

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

Government, Military and Veterans Affairs Committee
February 08, 2018

[LB1064 LB1066]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, February 8, 2018, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1066 and LB1064. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Carol Blood; Mike Hilgers; John Lowe; Theresa Thibodeau; and Justin Wayne. Senators absent: Tom Briese.

SENATOR MURANTE: (Recorder malfunction)...and Veterans Affairs Committee. My name is John Murante. I'm the state senator for District 49, which includes Gretna and 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 bills up in the order on which they appear on the agenda outside of this room. If you are 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. The green sheets 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 fill out one of these sign-in sheets. The sign-in sheets are, again, 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 given an opportunity to open. Then we will listen to proponent testimony, followed by opponent testimony, then neutral testimony. Then the introducer will be given an opportunity to close. We ask that you listen very carefully and to try not to be repetitive. In the Government Committee we do use the light system. Every testifier is allotted three 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 but we will open the committee up to any questions they may have of you. At this time I'd like to encourage everyone to turn off or silence any cell phones or electronic devices, anything that makes noise. If you have a prepared statement, an exhibit, or anything you would like distributed to the committee, please provide 12 copies to our page who will distribute them to us. If you don't have 12 copies, provide what you have to our page and he'll make sure that we get the copies that we need. Our page for the day is Joe Gruber. Joe is from Omaha. And we will begin with introduction of members. Senator Lowe. [LB1066]

SENATOR LOWE: John Lowe, District 37, which is the southeast half of Buffalo County.
[LB1066]

SENATOR HILGERS: Mike Hilgers, District 21, northwest Lincoln and Lancaster County.
[LB1066]

SENATOR BREWER: Tom Brewer, District 43, 13 counties of western Nebraska. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: Senator Carol Blood, District 3, western Bellevue and southeastern Papillion. [LB1066]

SENATOR MURANTE: And I would say Senator Briese has a couple very important bills in the Revenue Committee so we anticipate him being here at some point, but those will likely take quite some time, as does Senator Wayne. We expect Senator Thibodeau to be here momentarily. To my immediate right is Andrew La Grone. Mr. La Grone is the Government Committee's legal counsel. To my far left is Sherry Shaffer. She is the committee clerk. And Senator Brewer is the Vice Chair of this committee and will be conducting our proceedings for the day. [LB1066]

SENATOR BREWER: Chairman Murante, welcome to your Committee on Government, Military and Veterans Affairs. [LB1066]

SENATOR MURANTE: Thank you, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. For the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e. I am the state senator for District 49, which includes Gretna and western Sarpy County. I am here today to introduce LB1066. LB1066 is the product of a year's worth of work following this Legislature's discussion of LR1CA. In LR1CA, which was a constitutional amendment which sought to put on the ballot whether this Legislature should be required and authorized to enact legislation to require voters to show photo identification before they receive a ballot on election day. Among the concerns shared on LR1CA was a lack of detail in exactly how a voter ID law could work and this is a response to that with an example of a voter identification law that should and ought to be enacted in the state of Nebraska. What we're doing with this is modeling this legislation off of voter ID laws which have been passed in other states, have gone, have withstood constitutional challenges, have gone to the United States Supreme Court, and have withstood constitutional muster. I think what you will see is qualifying forms of identification which are, in some cases, more expansive than what other states have enacted. It includes...I won't belabor the point but it includes driver's licenses, state identification cards, postsecondary educational identification, so student identification, which was a concern that was presented in floor debate last year, identification cards issued by political subdivisions of this state, and identification cards pursuant to this act. And that line is a very important one because one thing I am committed to and we have discussed at length is that I believe that the goals of ensuring that not a single illegal vote is cast in this state and the goal of ensuring that not a single person who is legally entitled to vote is turned away from the polls, they're not mutually exclusive and we can accomplish both. I believe this bill does that. To that end, this bill does provide free identification to all those Nebraskans who do not otherwise possess qualifying identification. You'll be hearing after me Missouri Secretary of State Jay Ashcroft. Secretary Ashcroft very recently implemented voter identification laws in his state and I think what you will find is that the expected costs were much lower than what critics and naysayers had predicted, and I would expect that to be the same here. But at the end of the day, there will undoubtedly be voters who

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

Government, Military and Veterans Affairs Committee
February 08, 2018

show up to the polls on election day without identification and this bill does take that scenario into account as well. This bill allows those voters to cast provisional ballots and then to prove that they are who they say they are and that they live where they say they live within one week after the election to their local election administrator. I have traveled now since this committee advanced and a majority of the Legislature supported LR1CA. I took the summer and the fall and traveled all across the state of Nebraska, really every corner of the state, and this was an issue that came up often. And I can tell you that anecdotally, the people of Nebraska don't understand what the holdup is. They do not understand how showing identification in so many parts of their lives, in some cases where the government imposes burdens to show identification, has some sort of repressive effect in this instance, and we see that not just in the anecdotes but the polling data is clear that the vast majority of Americans, 70 percent of Americans, according to Gallup polling, support voter identification laws. Those are Republicans, Democrats, and Independents. Those are people of all racial backgrounds, including in states that have imposed voter identification laws. They still support voter ID. You'll hear from Secretary Ashcroft shortly that the issue was on the Missouri ballot in recent years and it was passed overwhelmingly. This is something that the people of Nebraska support. I believe that securing our elections is a fundamental responsibility of...certainly of this committee which has jurisdiction over elections, but also the entire Legislature. This is a good step in the right direction, I believe, and I encourage your support of LB1066. Thank you, Senator Brewer. [LB1066]

SENATOR BREWER: Thank you, Mr. Chairman. Questions? Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Chairperson Brewer. I'm going to quote Senator Brewer and tell you to settle in because I have a long list of questions that I wrote out this morning since we had to sit at our desks all morning. But I'll give you ample time to answer each one. Aren't there already laws on the book to protect the integrity of our election system? [LB1066]

SENATOR MURANTE: If you're...there are laws such as certainly voter fraud is illegal. There are some protections in law against voter fraud certainly. [LB1066]

SENATOR BLOOD: So do you feel that this might intimidate eligible voters at their polling place and deny them their right to vote, and do you feel this is wrong? [LB1066]

SENATOR MURANTE: No. No and no. [LB1066]

SENATOR BLOOD: Do you believe it's wrong and un-American for politicians to create flawed lists of eligible voters, eligible citizens to purge from voter lists? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR MURANTE: Repeat the question? [LB1066]

SENATOR BLOOD: Do you believe it is wrong and un-American for politicians to create flawed lists of eligible citizens to purge from voter lists, because I've been reading up on this and it seems that some of the e-mails that I've seen say it's necessary to clean up the voter rolls by removing ineligible voters. [LB1066]

SENATOR MURANTE: Um-hum. I believe it's extremely important for the sanctity of our elections to ensure that the voter rolls contain exclusively lists of people who are legally entitled to vote. I think we have a duty and obligation to ensure that that is the case. [LB1066]

SENATOR BLOOD: And you don't feel this prevents anybody from voting then? [LB1066]

SENATOR MURANTE: Well, this bill doesn't really impact that particular concern. But, no, it doesn't. I don't believe this bill turns anyone away from the polls who is legally entitled to vote. [LB1066]

SENATOR BLOOD: So you don't think it's just another politician supporting restrictive new laws that manipulate the system for their own gain? [LB1066]

SENATOR MURANTE: I believe that's what (laugh) my mother would refer to as a rhetorical question. And, no, Senator Blood, I don't believe that. [LB1066]

SENATOR BLOOD: Do you believe that this bill unfairly targets seniors, veterans, first-time voters, blacks, Latinos, and people with disabilities who risk being denied the right to vote? [LB1066]

SENATOR MURANTE: Not only do I not believe that, I certainly don't believe that, but I also believe that the data proves and demonstrates that that is not the case and the practical experience of other states, as you're about to hear, demonstrates that that is not the case. [LB1066]

SENATOR BLOOD: So I hear you saying that it's important to protect the integrity of Nebraska's voting system, but isn't it wrong for politicians to enact restrictive laws that make it harder for Nebraskans to vote? [LB1066]

SENATOR MURANTE: I don't believe this is a restrictive law. I think this is a basic, commonsense proposal that the vast majority of Nebraskans support. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: So during your interim study this summer, I understood that voter fraud was something that you feel, and you just said it, Nebraskans are concerned about, but isn't it true that restrictive laws don't fix the proposed problem, it only makes it harder to vote? [LB1066]

SENATOR MURANTE: So I can speak to this specific law rather than this amorphous theoretical law. I don't believe that this specific law denies anyone the right to vote. It was specifically crafted with a fundamental goal to ensure that not a single person who is legally entitled to vote is turned away from the polls. [LB1066]

SENATOR BLOOD: Well, and I agree that it's important for Nebraskans to prove their identity at the polling place. But don't strict laws require one specific type of government-issued ID--and I know you have a short list, it's still one specific type--that many Nebraskans don't have ultimately denies their eligibility to vote or their right to vote? [LB1066]

SENATOR MURANTE: Well, first of all, it's not one...it is not one specific type. It is an... [LB1066]

SENATOR BLOOD: It's a short list. [LB1066]

SENATOR MURANTE: It is a list that includes at least 97 percent of the registered voters of the state of Nebraska. [LB1066]

SENATOR BLOOD: All right. I'm going to have a follow-up question on that one but not right now. If they show up without an ID, do I understand correctly the provisional ballot will only be counted if they show up later at the election commissioner's office with a photo ID? [LB1066]

SENATOR MURANTE: And if they prove that they are who they say they are and they live where they say they live, yes. [LB1066]

SENATOR BLOOD: So will the election office be open at night for those who work from 8:00 to 5:00? [LB1066]

SENATOR MURANTE: This bill does not address office hours of political subdivisions. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: So you're telling me that you're offering a free ID but, according to this fiscal note, it's going to cost Nebraska taxpayers well over \$3 million to implement. Is that true? [LB1066]

SENATOR MURANTE: That's what the fiscal note says. I would say that the practical impact of states that are much larger than ours that have enacted voter ID laws, is that the cost is a fraction of that. And again, you'll hear testimony to that effect. [LB1066]

SENATOR BLOOD: Well, and staying on that topic, free ID, won't voters, especially women, often be tasked with purchasing copies of birth certificates, marriage licenses, divorce decrees, and other documents to show name changes in order to get that ID? [LB1066]

SENATOR MURANTE: So the method by which one provides the necessary forms of identification to get the free voter ID, that's something I'm willing to work on but I... [LB1066]

SENATOR BLOOD: I mean, ultimately, can you get a picture ID with any of those...I mean you have to prove that you're a person and that you were born, right? [LB1066]

SENATOR MURANTE: I'm not sure I'm following you, Senator Blood. [LB1066]

SENATOR BLOOD: So if I'm going to get a free voter ID or picture ID, I have to show either a birth certificate, maybe a marriage license, a divorce decree if my name has changed, if I was born in another state, documents that I wouldn't normally have on me, and if I had moved around a lot, such as many of our military, I may have to go to another state to get that information, isn't that going to be a cost to me? [LB1066]

SENATOR MURANTE: So I think you're making an assumption that's not in the bill, which I'll just give you a specific for example. This bill qualifies those with student IDs. I got a student ID when I was at the University of Nebraska-Lincoln. I never had to show a birth certificate or anything like that in order to get it. [LB1066]

SENATOR BLOOD: But didn't that expire? [LB1066]

SENATOR MURANTE: I'm not sure... [LB1066]

SENATOR BLOOD: Didn't that have an expiration date on it, because the bill clearly says it can't be expired. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR MURANTE: Well, yeah, but my...your point was that getting an...that this bill would require people to get a birth certificate in order to get an ID. My point is that people can get these IDs without a birth certificate so that if there's not anything in the bill that is inherent to that end. [LB1066]

SENATOR BLOOD: How will you get a picture ID without proving who you are or anything? [LB1066]

SENATOR MURANTE: Well, I just gave you one specific example. I was a... [LB1066]

SENATOR BLOOD: Well... [LB1066]

SENATOR MURANTE: ...student at the University of Nebraska who got a student ID without showing a birth certificate. [LB1066]

SENATOR BLOOD: So if you were to go get a picture ID right now and you had to prove that with that ID, would you still be able to use that? [LB1066]

SENATOR MURANTE: If I went and tried to get a student ID? [LB1066]

SENATOR BLOOD: If you went to use that picture ID to get this free picture ID, photo ID, would you still be able to use that school ID? [LB1066]

SENATOR MURANTE: Well, no, because the identification has expired. But I have a driver's license... [LB1066]

SENATOR BLOOD: Right. [LB1066]

SENATOR MURANTE: ...so it would be... [LB1066]

SENATOR BLOOD: You do, but we're saying if you didn't have a driver's license. That's...you're using that as an example. I'm saying... [LB1066]

SENATOR MURANTE: We're going several steps down a hypothetical question, so I'm kind of losing track of where we are, Senator Blood. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: I hear you, but I'm going to keep going. So don't photo ID laws only stop someone from impersonating a voter? [LB1066]

SENATOR MURANTE: It requires everyone to...who shows up to the polls to be verified by an election worker that they are who they say they are, and that's the fundamental goal. [LB1066]

SENATOR BLOOD: So what about seniors or people with disabilities who are immobile or no longer drive or people who live in rural areas? How are they to get these IDs? [LB1066]

SENATOR MURANTE: How does someone get an identification? Well, through... [LB1066]

SENATOR BLOOD: These photo IDs. [LB1066]

SENATOR MURANTE: Through the bill it is a process through the Secretary of State's Office and I think what you will hear is that in...there are a lot of organizations out there who spread a lot of fearmongering on this issue. When it's actually put into practice, those fears turn out to be unfounded and I think what you're about to hear from the secretary is very specific statistics from his state about how it's...the doomsday scenario is very...do not end up manifesting themselves into reality. [LB1066]

SENATOR BLOOD: I don't think it's a doomsday scenario. I think in a rural state like Nebraska it's a very realistic scenario. And I always hear you say even one case of voter fraud is one case too many. [LB1066]

SENATOR MURANTE: Indeed. [LB1066]

SENATOR BLOOD: Well, one case of somebody not being allowed to vote is one case too many. [LB1066]

SENATOR MURANTE: Agreed. [LB1066]

SENATOR BLOOD: Have you ever read the book Fearless? [LB1066]

SENATOR MURANTE: No. [LB1066]

SENATOR BLOOD: So there is an author here in Nebraska who released a book two months ago named Fearless and it's about Evelyn T. Butts. And Evelyn T. Butts was a black woman from

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

Government, Military and Veterans Affairs Committee
February 08, 2018

Virginia who did laundry because her disabled husband, who was injured in World War II, was not able to provide for the family. And she drove people to the polls, she registered people to vote, and she fought the poll tax all the way to the Supreme Court. And the lesson that there is in that book is that having the right to vote is a constitutional right and anybody who has any hurdle that prevents them in any way from voting is disenfranchised. And I know that's not your intent and you've said that before. But I'm here to tell you that, just like you say one case of fraud-- which, by the way, I have the police report and the court documents, I'd love to talk about that later--is one too many, you will end up disenfranchising somebody. And you may think it's a handful of people, but that's a handful too many. I have one more question. Do you feel it is anticonservative to demand that seniors go through a complex bureaucratic process to get their state-issued IDs? Isn't this just more bureaucracy and intrusive government? [LB1066]

SENATOR MURANTE: So specific to the question, is it anticonservative, I would say I think that ensuring that everyone who shows up to the polls on election day is legally entitled to vote is a concept which is supported by people of all ideologies, all political parties, and it is something that I don't think it has an ideological component to it or an ideological complexion to it. It's just, I think, common sense; and I think not just data supports it but practical experience of other states, and 35-plus states at this point have implemented some form of voter identification laws. It's the bogeyman out there that it doesn't really exist and that's the reality. [LB1066]

SENATOR BLOOD: And perhaps maybe it's what side of the fence you sit on when it comes on this topic, because I'm guessing we're going to have the other side say that the other side has bogeymen. So for me, what I'm reading when I see state statute, and I've read through all the statute that exists, I feel like we have laws in place, sir. I hear what you're saying, I hear what your concerns are, but I'm still not seeing the documentation that it's needed. But I do appreciate you answering all my questions. [LB1066]

SENATOR BREWER: All right. Thank you, Senator Blood. Senator Hilgers. [LB1066]

SENATOR HILGERS: Thank you, Mr. Vice Chairman. Thank you, Chairman Murante, for bringing the bill. I just had to dovetail off one of the points Senator Blood made and was...I want to unpack just briefly something that you said in your opening, which is that there have been a number of court cases that have analyzed statutes similar to the one that is being proposed in LB1066 and I want to focus on one in particular, which is the Crawford decision from 2008, which I'm sure you're aware of. And that was, if I recall, a 6-3 decision written by Justice John Paul Stevens... [LB1066]

SENATOR MURANTE: Yep. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: ...that actually upheld an Indiana statute that required voter ID. Are you familiar with that decision? [LB1066]

SENATOR MURANTE: Yeah, um-hum. [LB1066]

SENATOR HILGERS: The two... [LB1066]

SENATOR BREWER: You have the (inaudible). [LB1066]

SENATOR HILGERS: Okay. Thank you. The two, just the two questions I have, because as I read that decision it appeared that the courts seemed to focus on two provisions of the Indiana statute in...at least two provisions in upholding that statute and determining that it is constitutional and not an impermissible infringement on voting. And I just want to make sure to see those are features in this particular bill. So the first question I have is, in LB1066, did you say that there is a mechanism by which, for someone who doesn't have an ID, the state would provide such an ID? [LB1066]

SENATOR MURANTE: Yes. [LB1066]

SENATOR HILGERS: And the second question I have is, if someone doesn't bring an ID to vote, is there a mechanism in LB1066 that will, and can you explain it, that would allow them to cast a provisional ballot? [LB1066]

SENATOR MURANTE: Yes. So under this bill, a voter would be entitled to vote a provisional ballot, and I believe identical language from the Indiana law is that they would go back to the election administrator within seven days and show the necessary identification. [LB1066]

SENATOR HILGERS: Are you aware of any state that's...that has passed a statute similar to LB1066 that has been declared unconstitutional? [LB1066]

SENATOR MURANTE: Not by the Supreme Court of the United States. There have been individual judges out there who have ruled individual laws unconstitutional but the last time the Supreme Court, as far as I can recall, the last time the Supreme Court spoke on this subject matter, they had the opportunity to invalidate voter ID laws, they did not. They said that their...in that 6-3 decision, they determined that voter ID laws do not inherently violate the constitution. And in the case specifically of the Indiana law, it did not violate the constitution. And this bill is modeled substantially similar to that. So I'm unaware of any change in that case law. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: Okay. Thank you, Mr. Chairman. I guess I'm now the acting Chair.
[LB1066]

SENATOR MURANTE: Deputy associate chair. [LB1066]

SENATOR HILGERS: Deputy associate chair. Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Hilgers. And every time you ask questions, it makes me think of more questions, so he's the one to blame. So I don't doubt, because I read the court cases, too, that this would hold up in court. But the question I have...and I'm going to ask you a two-part question because I'm trying to make a point here. So I've known you for awhile, and would I be correct in saying that you are prolife and that you don't believe in abortion?
[LB1066]

SENATOR MURANTE: Yes. [LB1066]

SENATOR BLOOD: And is abortion covered under the constitution? [LB1066]

SENATOR MURANTE: According to Roe v. Wade, yes. [LB1066]

SENATOR BLOOD: Okay. So I think it's a really good example of how there may be things in the constitution or things that are constitutionally protected or correct--I don't know if I want to use that word, but I'm not a lawyer--that sometimes there are things in the...that are covered and protected by the constitution that ethically we may not agree with. [LB1066]

SENATOR MURANTE: Um-hum. So the way I would respond to that, Senator, is in both instances it requires two separate questions to be asked: (A) On an ethical standpoint, were they...was the Supreme Court right or wrong on any decision; and (B) is the net effect a legal one? And I think in this case, I believe the Supreme Court ruled rightly and that it was the right thing to do, but (B) regardless of whether it was right or wrong, that is now the law of the land and that's the reality that we're living in. [LB1066]

SENATOR BLOOD: Right, the point being whether it's considered legal to do. And we've talked about this before where we had disagreements where it's often our position to put things in state statute because we have a legal right to do so. That's our jobs as legislators. In this case we use it as a reason to support this as why it's a reason to do so. And with that I just kind of want to bring into it the fact that there are other things in the constitution that are questionable by people who

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

Government, Military and Veterans Affairs Committee
February 08, 2018

are for or against issues like abortion, for or against issues like voter ID, and I wonder if that's enough to support an issue like this. [LB1066]

SENATOR MURANTE: So if the point that I'm stipulating is that the bill is constitutional but in your view it's still not the right thing to do, I can't say I would have any disagree...I'd disagree with your conclusion on the bill but I...on whether to support the bill, but I would agree with your conclusion that (A) it is constitutional and you're free to arrive at any conclusion you want to on any subject matter before the Legislature. [LB1066]

SENATOR BLOOD: And I appreciate that and I'm just looking out for the people who I don't want to see disenfranchised, sir, and I... [LB1066]

SENATOR MURANTE: As am I, as am I. [LB1066]

SENATOR HILGERS: I do have a question based on what Senator Blood said. Well, you've mentioned the Roe v. Wade decision. Have you heard of the Planned Parenthood v. Casey decision? [LB1066]

SENATOR MURANTE: Yes, which fundamentally overturned Roe v. Wade. [LB1066]

SENATOR HILGERS: And is it your understanding that that decision allows states to impose some reasonable restrictions on abortion even though under Roe it would constitutionally... [LB1066]

SENATOR MURANTE: Yes, I believe the standard is undue burden under the...on...when we're getting into abortion law now, so I can't say. [LB1066]

SENATOR HILGERS: No, I understand but I... [LB1066]

SENATOR MURANTE: I am not an attorney and I can't say that I've ever litigated on that subject matter. But I will say that that's...yes, that there...the Casey case did fundamentally overturn Roe v. Wade. They have arrived at a comparable conclusion but yes. [LB1066]

SENATOR HILGERS: Yeah. Well, it was a leading question, so you answered it, yes. [LB1066]

SENATOR MURANTE: (Laugh) Okay. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: Thank you. Any other questions for Senator Murante? Senator Wayne. [LB1066]

SENATOR WAYNE: Sorry I was late. I've been working on one of...my priority bill that's up in Judiciary. I was talking to testifiers, so I do apologize to the public, apologize to you, Senator Murante. I know this is an important issue for you. It's no secret that I've already IPPed this bill on the floor. [LB1066]

SENATOR MURANTE: You filed a motion to inevitably postpone. (Laughter) You haven't killed it yourself, Senator Wayne. [LB1066]

SENATOR WAYNE: I have not, but we have the votes to do so. No, I don't know. But the one thing I want to ask you about is more about the fiscal note. And we've talked about this, about education and, I mean, technology in general when it comes to voting. The fiscal note on here is what I'm seeing is around \$2 million, \$3 million, is that correct? [LB1066]

SENATOR MURANTE: That's what the fiscal note says, yeah. [LB1066]

SENATOR WAYNE: How comfortable are you with that estimate versus where in Indiana and other states they've had a \$2 million fiscal note and it turned out to be \$10 million? Do you think that will happen here and, if so, why or why not? [LB1066]

SENATOR MURANTE: I don't. I would say first of all that I would respond two ways. First, I believe that as I read the fiscal note, that there is an assumption that it requires election equipment in...that this bill will require some sort of election equipment in county election offices. I don't believe that any such requirement is contained in this bill, so on the merits of it I would disagree with that conclusion. However, again, we are not the first state to impose voter ID laws or bills that are substantially similar to this. You're about to hear from the Missouri Secretary of State who just did this a few years ago and they saw a fraction of the cost of what is being outlined in this bill. And I don't want to spoil too much of the testimony that he's about to give, but I will tell you that I am supremely confident that the number will be a very small fraction of what that fiscal note has to say. [LB1066]

SENATOR WAYNE: And then along those lines we start talking about technology and cost. We went to South Carolina or Virginia, one of them, together to an education...or to a technology voter conference. Would you agree that the number one issue facing our elections is technology? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR MURANTE: Oh, gosh, our...we have an antiquated election system in the state of Nebraska. There is no doubt about that. I'm not sure I could say there is only one or a top. I don't know if there's...that I could rank the challenges facing our election systems. But certainly our antiquated system is something that this Legislature is going to have to address. [LB1066]

SENATOR WAYNE: And since we're not going to rank them today, how does this bill work logistically for counties such as Cherry County and other counties where they do completely vote by mail, where there is no ID ever shown? [LB1066]

SENATOR MURANTE: Sure. This bill deals with voters who show up to the polls, to a polling place on election day, or to...or an election office. It would not apply to voters who...which is an alternative that voters could choose. They could choose to vote by mail and not comply with the merits of this bill. [LB1066]

SENATOR WAYNE: So is it fair to say that we'd be treating voters differently based on how they would choose to vote? [LB1066]

SENATOR MURANTE: Well, the method of election in a number of different ways requires that the process by which the election integrity is ensured is different. For example, there are some counties which use entirely different scanning equipment than, say, Douglas or Sarpy or Lancaster County, and the method of security in those instances is going to be ensuring that our local election officials have the tools necessary to compare signatures. And that is typically, when it comes to vote by mail, our backstop, our guard against voter fraud, is the signature that appears on the envelope. [LB1066]

SENATOR WAYNE: So if the goal is to secure our elections--and I like the pin you are wearing-- [LB1066]

SENATOR MURANTE: Thank you. [LB1066]

SENATOR WAYNE: --if the goal is to secure elections, then why wouldn't you apply this to Cherry County and all the other counties across the state to make sure all the elections are treated the same way where everybody has to file an ID? Or do you feel like now those are inherently safe and we're just going to leave them alone? [LB1066]

SENATOR MURANTE: I don't know that I'd call them inherently safe. I do...this is not a silver bullet. I'm not going to say that if you pass LB1066 we can adjourn the Government Committee sine die and disband it because our work here is done. I wouldn't go that far. There is

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

Government, Military and Veterans Affairs Committee
February 08, 2018

going...there are going to be a lot of different ways and a lot of different...I would...we're going to talk on I believe next Wednesday about a number of different provisions in law which really need to be tightened, ballot harvesting and things like that. There are issues that need to be addressed. This doesn't solve all of them. This solves one specific problem and I think it does so in a reasonable way. [LB1066]

SENATOR WAYNE: So where right now, based off of your (1) being the Chair of this committee and dealing with elections for so many years, where right now are the ones sent in via mail counties versus showing up to locations? Where are they exclusively done countywide by mail besides Cherry? [LB1066]

SENATOR MURANTE: I don't believe Cherry County is entirely...I don't believe there are any counties that are entirely vote by mail. I could be wrong about that but I don't believe there any counties that are entirely vote by mail. Valentine, for example, I know is not vote by mail and it's...well... [LB1066]

SENATOR WAYNE: So are their elections less secure than the ones who send it in by mail? [LB1066]

SENATOR MURANTE: I wouldn't go that far, Senator Wayne. I think that what we're talking about I'd...when we get into a more or less, we're getting into a ranking system and I don't know how we put that on an Excel spreadsheet and quantify it in any meaningful way. I think what we're talking about here is ensuring that the people who show up to the polls without any other real safeguard against them receiving a ballot, because...I'll give you a "for example." When you do a vote by mail, the signature is verified before the ballot is removed. So if the ballot is...if the signature comes back and it doesn't match, the ballot is never taken out of the ballot and it's not counted and the voter is then notified that the signature didn't match what we have on file and they're given another opportunity. That's typically how it works. I know that's how it works in Douglas County. If you applied that same logic in the polling place, the challenge is the ballot will have been counted already. So, yeah, we may have a signature in the poll book that doesn't match what's on file, but it doesn't change the fact that the ballot is counted and we can't get it back out. So that's really the fundamental difference there. [LB1066]

SENATOR WAYNE: So if signing the back of an envelope is what I would call more secured because it's a check, then why not let's just do vote by mail for everybody? [LB1066]

SENATOR MURANTE: (Laugh) That is something I know you and I have talked about a lot. I think currently we do not have the tech...we do not have the capacity right now to do that. Right now it would require entirely new election equipment. We would have to fundamentally alter

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

Government, Military and Veterans Affairs Committee
February 08, 2018

how we do elections. With that said, it is possible to do it once we get in our next election...once we get our election equipment upgrade bill over the finish line, but that's a policy change that will undoubtedly be in the next Legislature. [LB1066]

SENATOR WAYNE: I appreciate the answers. Thank you. [LB1066]

SENATOR HILGERS: Thank you, Senator Wayne. Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Hilgers. I promise last question. So you are familiar with the one and only case of alleged fraud in Nebraska, Senator? [LB1066]

SENATOR MURANTE: I believe there are two but, yes, I know them. [LB1066]

SENATOR BLOOD: Two gentlemen that, it's my understanding, voted together? [LB1066]

SENATOR MURANTE: They both voted twice, yes. [LB1066]

SENATOR BLOOD: Okay. So I'm reading the police report and the district court dockets and it shows that...well, I just want to clarify before I ask this question because I want to make sure I understand it. So the intent of this bill is that people will have a photo ID when they vote so we know that it's them and that there's no fraud being committed, correct? [LB1066]

SENATOR MURANTE: I think it's a protection against fraud. I don't know that there's any one thing that can singularly prove beyond any doubt that voter fraud will never exist. If I knew what that silver bullet was, I would absolutely introduce it. [LB1066]

SENATOR BLOOD: I'm glad you said that because what I think is interesting is that they did, indeed, show their IDs... [LB1066]

SENATOR MURANTE: Okay. [LB1066]

SENATOR BLOOD: ...when they went to the polls. And of course they did admit in court that they were guilty. They pled no contest. And it sounds, as a nonattorney reading this, that there was some interpretation issues when it came to what was going on because they were new citizens. But what I thought was really interesting is that they were only charged \$100 for such a serious offense. I mean that's less than like most traffic tickets. Wouldn't it be appropriate to start talking to the courts about taking this more seriously? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR MURANTE: We could talk to them, but I think short of raising the criminal penalties on voter fraud, I don't know that the court, at least based on my experience with them, they may value our opinion but they're going to proceed as they see fit. [LB1066]

SENATOR BLOOD: I think the concern that I have is I'm looking at what we say is going to prevent this possibly from happening and it's very serious. The courts...and I don't...I mean what little I've been able to find out about this judge, it doesn't seem to be like a really liberal judge or anything. He seems to be pretty conservative. But he only found it to be a \$100 fine, which to me seems like a slap on the wrist...of course, I wouldn't want to pay \$100 fine because that's still \$100 of my money. But so I just...I still have concerns based on the one and only case that we have had in Nebraska. So I appreciate your answer. Thank you. [LB1066]

SENATOR BREWER: Thank you, Mr. Chairman. I would like to go on the record that I just ran to Judiciary, gave a seven-page speech, went through their questioning, and got back here. So I apologize for my absence. [LB1066]

SENATOR WAYNE: (Inaudible.) [LB1066]

SENATOR BREWER: Just a quick question for me, when you ran through the list, some of the questions that have been brought up had to do with, for example, veteran and minorities being able to have their opportunity to vote. So if it's...whether it be a dependent ID, as long as it's a government-issued ID--this would be our VA ID, this would be our military IDs--those are good. What about, for example...this is my tribal ID from...issued by a reservation. It is a picture ID. The question is it's probably not a normal government agency, even though to a degree that is part of the body of the reservation. Would that fit into a category that would be allowable? [LB1066]

SENATOR MURANTE: I believe so because I believe that would be considered a territory. [LB1066]

SENATOR BREWER: It would. Well, I don't know. I'd have to double check to see. But maybe later I'll let you look at it and you can kind of see if that rings a bell. [LB1066]

SENATOR MURANTE: Okay, understood. [LB1066]

SENATOR BREWER: All right. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR MURANTE: I believe we did specifically deal with this the last time around, but I will double check to make absolutely sure. [LB1066]

SENATOR BREWER: I'll just leave it out here so I don't forget. Any other questions? Thank you for your testimony. [LB1066]

SENATOR MURANTE: Thank you. [LB1066]

SENATOR BREWER: All right. At this time I would like to invite up...our next one is Secretary Ashcroft. Sir, welcome to the Government, Military and Veterans Affairs Committee. I would just ask that you would spell your name before you begin testimony. [LB1066]

JOHN ASHCROFT: My legal name is John, J-o-h-n, Ashcroft, A-s-h-c-r-o-f-t, generally go by "Jay." I consider you all friends. Please feel free to. Thank you very much for the opportunity to be here. Go ahead? [LB1066]

SENATOR BREWER: Please, go ahead. [LB1066]

JOHN ASHCROFT: I am here to testify in favor of securing our elections. I serve as Secretary of State of the State of Missouri. In June of last year we implemented a photo ID law. The people of our state in 2016, November, passed a constitutional amendment to allow it by 63 percent of the voting public approved it. Since then we have had over 80 elections across the state. On each election day I call the local election authorities that are giving an election and in all of those 80 elections we have not had a single individual that was legally registered to vote that was turned away from voting. We did have one individual that went to vote and was turned away that said, wait a minute, I'm registered, but he registered after the deadline and in Missouri there is a waiting period after you register before you can go ahead and vote so that it helps us with all the paperwork and the polling books. So he was turned away but he will be, of course, able to vote in continued and in future elections. And one of the things that I thought was most interesting about Missouri's implementation of the bill and I wanted to talk a little bit about cost, if that's okay, because I think that's something that you all have expressed interest in. My predecessor estimated that implementation of voter ID in the state of Missouri would cost near \$4-5 million. We have roughly the same number of counties. We have slightly more in Missouri. We have 114 counties. But our population is substantially larger in Missouri. This past year, or we're on course in the first fiscal year of the implementation of voter ID, the photo ID law, to actually spend \$1.5 million, not the \$4-5 million. And we've been successful. We've given out roughly 400 government-issued photo IDs toward people that have asked. Those numbers are from January 31 so they could have changed in the last week or so. We've had a hot line. We've had a Web site for people to ask us for questions. We've had about 550 contacts with people requesting help.

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

Government, Military and Veterans Affairs Committee
February 08, 2018

We've served those individuals. We've done it for far less than we were told it would take. We've made sure that people can have confidence in their elections and know that their vote counts. I hope it's not too forward of me to say this, but I assume that everyone here wants to make sure that an election, a good election, is where the voting public makes the decision. We may disagree about how to get there. We may be concerned about this way is better than that way, but I'm sure you all agree that the purposes of elections are for the voting public of the state to make that decision and their voice to be heard. These sorts of laws do that. The data that we've seen is that we give people greater confidence in their elections. And although I know Nebraska is not exactly like Missouri, thankfully it's not exactly like Oklahoma, right? But I understand that you probably have some of the same concerns with voter turnout. And what we've found is that when people know that their vote will count, that it will be counted, it will be not canceled out by fraud or other things, they are more likely to get involved. And I hope that we all, from whatever political spectrum we come from, can agree that having more of our population, as long as they're legally registered to vote, being a part of the discussion and leading our states forward, the better off we'll be. [LB1066]

SENATOR BREWER: Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. And welcome to Nebraska. [LB1066]

JOHN ASHCROFT: Thank you, Senator. [LB1066]

SENATOR BLOOD: We have comparable weather so I'm sure it wasn't a shock. [LB1066]

JOHN ASHCROFT: I tried to avoid the snow and I think I've been lucky so far. [LB1066]

SENATOR BLOOD: There you go. I have several questions for you so I hope that they're easy to answer. So you said in Missouri not one person...only one person was turned away, is that correct? [LB1066]

JOHN ASHCROFT: An individual that was not legally registered for the election. [LB1066]

SENATOR BLOOD: Okay. So do you do like Kansas does where if you have a provisional ballot, because you don't have your ID, that it's suspended until you can show your ID? [LB1066]

JOHN ASHCROFT: We have a process for individuals that can use a provisional ballot similar to what we do with our absentee ballots where that provisional ballot can be checked based on their

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

Government, Military and Veterans Affairs Committee
February 08, 2018

signature. And we also have, our election authorities, the ability to take a picture in case there are election irregularities that are found later on, so that that individual can be prosecuted. [LB1066]

SENATOR BLOOD: So unlike Nebraska law, you don't require a photo ID on the provisional? [LB1066]

JOHN ASHCROFT: We're moving people toward using photo IDs at all times. They're not required for the provisional. I think what the senator testified to earlier is that he is working on a small portion of securing elections. There is not one silver bullet. We are probably, unfortunately, in some respects, behind Nebraska in moving forward on this because we're taking smaller bites of it. But what I would testify is that we have been very happy so far and the people in the state have been well served by it. [LB1066]

SENATOR BLOOD: And so you provided...and you...I didn't get all my notes down, so... [LB1066]

JOHN ASHCROFT: About 400 state-issued photo IDs for people that requested them. [LB1066]

SENATOR BLOOD: And it cost you \$1.5 million? [LB1066]

JOHN ASHCROFT: No, no, no. I'm sorry, ma'am. Let me...sorry, Senator, I should say. [LB1066]

SENATOR BLOOD: It's fine. [LB1066]

JOHN ASHCROFT: We allocated \$1.5 million for the use, for publicity, and for documents and for IDs for individuals. Once the law went into effect, I actually toured the state. We have codirectors of election in Missouri. We have a Republican and a Democrat. It used to be we just had one. I wanted to start that off. Each of those codirectors of election visited every county in the state to work with the local election authority to help get the word out to make sure that the poll workers...and let me just say that election authorities and poll workers, they do all the work of elections, so I want to thank them for what they do. [LB1066]

SENATOR BLOOD: Right, I agree. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

JOHN ASHCROFT: But they met individually with every election authority across the state. I had public meetings in every county of the state...in every county of Missouri to make sure that people had the opportunity to ask questions. We did it as a combined thing not only informing people about the new law being implemented, but also using it as an opportunity to try to register individuals to vote. I hand delivered letters to every member of the Missouri Legislature. We have a couple more than you do. We have 163 members of the house and 34 members of the senate. I hand delivered letters to each of them asking them to spend a day with me in their district, at least, and informing people about the new photo ID law and helping to register their constituents to vote. So we tried to have a very comprehensive approach to that. We have not spent the entire \$1.5 million. Our state has a fiscal year that begins on July 1 so we're about a little bit over halfway through that fiscal year and we will continue to do some of that advertising out of that \$1.5 million budget moving up to our August elections. [LB1066]

SENATOR BLOOD: Okay, so when you said it cost \$1.5 million, you actually set aside \$1.5 million (inaudible). [LB1066]

JOHN ASHCROFT: Yes, ma'am. I apologize if I was not clear. [LB1066]

SENATOR BLOOD: Okay. No, that's all right. I'm just clarifying, not questioning. So how many fraud cases, documented fraud cases, did you have in Missouri? [LB1066]

JOHN ASHCROFT: In the first year of my being secretary of state, we had double-digit cases that were actually prosecuted. One of the most difficult things is that, unless election authorities are set up to look for fraud, we won't see it. However, in 2016, while I was running for this office, we actually had two elections that were overturned by the courts and had to be redone in the St. Louis area because of...well, I would say, because of allegations of vote fraud, but it was enough that the courts said there must be a new election and there had to be a revote. We actually have a legislator that is in our state senate that won his election by one vote. After his election, two members of his family, an aunt and an uncle, pled guilty in a court of law to fraudulently voting in that election, so that right there is a case where a legislator was elected based on vote fraud. [LB1066]

SENATOR BLOOD: And was that before the law change? [LB1066]

JOHN ASHCROFT: Yes, that was before the law change. [LB1066]

SENATOR BLOOD: And so they were still caught, they were still held accountable in the courts? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

JOHN ASHCROFT: The individual was still elected by vote fraud, yes. [LB1066]

SENATOR BLOOD: No, but I'm saying the people that were...that went to court, I mean, so whatever you have, you're definitely holding people accountable and finding out that they are committing fraud. [LB1066]

JOHN ASHCROFT: Sometimes we are, not as often as I'd like to say that we are, but we are. We are doing our best to do so, ma'am...Senator. [LB1066]

SENATOR BLOOD: All right. I think that is all the questions...oh, I do have one more question for you. Can you tell me who Lillie Lewis was? [LB1066]

JOHN ASHCROFT: I'm sorry, I don't. [LB1066]

SENATOR BLOOD: Lillie Lewis? [LB1066]

JOHN ASHCROFT: I hope you can educate me, Senator. [LB1066]

SENATOR BLOOD: Lillie Lewis was, I remembered--and I did a Google search real quick because I could only remember half of her name... [LB1066]

JOHN ASHCROFT: Oh, you cheated. [LB1066]

SENATOR BLOOD: I had to do that because I remember the story. She was a 78-year-old black woman who lived in Missouri who was originally from Mississippi--is it starting to ring a bell?--had voted in every presidential election and...as for as long as she could remember, and then the laws changed. She had no documentary evidence of her U.S. citizenship because back then, born in the south. She wrote to vital records seeking a copy of their birth certificate and received a letter stating that there was no such record and was unable to vote, and so she effectively became a noncitizen after decades of voting. Now you've since resolved that, but she had missed election because of that. I was curious to hear your side of the story, but it doesn't look like it rings a bell. It made national news. [LB1066]

JOHN ASHCROFT: Senator, that did not happen while I was secretary of state. [LB1066]

SENATOR BLOOD: Okay. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

JOHN ASHCROFT: I do know that we actively reach out to individuals to help them get the necessary documents and their...one of the things that we've done is I've reached out to the Bar Association because there are circumstances where we have to go to court to prove an individual's identity either because of their age or because of other factors. I mean we have individuals that maybe they were never on the...the government never recognized them till the census individual came by and they were five or six years old. But part of our law, we have worked to make sure that not only do we take on the onus of helping them get that...I mean I've driven to individuals that were, you know, quadriplegics to help them get their documentation notarized. I notarized it for them and took it down to vital records to help them get the information they needed. That's the part of any good secretary of state, at least the way we looked at it. You can do both. You can secure your elections and also make sure that every legal voter can be a part of it. [LB1066]

SENATOR BLOOD: So you also pay like if they have to go and get their birth certificate from another state and pay for that fee or if they... [LB1066]

JOHN ASHCROFT: We've...I believe in the last six months, we've gotten about 11 of those. [LB1066]

SENATOR BLOOD: So you pay for that? [LB1066]

JOHN ASHCROFT: We got...yeah, we got 11 of them. I think it was less than \$1,000 total cost but yes. [LB1066]

SENATOR BLOOD: Do you think Nebraska should pay for that? [LB1066]

JOHN ASHCROFT: I am in favor of a voter ID law. I think it's a little bit arrogant of me to tell the people of Nebraska how to run their state,... [LB1066]

SENATOR BLOOD: It's just an opinion. We're not holding you to it. [LB1066]

JOHN ASHCROFT: ...especially when I'm sitting in front of their elected representatives, their senators. But if you all wanted to look at something like that, I'd be very happy to talk about how we've implemented in Missouri, be very happy to work with your elected officials here. [LB1066]

SENATOR BLOOD: Well, it sounds like you've gone above and beyond from some of the things I'm hearing locally, and I think that's commendable. But the concern that I'm still hearing is I'm

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

Government, Military and Veterans Affairs Committee
February 08, 2018

hearing the amount that this is costing taxpayers, and it sounds like it's a bigger issue in your state than our state, we're not really seeing that issue. We have excellently trained poll workers, and I'm sure you do now because of your position. The one case, which was barely a case, went to court. I just...I have trouble spending millions of dollars when law is already put in place, and so I'm really trying to hear something compelling to change my mind on that. [LB1066]

JOHN ASHCROFT: I believe... [LB1066]

SENATOR BREWER: Do you have any more questions? [LB1066]

SENATOR BLOOD: I'm hoping he says something compelling. [LB1066]

SENATOR BREWER: All right. [LB1066]

JOHN ASHCROFT: With regard to cost, Missouri has a couple of times the population of Nebraska. We've done it for \$1.5 million. I would politely suggest that I have looked at this fiscal note that, were a fiscal note prepared like this for Missouri, which is a much larger state, I would have said that this is too large. Is that a polite way to politely disagree with that fiscal note? [LB1066]

SENATOR BLOOD: (Inaudible.) Thank you. [LB1066]

JOHN ASHCROFT: Thank you. [LB1066]

SENATOR BREWER: Thank you. [LB1066]

SENATOR WAYNE: I have some questions. [LB1066]

SENATOR BREWER: Senator Wayne. [LB1066]

SENATOR WAYNE: So you said a poll book. Can you talk to me a little bit about the technology you use and what is at the actual locations when people go in to vote? [LB1066]

JOHN ASHCROFT: In Missouri, local election authorities are allowed to procure election equipment on their own. The secretary of state's office tests equipment to make sure that it meets the minimum standards that Missouri requires. And once that equipment is certified, the election authorities actually decide on what equipment works best for their area. We have, I think, right

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

Government, Military and Veterans Affairs Committee
February 08, 2018

now four different manufactures of equipment. You know, we've got ES&S; we've got Adkins. There's, if you talk about like poll books, you know, we've got a company called Knowink. I just happen to like it because it's based in Missouri. But obviously we have three different manufacturers of poll books that are used. I was concerned at first because, at least in Missouri, a lot of our poll workers are twice my age, or not quite, and I was concerned with whether or not those poll books would work well for them. What I've seen with our poll workers is they love them. [LB1066]

SENATOR WAYNE: So your poll books are electronic based then? [LB1066]

JOHN ASHCROFT: In some of our election authorities they have the electronic poll books. Some of our election authorities still have the paper-bound books. It varies. Generally speaking, each county is its own election authority, although we do have one county that's split into two election authorities. [LB1066]

SENATOR WAYNE: Okay. And tell me, because I'd be curious to know where your...where more of your election technology, as far as--and this is something I can work with Senator Murante on, about finding out--how far they're advanced than you are, and here's the reason why. I'll be very direct. I was the one on election night who lost until 6:00 in the morning because all of the machines but one broke down. And so what I'd rather have us spend money on is fixing the election machines and the technology so voters can know their voting turnout than spending money on voter ID right now. That's kind of where I'm at. I think that... [LB1066]

JOHN ASHCROFT: Ours... [LB1066]

SENATOR WAYNE: Go ahead. [LB1066]

JOHN ASHCROFT: Sorry. Senator, our state has a very concerning problem with how do we make sure that election authorities have the funds for procuring election equipment. Right now we have some counties that are able to do that on their own, but we have several counties that have equipment that is six, seven, eight years old and that causes real concerns. [LB1066]

SENATOR WAYNE: So just bear with me for a second. And part of the reason is I'm going to leave here and I have to go to Judiciary for another bill but...and I don't know if I'll see you again, so I want to know. Do you count by precinct or is it centralized counting in most of your counties or...? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

JOHN ASHCROFT: Well, the counties will receive the votes from the precincts so they'll obviously...sometimes we'll have a polling location that is two precincts or more. [LB1066]

SENATOR WAYNE: Right. [LB1066]

JOHN ASHCROFT: But generally it's maximum of two precincts. All that information goes to the county and then the county sends that information to the secretary of state's office when it's a state issue like a state representative, state senator, or statewide. [LB1066]

SENATOR WAYNE: So on the county side is it...are they counting in one location or are they counting at the precinct the actual ballot? Where is it counted? [LB1066]

JOHN ASHCROFT: Generally speaking--and I don't know of anyone where they count it at the polling place, but I'm saying generally in case I'm wrong--they're all...they're going to collect all those ballots. Sometimes they'll have a central point where they bring the ballots and then they take them in a secured manner to the courthouse or to the annex where they are actually counted. [LB1066]

SENATOR WAYNE: Okay, thank you. And then can you tell me a little about your vote by mail or do you have vote by mail? [LB1066]

JOHN ASHCROFT: We only have vote by mail in very limited circumstances. The statute I think--and I'm not going to exactly get the verbiage right--when we have an election where the only people that are qualified to vote in that election or the qualification to vote is based on property ownership in a specific area that's real property, then vote by mail can be used. So I think it's used for like transportation improvement districts sometimes where you have a group of businesses that own property and want to have an extra tax on...sales tax on things that are purchased in that district. Anyone that's living in that footprint, they can use the vote by mail. But generally speaking, if you're talking about a statewide election, a legislator, something like that, the only vote by mail we'd have is if someone mailed in an absentee ballot. [LB1066]

SENATOR WAYNE: And...okay. And how do you verify those then? [LB1066]

JOHN ASHCROFT: Generally speaking, and it depends on the reason for why you're turning in absentee ballot, absentee ballots, generally speaking, they'll have to be signed and notarized. [LB1066]

SENATOR WAYNE: The outside of it signed and notarized? I'm just...okay. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

JOHN ASHCROFT: Yes. Yeah, we... [LB1066]

SENATOR WAYNE: Now what is your... [LB1066]

JOHN ASHCROFT: We want to make sure it's the right thing before we look at how they voted. [LB1066]

SENATOR WAYNE: And then what is your deadline on your registration day? [LB1066]

JOHN ASHCROFT: It's about 40 days out from the election. That's one of those numbers I always look in the book before I say it because I don't want to tell someone the wrong number. [LB1066]

SENATOR WAYNE: I'm just curious. Well, I appreciate you coming all the way up here, although we disagree on the policy issue. I am curious to know more about your technology and what you're using. So I do appreciate you taking time, coming up here. [LB1066]

JOHN ASHCROFT: Senator, I think it's clear that you want to do things well. We may just not be in agreement totally on how to do it, but I appreciate your concern about holding elections well and that speaks well of you. [LB1066]

SENATOR WAYNE: You know, at the end of the day, I think we got to make sure we count the ballots right and those kind of things. And again, we have some technology that Senator Murante would...we agree on. We traveled around the country talking to people that we are sitting a little behind the scenes when it comes to technology and what we can do here in Nebraska and my priority is let's make sure we count the ballots right and make sure...not that we have...we're counting ballots wrong, but let's make them more efficiently, I guess is the better word to say, than what we're currently doing. So I appreciate again, appreciate you coming up here. [LB1066]

JOHN ASHCROFT: Thank you, Senator. [LB1066]

SENATOR BREWER: Thank you, Senator Wayne. Senator Hilgers. [LB1066]

SENATOR HILGERS: Thank you, Mr. Vice Chairman. Thank you, Secretary Ashcroft, for coming all...coming over to Nebraska. We appreciate your...I certainly appreciate your insight and input on this issue. I just have one question that I think I heard from your testimony you said

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Transcriber's Office

Government, Military and Veterans Affairs Committee
February 08, 2018

that the estimate for the cost of Missouri's ID program was about \$4-5 million but they actually came in about a third of that. Can you maybe elaborate a little bit on where the cost was...estimate was incorrect and some of the places where it's elevated? [LB1066]

JOHN ASHCROFT: Senator, thank you. That's a wonderful question. One of the major cost elevators in that is we were told it would cost a million dollars to provide IDs to people that didn't have them. It hasn't cost us \$10,000. I bet it's cost us substantially less than \$10,000. One of the things that we did do with our budget is our legislature, when they approved our budget, they gave us what is called flexibility so that if we did, for some reason, need more money, we could pull from our advertising budget. But we had...my predecessor was, I would say, opposed to voter ID. I don't think he'd take offense to me saying that. So he had a slightly different approach to the fiscal note for something that he opposed. I felt that when we were looking at the fiscal...at exactly what we'd request in the budget, instead of saying how much can we ask for, we should say what do we need to do, work with election authorities, figure out what the best way to do this is, get quotes and estimates from media companies, and that's how we came up with the \$1.5 million. Obviously, unfortunately, politics comes into fiscal notes and it really shouldn't. [LB1066]

SENATOR HILGERS: Thank you very much. Again, I appreciate you coming up and testifying on this bill. Thank you. [LB1066]

JOHN ASHCROFT: Thank you. [LB1066]

SENATOR BREWER: All right, Secretary, I've got a quick question for you. You talked about the 400, roughly, IDs that you provided. How many registered voters are there in Missouri, ballpark? [LB1066]

JOHN ASHCROFT: Well, we have a couple times more than you have population, actually. [LB1066]

SENATOR BREWER: (Inaudible.) [LB1066]

JOHN ASHCROFT: The estimate...and I think maybe this doesn't quite answer your question but I think it may really get to the heart of what you're asking. When we were looking at passing this, when I was traveling the state pushing the constitutional amendment, we were told that there were 250,000 people that did not have IDs and would not be able to vote. We've had 80 elections across the state, including special elections, for different legislators, both senators and state representatives. We have been on radio, TV, cable, print. We've been physically in every

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

Government, Military and Veterans Affairs Committee
February 08, 2018

county a couple times and we've had 400 people that have requested them and 400 people, or thereabouts, we've given them to. We understand that the number may move up because this year, 2018, even-numbered year, we have a...we'll have a contested state auditor race and of course...and we'll have a U.S. senator race. But the numbers that we have seen are in line with numbers that we've seen in other states like Kansas and Georgia and other areas. [LB1066]

SENATOR BREWER: All right. Thank you. Any additional questions? [LB1066]

SENATOR WAYNE: I just got probably... [LB1066]

SENATOR BREWER: All right, (inaudible). [LB1066]

SENATOR WAYNE: Are you guys currently under litigation for any of this? I'm not Googling. I don't know. [LB1066]

JOHN ASHCROFT: I believe...we've been...there was a lawsuit that was filed against us. It was dismissed about three weeks ago. It was in January. My understanding is that in the newspaper or in media reports they said that they were going to appeal that. I have not seen any sort of actual brief where they're making an argument that it has been appealed and that the district court or the circuit court was wrong. We were sued over it and the judge dismissed it, said that even if what they alleged was true, then they would lose and that actually they in no way suggested that any individual was disenfranchised by the law. [LB1066]

SENATOR WAYNE: Does your \$1.5 million include those costs too? [LB1066]

JOHN ASHCROFT: No, we did that with our in-house counsel. We did not hire out for that. As part of the secretary of state's office we have about 235-240 employees, so we have four attorneys that we use for election, for investigations. Well, we have more when you include securities and administrative records. So as part of their duties, we actually defended that lawsuit our self so it would not be more of a burden on the taxpayers of the state of Missouri. [LB1066]

SENATOR WAYNE: Thank you. I'm pretty sure Secretary Gale wishes he had 234 employees. Thank you. [LB1066]

SENATOR BREWER: Just so you know, Senator Wayne is one of our brilliant young attorneys, so that's why he's (inaudible). [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR WAYNE: I was not thinking of money when I said that question about that.
(Laughter) [LB1066]

JOHN ASHCROFT: Unfortunately, even if you are licensed in Missouri, we would not hire you to help us with that at this point. We're trying to save the taxpayers money. [LB1066]

SENATOR BREWER: Okay. Any additional questions? Seeing none, Secretary Ashcroft, thank you for coming, thank you for your testimony. We appreciate you coming up and spending the time and we've grilled you for a half-hour and you've been great, so. [LB1066]

JOHN ASHCROFT: Thank you very much and, if it's not improper, thank you for your service, sir. [LB1066]

SENATOR BREWER: Thank you. All right. So there is no gray area, the way this is going to work is we have a light system. You'll have three minutes. At two minutes, the yellow light will come on. At three minutes, the red light comes on. The red light comes on, I'll let you finish if you're reading a paragraph, but I'm not going to let you finish reading a page because we got to keep it short and fair and we're going to be here a long time, so that's the way we're going to do it. And unlike Senator Murante, I'm not a nice guy, so be watching it very close. So we'll start with proponents, first one. Come on up. Welcome. [LB1066]

DOUG KAGAN: (Exhibit 1) Good afternoon. My name is Doug Kagan, 416 South...well, I'll spell the name: D-o-u-g K-a-g-a-n, Omaha, and I represent Nebraska Taxpayers for Freedom. Currently anyone can walk into a polling place, write in your name and address, and vote under your name. You come in later and express shock to discover that someone impersonated you and stole your vote. We believe it incumbent upon the State Legislature to preserve the integrity of the voting process, recognizing necessity for zero tolerance for vote fraud and guarantee confidence in the outcomes of our elections. LB1066 would curb existing and future voter fraud at the polls. Few Nebraskans lack driver licenses or state ID cards. The bill generously includes several generally accepted ID options. This photo ID standard will withstand constitutional challenge. As mentioned before, in Crawford v. Marion County Election Board, the U.S. Supreme Court upheld an Indiana law that required voters to present a current and valid photo ID together with name. The majority decision considered any burden placed on voters, offset by the benefit of reducing fraud, that the law was reasonable. The importance of preventing illegal voting outweighs vague and undocumented cases of vote suppression. Justice John Paul Stevens in this case stated that flagrant examples of voter fraud have been documented throughout our nation's history by respected historians and journalists which demonstrate that not only is the risk of voter fraud real, but that it could affect the outcome of a close election. Similar legislation already easily has passed in 17 other states, including Kansas and South Dakota. A total of 34

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

Government, Military and Veterans Affairs Committee
February 08, 2018

states have laws requesting or requiring voters to show some form of ID at the polls. One must present ID to rent a movie or a vehicle, cash a check, or board a plane, and this bill is not more discriminatory. In August 2017, Rasmussen Reports survey revealed that 70 percent of likely U.S. voters believe voters should be required to show photo ID before voting. A Gallup poll in August 2016 found that 80 percent of respondents favored voter ID. A November 2016 poll revealed that 100 percent of Nebraskans wanted voter ID with 38 percent favoring the state providing free ID cards. This bill will allow Nebraska voters to definitively understand that no one is usurping their votes. Thank you. [LB1066]

SENATOR BREWER: Thank you, Mr. Kagan, and well done. Notice the light color there? You did good. (Laughter) All right. Questions for Mr. Kagan? Yes, sir, go ahead. [LB1066]

SENATOR WAYNE: With the fiscal impact on this, typically you guys are against anything with a fiscal note. What is so different about this one versus other bills? [LB1066]

DOUG KAGAN: We agree with the previous testimony that the fiscal note is inflated and it really won't cost that much. [LB1066]

SENATOR WAYNE: So how our budgeting process works--and I believe you know this because you are very...you're down here a lot--is that whatever the Fiscal Office says sticks, whether we believe in dynamic or not. So we got to figure out \$2 million for this...almost \$3 million for this. Would you be...would you agree that...for a tax increase to pay for this? [LB1066]

DOUG KAGAN: Absolutely not. [LB1066]

SENATOR WAYNE: Okay. Thank you. [LB1066]

SENATOR BREWER: Thank you for your questions, Senator Wayne. Any additional questions? Seeing none, thank you for your testimony. Next up. Have a seat. Sit down. Relax. Make yourself at home. Please state your name and spell it for the record. [LB1066]

JAMES SAZAMA: Senator Brewer, it's a pleasure seeing you. Committee members, good afternoon. My name is James Sazama. That's spelled S-a-z-a-m-a. It's Bohemian-American, by the way. I reside in Omaha, Nebraska, at 9161 Charles Street, been paying taxes on that house for 40-some years now and they're getting awful damn expensive. And it's people like you here that keep allowing this to keep going up. Kind of feel sorry for the younger people sitting in this room today because they don't have a clue what they're in for in the next 10, 15, 20 years. Now regarding this voter ID here, you know, I just fail to understand as an American citizen how

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

Government, Military and Veterans Affairs Committee
February 08, 2018

people would be, oh, against showing a picture ID to go vote. The other day I went to a hospital just to run a test and whatnot and I showed them my insurance card, my Medicare card, and she says, sir, may I see a picture ID? This is in a hospital, for crying out loud. And so I showed them my driver's license because everybody's got a driver's license. It's just really shocking to me how we have so many people resisting showing a picture ID to go vote. That's one of the most important things we do as citizens in this country today. I don't care if you go get something notarized, you're going to show a picture ID. You're going to buy certain things, alcohol, if you don't look old enough, you know, you can get a picture ID. You go buy some kind of a weapon, you're going to show a picture ID. If you go pick one up, you got to show a picture ID. So it's nothing new. Now all this lies in your guys' hands here of what we're going to do. You can let this stay in committee or you can allow it get on the floor and do things right here. Wayne here is concerned about the money, spending money. Well, we throw a lot of money away, Wayne, lots of money, millions. Now it's interesting that you bring that up because we could go to an electronic deal. That way we could have a lot of fraud. You know, you could go into a little booth and whatnot, push a little computer screen, da-da-da-da, you know, and vote that way. Well, those can be hacked and whatnot, and changed after the fact, and you can put in there whoever you want to, because we have people who are pretty good at doing that. You may be one of them, Mr. Wayne. The yellow light's on already? (Laughter) Are you really timing this? [LB1066]

SENATOR BREWER: We really are. [LB1066]

JAMES SAZAMA: Okay. I'm going to call it here because I could talk for a long time here. Blood, you have a question? [LB1066]

SENATOR BREWER: (Inaudible) all right, now, we're going to do it my way, all right? [LB1066]

JAMES SAZAMA: Sure. [LB1066]

SENATOR BREWER: First off, you can get away with calling me "sir," you can get away with calling me "Senator," but let's not go with last names here. Let's keep it...they worked hard to get their titles. They're entitled to that, so we'll just...we'll address them by "Senator" and their last name. Senator Blood, please, ask your question. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. And thank you for the entertaining testimony. Dobry den. Jak se mas? [LB1066]

JAMES SAZAMA: Say again? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: Dobry den. Jak se mas? You said you were Czech, a Czech. [LB1066]

JAMES SAZAMA: Bohemian. [LB1066]

SENATOR BLOOD: Yeah, me too. [LB1066]

JAMES SAZAMA: Really! [LB1066]

SENATOR BLOOD: Dobry den. [LB1066]

JAMES SAZAMA: Now we have something in common. [LB1066]

SENATOR BLOOD: ` Yeah. So...(laugh) so I was hoping I could have a conversation with you in another language. So I agree with you that we're paying too many taxes and so I'm confused because I agree with Senator Wayne in the fact that our budget is over budget, and that happened before we got here and we're trying to figure out a way to balance it. And so when we look at big tickets like this, even if it ends up being a third of that, that's still a lot of money, and so I don't know if that justifies a handful of people that we think this might be happening. I'm not disagreeing with you. I'm saying I don't know if we can justify it financially. But the question I have for you is that if you hadn't had your photo ID, would you have been turned away from the hospital for services? [LB1066]

JAMES SAZAMA: I have no idea, have no idea. [LB1066]

SENATOR BLOOD: I'd be curious to know what the answer is to that. That would help me. [LB1066]

JAMES SAZAMA: Have no idea. [LB1066]

SENATOR BLOOD: All right. I appreciate it. [LB1066]

JAMES SAZAMA: I'm just used to showing a picture ID, you know, a mug shot, for a lot of different things. [LB1066]

SENATOR BLOOD: Yeah, I hear you. I don't disagree. But those aren't constitutional rights. That's the difference for me is that one is protected under the constitution but you choose to go to the grocery store, you choose to get on an airplane, you choose to drive a car. Those are all

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

Government, Military and Veterans Affairs Committee
February 08, 2018

options that you have as an American citizen but they're not covered under the constitution.
[LB1066]

JAMES SAZAMA: Well, that's fine. I understand where you're coming from. But maybe what we should do is have they have to look into one of these eye machines, you know, so they can take our iris scan, or fingerprint us, you know, when we... [LB1066]

SENATOR BLOOD: I think that's awesome if we could do it without a bazillion-dollar price tag.
[LB1066]

JAMES SAZAMA: Yeah, yeah. [LB1066]

SENATOR BLOOD: So actually we should chat later, so, I'll teach you a little Czech. All right. Thank you. [LB1066]

JAMES SAZAMA: Thanks. Anything else? [LB1066]

SENATOR BREWER: Any additional questions? All right, James, thank you. [LB1066]

JAMES SAZAMA: You bet. Keep up the good work. [LB1066]

SENATOR BREWER: We'll try to. [LB1066]

SENATOR WAYNE: Thank you. [LB1066]

SENATOR BREWER: Welcome. Please. [LB1066]

KATHY WILMOT: Thank you. [LB1066]

SENATOR BREWER: Welcome to the Government Committee. [LB1066]

KATHY WILMOT: (Exhibit 2) (Laugh) Yeah. I thank you for this opportunity, and I am here in support of LB1066 and on my written testimony you'll see that I had a typo and I had to recorrect that, so I hope you can read that. First of all, it's been known from studies that opponents exaggerate greatly the number of voters without valid IDs. They often cite... [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BREWER: Could I get you to state... [LB1066]

KATHY WILMOT: Oh. Kathy Wilmot. [LB1066]

SENATOR BREWER: ...and spell? [LB1066]

KATHY WILMOT: K-a-t-h-y W-i-l-m-o-t. [LB1066]

SENATOR BREWER: Thank you. [LB1066]

KATHY WILMOT: They use highly inflated numbers and, again, I think that's for a reason. One example was in Virginia where such groups claimed anywhere from 450,000 to 1.1 million would be unable to vote because they lacked photo ID; however, in the end, there was only 3,912 that requested a state-issued ID in 2014 and that was way less than the predicted number. In litigation courts have often criticized those that are touting wild numbers for failing to include data about other forms of state and federal IDs that are acceptable, and they fail, often, to include the absentee voters who are not required to provide a photo ID. And then there was a little bit of fake news in the Lincoln Journal yesterday from a group. Civic Nebraska was cited as stating that it would result in a \$1.9 million in revenue loss for Nebraska because they "will force the state to issue an estimated 300,000...IDs," and I think that's exaggerated. Second, voter fraud: According to a 2012 Pew Center report, nationally, nearly 2 million dead people had voted as...and 2.75 million had registrations in more than one state. About 12 million records had incorrect addresses. That's about 1 in 8 of the 146 million Americans registered to vote and that means we're talking a startling 18 million invalid voter registrations on the books nationwide. Colorado also found many of the dead people voting and there's another group that you'll see on page 2 that found in just eight Virginia counties there was 1,046 alien noncitizens successfully registered to vote. And then you're going to tell me there's no voter fraud in Nebraska. I don't know how many times I've been down here and heard that. I did sit in on the court findings for the two gentlemen, Somali "gentlemens" (sic) out of Lexington who voted. And I found it interesting at that. The judge didn't ask if they were citizens. He didn't ask for any documentation that they were citizens. And I call it a tap on the wrist because they got the \$100 fine. I also talked to the Secretary of State's Office by telephone and I was told there are other cases. They didn't really prosecute them because they thought they were done, perhaps, by mistake. And one was an example of a daughter who filled out her mother's absentee ID...ballot after she deceased, thinking that wasn't wrong. There was another case they told me about where a father and son had the same name and the father filled out the son's ballot for him and didn't think he had done anything wrong. According to Secretary John Gale, 98 percent of our population has driver's licenses or Social Security numbers and that allows for some pretty accurate cross-matching of our records. Nebraska has 1.2 million registered voters and I checked with some stats on-line.

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

Government, Military and Veterans Affairs Committee
February 08, 2018

We also have 1,400...or 1,404,478 individuals with driver's licenses. That's a larger number than registered voters but that's because of your 16- and 17-year-olds. And so, you know, we have to have an ID to get on many other places and I just don't understand the real reason people oppose this. I was cheated of my votes, thanks to the gentlemen in Lexington, and I don't appreciate it. Thank you. [LB1066]

SENATOR BREWER: Thank you for your testimony. Questions? I wanted to just thank you for your testimony. I know you were here yesterday. [LB1066]

KATHY WILMOT: Yes. [LB1066]

SENATOR BREWER: You've taken two days off of your life to come down and do your duty. Thank you for doing that. [LB1066]

KATHY WILMOT: Well, I appreciate the opportunity more than you'll ever know. And I think if we don't watch some of these things, just like this issue in front of us, we may lose that opportunity. So thank you. [LB1066]

SENATOR BREWER: Thank you. All right, next proponent. [LB1066]

SUSAN GUMM: (Exhibit 3) Mr. Vice Chairman and committee members, good afternoon. My name is Susan Gumm, S-u-s-a-n G-u-m-m. I'm from Omaha. I support LB1066 because I believe photographic identification is a commonsense election reform and a proactive step to deter voter fraud in our state. Carrying a photo ID has become a part of American life. The electoral system cannot inspire public confidence if no safeguards exist to confirm the identity of the voters. Honest elections are the foundation of representative government. If you aren't actively looking for voter fraud, you won't find it. In close or disputed elections, a small amount of fraud can make a difference and there are many elections, particularly at the local and state level, that are decided by a very small number of votes. I recall the election losses of two people running for the Nebraska Legislature that were decided by a mere 5 votes and 14 votes. The justification for voter ID laws does not depend on establishing such fraud. It is enough that fraud should not be permitted and that the opportunity to commit such fraud exists. Every American who is eligible should be able to vote but it is equally important that every citizen's vote not be canceled through fraud, especially fraud that could change the outcome of an election. Every time a fraudulent vote is cast, it effectively cancels out a vote of a legitimate voter. Requiring voter ID is not about denying anyone the right to vote. It is about protecting my vote from being canceled by a fraudulent ballot. Voter ID requirements would give people some assurance that their vote counts and our elections are honest. I want my vote protected. Some people contend that voter ID laws would impose burdensome restrictions on voting and disenfranchise seniors, low-income people,

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

Government, Military and Veterans Affairs Committee
February 08, 2018

minorities, and students. In April 2008, the Supreme Court upheld the constitutionality of Indiana's photo ID law and ruled that requiring voters to present a photo ID to vote does not impose excessively burdensome requirements on any class of voters. Citizens who value their right to vote and want to participate in the democratic process should be willing to make the effort to secure the proper ID and comply with voter ID requirements. A former black Alabama congressman said that the idea that people in low-income African-American communities are bothered or intimidated or burdened by attaching a few responsibilities to their all-important core right of voting, it's a condescending idea. Election integrity shouldn't be a partisan issue. It should be an American issue. Whether we are voting for a city council member or the President, every Nebraskan must be able to trust the election process and the result. [LB1066]

SENATOR BREWER: Thank you, Susan, and well done on time. Questions? Senator Blood. [LB1066]

SENATOR BLOOD: Just a brief question, and thank you, Ms. Gumm, for your testimony. A former Alabama congressman, do you remember who that was? [LB1066]

SUSAN GUMM: Yes, his name is Artur, A-r-t-u-r, Davis. [LB1066]

SENATOR BLOOD: Thank you. [LB1066]

SUSAN GUMM: You're welcome. [LB1066]

SENATOR BREWER: Any additional questions? Seeing none, thank you for your testimony. [LB1066]

SUSAN GUMM: All right, thank you for your time. [LB1066]

SENATOR BREWER: All right. Additional proponents? Seeing none, we will move to opponents. First one up, welcome. [LB1066]

SENATOR WAYNE: Are we on opponents? Okay. [LB1066]

SENATOR BREWER: (Inaudible) opponents (inaudible). [LB1066]

SENATOR WAYNE: You're on proponents. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

ANDREW LA GRONE: We just switched. [LB1066]

SENATOR WAYNE: Oh. [LB1066]

SENATOR BREWER: We just switched. [LB1066]

SENATOR WAYNE: Okay. I was just making sure. [LB1066]

SENATOR BREWER: Yeah. [LB1066]

SPENCER DANNER: Before I sit down... [LB1066]

SENATOR WAYNE: (Laugh) Yeah, that's what I (laughter)... [LB1066]

SENATOR BREWER: (Inaudible.) [LB1066]

SENATOR WAYNE: That's why I clarified. I was like, wait a minute, that went quick. Okay (inaudible). [LB1066]

SENATOR BREWER: Please state and spell your name for us, please. [LB1066]

SPENCER DANNER: All right. For the record, Spencer Danner, S-p-e-n-c-e-r D-a-n-n-e-r. I want to thank the Government, Military and Veterans Affairs Committee for allowing me to speak today. I have a tremendous amount of respect for any lawmaker looking to advance voter security. Senator Murante said earlier that the vast majority of Nebraskans care about the security of our elections. Well, count me in that as well. Actually, I wish I had one of those buttons. Those are some cool buttons. But LB1066 lends towards an expensive and cumbersome process that does disenfranchise. We did talk about the \$3 million that Senator Blood talked about earlier. But in addition to that, we're not talking about how much it costs to actually educate voters on this system or educate poll workers to actually do this as well. In the great state of Texas, they've also had \$2-3 million in training alone that actually was added to that as well. Senator Wayne also talked about in Indiana where it came up to \$10 million over five years. Secretary Ashcroft came in earlier and stated that, specifically, that there were no voter fraud cases. Prior to passing that bill, there were 16 cases of voter fraud, 16; not one was because of voter identification or impersonation, not one. The reason why the previous Secretary of State Jason Kander did not support it is because voter identification issues were not happening in Missouri. So in the state of Nebraska, we need to ensure that there are better opportunities to

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

Government, Military and Veterans Affairs Committee
February 08, 2018

modernize voter registration and improve our voter rolls if we truly want to look at protecting the integrity and the security of our voting system. Inaccurate voter rolls also fuel the perception that the system is vulnerable to fraud and undermines the public confidence in our elections. We need safe and secure opt-out registration process. We also need to ensure same-day registration so that we can submit address changes at the polling places. Being able to create provisional ballots and have them come back a week later is kind of ridiculous. It actually adds another level of impediments for individuals when you can actually have it done if we did a same-day registration. Additionally, an election-day fail-safe to correct mistaken information with poll workers would also help as well. Every voter should have the ability to update and correct information at the polls. No eligible Nebraskan should lose their right because of any errors or omissions. We talked about mail-in ballots earlier. I also believe that Nebraska should move closer to 100 percent mail-in ballot, affording citizens to vote at their availability. Twenty-five percent of the registered voters in Nebraska already vote in mail-in, so why not look at that as an option. Senator Wayne also talked about the dysfunctional and antiquated voting machines that breed mistrust and cynicism towards the election process. For example, there's no one in here that owns a laptop over 15 years. Our election system right now, we've had for 15 years. We are actually spending over a million dollars a year actually trying to fix an antiquated system and get parts from other places where those parts are not even made anymore. We have to continue to look at our voter systems that are going to be antiquated even more so. I haven't had a laptop over five years, let alone a 15-year system. We need to ensure that voting machines today are not susceptible, at least decrease the risk of cyber attack. I support election day inspections to test hardware and software accuracy and also implementation of voter-verified records to ensure that accuracy before voters submit their ballot. Last thing I'll say: If we continue to create an environment that breeds fraud, you will get people to commit fraud. Those two people that we had might double to four. But you will get more people to commit fraud if we continue to put information out there that encourages people, that disenfranchises individuals to want to get a part of this system. Creating this strict voter ID law will deter an extremely small group of wrongdoers but negatively impact thousands of law-abiding citizens. And we can't simply continue to create laws out of fear. We must continue to create laws that will be out of factual data and are a necessity to our democracy. Thank you. [LB1066]

SENATOR BREWER: Thank you, Spencer, for your testimony. Questions? Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer, just a quick question. [LB1066]

SPENCER DANNER: Yes, ma'am. [LB1066]

SENATOR BLOOD: Did you have an opportunity to actually see the fiscal note? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SPENCER DANNER: I did not have the opportunity to see it directly, but I have been told by my staff about the \$2 million - \$3 million. [LB1066]

SENATOR BLOOD: So I wanted to read something to you so it's on the record. "Initial training and public education would cost \$350,000 for training, media production, media buys and direct mail to inform registered voters of the requirement. Going forward, another \$300,000 for public education would be needed in 2020, for the first primary election under the requirement." That would be above and beyond that over \$3,000 (sic). [LB1066]

SPENCER DANNER: Another \$650,000, yes, ma'am. Thank you for clarifying. [LB1066]

SENATOR BREWER: Okay. Additional questions? Seeing none, Spencer, thank you. [LB1066]

SPENCER DANNER: Thank you very much. [LB1066]

SENATOR BREWER: You bet. Thank you for your testimony. Welcome. [LB1066]

JOHN CARTIER: Hi. [LB1066]

SENATOR BREWER: Another familiar face. [LB1066]

JOHN CARTIER: (Exhibits 4 and 5) Members of the Government, Military and Veterans Affairs Committee, for the record, my name is John Cartier, J-o-h-n C-a-r-t-i-e-r. I'm testifying in opposition against LB1066 today in my official capacity as director of voting rights for Civic Nebraska. This time marks year number ten for Civic Nebraska for combating voter identification laws. Each year it keeps coming back in a slightly different form. Each year we keep bringing folks back out here to remind you all that this is something that we don't want in our state. I do not believe that there's enough evidentiary support showing that this will make our elections more secure while not disenfranchising a single Nebraskan who wants to vote. I'd like to remind the committee that this is Senator Murante's stated goal that we are to find ways to make sure people who are ineligible to vote do not cast a ballot while not disenfranchising a single Nebraskan from voting. I want to borrow a line from Star Wars, "only Sith deals in absolutes." But I still believe that this bill does not accomplish its stated goals. Voter ID laws in all shapes and forms will still pose problems. I can give you numerous examples of where individuals were barred their right to vote or it was made incredibly difficult for them to vote through requiring photo ID. This is a huge can of worms we're opening up today and there's plenty of potential ways that people could be turned around on election day. I suspect many people following behind me will remind you of many different instances that have happened in

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

Government, Military and Veterans Affairs Committee
February 08, 2018

other states. And you may even see that the remedy is to provide people an opportunity within seven days to come back and prove they are who they are. However, I'm not aware of any government-issued ID that would make that seven-day deadline. We have an estimated cost, as we're all aware, of over \$3.5 million to implement this system. I suspect this number would be way higher if this bill is read as requiring an address verification component. I believe you'll find that on page 3 of this bill. As I'm reading it, the voter needs to present a photo ID that shows the same name and address of the voter that is on the precinct list of registered voters. Now maybe some un...it's not clear that this were...extends to the exemptions, but, if it's so, those exemptions, a lot of them, are immediately kicked out because student IDs do not have an address on them, tribal IDs, as I'm aware, do not, excuse me, have an address component on them. So that's just something to keep in mind about inconsistency. Furthermore, I handed you two things. One was a case study from other states with strict voter ID laws breaking down the cost in a couple instances where it barred people from voting. The other handout was a recent story by News Channel Nebraska. Quoted here we have our election commissioners, with over 150 years of experience on the job, saying that "showing a photo ID at the ballot box would not have prevented voter fraud, not once." I suspect people following me who have worked at the polls will tell you something similar. If the tone of the testifiers today seems harsh, I believe that is because year after year we keep having the same discussion, we keep seeing similar bills brought forward, and we have the evidence that voter ID bills will turn away eligible voters, election officials don't think it'll solve real issues, and it has an absolutely massive fiscal note when considering our current budget shortfall. Committee members, I believe this is a pretty easy decision to not advance this bill out of committee and I'll remind the committee that Civic Nebraska remains dedicated to finding ways to secure our voter rolls while keeping the ballot box accessible. The mantra should be make it easy to vote and hard to cheat. Thank you. [LB1066]

SENATOR BREWER: Thank you, Mr. Cartier. Questions? Senator Hilgers. [LB1066]

SENATOR HILGERS: Thank you, Mr. Vice Chairman. Thank you, Mr. Cartier. Good to see you again in our committee. I want to go through a couple things, maybe in reverse order. I want to make sure I heard you correctly. Did you say that some identification listed in the list of acceptable ID forms have to have an address on them? [LB1066]

JOHN CARTIER: Yeah. When I was going through the bill, and I tried to get some clarification, but reading on page 3 towards the bottom there you'll see that for a ballot to be handed to someone they have to provide identification that has an address that matches what's there on the precinct book. So I'm just confused how...why that's in there if it's not a component in several of the forms of IDs that are listed as exceptions. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: So I guess what you're saying is, I mean, because if I look at page 2, lines 5-10, were to actually discuss this, what would be...what would consist of valid ID, address isn't mentioned. And what you're saying is that there might be some ambiguity based on what's in...on line 29 on page 3? [LB1066]

JOHN CARTIER: Yeah. Yes, sir, so just moving forward, whether amendments, for whatever direction Senator Murante wants to take this bill, something to keep in mind. [LB1066]

SENATOR HILGERS: Okay, I appreciate you pointing that out. [LB1066]

JOHN CARTIER: Thank you. [LB1066]

SENATOR HILGERS: From a cost perspective, how do you respond to Secretary Ashcroft's point, at least in Missouri's experience, that the costs actually have been inflated, at least in their case, inflated as to what actually the actual cost was. [LB1066]

JOHN CARTIER: You know, I think that might speak to his ability as secretary of state that they're able to control cost as well as they have, but there's other states where that has not been the case. And to model our prediction of the future based on one sample, I don't think is a good way of moving forward, keeping in mind the potential cost. [LB1066]

SENATOR HILGERS: Well, let me ask you about...let...I appreciate that but let me ask you a follow-up. So what I...I asked them specifically what was...what drove the increase and inaccurate estimate and what he said was the estimate was...I mean there's multiple components. There's the marketing/education component. But what he said is in this...in their case, far fewer people actually asked for the IDs than had been projected. And so I guess what, what have you seen in other states as to the actual number of IDs that have been requested? [LB1066]

JOHN CARTIER: I think in the several states that the amount of IDs...now, keep in mind, we haven't had a really, you know, big election yet that might prompt more people to come participate in the vote. I think it might indicate that there's individuals who are eligible for these IDs just aren't going to go sign up and they're not going to go get them. And whether that's because they have a disability, it makes it hard for them to go down to the DMV office or whether they're coming out from or they just can't take time off of work, there's a bunch of different factors going there and I look forward to seeing further studies on the issue. [LB1066]

SENATOR HILGERS: I appreciate that, but I think you skipped over. I just want to make sure, because the question I asked was just what numbers have you seen and you sort of jumped to

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

Government, Military and Veterans Affairs Committee
February 08, 2018

maybe some things that might describe why they were less. So I just want to make sure, is it...and I don't know the answer to this, which is why I'm asking. What are the...have states seen a lower number of...I mean, is there a way to generalize the number of IDs that have been requested in other states? [LB1066]

JOHN CARTIER: I think there is a good breakdown on the case studies here. For more specific information regarding how much, how many of the IDs have been issued versus the projections, we could put a sheet together and I'd be happy to do that for you. [LB1066]

SENATOR HILGERS: And if it is happened, if that data is lower, if it was a lower number, then it would...then your testimony is there might be reasons for that based on the fact that maybe some people didn't ask for them. Is that right? [LB1066]

JOHN CARTIER: Yeah, I...that would be my position. [LB1066]

SENATOR HILGERS: So, by the way, I did get the information from...the Madison Article 5 information. I do appreciate you're good to your word, sir. [LB1066]

JOHN CARTIER: No problem. [LB1066]

SENATOR HILGERS: Is it your or your organization's testimony or belief that LB1066 is unconstitutional? [LB1066]

JOHN CARTIER: You know, that's an interesting question. I suspect others following me might have better commentary towards that whole issue. You brought up the Crawford case and I think the important distinction to keep in mind, that was considering a state statute. Here in Nebraska, we have one of the most strongly worded provisions in our constitution that protect elections and I suspect, if there's litigation in the future, it would play a very important role in how a court would rule. [LB1066]

SENATOR HILGERS: So you would...would you agree with me, maybe you wouldn't, but would you agree with me that LB1066 is drafted...would it at least likely to be constitutional under the U.S. Constitution? Let's put the Nebraska one aside for a second, just U.S. under Crawford. [LB1066]

JOHN CARTIER: Well, so under the U.S. Constitution, you might have a point, but I would like to remind you under constitutional law, for some of our important protected rights, the states are very free to prescribe additional protections to protected rights. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: And I would not disagree with that. I just want to make sure I understand your position. [LB1066]

JOHN CARTIER: Yep. [LB1066]

SENATOR HILGERS: And so I might have a good point on the U.S. Constitution. On the Nebraska Constitution, are you aware of any state laws in Nebraska that have been struck down? I know the provision you're talking about. Are there any cases that you can refer us to where election laws have been struck down as being an impermissible infringement on voting rights? [LB1066]

JOHN CARTIER: None that come to mind. [LB1066]

SENATOR HILGERS: Okay. And then I guess my last question is...so this is where I struggle and I just wanted to get your input. I appreciate you going back and forth with me. There's this discussion that we hear a lot about between IDs being required for, you know, for a checking account or to fly and often the rejoinder is, well, those aren't constitutional rights. And I want to take it from a different perspective and that is I think a couple...I think a couple things most people would stipulate as true. You know, as long as there have been human beings, human...there have been human beings that will lie, cheat, and steal to improve their financial position, right? I would also stipulate, and I think most people would agree, that there is a tremendous amount of gain to be had through the political process for certain entities, which is part of the reason why we see record amounts of money being spent on lobbying and we see on election campaigns and the like. And the third thing I think is, and this is where these IDs come into play, where we see in other context that kind of dynamic, in other words, human nature being what it is and a lot to be gained. We've put in safeguards. And so when...that's what I take from the checking account and the flying examples are part, I guess, hey, this is something we ask for all the time, but in this context of this question what I take from those are, hey, these are safeguards we've put in place because we know human nature is what it is. And if there are safeguards, then people are going to take advantage of. So how would you take that, sort of that construct as I've framed it, and apply it in this? Would you disagree with the premises that I've laid out or would you say they shouldn't be applied or would you agree with what I said? [LB1066]

JOHN CARTIER: A couple different thoughts on that, that line of questioning, Senator. First of all, I believe the right to vote is a very special right and that's something that comes with it a certain amount of dignity when you go to the poll box. And a part of that...I don't know. A lot of the testimony behind me where they say, you know, you have a bunch of...you have your ID, you use it everywhere you go, and why should you feel the need to not have to show Big Brother

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

Government, Military and Veterans Affairs Committee
February 08, 2018

your papers, and that sounds very George Orwellian to me in moving towards a society where we value people that are suspecting of their individual citizens, their neighbors, whoever, people living in neighborhoods, as cheating the system. We look at the numbers and we're talking about the only thing this will touch upon is voter impersonation fraud and, unfortunately for Senator Murante, voter impersonation fraud is the rarest form of voter fraud to date. We're talking in instances that we can find through the various states 0.0000--you get the point--percent of cases... [LB1066]

SENATOR HILGERS: Um-hum. [LB1066]

JOHN CARTIER: ...and when you're counting all the votes that have been cast. Human nature, there's always going to be an element to people who are...who want to cheat, lie, and steal, like you said. However, I don't think, the numbers that we see, people are necessarily that committed to pretending they're someone else and casting a ballot. So are we going to sit here and think of ways to construct a system that's going to cost, you know, a least a couple million dollars? If it's not \$3.5 million, they figure out a way to make it cheaper, it's still going to be a significant fiscal note considering our budget shortfall. So long story short, I think the right to vote has a certain amount of dignity to it. I don't think showing identification at the poll box is going to fix any of our problems we have with our current system and I think we should be spending our time finding other solutions. [LB1066]

SENATOR HILGERS: I appreciate that. My last question will be maybe asking it a slightly different way, which is I've heard the argument made, well, look, there aren't that many instances of voter fraud so, therefore, their one or...one or two stories are true. Either there just isn't or we're not looking for it. And it seems to me, given human nature being what it is, it seems to me the more plausible story is we're just not looking for it. And if you disagree, why? If you...well, let me ask you, do you...would you agree with that? And if you disagree, why? [LB1066]

JOHN CARTIER: For...I'm not a poll worker. I've never been a poll worker. I'm not an election commissioner or official. I haven't done any of that. I will defer to the judgment of our excellent people who work our polls every time and they say this would never have prevented voter fraud, not once, and I believe them. And it's stated here in the article that I handed out to you. [LB1066]

SENATOR HILGERS: Okay. Well, I really appreciate your time, Mr. Cartier. Thank you. [LB1066]

JOHN CARTIER: No, I really always appreciate this back-and-forth, Senator. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: Likewise, thank you. [LB1066]

SENATOR BREWER: All right. Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. And again, I blame Senator Hilgers because he asked a question and now I have a question. So if you want me to stop asking questions, I'm just saying. [LB1066]

SENATOR HILGERS: (Laugh) Just be quiet. [LB1066]

SENATOR BLOOD: (Laugh) So to build on what he asked you, because he talked about all these things that were put in to provide protection when it comes to checking accounts and hospitals and planes and...aren't there already laws on the books to protect the integrity of our election system? [LB1066]

JOHN CARTIER: Yes, Senator Blood. Going through the DMV right now there is a process to get your...register to vote while you're getting your license renewed or updated, and that's one of the most secure ways that doesn't disenfranchise anybody I can think of, because, right then and there, there's already a citizen check before they move the application further to Secretary of State's Office. So you're right. We have adequate...I mean I don't..."adequate" is not a good word. We have very strong safeguards in our election system. I think that speaks volumes, especially considering the amount of evidence we have of voter fraud happening in our state, which it's very rare, and, when it does happen, we catch it. [LB1066]

SENATOR BLOOD: And I appreciate your story from the Czech capital of the United States. [LB1066]

JOHN CARTIER: Yeah. (Laugh) [LB1066]

SENATOR BLOOD: Got to get that plug in. [LB1066]

SENATOR BREWER: Dobry den. [LB1066]

SENATOR BLOOD: So I think what's really, and you've kind of touched down on it--and let me know if I'm reading this right because I've heard this from poll workers, too--so with the exception of Omaha and Lincoln, really, Nebraska is a pretty rural state, would you say? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

JOHN CARTIER: Yeah, absolutely. [LB1066]

SENATOR BLOOD: Okay. So do they bring poll workers in from other communities, usually, to work the polls, do you know? [LB1066]

JOHN CARTIER: You know, that's a good question. I believe the poll workers are usually members of the community, so that's why, especially more in rural areas, you go out there and ask them do you need a photo ID and they say, no, because I know everyone in this...you know, and everyone around me. [LB1066]

SENATOR BLOOD: Right, you'd know. And even then, like I think of my parents--for years my mom worked the poll and worked the poll and worked the poll--I mean, all the people, especially in the next generation beyond me--I'm not going to say how old I am--they tend to, once they start doing it, they do it over and over and over again. And they know the people because the poll that they're working is within the community where they live, that section of town, that community. Would you say that that's more...I know that that's not where your area of expertise, so don't answer it if you don't know the answer. [LB1066]

JOHN CARTIER: Senator, I believe people following me might have a better understanding of that, but what I've heard is, yeah, that's pretty much the case. [LB1066]

SENATOR BLOOD: Yeah, because we've only got, what, 1.9 million people in Nebraska? [LB1066]

JOHN CARTIER: Um-hum. [LB1066]

SENATOR BLOOD: So, all right, thank you for the answer. [LB1066]

JOHN CARTIER: Yeah, no problem. Thank you. [LB1066]

SENATOR BREWER: All right. Thank you, Senator Blood. Any additional questions? I'm not going to let you off easy here. So everybody knows, he is an attorney. (Laughter) [LB1066]

SENATOR HILGERS: Don't out him like that. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BREWER: So when you saw the back-and-forth mental judo going on there, that was all about. So if you get a little lost in some of the lawyer stuff, don't worry about it. It happens in here. All right, just a quick point: Have you seen one of our tribal IDs? [LB1066]

JOHN CARTIER: No, I haven't had a chance to (inaudible). [LB1066]

SENATOR BREWER: All right, just...(inaudible) I've got more questions coming for you. All right. I will just show you one. It's picture ID. The top identifies the tribe and the reservation. For this case, it's the Oglala Sioux tribe. Okay, here's your first question. What is unique and special about the Oglalas? [LB1066]

JOHN CARTIER: (Laugh) Well, Senator, you put me on the spot. I'd say that... [LB1066]

SENATOR BREWER: Okay, just testing your lawyer skills here. [LB1066]

JOHN CARTIER: I'd say the special thing is we have a member of their tribe sitting right here today and that's awesome. [LB1066]

SENATOR BREWER: Nice try. We're the ones (laughter)...we're the ones that got Custer, okay? [LB1066]

JOHN CARTIER: Oh, that's right. Okay. [LB1066]

SENATOR BREWER: What else is on here is you do have your address, you have your Social Security number. My issue when I was talking to Senator Murante is, is this recognized? So you can have all the great stuff you want on here, but if it's not recognized, then...because there are folks who, and I know this seems very difficult in this world we live in, but this might be the sole source they use to pick up their commodities or be able to...a reservation is a very closed society. There's...you do have driver's license there, don't get me wrong there. But sometimes it is somewhat limited, so that was my question, so that's one of the things I'm going to force Senator Murante to come back and get clarification on. Anyway, I'll have this up here if you want to look later. I was just messing with you there on the question for the (inaudible). [LB1066]

JOHN CARTIER: Thank you, Senator, appreciate it. [LB1066]

SENATOR BREWER: Yes, go ahead. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: Do you mind? Do you mind? Thank you, Vice Chairman Brewer. Just a follow-up on our conversation over here, had a side bar with legal counsel. To just...I think it is worth...I didn't read the rest of...on page 4, 1-7, it does appear that there's some fairly significant limiting language on that address requirement that you noted, which I understand is actually from the federal requirement, so, in other words, it's if the voter registered by mail after a certain date and not previously voted, etcetera. So only for the record purposes, I mean you could comment if you'd like, but I just, since we had that back-and-forth, I wanted to make sure the record was clear that there's some other language that maybe might limit the ambiguity that might have appeared if you just looked at lines 27-29. [LB1066]

JOHN CARTIER: Yeah. Thank you (inaudible). [LB1066]

SENATOR HILGERS: Thank you. [LB1066]

SENATOR BREWER: Sir, thank you for your testimony. [LB1066]

JOHN CARTIER: Thank you. [LB1066]

SENATOR BREWER: More opponents, come on up. Welcome to the Government Committee. [LB1066]

VICKIE YOUNG: Thank you. [LB1066]

SENATOR BREWER: Whenever you're ready. [LB1066]

VICKIE YOUNG: (Exhibit 6) All right. I am Vickie R. Young. That's V-i-c-k-i-e R. Y-o-u-n-g. Greetings to the Government, Military and Veterans Affairs Committee. The NAACP, the largest civil rights organization in the country, has advocated for the rights, including voting rights, for all citizens. It's our mission to oppose, challenge, and fight any and all effects to limit or diminish the voting rights of the citizens of Nebraska, rights that are guaranteed under the constitution of this nation. As president of the Omaha branch of the NAACP, chartered locally in 1914, I'm here today to present the views and historically charged understandings of African-American Community. I am here to speak in opposition to LB1066. We are not far removed from February 2, Groundhog Day. For African-American community, and often in other people of color, here we go again. It seems like every year the Nebraska Legislature proposes voter restrictions through various forms of voter ID requirements and every year organizations like the NAACP must come forward to protect Nebraska's most marginalized communities. Understand the historical significance of this action. I have friends and family members who have been

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

Government, Military and Veterans Affairs Committee
February 08, 2018

denied the right to vote, who have marched and bled in order to obtain the right to vote. These votes have traditionally been denied by many methods: poll taxes, literacy tests, and, of course, voter ID, specifically photo ID laws. For African-Americans, fighting these attempts to deny us our right goes back decades, generations, and, actually, since the founding (sic) of our nation. It took major legislation in the '60s to finally codify our right to vote and now we find the Nebraska Legislature attempting to eviscerate people's rights to vote again with needless voter ID requirements. We hear from this Chamber that it is not to disenfranchise voters but, rather, to protect voter integrity, yet there are no signs of any voter fraud in Nebraska or any other state that has or is imposing draconian voter ID legislation. It doesn't make sense. Despite politicians' claims, voter ID legislation is seen by my community as an attempt to oppress or to oppress the response from those considered other by those currently in power. I submit that the only integrity being violated is that of my community. The Unicameral is continually attempting to marginalize citizens from voting through this needless and misleadingly disguised legislation. I represent those voters who you are trying to silence. You may...you say no one will be disenfranchised, yet case studies prove over and over that there are people who will be. There is no evidence that voter ID will stop any illegal in-person voting, yet there is ample evidence that many will be disenfranchised. I realize that some on this committee are seeking new and/or higher offices in this year's election. I also realize that voter ID is a touchstone that will attract many voters in this state. But I believe that this cynical action is morally repugnant and has no place in civil society. It's offensive and it is unnecessary. The branch of the Omaha NAACP, along with the Lincoln branch of the NAACP, opposes LB1066. [LB1066]

SENATOR BREWER: Thank you for your testimony. [LB1066]

VICKIE YOUNG: Thank you, sir. [LB1066]

SENATOR BREWER: Questions? Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. When I was talking about the book Fearless, I saw you shaking your head. Do you feel that this is just the poll tax of 2018? [LB1066]

VICKIE YOUNG: Yes, ma'am, I do. I do. Just thinking, I was sitting here thinking back of my grandfather, born and raised in Holly Springs, Mississippi, and how he marched in his small town for the right to vote and here I am today, as his granddaughter, fighting as well. Preferably I won't have to run through bushes and through the woods fighting, running for my life to get safely back home to Omaha, Nebraska, but I proudly stand here representing him, my children, my family, my community. [LB1066]

SENATOR BLOOD: I'm going to ask you a really personal question. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

VICKIE YOUNG: Yes. [LB1066]

SENATOR BLOOD: I'm obviously not a person of color. I can't answer this question. What I know is based on my research, what I read, and assumptions. When another perceived hurdle comes up in legislation...this is going to be a tough question. All right. I'm trying to figure out how to phrase it. I don't want to...how does it make you personally feel, as a strong woman of color, that yet again there's somebody throwing something in your way? [LB1066]

VICKIE YOUNG: It's a challenge but yet it's a challenge that I'm willing to take on because, like I said, my grandfather fought for this right; and as a woman of color, I'm going to fight for this right so that my children and my grandbabies, who are looking to me to fight for this right, will be empowered to fight for this right, because it looks like it's not going away. But prayerfully, those of you sitting around this table here, you will ensure that this particular bill is killed. [LB1066]

SENATOR BLOOD: And what would you say, what would be the most impactful thing you could think of to say right now that would guarantee that? [LB1066]

VICKIE YOUNG: I have a right to vote and the constitution states that I have that right to vote. [LB1066]

SENATOR BLOOD: Thank you. [LB1066]

VICKIE YOUNG: Thank you. [LB1066]

SENATOR BREWER: All right. Additional questions? Senator Lowe. [LB1066]

SENATOR LOWE: Thank you, Vice Chairperson, Vice Chair, Senator. [LB1066]

SENATOR BREWER: I'll take whatever you give me. [LB1066]

SENATOR LOWE: All right. And thank you for testifying today and thank you for fighting for your rights. I believe we all need to continually, to fight for our rights as citizens of Nebraska and citizens of the United States. You say this bill is trying to silence the people. Do they also not have the ability to put in mail-in ballot rather...there will be no ID shown? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

VICKIE YOUNG: With all due respect, I am not totally familiar with the total voting process. But I do know that a hurdle such as requiring a voter ID I believe would hinder those who are financially strapped to come forward to find the funds to pay for this and/or go through the hoops of trying to obtain the documentation that they need in order to secure an ID. I just think that it's an unnecessary hindrance. [LB1066]

SENATOR LOWE: Do you believe there might be some way that we could come to an agreement that...where it...we may soon be able to facilitate the problem of people coming to a place to register to vote, whether we bring something out to the people, where it would not be a hindrance to the people? [LB1066]

VICKIE YOUNG: I guess I don't understand your question,... [LB1066]

SENATOR LOWE: Or... [LB1066]

VICKIE YOUNG: ...because if it's in regards to voter ID, in regards to this particular bill, we oppose it. [LB1066]

SENATOR LOWE: All right. Thank you very much. And by the way, Spencer, I just threw away my MacBook, my Mac Classic, so it did last awhile and, at that time, that was almost a laptop. [LB1066]

SENATOR BREWER: Any additional questions? Again, thank you for your testimony. [LB1066]

VICKIE YOUNG: Thank you for your time. Thanks for the opportunity. [LB1066]

SENATOR BREWER: All right, next opponent. Welcome to the Government Committee. [LB1066]

CORICE LEE: Hi. My name is Corice Lee, it's C-o-r-i-c-e, last name is L-e-e. Thank you for this hearing today. Please let Mary sit with me, give me the time to speak. I did not like this bill for my ID. Help me, Mary. [LB1066]

SENATOR BREWER: Just relax, we're good. We got time. [LB1066]

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Transcriber's Office

Government, Military and Veterans Affairs Committee
February 08, 2018

CORICE LEE: ...to get my ID they wanted my birth certificate because my name was changed. I needed ID to get my birth certificate someone was...someone with an ID...okay. [LB1066]

SENATOR BREWER: You're okay. Just relax. This is your time. We...don't feel rushed or anything, we're here to listen. [LB1066]

CORICE LEE: Okay. Someone with a ID to get for me. It costs \$17 and my ID was \$24. I needed my ID...I needed an ID. It's not fair. Please kill this bill. Thank you. Any questions? [LB1066]

SENATOR BREWER: Let's see. Ms. Lee, on the dollar figures you had, it was \$17 was the cost of what? [LB1066]

CORICE LEE: Birth certificate. [LB1066]

SENATOR BREWER: Oh, okay. And then \$24 was the cost of the actual ID? [LB1066]

CORICE LEE: Yeah. [LB1066]

SENATOR BREWER: Okay. Other questions? Others questions? Yes, Senator Lowe. [LB1066]

SENATOR LOWE: Thank you, Chairperson Brewer. Thank you. [LB1066]

CORICE LEE: I am from Omaha and from People First, Nebraska. [LB1066]

SENATOR LOWE: Okay. All right. [LB1066]

CORICE LEE: And I have today for People First Project 2 for Omaha for disability. [LB1066]

SENATOR LOWE: Yes. [LB1066]

CORICE LEE: And (inaudible). Okay. [LB1066]

SENATOR LOWE: Ms. Lee... [LB1066]

CORICE LEE: Yes. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR LOWE: ...thank you very much in coming today. Yes? [LB1066]

CORICE LEE: I have a disability. [LB1066]

SENATOR LOWE: So do we all. [LB1066]

CORICE LEE: Yes. [LB1066]

SENATOR LOWE: I noticed you hand wrote your notes. [LB1066]

CORICE LEE: Yes, sir. [LB1066]

SENATOR LOWE: You did a very good job, because if I read mine I have trouble. [LB1066]

CORICE LEE: I had help. [LB1066]

SENATOR LOWE: Thank you for coming today. [LB1066]

CORICE LEE: Yes, sir. Any questions? [LB1066]

SENATOR BREWER: Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. And thank you for your fine testimony.
[LB1066]

CORICE LEE: Yes, ma'am. [LB1066]

SENATOR BLOOD: So if I hear you correctly, you're here to speak on behalf of people with disabilities... [LB1066]

CORICE LEE: Yes, ma'am. [LB1066]

SENATOR BLOOD: And you feel that this is an unnecessary burden for people with disabilities? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

CORICE LEE: Yes, ma'am. [LB1066]

SENATOR BLOOD: Thank you. [LB1066]

SENATOR BREWER: All right. Any additional questions? I know it's scary coming in here and sitting in front of all of us. [LB1066]

CORICE LEE: Yes. [LB1066]

SENATOR BREWER: But you did fine. [LB1066]

CORICE LEE: Yes, sir. [LB1066]

SENATOR BREWER: Thank you for your testimony. [LB1066]

CORICE LEE: Thank you, sir. [LB1066]

SENATOR BREWER: You bet. [LB1066]

MARY ANGUS: I know this...my name is Mary Angus, M-a-r-y A-n-g-u-s. I know this is unusual for someone to support another person providing testimony and I was not going to testify until I've listened to the proponents. I will try very hard to manage my passion; Senator Blood is very familiar with that. Nothing else that has been mentioned today is a constitutional right. When you talk additionally about photo ID, there were several ideas of how you could provide that. I am not presenting as Project 2 or as People First of Nebraska, but most of the members of People First of Nebraska have not gone beyond high school. Most of them do not have a driver's license, if not many, most. For her to have gone through that process that she had to go through to get that ID, if she went to the polling place and they gave her a provisional ballot, she could not bring an ID in time for that vote to be counted. When you talk about disenfranchisement, when you talk about people not being willing to come forward because they don't think their vote counts and this would solve that, I have done trainings across the state on disability rights to vote. I have been told, I don't want to vote because my vote won't count. And so there have been a large number who have not been able to get themselves to register. I have also seen people or heard from people who have been told, if they can't read they can't vote; who have been told that their guardian holds their vote. And neither of those two things is true. I'm trying hard not to redo other things and I know there were some folks that were nice enough to allow me to move forward ahead of them. The amount of time it took for Corice to get her ID and the fact that somebody else had to provide their ID for her to get her birth certificate because

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

Government, Military and Veterans Affairs Committee
February 08, 2018

she didn't already have an ID, it just boggles my mind. It was very difficult, because I went through that process with her. There are so many other things I'd like to say, but I do not want to go over my time. I have folks that have been nice enough to let me go ahead of them with Corice. At that point I'm going to stop, because otherwise I'll be here all day and you will try to carry me out. Are there any questions? [LB1066]

SENATOR BREWER: Thank you, ma'am. [LB1066]

MARY ANGUS: Thank you. [LB1066]

SENATOR BREWER: Questions? Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. And thank you, Mary, for your fine testimony. I've known you I think for about ten years now and you've always been a very strong voice for people with disabilities. And as you know, for about that same amount of time, I also work with people with disabilities. [LB1066]

MARY ANGUS: Right, right. [LB1066]

SENATOR BLOOD: Do you know--and you're usually really good with statistics, so I'm hoping you know this answer--what percentage of people with disabilities actually vote now? [LB1066]

MARY ANGUS: I don't know the exact answer. Cathy Hall (phonetic) could give it to you, she's a national... [LB1066]

SENATOR BLOOD: Is she here? [LB1066]

MARY ANGUS: Not in the room. [LB1066]

SENATOR BLOOD: Okay. [LB1066]

MARY ANGUS: She's a national expert on voting rights. I do know that Nebraska was mentioned in a Rutgers research that was... [LB1066]

SENATOR BLOOD: I saw that was in Pew (inaudible). Yeah, I read that. Yeah, we got that in an e-mail. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

MARY ANGUS: Right, that was in Pew. I was the activist standing next to her. Anyway, Nebraska is one of the ones for whom the number of people with disabilities who are registered and vote is much higher than a lot of places. The reason for that has been the Disability Vote project of which I was part, which went along with all the trainings that I did across the city. So I can't give you the numbers. If you want to ask Cathy, she can probably give those to you. [LB1066]

SENATOR BLOOD: But it's still unknown. [LB1066]

MARY ANGUS: It is actually...the people with disabilities are the largest minority group in the country. Anyone here can become a person with a disability. I'm not going to become an Oglala Sioux, I'm not going to become Czech, but I could become disabled; as a matter of fact I do have a disability. [LB1066]

SENATOR BLOOD: In the blink of an eye. [LB1066]

MARY ANGUS: Yes. [LB1066]

SENATOR BLOOD: And I think that that's the things we need to think about when we're looking at laws like this, is that if I were in your position, if I were a person of color, if I were an elderly person in a rural area, how would this bill affect me? So I think that's real powerful, thank you. [LB1066]

MARY ANGUS: One other thing real quick, I want to tell you that my passion was great enough for me to come here despite my granddaughter-in-law being in critical condition in the hospital and my grandson being in a hearing at this present time. Any other questions? [LB1066]

SENATOR BREWER: Additional questions? Well, I just want to say that the work you're doing to help others is truly a yeoman's work. This is the greatest task that you can do, so thank you for what you do and the help that you provide and your testimony. [LB1066]

MARY ANGUS: Thank you very much, Senator Brewer. Any others? Thank you very much. And thank you for letting me go first. [LB1066]

SENATOR BREWER: All right. Next testifier. Welcome to the Government Committee. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

PENELOPE LEON: (Exhibit 7) Dear Senators and members of the Government, Military and Veterans Affairs Committee, my name is Penelope Leon, P-e-n-e-l-o-p-e, Leon, L-e-o-n. I'm a community organizer and workers' rights trainer and I am here to speak in opposition to LB1066. I have been a resident of this beautiful country for almost 30 years, I have been a citizen for 16 years, and since then I have never missed the opportunity to participate by voting in every election. I have moved seven times to different states and cities. Omaha, Nebraska, has been my home for the last 14 years and I am fortunate enough to have a job that allows me to be in contact with my community and promote civic engagement. I have been a poll worker at Kids Can Community Center in south Omaha for three consecutive elections, working as both clerk one and clerk two, checking the names and addresses of voters in precinct number 12. For the past three elections I have worked as a bilingual telephone operator at the Douglas County Election Commission. In both cases, as a poll worker or as a bilingual telephone operator, I have confirmed to voters that citizens only need accurate and prompt information to be able to vote. I have never encountered an illegal resident trying to vote or a person trying to vote pretending to be another. What I have encountered several times in person and over the phone, is: citizens who want to vote but they do not appear in the books because they had recently moved; citizens that can't find their polling place because the usual polling place has been moved to another facility; new citizens who don't speak English fluently voting for the first time that need guidance about the voting process; and citizens that need guidance on how to cast a provisional ballot; also senior citizens that need a ride to their polling place; and citizens that need information about election dates and candidate proposals. What voters in Nebraska need is more information, prompt information, accurate information to cast their votes. Voter education is important for Nebraskans. The voting process has several tedious but efficient steps that the voters need to follow, but no matter how long the line is they wait there for their turn. Why would we need to add a requirement that could jeopardize their opportunity to exercise one of the most important rights as citizens? I just moved from west Omaha to Dundee area last October. I still have my driver's license with my old address. I haven't found the time or money to update it. If voter ID was required and election day was tomorrow, I wouldn't be able to vote. What would happen to citizens less fortunate than me that don't have the money and means to go to the DMV and get a state ID? I encourage you to vote "no" on LB1066. Thank you for your time. [LB1066]

SENATOR BREWER: Thank you for your testimony. Questions? Let me just share something with you. One of the challenges we had in Afghanistan was that we had five languages. And in addition to that, there was quite a few that couldn't read or write. And we wanted to make sure that they could vote, but we also had to figure out how to do that so that they didn't vote multiple times and it was a bit of a brain tease for a while. Obviously, we came up with a method of actually putting the thumb in a dye so that dye would stay with them, but we actually used pictures. But there were ways of even taking those who couldn't read and still giving them an opportunity to vote. Now, there had to be an awareness campaign where they actually showed them pictures and they associated it with a name, so then they could follow through with their

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Transcriber's Office

Government, Military and Veterans Affairs Committee
February 08, 2018

votes. But I appreciate your testimony. And you brought up some good points that we need to understand. Thank you. [LB1066]

PENELOPE LEON: Thank you. [LB1066]

SENATOR BREWER: Oh, I'm sorry. Senator Lowe. [LB1066]

SENATOR LOWE: Thank you. And thank you, Ms. Leon, for coming to testify today. Just for my information, what country did you come from and what were the voting... [LB1066]

PENELOPE LEON: Originally from Mexico City. [LB1066]

SENATOR LOWE: Mexico? [LB1066]

PENELOPE LEON: Yeah. [LB1066]

SENATOR LOWE: And how did they control their voting in Mexico? [LB1066]

PENELOPE LEON: In Mexico? My goodness. That's why I love to live here, because I know that my vote is going to count. And the right vote, I mean, because down there in my old country--I'm sorry to say it--but a photo ID won't stop fraud. Sorry, but no. There's other ways to commit fraud, awful ways, and photo ID won't stop that. And, Senator, if I was a clerk and you show me that ID, I will have trouble to say "yes" or "no" to you, just for showing me that kind of ID that I'm not familiar with. [LB1066]

SENATOR LOWE: Okay. [LB1066]

SENATOR BREWER: Any other questions? [LB1066]

SENATOR LOWE: But thank you and we're glad you're here as a U.S. citizen and helping our community out. Thank you. [LB1066]

PENELOPE LEON: Thank you. [LB1066]

SENATOR BREWER: Thank you. Next opponent. Come on. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

JACKELINE PRADOS: (Exhibit 8) Good afternoon, Senator Murante and members of the Government, Military and Veterans Affairs Committee. My name is Jackeline Prados, J-a-c-k-e-l-i-n-e P-r-a-d-o-s, and I'm living at 6610 S. 36th Street, Omaha, Nebraska 68107. I am here to testify in opposition to the LB1066. I have been a U.S. citizen since 2010. I was a poll worker in south Omaha, where the majority of the population is Hispanic, because I'm bilingual in Spanish and English. I have been able to help them with any doubts or questions they have on...during election day. In my own experience, when I went to the Department of Motor Vehicles in 2013 to renew my driver's license, the office worker asked me if I was eligible to vote and I told her, yes. Next, she asked me to show a proof that I was a citizen. So I returned to my house, found my certificate of citizenship and my United States passport and returned to the DMV. She added information that I was eligible to vote and that is how I registered to vote. Also, I find it's hard to believe that Hispanics and other minorities would risk committing voter fraud because they know it is a felony. I also believe that giving the clerk the responsibility of accepting or denying an ID opens the process up for subjective denials. The percentage of people who vote is low in Nebraska in general, especially in south Omaha where I work at the poll. And to force people to present an ID could greatly diminish the participation of the people who are already voting. We should work to increase voter participation, not add more barriers. And because of this I urge you to vote "no" on LB1066. Thank you for your time. [LB1066]

SENATOR BREWER: Thank you for your testimony. Questions. Questions? All right, seeing none, thank you for your testimony. [LB1066]

JACKELINE PRADOS: Thank you. Thank you. [LB1066]

SENATOR BREWER: Next opponent. [LB1066]

KAITLYNNE LARSON: (Exhibits 9, 10) Good afternoon, Senators. My name is Kaitlynn Larson, K-a-i-t-l-y-n-n-e L-a-r-s-o-n, and I'm also submitting along with my testimony one from Alejandra Escobar. She is a UNL student who works as a poll worker and couldn't be here today, so I wanted to submit her testimony as well. I am here to testify in opposition to LB1066. I have worked a total of seven elections in the past five years. I'm bilingual so I work specifically at polling places in south Omaha. Over the years I have been at four different polling places and I have served as an inspector for the 2016 general election and for the 2017 municipal election, both the primary and the general. In the seven elections that I worked, I never had any issues with voter fraud or voter impersonation. None of the poll workers or other inspectors I know have experienced issues either. I also want to emphasize that I have never had an issue with an undocumented person coming to vote or, for that matter, a person with legal residence attempting to vote. Neither undocumented people, nor a person with legal residence are going to make an attempt to vote. They know it would ruin their chances of getting citizenship and one vote is not

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

Government, Military and Veterans Affairs Committee
February 08, 2018

worth that consequence. Further, I want to stress that there are steps that we follow at each polling place to affirm that the person standing in front of us matches the person in our books and that they are where they need to be. I want to speak specifically about the way the bill is written. It states that the photographic identification needs to "satisfy the clerk". I have worked in many elections with many different people from the community. And this bill is making an extremely strong assumption that every poll worker is qualified to make the decision whether that person should be voting or not and to make that decision without bias. It also gives a lot of authority to a clerk over a voter that they have not had in the past. Further, for an inspector, it does not outline what their role would be if there is a disagreement between a voter and the clerk over the photographic identification. The discrepancy that could arise from that wording alone makes me oppose the bill. The implementation of this bill would create a further distrust in the voting system and our goal as a state should be to increase voter participation among all communities instead of attempting to deal with a problem that I have not encountered in the last five years as a poll worker. I strongly encourage you to vote "no" on LB1066. Thank you for your time and I'll take any questions you may have. [LB1066]

SENATOR BREWER: Thank you for your testimony. Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. And thank you for your testimony. I'm glad that you have been a poll worker and a supervisor and that you have participated within the Latino community it sounds like. I want to ask you a hard question. And I'm basing this on a lot of the proponent e-mails I receive. Is it your personal opinion that the Latino community has been unfairly singled out when it comes to voter fraud, because it seems that all the reports of alleged voter fraud, there always seems to be a finger point at the Latino community? And I'm really baffled why that is, because I've not seen any evidence of that. [LB1066]

KAITLYNNE LARSON: I can speak to my experience in south Omaha. I don't know...I mean, I don't know. I haven't seen those articles that you've read as well. I do feel like sometimes these are targeted at people who are undocumented or that are legal residents saying that they would go and make an attempt. That's why I made it very clear in my testimony, I know people have legal residence status and that is not a risk that they would ever take. [LB1066]

SENATOR BLOOD: Right. [LB1066]

KAITLYNNE LARSON: So...and they know that they're not to do that. And they are excited for the day when they become a citizen to vote. Whether it's unfairly targeting that community, I don't know. I just know in my experience I want it to be clear that that's not something that I have ever had happen in south Omaha and people know when they come to the polling place that they

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

Government, Military and Veterans Affairs Committee
February 08, 2018

are supposed to be there to vote or they know that they are not voting yet. It is not an issue that I've ever seen. [LB1066]

SENATOR BLOOD: Well, I think what you said was really interesting that, why would somebody who's undocumented who may be here without permission want to do something that could potentially get them sent back to wherever they may have been? [LB1066]

KAITLYNNE LARSON: Or call attention to them in general. [LB1066]

SENATOR BLOOD: Right. [LB1066]

KAITLYNNE LARSON: It's not something that happens. [LB1066]

SENATOR BLOOD: Right. It doesn't make sense. All right, thank you. [LB1066]

SENATOR BREWER: Additional questions? Let me hit you with one before you head out. Now, obviously, I come from western Nebraska. In a small town you know most of the people, actually you know most of the generations of most of the people. If you're in a larger community and you're a poll worker like you are, as people come in you have...of course, out there we have like this great big ledger book and that's what they go down to look and they match your name up with your address and all. When you're in a larger community where you don't know everyone, they give you their name and their address and you just check to match that to make sure they line up correctly? [LB1066]

KAITLYNNE LARSON: Yes. So when they come in, I mean, I understand your question. So when they come in the first clerk asks them their name, they verify that and they verify their address. And the second person writes that in the second book. But I will tell you, I've been working at the same polling place now for...and I've moved around. Obviously, I've been at a different polling place, quite a few different ones, but I've been at the same one for three elections now and one was the primary for the Presidential election. And the ladies that I work at there, one of them has been there for like 25 years and the other...it's a school that we do, but she's attended the church that's there as well. And so, literally, we know everyone more or less, because voter participation is low, so the people that are coming out for these elections, like we know them usually. So we have the same...I mean, that's not a good thing, right? We would prefer that everybody on those rolls is voting so we maybe wouldn't. But after so many elections at the same place, I know who's going to come in and we catch up every election that we see each other. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BREWER: Well, and I guess if there's an advantage out west, there's nothing else to do but vote, so we have pretty high turnout there. Thank you for your testimony. [LB1066]

KAITLYNNE LARSON: You have, of course. Thank you. [LB1066]

SENATOR BREWER: All right. Next opponent. Welcome to the Government Committee. [LB1066]

SHERRY MILLER: (Exhibit 11) Yes, thank you, Senator Brewer. I want you to know, one of your former Air Guard guys is back in Nebraska. [LB1066]

SENATOR BREWER: And it would be? [LB1066]

SHERRY MILLER: Gary Banner. [LB1066]

SENATOR BREWER: Oh, yes, yes. [LB1066]

SHERRY MILLER: I don't know if you remember him. [LB1066]

SENATOR BREWER: No, he traveled the world with me. That's great to hear. Thank you. [LB1066]

SHERRY MILLER: Okay, I had some problems...this is Sherry Miller, S-h-e-r-r-y, Miller, M-i-l-l-e-r, with the League of Women Voters of Nebraska. I had problems with the language in the bill, too, because when I got to page 3, then it asks for an ID with an address that had to match the address on the poll records. So what is it? The whole list that came first, do we call those soft IDs because they don't require an address? NCards at UNL do not have an address. JayCards (sic: JayBuck\$) at Creighton University do not have an address. Military IDs do not have an address. My military dependent's ID does not have an address. You know, so are we going to be accepting all of those also? Even the staffers who work here in the Capitol, their ID cards do not have an address. So if they walk in and they're going to show an ID card that may look like them, but how are we going to guarantee what the address should be? I mean, it's going to be word of mouth, of course. They come in and state their address, but it's not on the card. And then people bring in their driver's licenses and the address is on the card or bring their state ID in and the address is on the card. Are we just going to get too many things to mess with at the polls? Are we going to go down the same road Texas did in 2016, where people...where the poll workers didn't know what they were doing, the electors didn't know what they were doing? I really have trouble with the language, because it sounds like when you get to page 3 it's saying that these ID

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

Government, Military and Veterans Affairs Committee
February 08, 2018

cards have to have an address that matches what's on the rolls or if you registered after 2003 you can bring in a utility bill, which won't have your picture on it. And I'm getting way off of my testimony here, but this is what I wrote with the idea that these cards would have to have an address on them. [LB1066]

SENATOR BREWER: All right, thank you for your testimony. Questions. I'm trying to read through this right now. This is on page 4 and it starts on line 3, where it talks about, "the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county and a notation appears on the precinct list of the registered voters that the voter has not previously presented identification to the election commissioner or the county clerk". [LB1066]

SHERRY MILLER: Yeah. And that's standing...apparently that is standing language already in the statute. [LB1066]

SENATOR BREWER: That is correct, right? Yeah, that is correct. [LB1066]

SHERRY MILLER: Okay. So how many forms of ID are going to be acceptable at the polls, is I guess one question I'm going to be asking. And then the other question...and the Secretary of State from Missouri has left, I'm sure. But in Missouri, was that a strict photo ID requirement, where it had to be a driver's license or a state issued ID? I got the impression it was and he's not here to answer. [LB1066]

SENATOR BREWER: Yeah, I was going to say, without him here to answer I can't tell you that. But that was part of the question I did have earlier for Senator Murante, was that we understand what that requirement is and what it has to look like so...because you're right, a military ID does not give your home of record on it. [LB1066]

SHERRY MILLER: For security purposes you wouldn't want to have your address on a military ID. My dependent's ID is a portable form of ID for me to use dependent services, it's not for me to use to go vote. [LB1066]

SENATOR BREWER: Yeah, and just for security reasons, too, just kind of as an FYI we used to have your...well, at one time we used to have a service number and that transitioned into actually your Social Security number. [LB1066]

SHERRY MILLER: They're back to an N number now. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BREWER: Well, yeah, and that's what I was going to say. Now it's a coded number that tells them, so point well taken. [LB1066]

SHERRY MILLER: Okay. [LB1066]

SENATOR BREWER: Questions. Seeing none, thank you for your testimony. [LB1066]

SHERRY MILLER: Well, you're very welcome. [LB1066]

SENATOR BREWER: Welcome to the Government Committee. [LB1066]

KRISTIN PFABE: (Exhibit 12) Thank you. My name is Kristin Pfabe, K-r-i-s-t-i-n P-f-a-b-e. Thank you, Senators. Just a little over 50 years ago, on the signing of the Voting Rights Act, Lyndon B. Johnson said: The vote is the most powerful instrument ever devised by man for breaking down injustice. The act was sparked by the brutality that marchers experienced from the Alabama State Troopers as they tried to walk from Selma to Montgomery to protest barriers to voting, such as the poll tax and literacy tests. Voter ID laws are barriers to voting. Their support is veiled in creating confidence amongst voters. And I admit, when I first heard about them I was naively swayed by this emotional argument. As elected officials, you probably cannot fathom not voting. But I would admonish you to accept and understand that the lives of Nebraskans are not all the same. Many people don't have a photo ID and herein lie the obstacles. There are transportation costs--especially significant in western Nebraska--to get an ID; some may have to take time off work; people have busy lives; and many, especially the elderly, face significant barriers because of mobility challenges. Our election statistics tell the story of poor turnouts: 71 percent of registered Nebraskan voters voted in the 2016 Presidential elections and 23 percent of Lincolniters in the recent city council elections. Let's not make it worse. Minorities are greatly impacted by such laws. Compelling research recently published in the *Journal of Politics* shows that turnout of eligible Hispanic voters in general elections is 7.1 percentage points lower in states with strict voter ID laws than in ones without. From this study, a simple estimate I made using data from the U.S. Census Bureau and Nebraska election data is that 3,000 to 4,000 eligible Nebraskan Hispanic voters would have been disenfranchised in the November 2016 elections with a voter ID requirement. In the attached reference section, I summarize how the *Journal of Politics* study has more reliability than many others. This is a costly, harmful solution looking for a problem. A May 2017 *Lincoln Journal Star* editorial provided election information from Secretary of State Gale that affirms we do not have a problem with voter fraud. So why is voter impersonation, the kind of voter fraud that voter IDs aim to stop, so rare? Imagine doing it. Who would you impersonate, and how would you know they weren't planning to vote? You don't want to raise suspicions. Think of the potential fallout: In Nebraska it's a felony charge with up to two years in prison and up to a \$10,000 fine. Think of the gain: only

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Transcriber's Office

Government, Military and Veterans Affairs Committee
February 08, 2018

one additional vote for your candidate of choice. It's a terribly inefficient and risky way to try to steal an election. And if you are motivated enough to sway an election, wouldn't you choose a safer method with a bigger pay-off like canvassing, making phone calls, and talking to friends and family about candidates? Voting rights are civil rights. Voter impersonation is fiction. "No" to voter IDs. Thank you. [LB1066]

SENATOR BREWER: Thank you for your testimony. Questions. Questions? All right. [LB1066]

KRISTIN PFABE: Thank you. [LB1066]

SENATOR BREWER: Looks like we have an easy one. Thank you. Welcome to the Government Committee. [LB1066]

SEAN TJADEN: (Exhibits 13, 14) Thank you, sir. Good afternoon. My name is Sean Tjaden, that's spelled S-e-a-n T-j-a-d-e-n, and I am here today to represent Abbie Kretz, which is spelled A-b-b-i-e K-r-e-t-z. She was unable to come testify in person today due a scheduling conflicts, so this is her testimony. It reads as follows: Good afternoon. My name is Abbie Kretz and I live at 3841 Castelar Street. I am in opposition of LB1066. I have worked as an inspector in three different polling places in Douglas County's Ward 4 since the 2013 municipal elections. Having worked in five election cycles since then, I have never seen an issue where someone has tried to fraudulently vote. Instead, the biggest issue we see is that people do not register to vote after moving. After speaking with them, many have stated that they did not know that they were required by law to reregister. While they are not turned away from the polls as long as they are in the precinct that corresponds with their new address, they must reregister and vote provisionally. It is through this process that we are able to educate voters about Nebraska's voter registration process. As a result, I believe voter education is needed to teach people about the process in order to increase voter participation, not make it harder. Nowhere in this bill did I see how the state will educate voters about the new requirements. To require voters to provide photo identification in order to exercise their constitutional right to vote only keeps people away from the polls. According to a New York Times article from September 2017--which was provided--approximately 17,000 registered voters were kept from the polls in November 2016 as a result of their voter ID law. The article references a survey conducted by the University of Wisconsin, which found that these registered voters either did not vote because they did not have acceptable ID--which was only 6 percent--but that the majority who were eligible to vote and did have acceptable identification believed that they did not have proper documentation and therefore did not vote. In addition, we are requiring poll workers to be the deciding factors as to who can and cannot vote. Poll workers already do a great job and, at least the ones I have worked with, care enough about the process to ensure that all those who are eligible to vote actually vote. But to give them increased responsibility to people who have volunteered or who have been drafted

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Transcriber's Office

Government, Military and Veterans Affairs Committee
February 08, 2018

only makes their job more stressful, when the state should--and already is--verifying who is eligible to vote. The only other issue I have experienced in recent years has been an increase in electioneering, the use or wearing of political propaganda into polling places. While shocking, it should come as no surprise, as we live in a hyperpolitical partisan society, which in my opinion, is only further exacerbated by this legislation. Thank you. [LB1066]

SENATOR BREWER: Thank you for reading that testimony and because you have someone else's testimony we can't hit you with questions, so thank you. [LB1066]

SEAN TJADEN: Yes, sir. [LB1066]

SENATOR BREWER: All right. Next testifier, come on up. Welcome to the Government Committee. [LB1066]

GABRIELA PEDROZA: (Exhibit 15) Thank you. Hello. My name is Gabriela Pedroza, G-a-b-r-i-e-l-a P-e-d-r-o-z-a. I am here to testify on behalf of Graciela Sharif, as she cannot be here today. Her name is Graciela Sharif, G-r-a-c-i-e-l-a S-h-a-r-i-f. Her testimony goes as follows: My name is Graciela Sharif and I live on 18636 Emiline Street, Omaha, Nebraska 68136. I am a constituent of District 49, Senator Murante's district. And as a mother of a young adult with Down syndrome, I am writing to express my opposition to LB1066, which requires photographic identification for purposes of voting. My son is currently attending his high school district transition program to prepare him to become a productive, self-sufficient citizen to his community. Because of his special needs he will always need support and services to be successful and reach his goals in life. A year ago, my son turned 18 and he registered to vote; he will be voting for the first time in this coming up primary election. By adding the requirement of a photographic identification to the right of people to vote would create yet another barrier for my son and to the disabled community that already faces difficulties and struggles every day of their lives. My son is a member of the country's largest minority group, which also faces a high rate of unemployment and poverty relative to his nondisabled counterparts. Because of my son's disabilities, he will not be able to obtain a driver's license, attend a postsecondary educational institution, obtain a passport on his own to travel overseas, or join a branch of the United States Armed Forces. Furthermore, gathering such documents and applying for identification can be a time-consuming and pricey process for those who can't afford it and who lack transportation and the ability to clearly communicate their wants and needs. Rather than creating barriers to vote, we should be creating ways to make it easier for people with disabilities to register to vote, understand our political process, and make sure that all our polling places are accessible so people with disabilities can be active participants in the creation of more disability-friendly policies and meaningful systemic changes which could improve their quality of life. As your constituent, I oppose LB1066 because it will create a barrier to people with disabilities, like my

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

Government, Military and Veterans Affairs Committee
February 08, 2018

son, to be able to exercise their right to vote. Thank you for the opportunity to hear my concerns and I look forward to hearing from you on this issue that affects my son and many other people with disabilities in our state. Thank you. [LB1066]

SENATOR BREWER: Thank you for reading this testimony into the record. [LB1066]

GABRIELA PEDROZA: If I may add a comment to your comment earlier about people that don't want to run risk. I, myself, I am a resident of the United States, hopefully this year...I'm in the process of citizenship and my driver's license actually says "limited term" says that I am not a citizen. And I would not like to run the risk of ruining my process of naturalization, so I do not do that. So thank you. [LB1066]

SENATOR BREWER: All right. Thank you. Okay, next testifier. Welcome to the Government Committee. [LB1066]

RONALD TODD-MEYER: (Exhibit 16) Thank you, Mr. Vice Chairman and members of the committee. My name is Ron Todd-Meyer, R-o-n T-o-d-d-M-e-y-e-r, and I am here to speak in opposition to LB1066. I serve on the Nebraskans for Peace board and am also a member of Veterans for Peace. We remain unconvinced that there is any need for voters to have a picture ID before they can vote. There is no valid evidence that there is any significant voter fraud in Nebraska, so photo IDs are unnecessary. At a national level, the recent attempt by the President to establish a national commission to look into election fraud ended with no agreement for its purpose. The only entities who have been shown to actually tamper with the electoral process are maybe the Russians, election boards in some states who restrict access of people to voting booths by limiting the places and hours where they can vote. Gerrymandering is also a well-known tactic used to manipulate voting outcomes. These attempts to enact photo ID legislation will only serve to make it more difficult for the elderly, people of color, and low-income citizens of Nebraska to participate in the electoral process. And it appears to me that this proposed legislation is essentially an attempt by wealthy white males to maintain control of the voting process in order to protect their hold on power over a population that is increasingly diverse and not white. I urge this committee to scrap this discriminatory and unnecessary bill. Thank you. [LB1066]

SENATOR BREWER: Thank you, Mr. Todd-Meyer. Questions. Questions? Seeing none, thank you for your testimony. Welcome to the Government Committee. [LB1066]

SUZAN DeCAMP: Thank you. Good afternoon, Vice Chair Brewer and committee members. My name is Suzan DeCamp, S-u-z-a-n D-e-C-a-m-p. I'm here to testify on behalf of AARP Nebraska in opposition to LB1066. I'm from Omaha and I'm an AARP volunteer. AARP is a

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

Government, Military and Veterans Affairs Committee
February 08, 2018

nonprofit, nonpartisan organization that works across Nebraska to strengthen communities and advocates for the issues that matter most to families and those age 50-plus. It is AARP's policy position that the right of all citizens to vote in free and fair elections is among the most basic of all civil rights and must be vigorously upheld. Voting systems should be designed to encourage maximum participation in the electoral process. States should not impose identification requirements that discourage or prevent citizens from voting. This policy is consistent with Article I, Section 22, of the Nebraska Constitution that states, "All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise." We agree that requiring photo ID may prevent the rare occurrence of an individual impersonating a registered voter at the polls on election day, but we are also concerned that it may prevent some eligible citizens from exercising their right to vote. We feel that the additional requirement it would impose will fall most heavily on the ever-increasing aging population of our state. If a photo ID requirement is enacted, the most likely form would be a driver's license. Persons of advanced age are the least likely to hold a driver's license. In 2016, there were 39,308 Nebraskans over the age of 85, yet the 2016 annual report from the Department of Motor Vehicles shows that 29,418 driver's licenses and photo ID cards were issued to Nebraskans who were over 85. That's a difference of approximately 10,000 people. Likewise, in 2016, there were 358,409 Nebraskans age 60 to 84, and the report shows that 311,423 driver's licenses were issued to that age group, for difference of over 46,000. While some of those individuals without a driver's license may have another form of photo ID, many will not. Using those 2016 numbers, about 56,000 older Nebraskans could have been impacted due to the inability to produce a photo ID. The cost associated with obtaining a photo ID could present an unnecessary obstacle to senior citizens living on a fixed income, especially low-income seniors. Many Department of Motor Vehicle offices in our state are not open five days a week. In fact, there are 16 Nebraska counties where the DMV office is only open once a month. If obtaining a photo ID requires a trip to the DMV, many rural Nebraska seniors will encounter an additional barrier due to the lack of access to transportation and the limited hours of operation of the DMV offices. Older Nebraskans have largely shaped the values of our democracy, allowing every citizen the ability and right to vote. Seniors consistently exercise their right to vote, considering it an honor and a responsibility. According to the U.S. Census Bureau, their turnout rate for those 65 years of age and older voting in the 2016 Presidential election, was 70.9 percent. We ask the committee to carefully consider the potential risk that LB1066 poses and ensure that the basic right to vote is not eroded in our state, especially as it relates to our aging population. Thank you for your time. [LB1066]

SENATOR BREWER: Thank you, Ms. DeCamp. All right, questions? We're wearing them down. Thanks. Next. Welcome to the Government Committee. [LB1066]

NATE DOBBS: (Exhibit 17) Thank you. Thank you for having me. My name is Nate Dobbs, that's N-a-t-e D-o-b-b-s, and I'm the staff attorney for the Immigrants and Communities program

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

Government, Military and Veterans Affairs Committee
February 08, 2018

with Nebraska Appleseed, and we are a nonpartisan, nonprofit organization dedicated to justice and opportunity for all Nebraskans. And I'm here today to testify in opposition to LB1066. You have my written testimony. I think a lot of it has some of the great points that were made in previous testimony. But what I want to talk about, basically two points that were not stated and I think speaks to the impact or potential impact of this bill if it's passed. Currently, there are many eligible voters right now who do not possess voter identification. If this bill passes, their voting rights would be in limbo because of a process that is not specified in this bill, and that is the process for which they would apply for the photo ID through the Secretary of State's Office. Currently, this bill pushes that and shifts that burden over to the rule-making process, so there's really no way right now to have a meaningful, robust discussion about the real impact, but we can talk about perhaps some of the scenarios. For example, with those Nebraskans who lack a state issued driver's license or a photo ID, if the Secretary of State's application includes any deadlines, conditions for approval, or any--ironically--identification requirements in order to approve for a photo ID...we don't know that because those have not been made yet in the rules and regulations. And those will be pushed down if this bill passes into that process. There's real impact for that if you think, because I know a lot of testifiers talked about the disabled community. For example, the blind and visually impaired who rely on the AutoMARK at their polling place, may or may not have a driver's license or any other photo ID. They would be subject then to find a way to apply for the free or no-cost photo ID, but that does not always mean that there is not an actual cost to those. That's one example. And you have another example--I know it's been brought up--but an elderly voter, age 80, 85, who maybe just surrendered her driver's license and can't drive, but she's been registered with the same addresses for decades, voted at the same point and place for decades, but under this bill would have to apply through some unknown, unnecessary process in order to continue to vote to get a free photo ID. The other point I wanted to make...and I think, Senator Blood, this goes to one of your questions about provisional voters in rural communities. One thing that struck me is that if the provisional voter who votes in a polling place then does not have ID or choose to show it would have to drive back to the clerk's office within the office hours and make that trip back to present this photo ID. However, one thing to consider is that a lot of rural communities, rural counties even have their votes counted and certified within a day, two days, three days within the election. I see my time is up. If I may, I can continue with that one point and then... [LB1066]

SENATOR BREWER: Finish your point. [LB1066]

NATE DOBBS: Thank you...within the election and so what would happen is in reality, if applied, that would narrow the window significantly, too, at the point the county has finished certifying their results. So I just...I urge you not to advance LB1066 out of committee. And I'll take any questions. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BREWER: All right. Thank you, Mr. Dobbs. All right, questions. Senator Lowe. [LB1066]

SENATOR LOWE: Thank you, Mr. Dobbs, for being here. You bring up the 80-year-old woman who surrendered her driver's license. Would she not be able to vote by mail without any extra cost? [LB1066]

NATE DOBBS: Yeah, without any extra costs, that's an option. [LB1066]

SENATOR LOWE: And without any extra problems. [LB1066]

NATE DOBBS: Right. And that's true, that's an option for a lot of people. [LB1066]

SENATOR LOWE: So there still is an option? [LB1066]

NATE DOBBS: Right. There is, however, I will say that most Nebraskans they'll do...go to the polls. And I could add to that scenario by saying maybe her polling place is right down the street and she doesn't drive anymore, but would rather walk. She does have the option to vote by mail. However, that should not be dictated based on some regulatory process that's in place that puts her eligibility to go to the polling place in question. [LB1066]

SENATOR BREWER: All right. Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. But when you vote by mail, is there not a cost for that as well? [LB1066]

NATE DOBBS: Postage, and some counties do have drop boxes and I think that's mentioned in the bill. [LB1066]

SENATOR BLOOD: Yeah, Sarpy County does a good job with that. [LB1066]

NATE DOBBS: Yeah, but there's that trip as well down to the county clerk's office and there is postage cost in returning the ballot. [LB1066]

SENATOR BLOOD: And I can tell you, as a previous candidate, that I picked many up and delivered them to the drop box for people that had disabilities, who were elderly and no longer

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

Government, Military and Veterans Affairs Committee
February 08, 2018

drove but wanted their vote to count and couldn't afford the postage. So there's still a cost.
[LB1066]

NATE DOBBS: Absolutely, to that, to vote by mail. [LB1066]

SENATOR BREWER: All right. Additional questions? Seeing none, thank you for your testimony. [LB1066]

NATE DOBBS: Thanks for having me, appreciate it. [LB1066]

SENATOR BREWER: Welcome to the Government Committee. [LB1066]

LAZARO SPINDOLA: (Exhibit 18) Well, good afternoon, Senator Brewer and members of the committee. Once more, thank you, Senator Brewer and members of the committee for receiving me this afternoon. For the record, my name is Lazaro Spindola, L-a-z-a-r-o S-p-i-n-d-o-l-a, I am the executive director of the Latino American Commission and I am here in opposition of LB1066. This is like deja vu all over again. I've been opposing this type of bill for the last six years. I do not understand the purpose of this bill. The purpose stated in the Statement of Intent is to require voters voting in person to show a photo identification prior to voting. Now, I come from public health. The first question that we ask is, where is the problem here? And we do that before spending millions for a program designed to correct something that we haven't quite defined yet. Yet, the News21 voter fraud database shows two cases of voter fraud in Nebraska, one of them being a felon who attempted to vote in 2012. In the 2016 election, Secretary Gale mentioned on July 5, 2017, that out of 860,000 votes cast in the state last fall, two Class IV felony charges in Lexington were the only cases of possible voting fraud. I repeat, 2 out of 860,000. This pretty much comes to a question that Senator Wayne asked about what was the biggest problem facing our elections system. The biggest problem that we face is voter participation. I am probably the only person in this room who ever had to show an ID in order to vote in an election, so it should not bother me. In fact, if you pass this bill and it becomes law it doesn't bother me. I did that for many years in Venezuela where the government had very strict control over whoever voted. We had a national ID card and all that, with a lot of information. What bothers me the most, Senator Blood, is that every time I hear talking about voter fraud, the term "undocumented Latino" comes up. Not too long ago our own President said that 2 million to 3 million such individuals had voted against him. For an undocumented Latino, committing voter fraud is the equivalent of finding the name and address of a registered voter, going to the poll inside with a very Latino-looking complexion and saying, yeah, my name is Paul McOlive (phonetic) and risking everything he has worked for all these years, committing a felony, going to prison, paying a fine, being deported, and never being eligible to come legally to the United States. Senator Hilgers, you mentioned something about human nature. I don't think there is any

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

Government, Military and Veterans Affairs Committee
February 08, 2018

money in the world that could pay taking this kind of risk. I mean, this is not Tammany Hall in New York City. I'd also like to point out that Senator Murante ran unopposed and got over 15,000 votes. Do you really think that I could get more than 15,000 individuals willing to take this chance in order just to defeat him? I don't hate him so much. The irony is that LB1064, also introduced by Senator Murante, should allow for cleaning of the registry of registered voters. Finally, implementing this law will cost almost \$3 million, according to the fiscal note. As a taxpayer I don't believe that spending a large amount of tax dollars to prevent two possible fraudulent votes is in the benefit of the majority of Nebraska's population--whoops, got the red light--especially in times of extreme financial constraints such as the one our state is currently going through. We would end up spending almost \$3 million just to add one more barrier between the voter and the ballot. I would rather spend those \$3 million in voter education and motivation. [LB1066]

SENATOR BREWER: "Alrighty." Thank you, sir, for your testimony. Questions. Questions. Seeing none, thank you, sir. [LB1066]

LAZARO SPINDOLA: Thank you. [LB1066]

SENATOR BREWER: Next testifier. And another smiling, familiar face. Welcome to the Government Committee. [LB1066]

GAVIN GEIS: Senator Brewer, members of the Government Committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, I'm the executive director with Common Cause. I'm going to say off the bat here I'm going a little off script. I think I've testified on every one of Senator Murante's voter ID laws in the past. I don't think I've missed any. I'm not going to be doing the normal today. Today I'm going to just...I'm not giving opinion, I'm just going to talk about personal experience, hoping not to bore him today with the normal constitutional position. And so none of this is opinion, this is just life experience. So three years ago I had a stroke and then shortly after that I found out that that stroke took a little over half of my vision, which means I couldn't drive. Can't drive anymore, so I don't really need an ID. Don't really need ID, so if you...well, six months ago I lost my ID, actually by chance, haven't needed that ID in six months, haven't gone back and gotten one, haven't needed it in those six months. I actually never came into a situation in six months where I've needed one, but I'm not going to go into that. Just going to talk a little bit about what it's like. Just to say, I am an extremely blessed individual, despite not having vision, despite the struggles of living with a stroked brain. I'm blessed and I'm just...my life is awesome. But there are people who live with disabilities that do not have that awesome, blessed life in the state of Nebraska. And I struggle through my own disabilities, right? I ride the bus. I ride that bus as much as I can. I live near the Capitol and I walk here to come and talk to you awesome group of people. I live close enough by that I can sludge through that snow and sleet and cold

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

Government, Military and Veterans Affairs Committee
February 08, 2018

every single time I come to testify. But I could get a taxi or an Uber if I wanted to. My life would allow me to do that, but there are people who couldn't do that and there are people who couldn't get that taxi or Uber to go get an ID if they wanted to, because their lives do not allow them to do that. I could ask family, the little family I have in the city, to do that. There are people who do not have the luxuries that I have. So in that transitioning from nondisabled life to disabled life and the mild disability this is...there are people here today that have far greater disabilities than mine. I know that. I have learned that life can be so much harder than it is and so much more frustrating than it is, and we take that for granted. We take so much for granted when we can hop in our car and go do something easy like getting an ID. We take so many simple little things for granted and we say, well, come on, that's just the simplest thing. You just go down to the DMV and you sit there for a half hour, you get it, and go back. It's just...you do it over your lunch break. It's not a big deal. You don't realize until you have to do that for an hour. You have to schedule two hours out of your day to wait for a bus that may or may not come and after you sit at the DMV for an hour, then you have to wait for a bus that may or may not come for another half hour and you go round and round. And you still have a privileged life that you don't know how privileged you are and there are so many people that aren't as privileged as you, that you don't realize how many...how blessed you are, how many people aren't as blessed. I'm just sharing my perspective to say, when looking at this, think about those who aren't as blessed as you. That's it. I'm happy to talk more about blessings and privilege anytime really. [LB1066]

SENATOR BREWER: All right. We're not going to formally call you Mr. Geis. We're going to call you Gavin because we kind of know you a little better now. Senator Blood. [LB1066]

SENATOR BLOOD: Thank you, Senator Brewer. And thank you for that change in testimony. That was a nice change. So you've gone six months without a picture ID, photo ID? [LB1066]

GAVIN GEIS: Yep. [LB1066]

SENATOR BLOOD: I think that's interesting. I have a son who's an adult with a disability. He was not born that way, he was disabled by brain tumors, unable to drive because of the tremor. We never needed to have photo ID for him, because we paid for everything he needed in his life. But he liked to go on walkabouts as an adult and he'd be gone sometimes for hours because he liked to walk. And I would freak out and worry that something was wrong and I made him get a photo ID in case something ever happened so they knew who he was. [LB1066]

GAVIN GEIS: Right. [LB1066]

SENATOR BLOOD: But even that was a hurdle for him because of what happened to his brain. I think you'll identify with this. Flash photography is actually quite painful. And so I think it's

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

Government, Military and Veterans Affairs Committee
February 08, 2018

really good that you shared that, because people don't know. And he's been voting since he's been of age, because he's a brilliant young man... [LB1066]

GAVIN GEIS: Of course. [LB1066]

SENATOR BLOOD: ...but the disability would not allow you to know that. [LB1066]

GAVIN GEIS: Yeah, of course. [LB1066]

SENATOR BLOOD: And so, good for you. Thank you. [LB1066]

GAVIN GEIS: You're welcome, Senator. [LB1066]

SENATOR BREWER: Senator Hilgers. [LB1066]

SENATOR HILGERS: Thank you, Mr. Vice Chairman. Good to see you, Mr. Geis. I appreciate you sharing that. [LB1066]

GAVIN GEIS: Always happy to be here. [LB1066]

SENATOR HILGERS: Certainly agree that it's always a good reminder for anyone, certainly lawmakers, but husbands, fathers, friends, citizens, to be empathetic to those...the circumstances of those around them and to see through that point of view. So I appreciate your point of view today. I do want to ask you a question about something you mentioned but didn't talk about, which is you said something about the constitutional case. So my question is, do you think LB1066 is likely to be held constitutional under--and if you wouldn't mind answering--under the federal and state constitutions? [LB1066]

GAVIN GEIS: So you're going to drag me into it anyway? [LB1066]

SENATOR HILGERS: You bet. [LB1066]

GAVIN GEIS: I can't escape it. Okay, so federal and state. Okay. So, under the federal law I think it's inescapable. It's been ruled on at the federal level. I'm not...ACLU didn't come today. I'm surprised they didn't come. They usually come in here willing to fight on that point. Bummer. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: I called Mr. Eickholt. [LB1066]

GAVIN GEIS: Oh, is he here? [LB1066]

SENATOR HILGERS: No, he was here earlier, but (inaudible). [LB1066]

GAVIN GEIS: Did he run away? Dang it. Usually, he comes up here willing to fight on the federal level. I think at the federal level, I agree with you, it's hard to fight that case. Case law at the federal level, I think this holds up. I think at the state level, there isn't a lot of case law. This hasn't been brought up. I mean, we don't have...of course, we've never had a voter ID law that's been brought to the Nebraska Supreme Court. We haven't had a lot of, as far as I know, voting rights cases brought to the Nebraska Supreme Court. So I can't point to anything, but I think it's a hard...I think there's a fight. There's tension there, because we do have a broader...we have broader rights and I personally and Common Cause believes...our position is that the Nebraska Constitution is very protective when it comes to voter rights. [LB1066]

SENATOR HILGERS: All right. Thank you for that answer. [LB1066]

GAVIN GEIS: Yes. [LB1066]

SENATOR HILGERS: And I'm going to ask you the same question I asked Mr. Cartier earlier, and it's...I'm not intending to make a broader point. It's simply to benefit...have the benefit of the research you may have done. [LB1066]

GAVIN GEIS: For sure. [LB1066]

SENATOR HILGERS: Do you know of any case in which a Nebraska election law was struck down, now not voter ID,... [LB1066]

GAVIN GEIS: Right. [LB1066]

SENATOR HILGERS: ...because, I take your point, we haven't had one,... [LB1066]

GAVIN GEIS: Sure. [LB1066]

SENATOR HILGERS: ...but in which a Nebraska election law was struck down under that provision of the Nebraska Constitution? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

GAVIN GEIS: Not that I know of, no. I don't know if we've had anything on this tone that has gone to the Supreme Court, I just...nothing in this realm. [LB1066]

SENATOR HILGERS: And I'm not suggesting we should have or not. I'm just curious whether we have. [LB1066]

GAVIN GEIS: I've never seen anything that would be comparable, right? [LB1066]

SENATOR HILGERS: Yeah. Thank you very much, Mr. Geis, appreciate it. [LB1066]

GAVIN GEIS: For sure. [LB1066]

SENATOR BREWER: Additional questions? Senator Lowe. [LB1066]

SENATOR LOWE: Thank you, Senator Brewer. And thank you, Mr. Geis. I'll tell you... [LB1066]

GAVIN GEIS: For sure. [LB1066]

SENATOR LOWE: I'll be formal. You bring up the fact of special-needs people and I have a brother and a sister-in-law who are both special needs. She is still able to drive, but be careful around her. My brother started out by having a state ID and... [LB1066]

GAVIN GEIS: Right. [LB1066]

SENATOR LOWE: ...because he was not able to drive in high school and then he...for a while he was able to drive and now he can't drive anymore, and so he has a state ID once again. That's one of his most valuable possessions. [LB1066]

GAVIN GEIS: Yeah. [LB1066]

SENATOR LOWE: It's his identity. And I'm sure Ms. Lee, when she testified up here that she went and she got her birth certificate and then she got her state ID, I'm sure that's one of her most valuable possessions. And when we bring up special-needs people and how tough it is for them, I find that hard to believe because they all want to have identity and they want that identity to be personal to them. I don't see a problem with providing these people with IDs that will give them their identity, that will allow them to vote and give them that right. [LB1066]

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Transcriber's Office

Government, Military and Veterans Affairs Committee
February 08, 2018

GAVIN GEIS: I think you and I would both agree that...I think I'd agree with you that the identity is important. I think that to...that there's...if we're going to take this seriously, that for that segment of Nebraska, something more than just it's free, there's got to be something more than just it's free. There's people that can help, yeah, but I don't know if just it's free, go get it, is enough, because the go-get-it part for some of them, for some of these people, is just not enough, because the "go get it" is impossible, the "go get it" just isn't possible, because you can't just go get it. The...you don't have the help and you don't have the ability. [LB1066]

SENATOR LOWE: I find that hard to believe in this day and age that we have with public transportation. [LB1066]

GAVIN GEIS: There's a lot of...I'm just thinking public transportation is great in...it's okay in Lincoln. It's okay in Lincoln. I've...I ride it. It's okay. It can get you there if you're patient and you have flexibility. In rural Nebraska it doesn't exist; it just doesn't exist. My parents live in rural Nebraska. I couldn't get there if I wanted to. I genuinely couldn't get there unless I wanted to pay Uber \$100 to get me there one way. [LB1066]

SENATOR LOWE: If you're in rural Nebraska, the towns would be small enough you could walk. Is that not true? [LB1066]

GAVIN GEIS: (Laugh) I could...no, they live in a farmstead, so I don't know how... [LB1066]

SENATOR LOWE: Okay. [LB1066]

GAVIN GEIS: ...I'd get anywhere if I lived on a farmstead and I was...I wasn't...you know what I mean? [LB1066]

SENATOR LOWE: Do they not come to town occasionally (inaudible)? [LB1066]

GAVIN GEIS: I just imagine living...I don't know. I can just imagine there are these people that live in difficult situations and they need help. [LB1066]

SENATOR LOWE: Okay, so... [LB1066]

GAVIN GEIS: I'm just... [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR LOWE: So if they live in that difficult situation so far away that they can't walk there, they don't have transportation, won't they vote by mail? [LB1066]

GAVIN GEIS: And my point only, Senator Lowe, is just we need to think of these people when we look at these bills. [LB1066]

SENATOR LOWE: And we still have the mail-in process. [LB1066]

GAVIN GEIS: We do. [LB1066]

SENATOR LOWE: And I know it costs a stamp to get it there, but it's still a reasonable...still reasonable. [LB1066]

SENATOR BREWER: All right. Any additional questions? Seeing none, thank you for your testimony. [LB1066]

GAVIN GEIS: Thank you, Senator Brewer. [LB1066]

SENATOR BREWER: All right, now, just so everyone understands, if you're in the crowd, that's your time to be very quiet. The person that's in the chair gets to make all the noise he wants, but your job is to listen carefully to what they have to say, because that's the most important person is that person in the chair there, so let's be courteous to them. Next up, come on down. [LB1066]

SUSAN SORIENTE: Good afternoon. [LB1066]

SENATOR BREWER: Welcome. [LB1066]

SUSAN SORIENTE: My name is Susan Soriente, S-u-s-a-n S-o-r-i-e-n-t-e, and I apologize for not having copies of my testimony. And I don't want to repeat what other people, very ably, have already said and supported with good evidence, but I want to reinforce that I agree with the people that have been in opposition to LB1066. And I do think that this is a bill that is based on a nonproblem, that Nebraska does not have a fraud problem. I remember, more than eight years ago, calling my state senator from Beatrice, where I lived at that time, saying we don't need this law--it was another bill such as this one--because there is no problem. And he agreed with me and said, you're right, there is no problem. And it is going to be a difficulty for people who have disabilities. I have a blind friend who has no relatives in town, who finds it very difficult to get around to do what needs to be done. I take him when I can. But we are surrounded by people that

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

Government, Military and Veterans Affairs Committee
February 08, 2018

have special needs, and I think it's very arrogant to just assume, oh, everybody can do it, oh, it's easy to do. It's not easy. And I think we need to have empathy for those people in that position. And one of the main points that I was worried about was that the people that testify that there are so many people that come out to register when these ID laws are put in place and that that pretty much solves the problem, but they don't really know about the people that won't come out, that are afraid to come out or just are discouraged from taking all the steps that it takes to get an ID and just say, oh, I guess I won't vote. And we're going to be losing those people out of the process and I think that is not what our country and constitution should be about. We want everyone to vote, which brings me to a point that I feel is very important in that our state is being regressive, I believe, by demanding IDs when, instead, I feel that putting forth the idea of universal registration that happens when you're 18, that you can then change out of that nonpartisan standing to be partisan if you choose, that is the way to move. Illinois passed such a law where there was universal acceptance through their legislature. They all voted for it. And I would like us to be a forward state, a forward-thinking state that would do that sort of legislation instead of one that is restrictive. So I am in opposition of this bill and would like it not to be voted out of committee. [LB1066]

SENATOR BREWER: Thank you for your testimony. Questions? Any questions? Seeing none, thank you for your testimony. [LB1066]

SUSAN SORIENTE: Thank you. [LB1066]

SENATOR BREWER: All right, next testifier. [LB1066]

ROSE GODINEZ: (Exhibit 19) Hello, Senators. Good afternoon. My name is Rose Godinez, and I am here to testify on behalf of the ACLU of Nebraska. You don't get Spike today. Name is spelled R-o-s-e G-o-d-i-n-e-z. And...sorry, I lost my testimony. Sorry, did I give you my notes? I'm sorry. [LB1066]

SENATOR BREWER: That does make it more difficult. All right, whenever you're ready. [LB1066]

ROSE GODINEZ: Okay. There is nothing more fundamental to our democracy than the right to vote. I think that's something we can all agree upon. There are two main points that I would like to highlight off my testimony. First off, and as you have heard and it's been hammered, there is no credible evidence of voter fraud in the state of Nebraska, and the Secretary of State has also vouched for the same. This bill only intends to solve a problem for which no evidence exists, and it does so by undue impact on low-income individuals, racial minorities, disabled, and rural voters. I, myself, am from Dawson County and have worked the polls, both here and in Missouri,

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

Government, Military and Veterans Affairs Committee
February 08, 2018

which both came up today. Next, LB1066 is unnecessary and unconstitutional. As you may very well know, strict scrutiny would be the test that would be analyzed for the...if this case were to go to court, if this legislation were to go to court. And it would be strict scrutiny because of the undue burden placed on voters and that burden being the voter identification itself. LB1066 calls for free identification when applied for, however, it does not state how it is that you are able to apply, how those individuals can go through the applications process, what supporting documentation you may need. Even when the bill includes the fact that there is no cost for the actual ID, we must take into consideration the time and supporting documents cost, such as birth certificates. And I will point you to the Supreme Court case that has declared that \$1.50 has been already determined to be too much of a cost and causing a burden on the right to vote. Additionally, there is no religious exemption here. The Eight Circuit Court, with a Nebraska case, has in the past ordered the DMV to provide a driver's license without a photo. That's cited in Quaring v. Peterson. Next, our State Constitution's provision, as you know, is very, very strict on our right to vote. It's substantial, broad, and goes further than federal constitution. Voter ID laws have been ruled to violate (inaudible) constitution, most recently in Arkansas and Missouri, even though later on it was passed through. Since there is no record here of voter fraud and this legislation will only lead to long and costly litigation, we ask you to please postpone LB1066 indefinitely. [LB1066]

SENATOR BREWER: All right. Thank you for your testimony. Questions? Senator Hilgers. [LB1066]

SENATOR HILGERS: Thank you, Mr. Vice Chairman. Thank you for being here. I appreciate the ACLU coming and providing their testimony. I have a few questions... [LB1066]

ROSE GODINEZ: Sure. [LB1066]

SENATOR HILGERS: ...regarding some of the written testimony, some of the things you heard, so...or I heard from your...from what you said. [LB1066]

ROSE GODINEZ: Sure. [LB1066]

SENATOR HILGERS: One...the first point--I'm just going down a list of your testimony--it says, "Without a documented record of voter fraud, LB1066 is unnecessary and unconstitutional." Can you walk me through why it would be unconstitutional? [LB1066]

ROSE GODINEZ: It is unconstitutional because of the strict scrutiny test that would have to be applied. And I have written here, because I don't have it memorized: To survive strict scrutiny, it

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

Government, Military and Veterans Affairs Committee
February 08, 2018

must serve a compelling state interest. We do have a compelling state interest, obviously, of voter fraud. [LB1066]

SENATOR HILGERS: Um-hum. [LB1066]

ROSE GODINEZ: But the voter fraud that is intended in this bill to prevent is personal...or voter impersonation. There is still fraud by mail. [LB1066]

SENATOR HILGERS: So I take your point on strict scrutiny, but isn't...the court, when it judged the constitutionality of the Indiana law in the Crawford v. Marion County case, also applied strict scrutiny in that case, as you note in the footnote,... [LB1066]

ROSE GODINEZ: Yes. [LB1066]

SENATOR HILGERS: ...held that a facial challenge under what I would...would, of course, have been a strict scrutiny standard would have been found to be constitutional, correct? [LB1066]

ROSE GODINEZ: Can you repeat the question? [LB1066]

SENATOR HILGERS: I'm sorry. So I guess as I interpret your comments, and correct me if I'm misinterpreting,... [LB1066]

ROSE GODINEZ: Okay. [LB1066]

SENATOR HILGERS: ...in which case it's been known to happen and I apologize if I do. I don't try to. I want to get your argument on the table so I can understand. [LB1066]

ROSE GODINEZ: Sure. [LB1066]

SENATOR HILGERS: As I understand your argument, it is that it would be unconstitutional because the court would apply a strict scrutiny standard. [LB1066]

ROSE GODINEZ: Correct. [LB1066]

SENATOR HILGERS: To the extent that it's correct, my rejoinder would be, well, the Supreme Court, using a strict scrutiny standard, has determined that, at least under a facial challenge, the

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

Government, Military and Veterans Affairs Committee
February 08, 2018

Indiana law, which is very closely, as far as I can tell, very similar to the Nebraska law, under a strict scrutiny standard was constitutional. So I guess I'm not following why, if it was...why it would be unconstitutional, I guess. And I want to ask about...I'm sorry. I'll let you answer, but I want to focus on the U.S. Constitution for a moment, if I might. [LB1066]

ROSE GODINEZ: Right. And it would...it is our position that it could pass facial muster; however, the differences between the Indiana Constitution and the Nebraska Constitution are quite apparent. And also, we have state law applying this strict scrutiny test in a bill that was passed here relating to a petition, and I cited that on page 2, and that was Citizens in Charge v. Gale. [LB1066]

SENATOR HILGERS: Okay, so... [LB1066]

ROSE GODINEZ: And the analysis would be quite similar. [LB1066]

SENATOR HILGERS: So let me just take this piece by piece so I understand it, because it... [LB1066]

ROSE GODINEZ: Sure. [LB1066]

SENATOR HILGERS: I think this is important. As legislators we want to understand... [LB1066]

ROSE GODINEZ: Right. [LB1066]

SENATOR HILGERS: ...whether things are constitutional or likely to be unconstitutional. So if you and I are on the same page, at least, there's no material difference between the Indiana and Nebraska law such that you would think that, at least under the U.S. Constitution and only as a facial challenge, understanding I see in your footnote that an as-applied challenge is different, which I would agree, at least under those two narrow conditions, that you don't foresee a constitutional problem. I understand that you have others, but just focusing on those first, just so we're on the same page. [LB1066]

ROSE GODINEZ: There may be other constitutional issues with this bill, in particular with the freedom of religion. [LB1066]

SENATOR HILGERS: Well, and I... [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

ROSE GODINEZ: As I noted, there is no religious exemption. [LB1066]

SENATOR HILGERS: Oh, I'm sorry, I just want to...I just...because there's a lot of legal arguments that you've packed in here. [LB1066]

ROSE GODINEZ: Right. [LB1066]

SENATOR HILGERS: And I want to just take them step by step. [LB1066]

ROSE GODINEZ: Oh, okay. [LB1066]

SENATOR HILGERS: And I don't want to say that you don't think that you...I'm not trying to put words in your mouth to suggest that you think it's constitutional. I know you don't. But I just want to take it step by step, if I might. [LB1066]

ROSE GODINEZ: Okay. [LB1066]

SENATOR HILGERS: And I'll let you say that argument maybe when we're at the end if you want to point out... [LB1066]

ROSE GODINEZ: Okay. [LB1066]

SENATOR HILGERS: ...the freedom-of-religion point. I don't mean to cut you off. I just want to... [LB1066]

ROSE GODINEZ: No, no. That's fine. [LB1066]

SENATOR HILGERS: So and then, as an as-applied, you think it...it's possible that could be unconstitutional. [LB1066]

SENATOR BREWER: I'm going to the bathroom. You got this? [LB1066]

SENATOR HILGERS: All right. I may be asking questions still when you get back. So as-applied is an open question. I certainly take that. I mean, Indiana was limited to facial. As...so then you point out this footnote 2 where you...the Citizens in Charge v. Gale decision, and that was a Nebraska federal district court case. Is that right? [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

ROSE GODINEZ: Yes. [LB1066]

SENATOR HILGERS: So what was the statute at play there, if you know? [LB1066]

ROSE GODINEZ: They increased, from what I recall, because I don't have the case before me, from what I recall, it was increasing the number of signatures needed on a petition. [LB1066]

SENATOR HILGERS: Okay, and was that a...do you know if that was struck down... [LB1066]

ROSE GODINEZ: It was. [LB1066]

SENATOR HILGERS: ...under federal, the U.S. Constitution, or state? [LB1066]

ROSE GODINEZ: It was under... [LB1066]

SENATOR HILGERS: It's a federal case, so it might be U.S. but... [LB1066]

ROSE GODINEZ: I believe it was federal law but I can get back to you and study the case further. I didn't bring a copy of it with me. [LB1066]

SENATOR HILGERS: Okay. No, that's okay. I can look it up as well. So then...but as you, if you were here for my conversation with Mr. Geis and Mr. Cartier... [LB1066]

ROSE GODINEZ: Yes. [LB1066]

SENATOR HILGERS: ...looking for cases under the Nebraska Constitution where election law has been struck down... [LB1066]

ROSE GODINEZ: Right. [LB1066]

SENATOR HILGERS: ...I think is important. Then I know you mentioned the \$1.50, and I just want to make sure, in the poll tax case, and that's the Harper case. [LB1066]

ROSE GODINEZ: Right. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: And if I'm remembering correctly, the poll taxes are unconstitutional under the U.S. Constitution, under the Twenty-fourth Amendment, which I believe was passed before '66...or ratified, I should say, before '66. So I... [LB1066]

ROSE GODINEZ: '66. [LB1066]

SENATOR HILGERS: You've obviously read the Harper case. Was that limited to...was that based on the Twenty-fourth Amendment or is there some broader principle, in other words, where if you...the state imposes a \$1, any sort of fee, not a poll tax but any sort, because this isn't a poll tax, but any sort of cost,... [LB1066]

ROSE GODINEZ: Right. [LB1066]

SENATOR HILGERS: ...is that unconstitutional? [LB1066]

ROSE GODINEZ: Yes. [LB1066]

SENATOR HILGERS: Under Harper? [LB1066]

ROSE GODINEZ: Under Harper. It takes... [LB1066]

SENATOR HILGERS: It's not a poll tax. [LB1066]

ROSE GODINEZ: It takes clear that all fees, no...even if it's not a poll tax. [LB1066]

SENATOR HILGERS: Well, and I guess any...if you're charging someone a fee to vote,... [LB1066]

ROSE GODINEZ: Right. [LB1066]

SENATOR HILGERS: ...I mean, you could call it something else, but that's a poll tax. I mean that's what a poll tax is. [LB1066]

ROSE GODINEZ: Right. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: So in other words, is it your contention today that the Harper decision would render LB1066 unconstitutional? [LB1066]

ROSE GODINEZ: I think that would be an argument that would be made, yes. [LB1066]

SENATOR HILGERS: Okay. Okay. And then...and going to the State Constitution, you cited the Missouri law. Is that...do you know if the Missouri constitutional...constitution provision at issue there was similar to the one in Nebraska? [LB1066]

ROSE GODINEZ: Of all the ones we compared, it is likely the most similar. [LB1066]

SENATOR HILGERS: Okay. [LB1066]

ROSE GODINEZ: And I think Nebraska...Civic Reform, they changed name. Nebraska...Civic Nebraska provided a comparison and I can provide that to you as soon as I find it. [LB1066]

SENATOR HILGERS: Well, you can...we can, maybe if you're here after the hearing, we can... [LB1066]

ROSE GODINEZ: Okay. [LB1066]

SENATOR HILGERS: I don't... [LB1066]

ROSE GODINEZ: But they made a very good comparison of each and every case. [LB1066]

SENATOR HILGERS: Oh, the chart? I have the chart. [LB1066]

ROSE GODINEZ: Oh, okay. [LB1066]

SENATOR HILGERS: Yeah, I'm sorry, I have the chart. [LB1066]

ROSE GODINEZ: Okay. [LB1066]

SENATOR HILGERS: And that's on there? Okay. [LB1066]

ROSE GODINEZ: That one is likely the most similar. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: Okay, and then that will answer my next question, and my last question is, I guess, what you were...on the freedom-of-religion point that you wanted to make, you just want to... [LB1066]

ROSE GODINEZ: Correct. So there is no religious exemption. Say an individual did not want their photo to be taken. This statute doesn't allow them to have a voter ID without a photo taken. [LB1066]

SENATOR HILGERS: Is there...and you cited this 1984 Eighth Circuit case, the Quaring v. Peterson? [LB1066]

ROSE GODINEZ: That's right, Quaring v. Peterson. [LB1066]

SENATOR HILGERS: Okay. [LB1066]

ROSE GODINEZ: And that's directly Nebraska law. [LB1066]

SENATOR HILGERS: Oh, that's a Nebraska law,... [LB1066]

ROSE GODINEZ: Yes. [LB1066]

SENATOR HILGERS: ...not a U.S.? Okay. [LB1066]

ROSE GODINEZ: It's under the Eighth Circuit but they... [LB1066]

SENATOR HILGERS: Oh, it's a Nebraska law... [LB1066]

ROSE GODINEZ: ...decided Nebraska...it was a Nebraska case. [LB1066]

SENATOR HILGERS: ...under our U.S...under the U.S. Constitution or Nebraska Constitution? [LB1066]

ROSE GODINEZ: It was the Nebraska Constitution. [LB1066]

SENATOR HILGERS: Okay, I'll take a look at that one. Okay, thank you very much. I appreciate it. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

ROSE GODINEZ: It was both. I correct myself. [LB1066]

SENATOR HILGERS: It was both? Okay. Thank you very much. I really appreciate it. [LB1066]

ROSE GODINEZ: Yes. No, no problem. [LB1066]

SENATOR LOWE: Mike, you're in charge. [LB1066]

SENATOR BLOOD: Hello. [LB1066]

SENATOR HILGERS: Oh, that's right. (Laughter) They made a mistake doing that. Senator Blood. Thank you. [LB1066]

SENATOR BLOOD: Senator Hilgers, see, I'm blaming you again for that question. [LB1066]

SENATOR HILGERS: Well, that one was just...oh, jeez. [LB1066]

SENATOR BLOOD: For a neophyte, can you tell me what facial challenge means? [LB1066]

SENATOR HILGERS: (Laugh) We're not laughing at your question. I'm (inaudible). [LB1066]

SENATOR BLOOD: No, that's fine. You can laugh away. I don't care. (Laughter) Still going to ask it. [LB1066]

SENATOR LOWE: (Inaudible.) [LB1066]

SENATOR HILGERS: No, it's mine. [LB1066]

ROSE GODINEZ: That's just meeting facially, just at a brush of it, not taking a deeper look into the state constitution,... [LB1066]

SENATOR BLOOD: So... [LB1066]

ROSE GODINEZ: ...essentially just applying federal constitution. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR HILGERS: May I? [LB1066]

SENATOR BLOOD: No, we're not supposed to ask each other questions. [LB1066]

SENATOR HILGERS: Okay. Well, I was going to...no, no. Fair. [LB1066]

SENATOR BLOOD: Now you want me to call on you now? [LB1066]

SENATOR HILGERS: (Laugh) No, no. I'm already...I'm in probation. Go ahead. [LB1066]

SENATOR BLOOD: So basically not going in depth, is what you're telling me? [LB1066]

ROSE GODINEZ: Right, just meeting the...say they were bullet points. It meets each of the bullet points, essentially. [LB1066]

SENATOR BLOOD: Okay. You know, I always say in this building I can't throw a rock and not hit an attorney. [LB1066]

ROSE GODINEZ: Yeah, it's... [LB1066]

SENATOR BLOOD: I mean you guys are like everywhere and you do this lawyer speak thing, so thank you. [LB1066]

ROSE GODINEZ: No. Yeah, no problem. [LB1066]

SENATOR HILGERS: Thank you, Senator Blood. For the record, as I understand a facial challenge, facial challenge just looks at the bill and says, is it...or the law and says, on its face, it's unconstitutional; an as-applied challenge says, hey, maybe the...on its face looks unconstitutional but as you are applying it to me, it's...on its face it's constitutional, as you apply it to me it's unconstitutional, so that's what... [LB1066]

SENATOR BLOOD: Yeah, that's clear as mud. Thank you. (Laughter) [LB1066]

SENATOR HILGERS: Thank you, Senator Blood. Any other questions? Seeing none, thank you very much for your testimony. [LB1066]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

ROSE GODINEZ: Thank you. [LB1066]

SENATOR HILGERS: Other opponents? [LB1066]

JUDY KING: Hi. [LB1066]

SENATOR HILGERS: Welcome. [LB1066]

JUDY KING: (Exhibit 20) My name is Judy King, J-u-d-y K-i-n-g, and I am here in opposition to LB1066. I came and I was here last year to testify on a voter ID bill and I'm basically here for the same purpose again today. I originally thought that this bill was kind of a racist bill but wasn't sure. And I came in here and had sat in front of two ladies that were talking about the bill and from what they were saying, I'd ask them...I asked, tapped them on the shoulder and I asked them, have you ever heard of anybody ever...you know, do you know anybody that's ever been caught trying to vote that didn't deserve it? And they said no. And I said, well, what's...why are you here? And they said, well, we saw these two ladies...or we saw these ladies with, you know, their heads wrapped and they for sure wouldn't have been able to vote, you know? So I thought, okay, I'm here on a righteous cause. It's a racist bill. And then after I got done giving my testimony, I ran into Senator Murante outside and I said, have you ever...I mean, when did this all start, you know, that we were worried about this? And he told me, you know, that, you know, just we're concerned about it happening in the future. And he said that...I said, well, have you...do you know anybody or have you caught someone at this? And he said, well, no, I haven't caught anybody at this, it's just we're concerned about it. So I...I'll begin my...what I actually had written here, but...as a Nebraska citizen, I can't afford this bill. This proposed voter ID change is an unnecessary and potentially harmful solution to a problem that does not exist. Nebraska's Secretary of State John Gale has repeatedly testified that Nebraska's elections are secure and without voter fraud. Senator Murante has been able to prove that there's a problem with voter fraud which needs to be fixed. And I...quoting Civic Nebraska, the estimated \$1.9 million or...to \$800 million (sic) in lost revenue trying to fix this problem, and it could also possibly keep several university students from voting. Instead of moving us forward to update technology used by the county election officials, Senator Murante's bill is like trying to keep a horse and buggy maintained in the era of going to the moon. Now if we could get our wealthy Governor to use some of that wealth to pay, to kick in millions to maintain this horse-and-buggy bill, LB1066, that might make me think a little differently. But since he's...but since the money is coming out of our pockets, I don't think we can afford to fix the problems that do not exist, especially with a loss of funding for the disabled, food and insurance for children, and there is always that little issue of our large deficit of \$200 million budget shortfall which we don't...we didn't have before Governors Heineman and Ricketts took office. The solution to maintaining the integrity and public confidence in Nebraska election rests in the modernization of the state's election system

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

Government, Military and Veterans Affairs Committee
February 08, 2018

and software. We should focus on updating software and technology used by county election officials. This would allow data to be transferred between county and government agencies. And we must replace the old and outdated AutoMARK machines. This would improve confidence and ensure the right to vote privately. Nebraska's Constitution is very clear there's no hindrance or impediments to the right of a qualified voter to exercise their right. There can be no confidence in our election if voters are turned away. We must work on modernization and improvement of the system, allowing a county-by-county portability and on-line vote-by-mail requests. This is a solution, not voter ID. Thank you. [LB1066]

SENATOR BREWER: Thank you, Ms. King. Questions? Seeing none, thank you for your testimony. Next opponent. [LB1066]

DONNA ROLLER: Hi. Good afternoon. [LB1066]

SENATOR BREWER: Come on up. [LB1066]

DONNA ROLLER: I don't have...oh, yes, thank you. Oops, I'm sorry. [LB1066]

SENATOR BREWER: All right, whenever you're ready. [LB1066]

DONNA ROLLER: I am ready. Hi. My name is Donna Roller, D-o-n-n-a R-o-l-l-e-r. I've listened to all this testimony this afternoon and I've hen-scratched and rewritten and rewritten and rewritten, because what's really on my mind is really troubling me and it's hard to express it. And I have, listening to another person's testimony, a positive, progressive solution, so I won't go on the negative route. So year after year...I'm opposed to LB1066. Year after year we go after voter ID. Why is that? I think our problem rests in the disastrous Citizens United that has allowed unlimited election money to make it a pay-to-play system to where I don't trust not only that my vote will count, that you will represent the people. So who is paying for this bill? Everybody can look up the election campaign funds. Everybody can do that. And I'm not going to point it out, I'm not going to be mean or insulting, but we all know who is behind these bills nationally, and it bleeds into the states. And it's every state and it comes through ALEC and super PACs and Koch brothers. And when they, that name is mentioned repeatedly on the Senate floor of this country, we know it is a problem. So what's the solution? We can stop it all right here and we can make sure everybody's interest is protected and this state is protected from outside influences that don't make our life wrong in this state for all citizens. Koch brothers don't live in this state. I'm not wanting to vote for something that they want. Okay, this bill here, voter ID, is supposed to cost how many millions to get it in place? Why don't we take that money and all these voter bills--there's 14 of them that were introduced here in some way and shape and form by Senator Murante--why don't we take all that money that would be required to do these

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Transcriber's Office

Government, Military and Veterans Affairs Committee
February 08, 2018

bills and put it in a campaign finance for public finance for all of you and then we will know that our vote is for us and it counts. And thank you. I am just very nervous and I'm very upset that our democracy is disappearing before my eyes every single night and it brings me to tears. I am a citizen of this United States and I never knew in my lifetime that I would be facing this kind of trauma as a citizen of this United States, and I'm white and blue-eyed. And I'm sorry, but I am deeply worried for my grandchildren and their future to even live in a democracy. Let's stop this nonsense. Let's stop these ridiculous bills. And I don't know what kind of question you would want to ask of me. [LB1066]

SENATOR BREWER: Does that complete your testimony, ma'am? [LB1066]

DONNA ROLLER: Thank you. [LB1066]

SENATOR BREWER: Thank you. [LB1066]

DONNA ROLLER: Thank you, Senator Brewer. [LB1066]

SENATOR BREWER: Thank you for your testimony. [LB1066]

DONNA ROLLER: I have respect for all of you but, please, let's get some sanity here. [LB1066]

SENATOR BREWER: Any questions? All right, thank you again. [LB1066]

DONNA ROLLER: Thank you. [LB1066]

SENATOR BREWER: All right, next opponent. Seeing none, are there any here in the neutral position, neutral? Seeing none, Senator Murante. [LB1066]

SENATOR MURANTE: Thank you, Senator Brewer, members. I will be extremely brief. There is just one point I wanted to make really, really clear. Secretary Ashcroft in his testimony referenced the bill process in Missouri, the fiscal note that that legislature dealt with and stated a political motivation that he perceived in that. I want to be clear. I don't believe there is political motivations behind the fiscal note that we're looking at. I think the Secretary of State made a best judgment and I think he made an assumption that I didn't make but clearly a lot of the opponents of this bill did make, which is to say that the free identification, that the standards that would go to getting the free identification, would necessarily be the same standards as one would get a

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

Government, Military and Veterans Affairs Committee
February 08, 2018

driver's license. I don't see it that way. I thought by giving permissive language, that they could...that giving the Secretary of State's Office permissive language to create rules and regulations, that they could do so in a way that was (a) not burdensome to voters but (b) not costly. I think a simple fix that I've had conversations with the deputy secretary is to loosen those requirements. What I might suggest is using the Help America Vote Act standards for address verification, which would eliminate, I believe, all costs to...which I understand would eliminate the vast majority of the fiscal note and then would eliminate any cost to the voter on getting a free identification. So I just wanted to make that very clear that I'm not implying in any way that the Secretary made a political fiscal note. I just...I disagree with how it's...with our interpretation with how the bill is written, but I also think it's an easy fix. So with that said, I will conclude my remarks, Mr. Vice Chair. [LB1066]

SENATOR BREWER: All right. Thank you for your closing. Questions? Questions? Then thank you for presenting LB1066 and with that, would you like to transition into LB1064? [LB1066]

SENATOR MURANTE: I would love to. [LB1066]

SHERRY SHAFFER: There's some letters to be read in. [LB1066]

SENATOR MURANTE: Oh, yeah, absolutely. [LB1066]

SENATOR BREWER: (Exhibits 21-31) Oh, I'm sorry. We have letters to be read in. Hang on here. Start here, all right. Letters to be read into the record on LB1066, we have: Mark Bonkiewicz; we've got Bob and Marilyn Koehn in opposition; we have Cathy Rauch, YMCA of Lincoln; Angela Thomas; Mattison Merritt; Bryon Line from the Nebraska Democratic Veterans and Military Families; Annie DeVries; Preston Love, self; Paula Moon Bohaty; and Patricia Mehling Jones; and then in neutral capacity we have John Gale, Secretary of State. All right, so with that, I'm going to keep this for the letters on LB1064. And with that, Mr. Chairman, would you like to open on LB1064? [LB1066 LB1064]

SENATOR MURANTE: (Exhibit 1) Yes, thank you, Senator Brewer. Members of the Government Committee, my name is John Murante, J-o-h-n M-u-r-a-n-t-e. I'm the state senator for District 49, which includes Gretna and western Sarpy County, here today to introduce LB1064. I believe you should all have an amendment in front of you, or it's being passed out. I will start with the logic behind the bill and then will describe, as the amendment has been drafted, how the bill would play itself out. The logic behind the bill is to say, especially to those folks who seem adamantly convinced that there is no such thing as voter fraud, let's check. Let's take the voter rolls that we have, match it up against a database of known noncitizens, and see what comes out. The database that was proposed in the green copy of the bill is the SAVE

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

Government, Military and Veterans Affairs Committee
February 08, 2018

database, which is currently maintained by the Department of Homeland Security. In discussion, I did not think in the lead up to this bill to contact the Department of Motor Vehicles, which is where the amendment comes in. It turns out the Department of Motor Vehicles already does that and compares the list of our driver's licenses up against that list for the purposes of checking citizenship status. So how the mechanics of the bill would work, and a term that I had not previously ever heard before but have come to know is "scraping the DMV list." This codifies into state law that the voter file held by the Secretary of State will be scraped against the DMV list and compared for citizenship status. That eliminates the fiscal note. I would note that Secretary Gale has periodically already done this, so it's not...it is not unprecedented. I think he has done a very good job of getting ahead of these sorts of issues. However, as we all know, Secretary Gale is not seeking reelection. He will not be the Secretary of State for much longer. And although I'm confident that our next Secretary of State will be a good one, I think this is a practice which really needs to be codified into state law because it's good government and I think we ought to know that everyone who is on the voter rolls are citizens of this country. So that's the genesis of the bill, the mechanics as applied through the amendment, and would be happy to answer any questions that you may have. [LB1064]

SENATOR BREWER: All right. Thank you, Senator Murante. Questions? Senator Blood. [LB1064]

SENATOR BLOOD: Thank you, Senator Brewer. And this is almost a new bill all in itself, so I'm trying to catch up here really quick. So it removed...you strike Section 2, right? [LB1064]

SENATOR MURANTE: Yes. [LB1064]

SENATOR BLOOD: And then you're asking to strike Section 4 and then insert it with the new sections that you just talked about. Is that correct? [LB1064]

SENATOR MURANTE: Yes. [LB1064]

SENATOR BLOOD: So how does it change the bill, ultimately, with the exception of putting in a new process? [LB1064]

SENATOR MURANTE: So the biggest fundamental difference is, rather than the Secretary of State taking the voter file and going into the SAVE database by himself, which has a cost, we're taking one state list, which is the Secretary of State's list, comparing it to the Department of Motor Vehicles list, which already goes through the SAVE database, and the Department of

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

Government, Military and Veterans Affairs Committee
February 08, 2018

Motor Vehicles had said they would do that with no cost, so it eliminates the cost of going through the SAVE database. [LB1064]

SENATOR BLOOD: But aren't they...but they're already doing this though. [LB1064]

SENATOR MURANTE: The DMV is. The Secretary of State does...has done from time to time, but I think it is (a) important to codify a date certain and (b) I think it's important to make sure that...as I said, Secretary Gale thinks this is important and that's great, but Secretary Gale is not going to be around forever and we need to make sure that this good practice is codified with the law. [LB1064]

SENATOR BLOOD: And so right now Nebraska requires our residents to register prior to voting, yes? [LB1064]

SENATOR MURANTE: Yes, we do not have same-day voter registration. [LB1064]

SENATOR BLOOD: And then the... [LB1064]

SENATOR MURANTE: Well, that's not entirely true. I suppose that there is an asterisk to that, that the person who wishes to vote early at their election office, who wishes to register to vote early at their election office and vote that same day, can under a certain set of circumstances. So that's not universally true, but that's...that would be an asterisk to the thing. [LB1064]

SENATOR BLOOD: And so Nebraska at that time asks for evidence of citizenship, yes? [LB1064]

SENATOR MURANTE: No. [LB1064]

SENATOR BLOOD: No? Don't they sign a statement under penalty of perjury affirming that they are citizens, that they meet all the state's other voter eligibility requirements? [LB1064]

SENATOR MURANTE: Well, to the extent someone checking a box is evidence of their citizenship, that's the evidence is the checked box saying that they are citizens. [LB1064]

SENATOR BLOOD: And then the federal form also requires such a statement, right? [LB1064]

SENATOR MURANTE: What federal form? [LB1064]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: There is also a federal form that you can fill out. [LB1064]

SENATOR MURANTE: A federal form to do what? [LB1064]

SENATOR BLOOD: To...for evidence of citizenship. [LB1064]

SENATOR MURANTE: I have no idea what you're talking about. [LB1064]

SENATOR BLOOD: Okay, I'll get you a copy of that. [LB1064]

SENATOR MURANTE: Okay. [LB1064]

SENATOR BLOOD: So do you feel that documentary proof of citizenship requirements do more to prevent voter registration fraud by noncitizens because of the threat of criminal prosecution and deportation? [LB1064]

SENATOR MURANTE: Do I...this bill does not place a burden on a voter to identify themselves. It puts a burden on the Secretary of State to match the voter file up against the DMV as it's...as it's amended, up against the DMV list which has already gone through that process. [LB1064]

SENATOR BLOOD: So if they don't go on the DMV and they're not a citizen, you're not worried about it then. [LB1064]

SENATOR MURANTE: Well, it's not that I'm not worried about it. It's just that this bill wouldn't...again, I would like to tell you, Senator Blood. You keep asking me if my bills solve all of the world's problems. They don't. This solves one particular problem. [LB1064]

SENATOR BLOOD: I guess I worry about what we're doing here and I think it's almost more...I mean, this is actually a much easier method, but I think it, in some ways, makes it almost more convoluted. And I think because this is such a comprehensive amendment, it isn't going to give the public an opportunity to actually speak on it at a public hearing, and that's what I'm concerned about. [LB1064]

SENATOR MURANTE: That is not a question, but thank you. [LB1064]

SENATOR BLOOD: Thank you for pointing that out. [LB1064]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BREWER: Any additional questions? Seeing none, thank you for your opening. [LB1064]

SENATOR MURANTE: Thank you, members. [LB1064]

SENATOR BREWER: All right. For LB1064, proponents, come on up. Welcome to the Government Committee. [LB1064]

WAYNE BENA: Thank you, Mr. Vice Chairman and members of the committee. My name is Wayne Bena, W-a-y-n-e B-e-n-a, deputy secretary of state for the elections division, and I am here representing Secretary of State John Gale in testimony providing conditional support of LB1064 in reference to the white-copy amendment. Secretary Gale appreciates the work the committee has done with his office to sort through the various provisions of this...of the original introduced bill. This work has led the bill to go from a process that would have been impossible to conduct, no matter how many resources were made available, now to having a white-copy amendment, if approved, that would codify into statute a list-maintenance process that has been used in the past due to the cooperation of the Department of Motor Vehicles. Nebraska election officials pride themselves on maintaining accurate and up-to-day voter rolls. Election officials diligently process tens of thousands of voter registrations each year. In addition, they maintain the accuracy of the voter rolls through numerous list-maintenance processes, including but not limited to the National Change of Address list, data from the Bureau of Vital Statistics, criminal conviction data, to even reading the daily newspaper obituaries--something I would not do myself, personally. Secretary Gale will continue to work with all interested parties in creating processes that will ensure the accuracy of the voter rolls and we believe that this process is another tool in the toolbox to make sure that the accuracy of the rolls and people that are supposed to be eligible to vote are those that are actually on the voter rolls. I thank you for your time and I eagerly await your questions that you may have, whether it be today or anytime you have an election-related question in the future. Thank you. [LB1064]

SENATOR BREWER: Thank you, Mr. Bena. All right. Questions? Questions? All right. Seeing none, we're going to let you off easy. All right. Any additional proponents? Seeing none, opponents? We were doing so good. Welcome. [LB1064]

JOHN CARTIER: (Exhibit 2) Members of the Government, Military and Veterans Affairs Committee, for the record, my name is John Cartier, J-o-h-n C-a-r-t-i-e-r. With the new change, with the amendment, we haven't had appropriate time to review, can only speak on the prior version of this bill that we saw. I'm going to speak in opposition against LB1064. Civics Nebraska, with the prior version before the amendments, had a couple issues with it. First of all, the SAVE system was going to result in a high cost for very little gain to Nebraska's elections.

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

Government, Military and Veterans Affairs Committee
February 08, 2018

Using the SAVE system has a couple different problems. The letter I gave to you was from the Department of Homeland Security...or Department of Justice, actually, and on page 3 you'll find a highlighted quote from the Department of Homeland Security detailing some of the problems with the system. I don't want to go too far in depth. If the amendment does change this bill to such a way that it does increase our voter roll accuracy and maintains our lists and it's good by the Secretary of State's Office, we might change our position. With that, I won't waste any additional time. Thank you. [LB1064]

SENATOR BREWER: All right. Thank you for your testimony. Questions? Senator Blood. [LB1064]

SENATOR BLOOD: So I'm confused because I'm trying to speed read this and... [LB1064]

JOHN CARTIER: Yeah. [LB1064]

SENATOR BLOOD: So, you know, I'm looking at what this criteria is and I think, of people that were naturalized like prior to 1975, and in order to get some of this information, I don't know, wouldn't they have to show their original naturalization certificate? [LB1064]

JOHN CARTIER: Senator, to the extent I know of the SAVE system, the only people who show up have touched the immigration system in some form, so if you're an undocumented immigrant that's living in the states, you would not be on this list, as would any natural-born citizen. [LB1064]

SENATOR BLOOD: Right. [LB1064]

JOHN CARTIER: So in regards to that record in the '70s, it might be in the system, it might not. There's been issues in the past, especially in Florida where this is implemented, so it's tough to say. [LB1064]

SENATOR BLOOD: Yeah, I'm finding this confusing. [LB1064]

JOHN CARTIER: Yeah, I am too. I look forward to seeing the copy of the amendment and reviewing it again. But if it does address some of our concerns, I appreciate the Secretary of State's Office stepping in and Senator Murante for working with them. [LB1064]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: Do you know if already election commissioners and county clerks, because I know they do in Sarpy, already check voter registration registers for deceased individuals? [LB1064]

JOHN CARTIER: Oh! Thanks for reminding me. So, yeah, the one additional... [LB1064]

SENATOR BLOOD: I didn't know I was reminding you, but you're welcome. [LB1064]

JOHN CARTIER: Yeah. One addition...that was the other issue we had. Currently it's codified in statute that if they have enough through an investigation to determine whether a voter is deceased, they can kick them off the voter roll. This change with something being mailed to them, I'm not sure the benefits or the wisdom in getting a small piece, a letter in the mail, and whether that should be considered evidence to kick someone off the voter rolls. Again, thank you for reminding me, Senator Blood. That was an additional problem. We're not sure if it's necessary or it's going to do anything, except possibly kick someone off when they shouldn't have. [LB1064]

SENATOR BREWER: All right. Any additional questions? Seeing none, thank you for your testimony. [LB1064]

JOHN CARTIER: Thank you. Have a good night. [LB1064]

SENATOR BREWER: Any additional opponents? Welcome to the Government Committee. [LB1064]

DEWAYNE MAYS: (Exhibit 3) Thank you. I am Major Dewayne Mays, Major, M-a-j-o-r, Dewayne, D-e-w-a-y-n-e, Mays, M-a-y-s. My address is 2711 South 74th Street, Lincoln, Nebraska. I am representing the Lincoln branch of the NAACP, as well as the Omaha branch. The NAACP, it's the largest civil rights organization in this country, has advocated for the rights, including voting rights, for all citizens. The Lincoln branch is celebrating its 100th year of serving the Lincoln community. It is our mission to oppose, challenge, and fight any and all efforts to limit or diminish the voting or other rights of the citizens of Nebraska, rights that are guaranteed under the constitution of this nation. Previous introducers of this and similar types of voter ID bills have admitted that voter impersonation is not a problem in Nebraska. Also, the Nebraska Secretary of State has admitted on previous occasions that voter impersonation is not a problem in Nebraska, therefore, action on this bill would only tend to limit voter participation and pose hardship on the most vulnerable part of our population. And this includes the young, who are our most mobile part of our population, would have to get new ID cards, and the elderly,

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

Government, Military and Veterans Affairs Committee
February 08, 2018

who may be dealing with health issues or who may not drive or many more situations, and also persons with physical and mental limitations. Also, the poor and those who may be struggling to make ends meet, this would hinder them, also others that are...who may be disenfranchised based on things that we have not discussed so far or that were discussed in the previous bill.

Constituents that I have talked with, both young and old, have found that both LB1064 and LB1066, found them to be offensive because it counters organized efforts to increase voter turnout. In addition to creating barriers for potential Nebraska voters, LB1064 would create a financial drain and increased workload on the election commission, on the county clerks, and the Secretary of State's Office. The factors are counterintuitive to good governance, therefore, I encourage members of this committee to vote no on LB1064 and LB1066 and any other bill that limits the right and the freedom to vote in Nebraska. [LB1064]

SENATOR BREWER: All right. Thank you, Mr. Mays. All right, questions? Questions? All right, seeing none, thank you for your testimony. Next opponent, come on up. [LB1064]

GAVIN GEIS: (Exhibit 4) Senator Brewer, members of the Government Committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I'm the executive director of Common Cause Nebraska. I will be brief. What you're getting handed out right now is a fact sheet that was attached to the MOU between the Department of Homeland Security and the state of Florida when the state of Florida contracted with the Department of Homeland Security when they contracted together to basically do what this bill is proposing to use the--I'm sorry, I'm blanking--the SAVE system to do exactly what this bill is proposing. If you look here in paragraph 2, the only reason we're opposing here today...sorry, it's been a long hearing. The only reason we're opposing here today is the Department of Homeland Security proposes greater protections for those kicked back by the state of Florida when the SAVE system kicks out voters because of the...because the database doesn't hold them, basically. The Department of Homeland Security basically admits that the SAVE system isn't set up to overlay with voter systems in the way that the state of Florida is hoping it will. It won't match it one-to-one and says basically if you get kicked out as a voter, your state should allow you to appeal that process and basically reverify that information. We'd like to see the possibility maybe of looking at that. Is there a way we can go about? I know this bill includes language saying if a mailing comes back and then we'll go through that, but the Homeland Security is already saying right here, if you're...if you get kicked out, you should be allowed to apply, you should be allowed to reapply, because our system cannot cover you, our system isn't perfect, our system isn't set up to cover all these different methods of basically becoming a U.S. citizen. There's a lot of different ways. You just became a citizen, for instance, our system isn't going to have you. You just got your citizenship, our system isn't going to hold you. Your parents are here and you were...you know, your parents are natural citizens, you're...our system isn't going to have you. If you were born...I'm drawing a blank here, but you're a naturalized citizen, basically. There's a lot of ways, basically, that the SAVE system might not have you. Our own Homeland Security admits that their system might not have you,

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

Government, Military and Veterans Affairs Committee
February 08, 2018

might not catch you. Let's find a way so that voters don't get kicked off the rolls. Let's find a way to appeal that process and maybe notify some of these people that they're getting kicked off the rolls. I'd like to see...Common Cause would like to see a way to maybe notify them so they can appeal that process. Thank you. [LB1064]

SENATOR BREWER: Nice timing. All right, thank you for your testimony. Questions? Questions? No questions, thank you. [LB1064]

GAVIN GEIS: Thank you. [LB1064]

SENATOR BREWER: Okay. Next testifier, come on up. Welcome back to the Government Committee. [LB1064]

NATE DOBBS: (Exhibit 5) Thank you. Thank you, Senator Brewer. Thanks for having me up here again and testify. This is...anyway, so, yeah, I've been here a lot, huh? So I won't take up too much of your time. So for the record, my name is Nate, N-a-t-e, Dobbs, D-o-b-b-s, and I'm the staff attorney for Nebraska Appleseed's immigrants and communities program. And I will say at the outset I have not seen the amended copy. My written testimony includes the first part about the SAVE database and the problems with that. If that has been amended, I haven't seen that, so what I will talk about I will talk about in principle. What I will say, though, is about the principle of a citizenship check in the first place. This should really give pause to any voter who might be caught up in, I guess, what I would call a sweep of the citizenship to have an agency have the authority to check people against a database that could be flawed, inaccurate, not up to date, in order to determine their eligibility. Now the previous bill, not the amended copy, I haven't read it, but it did have a provision in there that allowed for the removal of a person caught up in this check, so that really brings about, to me, some due process concerns. There's no notification, no ability to appeal or even know that they have been brought up in this check and removed. The second part that I will say is that if the provision of the bill remains in the green copy, in the amended copy, that there is also an additional check that the county officials would do prior to a voter registering, that gives an exceptional amount of authority to the county official, the Secretary of State's Office, to determine eligibility outside and absent what is already on the form and what the voter has already ascribed to. So I will say that is a grave concern if there is that provision remaining in the bill. And finally, my last point will be that the...this kind of creates a notion where someone's fundamental right to vote and their...and a federal agency or state agency's ability to say that they have to go through some sort of approval process, those two are kind of the same thing. Voting is not a public benefit of any kind. Voting is a right and I think that this really puts those on the same level and creates a situation where it diminishes the impact of the vote and diminishes the impact of people registering to vote and effectuating their right. So I'd urge you not to advance this bill out of committee. I would like to take a look at the

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

Government, Military and Veterans Affairs Committee
February 08, 2018

amendment if, you know, if that's something that we can do, then maybe amend my comments or further discuss it down the road. But thank you for your time and I'll take any questions. [LB1064]

SENATOR BREWER: Understood. Thank you for your testimony. Senator Blood. [LB1064]

SENATOR BLOOD: So I think Section 2 is actually kind of what you're talking about and that has been changed, I think, with the amendment. But as written, one of the concerns that I have is voter registration groups. Could you see how that could create a hurdle or is that something that I'm overthinking? You know when you get like the League of Women Voters group together to register people in the Latin part of town or in north Omaha or, you know, I... [LB1064]

NATE DOBBS: I think...I don't think you're overthinking because I think I overthink a lot, so we're kind of thinking in the same way. [LB1064]

SENATOR BLOOD: That was confusing, but thank you. [LB1064]

NATE DOBBS: That would...so if the provision...and I don't know for sure but I'm talking...that would impact the part where in the old version that a county official would check a new registrant against the saved database. If that is also true for the DMV database, I'm not sure if that still sits in the amended copy. But, yes, what that would do is you have a situation where voters have already signed their name to the oath under penalty of election falsification. [LB1064]

SENATOR BLOOD: Right. [LB1064]

NATE DOBBS: And at that point, especially if there are deputy registrars out in the community, they are registered to vote at that point, but if there is this additional check against citizenship for eligibility, then you're getting into the realm where there's going to be an additional proof mandate or something that is beyond what is already asked, the minimum amount, on the form. [LB1064]

SENATOR BLOOD: Like a birth certificate or citizenship papers or something that you don't normally carry on your person,... [LB1064]

NATE DOBBS: I mean we could speculate, yeah, right, right. [LB1064]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: ...something from your tribe or reservation that may or may not have an expiration date on it because...I mean I know I'm...I don't...I want to be careful because I am kind of talking about the last bill, but I'm thinking of these two things combined, how does that work, and is that going to play a role in it, and it seems that the...from my statistics that I've read, the biggest majority of people who benefit from those voter drives are minorities and that just is how it happens. I don't know why that is. [LB1064]

NATE DOBBS: Right. [LB1064]

SENATOR BLOOD: But so the question being again, do...and I don't know. I'm really trying to search this. [LB1064]

NATE DOBBS: Well... [LB1064]

SENATOR BLOOD: It's hard when you get something thrown at you at the last minute. [LB1064]

NATE DOBBS: It's difficult to say what...currently there would be a burden at least if there is an additional check against the database for them to be...that is not the voter registration database. This is a separate agency, DMV. [LB1064]

SENATOR BLOOD: No, and I understand that. [LB1064]

NATE DOBBS: Yeah. If there was...and this is from Kansas law. [LB1064]

SENATOR BLOOD: So it wouldn't affect the voter drive, you don't think? [LB1064]

NATE DOBBS: If there was some requirement to require an additional proof at that time, I think it would impact the voter drive and maybe fail constitutionally--just want to throw that in there--it may even fail constitutionally if there is a requirement... [LB1064]

SENATOR BLOOD: You're doing the lawyer speak now, so (inaudible). [LB1064]

NATE DOBBS: Yeah. (Laugh) But it would impact that because then there would have to be some requirement to gather those additional documents and send them to the county official's office and then have those verified before even the registration roll was entered necessarily. [LB1064]

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

Government, Military and Veterans Affairs Committee
February 08, 2018

SENATOR BLOOD: And that's one of my concerns is... [LB1064]

NATE DOBBS: Yeah. [LB1064]

SENATOR BLOOD: ...I think of voter registration and, you know, how...what a wonderful job. I go back to Evelyn Butts again and that book. You know, it motivated black voters who had been disenfranchised from the poll tax to get out and vote and then they gave them the ride to the polls. But had they had to go back home and get a birth certificate or the citizenship certificate or an ID that actually had...I guess they would carry the ID, so that would take that out of the equation. You know, if they had to have extra documentation, that's usually in a safe deposit box or under a mattress or...so I just...I'm sure Senator Murante will have the answer to that. [LB1064]

SENATOR BREWER: All right. Any additional questions? Seeing none, thank you for your testimony. [LB1064]

NATE DOBBS: Oh. Thank you. Thank you very much. [LB1064]

SENATOR BREWER: Additional opponents? Welcome to the Government Committee. [LB1064]

SANDRA BLACK: (Exhibit 6) Thank you for listening to me. My name is Sandra Black, S-a-n-d-r-a, Black, B-l-a-c-k, and I came here to talk about the bill that I read, and so some of what I'm saying is going to be these are some concerns that I had about it and I want to make sure that, with this amendment that I haven't seen, that that's not going to be an issue. What I handed you was some information that I got from the Immigration Policy Center, which is actually an FAQ regarding the SAVE program. And so I'm not going to go through all of it, but I do want to just talk about some of the things that I was concerned about if we change to using the DMV database. And one of the things that it mentioned here was that if you have a person that comes to this country and they get their driver's license, they're now in the database, they filled out the immigration information that was current at that time, and post-driver's license, that initial, they now become eligible citizens, they've received their citizenship, are they going to get...and they register because they know they've got it, are they now going to get kicked out of the system. And the way SAVE worked, you wouldn't know that you were even being checked, and so you might not find out that you weren't registered until you actually got to the poll. And at that point in time, it's going to be too late to do anything about documentation or anything or try to resolve the issues. And so I'm...I guess I just have some big questions, not having seen what's coming up, as to whether those things. What about the instance where you have somebody who registered as an immigrant, maybe not a citizen, but his name is the same as someone who is a citizen and it's

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Government, Military and Veterans Affairs Committee
February 08, 2018

on the voter registration? Is that person going to get kicked off? I mean my husband's name is William E. Black. Do you want to know how many William E. Blacks there are? So these are questions that I have that, without looking at that further, I really can't...but I would hope that the committee would look at those, take them into consideration, and if those things are still present, then I would still say I am very strongly opposed to this legislation. [LB1064]

SENATOR BREWER: All right. Thank you for your testimony. [LB1064]

SANDRA BLACK: Thank you. [LB1064]

SENATOR BREWER: (Exhibits 7, 8) Questions? Questions? Seeing none, thank you. Any additional opponents? Seeing none, any testifying in the neutral position? Seeing none, we have a waived closing. That completes LB1064. We have one letter, two letters to read into the official record: Rose Godinez from ACLU-Nebraska; Angela Thomas, self. That completes LB1064. Thank you. [LB1064]