank you for being here again. Has anything similar to what we're talking about here been struck down on grounds under the U.S. Constitution? [LR1CA]

DANIELLE CONRAD: Yes, thank you, Senator Briese, for that question and I think my good friend, Bri, alluded to some of that in her testimony. We'd as well be happy to provide you with a laundry list of present and former litigation surrounding similar voter ID laws. But I think one thing that is important to remember is that again that Nebraska State Constitution, it may or may not find comparative analogous provisions in other state constitutions and that's again something that, you know, our forefathers here in Nebraska were so strong and so clear about. So it might be a little apples to apples, it might be a little apples to oranges, but we'll highlight that in the legal memo that we can send around. [LR1CA]

SENATOR BRIESE: Because as I understand, some provisions have been struck down and I'm curious how they compared to this if they're more strict or...you're suggesting that some fairly similar to this have been struck down. [LR1CA]

DANIELLE CONRAD: I think that's right. I think that there is mixed treatment, but I think it's very facts specific and based on the legal framework from which the challenge is brought. I think no one can disagree that if we were to move forward, it will end up in the courts in Nebraska and that will be costly and lengthy and with an uncertain outcome. [LR1CA]

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SENATOR BRIESE: Okay. Thank you. [LR1CA]

SENATOR BREWER: Just a quick comment. Much like Briese, I really appreciate how...well, for one, informative, but how you have your references at the bottom of the page so we can reference stuff, so good work. Thank you. [LR1CA]

DANIELLE CONRAD: Well, thank you. Thank you very much and I also owe a debt of gratitude to UNL law and have the student loans to prove it. So, thank you. (Laughter) Making \$12,000 a year for a while didn't quite help to pay all of those off. Thank you for your time. [LR1CA]

SENATOR BREWER: All right. Thank you for coming in. All right. Welcome. [LR1CA]

SCOTT KURZ: (Exhibit 19) Thank you. Good afternoon. My name is Scott Kurz, S-c-o-t-t K-u-r-z, and I'm with the Anti-Defamation League from Omaha. The Anti-Defamation League is devoted to protecting civil rights and fighting bigotry in all its forms and for this reason, the ADL opposes LR1CA because we believe it threatens to weaken the fundamental voting right enshrined beautifully in Nebraska's Constitution and disproportionately burdens segments of the electorate and invites the defamation of certain voters. All elections shall be free, and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise. That's Article 1, Section 22, of the Nebraska Constitution. We believe in a just and even playing field for all citizens and that any amendment to this, our most sacred fundamental right, must be made with the utmost consideration for all voters and must not unnecessarily, or disproportionately, burden one segment of the population over another. And it should only be considered if there is a great, clearly demonstrated need. LR1CA presents the potential for a civil rights abuse by creating vulnerability within the original constitutional protection and contradicting the purpose for its existence. It's impossible to turn away from the fact that an unsubstantiated argument for voter fraud drums up fear and division and this, in itself, creates a self-fulfilling prophesy of a lack of confidence in our democracy and that this committee should not exacerbate without, again, clear evidence to support that voter fraud is actually a rampant threat to our democracy. There shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise. No hindrance, no impediment. Just as poll taxes were directed at former slaves, economic inequality is leveraged as a means of barring the most vulnerable among us from their constitutional right to vote. The easiest way to subjugate and marginalize any portion of a population is to take away their voice. In short, the sweeping attempt at voter reform creates unnecessary and discriminatory impediments, contrary to Nebraska's Constitution to solve an unsubstantiated problem. The burden on the resolution is to make its case and it should be clear and convincing and it simply cannot satisfy the threshold for changing Nebraska's Constitution. The ADL encourages you to consider the ramifications to

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each of your constituents, regardless of their economic status, their age, their race, or their disability, and in doing so, we respectfully request voting against this resolution to preserve the integrity of Article 1, Section 22, of our Constitution. Thank you. [LR1CA]

SENATOR BREWER: Perfect timing. All right. Thank you for your testimony. Questions? Well, you must have did good. Thank you for your testimony. [LR1CA]

SCOTT KURZ: Thank you for your time. [LR1CA]

SENATOR BREWER: Next. Welcome. Remember, we're here to help so just relax and tell us your story. [LR1CA]

SHERRY MILLER: (Exhibit 20) Thank you. Chairman, Vice Chairman Brewer and members of the committee, I'm Sherry Miller, S-h-e-r-r-y M-i-l-l-e-r, with the League of Women Voters of Nebraska which has existed for 97 years educating and protecting voters. We're here again. We believe that Article I, Section 22, of the State Constitution means that voter rights shall be protected from all hindrance or impediment. Yet, if adopted, LR1CA would deny this guarantee for college students all across our state. Students have the right to vote at their campus address. Under LR1CA, doing so means changing their state-issued ID, let's assume it's a driver's license, to reflect their campus address. That costs money. Is that a poll tax? Students from out of state, nearly 5,000 freshmen every year, who wish to vote at their campus address would need to obtain a Nebraska issued state ID. That costs \$26.00 or \$26.50. I'm not sure. Is that a poll tax? Out-of-state students and students from Nebraska may not be eligible for a free state ID. Free IDs for voting purposes would be limited to indigent individuals. Nebraska students who are eligible, that is indigent and they are out there, would not be able to keep their driver's license and still receive a free ID with their current address. And I'm referring to Section 5 of LB111 from a couple of years ago. Students who carry driver's licenses with their home address are not required to update their licenses upon moving to a campus address in order to keep operating a car. If the ID address is required to match the address at which they registered to vote, this would force updating their license for a fee. Is that a poll tax? The language of the introduced legislation states that the Legislature shall provide specifications for the identification and manner of presentation and for exemptions. Is this the language that would appear on a ballot for a vote by the people? This language is vague, presents far too many unknowns for the peace of mind of students who wish to exercise their right to vote. The League urges the committee to consider these hindrances to students' right to vote as totally unnecessary and to kill LR1CA in committee. I just want to add. This isn't in the testimony, excuse me, I just want to add when someone mentioned something about a military ID a while ago, I pulled mine out and took a look at it. It does not have my address on it and the picture certainly doesn't look like me right now. (Laughter) Just to say that's not a really good situation. Okay. [LR1CA]

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SENATOR BREWER: I may be a little younger in mine too, so. (Laughter) All right. Questions? [LR1CA]

SHERRY MILLER: Okay. Thank you for listening. [LR1CA]

SENATOR BREWER: Thank you for your testimony. Welcome. [LR1CA]

KRISTIN PFABE: (Exhibit 21) Hi. My name is Kristin Pfabe, K-r-i-s-t-i-n P-f-a-b-e, and I'm here to speak in opposition to LR1CA. Thank you very much for giving me this time. This is a story about changing my mind. So a number of years ago when I first heard about these laws, I thought, but of course, we want to protect voting. We want to protect this important privilege that we have. And the IDs seemed to be an important step. But I'm a mathematician. I love numbers and data and this is not the first time that facts and data numbers have changed my mind on an issue. So my two points are that a voter ID requirement is unwarranted and it will disenfranchise groups of voters. I would like to jump to the disenfranchisement aspect to add something to what Bri mentioned. So, there was some compelling research just published in the Journal of Politics in January using election data between 2006 and 2014, and it shows that turnout of Hispanics in general elections is 7.1 percentage points lower in states with strict voter ID laws than in ones without. In Nebraska, this could translate to disenfranchising three to four thousand eligible Hispanic voters in the past November elections. It also cites lower turnouts for African-Americans and Asian-Americans, but for whites, no difference. The research provides very strong evidence that voter ID requirements do create voter disenfranchisement. And what I want to do is address that question that you had, Senator Briese, about other studies say different things and that's an important question. So this article which I have given you a link to in my testimony, points out some flaws that have taken place in some other studies. So one of the flaws is that a lot of the scholars who have researched this have not researched data with...from states that have strict voter ID laws because they're new. Instead they've used states with nonstrict ones. They also say that...these authors say that a lot of the other reports use self-reported data instead of validated data. This report has validated election data. So over-reporting is like telling your doctor you exercise an hour a day when you exercise an hour a week. You know, it makes you look better. So this research is significant and different from other research that has been out there before. And that's one of the main points that I would like to make. The unwarranted issue is an issue of...the only thing this protects against...the voter ID protects against is fraud by impersonation. And it's a clunky, slow way to steal an election, which is why it doesn't happen very often. So thank you for your time. [LR1CA]

SENATOR BREWER: Thank you and just a quick comment here. Not that you're showing up the University of Nebraska, or the ACLU, but the addition of the Web sites and then titling it so we know exactly which one, like you did on the back, well done. It's quick and easy. [LR1CA]

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KRISTIN PFABE: Thank you. I really encourage you all to read this article. It's extremely long, but it's extremely carefully documented. [LR1CA]

SENATOR BREWER: All right. Questions? See, you know you did good when there's no questions. Or did you have one? Okay. Thank you. [LR1CA]

SENATOR BRIESE: Senator, I would. Which one is the key one you're talking about there? [LR1CA]

KRISTIN PFABE: The one that is the key one that you would want to look at is the third one that's entitled voter identification laws and the suppression of minority votes. [LR1CA]

SENATOR BRIESE: Okay. Thank you. [LR1CA]

KRISTIN PFABE: Thank you. [LR1CA]

SENATOR BREWER: Thank you for your testimony. All right. Next. Welcome. [LR1CA]

MARK METCALF: (Exhibit 22) Hi. My name is Mark Metcalf, M-a-r-k M-e-t-c-a-l-f. I'm a retired Nebraska public school teacher. Currently I live near Sutton, Nebraska. On my way to the Capitol building this morning, I drove on Rosa Parks Way. I'm here to speak out against LR1CA because I'm convinced that any claims of widespread and significant voter fraud in this state are bogus. And therefore this resolution violates my sense of fairness and it violates my understanding of what the United States of America should represent. There is simply no credible evidence of significant voter fraud in Nebraska. Now I can understand why some people might suspect that there is something mighty fishy about our elections in Nebraska. Look around you. Republicans are everywhere. (Laughter) Republicans hold important positions of authority at every level of government across this state. Do I accept these routine Republican victories as legitimate? Yes. I've lived among Nebraskans for six decades. They do tend to be quite conservative. No, the problem is not imposters at the polling place, and it's not the result of ballots being cast by thousands of dead people. It is a much more complicated problem than that. LR1CA is merely the latest attempt in a long series of attempts in this country to suppress the African-American vote. One mustn't assume anything, but I cannot believe that the members of this committee have never learned of the poll taxes and literacy tests and other devious and cynical methods by which white authorities have worked to squelch the political voices of black Americans. No reasonably well-educated Nebraskan can possibly be ignorant of that history. In reality, the voter ID requirement serves no honorable or practical purpose, but it does serve a purpose. That purpose is symbolic. That purpose is to console those of your constituents who are



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uneasy about the increased presence and influence of people of color in this state. But your consolation for those constituents is a slap in the face to others. What your nervous constituents really need is education and experience, not a symbolic suggestion that their fears are well-grounded. Here's an idea for Republicans. Instead of trying to minimize the number of black voters, why not produce policies that will win the votes of these people, your fellow Nebraskans. The voter ID requirement is an affront to anyone who appreciates the long history of the struggle for civil rights in America. You wouldn't think of incorporating the Confederate flag into Senator Harr's new state flag, would you? Or would you? Neither you nor I can legislate wisdom, but why then go the opposite direction and try to sow and cultivate fear, mistrust, and discouragement? Do the right thing, and as I understand it, Senator Wayne has proposed, postpone this resolution indefinitely, or just get rid of it altogether. Thank you, and I will answer Senator Briese's astute question and say, yes, some of my best friends are from Albion. (Laughter) [LR1CA]

SENATOR BRIESE: Good to hear. Thank you. [LR1CA]

SENATOR BREWER: Okay. Questions? Well, just to give you a little bit of faith in the voters, I think I probably come from the most conservative district in the state and they decided that even though I was a Native-American they were going to give me a shot anyway, so they probably shouldn't have, by rights. (Laughter) But, you know, the thing that I guess is refreshing is that if you work hard enough and you just try and find as many people as you can talk to in that window of time you have, and I guess you're more likable than the other guy, you got a chance. [LR1CA]

MARK METCALF: The system does seem to work. I agree. [LR1CA]

SENATOR BREWER: Anyway, thank you for your testimony. Welcome. [LR1CA]

MARK INTERMILL: (Exhibit 23) Good afternoon, Senator Brewer, and members of the Government, Military and Veterans Affairs Committee. My name is Mark Intermill, M-a-r-k I-n-t-e-r-m-i-l-l, and I'm here today representing AARP. We're circulating a written statement that I'm going to go straight to the fourth paragraph, but first I want to say that I've listened carefully to the testimony that has been offered today. I believe there are people of goodwill on both sides of this issue who want to assure that we have free and fair elections and to assure that we avoid voter fraud. For AARP this comes down to a cost benefit analysis, and if I could direct your attention to the fourth paragraph. We took a look at what would be the most likely form of ID that a person would present at the polls, probably being the driver's license. So we took a look at information from the Department of Motor Vehicles about the number of people at certain ages who have driver's license, compare it to the census data about the numbers of people of that age

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and found that there were about 11,000 people over the age of 85 who don't have a driver's license. You've heard some of these individuals alluded to today in different...from testimony from different individuals. There may be some other form of ID like a passport, probably not a passport, there may be an ID, just a nondriver's ID that's available, but I'm sure that there are some that aren't, that don't have that ID. I had a call earlier this week from a woman who has an aunt in Neligh who is 108 years old and that's the reference to, we have some people who have been voting since the Hoover Roosevelt election. I did the math and 1930 would have been the first election she would have been eligible for. So I think we do have...there could be some individuals who would be disadvantaged by having to present a photo ID to vote. When we weigh that against the benefits of providing that photo ID and you've also heard testimony that this really addresses a very specific form of voter fraud and that's impersonation of an individual. We've looked...I am a recovering Kansan. (Laughter) I came up to Nebraska from Kansas. I watch closely what happens...is happening in Kansas. They've taken very strict measures on voter ID and things of that nature, including giving the Secretary of State prosecutorial authority to investigate and prosecute voter fraud. So far the only cases that they have brought are people not related to impersonation of voters, but people voting twice. And they tend to be people of AARP age who have a winter residence in another state and they vote in another state. Voter ID doesn't address that. So as we look at what benefits this measure would provide compared to the number of people who would be disadvantaged, we conclude that we shouldn't pursue this path and we urge you to indefinitely postpone LR1CA. [LR1CA]

SENATOR BREWER: All right. Thank you for your testimony and just to kind to follow up on the point you made there, Kansas is one of the states that does require photo ID. Additionally got the map there. When did they implement that, do you know? [LR1CA]

MARK INTERMILL: It's been in the last five years or so. [LR1CA]

SENATOR BREWER: Okay. Questions? Thank you for your testimony. Welcome. [LR1CA]

DARCY TROMANHAUSER: (Exhibit 24) Thank you. Good afternoon, Senators. My name is Darcy Tromanhauser, D-a-r-c-y T-r-o-m-a-n-h-a-u-s-e-r and I'm the director of the Immigrants and Communities Program at Nebraska Appleseed. We're a nonprofit, nonpartisan organization dedicated to justice and opportunity for all Nebraskans. I will be brief. We're here to testify in opposition to LR1CA. As you're heard in previous testimony, there is no evidence that voter impersonation is a problem in Nebraska and that is important because this amendment would create significant barriers to voting. It would particularly affect low-income, elderly, disabled, and young Nebraskans. It would disproportionately impact low-income Nebraska voters and mean that they would have to pay a fee and take additional time to exercise their fundamental right to vote. I'll underscore that we shouldn't underestimate the impact of fees and time on many

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Nebraskans' ability to vote. So just for an example, according to a survey of Lincoln residents with low-incomes, 55 percent of the low-income individuals responding sometimes rarely or never could afford to buy enough food for their families; 57 percent always, often, or sometimes had to choose between buying food and paying for a bill; 55 percent had a utility shut-off notice in the past year and 77 percent were very, or somewhat worried about having enough money to pay their bills. In that context, fees and/or time away from work to take care of updating your ID, those are real barriers and they weaken our democracy to have those requirements. So for those reasons...oh, and I'm sorry. And additionally, rural Nebraskans would encounter serious obstacles to obtaining a photo ID since more than one in three Nebraskans don't have daily access to a DMV. So for those reasons we, too, strongly urge you to indefinitely postpone LR1CA. Thank you. [LR1CA]

SENATOR BREWER: Thank you and I would agree with you on that. The rural locations are definitely a challenge getting to the DMV on a regular basis. [LR1CA]

DARCY TROMANHAUSER: I know it. [LR1CA]

SENATOR BREWER: All right. Questions? Seeing none, thank you for your testimony. Welcome. [LR1CA]

GAVIN GEIS: Senator Brewer, members of the committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I'm the executive director with Common Cause Nebraska. Just don't have anything prepared for you. I wanted to listen to the testimony and see what we could talk about. First of all, the underlying premise here expiring confidence in voters. I'm not going to argue with that. It's a noble effort. It's something that has to be pursued, so nothing wrong with that. But I think there are better ways to go about this. There are safer ways to go about this. There are ways that are backed by data, actual Nebraska nationwide data to support that they improve confidence and they would have positive effects without negative consequences. I want to point to another of Senator Murante's bills, independent redistricting commission. We could draw our district maps more soundly, more fairly. Take politics out of it and that can inspire confidence in the voters that their votes count, that they're not gerrymandered, that districts aren't unfairly apportioned. So there are ways to go about inspiring confidence in voters without voter ID. This isn't the only route we want to address that. And let's call this, what it is. We're limiting a constitutional right that Nebraskans have now in their Constitution. That's the reason we're putting this...this propose is putting it into our Constitution. Right now, Nebraskans have the right to vote without hindrance or impediment. This would serve as an exemption to that. It would be a limitation on the right the Nebraskans have today. We have a very, very broad right to vote today, very secured right to access the polls. I assume that was intentional. I assume that the Nebraska founders thought voting was so important that we shouldn't put an impediment on it or hindrance and this

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would do just that whether it would be too grand of a hindrance, that's up for debate. That's what we're debating here today, but it would be a hindrance. It has to be an acceptance to hindrance and impediment otherwise we wouldn't be putting it in the Constitution. Finally, I want to talk about the difference we obviously have here today when we talk about the right to vote. We're talking about two different rights to vote, and that's kind of the argument we're coming down to. Is the right to vote the ability to access the polls, or is it the ability to know that the end result is secure? That whatever the results are, are secure, that they weren't tampered with. So what is the fundamental principle of the right to vote? What's the heart of it? And I would argue the heart is access to the polls, first and foremost, because, if instead, security of the vote is the heart of the right to vote, we should limit the voting pool as much as possible. It should be a very few individuals who we know are certainly those individuals, perhaps ten per state, then we could know that the vote was secure. If security was our first and foremost goal with the right to vote, that's what we should do. Otherwise, our history has shown otherwise that the fights around the right to vote have been accessed to the polls, not about the outcomes of elections, but about who can vote, and who can stop them from voting. That's what the right to vote is, not just security. Securities, sure, there's an element there, but we have to ask first, is this a hindrance, does it stop people from accessing the polls. That's the heart matter. Thank you. [LR1CA]

SENATOR BREWER: All right. Thank you. All right. Questions? Just kind of a general question. You know, a lot of times we take questions on the expertise that we have. Now with Common Cause Nebraska, if you were to give us kind of the Reader's Digest of what your expertise there is and what you're kind of... [LR1CA]

GAVIN GEIS: Right. Expertise as an organization or in voting? [LR1CA]

SENATOR BREWER: Yes, yes. [LR1CA]

GAVIN GEIS: We've been an organization in Nebraska for 40-plus years working in democracy work in all of its facets including elections, including all of that. So, and we also have a national organization in 30-some state organizations that we're connected to that work on these issues day in and day out. [LR1CA]

SENATOR BREWER: So this is square in the middle of your wheelhouse. [LR1CA]

GAVIN GEIS: Right there. We've been doing this...personally, I've been at this for four years, but I have a lot of peers that have been doing this for a lot longer. [LR1CA]

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SENATOR BREWER: Well, you've covered it well, so thank you and thank you for your testimony. [LR1CA]

GAVIN GEIS: Of course. Thank you. [LR1CA]

SENATOR BRIESE: I'd take one, Senator. [LR1CA]

SENATOR BREWER: Oh, I'm sorry. [LR1CA]

SENATOR BRIESE: Thank you, Senator, my fault there. And thank you for being here and thank you for your testimony, but wouldn't letting the voters decide on this be consistent with our democratic principles? Why should we not let the voters decide this question? [LR1CA]

GAVIN GEIS: It's a fair question. It's a complete fair question, but the only counter I would have to that is that it's up to this body to determine the things that have merit and should be presented forward. That's why it's being presented in this setting. It's not going out and we're not getting signatures on this issue, it's being brought to you to say, does this have merit, is this something that we should continue to pursue, or do we need to take other paths? So, yes, you could give to the voters, but it still, as others, as proponents to this issue have said, we're representative democracy. And so, you get a say in that, it's being brought to you for your review and intelligence. [LR1CA]

SENATOR BRIESE: Thank you. [LR1CA]

SENATOR BREWER: All right. Thank you again for your testimony. [LR1CA]

GAVIN GEIS: Thank you. [LR1CA]

SENATOR BREWER: All right, next up. Welcome. [LR1CA]

LAZARO SPINDOLA: (Exhibit 25) Thank you. Good afternoon, Senator Brewer, members of the committee. Thank you for receiving me today. 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'm the executive director of the Latino-American Commission. I'm also testifying on behalf of Nebraskans for Peace. My testimony was addressed to Chairman Murante. I didn't realize the fact that as introducer he wasn't going to be chairman of the committee. [LR1CA]

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SENATOR BREWER: You're doing great. [LR1CA]

LAZARO SPINDOLA: I am here in opposition of LR1CA. I'm probably the only person in this room who had to show an ID in order to vote. That happened in Venezuela doing three elections where the government provides us with a national ID card that has electronically imbedded all the information that you might think about yourself, including your shopping and purchasing habits. Therefore, I should be the one least concerned about having to show an ID. In fact, I am in this room the one least concerned about showing an ID in order to vote. Nevertheless, what worries me about this resolution is the reasoning behind it. Other testifiers have pointed out the fact that there is no real voting fraud being committed in Nebraska, so we're basically talking about an endless...a useless proposition. And one previous testifier mentioned vaults and banks. I use one to remind everyone that prior to vaults, there were bank robbers. So there was a need for that. Another thing is, that every time I hear someone talking about voter fraud, the term unauthorized Latino comes up. For a Latino, committing voter fraud is the equivalent of finding the name and address of a registered voter, going to the polling site with his very Latino looking complexion, saying that his name is John Patrick O'Mally. (Laughter) If I was a poll worker right there, I'd become immediately suspicious. And then he's risking committing a felony, losing everything that he has worked for all these years, going to prison, paying a fine and being deported, and never being eligible to come legally to the United States again. There is an English saying that there's a sucker born every day, but, you know, in the case of Senator Murante he won by over 15,000 votes and would need to find 16,000 suckers just to defeat him? I don't think there are that many in Nebraska. Finally, implementing the law will cost money even though it doesn't have a note, a fiscal note attached. And some people say that stopping just one fraudulent vote is worth the effort and expense. Well, no. I have heard Senator Groene mention the phrase, the good of the many, several times, and as a taxpayer, I don't believe that spending a large amount of tax dollars to prevent one potential fraud case in the 2016 elections, as Secretary Gale mentioned on January 24th in the Nebraska News, is in the benefit of the majority of Nebraska's population, especially in times of extreme financial constraints such as the ones that our state is currently facing. And I'd be happy to try to answer any questions. [LR1CA]

SENATOR BREWER: Thank you for your testimony. Questions? Questions? Seeing none, thank you for your testimony, sir. [LR1CA]

LAZARO SPINDOLA: Thank you. [LR1CA]

SENATOR BREWER: All right, next up. Welcome. [LR1CA]

PAUL ROMERO III: (Exhibit 26) Hello. My name is Paul Romero, P-a-u-l R-o-m-e-r-o. All right, so thank you for taking the time today to listen to my testimony regarding LR1CA. For a

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short introduction, my name is Paul Romero and I am a sophomore at Creighton University studying political science and economics. So the first thing that I want to address today is some of the arguments in favor of this resolution. So the first thing I'll talk about is in economics they teach us that when individuals make decisions, they seek to maximize net benefits, or in other terms, they seek to make sure that the marginal cost is less than or equal to the marginal benefit. So now I want to think about the costs of voting, specifically the cost of going to the polls. In going to the polls these costs include gas money, time, and when you are a fraudulent voter you have to add the fine that we talked about earlier, the \$5,000 fine for committing voter fraud. And for an average everyday individual, it seems like the cost of being a fraudulent voter, let alone being a...just a voter in general, is far greater than the benefit of committing the crime of voter fraud or just voting in general as we can see by the low voter turnout that we have in this country and specifically in Nebraska at 60 percent. The second thing that I want to address is the use of the fine. It seems to me that the use of the fine is the best way to deter the voter fraud as adding an ID would just be an extra cost and it would cost the state money. And I guess the way that I look at it is that that fine is a deterrent enough to make sure that people don't commit voter fraud. And then the third point that I want to address is a question. I'm unsure of how this voter ID law would prevent the making of fake identification. I don't think that there's any way that we can guarantee that people, especially those who are committed to win at all cost, as was said previously by some of the proponents of this bill, I don't think that there is anything that we can do to prevent those people from creating fake identification and handing those out to people who are going to vote illegally. And then the fourth and final point that I will make is that I am a student at Creighton University and this voter ID law would...it concerns me because 82 percent of the Creighton population comes from outside of Nebraska and there are 8,000 students at Creighton, so that's roughly around 6,560 students that would be required to attain this voter identification which seems like just another cost that we can add to that marginal cost that would continue to deter people from voting. Thank you. [LR1CA]

SENATOR BREWER: Thank you for your testimony and, you know, we live in a day and age where people tend to be down on the appearance and behavior of our college students. I could not compliment you any more on...you're well-spoken. You came here with a purpose and thank you for doing that because it just renews my faith in our youth. [LR1CA]

PAUL ROMERO III: Thank you, Senator. [LR1CA]

SENATOR BREWER: Questions? Well, you did great. Thank you. [LR1CA]

PAUL ROMERO III: All right. Thank you very much. [LR1CA]

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SENATOR BREWER: All right, next. Really? Okay. Welcome, and thank you for your patience. [LR1CA]

DANIELLE SAVINGTON: Oh, that's fine. I've been bouncing back and forth from committees today, so thank you. My name is Danielle Savington, that's D-a-n-i-e-l-l-e S-a-v-i-n-g-t-o-n, and I'm testifying today on behalf of the Nebraskans Against Gun Violence. The Nebraskans Against Gun Violence opposes this constitutional amendment proposal for the reason that it is preposterous that we would consider and contemplate requiring people to vote, which is the "exercision" of our most fundamental duty and right as Americans, while we would allow for the private sale of long guns in the state of Nebraska with no license or identification at all, while also recognizing that in the state of Nebraska it requires no licensing, no identification, or no restriction on the open carry of firearms anywhere outside the city of Omaha, but we would expect people to show ID to vote. Meanwhile, there has been not one single occasion where voter fraud has happened in the state of Nebraska, and in the year 2016, according to the National Gun Violence Archives, 218 Nebraska residents were shot and that includes only those reported on by the media and does include a 14-month-old child. So Nebraskans Against Gun Violence again is in opposition of this because if we cannot even expect people to carry firearms with ID, we absolutely and unequivocally should not require ID in order for someone to vote. That's all I have to say. Thank you, Senators. [LR1CA]

SENATOR BREWER: All right, thank you for your testimony. Questions? I guess I would have just one quick one for you. When you say there's no ID required for the long gun, you're talking about private sales of long guns there? [LR1CA]

DANIELLE SAVINGTON: Yes, sir, private sales only. And I would say that Nebraska does have an advantage over most other states, including like Ohio and Wisconsin, in that we have a handgun registry. So to do a private sale of a handgun, you have to have that purchase permit. But again, then the fact that I could open carry means I could drive to Ohio, buy that gun with no licensing or identification at all, and come back to Omaha or...well, come back to Lincoln and open carry it in the streets. [LR1CA]

SENATOR BREWER: If you just don't drive through Illinois, you'd be fine. [LR1CA]

DANIELLE SAVINGTON: Right. Well, we've got that Interstate Transport, so that would be okay, 1643. [LR1CA]

SENATOR BREWER: They'd still be a little cranky with your open carry in Illinois, I think. (Laughter) All right, seeing no other, thank you for your testimony. [LR1CA]



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DANIELLE SAVINGTON: Thank you, sir. [LR1CA]

SENATOR BREWER: Welcome. [LR1CA]

JUDY KING: Hi. I'm always nervous here, so... [LR1CA]

SENATOR BREWER: No, just relax, really we're...if you messed up, we wouldn't even know it, so. (Laughter) [LR1CA]

JUDY KING: (Exhibit 27) This is really about my fourth time of testifying so I'm still not very sure of myself, but, I...my name is Judy King, J-u-d-y K-i-n-g, and I'm here in opposition to the bill. And I came here with this speech. It, you know, starting out that I don't think we can afford the bill. As I understand it, there's...you know, could end up costing the state over \$31 million and as a taxpayer during this time, I don't think we can afford that. And being a computer person, I also am interested in updating all the software that the state has to make voting easier and affordability across the state...across the counties. And I don't think we've had...I think this is a...well, John Gale has repeatedly testified that Nebraska elections are secure and without any voter fraud. So I think it's a...well, let me just stop. When I came in here today, I talked to two opponents and we asked each other if we were proponents or opponents and they said, they were proponents and they asked me why I was coming in. And I said, well, I can't afford...you know, I just think we can't afford it right now. And then we got to talking and I said, well, you know, they were concerned with someone being a citizen in order to vote. And I said, well, do you know any cases because I don't. I really didn't have the facts down here as to...you know, if there really is voter fraud going on. And they said, well, we have two mosques, and I said, well, what does that mean? You know, I said, have you seen anybody that isn't a citizen vote in your town? And, I mean, it just upset me because I'm a child of the '60s and I mean, I know civil rights and I know racism and I don't think they're...at least those two proponents were not aware of the facts. So they need some facts. And I'm just against this bill, so. And I'm against it for racism reasons now after listening to that. [LR1CA]

SENATOR BREWER: Okay. Thank you for testifying. Hang on here, let's see if we've got some questions? Questions on the right? One quick question for you and part of this goes back to you...want to make sure the facts are right. When you get the number of 31 million, do you know where that comes from or what that breaks out into? [LR1CA]

JUDY KING: I got that from NCR, Nebraskans for Civic Reform. [LR1CA]

SENATOR BREWER: Okay. Seeing no other questions, thank you for your testimony. [LR1CA]

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JUDY KING: Yes, thanks. [LR1CA]

SENATOR BREWER: You bet. Okay, next. Come on up. [LR1CA]

ANNE DeVRIES: Okay. I wrote this up real quick. My name is Anne DeVries, A-n-n-e D-e-V-r-i-e-s. I have...want to let you guys know, thanks for letting me speak. I have total trust in our election workers that are following the law and we are having fair elections and we do not need a card to prove who we are. We enjoy and know many others that insist on voting in their communities and they do not want to do it in the mail. Our voting location is on the way home. After a busy day at work and after all my co-workers remind me to vote, is usually when I stop on the way home. And I would not have the card with me because I am not going to find room in my wallet for one more card that's only used once a year. I would never have it with me and I would have to make another trip to go vote and I may just not vote because it would be a hassle. But this repeated traveling back and forth to get cards that would be forgotten, will be a huge amount of carbon in the form of gas that's going to be spent. We have the biggest issue in front of us right now and that is finding ways to address reducing our carbon footprint to help climate change. So that's all I wanted to say. [LR1CA]

SENATOR BREWER: (Exhibits 28-46) Okay. Thank you for your testimony. Questions? You're good. Thank you. Okay, next up. Oh, my gosh, this can't be right. Really? There's nobody else...no, opponents, no proponents, no neutral? All right, we have some letters to read in here. Okay. Opponents: Mary Scott, Denise Brady, Robert Schenck, Jennifer Goos, Patty Hawk, Janece Mollhoff, Rachel Kolb, Kristin Pluhacek, Mary Bircher, Matt McDowall, Sarah Corey, the Board of Commissioners, Douglas County, and Kaleigh Nelsen from National Association of Social Workers, Nebraska Chapter. And I have some in proponents: Donica Heineman, Ron and Lynette Nash, Vicki Hahn, Nancy Carr, Theresa Sievers, Gene Schultz and Susan Gumm. And with that, Mr. Murante, you have the mike. [LR1CA]

SENATOR MURANTE: Thank you. A very well-done committee hearing, Vice Chairman Brewer. I'd like to address some of the opposition. I'll kind of go down the opposition as I saw it in the different categories. The first level of opposition that I saw was just strict ad hominem character text, people who support this are racist, people who support this want to suppress minority votes. An ad hominem is a logical fallacy. It is not up...argument against the proposal, it's an argument against the character of those who support the proposal. I would submit to those people that if you looked at my record as a State Senator, one of the first...two of the first bills that I passed was an observation as a member of this committee and as a person who is a student of election law, that there were two political subdivisions in the city of Omaha who had never elected a person of color in their history. They had not elected a person of color in their history because the method of election that they conducted was at-large-based rather than district-based

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elections, whereas, every single sole political subdivision in Omaha who had conducted their elections by district rather than by at-large, had elected a person of color. And it was me who took the lead on that issue, got bills passed that were signed by the Governor to ensure that minority rights across the city of Omaha were protected and the guarantee that there was representation of people of all colors in the political subdivisions of the city of Omaha. That is something that is extremely important to me. It is not something that I take lightly. I think that we have done a very good job of protecting, both in terms of redistricting law, my independent redistricting commission clearly identifies one of the top redistricting priorities is the protection and the preservation of minority districts, particularly in north Omaha. So my record on that is absolutely clear. Now we can have intellectual disagreements about the merits of LR1CA, whether it's worth the cost and all that sort of stuff, but the record is clear and I don't think that character attacks are very productive. I would also note that almost without exception, the vices that you heard about this bill, the opposition to this bill, to this constitutional amendment, really had nothing to do with this constitutional amendment itself. I would...the line that is almost always forgotten, I would draw your attention to line 16 of this constitutional amendment, because what it contains is the words, as provided by the Legislature. Now why is that important? Because the process that will happen is that if you vote for this, we'll put it on the ballot in the November election of 2018. If the voters support it, and the latest polls that I have seen is that 75 percent of Nebraskans supports photo identification laws, so I presume that they will support it. Then the Legislature will be charged with introducing...with having a bill and creating a law that enables this constitutional amendment. So when you hear things like, this will suppress...voter ID laws will suppress minority turnout, or it will be too costly, the answer to that question is it depends on how those laws are written. So Senator Briese you asked a lot of great questions and they were the questions that I asked when I was a freshman senator on this committee as well. Where can we reach common ground, what exceptions...what exemptions can be created such that we can all be reasonably certain that nobody who is legally entitled to vote is being turned away from the polls. It's a reasonable question to ask. I would submit to you two things. First of all, this particular constitutional amendment is not the forum to have that discussion. The discussion of that is on the enabling legislation if the voters approve this constitutional amendment. And I would submit to you that I forced them. How I see this playing itself out is, we'll put this on the ballot and the people will overwhelmingly vote for it. Then there will be a series of legislative bills to enable this constitutional amendment and those bills will have different costs based on how they're written. They'll have different restrictions and exemptions. The nature of how those bills are constructed will be fundamentally different. So I can't tell you what that bill is. All I can say is, if we put this on the ballot, I am willing to work with all of the organizations that testified against this constitutional amendment today, NAACP, ACLU, NCR, to ensure...NCR, to ensure that we craft legislation that does not disenfranchise a single voter because that is a fundamental goal of mine. We talk about voter turnout. Now, we have a problem when we look at these studies, Senator Briese, and I'm glad that you asked these great questions. The problem is you're comparing strict voter, and they would acknowledge,

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strict voter identification laws with what we have before us. This is not a law. This is a general constitutional amendment that will result in us introducing legislation, but this doesn't contain those exemptions. We have no idea how strict the law that the Legislature will pass will be. So, it's impossible to know. I think what the...what you will find if you look at the consequence of state's which pass voter identification laws and the voter turnout that follows is that the single greatest variable of voter turnout is the excitement that the electorate has about the presidential election. If it's 2008 and we're electing the first African-American president of the United States, and there's excitement in the air and there is enthusiasm among people who have never voted before to go to the polls, voter turnout is going to go up regardless if you have voter identification law. If it's 2016 and we have two presidential candidates who have historically high unfavorable ratings, voter turnout is going to be lower than that regardless of voter identification laws. So, the single greatest variable is the excitement that the top ticket has. Mr. Geis from Common Cause Nebraska, a person with whom I respect, asked the question, what is the right to vote? Is it the right to have access to the polling place, or is it the rights to ensure that the vote is secure? They're not mutually exclusive. It's not one or the other. We have an obligation to ensure that both are happening. And I believe that this constitutional amendment does that. I think that this...it was brought up by Senator Conrad that the bill is...that the constitutional amendment is vague. It was because she says rightly, what are the exemptions? What...it's not identified in this constitutional amendment what the exemptions are. I want it to be broad. I want it to be vague so that the Legislature has as much authority as it possibly can have to create as many exemptions as are necessary to ensure: (a) that not a single person who is eligible to vote is turned away from the polls, but (b) that not a single person who is ineligible to vote casts a ballot. I believe that those two goals can be attained, and really the question that we have before us is twofold. First, is it possible? Is it possible to craft a piece of legislation that ensures that everyone who is entitled to vote can and that not a single person is turned away from the polls, and also that no one who is ineligible to vote cast a ballot? Is it possible to craft that piece of legislation? I would say to you that it is possible and I would say to the people behind me they're in opposition, I believe that reasonable people can work together to find commonsense solutions to this particular question. And I am...continued in my belief that LR1CA is, and I should say, and the final question is, regardless of how you feel on those two questions that I said previously about LR1CA, should the people have the ultimate decision to vote on it because that's what this does? This Legislature cannot amend the Constitution, no matter how many votes. Forty-nine of us can stand together and try and rewrite the Constitution, we do not have that authority. We can submit questions to the people and the people can vote and that's what I'm proposing here today. So I would encourage your support of LR1CA and I'd be happy to answer any questions that you may have of me. [LR1CA]

SENATOR BREWER: All right. Thank you for your testimony. Questions? Senator Briese.  
[LR1CA]

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SENATOR BRIESE: Thank you, Senator, and thank you again for bringing this, Senator Murante, and great closing by the way, very informative. But just by point of clarification, on the statement of intent here the three categories of exceptions we see, those are the minimum necessary to meet constitutional requirements? [LR1CA]

SENATOR MURANTE: The statement of intent, I'm sorry to say, I had a very wonderful legislative aide who decided to get engaged, to get married, and moved to the state of Oregon in week two of this Legislature, and as a miscommunication, took a statement of intent of a previous voter identification proposal. I believe the statement of intent has subsequently been corrected and that is...was from a previous. So that was falsely, incorrectly introduced as the same statement of intent of a previous bill. [LR1CA]

SENATOR BRIESE: So the exceptions that we might have will be dependent upon future legislation (inaudible). [LR1CA]

SENATOR MURANTE: And I would anticipate that there would be several bills which contain varying exemptions. [LR1CA]

SENATOR BRIESE: Sure. Okay. Thank you. [LR1CA]

SENATOR BREWER: Okay, additional questions? So, just as a quick wrap-up here, a lot of the issues that were brought up as far as, for example, costs and things like that, because this will go to a vote of the people, that's really immaterial, that comes in in the phase where you actually are passing a law that will require an ID or a process and so... [LR1CA]

SENATOR MURANTE: This gets to the point where, you know, people are allowed...they're entitled to their own opinions, they're not entitled to their own facts. We determine how much bills cost by fiscal notes. If you try and find a fiscal note on this bill, you won't find one. That's because there will not be an appropriation involved with this bill, with this constitutional amendment. [LR1CA]

SENATOR BREWER: It would be 2018 if it was put on the ballot, if it would be passed and put on the ballot. [LR1CA]

SENATOR MURANTE: And even if it's passed, the passage of it does not have an inherent cost. It would be the legislation that would make this constitutional provision operable might have a cost to it. What that cost is or whether there is a cost, it's impossible to know without knowing how the bill is drafted. [LR1CA]

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SENATOR BREWER: Okay. One more time, any additional questions? Seeing none, thank you for your testimony and thank you for your time. With that, that concludes our hearing on LR1CA. [LR1CA]