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Transcriber's Office

Government, Military and Veterans Affairs Committee  
January 24, 2018

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[LB749 LR268]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Wednesday, January 24, 2018, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB749 and LR268. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Carol Blood; Tom Briese; Mike Hilgers; John Lowe; and Justin Wayne. Senators absent: Theresa Thibodeau.

SENATOR MURANTE: (Recorder malfunction) ...western Sarpy County and I'm the Chairman of this committee. We are here today for the purposes of conducting two public hearings. We'll be taking the issues up in the order in which they appear on the agenda outside of this room. If you're here and wish to testify on either of the matters before us, we ask that you fill out one of these green sheets of paper that are located on either side of the room. If you're here and wish to express support or opposition for either of the matters before us but you do not wish to testify, we ask that you sign in on the sign-in sheets that are also located on either side of the room. 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 offered an opportunity to open. Then we will listen to proponent testimony, followed by opponent testimony, then neutral testimony, and the introducer will be given an opportunity to close. We ask that you listen very carefully and try not to be repetitive. In the Government Committee, we do use the light system. Each testifier is allotted four minutes to testify. 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 for any questions they may have of you. At this time I'd like to request that everyone turn off or silence any cell phones or electronic devices, anything that makes noise. If you have a prepared statement, an exhibit, anything you would like distributed to the committee, we ask that you give 12 copies to our page. If you don't have 12 copies, don't worry, just give what you have to our page and she will distribute it to us. Our page for the day is Kylie Kotouc, nailed it, from Lincoln, Nebraska; and she is a student at the University of Nebraska-Lincoln. To my immediate right is Andrew La Grone, he is the Government Committee's legal counsel. To my far left is Sherry Shaffer. Sherry is the Government Committee clerk. And for self introductions we will start on the far right, Senator Lowe.

SENATOR LOWE: My name is John Lowe, District 37, south half of Buffalo County.

SENATOR BRIESE: Tom Briese, District 41.

SENATOR HILGERS: Mike Hilgers, District 21, northwest Lincoln and Lancaster County.

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SENATOR BREWER: Tom Brewer, District 43, 13 counties of western Nebraska.

SENATOR BLOOD: Senator Carol Blood, District 3, Bellevue and Papillion.

SENATOR MURANTE: And I would add that Senator Brewer is the Vice Chair of the committee. And with that having been said, Senator Williams, welcome to your Committee on Government, Military and Veterans Affairs.

SENATOR WILLIAMS: Good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. My name is Matt Williams, M-a-t-t W-i-l-l-i-a-m-s, and I represent Legislative District 36 and am here today to introduce LB749. Who else comes with a bill to reduce fees? LB749 amends Section 21-1905 of the Nebraska Statutes to better reflect the current practice of the Secretary of State's Office regarding filing fees for nonprofit corporations. LB749 would eliminate from statute the requirement that nonprofit corporations pay an additional filing fee of \$5 per page when filing their nonprofit biennial report. This report is required to be filed every two years by the nonprofit and provides updated information such as the location of the principal office and the list of officers and directors. The Secretary of State's Office brought my office this bill after reviewing their statutes this past year as part of replacing and updating their current filing system. Their office has historically never charged the per-page filing fee which if charged would potentially increase the \$20 flat fee currently charged to \$30 or more depending on the number of pages. Currently, they do not charge a per-page filing fee to for-profit corporations or LLCs either. Finally, LB749 would add language which clarifies that fraternal societies are to pay the same filing fees as nonprofit corporations. The Secretary of State's Office has traditionally charged fraternal societies the same filing fees as nonprofits, so this would simply put into statute their current practice. I would request the committee advance LB749, and I would be happy to answer any questions. [LB749]

SENATOR MURANTE: Thank you for your opening. Are there any questions? Seeing none, thank you very much, appreciate it. Proponent testimony on LB749? Welcome back. [LB749]

COLLEEN BYELICK: Thank you. Chairperson Murante and members of the committee, my name is Colleen Byelick; it's C-o-l-l-e-e-n B-y-e-l-i-c-k, and I'm the General Counsel and Chief Deputy for the Secretary of State's Office here on behalf on Secretary of State John Gale. I'd like to thank Senator Williams for introducing this piece of legislation on behalf of our office. As mentioned, LB749 removes the per-page reporting fee for non-profit corporation biennial reports. A nonprofit corporation is required to file the biennial report every other year in the odd years. The report contains information such as principal office address, registered agent address, directors, and principal offices for the corporation. We take that reported information, we input it into our system, and then we make it available to the public for their use. As mentioned, we're in

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the process of implementing a new filing system that will replace our legacy filing system for all of our corporate filings and all of our UCC filings. And as a part of that project, we've been doing an in-depth dive into our statutory authority, our regulations, our policies, our manuals, and we have discovered that there was a per-page fee that we should have been assessing for nonprofit biennial reports. As mentioned, the report itself is at least two pages long. So if we assess that \$5 fee, that will take the report from a \$20 fee to a minimum of \$30 fees or more. In reviewing that, we felt that it might be confusing to communicate this change in fee to the public. It's more difficult to administer a per-page filing fee, as opposed to a flat fee. It would also take the nonprofit corporation report at \$30 would be more than what most for-profit corporations pay which is \$26. So we would be asking our nonprofit corporations to pay more than our for-profit corporations. This bill also clarifies the fees that we should be charging fraternal societies. We currently only have three fraternal societies in the state, so this is a very small area of the office, but since we were looking at these fees, we felt it best to bring forth both issues to the Legislature and ask for both of these fees to be addressed. It also mentioned our LLCs and our corporations do not pay a per-page fee when filing their tax reports or biennial reports, so this is really making the nonprofit act consistent with what we're doing in other areas. So for these reasons we hope that you advance LB749. And I'd be happy to take any questions you may have. [LB749]

SENATOR MURANTE: All right, thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. [LB749]

COLLEEN BYELICK: All right, thank you. [LB749]

SENATOR MURANTE: Is there additional proponent testimony to LB749? Is there any opposition testimony to LB749? Is there any neutral testimony on LB749? Senator Williams. [LB749]

SENATOR WILLIAMS: I would simply offer to answer any questions and ask that you advance LB749. [LB749]

SENATOR MURANTE: Is your thought on this maybe consent calendar worthy, Senator Williams? [LB749]

SENATOR WILLIAMS: Yes. [LB749]

SENATOR MURANTE: All right. Thank you. [LB749]

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SENATOR WILLIAMS: Hope so. [LB749]

SENATOR MURANTE: All right, any final questions? All right. Thank you, Senator Williams. That closes the public hearing on LB749. We'll proceed to LR268 when Senator Krist arrives. [LB749]

SENATOR KRIST: Sorry. I certainly didn't think Senator Williams was only going to be so short. I apologize to the committee and to those who are waiting. Good afternoon, Senator Murante and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Bob Krist, B-o-b K-r-i-s-t; I represent the 10th Legislative District in northwest Omaha, along with the north central portions of Douglas County which include the city of Bennington. I appear before you today in introduction and support of legislative resolution, LR268. LR268 is intended to combat the dependency on powerful special interest through campaigns or third-party groups which has created a fundamental imbalance in the representative democracy. Americans across the political spectrum agree that the elections in the United States should be free from the disproportionate influence of special interest and fair enough that any citizen can be elected. To restore balance and integrity to our nation's elections, LR268 applies to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States who would restore free and fair elections. Additionally, LR268 states that Nebraska delegates to such convention will have no discretion beyond given by the Unicameral Legislature. This resolution is intended to be a continuing application for an Article V convention and be considered together with 2013-14 Vermont General Assembly, 2013-14 California State Legislature, '13-14 Illinois General Assembly, 2014-15 New Jersey Legislature, 2016 Rhode Island General Assembly, and with all other pending the further application until two-thirds of the states...several states have applied for a convention on a similar purpose. So it is very focused. Thank you for your indulgence and for listening and I stand for any questions. [LR268]

SENATOR MURANTE: All right, are there any questions? Seeing none, thank you for your intro. [LR268]

SENATOR KRIST: Okay. I am going to waive closing because I'm in Judiciary and it's going to be a long afternoon and I'm also introducing there. So thank you for your indulgence and I'd be happy to answer any questions personally after the committee hearing. Thank you. [LR268]

SENATOR MURANTE: All right, thank you. All right, we'll proceed to proponent testimony on LR268. Welcome. [LR268]

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JOSHUA ACIZ: (Exhibit 1) Thank you. Thank you, Chairman and members of the committee, for having us here today and allowing me to speak in favor and support of LR268. My name is Josh Aciz, that's J-o-s-h A-c-i-z. I am a national coordinator with Wolf-PAC. Wolf-PAC is a nonpartisan organization with the sole purpose of adding an amendment to the U.S. Constitution that will restore balance and integrity to our elections. You name the issue, it is almost certainly being affected by our broken campaign finance system, no matter what side of the political spectrum you happen to be on. Unless we solve this issue and fix our representative government first, we're not going to be able to fix any of the big issues of our time: of education, healthcare, the environment, fiscal responsibility, and our economy. It all comes back to this issue. It is the root that plagues our nation. It's not too late, but we must act with urgency to solve this problem so that our children do not have to deal with these consequences. I'm proud to be here today with many amazing Nebraska citizens who are engaged in our democratic process, some here actually for the first time. We are all here to take responsibility for fixing something that frankly should have been fixed a long time ago. The corruption that is taking place in Washington, D.C., and the amount of money pouring into our federal elections is just completely out of control and the hard truth is that it has only gotten worse year after year for decades. Every generation of Americans has had their issues to solve, obviously some bigger than ours, some bigger than this, but this is our issue. It's our generation's greatest duty to solve the problem and leave our country and our government in a better place than we found it and do every single thing in our power to make that happen. We must add an amendment to our U.S. Constitution that restores balance and integrity to our elections and it must be an amendment because only an amendment can go above our Supreme Court and solve this problem for the long run. Pursuing the path of an Article V convention is to use wisdom of historical precedence. Historically, most U.S. constitutional amendments came about when American people used every tool available to them under democracy, including state level reform, petitions, ballot referendums, asking Congress, and yes, demanding an Article V convention. History has shown it is the best way and the most effective way to put pressure on Congress to take action. You have an great opportunity here today with this legislation as a state legislator to send a strong message to Washington D.C., that you understand how serious this problem is, and if they are not going to fix it then we will. So the real question is, do we want Congress with their single-digit approval rating in D.C. largely disconnected from the people to be the only body of government capable of proposing amendments? The answer is obvious to me, as it was to our framers of our constitution. Of course the states should have co-equal power to propose amendments. We're here today to ask you to join us on this vital journey to restore a true representative government in America and it's not going to be easy. Any thing that we've done, long-term vision doesn't happen over night. No significant and important change ever does. But that is precisely why we must act now. We must get back to a place of just commonsense election laws. A good example of this is the state of Montana. They had a hundred years of reasonable campaign finance laws, but those laws were overturned because of these court cases. We need, at the very least, an amendment to our constitution that goes above our runaway Supreme Court and allows the states the right to

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establish their own laws on campaign finance. The most patriotic thing any of us can do is fight for what's right, like the brave men and women that came before us, we lead with courage. As Americans, it's what we do and it's why our nation has been looked as a leader for so long. The risk of not using every tool available to us in order to end corruption in our political system is something that we're just not willing to take. Exercising our right to use Article V of the U.S. Constitution is to respect the constitution that we are fighting to strengthen. We don't cower under even the most daunting of circumstances. We can certainly solve this problem. We can stand together like Americans before us. I thank you again for this opportunity to speak in support of this important piece of legislation. Thank you for your service to your community. We all know Congress is broken, but I am filled with hope and optimism because on the state level our representatives still represent us. I hope Nebraska can lead the way on this critical issue. I ask you to please vote yes on LR268. Thank you all again. And I'd be happy to answer any questions you might have. [LR268]

SENATOR MURANTE: And thank you for your testimony. Senator Blood. [LR268]

SENATOR BLOOD: Thank you, Senator Murante. Actually, I have three quick questions and then...I apologize, I have to leave to go a present a bill. [LR268]

JOSHUA ACIZ: Yeah, sure. No, that's perfectly fine. [LR268]

SENATOR BLOOD: So I'm going to just ask you all up front, if that's okay. [LR268]

JOSHUA ACIZ: Okay, yeah. [LR268]

SENATOR BLOOD: Question number one, what's to prevent them from...they keep texting me to come...what's to prevent them from addressing a different issue? Question two, what was wrong with Montana's law that made it get overturned? And question three, and tell me if I'm dumping too much on you at once. [LR268]

JOSHUA ACIZ: Okay. [LR268]

SENATOR BLOOD: Question three just went totally out of my head, so how about one and two. So my concern is, you know, you get a bunch of people together of varying views and varying backgrounds and you start herding cats. [LR268]

JOSHUA ACIZ: Yes. [LR268]

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SENATOR BLOOD: And I have yet to hear, and I've talked with your local people, they're great people, they've given me good information. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR BLOOD: But I have yet to hear a definitive answer as to how it's going to be controlled. I hear that a judge may, but that doesn't mean a judge will. Can you clarify that for me? [LR268]

JOSHUA ACIZ: Yeah, absolutely, so there are multiple reports that look into this. There is...one of the more extensive ones is the Department of Justice report from 1987. There are actually several recent Congressional Research Service reports as well that are fairly new. I believe there's actually one is even early as November of 2017 where they all conclusively agree that you can't limit a convention. But I do think the Department of Justice goes a little bit deeper into it and they actually explain; and I have some things here. So the Department of Justice actually explains that there are four ways that we know that we're going to be able to enforce limited convention. Number one is Congress. So Congress is going to have to play a small role in this. In the Article V itself it actually does say that Congress shall convene a convention...or call for a convention once we reach the 34 applications. So there's going to be some likely procedure where they pass a bill that says the convention is going to be on this time, this date, on this particular proceedings. So we're going to have that as precedence once the convention convenes. The other three safeguards in the ways we can limit it is the courts. So a convention would not exist outside of our court system. Any state that applies for an application for a convention and calls for a convention on a specific topic, if they were to get off the scope of that particular convention, it can be challenged in our court systems. The other big one, and the sponsor actually mentioned this as well, is the delegates. So the delegates are different from representatives. Obviously, as a representative you're elected so you have free will to propose things as you see fit. Delegates are not the same. Delegates have authority from the state. They've actually been sent there with certain guidelines and a specific reason to go there to represent the state. So they would actually be mandated to stay on that particular topic. In our particular resolution, actually has a mandate built into it that if delegate is restricted on the issue of campaign finance reform. So the states would actually have the ability to rescind or recall a delegate that does get off topic. And we live in a digital age, we're live-streaming now. I'm sure if we were able to get to a convention, it would certainly be one of the biggest news things out there. It would certainly be live by watching it on Youtube. So state legislatures could literally watch it. And as soon as something takes place, you can convene a committee like this and make sure that delegate stays on topic and see what you think fits for that particular delegate to stay on topic. But there are mechanism in place to make sure that they do stay limited. [LR268]

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SENATOR BLOOD: And I'm going to have to read the transcripts to find out what else you say. I apologize. [LR268]

JOSHUA ACIZ: Okay...no, you're fine. Thank you. [LR268]

SENATOR BLOOD: Thank you for that answer. I wanted to hear that before I left though. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR MURANTE: All right. Additional questions? Senator Brewer. [LR268]

SENATOR BREWER: Thank you, Mr. Chairman. Are you familiar with LR6? [LR268]

JOSHUA ACIZ: I'm sorry. [LR268]

SENATOR BREWER: Are you familiar with LR6? [LR268]

JOSHUA ACIZ: I am not. [LR268]

SENATOR BREWER: Okay. I guess the question is, you think that this would require a separate application for Article V. [LR268]

JOSHUA ACIZ: Correct. They're all separate. Correct. [LR268]

SENATOR BREWER: And...but specifically this one is what you see is the most critical of any of the issues that we're currently addressing with...well, specifically the Washington issues. [LR268]

JOSHUA ACIZ: Yeah. Yeah, I certainly believe the way that the campaigns are funded on the federal level, they just do not represent the will of the people. I was talking earlier to the Chairman, actually I brought up a Princeton study. So Princeton did a study, not too long ago, just recently, where they actively looked over 40 years of public policy passed by Congress. And they basically found out that what gets passed in Congress has zero correlation to the will of the American people. When they looked at special interest, the wealthy, the elite lobbyists, there was a direct correlation on what got passed in Washington. And that is a huge issue. And I think that's what's led to a lot of division in our country. We're very divisive right now. And I honestly

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think it's because of the polarization of the federal government. So in order for us to get to a place where a guy like me who is doing politics for the first time would have a shot to run for Congress, we need to make sure they're funded in a way that's just common sense. It's very daunting to run for office, say, when you have to raise 6, 7, 10 million dollars. [LR268]

SENATOR BREWER: You would consider this more critical than term limits? [LR268]

JOSHUA ACIZ: I would. I think this would actually solve a lot of the term limit issues. On one of the bigger problems in Washington is known as the revolving door. A lot of the folks in Washington who receive money from special interests actually go on to work for those special interest groups and get pretty large sums of money to do so. So term limits actually kind of speeds up that process. Unless we actually get to the root cause of why they're corrupted...and it's not that they're bad people, it's the system in general. I think a lot of people go to Washington with very good intentions, but in order to survive and keep your job and stay as a federally elected official, you got to hit those donations, you got to reach the quota to be able to donate to your party. You know, some people call it "dialing for dollars." There's literally call centers set up across the street for both Republicans and Democrats where they put on a headset and they literally call people and ask them for money. We just want to get back to a place where people are knocking on doors and sitting in the kitchen and asking what's wrong with your family and what you need help with which we're just not at right now at all. [LR268]

SENATOR BREWER: Okay. Thank you. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR MURANTE: Thank you, Senator Brewer. Additional questions? Senator Lowe. [LR268]

SENATOR LOWE: So this would take into consideration all donations? [LR268]

JOSHUA ACIZ: Yes. So basically the premise of what we're doing here, and you can tell on the resolution, we do not (inaudible) they take the outcome. We certainly believe that there's no monopoly on good ideas. This is going to take an American effort. There's good ideas that are liberal, progressive, conservative, libertarian. There's ideas out there on how we can make our campaign system work better for the average American. So one of the beauties of the convention, if we're able to get there. Mind you, we've never had a convention in U.S. history, but we have shown proven that when you do use this mechanism, it puts pressure on Congress to act. I personally would think that the states would do a better job. But once we actually get there,

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there's going to have to be a broad conversation on how we can make our election process work better when it comes to how we fund it. And it's going to have to be a cross-partisan support to actually make it out of the convention. And it's going to have to have super majority in order to actually get proved and ratified by 38 states to make it to the constitution. So some of the things that would most likely happen, which are things that you see in polling that are staggering numbers, 80 percent, 90 percent approval ratings, you know, stronger disclosure, transparency, things are just common sense. We have a system now where...I just read an article recently that the FCC is trying to find out where a special amount of money came in the recent Supreme Court judge that was nominated. And the individual is suing to keep his name private. I mean, if you're going to donate money, I think the least you can do is say, hey, I donated money. But we're at a point now where you can't even trace it. There can be foreign money pouring into elections and you don't know where it's coming from. And I think that's just a scary thought to have in a representative democracy. [LR268]

SENATOR MURANTE: Okay. Is that all? Any...Senator Hilgers. [LR268]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you for being here and your testimony and all the work that you and your group have put in. I've seen you around the halls quite a bit. [LR268]

JOSHUA ACIZ: Thank you. We ran into each other yesterday. [LR268]

SENATOR HILGERS: (Inaudible) citizen activism. I do have a question. When I hear the testimony today, what I hear is campaign finance. [LR268]

JOSHUA ACIZ: Um-hum. [LR268]

SENATOR HILGERS: When I read the resolution, I see restore free and fair elections. That seems to be much more broad and much more ambiguous than campaign finance. So I'm asking...I guess my question is how can that language be...or should it be tailored, I guess it's two part, should it be tailored more closely to the goal, at least what I'm hearing from you today, from others that this is really campaign finance issue and not a generally free and fair elections which could entail things other than campaign finance. And then secondly, can you speak a little bit to how the other resolutions are worded and kind of the..where those...that phrase where that...what's the thinking in history around that wording? [LR268]

JOSHUA ACIZ: So one thing that we actually have in our resolutions is specifically cites, Citizens United and related cases. And that actually provides the legal precedence and scope for

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what the actual convention call would be on. The free and fair elections is more of an idea that we need to have a government free from the corrupting influence of special interests and fair enough that anybody can run for office. So it is specifically in line with campaign finance reform. [LR268]

SENATOR HILGERS: Where...and I may have missed it, but where in this resolution is the references to Citizens United? [LR268]

JOSHUA ACIZ: I don't have it in front of me, but I can...I'm not sure if the senator made changes, but I don't believe so. [LR268]

SENATOR HILGERS: Okay. Yeah, I don't...you said that at least one of the...the other state's resolutions... [LR268]

JOSHUA ACIZ: Yes. And there's a daisy chain, what's called...the legal term, where it's tied into the other resolutions as well. So that particular daisy chain automatically ties to the ones previously passed before...in the...in Vermont, in California, Illinois, New Jersey, and Rhode Island. [LR268]

SENATOR HILGERS: So those are intended to...because I guess the wording is to be considered together with the application. [LR268]

JOSHUA ACIZ: Yes. [LR268]

SENATOR HILGERS: So that's intended to incorporate those into what we're considering. [LR268]

JOSHUA ACIZ: Yeah, it's quite difficult, I'm sure, I know as a state legislator, it's tough to have the same exact resolution language in every single state. But that daisy chain provides legal precedence that they're in conjunction with these. And we actually cite the actual bills that were passed in those states. [LR268]

SENATOR HILGERS: Okay. Do you have readily available copies of those resolutions? Because if what I'm hearing you say is correct...and correct me if I'm wrong. [LR268]

JOSHUA ACIZ: Yeah. [LR268]

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SENATOR HILGERS: That as we consider this, we ought not to just consider these but...but as..almost incorporated within this document, this resolution, all these others... [LR268]

JOSHUA ACIZ: Yes. [LR268]

SENATOR HILGERS: ...can you provide the committee a copy... [LR268]

JOSHUA ACIZ: Yeah, we can absolutely get that to you. [LR268]

SENATOR HILGERS: If you can't, I'm sure we can find those (inaudible). [LR268]

JOSHUA ACIZ: Yeah, absolutely, yeah. [LR268]

SENATOR HILGERS: Okay, thank you. [LR268]

JOSHUA ACIZ: Yeah. And that's the way...so basically the way Congress does...and they actually just started a Web site for this; actually never even had it before. I believe a citizen actually raised the question like, hey, who is counting applications? And Congress was like...nobody is doing it. So they actually has a Web site now that actually counts the applications. So it even shows you there that they're counting separately. But we've had over 400 calls for a convention since the constitution has been created. We've never had a convention ever, because they're counted separately. If we were able to have a convention on multiple different topics, we would have had hundreds of them already. But that's precedence that shows you that they're only counted on (inaudible) and subject matter. [LR268]

SENATOR HILGERS: Thank you. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR MURANTE: Senator Briese. [LR268]

SENATOR BRIESE: Thank you, Chairman Murante. Thank you for being here. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

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SENATOR BRIESE: So as I read this, is it...it's apparent that five other states have petitioned Congress for this call? [LR268]

JOSHUA ACIZ: Yes. Well, they've called for Article V. There's actually been separate from what we're doing, there's been 19 states that have passed asking Congress to propose an amendment for campaign finance reform. [LR268]

SENATOR BRIESE: Okay. How many other states are currently entertaining proposals like this? [LR268]

JOSHUA ACIZ: So Wolf-PAC is a nonprofit organization in all 50 states. We have four paid employees and about 40,000 volunteers. So right now it's actually been a pretty busy 2018. I'm actually working in several different states. We're live in Massachusetts; we have sponsors in Alabama, Indiana. I think last year we were live in 30 states. The year previous to that it was about 25. So each year we get more and more sponsors as the teams grow. This is a complete citizen organization. What we do as a national team is, when we can, fly in for committee hearings. But what we really do is provide a lot of support for them to get out there and talk to legislators, like they probably met with you, to really push this particular resolution. So, yeah, we have quite a bit. This year, we're looking...our goal is for 35. We like to continue to increase each year. But last year we did have about 30 live resolutions. [LR268]

SENATOR BRIESE: Okay, thank you. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR MURANTE: And I'm curious, on page 2 of the...it seems like the operative language that we're really looking at here is that we hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the constitution that would restore free and fair elections. I'm curious as to your thoughts on the word "restore." That seems to imply to me that at one point in your view we had free and fair elections; we don't anymore. In your view, is there an event that occurred in which case we ceased having free and fair elections? [LR268]

JOSHUA ACIZ: Yeah, not necessarily a particular event. I think it's been multiple of them. There's been multiple Supreme Court cases on this particular issue. I think the most polarizing one, obviously, everybody probably knows is Citizens United, but there have been several ones before that that have actually opened up the floodgates a little bit as well. But we usually have had, up until like the early 1970s, just pretty much sensible campaign finance reform. Even when

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Reagan was in office, you were able to get a tax credit for donating to a politician, which we don't even have anymore. So there are other groups out there working on like conservative efforts to bring back tax credits, things like that. So it certainly is cross-partisan issues. I don't think there's any one particular event. I don't think it was like one night our system just became broken. I just think that we have had in the past sensible campaign finance reform and the Supreme Court has actually even seen campaign finance reform as common sense and realistic. It's been since (inaudible) 1970 where there's been several Supreme Court cases that have kind of got us to a point where we have super PACs, unlimited money, no disclosure, no transparency, things of that nature. [LR268]

SENATOR MURANTE: Okay. And I'm not an attorney, I don't have that case law in front of me, but my understanding is that those...the Supreme Court, essentially, held that campaign contributions under certain set of circumstances are protected, political speech, under the First Amendment. Is that the generally (inaudible)... [LR268]

JOSHUA ACIZ: Yes. Citizens United was the big one that that ruled that, yeah. [LR268]

SENATOR MURANTE: So, if we're going to have a constitutional amendment to undo that, then we are authorizing Nebraska to send a delegation to either modify, or in some way, put an asterisk under the First Amendment. Is that generally correct? [LR268]

JOSHUA ACIZ: Well, the most common sense, the way to kind of look at things is that there are certain restrictions that just make sense. So, for example, in a committee hearing for the most part, everywhere I've ever gone, there's usually a time limit on how long you can speak. That's not done to hurt my free speech; that's done to increase free speech. It give the opportunity for many people to speak. So in the sense that we're able to actually have commonsense restrictions on money that's donated, we actually broaden the pool of people having actually a say in what gets done in Congress. So I think it...it's not a matter of impeding free speech, I think it just a matter of getting back to a commonsense situation where we actually expand free speech. [LR268]

SENATOR MURANTE: But you're using a term "free speech", which I think...it works, but my problem is that the specific case law deals with the First Amendment. So to undo that case law requires a modification of the First Amendment. And it seems very unlikely that we're going to place into the constitution specific things like a revolving door statute doesn't seem like it belongs in the Constitution of the United States. [LR268]

JOSHUA ACIZ: Yeah. Yeah. [LR268]

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SENATOR MURANTE: So we're somehow going to have to modify the First Amendment to satisfy the Supreme Court's...what they would view as an unconstitutional burden on people's free speech rights. So when we open that door, it's a broad authority to modify the First Amendment how ever they see fit as long as they can rationalize it by saying they're restoring free and fair elections. So I'm just curious, do you agree with that assessment that that is what we are burdening our delegation with, that's what we're sending them off to the convention to deal with, and if you are at all concerned about a group of twenty-first century politicians attempting to modify the First Amendment of the Constitution? [LR268]

JOSHUA ACIZ: Well, I mean, any amendment that you would add to the constitution is, obviously, going to change the constitution. That's the entire point of an amendment, it adds a whole separate layer to the constitution itself. So it wouldn't necessarily be an infringement on the First Amendment, it would just be an additional amendment added to the constitution. But the amendment process and the amendments themselves are actually above the Supreme Court. So that's why we need an amendment because of the Supreme Court cases. If you were to, for example, past state legislators to regulate state legislation to regulate campaigns. That could very easily be challenged in court. It has been. And then once it reached a certain level they're going to take the Supreme Court's precedents and it's going to get thrown out because Supreme Court has ruled on this. There is not anything in our constitution that guarantees free and fair elections. There's really nothing in there that guarantees a vote. So what we're talking about here is actually having an amendment that actually establishes that we should have a system, campaign finance-wise, that it's free from the corrupting influence of special-interest money. So yes, I mean, anything you add to the constitution is going to change it, but I don't necessarily think it would infringe on the First Amendment. [LR268]

SENATOR MURANTE: Okay. Senator Hilgers. [LR268]

SENATOR HILGERS: A couple of follow-ups on Senator Murante...thank you, Mr. Chairman...those questions. I mean I guess Senator Murante's...I mean, I guess the concern is you are talking about an amendment to the constitution. You are talking...I mean, when Citizens United and other...and I've read these cases...it's been some time, generally the rationale for striking down some of these election laws is based on the notion...it's based on the First Amendment; it's based on free speech, kind of, argument. And so would there be downstream or broader collateral damage type...potential negative effects that you'd be concerned about that if we have a constitutional convention where people are, essentially, modifying the First Amendment, that it could go much...much broader than maybe what you intend today. Right? But is not necessarily constrained by the broad language of this resolution. [LR268]

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JOSHUA ACIZ: I understand given some of the current political climates on some reservations and the trust mechanism of having faith in a system that would do the right thing. I certainly can understand that. I personally am an advocate for this because I do have faith in the process. I do have faith in Americans getting it right. I don't think Congress is going to; they haven't proved capable of doing so. But, yeah, I mean we already have certain restrictions. I mean, a lot of states don't allow you to be a candidate that stands directly in front of a voting booth. You can't go into a polling station. There's plenty of campaign limitations when it comes to what people would consider free speech. So we could have the conversation is that an infringement on your free speech not being able to stand outside of a polling station with a sign that says--vote for me. And again, they do that because it makes sense to do that because they're not influencing individuals to vote. It gives them a broader ability to have more free speech. So we're not talking about changing the First Amendment. It was interpreted as such because we don't have a free and fair elections amendment. But say the Supreme Court was...adjourned tomorrow to take up this case and that didn't happen. If we had this amendment, they would have used that for precedence and they probably would have ruled differently. The only thing they do is interpret the laws that are there given to them, interpret the amendments that they have, so that the thing they had to interpret it as is free speech. So what we're trying to do is get an amendment so that those things don't happen again in the future; establish that we actually can have that safeguard. [LR268]

SENATOR HILGERS: And I appreciate that. I think the concern that...at least I hear Senator Murante articulating one, and I agree with this, you're saying that amendment. That amendment...what that amendment actually ultimately is is that...that decides all the marbles. Right? I mean, there could be an amendment that would be very narrow that does exactly what you say. There also could be an amendment...I could imagine an amendment in which the very use of any money in a campaign from someone who is not the candidate could be...could be unconstitutional. So for instance, if an individual felt passionately and wanted to run an advertisement in a newspaper and it was disclosed in all the rest. I mean, there's nothing in here, in other words, that would give us...I mean, this is a question, I'm not...it's not necessarily a statement, although it's...from what I've seen so far, it suggests that this is true. There is nothing in here that would necessarily constrain or restrict the delegates from doing...from going way over broad what you might want to do right now, what you might think is sensible, what we might all agree is sensible. Right? Or is there something in here... [LR268]

JOSHUA ACIZ: Yeah, there's a mandate that the delegates have to stay on specific topic, and the states can actually rescind them. [LR268]

SENATOR HILGERS: But that topic is to restore free and fair election. [LR268]

JOSHUA ACIZ: Um-hum. [LR268]

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SENATOR HILGERS: Which to my read is incredibly broad. Would you agree or is that...?  
[LR268]

JOSHUA ACIZ: No, free and fair elections specifically...like I said, the free from the corrupting influence of special interests and fair that anybody can run for office. I do think there are safeguards. There's not necessarily a procedure that you can pull up on-line or a document that you can pull up on-line, but if you look through historical precedence, like a lot of these reports do, they look at conventions on the state level. There's been hundreds of state-level conventions. They've all done the scope of their work. They've convened like a body like this. There's a chair. They have a certain list of agenda topics; they go over them, they get them done, and they go home. That's the democratic process. That's government. That's what we're aiming for here is to get to a point where you can have a conversation on how we can fix the problem, because it's just not happening in Washington. So there are safeguards when you look at historical precedence. But yes, there's nothing on the books that says this is how it's going to go; this is how it's going to go. You have to have faith in the constitution because Article V is there and you have to have faith in the process. You have to have faith in our court system. You have to have faith in the state legislatures if they're going to make sure the delegates are going to stay on topic. But we can certainly do it. [LR268]

SENATOR HILGERS: So I...and I'll move on, I only have two follow-up questions. But I will say that as I view that language--restore free and fair, I'm not sure you could agree even on what necessarily "free" means or "fair" in this...you...I mean, I know it's you. I get what you're trying to say... [LR268]

JOSHUA ACIZ: Yeah, absolutely. [LR268]

SENATOR HILGERS: ...but if I'm a delegate and I'm looking at this, free and fair could mean a lot of different things because it doesn't say all the rest what you said. But to that point, I want to go back to the daisy-chain point that you and I were discussing before. My staff gave me the resolution from...which state is this one from? I believe this is Vermont. This is Vermont, and in this one the purpose of the...and I just want to make sure so if this passes and a delegate is sitting there and saying what am I guided by? I want to make sure I get this testimony on the record. So this...the resolution before us says free and fair. The resolution for Vermont says would limit the corrupting influence of money in our electoral process. So that's the purpose of Vermont. The purpose of Nebraska doesn't say that. So I'm a delegate interpreting what my authority is. I'm looking at this resolution, is it free and fair, but also folks saying the corrupting influence of money in our electoral politics or is it just free and fair? So how would you interpret that?  
[LR268]

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JOSHUA ACIZ: Well, as I said, the free and fair is money in politics, the corrupting influence of money in politics. Like I said, the free from the corrupting influence of special interest; fair enough that anybody can run. If we don't have special interests like we do now in current politics, normal citizens can run for office. So what I was saying earlier about the Department of Justice, Congress will convene once we reach 34 applications, so we pass in Nebraska, we pass in 28 more states; 34 applications. The wording may be different in their certain states because certain states do things differently, but they are all together as one. Language is very similar. The legal precedence is in there with the resolutions that are passed before with this particular issue. So once it's actually convened, Congress will actually have to propose like a bill or resolution that says we have 34 applications on this topic; it's going to be on this date. So there is going to be precedence on record that when they go to the convention, they're only going to be discussing a specific topic. [LR268]

SENATOR HILGERS: Okay. And I guess my last...just following up so the record is clear, you were talking...Senator Murante asked you about sort of the time in which our elections became not free and not fair. And I know you said not a particular date, but I...and I just... [LR268]

JOSHUA ACIZ: I was born in the '80s. [LR268]

SENATOR HILGERS: Yeah, you have done a lot of research. [LR268]

JOSHUA ACIZ: So it's been bad ever since I've been born. [LR268]

SENATOR HILGERS: Well, since you know a lot of research on it, and again, I haven't read this in a little while, but I want to make sure that my understanding is correct. I mean, my understanding is that in the '70s is when some of these federal election laws were really passed. Now the Supreme Court, even in the Buckley v. Valeo case actually trimmed that back. So what...I guess what I'm asking you is...before that was the time in which it seemed like it was more of a free-for-all, there were fewer laws on the books on federal election. So I wasn't quite clear when you said that that was...when was the time that we...so if we were going to go back in time to look at the point when we...you really felt there were free and fair elections, at what point would that be? [LR268]

JOSHUA ACIZ: I don't have one in particular. Like I said, I was born in the '80s, so it's pretty much been worse and worse and worse year after year, so it's tough for me to say historically because I haven't been around that long. But, I mean, restore is...sounds nice, you know, it's definitely good when you're talking about this with politicians, legislators. I don't think it necessarily has any meaning on what we're doing here. It's more of just a title of a resolution or the language in a resolution. So I wouldn't necessarily say we're going to have a convention and

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they're going to decide to go back 1955 on August 14th's laws. I think the whole purpose of this, again, is to get to a point where we actually have a body of individuals discussing how to fix the problem. The biggest issue that we face right now is that this is a huge overwhelming issue. If you look at the presidential election, you had Trump on the right, Bernie on the left, both running populous messages, both running on the idea that Washington is corrupted. Why were they voted for overwhelmingly? Why did Trump win? A lot of it has to do because he ran on a platform of saying I don't take specialist money. I remember watching the debate stage and he stood up there and he said--I give them money and they do what I want. People voted for that. They knew that Washington is corrupted. They want somebody to go in there and shake things up. So it's pretty overwhelming that the American people want this. So I think the word "restore", yes, we could debate that back and forth, but I don't necessarily think it has anything or any meaning on what the delegates are going to do when they get there. [LR268]

SENATOR HILGERS: And part of the reason I ask these questions, and I'll wrap up, but I...is just that...especially when I think the language is fairly broad. When you're talking about binding a delegate to the authority that they're given by the state, they're going to look at these documents and they may, and a court may agree, if they look to some of the testimony that we're hearing today, the court may find that that's not relevant at all. But I do think it's a really important for when we're talking about a resolution of this nature to put this on the record so that there's some guidance if this ever does...if this does go forward that they can look back and see what their authority is. I will say, as a last comment, not a question, that I do appreciate using the Article V process. I agree with you in terms of that as a route to amend our constitution. Certainly, I also agree with you, through your analysis on that delegates can be bound and the idea of a run-away convention, no matter what the topic is, I think is...doesn't have the historical grounding that many give it. [LR268]

JOSHUA ACIZ: I like that you used the word "idea" for the record. (Laughter) [LR268]

SENATOR HILGERS: So anyway, again, I appreciate you answering a lot of these questions. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR HILGERS: And I appreciate the work you've done to get things to this point. [LR268]

JOSHUA ACIZ: Thank you. Thank you for giving (inaudible). [LR268]

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SENATOR HILGERS: Thank you. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR MURANTE: Senator Briese. [LR268]

SENATOR BRIESE: Thank you, Chairman Murante. And thanks again. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR BRIESE: How would you address the skeptics that point out of the five successful resolutions we've talked about here, three of them occurred four to five years ago, one occurred three to four years ago, the last one was two years ago. And those same skeptics might say that there doesn't seem a whole lot of sentiment or...not a whole lot of momentum here. How would you respond to that? [LR268]

JOSHUA ACIZ: Well, the issue has overwhelming momentum. I think one of the biggest things and what's Senator Hilgers was just talking about is, you know, there is a lot of fear mongering out there in regards to the convention route. We've tried to do some research, try to figure out where it actually stems from. It does kind of look like it started when the balanced budget was pretty close to passing in the early '50s and '60s. And a lot of it just came from the fact that many folks really couldn't say, hey, I'm against the balanced budget, so the only alternative was really to debase the Article V process. And unfortunately, those talking points have kind of stuck around for a few decades. And I've seen tons of articles, I'm sure you all have, a lot of the fear mongering that takes place is really never backed up with historical precedence or facts. Whereas, us as an organization have researched this extensively and there's scholars, there's Department of Justice, Congressional Research Service, which are never cited by these articles having the other side saying it can be limited. So I think the biggest thing is fighting back against the narrative of the unfounded theory of a runaway convention has been the slowest nag. But there is absolutely overwhelming majority in many of our states. We have sponsors and co-sponsors that are both Democrats and Republicans. In Missouri, for example, we passed the senate there twice. It's a Republican-held chamber; our sponsor is Democrat. In the house, our sponsors are Republican. In Pennsylvania, right now, they have enough co-sponsors in the senate that if they voted on it, it would pass. And the majority of those co-sponsors are almost split 50-50 between Democrats and Republicans. So I do certainly believe there is an overwhelming amount of support for campaign finance reform. If you're looking to make like an...like what's going on, why haven't we gotten there quicker? I certainly think it's because of those fear mongering talking points that have been out there for quite a bit of time. And it's actually used on both sides, unfortunately. You know, it started with John Birch Society way back when, and

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there's been other groups recently on the left like Common Cause that will also use those exact talking points. We as an organization actually recently wrote an article called the "Honest Path" and I'll be glad to share with anybody. We researched it extensively. Even some of the captions that they've taken, some of the quotes from like Antonin Scalia, were completely taken out of context. Paraphrasing, he basically said, yeah, runaway convention would be terrible. And then he goes on to say I think a limited convention would be good for our country. But they conveniently left that part out. So I think that's been the biggest issue. Once we're able to get over that hump, I certainly think there would be a wave of states putting this resolution on the board. [LR268]

SENATOR BRIESE: Okay. Thank you. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR BRIESE: You did say last year there were what, 20-such efforts or 25... [LR268]

JOSHUA ACIZ: Yes, it's really...ideally it would be great if we had tons of funding and we could hire a team of individuals to get out there, but it really is a grassroots organization with volunteers all across the country. So as we continue to grow as an organization as far as the teams continue to grow, we're able to get more and more states introduced. It's obviously tough to get them over the hump with having just volunteers getting there. You'll hear from some of them today. You've met with some of them. They literally come here after work; they take days out of work. It's tough to get resolutions passed that way. I've been here for a couple days myself walking around trying to get meetings, it's tough. When you come here and you get to...on a day when you're coming out of work and you have a couple of hours, you know you're lucky if you're able to speak to a couple of senators and you got to go home because it's dinnertime. So I certainly think as we continue to grow, we definitely see momentum and each year we've continued to build more and more resolutions being introduced. [LR268]

SENATOR BRIESE: Okay, thank you. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR MURANTE: Thank you, Senator Briese. Senator Lowe. [LR268]

SENATOR LOWE: You know, I think that special interest groups have come out in favor and opposed pretty much each and every one of us. (Laughter) Yet I just worry that if we impose

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something like this, will only the rich be able to run for an office and be successful, because they're self-funded? [LR268]

JOSHUA ACIZ: So you're saying that that's your fear of what happen if we did this? [LR268]

SENATOR LOWE: Yeah. [LR268]

JOSHUA ACIZ: Well, I mean, essentially that's the system that we have right now. I mean, one of the biggest reasons why personally Donald Trump was able to run and not take big donations was because he's a billionaire. You know, if you look at like California senate races, you have to raise \$10 million to \$20 million to run for office. So you see a lot happening right now all across the country, because there's a lot of primaries going on in 2018, and a lot of people who are running are self-funded. Because they can then run on the slogan, oh, I'm not taking big money, but...and essentially you are the big money. So right now, the system that we have allows that. We want to get to a point where we actually have sensible regulations where that doesn't happen. [LR268]

SENATOR LOWE: You know I...but...okay, thank you. [LR268]

JOSHUA ACIZ: Thank you. [LR268]

SENATOR MURANTE: I just want to follow up very briefly on the conversation you had with Senator Hilgers, because something that you said, it triggered a thought in my mind is...so the idea that the term free and fair elections sort of inherently goes to the idea of campaign finance issues. This committee also has jurisdiction over elections in the state. And usually when I hear the term free and fair election is used in the context of how elections are conducted, whether the disabled have adequate technology so that they are able to vote; how many polling places exist in a county; how far people have to drive to their polling place, these are...when the issue of free and fair elections get brought up, it's usually in that sort of context. And I'll give you just a perfect example. I'm a person who believes very passionately that part of free and fair elections includes having elections which are secured and are efficient and that's why I introduced voter ID legislation for so long in the Nebraska State Legislature. So to me, part of conducting free and fair elections is ensuring that the people who show up to vote on election day have identified themselves and proven that they are who they say they are and they live where they say they live. So to me, just reading this, and from...between two sort of intellectually honest people and you seem like a good guy, I don't have any reason to dispute that... [LR268]

JOSHUA ACIZ: Thank you. [LR268]

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SENATOR MURANTE: ...I could view this as a...allowing me to go, if I were selected to be a delegate, to go to a convention and put voter identification into the Constitution of the United States because to me that is part of conducting free and fair elections. Would you agree that this resolution would at least make it permissible for me to pursue that if a convention were to be called under this resolution? [LR268]

JOSHUA ACIZ: I definitely understand the point you're making, and I really appreciate...and I appreciate all the great questions, this is great, I don't normally get this, it's usually scary, scary, scary, run, run, run. (Laughter) So I appreciate the conversation we're having right now. This is great. [LR268]

SENATOR MURANTE: Go over to the Judiciary Committee if you'd like to. [LR268]

JOSHUA ACIZ: Just run away, it's scary; avoid what's in the constitution. So I appreciate it. But no, I completely understand your concerns. I mean, I would be open to an amendment if you wanted to add language in there that specifically says campaign finance reform, I'm not opposed to that. We normally do have things in our resolutions that specifically cite Citizens United and related cases around campaign finance reform, which does provide that legal scope. So if you felt that we needed to add language or a sentence in there that specifically says campaign finance reform, I would not be opposed to that. Our goal is not to overhaul and throw out the whole entire election process. Our entire goal as an organization is to get to a point where we don't have campaigns where tons amount of undisclosed money can run for office. Every year we have a presidential race, we shouldn't continue to hear records being broken. We have all these special elections happening, and every time there's a special election, they beat the record of the previous special election. It's just absurd. There's so much money pouring in from outside of districts, outside of states, it's just...it's really, it's a mess. We're not winning with our current election system. So I definitely agree that we should do a lot of things in election reform so we can maybe talk about that later. But, yeah, I mean, I wouldn't be opposed if you felt the need to add a specific line in there that says this is specifically for campaign finance reform. I'm definitely in favor of that. [LR268]

SENATOR MURANTE: Understood. All right. Any final questions? Seeing none, thank you for your testimony. [LR268]

JOSHUA ACIZ: Thank you. Thank you all so much. [LR268]

SENATOR MURANTE: Additional proponent testimony to LR268? Welcome. [LR268]

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TONY McDERMOTT: (Exhibit 2) Thank you. My name is Tony McDermott, T-o-n-y M-c-D-e-r-m-o-t-t. Thank you, Chairman Murante and committee members for scheduling this hearing so quickly and thank you for serving your state and your districts. I'm here in support of LR268, a resolution that will help us achieve a U.S. constitutional amendment to fix our broken campaign finance system. I've been working on this issue personally as a volunteer for the last year, instead of being at home with my family who are, in fact, missing me right now. My wife and I actually have a fight every time I take time away from her to come to the Capitol, take the two and a half hour drive to work on this issue. As I'm driving, the entire time I'm thinking to myself someone should have already fixed this issue; but no, it falls to me and everyone else here today. As a younger man with more ambition than knowledge, I dropped out of school, secured my GED; I got an entry-level job. I saw an opportunity to get something I never had before, entry into the middle class using hard work and determination. I worked by the core principle of working hard, obeying the rules, being kind and fair, and America the bountiful will reward you in kind. Except that the dream seemed harder and harder to reach. Over the years, every employer I ever worked for would applaud my consistent extra effort for 364 days out of the year leaving out the day pay was scheduled to be raised. So I exercised my free market power of withdrawal and changed jobs. I found the same situation at the next job and the next and the next and the next. During this time, my skills developed to the point where I had enough knowledge to build an entire house by myself, yet I was still considered entry level. I also learned about OSHA. I learned all I could about workplace safety, because those were the rules. The research that made me understand that the same companies that were paying me under \$10 an hour were just fine putting my life and limb and safety at risk so they could make more money while still not sharing it equitably with me. I found smashing my face into this glass ceiling unacceptable. The point at which I knew I had to make it on my own was when I worked for a grain elevator which exposed me to all of the top ten risks as determined by OSHA all day every day. This same employer bragged directly to me in a meeting that they were spending hundreds of thousands of dollars lobbying to cut these OSHA regulations that were keeping my life, love, hopes, dreams, and potential from being violently extinguished. Obviously, I was not a very big fan of that. It became clear that in many cases...it came clear to me many cases in America, special interests, put profit over people. This led me to understand why our federal government did not work for us, the people. They put money, campaign donations over the voices of constituents. I personally do not blame the Supreme Court for interpreting the existing law the way they did in the Citizens United decision. That is, in fact, their entire job interpretation. Congress is tasked with writing the law, but luckily they're not the only ones that have the power to propose an amendment, the states also do. The framers of our constitution foresaw this possibility of a time where the federal government would be detached from the people and provided the citizens, by way of the states and all of you, a way to reflect the will of the people. It's clear that Congress is not going to fix this issue themselves. Ultimately, the power is with you, our state senators. You have an opportunity to fight back for all the voices who have been silenced by dark money, outside money, foreign

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money, and special interest money. We all have a responsibility to stand up and fight together. The time is now. Thank you all for your time. Please support LR268. [LR268]

SENATOR MURANTE: All right, and thank you for your testimony. Are there any questions? Senator Hilgers. [LR268]

SENATOR HILGERS: Thank you, Mr. Chairman. And thank you for taking time out of your day. I think I speak for all the committee when we have to ask this burning question, is your wife mad at you because she thinks an Article V convention will be a runaway convention (laughter) or just that you're taking time out of your day to be down here? [LR268]

TONY McDERMOTT: It would be the taking time out of the day. [LR268]

SENATOR HILGERS: No, I appreciate...I've seen you walking the halls. I appreciate you coming down and spending time to do this. [LR268]

TONY MCDERMOTT: Thank you. [LR268]

SENATOR HILGERS: Thank you. [LR268]

SENATOR MURANTE: Seeing no additional questions, thank you very much for coming down, much appreciate it. Additional proponent testimony of LR268? Welcome. [LR268]

MIKE CAROLUS: (Exhibit 3) Thank you. My name is Mike Carolus, M-i-k-e C-a-r-o-l-u-s, and thank you, gentlemen, for your time today; Chairman Murante, for letting us express our views here. So I'm just going to quickly read through this. They are good questions I've heard. I'm thinking a little more deeply about this as well, so I appreciate the information. So, again, my name is Mike Carolus and I'm here with other concerned Nebraskans. We have some hope and some urgency here. My thoughts were with the incredible advances in communications, our government representatives really do have more data and deeper data than they ever have in the history of our country. We ask ourselves why our leaders fail to objectively, key word research and reform the will of U.S. citizens. And sadly we recognize our voices are being drowned out by the few. My awareness that my vote and my individual choices are being diminished hurts and disheartens, in particular, I've seen it go on for a long time. I'm 61 years old. I have children who I see their votes being diminished and diluted by the influences of corporate money on our political system and on our elections. I consider this an attack on my liberty and my voice and it does make me angry and it does sadden me. So like many Americans, I am kind of losing confidence and faith in our...the way our republic functions. And 9 out of 10 Americans do believe

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that reducing corruption in federal government is a top priority. Gallup recently came out with those numbers and a dysfunction in government is the number one issue in America surpassing even jobs and economy. Notably Congress currently has lower institutional support than the King of England during the Revolutionary War. So conservative Republicans to radical Democrats agree on the need to restore free and fair elections in America. It's not an issue of left versus right; it's an issue of right and wrong. Americans are deeply concerned our representative democracy is in jeopardy when dark money flows interrupted into our political system. Most Nebraska constituency, you know, we're hard-working type of people here. We don't have time, we can't afford to entertain the K Street thousand-dollar-plate functions and so forth. So if we have a window here to fix our broken campaign finance system, you gentlemen have asked some great questions and clarified in my mind some of the risks and some of the things that this really looks at in calling this convention. And, you know, I trust the minds of you gentlemen, but I think there's enough value here, you know, that for doing the right thing, if we look at what our constituents and the people across the state would like to have, yeah, we'd all like to get money out of the decision-making process. So, again, appreciate your time. Thanks for your underpaid and often under-appreciated efforts here for we citizens. How about that parking trying to get here? (Laughter) [LR268]

SENATOR MURANTE: All right, thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down today. [LR268]

MIKE CAROLUS: Thank you. [LR268]

SENATOR MURANTE: Welcome. [LR268]

JOHN McCARDLE: How ya doing? [LR268]

SENATOR MURANTE: Doing great. How are you doing? [LR268]

JOHN McCARDLE: (Exhibit 4) Doing good. Have to get back to work here in a little bit, you know, I'm going to be yelled at as soon as I leave here. So, good afternoon, Chairman and committee members. I'll say my name first, it's John McCardle, it's J-o-h-n M-c-C-a-r-d-l-e. Good afternoon, Chairman and committee members. Thank you for holding today's hearing for the opportunity to speak in strong support of LR268. My name is John McCardle, a proud citizen of Nebraska. I grew up here. I went to Millard North High School and played football at Kansas State. My family owns a transportation business in Omaha where I work and left early from today to be here to support this very important piece of legislation. I have dedicated almost all of my personal time working on this and speaking to many of you on this committee. Up until a year ago, I had never participated in politics, in fact, I had never spoken to a senator before and

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today is actually my first time testifying. I got involved and became an active citizen because I strongly believe that the fundamental issue needing to be addressed in the U.S. is our broken political system. It's not working in the interest of the average American family, but I don't have to tell you that. This last presidential election proved that people are fed up and we know why. We saw Trump rise up when he started saying he was the guy who didn't take special interest money and he was going to drain the swamp. Though he talked about the issue in a very different way and used different words, you saw the same thing with Bernie on the left. I am also here today because my family has been personally affected by special interest money. Eight years ago, my brother had surgery from a football injury and a couple years after that we found out he was addicted to opioids. Later, like so many others in the similar situation, he became addicted to heroin. At one point my brother almost lost his life. My family spent over \$50,000 to send him to a rehab facility in Minnesota for two years to get him help. What might you ask does that have to do with campaign finance reform? I don't know if you watch "60 Minutes", but recently they had a segment on the opioid crisis and in the research found that large pharmaceutical donations had influenced politicians and lawyers to make it so the DEA was not able to enforce the laws on the pharmaceutical industry. In one instance, in just two years, 9 million pills had been shipped to a town in West Virginia of only 392 people. Now can we stop for a second and think about that number? The DEA agent in charge of that area with crystal clear evidence of foul play was repeatedly told to go find more evidence and was ultimately unable to do anything. So what did Congress do about it? In 2013, they passed a law that stripped the DEA of the ability to stop suspicious shipments. According to a DEA agent, the legislation made it impossible to do his job in trying to divert one of the biggest health crisis our nation has ever seen, that has taken hundreds of thousand of lives. The pharmaceutical industry alone spent \$3.4 billion between 1998 and 2016 on lobbying and campaigns. Sixty-four thousand Americans died in 2016 from opioid overdoses. If we don't take the first step to attempt to correct what we all understand is an unsustainable system, Americans will abandon confidence in their government, the opioid crisis will only become worse, more families will suffer, and small businesses will always have the odds stacked against them. We can't let that continue to happen. Thankfully, our founding fathers gave us a way to put a check on unresponsive Congress. Whether you think an amendment should come from Congress or an Article V convention, this resolution is the loudest call for federal election reform Nebraska can make and there is evidence to prove that. In 2014, shortly after a similar resolution, LR268, passed in Vermont, the Chair of the U.S. Senate Judiciary Committee, Patrick Leahy, called a hearing on the Udall Amendment. In his explanation of why he saw the need to have this hearing, he cited the fact that his home state had called for a convention on the issue. This is how you get Congress to pay attention. In summary, what this resolution does is call for a conversation about how to make our election process work better for the American people, for the little guy, like me. The outcome of the convention is not dictated in this resolution because we must hear from all sides on how to fix this--Republicans, Democrats, Independents, experts, and citizens. This is not a liberal issue, this is not a conservative issue, this is a unifying issue that the American people want. If we are to have any chance of saving our

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representative government, we must act with urgency. So I please ask you to vote in favor LR268 and do the will of the people because the federal government simply will not. [LR268]

SENATOR MURANTE: All right, thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down. [LR268]

JOHN McCARDLE: Good, (inaudible). Thanks. [LR268]

SENATOR MURANTE: Additional proponent testimony to LR268? Moving on to opposition testimony to LR268. Welcome. [LR268]

JOHN CARTIER: Good afternoon, committee members. Members of the Government Committee, my name is John Cartier, spelled J-o-h-n C-a-r-t-i-e-r; I'm in my official capacity as Director of Voting Rights with Civic Nebraska. I'm testifying in opposition to LR268, a resolution directing the Nebraska Legislature to officially submit a request with Congress to call for a convention of the states under Article V of the U.S. Constitution. Civic Nebraska, CN for short, is a non-partisan, non-profit organization dedicated to creating more modern, robust democracy. As part of our work, CN seeks policies that promote and facilitate voting and opposes policies that have potential to limit accessibility or restrict a voter's rights. We believe LR268 has potential to negatively impact the right to vote in Nebraska. Although I'm very personally sympathetic to this issue that is being discussed here, I adamantly believe that addressing the campaign finance problems today on both the national and state levels are best solved by the traditional method of amending the constitution. For reasons I will go into here shortly, an Article V convention is a very dangerous proposition and the language contained in this legislative resolution ignores very key components on how such a constitutional convention will play out. To best understand the subject, it's appropriate to bring up my background. I just finished my gauntlet through law school and the bar. My concentration was in constitutional law. Here I was able to dedicate the better part of three years reading the "Federalist Papers," important constitutional cases such as Citizens United, and common law theory from both the liberal and conservative perspectives. During that time, I also wrote a capstone paper on the issue of dark money and the dangerous trends of campaign financing resulting from Citizens United. Now, out of all my studies, the only real clear answer I can give you for how to read the constitution is always keep in mind the language and the intent as understood by the founders at that time. The Article V convention was considered by the founders as the nuclear option for changing our system of government. James Madison, the father of the constitution wrote in a letter that he trembled at the prospect of a second convention, and if that there were an Article V convention, the most violent partisans and individuals' insidious views which drive the delegates would have a dangerous opportunity of sapping the very foundations of the fabric of our country. And that's a quote. The Federalist No. 49, he again warned against a convention to correct

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breaches of the constitution because the very legislatures that cause problems will be the one seeking a position to control the very outcome of the convention. In Federalist No. 85, Alexander Hamilton said he dreads the consequences of another convention because the enemy of the constitution want to get rid of it. Our very first Supreme Court Chief Justice, John Jay, calling it extravagant risk. He's joined by Chief Justice Warren Burger, Justice Arthur Goldberg, and the late Justice Antonin Scalia, depending on the quote you read, on calling a convention a horrible idea with no real effective way to limit or muzzle the actions of a convention once convened. Convention supporters ridicule these warnings as fearmongering; but when some of the greatest legal minds of all our nation's history and the author of the constitution himself has such a resounding conclusion that Article V convention is a terrifying prospect, I will defer to their judgment. Additionally, committee members, we cannot forget the history of the only precedent we have for such a convention, this was the very constitutional convention in 1787 which threw out the Articles of Confederation. The delegates at the convention were restricted to the sole and expressed purpose of revising the articles. However, the delegates ignored both the limiting instructions from Congress and the states and wrote a new constitution. Civic Nebraska believes that if such a convention would take place today, there would be no way to control the process once it got started. On page 2, I noticed that there's an attempt to limit the Nebraska delegates by the Legislature and retaining its authority to restrict or expand the power of Nebraska's delegates. Realistically, this would not do anything. For one, should such a convention take place today, it would most likely be held in secret. That is a closed proceeding (inaudible) nor any other outsider would have access to the proceedings. This was done in 1787. Furthermore, the vote count at the convention would also be made secret so it would be impossible for anyone to enforce the restriction on delegates. Another issue I have with this bill is how the delegates would be selected. Reading the literal interpretation of Article V, it is clear that Congress would call for a convention on the application of the states pursuant to Article I, Section 8, last clause-- Congress has the power to make laws necessary and proper to carry out its power to call the convention. So determining who will be at a convention, how they are selected, are powers belonging to Congress alone. May I finish? Thanks. Congress has always seen that it has had this power. All this is laid out very clear in the Congressional Research Service Report dated April 11, 2014. Now, proponents of Article V (inaudible) information, this is evident by the language used in the legislation they try and pass among the states. I notice on page 1 it says the state of Nebraska desires that delegate selection goes by the prescribed method. This is permissive language and in constructing law there's important difference between mandatory and permissive language. Also, once convened, the governing body can amend or suspend the rules to expand business of the convention beyond those listed in LR268 as allowed under Mason's Manual of Legislative Procedure, the rules adopted by the body of prior conventions states simulations also under Roberts Rule of Orders. I'll summarize here a little bit quickly for your committee members. But you'll be hearing on me for this subject again for LB1058. Essentially, if everything that I just said went out one ear or the other, trust the warnings of both James Madison and Alexander Hamilton; they were actual delegates to the amendments convention of

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1787 and had personal knowledge that delegates can't be controlled. It's for these reasons that Civic Nebraska opposes LR268. We're not willing to jeopardize the right to vote and protections currently provided by the federal government regardless of the intent. Thank you. [LR268]

SENATOR MURANTE: Thank you. Senator Hilgers. [LR268]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you for being here. [LR268]

JOHN CARTIER: Sure. [LR268]

SENATOR HILGERS: You said a statement that I actually think I...well, several that I think are factually inconsistent with the research that I've seen. One of which was that the original constitutional convention was set for the purpose of just amending the articles of the confederacy. So...or I think I said that wrong, but what...on what basis do you make that assertion? [LR268]

JOHN CARTIER: Because they expressly said that in the resolution that was calling for the convention. [LR268]

SENATOR HILGERS: Who is they? [LR268]

JOHN CARTIER: The delegates. What's the name of them? The constitutional convention, the committee members. [LR268]

SENATOR HILGERS: So I actually...my memory is a little stale, but it's not that stale, when I researched this before for LR6, in fact, the supermajority of the states which called the convention... [LR268]

JOHN CARTIER: Right. [LR268]

SENATOR HILGERS: ...did actually not do it for that purpose. [LR268]

JOHN CARTIER: What did they...purpose for? [LR268]

SENATOR HILGERS: The purpose was to meet the exigencies of the union, it means the union at the time, which is much broader than amending the Articles of Confederation. And secondly... [LR268]

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JOHN CARTIER: I believe in that same paper was that for the sole and expressed purposes of amending the Articles of Confederation. [LR268]

SENATOR HILGERS: I will, of course, double-check my research. I ask that you do the same. [LR268]

JOHN CARTIER: Sure. Yeah. [LR268]

SENATOR HILGERS: Because I don't think...I do not recall that being correct. Secondly, I think I also heard you say that James...did you say that James Madison said that delegates cannot be controlled, is that what I... [LR268]

JOHN CARTIER: Is that what I said? No, I said they trembled at the prospect of a second convention. And he actually wrote in Federalist Paper No. 40 the reason why the delegates went above and beyond what they were called for is because the powers that were given directly to them by the Declaration of Independence actually. So that's a whole other aspect to throw into this mess. [LR268]

SENATOR HILGERS: Well, I...if I recall the number, I believe it's Federalist 39, I believe it was James Madison as well, it talked...it actually focused the reader specifically on the commission statements that were given to the delegates. And that is what defines the scope of their authority. So I don't... [LR268]

JOHN CARTIER: I'd be happy to share.... [LR268]

SENATOR HILGERS: I just...I think when these types of debates, I think it's incredibly important when certain assertions are made regarding the fact...the historical record that are made...that are purported to be facts to this committee or otherwise are public debate that they are exactly as they can be. And there are few statements that I believe to be just incorrect. But I'm happy to discuss them after the hearing. [LR268]

JOHN CARTIER: Oh yeah, absolutely. And if you change your mind, I'd love you put that on the record. [LR268]

SENATOR HILGERS: I will. I will, absolutely. I've been wrong...I'm wrong often. [LR268]

JOHN CARTIER: Sure. [LR268]

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SENATOR HILGERS: And I'm more than happy...and I should not be making incorrect statements either, but those two I think in particular which go to the core of the argument that I think you're making I believe in particular are incorrect. The other thing I wanted to ask you was I believe you said James Madison in a letter, was that...was it a letter that you said. [LR268]

JOHN CARTIER: Yeah, it was a letter. [LR268]

SENATOR HILGERS: What was the...can you give me the citation to that? [LR268]

JOHN CARTIER: Yeah, I can forward that to your office. [LR268]

SENATOR HILGERS: Then did who...and I...I'll read those materials, but I do think context matters. [LR268]

JOHN CARTIER: Yeah. [LR268]

SENATOR HILGERS: And I certainly understand, right after the constitution was pulled together that they might not want to reopen the constitution's Article V, convention. I mean, was that the tenor or the letter? In other words, I thought I heard you say it, but I wanted, since you've read them, in Federalist 95 you said Hamilton said, as well as James Madison, was the tenor of their argument that, hey, we just had this argument, let's not reopen that argument or was it something separate? [LR268]

JOHN CARTIER: It was pretty much directly in response to people saying, well, let's just use Article V convention because we're already upset about our current form of government. And he was like, we were just there. And second go round, we might not produce a document to the caliber of the constitution we have today. [LR268]

SENATOR HILGERS: So was it in your view...what I...I guess the relative distinction in my mind is should we call an Article V convention to just sort of redo everything we just did, which I...you know, if I was alive then I probably agree with James Madison, versus an Article V convention today for a more particular purpose which was...was it the former or the latter. [LR268]

JOHN CARTIER: Right. And I think the members of the committee here brought up an excellent point that even if it doesn't go this extra step, the runaway convention, if you're called up for the expressed purpose of trying to fix campaign elections, that's such a broad subject and

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you can get all kinds of amendments that will pop up in your head that would affect that. [LR268]

SENATOR HILGERS: So another...a couple more questions if you don't mind. So as Senator Murante and I were discussing with some of the previous testifiers, some of the breadth of...the broad scope of the language on here. Is there a way that...if you were to narrow the language, would that address some of your concerns and make you feel more comfortable or... [LR268]

JOHN CARTIER: Yeah. I think they should figure out the amendment that would fix the problem first and then go straight to lobbying through Congress the traditional means of amending the constitution and get this settled that way. [LR268]

SENATOR HILGERS: And then I guess my last...and I appreciate the back and forth...in your research, would you...I mean, the delegate state...the commission statements were relevant when the first constitution was put together. What is your research that you have seen sort of informed you on how states today, if a convention was called, could bind the delegates that we would send? [LR268]

JOHN CARTIER: I referenced the Congressional Research Service Report. And I believe my colleague from the Wolf-PAC also brought that up. There's been a series of them done over the years. Those contain a lot of great information. There's also been several studies commissioned by...I believe it was the House of Representatives on this subject, and they go into lengths back and forth, both sides. I think really the takeaway from the debate around the country is that people are still undecided how this thing will work. And when you have it in plain language right there that Congress shall call a convention, that gives Congress a ton of ability and leeway for them to, first of all, have their own delegates; second of all, call their own procedures and figure out what the ratification procedures will be from there. [LR268]

SENATOR HILGERS: Is there a way that...my last question would be...is there a way that either Congress or through these constitutional resolutions could somehow give your group comfort to some of these... [LR268]

JOHN CARTIER: I don't think so. [LR268]

SENATOR HILGERS: ...some of the procedures if they could...or...or...and I'll finish the question and then I'll let you finish. Is it sort of your position or your organization's position that basically any Article V convention has too much of a risk to be a runaway convention so we should never call them for any purpose? [LR268]

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JOHN CARTIER: That is, essentially, our position. It is just such a dangerous provision, as you can see from the record, from our founding fathers. And additionally, I've heard it going around before that you can incorporate somehow the Supreme Court to come in and be the referee. Supreme Court is a court of limited jurisdiction. There is a doctrine called political question which limits their scope of what they can review and decide. I would heavily bet towards that political question which definitely prevents Supreme Court from sort of being that arbiter. [LR268]

SENATOR HILGERS: Thank you very much. I appreciate it. [LR268]

JOHN CARTIER: Yeah, no problem. [LR268]

SENATOR MURANTE: So I have a question for you. If...something I've never really followed regarding opposition. For those who are opposed to any and all Article V convention, they describe our founding fathers as sort of being viscerally opposed to the idea of ever convening an Article V convention, dramatic fear, these are the giants of American history, right? The founding fathers, the people who wrote our governing documents, the leaders of the American Revolution, if they hated it so much, why did they include it in the constitution? [LR268]

JOHN CARTIER: I think for the very reasons that a convention, if it would take place today, would be problematic is all kinds of things had to come in via...I mean, the only report we have of what took place comes from Madison himself. And if you read through it, it's honestly not that super complete. But, essentially, there's a lot of negotiation on both sides and they thought that this would be the nuclear option for if the federal government specifically really got that out of control, well, we just go back to the drawing board. Because they were modeling it off of the Articles of Confederation where it also had a provision to call a constitutional convention. [LR268]

SENATOR MURANTE: So I'm not following you. That we couldn't...there was insufficient support... [LR268]

JOHN CARTIER: To not have that section at all because it was a carryover from the articles. [LR268]

SENATOR MURANTE: So they could not have adopted the...there was insufficient support to adopt the constitution as we know it now, aside from the amendments that followed, if the Article V provision was not included, is that...? [LR268]

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JOHN CARTIER: That would be my understanding, Senator. [LR268]

SENATOR MURANTE: I would be interested to know who...who are...we've heard the people who hated it, which is basically a who's who of our founding fathers; I'd be interested to know the power brokers who trumped James Madison and Thomas Jefferson that demanded this Article V convention be included as such weight. But I'd be interested...if you could forward me... [LR268]

JOHN CARTIER: Yeah, absolutely. [LR268]

SENATOR MURANTE: I'd appreciate it. Senator Brewer. [LR268]

SENATOR BREWER: Thank you, Mr. Chairman. Well, first off, I can't help but think you're going to make a great lawyer. You speak fast and it's hard to understand what you're saying. [LR268]

JOHN CARTIER: Don't have much time. (Laughter) A lot of input. [LR268]

SENATOR BREWER: No offense to my fellow lawyer senators. I understand that...the concern is when you have...and no offense to you guys either, when you have the common man, the people who day to day make the world go around that are upset, they're heart broken and they are giving up on the system, how can we fix it? Because you're saying the Article V is not the answer, so don't bring me problems without solutions. So let's talk that through. How do you see us moving forward in a productive way to have an in-state so that the common people all of a sudden have hope for the future? [LR268]

JOHN CARTIER: Well, fixing campaign finance reform within a span of five minutes is going to be difficult, Senator. I can forward you actually the paper that I wrote on the topic and I had a couple of different solutions tagged on there, different routes we can go. One of them is crowd funding of elections. Basically, is you would have a pot of money in every state. No one wants more taxes, but this would be funded by tax dollars. And then that any candidate that elected to be funded by that can't take outside donations. So it would be a way to have them catch up to some of the mega-millionaires that would be doing elections. And that's one of the solutions that I've seen go forward. I think they do that in New York currently. [LR268]

SENATOR BREWER: More taxes. [LR268]

JOHN CARTIER: Yeah. Takes money. [LR268]

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SENATOR BREWER: So you're going to make a great lawyer. Okay, thank you. [LR268]

SENATOR MURANTE: Thank you, Senator Brewer. Senator Briese. [LR268]

SENATOR BRIESE: Thank you, Chairman Murante. And thank you for being here again. Earlier in your testimony, you cited historical precedent in suggesting that an Article V convention today would be held in secret. [LR268]

JOHN CARTIER: Yeah. [LR268]

SENATOR BRIESE: And so how did you arrive at that conclusion and how would they accomplish that in the twenty-first century...the secrecy of it? [LR268]

JOHN CARTIER: Well, that's a great question. Trying to put myself in the shoes of the delegates that would be there. I'm not going to want this live streamed on Youtube or CNN or Fox News or anywhere. Having the public backlash at every single move, every single breath that's taking place, I can't guarantee they're going to, on day one, vote the proceedings to secret, but I mean that's all likely if it's going to be functional and move forward without riots every turn that's...honestly, what they're probably going to do. And it really does depend on the room of delegates that you send there. If it's really up to the states that get to decide and we select the best of the best and the people that want to be there to seriously fix our problems, then yeah, there might be an argument that the proceedings would be out in the open. But again, you read the constitution specifically it says Congress shall call. Those are important words and I believe the people that have caused a lot of the problems are going to be the delegates sent there. [LR268]

SENATOR BRIESE: Okay. Thank you. So we're kind of speculating when we suggest it could be done in secret. [LR268]

JOHN CARTIER: Yeah, I think the important thing to remind everybody is a lot of this is speculation because it is very unclear how any of this would take place. [LR268]

SENATOR BRIESE: Okay, thank you. [LR268]

SENATOR MURANTE: Thank you. Senator Brewer. [LR268]

SENATOR BREWER: Thank you, Mr. Chairman. And I guess this is more just a situational learning (inaudible) for you. Every day in here we're here on live television, and on the floor, if I

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put a smiley face...just because I read it ahead of time and I liked what I saw, it all of a sudden becomes important enough to be in the Lincoln paper. So every thing we do is under the scrutiny of the people; and it should be, because they're the ones that sent us here and they're the ones we have to answer to. So I would hope that if we did have a convention that everybody would see what that representative is doing and making sure he is there speaking for the people and doing what he is supposed to be doing...or she. [LR268]

JOHN CARTIER: I admire that view, Senator. Hope is something that we all need to survive on a daily basis, but leaving all this up in the air when we're talking about something that could potentially rewrite our entire constitution, you don't want to leave anything up to hope. [LR268]

SENATOR MURANTE: Senator Hilgers. [LR268]

SENATOR HILGERS: Thank you, Mr. Chairman. Following up on that, why can't we put some of these restrictions either into the resolution or in...I think Senator Halloran has a companion...a different bill, it's not a companion bill, but a bill that would actually help enforce some of the restrictions that we might place on delegates. So why couldn't we put a restriction on the delegates that they...any decision they made to vote in favor of a closed convention would be void. [LR268]

JOHN CARTIER: I touched on that briefly. So one thing would be...it would be secret proceedings, you wouldn't be able to restrict them at all once this would take place... [LR268]

SENATOR HILGERS: Why would it be...I'm sorry, why would it be secret? [LR268]

JOHN CARTIER: Because on day one they're going to vote for the procedure, what is going to happen in this convention use traditional... [LR268]

SENATOR HILGERS: And why would that be...why would that vote be secret? I'm sorry. [LR268]

JOHN CARTIER: I don't...why would it go secret? It would be up to the people, the delegates that are there deciding that whether they wanted...they'd raise the pros and cons. But outside of that, I don't think states have any authority to limit the delegates at all. [LR268]

SENATOR HILGERS: On what basis? [LR268]

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JOHN CARTIER: This is a federal procedure raised in the federal constitution. Any time you're talking about separation between the state level and the federal level, federal level is always going to trump the states. [LR268]

SENATOR HILGERS: I don't understand why that follows, because first of all, the original convention, the states were able to define the authority of their particular delegate. Secondly,... [LR268]

JOHN CARTIER: They ignored it. [LR268]

SENATOR HILGERS: No they...I disagree with that. I disagree with you. [LR268]

JOHN CARTIER: Okay. [LR268]

SENATOR HILGERS: Secondly, I was saying, secondly, the states are selling...sending delegates and so these delegates by...they have some state...just by virtue of the fact that they have some connection to a state does not mean that they're there for preempted by some federal...by some federal rule, regulation, or law. I mean, the states...why...on what basis could the states...would the states attempt to restrict their delegate's authority be rendered void? [LR268]

JOHN CARTIER: Senator, we're presuming a lot. And first of all, it would be the states who are sending the delegates. As I mentioned before, I think Congress has an excellent case and so does the Congressional Research Office that they'd be the ones who can control the delegates selection. And if they can control the delegate selection, it's true, they'd probably come from the other states, but it necessarily wouldn't have any tie to the fabulous legislative body that we have here today. [LR268]

SENATOR HILGERS: On what basis do they have an excellent case? What's their case? [LR268]

JOHN CARTIER: It says in Article V: Congress shall call the convention. Shall call the convention comes with a host of ancillary procedures. Some of those procedures include calling who the delegates are going to be; ratification procedures... [LR268]

SENATOR HILGERS: Can I stop you there just so...just focus on the delegates. [LR268]

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JOHN CARTIER: Sure. [LR268]

SENATOR HILGERS: You say it's ancillary proceeding, but calling the convention on what basis, is there a legal authority or precedent that suggests that by calling the convention you also send the delegates. I mean, when they called the convention before, the delegates were not sent by the federal government from Virginia, or determined from the federal government, Virginia sent their delegate, Maryland sent their delegate. So what is the precedent...you say that there's ancillary proceeding. On what basis is there an ancillary... [LR268]

JOHN CARTIER: I'd be happy to forward you this report. It goes into length, it has a lot of great points, I think. And it's also important to remind yourself that the procedure that they use to call the convention based off the articles is tailored differently than this one. [LR268]

SENATOR HILGERS: Okay, thank you. [LR268]

JOHN CARTIER: Yeah. [LR268]

SENATOR MURANTE: All right. Any final questions? Senator Wayne. [LR268]

SENATOR WAYNE: So let's just go back to when this constitution was founded. Senator Brewer and myself would not have been there. Senator Thibodeau or our ancestors would not have been there (inaudible). Senator Thibodeau or Senator Blood, if they were back then, would not have been there. And yet we came up with a document that has survived a hundred-plus years. Although there were issues, they got it worked out. Over the years, especially with my background, my people, and Senator Brewer's people, that were grave injustices. But how much better can a document be...or a new document if that diversity is allowed in the room now? What better constitution could we come up with today, instead of trying to rewrite something over and over and having Supreme Court interpret the fourth amendment that didn't...that the thought of a cell phone wasn't around when they kicked in the door at your house, what better time than now, with the diversity we have, with a nation that is tugging at political ends of the spectrum coming together right now to create a new document that could survive the next 200 years that could change the course of America, what are we so afraid of? [LR268]

JOHN CARTIER: Senator, with all due respect, is that a concession that you think a runaway convention is possible? [LR268]

SENATOR WAYNE: No, I don't think so. [LR268]

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JOHN CARTIER: So in Article V convention you think could be a vehicle to bring everyone to the table to craft a new system of government that would be better than the present constitution we have today? [LR268]

SENATOR WAYNE: What I'm saying without diminishing the ability of those men who, I won't say great men, because there's plenty of stories that they're either not necessarily great, but men who have brilliant ideas and principle foundation that we have today, I can only imagine how much better that document would have been if my ancestors were in the room, that if women were allowed in the room, that if Native Americans were allowed in the room. And maybe some of the tentacles that took 200 years to fix would have not happened. And maybe if we have that convention today we don't have to wait another 200 years to fix other things. [LR268]

JOHN CARTIER: I would say that the divisiveness in our country going on right now, there's no guarantees the delegates would be an accurate representation of all groups, of all people. There's a lot left up in the air. And if what you're saying is true, then that is a concession that Article V could be used to rewrite the constitution. And it might even be better, but we don't know. It could be way worse. [LR268]

SENATOR WAYNE: No, I'm talking in general. [LR268]

JOHN CARTIER: Yeah, in general. [LR268]

SENATOR WAYNE: I know this limits to just, in my opinion, it just limits to campaign. But I'm talking in general. And the way that money is being thrown in the campaigns...I guess my (inaudible) isn't (inaudible). So that great speech wasn't even heard. (Laughter and inaudible speaking.) You know what, I'm done. But, no, I understand limitations here, but I'm also thinking of LR6 and some other things that have been percolating out there. I'm not necessarily afraid of it, and I guess that's why I can't...I'm trying...I can't get my head around what are we afraid of? And maybe it's just because I grew up in north Omaha where people shoot and people do things, I represent criminals, and at the end of the day, I'm not really afraid of going to wherever we go to and having a conversation. [LR268]

JOHN CARTIER: I could respond one more time if you all would like. [LR268]

SENATOR WAYNE: It was more of a statement. You don't have to. [LR268]

JOHN CARTIER: Well, the constitution, you know, like you say, it's been around for a long time. We have all this legal precedent, we have all these amendments that have come a long ways

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to solve the problems we have today. If we threw out the constitution and started over from scratch, where does that leave our case history? [LR268]

SENATOR WAYNE: It starts a new history. [LR268]

JOHN CARTIER: Well... [LR268]

SENATOR WAYNE: I don't know. It's good conversation. [LR268]

JOHN CARTIER: It is good talk though. But I will say, when I was a little kid, 12 years old, I tried writing another constitution and it didn't look so good. (Laughter) [LR268]

SENATOR WAYNE: Hopefully it will look better today. [LR268]

JOHN CARTIER: We'll see. [LR268]

SENATOR MURANTE: All right. Any final questions? Seeing none... [LR268]

JOHN CARTIER: Thank you, Senators. [LR268]

SENATOR MURANTE: ...thank you. Additional opposition testimony to LR268. Mr. Geis, welcome back to the Government Committee. [LR268]

GAVIN GEIS: (Exhibit 5) Chairman Murante, members of the Government Committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am the executive director of Common Cause Nebraska. My position has already been given for you today. [LR268]

SENATOR MURANTE: Indeed it was. [LR268]

GAVIN GEIS: You have already heard me give my position before so I will not go in-depth for you and it's already in here too, so I'm not going to give you all of this. But I will cover a few things that I haven't gone over. First of all, this particular resolution talks about special interests. And there's an interesting conflict here. A constitutional convention would, we believe, draw a lot of special interest and there's a conflict there. So we're trying to address the problem of special interests, while at the same time drawing in special interests in a convention. So you hold a convention while drawing in a ton of special interest money at a convention. I don't know how you work those two out. There's no doubt in our minds that you hold a convention and that

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convention draws special interest money like flies to a corpse. I don't know which one is going to win out at the end of the day, but that's going to be a major issue at this particular...at any...at any convention. But that's just something I wanted to mention, didn't get to talk about that one last time. But also, this is kicking the ball down the road a little bit. We can talk about this issue here in Nebraska without making a resolution about this. We can talk about campaign finance here in Nebraska and not just kick it down the...kick the ball down the road to the federal level. We really haven't addressed campaign finance in Nebraska. We got rid of our campaign finance system a long...a couple years ago here in Nebraska and haven't brought the topic back up again. So if we want to address it, let's talk about it. Let's talk about disclosure. Let's talk about caps. Let's talk about public financing. These are things we can do. Senator Brewer brought up the question--what can we do to address the common man? What can we do to address hope? We can do things. Yeah, the federal level is broken. Yeah, there's a lot of doubt in Congress. But there are things we can do for local races to make them more competitive, to bring the caps, the spending down here in Nebraska; so let's talk about those things. Let's have that conversation here. So I would encourage this committee to have that conversation, to encourage those conversations instead of just kicking the ball down the road and hoping for some convention years down the line that may become nothing. Let's do that here in Nebraska today; let's be, you know, a beacon in the Midwest instead of just hoping somebody somewhere talks about this. Let's talk about it. Thank you. [LR268]

SENATOR MURANTE: Thank you. Senator Hilgers. [LR268]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Mr. Geis, for being here. Two points, I mean, one is...isn't your first point that, well, special interests are going to be at the convention, isn't that, I mean, utterly demoralizing for people when you say, hey, we can't get any of this...these types of changes through Congress because of special interest, but we have one avenue to amend the constitution. Well, special interests are going to be there. So, I mean, what do you say to people who would say what's our alternative then? Like how do we make change at the federal level? [LR268]

GAVIN GEIS: What I would say, I will just point to my second point then, too, I'd say, I'm a big proponent of states. There are special interests here, but I still think the state level is a very encouraging place to be. These people came out and they talked to you. They were able to come into your office and talk to you. They were able to introduce this bill. They were able to come and sit in front of you today and have a conversation. So we're going to have this convention and it's not a fix-all. There's going to be a ton of money spent to influence this. It's not a fix-all, so, yeah, that's my answer is come here and talk to you guys. [LR268]

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SENATOR HILGERS: So the answer...just tell me if I'm stating this correctly, the answer is come and talk to the state...to your state representatives, but because...the only (inaudible) the state representatives have would be to have initiated this constitutional convention, you really don't have any real hope of changing the federal system. Is that...I don't want to misstate what you're saying. I'm just...is that what you're saying? [LR268]

GAVIN GEIS: What I'm saying is we, at the very least, have to start passing laws at the state level. I don't know where we start on the federal level. I'm saying until we start passing rules on the state level, I don't know what the federal level looks like. We don't have laws at the state level. In Nebraska we have very few laws to limit campaign finance. So how can we talk about the federal level until we talk about the state level? Why should they change anything at the federal level if we don't change the state level? [LR268]

SENATOR HILGERS: And we did have the...there was (inaudible)... [LR268]

GAVIN GEIS: We had the Campaign Finance Limitation Act. [LR268]

SENATOR HILGERS: And that was...but that was declared...that was... [LR268]

GAVIN GEIS: Because of the trigger mechanism, yes. [LR268]

SENATOR HILGERS: I'm sorry. That was...which was maybe what you're about to say... [LR268]

GAVIN GEIS: Yes, ruled unconstitutional. [LR268]

SENATOR HILGERS: Based on the Arizona case, the Roberts court, a similar scheme was ruled unconstitutional. So we've... [LR268]

GAVIN GEIS: They're alternatives, plenty of alternatives that you could do that wouldn't be unconstitutional. There are a lot of avenues that... [LR268]

SENATOR HILGERS: Is there any...I'm curious on the spending caps, even under Buckley, a spending cap, I think... [LR268]

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GAVIN GEIS: There's not spending caps...there are donor caps. There are donor caps available. You can say how much an individual donor can give. You can say much aggregate caps, you can... [LR268]

SENATOR HILGERS: So when you were referring to caps, you were not talking about expenditures or spending caps, you're talking about... [LR268]

GAVIN GEIS: Right, donor caps. You can talk about aggregate caps, things like that, you can talk, you know, as previous testifiers said, public financing, you can talk greater disclosure, a lot of things, there's tons of options. [LR268]

SENATOR HILGERS: But none of them can be proposed at the federal level because of special interest? [LR268]

GAVIN GEIS: I'm not saying that, I'm just saying let's talk to the state level. You guys are listening to me right now. I can't go do this at the federal level, can I? They won't listen to me. [LR268]

SENATOR HILGERS: Thank you. [LR268]

SENATOR MURANTE: Okay. I'm kind of curious, Mr. Geis, relative to your concern...your first concern about special interests at an Article V convention. [LR268]

GAVIN GEIS: Right. [LR268]

SENATOR MURANTE: So, as was actually, I think, pretty accurately stated about the concern of the life of a member of Congress in Washington where you legislate...if you go across the street to your respective party you put on a headset, you spend two hours making funding-raising phone calls because you're in perpetual reelection mode. That just seems to be the way D.C. functions, on both sides of the political aisle. [LR268]

GAVIN GEIS: Right. [LR268]

SENATOR MURANTE: But that largely is due to the fact that they're in a never-ending reelection process in Washington, D.C. The people we're sending to a convention are not elected officials, or at least by virtual of being there, there may be elected officials among them, but by virtue of being there they're not...they don't stand reelection, they're...one of my concerns is

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actually the exact opposite of what you're arguing. These are people who are not accountable to anyone. They can make horrible decisions and they can't come back to the people of Nebraska and have Nebraskans throw them out of office because their job at the convention will have been...once the convention adjourns, their job is over, they can't lose their job anymore. So what is the leverage for special interests to play where these delegates or commissioners, they've been called numerous things, would take...there's no campaign account is what... [LR268]

GAVIN GEIS: Right. [LR268]

SENATOR MURANTE: That's what I'm not...I'm having a tough time following that. [LR268]

GAVIN GEIS: Their leverage over the individual representatives? [LR268]

SENATOR MURANTE: Yes. [LR268]

GAVIN GEIS: Well, that's assuming that they aren't elected individuals which we don't know that for sure, that's first off. [LR268]

SENATOR MURANTE: Sure. [LR268]

GAVIN GEIS: I mean, I assume that in some states they will be. I mean, we don't know that for sure, we know in Nebraska nothing. In some states we assume... [LR268]

SENATOR MURANTE: Sure, sure. [LR268]

GAVIN GEIS: I'm assuming that in some states they will send members of their representative bodies. [LR268]

SENATOR MURANTE: Sure. But that's not so much an argument against conducting Article V elections. That's an argument to going into Senator Halloran's bill and putting in strict guidelines about who can be our commissioners, whether they can even take money or interact with...doesn't that seem like the better remedy is to say we're going to have strict parameters on who we're sending rather than just say we're not going to have an Article V convention under any circumstances. [LR268]

GAVIN GEIS: But either way, Senator, there is a purpose...I don't know particularly what methodology they would use to influence, but there is a purpose for influencing. So I don't

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know...there's a reason for them to be there influencing. I don't know how they'll go about doing the influencing per se, but there's a reason for them to be there influencing. Does that make sense? There's something to be gained... [LR268]

SENATOR MURANTE: I understand the desire for someone who wants to influence somebody else...to influence somebody else. It's the person who is being influenced is what's at question. Right? It's why would someone...if someone is offering money but they can't...for a campaign reelection, I'm just not seeing where the motivation is for somebody to care that a pharmaceutical representative is in the area. I mean, like steak dinners or what's the...I'm not following you on... [LR268]

GAVIN GEIS: Steak dinners? What's...maybe that was...your point is good... [LR268]

SENATOR MURANTE: Why would the delegates care? [LR268]

GAVIN GEIS: Maybe there just needs to be really good rules around this and we just haven't seen those yet. But there haven't been any...there have been zero proposals about the rules. And so thus far, all we can say is without any rules there would be a ton of special interests. Without rules, it's clear the special interest would flock. Correct? [LR268]

SENATOR MURANTE: I don't know. I don't know that I can...although I would think they want to...do I think people would want to influence the process, probably sure. Yeah, that's probably true. [LR268]

GAVIN GEIS: Right. [LR268]

SENATOR MURANTE: I'd stipulate that. [LR268]

GAVIN GEIS: If...if...yeah, let's say the idea of a...you could influence the entire constitution and every corporation in the world said I could influence the... [LR268]

SENATOR MURANTE: Probably the labor unions too. [LR268]

GAVIN GEIS: Yes. Anybody who had a lot of money said I could influence the constitution, wouldn't they? [LR268]

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SENATOR MURANTE: Okay. I'm not sure I share your concern that there is a...that that's the best means of going about it. But Senator Hilgers. [LR268]

SENATOR HILGERS: Thank you, Mr. Chairman. Following up on that, I mean, there are people who want to influence law enforcement officers... [LR268]

GAVIN GEIS: Yes. [LR268]

SENATOR HILGERS: But we still have law enforcement officers who still go through the process; we punish them through jail time or through bribery laws, so why...to Senator Murante's point, which I think is a...which really goes to the heart of your argument, yes, there might be people who want to influence them, that does not therefore mean that there will be special interest who will therefore influence them. Because there are things that we can put in place or that are already in place, such as a bribery law, or Senator Halloran's bill that could be...that would put those kind of restrictions and make it actually...have a really heavy penalty. People might want to influence them, but they also might not want to go to jail. So aren't there tools within our toolbox where we could help mitigate or completely eliminate the type of concern that you've been discussing this afternoon? [LR268]

GAVIN GEIS: There certainly are. We just haven't...we have not seen anything along those lines. [LR268]

SENATOR HILGERS: Have you...and I...have you looked at Senator Halloran's bill? Are you aware of its existence, the bill that would actually place some restrictions? What number is it? [LR268]

SENATOR BREWER: LR6 and... [LR268]

SENATOR HILGERS: No, not LR6. No, no, it's the new bill he introduced this session that would actually put some restrictions... [LR268]

GAVIN GEIS: Oh, on...is that the one binding the... [LR268]

SENATOR HILGERS: Yeah, the delegates. [LR268]

GAVIN GEIS: I've seen that one. I haven't seen anything about...does it have anything to do with special interests. [LR268]

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SENATOR HILGERS: Well, what it goes to is sort of the...the state of Nebraska, what it would do would be put some restrictions on what the delegates could or could not do. And so that might be a vehicle through which some of your concerns could be... [LR268]

GAVIN GEIS: Through with...so what you could do something like that. Yeah, I'll look at it further. But...certainly. [LR268]

SENATOR HILGERS: Will that come to our committee, Mr. Chairman, do you know? [LR268]

SENATOR MURANTE: Yes. [LR268]

SENATOR HILGERS: All right. Look forward to that conversation. [LR268]

GAVIN GEIS: For sure. [LR268]

SENATOR MURANTE: Senator Brewer. [LR268]

SENATOR BREWER: Thank you, Mr. Chairman. And thanks for your testimony. Just so we get the groundwork down here. Are you a lawyer? [LR268]

GAVIN GEIS: Maybe. [LR268]

SENATOR MURANTE: (Laughter) With that you know the answer is yes. [LR268]

GAVIN GEIS: I can neither confirm nor deny. [LR268]

SENATOR BREWER: All right. I understand your point about here in Nebraska. But the problem is, here in Nebraska we have this unique body, the Unicameral, that does perform as best we can things like balancing our budget. We do that. Term limits. We do that. The issue is Washington. So when you say, well, let's just do it all here. We're trying to do as much as we can. It's that way to have a conduit to get the message to Washington, D.C., and fix the things there where the problems are. So that's why it's appealing to those who are just frustrated. They have given up on anything, being able to productively be done other than this last way that we have available to us. So I guess...do you understand where I'm coming from with the frustration of just focusing on here in Nebraska because we're really trying hard to do as much as we can here. But we can't make that jump to fix what's in D.C. without this. [LR268]

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GAVIN GEIS: Of course, I do, Senator. I really do. I understand the appeal of this. I do. But it's for all those worries that were noted by the testifier before me that I can't make that leap. [LR268]

SENATOR BREWER: Okay. Well, and I agree. Those things have to be addressed and there has to be a left and right boundary on how things are done. So, we can agree on that and that's as far as I'll go with it. [LR268]

SENATOR MURANTE: Senator Lowe. [LR268]

SENATOR LOWE: Thank you, Chairman. Thank you, Gavin, for being here today. [LR268]

GAVIN GEIS: Certainly. [LR268]

SENATOR LOWE: How...I'm going to put you and John Cartier's deal together here. How do we expect to have influence when it's at a secret meeting? Because John Cartier said that once we convene this it's going to go into secret session? How is the influence going to get into that secret session? [LR268]

GAVIN GEIS: How do we...oh, you mean the special interests? [LR268]

SENATOR LOWE: Yeah. [LR268]

GAVIN GEIS: It's a good question. I don't know how quite to answer that because I'm not sure how to...where his secret meeting point is coming from. [LR268]

SENATOR LOWE: But there's been a lot of assumption here this afternoon. [LR268]

GAVIN GEIS: Right. Yes. [LR268]

SENATOR LOWE: And I don't like assumptions. [LR268]

GAVIN GEIS: I understand that. [LR268]

SENATOR LOWE: I like facts. [LR268]

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GAVIN GEIS: No, the special interests, it's the same way you have any lobbying here. It's the same way you have any lobbying anywhere. You have people standing outside of a door waiting. You have people with dinner waiting for you. You have someone offering a drink. You have someone saying, hey, you got a place to stay tonight? Do you want to go play a game of golf? It's those simple things. [LR268]

SENATOR LOWE: That's why you send a person of good moral standard down to do this job. [LR268]

GAVIN GEIS: You certainly hope they all are. [LR268]

SENATOR LOWE: Thank you. [LR268]

GAVIN GEIS: Yeah. [LR268]

SENATOR MURANTE: All right, thank you. Any final questions? Seeing none, thank you for your testimony, much appreciate it. [LR268]

GAVIN GEIS: Thank you. [LR268]

SENATOR MURANTE: Welcome. [LR268]

RENEE FRY: (Exhibit 6) Thank you. Good afternoon, Chairman Murante and members of the Government Committee. My name is Renee Fry, R-e-n-e-e F-r-y. I'm the executive director of OpenSky Policy Institute. My testimony today will be brief. I'm here to reiterate our opposition to an Article V convention. When Mark Meckler, president of Convention of the States Action was here earlier this session, he said a convention of the states would allow for term limits on Congress and judges; fiscal restraints like a balanced budget amendment; elimination of the Department of Education; elimination of the Department of Energy; elimination of the U.S. Senate; elimination of the income tax; and elimination of the IRS. And certainly we're here today talking about campaign finance reform. These are major overhauls that could throw our country into complete chaos. Therefore, we oppose LR268 and all calls for an Article V convention. I would like to deviate from my testimony and maybe make a couple of comments as related to questions that were asked earlier. I have looked at Senator Halloran's bill. And just to preview what my testimony will be when that comes up, one thing that I would note is that that bill could potentially limit Nebraska's delegation and what the delegation is able to do. But unless it's passed in every other state, Nebraska could potentially give us to...get us to the point of a convention and other delegates would not be limited. Furthermore, I would say based on the

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calls, not only the broadness of the call today, but also the broadness of LR6, I think it's hard to imagine what could be done outside of those calls. So as I just mentioned, what Mark Meckler talked about was very, very expansive. So I think a delegate, even if they are bound to operate within the call, the call today, the call in LR6 is so broad that it would really be difficult to identify when a delegate was acting outside of that call. And there's nothing to dictate if they're getting rid of our entire federal government, getting rid of all of our taxes, that's not going to be outside the call, whether it's something that the Legislature would support or not. So just a little preview of our testimony about Senator Halloran's bill. I would say, Senator Lowe, you said you don't like assumptions, you like facts. But I would say all of this is based on assumptions. I don't think anyone knows exactly how this would work, which is part of our concern. So I think it's really difficult when we're talking about Article V convention to be talking about fact, because there's so many unknowns. So with that, thank you for your time. I'd be happy to answer questions. [LR268]

SENATOR MURANTE: All right. Thank you for your testimony. Are there any questions?  
Senator Hilgers. [LR268]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Ms. Fry, for being here. Just so I have your...so I understand parts of your testimony correctly, the way I think I heard them. Is it...did Mr. Meckler...did Mr. Meckler say that LR6 would cover all of these things? Be in the scope or...or that you could use an Article V convention to cover these things separately?  
[LR268]

RENEE FRY: No, that...well, under an Article V convention, he was here advancing LR6, any of these things could be done. So if you want to get rid of the Department of Energy, if you want to get rid of the Department of Education, if you want to get rid of the IRS, Article V convention is the pathway to do that. [LR268]

SENATOR HILGERS: So I guess...I guess that article...LR6 was limited to a balanced budget. And so I guess some of these actually fit within that. Right? I mean, it eliminates some agencies. I guess, where... [LR268]

RENEE FRY: Fiscal restraint, and then term limits, and then there's a third provision that is really generic, and I can't remember exactly what it is, but it... [LR268]

SENATOR HILGERS: Gotcha. [LR268]

RENEE FRY: But everything would fall in that. [LR268]

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SENATOR HILGERS: So I guess my only other question is from your perspective, do you...or do you have a position on whether or not there could be a runaway convention? Or is your perspective...really, your concern is that, hey, these are really broad calls and with a broad call any number of things could happen? Or is it, hey, it's a broad call and also could be a runaway convention. [LR268]

RENEE FRY: I think both. [LR268]

SENATOR HILGERS: Or a combination? [LR268]

RENEE FRY: I'm not a constitutional scholar. But I think that there are enough question marks about whether it could be a runaway convention. My point in mentioning Mark Meckler's statement is that that's really, really broad already. And a lot of chaos could occur within the call, even without a runaway convention. So I'm not sure exactly about the...whether there could be a runaway convention or not; what I'm saying in and of itself I think both of these provisions are so, so broad, so much could transpire and still be within those calls. So even with Senator Halloran's bill, I think even if a delegate is limited to the call, the calls are extremely broad. [LR268]

SENATOR HILGERS: I hear you. Thank you very much. [LR268]

SENATOR MURANTE: Thank you, Senator Hilgers. Senator Brewer. [LR268]

SENATOR BREWER: Thank you, Mr. Chairman. All right, let's go back to the runaway convention. That's the crazy (inaudible) and everybody wants to throw out there so they can, you know, pour water on the whole concept and kill it. But would we not have to have 38 states that would have to be bamboozled all at the same time for any of this to happen? Isn't that the number that have to agree? [LR268]

RENEE FRY: At this time. As I understand it though, again, there's nothing to say that the convention couldn't be called and the number of states to ratify could be changed. I think that that is something that could happen. I don't think we could rule out that possibility. Again, I'm not a constitutional scholar, but I think there is a question about the number of states that ratify that that could be changed during a convention. [LR268]

SENATOR BREWER: Okay. Thank you. [LR268]

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SENATOR MURANTE: Still have to follow up on that one. So you're the second person in consecutive years to bring up that particular concern that an Article V convention does not have the authority simply to suggest...propose amendments to the states, but they have the authority to actually amend the constitution unilaterally. Is that your position? [LR268]

RENEE FRY: Again, so, we do budget and tax policy right now. (Laughter) I'm not a constitutional scholar, but I have heard concerns about, you know, once a convention is called, can you, in fact, control everything that occurs? And is it possible that the number of states to ratify can be changed? I have not heard anything to lead me to believe that 30 is the number set in stone could not be changed ever, could not be changed in a convention. So again, this is not my area of expertise and so I don't want to pretend that it is. But I think that there are enough questions that have been raised, there's enough uncertainty; there are a lot of assumptions being made, Senator Lowe, and I don't know that we can say definitively one way or another how it would play out. [LR268]

SENATOR MURANTE: Okay. Understood. Seeing no additional questions, thank you for your testimony. [LR268]

RENEE FRY: Thank you. [LR268]

SENATOR MURANTE: (Exhibits 7 and 8.) Additional opposition testimony to LR268? Is there any neutral testimony? Seeing none, I do have two letters of opposition from Judy Zabel and Kathy Wilmot representing themselves. Senator Krist has waived closing. And that will conclude the public hearing and close the public hearing on LR268 and end our public hearings for the day. Thank you, everyone, for coming; much appreciate it. [LR268]