

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 13, 2019

BREWER: Good afternoon, ladies and gentlemen, and welcome to the Government, Military and Veterans Affairs Committee. My name is Senator Tom Brewer. I represent the 43rd District which is 13 counties of western Nebraska, and the Chair of this committee. And we will begin by introduction of the committee starting on my right with Senator Blood.

BLOOD: Good afternoon, my name is Senator Carol Blood, and I represent District 3 which is western Bellevue and southeastern Papillion, Nebraska.

LOWE: John Lowe, District 7, not quite under snow yet, Kearney, Gibbon, and Shelton.

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

La GRONE: Andrew La Grone, District 49, Gretna and northwest Sarpy County.

KOLOWSKI: Rick Kolowski, District 31, southwest Omaha.

HUNT: Megan Hunt, District 8, and I represent the neighborhoods of Dundee and Benson in midtown Omaha.

BREWER: Senator La Grone is the Vice Chair. My legal counsel is Dick Clark and the committee clerk is Julie Condon. We have our pages, Kaci and Preston. And with that said, today we are gonna have public hearings on LB210, LB436, LB98 and LB9-- LR. Thank you. All right, some administrative things we're gonna run through here. I would ask everyone to please mute your cell phones or electronic devices. Again, the senators will be using either their computers or their cell phones to get messages if they need to go to a different committee. If you wish to have a record of your attendance, there are white sheets over on the table for you to fill out. If you plan to testify, there will be green sheets over there. Please fill that out and have it ready to turn in to either the pages or committee clerk when you come forward. If you wish to hand out materials, we'd ask that you have 12 copies. If you do not have 12 copies, please get with one of the pages and let them get copies made for you. Letters to be submitted-- I will make an announcement at the end of the hearing on a particular bill on the number of letters in support, opposition, and in a neutral capacity. Those letters have to be in by 5:00 p.m. the day before. Those letters

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should include your name, address, the bill number, your position on the bill and include a statement that you wish to have it read into the record. We will not be including any mass mailings in that record. All right. For today's hearings, we'd ask that for the bill that's up, if you're planning to testify, please come forward in the first couple rows. I will probably do a head count to see how many are testifying in these so we got some idea on our time window here. As you come forward to testify on a given bill, I'd ask that you would state your name, spell your name for the record, speak clearly and into the microphone because that will then assure that the record is correct. The senator that does the opening will be given an opportunity to, to give a close at the end. For those that are coming up, we'll start with proponents, opponents, and those in the neutral capacity. The time period that we're gonna use today is three minutes. You'll see the lights there. We will use the light system with the green, the amber will give you one minute to go and then the red will let you know your time is complete and there will be an audible alarm that goes off in case you become focused without realizing that it's on. With that said, Senator Matt Hansen has joined us. Matt represents--

M. HANSEN: District 26, northeast Lincoln.

BREWER: There you go. With that said, Senator Crawford, welcome to the Government Committee.

CRAWFORD: Thank you. Good afternoon, Chairman Brewer, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. And I'm here today to introduce LB210 for your consideration. LB210 requires the reporting and disclosure of electioneering communications. Electioneering communications are materials targeted at the electorate of a candidate or a ballot initiative that are distributed in the 30 days preceding an election. These communications allude to the candidates or ballot measures without explicitly recognizing the election, their candidacy, or the official name or number of the ballot initiative and, therefore, do not have to be reported under current law. LB210 does not restrict or limit the activity of citizens groups or what they-- what can be said in electioneering communications. Instead, LB210 simply creates a reporting mechanism to bring more transparency and accountability to our state's elections. If powerful groups or organizations are pouring money into Nebraska to shape campaigns and

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elections in our state, the citizens and candidates have a right to know who they are. LB210 requires that any corporation or person who makes an electioneering communication in an amount of more than \$250 or a \$1,000 respectively, file a report of such communication with the Nebraska Accountability and Disclosure Commission. As defined by the bill, electioneering materials are communications that are publicly distributed 30 days immediately preceding an election refers to a clearly identified candidate or ballot question, and are directed at the electorate of the office sought by that candidate, or by the voters voting on that ballot question. These provisions mirror the requirements for late contribution reporting for candidates. Under current law, groups and individuals are not required to report communications that are intended to be educational. Unfortunately, what is, quote, educational, end quote, has been misconstrued by various groups who use this exception as a loophole to distribute communications and avoid reporting for ads that are obviously directed at or allude to a candidate or ballot question and that advocate for or against said ballot question or candidate. Some of these ads identify-- identify or name the candidate or ballot question but do not explicitly mention the upcoming election. These ads also use creative language to encourage the electorate to vote a certain way without saying outright, quote, vote for or against candidate X or initiative X. Notably, this happened very recently in the days leading up to the past November's election which had the Medicaid expansion initiative on the ballot. You may recall seeing these ads. The subject matter was clearly urging a no vote on the initiative but no transparency was involved due to this educational loophole. And voters had no information about the group behind these ads. Creative evasion of explicit statements does not make a persuasive electioneering mailer an education-- an educational communication. LB210 recognizes that distributing these types of communications is a constitutional right. They should, however, be reported in a manner similar to all other communications in our state that work to influence elections are reported. By requiring disclosure for electioneering communications, we ensure transparency and give candidates and initiative committees the opportunity to publicly respond to groups or organizations behind misleading ads. It's important to note that communications that are truly educational in nature are excluded from the reporting requirements outlined in LB210. Exclusions include voter guides, a communication while Legislature is in session about a specifically named pending legislation, a candidate debate, a communication for any news story or editorial or communication by a membership organization to recognize members. Electioneering communication in this bill also

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does not include a contribution or an expenditure. The reporting requirements in LB210 mirror those required for independent expenditures in Nebraska as outlined in 49-1467. These reporting requirements provide transparency so the constituents can better understand who's communicating with them during the course of an election and hold those influencing our elections accountable to the statements they make about candidates. In 2010, the U.S. Supreme Court ruled in *Citizens v. United* [SIC] that corporations and labor unions are allowed to make independent expenditures to fund electioneering communications. The court upheld in this ruling that reporting requirements for these types of expenditures are in fact constitutional, just that they cannot be capped. The federal government requires reporting in disclosure for electioneering communications in federal elections. LB210 though not as strict as the federal reporting requirements which defined the election period as 60 days before the election and do not exclude voter guides helps to build some of the transparency and accountability to the state level. Since I first brought this bill several years ago, I've made some changes to the language to help address committee concerns. First, an added exception for advertisement communications that may feature an individual running for office but have nothing to do with the election of their candidacy. The reporting period is changed to 30 days and the level to a \$1,000 to mirror our contribution regulations. I have an amendment that may be distributed by the end of this hearing that adds an exclusion for government issued communications as requested by the city of Lincoln as another exclusion. I also have worked on an amendment to address some of the concerns that are raised in the letters that were opposition to the bill. Specifically, letters by ACLU and the Institute for Free Speech. And so I have some changes in the amendment you will see later today that address some of those issues. One, it speci-- it instead of talking about electioneering communication as being any communication, it specifies that it's a paid broadcast or mass mailing of a thousand pieces or more. And it changes the reporting period for individuals from two days to match the reporting period for the corporations and organizations which is another issue that was raised. And, and it bumps the reporting value for corporations from \$250 to a \$1,000. So again to make the individual requirements mirror the organizational requirements. It also removes the requirement for individuals to include the name, address, and occupational information about each person who contributes more than \$250 which allows the anonymity of individual donors. That was, that was a concern raised by ACLU. It'll also clarify that entity making electioneering communications shall not be

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required to form a separate segregated fund which was a concern raised by the Institute for Free speech. Frank Daley, executive director of the Accountability and Disclosure Commission worked with us on this amendment and will be testifying today so you can ask other questions about the constitutionality of the separate committees to him.

Colleagues, LB210 is an important step the committee can take to uphold the integrity of our elections across the state. The bill does not change what communications can be sent during elections or what messages can be relayed. Instead, it simply closes a loophole that allows interest groups to avoid disclosure under the guise of distributing, quote, educational materials, end quote. I appreciate the committee's attention to this important issue and I'm happy to try to answer any questions you may have.

BREWER: Thank you, Senator Crawford. All right, questions on LB210? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you, Senator Crawford, for bringing this bill forward.

CRAWFORD: Um-hum.

BLOOD: So you said you brought this bill forward before, did I hear you correctly?

CRAWFORD: Yes.

BLOOD: So can-- was there any one incident or any one conversation that brought this idea to light for you?

CRAWFORD: We had seen-- and I think just after each election there are examples. So I brought it initially, I think, after the election of 2016 with our some individual ads that use this loophole. And then just in the last election period, there were issue ads that use this loophole. So brought it back to the attention that it's still an issue and that the issue is an important issue for issue ads as well as candidates.

BLOOD: So if I hear you correctly, it's about accountability and transparency would you say?

CRAWFORD: Correct, correct.

BLOOD: Thank you.

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CRAWFORD: Thanks.

BREWER: Quick question for you and, and this may be for Frank Daley. The \$2,250 seems like kind of a, a number that is kind of hard to understand exactly why you come up with that. Do you know--

CRAWFORD: You're at--

BREWER: --on the fiscal note.

CRAWFORD: --point to me where you are looking.

BREWER: It's just a fiscal note on LB210.

CRAWFORD: Oh, fiscal note. OK.

BREWER: Usually they're pretty high or they're not at all and you're kind of like--

CRAWFORD: Oh.

BREWER: --there's a little bit but--

CRAWFORD: Oh, so the, the request is to print flyers and new reporting forms.

BREWER: OK, just--

CRAWFORD: So I'm, I'm guessing that doesn't cost very much, but it cost something.

BREWER: To inform of the change.

CRAWFORD: Yes.

BREWER: OK, that makes sense. All right. Additional questions? Will you be able to stick around for closing?

CRAWFORD: Yes.

BREWER: All right. Thank you.

CRAWFORD: Thank you.

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BREWER: All right. So now we will start with proponents to LB210. Come on up. There we go. Welcome to the Government, Military and Veterans Affairs Committee.

JACK GOULD: Thank you, Senator. Senator Brewer, members of the committee, my name is Jack Gould, that's J-a-c-k G-o-u-l-d, and I'm here representing Common Cause Nebraska. I think one aspect of this bill that I just wanted to focus on is the fact that it's so important that people in the last 30 days of the election cycle have access to anything that affects their position in the election. There were two examples that I think are worth talking about. One of them in 2016 in the last 30 days there were attacks by an organization called Trees of Liberty. They singled out three Nebraska senators. I don't think anyone had ever heard of them or knew who they were. And trying to find out who they were, we found out that they had been active. The organization had been active in Iowa and had attacked a number of candidates in the Joni Ernst primary and then they disappeared. And then two years went by and suddenly they reappeared in Denver, Colorado and began launching attacks against three Nebraska senators. They-- the attacks themselves and I use that word not loosely because they were really full of truths and half-truths in terms of the senators. But by the time the senators realized what was going on in the last 30 days they had no time to react. They were out of money and they were just plain beaten soundly by these kinds of ads. The same thing, as Senator Crawford mentioned, in the Initiative 427 a different organization the Alliance for Taxpayers appeared on the scene. And I particularly saw the ads on television and began trying to find out who they were. The-- I ended up calling the television station that was running the ads and asked them and they were very cooperative. They actually gave me some of the information identifying who had signed for the ads and also who had-- who they thought might be involved outside of state. It turned out, I believe, they were in New Hampshire-- the organization's base was in New Hampshire. They had very expensive TV ads that were running and they were running them in every state that had any kind of Medicaid expansion bill. So it wasn't just Nebraska. The ad was run in a number of other states but most Nebraskans had no idea as to who these people were or what their intent was. They were very careful not to mention vote for or vote against. So they got into the electioneering process carefully. They knew what they were doing. And in the end, no one really knew how much money was spent. It was very hard to locate and to get contact with the organization. Trees of Liberty disappeared almost as quickly as it appeared. And that's part of the problem, organizations can claim to

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be 501(c)(3)s or (4)s, create themselves, not identify donors, make large attacks, and then disappear. And with that I'll stop. I have a red light.

BREWER: I'm thinking we're probably gonna get to more of your, your ideas on this from the questions, but we'll see. OK. Questions? Well, I guess someone else can ask. Let me throw one out there. Let's, let's go back to say the Alliance for Taxpayers,--

JACK GOULD: Right.

BREWER: --this was the one you said was on the effort to have the ballot initiative for the--

JACK GOULD: Medicaid expansion.

BREWER: And in similar they, they did that dump of information within the last--

JACK GOULD: Thirty days.

BREWER: --days before the actual election.

JACK GOULD: Correct.

BREWER: So even if they put out something that was-- how shall I put it, limited in truth--

JACK GOULD: Half-truths will work.

BREWER: Half-truths. All right. There's no time to set the record straight.

JACK GOULD: No.

BREWER: And that's-- OK. I'm, I'm-- I, I think you have a point now. Questions-- 501(c)(3) is a nonprofit, 501(c)(4) is--

JACK GOULD: They're nonprofits as well.

BREWER: And-- but one is--

JACK GOULD: One's-- one is an educational entity and the other is a lobbying entity.

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BREWER: OK. And that's the 4, the lobbying entity?

JACK GOULD: Yes.

BREWER: OK, just want to make sure we're on the same sheet there. Any additional questions for Jack? All right. Thank you for your testimony.

JACK GOULD: Thank you.

BREWER: OK. Additional proponents? All right. Well, Frank, welcome to the Government, Military and Veterans Affairs Committee.

FRANK DALEY: Thank you, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Frank Daley, D-a-l-e-y. I serve as the executive director of the Nebraska Accountability and Disclosure Commission, and I'm here to express the Commission's support for LB210. The purpose of LB210 in a nutshell is to ensure that activity which is identical in purpose and substantially identical in form is treated in a similar fashion under the last law. The so-called electioneering communications are-- have become a standard feature of Nebraska elections. Every election includes these days so-called issue ads or electioneering ads. And LB210 describes certain information by those engaging-- requires the disclosure of certain information by those engaged in electioneering activity-- electioneering communications. Generally, who they are and how much they spent. So that's a very, very low threshold of reporting. It's less than a candidate would report. It is less than a Political Action Committee or a PAC would report. It's less than a political party would report. So an electioneering communication is a communication that refers to a clearly identified candidate or ballot question, is publicly distributed in the 30 days immediately prior to the election for the office [INAUDIBLE] or the ballot question to be voted upon. It's directed to the people who are going to vote in the election. So in the case of a-- of someone running for Legislature, it would be distributed within that legislative district. Right now, candidate committees, corporations, unions, associations, limited liability companies, all of those entities that make contributions or expenditures to support or oppose candidates file reports with the Accountability and Disclosure Commission essentially saying who they are and how much they spent. An electioneering communication sort of skirts around that a bit because it doesn't say vote for, it doesn't say vote against, it just raises some sort of issue and normally portrays a candidate either in a very, very favorable light or a very,

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very bad light. And the idea, of course, is to influence the election without actually saying vote for or vote against. So I think the key here is that this bill in no way prevents anyone from engaging in any campaign-related speech or electioneering communications. This is not a bill that's aimed at any particular point of view or philosophy or anything of that nature because electioneering communications occur across the political spectrum. What this bill does, it requires a minimal amount of reporting by those who are engaged in activity which appear to be calculated to affect the decisions of our electors. So I do want to thank, Senator Crawford, for bringing this bill, and I want to thank the members of the committee for the opportunity to testify.

BREWER: All right. Thank you for your testimony. Questions for Mr. Daley. Go ahead.

HUNT: Thank you, Chairman Brewer. Thank you for being here, Mr. Daley. It's always good to see you in this committee.

FRANK DALEY: Thank you, Senator.

HUNT: Sometimes I just like to put things in plain English because like a lot of words soup is happening. So under current law, is it true that a lot of organizations are making expenditures that are supposed to be educational but they're actually kind of-- it's like when someone comes in with a neutral testimony and then they're done and it's like that wasn't very neutral--

FRANK DALEY: Neutral leaning positive.

HUNT: And these are, and these are-- yeah, and these are expenditures that are supposed to be educational or neutral but they actually kind of weigh on an issue or a candidate one way or the other,--

FRANK DALEY: Sure.

HUNT: --and it's, it's to address that type of problem?

FRANK DALEY: Kind of. But, but here's, here's what we don't want to get. We don't want someone who has a legitimate interest in, for example, something before the Legislature and they don't care who's elected, who's not. They care about the bill before the Legislature. They care about the matter that's before the City Council. And maybe their advertising saying, tell your Senator to vote, yes, on LB double X.

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HUNT: Um-hum.

FRANK DALEY: On the other hand, there are other types of ads that will come in usually several days before the election, not 30 but 2 or 3, and it will be senator so-and-so voted to raise your gasoline tax and they'll have pictures of senator so-and-so with a gas nozzle looking like a gun and a taxpayer pulling the insides of his pockets out or holding his hands up, call Senator so-and-so and tell him we don't need more gasoline taxes.

HUNT: So right, so right now that would educational?

FRANK DALEY: Well, what they're referring to is something that may have occurred two years ago--

HUNT: OK.

FRANK DALEY: --in, in the major budget bill. But yet, so two years later they suddenly feel the need to raise the issue of the gasoline tax two days before the election. So it's aimed at those sorts of things that under this bill a group that did that at the very least would be required to disclose who they are and how much they spent. On the other hand, the group that is fighting a bill that's before the Legislature and their ads are saying, call your senator and tell him to vote against LB double X. That would not be included under the definition of election here.

HUNT: So I see that on page 3 here, it says does not include a communication while the Legislature is in session about specifically named pending legislation.

FRANK DALEY: Correct.

HUNT: That's that part?

FRANK DALEY: Correct.

HUNT: OK. Thank you, Mr. Daley.

BREWER: Senator Hilgers.

HILGERS: Thank you, Mr. Chairman. Mr. Daley, always great to see you--

FRANK DALEY: Good to see you, Senator.

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HILGERS: --in any context but in particular this context because I feel like we've had this dialogue for a couple of years now--

FRANK DALEY: We have.

HILGERS: --and I don't want to go over all the old ground that we've, that we've gone over in the past. But I do think it's important to at least get on the record some of the concerns that have been expressed relating to the anonymous speech.

FRANK DALEY: Um-hum.

HILGERS: And I wanted to get your views on this and I, I know the Supreme Court has protected anonymous speech for a-- long history of protecting it and I think in this day and age you can especially in light of the, the sort of recent trend of doxing people and using personal identity that as an economic weapon against folks as well as taking on politically powerful people such as incumbents and some might say that the right to anonymous speech is more important than ever. So how would you comment on the right to anonymous speech and how it's impacted by this bill?

FRANK DALEY: Sure. The way that most of these issue ads occur, it would probably have no effect whatsoever because typically issue ads are put out by organizations-- you know, some of them are well-known. And you know who they are and you know what their address is and so forth and so on. Others are from groups that they seem to spring up but have great names then disappear right away. This bill does not require the folks that donate to those groups to have their names disclosed. So if you've got a well-known group, it's got this particular philosophy, it supports issues out there that are consistent with its philosophy. It does issue ads which name candidates right before the election either putting them in a positive light if they support their philosophy or putting them in a negative light if they don't support their philosophy. Those groups would not have to disclose who gave them the money unless the money was given to that group specifically for that ad. So if people are contributing to the general purpose of that group their name doesn't show up in any of this reporting, only the group name and the amount that the group spent would be disclosed. So generally speaking I think folks that are concerned about anonymity would not be affected.

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HILGERS: So, so the donor identity generally or just the donor identity-- so the donor identity would not be disclosed is what you're, you're saying?

FRANK DALEY: Correct. The only time under this bill the donor identity would be disclosed is if-- you know, if there's an organization called Nebraskans for fuzzy puppies. If someone gave to Nebraskans for fuzzy puppies for the general purposes of the organization, their name would not be disclosed. On the other hand, if they gave money for the specific purpose of running this ad under those circumstances it would be disclosed. But that's pretty rare. Most people give to organizations like that because they support the general philosophy of the organization.

HILGERS: So how would-- so in that context that-- so would the, would the Commission then have subpoena authority or through your normal investigatory powers be able to determine, did they give money for the general purpose of the organization or for the specific purpose of the ad itself?

FRANK DALEY: We would have to have a reasonable basis for believing that a violation had occurred as I'm sure you can see that would be pretty rare that that would occur.

HILGERS: Although it would be hard to say-- I suppose if it's a well-known organization that's been around for a long time I would agree. But if it's the organization for fuzzy puppies and they just popped up--

FRANK DALEY: Um-hum.

HILGERS: --that might be sort of a prima facie reason. I mean, are there any guardrails or, or, or other cabining of the discretion of the Commission in the bill?

FRANK DALEY: Well, they're, they're-- well, first of all we need to do an investigation. The nine members of the Commission would need to find probable cause to believe that a violation had occurred and only then would we get to the point of something in the nature of an evidentiary hearing. The, the thing that I suppose is kind of a protection is that by law our investigation and process is confidential and the only circumstances under which that information would be revealed is if the Commission ultimately did find based upon evidence that a violation had occurred. Or if the person who is the

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subject of the investigation requested that it be made open. So even under the rare circumstances where we thought we had a basis for investigating, if the investigation showed that there was no contribution for that specific issue ad, the matter would stay confidential unless the person wanted it to be made open and public. On the other hand, if we found that, yeah, they really did give the money for that specific ad--

HILGERS: And they didn't disclose.

FRANK DALEY: And they didn't disclose.

HILGERS: Right.

FRANK DALEY: That's correct.

HILGERS: OK. Thank you.

FRANK DALEY: Um-hum.

BREWER: All right. Additional questions? All right. Seeing none--

FRANK DALEY: Thank you very much, members.

BREWER: --you got off easy, Frank. OK. Any additional proponents? All right. Seeing none, opponents? Any in the neutral capacity? All right. Senator Crawford, welcome back.

CRAWFORD: Thank you, colleagues. And thank you for your questions and attention to this issue. I as I said in my opening, I have an amendment that I think addresses most of the concerns that are raised by those who sent letters with concerns about the bill. And I'd be happy to talk to any of you about other concerns if there are other concerns that you have that might be-- we might be able to address with an amendment. The amendment that came down for drafters is missing one piece. So rather than cause confusion by giving you an amendment that has-- is incomplete, we will distribute the complete amendment as soon as we have that. The amendment does again tighten up what communication means by emphasizing that it's just paid broadcast communication or mass mailing of 1,000 pieces of mail or more that addresses the issue that was raised about whether it would be too inclusive as is stated now. And then it also again provides an exception for informational communication issued by a government body and makes the requirements for individuals and organizations equal instead of being unequal as they were before. And also it clarifies

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that any entity that is doing electioneering communication does not have to have a separate committee so it clarifies that-- and that was a concern raised by one of the letters is whether or not that was constitutional to have a separate committee required and so we've taken out that requirement in amendment. The amendment also takes out the requirement for-- that will take out the requirement for the-- all the individual donors to be listed so that it would focus on the organizations and individuals who are doing the electioneering communication which, I think, it addresses the concern about allowing someone to have anonymity in a donation to a contribution to an organization. So I'm happy to make those, those amendments which, I think, address a lot of the concerns raised by-- that those who raised concerns about the bill, I'm happy to see if there are other issues that we need to address to make sure we address the concerns of the committee, so that we can address this loophole in our election law.

BREWER: All right, Senator Crawford, then the AM344 is, is still a good amendment. What you're talking about is an additional amendment to that one?

CRAWFORD: We'll replace that amendment.

BREWER: Replace that. OK. Thank you. Questions for Senator Crawford? Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Senator Crawford, did you have any thoughts on campaign expenditures and how much within the realm that someone may spend during the campaign or is that a topic that's just too difficult to [INAUDIBLE]?

CRAWFORD: This does not put any limit-- this doesn't put any limits on how much anyone can spend.

KOLOWSKI: OK.

CRAWFORD: It simply-- it, it recognizes that there is a loophole in our campaign election law and it closes that loophole that is for educational communication that occurs right before the election that targets voters. And so it-- and by all appearances it really appears to be campaign information but it is, it is able to get away from having to be reported as all other campaign information because the person will say, well, I didn't say vote for candidate Smith.

KOLOWSKI: Sure.

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CRAWFORD: So it has all the other features and we tried to define that in the bill. The other features of a, of a campaign materials just minus that one clear explicit statement about voting for someone or voting against someone. And so this allows reporting on those communications. And again, I want to emphasize that this is already a requirement in federal elections. So this is not a new concept. This is a-- this loophole is closed in federal election campaign law. And so we're just closing that loophole here in state election campaign law.

KOLOWSKI: I certainly understand all the difficulties with that, I just wanted to ask. Thank you.

CRAWFORD: Sure. Thanks.

BREWER: OK. Any additional questions for Senator Crawford on LB210? Seeing none, we have letters to read into the record. We have one proponent; four in opposition; and none in the neutral. With that,--

CRAWFORD: All right.

BREWER: --thank you for--

CRAWFORD: OK.

BREWER: --LB210.

CRAWFORD: Thank you.

BREWER: And we will be transitioning to LB436, Senator Hansen. Senator Hansen, welcome to your committee on Government, Military and Veterans Affairs.

M. HANSEN: Thank you. Good afternoon, Chairman Brewer and fellow members of the Government, Military and Veterans Affairs Committee. My name is Matt Hansen, M-a-t-t H-a-n-s-e-n, and I represent District 26 in northeast Lincoln. I'm here today to introduce LB436 which would create the Complete Count Commission here in Nebraska in order to bring together stakeholders to facilitate a complete accurate count of all Nebraskans at the 2020 census. A little bit of background. In December, I attended the National Conference of State Legislatures, NCSL Capitol Forum in D.C. And there, I attended a presentation of the importance of state's efforts in the 2020 Census process and learned about legislation in other states to encourage census participation. I then learned that ten other states have now or passed or have a

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legislation pending to create a statewide Complete Count Commission or Committee and 18 other states have passed or have other legislation pending that would otherwise support census efforts. As of the first of this year, 38 states total have agreed to form a Complete Count Commission, either formed by the Legislature through the Governor, or through some other method. LB436 is modeled off bills passed by other states with help from NCSL. It would bring together the Governor, the Speaker, and the Secretary of State, city representative, school administrators, business groups, nonprofits, and census experts to create a census outreach strategy, help carry it out, and then report back on its effectiveness. Aside from these requirements, the legislation is broad in order to account for the specifics the Commission decides that they want it. As you all know, getting a complete and accurate count of the census is vital to the funding operation of our states, and the fact that it only happens once every ten years makes it even more important that we do it right. The data each census collects is the starting point for both congressional appointment, how many seats a state has in the U.S. House of Representatives, a better all-encompassing count of every person in a state will increase its chances of gaining and retaining its seats in the House. A count that finds everyone the right place will also create the state's chances of the proper allocation of federal dollars from over 300 federal programs that are dispersed based on past census generation figures. The 16 largest programs alone count for over \$600 billion in federal funds including such items as highways, school programs, housing vouchers, and Medicaid. A targeted investment in our time and effort now in the form of organized planning by a Commission will benefit all Nebraskans in the law. Although the census is a federal responsibility, it is up, up, up to us do everything in our power to ensure everyone in Nebraska is counted and that we protect the needs of Nebraskans at the national level. With that I'll close, and be happy to take questions from the committee.

BREWER: All right. Thank you, Senator Hansen. All right, questions on LB436? Senator La Grone.

La GRONE: Thank you, Chairman Brewer. Senator Hansen, thanks for bringing this bill. I think-- I was obviously with you at that same conference--

M. HANSEN: Yep.

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La GRONE: -- and was in that same session and I think we sat by each other during it.

M. HANSEN: We did.

La GRONE: But one thing that struck me from that and I was kind of curious if you could speak to because that's something I just haven't gotten an answer on and I think I said this to you there as well. So during that same session the director of the Census Bureau-- excuse me, indicated that since it was a federal responsibility the Census Bureau would get a full and accurate account regardless of whether states did or did not do these kinds of measures. And so my question kind of is twofold. Number one, have you seen in states that have set this kind of stuff up, has there been basically a show that it's-- that they've, they've seen a, a count benefit from it? And then two, if the answer to that is, yes, which I'm assuming it is, is that with the \$63,000 fiscal note on there-- like where's that balance? If it's something that is already required to be done and it's gonna cost \$63,000 that-- that's my question essentially?

M. HANSEN: Sure. So kind of approaching it broadly, and I, I don't know the complete history off the top of my head, but I think the Complete Count Committees or Commissions are a newer concept. This is something they're trying this time around in the census. I will point out, and actually the fiscal note addresses it, and we had some good conversations in our Secretary of State's Office. Other states are putting a considerable amount of money into it. So for example, California is putting \$90 million into their Complete Count Committee. And so I don't necessarily know if there's the empirical proof that we get the dividends, but you know that other states are putting in the investment in time and that's what we're ultimately gonna be compared against. I would agree that it's kind of the federal responsibility to-- would agree it's the federal responsibility to give an accurate count by-- on their own-- kind of with their own efforts. But if we're seeing other states going out of their way to assist and encourage and foster and help-- you know, I think-- thinking from our point just at a minimum having some sort of planning and strategy session just so we're at least doing some baby steps to help out would be a good start. I hope I covered both your questions.

La GRONE: In the general sense, yeah.

M. HANSEN: OK.

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La GRONE: All right. Additional questions? Thank you for your opening, Senator Hansen,--

M. HANSEN: Thank you.

BREWER: --and I'm assuming you're gonna stick around for closing?

M. HANSEN: Yes.

BREWER: All right. Thank you. We will start with proponents of LB630--436. Welcome to the Government Committee.

JULIA TSE: Thank you. Good afternoon, Chairman Brewer and members of the Government Committee. For the record, my name is Julia Tse, J-u-l-i-a T-s-e, and I'm here today on behalf of Voices for Children in Nebraska in support of LB436. I want to apologize in advance because I don't have written copies of my testimony with me today, but I can be sure to send them to you at a later date. A couple of points that I want to raise specifically as it relates to the census so-- I'm very rarely before this committee so I'll maybe briefly introduce our organization. Voices for Children is a data driven advocacy organization that looks at data and in, in this last year we have-- we look at data district by district to see where there are the most barriers to opportunities for kids in our state and all this data is informed by census data. So ACS data and is, is based off of the decennial census data. So this is really the, the framework and the foundation for all of the work that we do. One of the issues with the decennial census is that children are the most likely to be undercounted or not counted every ten years consistently even though there have been improvements in other age groups, especially young children are most at risk for not being counted. So in 2010, it's estimated that we missed one in ten children which was two million nationally. And for young children after counting duplicates, we-- it's estimated that we did not count one million children under the age of five. There are other groups that are more at risk of not being counted. Children of color especially are generally undercounted, children living in poverty, children living in communities with concentrated poverty or higher numbers of multi-unit or rental properties. There is a map on-line-- hard to count census tracts that will show you where in Nebraska that is particularly problematic. That's in Lexington, up north by Thurston. And then in, in the Omaha area. So all that is to say that the children who most need some of the federal programs that are funded by-- or allocated based on the census are precisely the kids who are difficult to count. Annually,

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federal funds based on census numbers that went to Nebraska were somewhere in the neighborhood of \$2.5 billion. A lot of that money goes to programs that help vulnerable children and families in our state, money for children who are abused or neglected, health insurance program, Head Start, WIC for pregnant-- and, and pregnant mothers and new mothers, child care programs. And I see that my time is up, so I'll leave it at that. And thank this committee and Senator Hansen for their time.

BREWER: OK. Thank you for your testimony. Questions? Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Thank you for your presentation. On the counting of, counting of kids, most areas and cities use the school districts as a, as a counting measure because they're usually fairly accurate as they look ahead for five years. How many kindergartners will we have five years from now when they enter kindergarten and do we have the space? Do we need to rent something? Do we build more buildings? Pass bond issues? Do you use school districts in this particular fashion?

JULIA TSE: Senator, I'd have to go back and look at this but my understanding is that school districts also use the decennial census data and so there is another issue with planning for long-term, if, if there are maybe more children than, then a school district is counting. But I, I can look into that and get back to you because that's my understanding.

KOLOWSKI: Just wondered. Thank you.

BREWER: Thank you. OK. Additional questions? I have one quick one for you here. When you were going over some of the numbers, when you talked about the one in ten being the undercounted and that equated to a million under the age of five. Did I get that right?

JULIA TSE: Yes.

BREWER: Is that Nebraska?

JULIA TSE: That is national.

BREWER: National, OK.

JULIA TSE: Um-hum.

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BREWER: OK.

JULIA TSE: And there is-- there was an estimate that was put out state by state. It's estimated that about 11,000 children live in those hard to count tracts. So that may not include children who live outside of those tracts so that would still be in those three areas that I mentioned.

BREWER: All right. Well, thank you for your testimony.

JULIA TSE: Thank you.

BREWER: OK. Additional proponents for LB436? Being very gentleman like, I like that. Welcome to the Government Committee.

JOSIE SCHAFFER: Thank you. Chairman Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Dr. Josie Schaffer, J-o-s-i-e S-c-h-a-f-f-e-r, and I am the director of the Center for Public Affairs Research at the University of Nebraska at Omaha. I'm here to testify in support of LB436, Senator Hansen's proposal to complete-- to create a Complete Count Commission for the 2020 U.S. Census. I'm here today as a private citizen and do not represent the University of Nebraska nor does my testimony represent the official position of the University of Nebraska. The Center for Public Affairs Research is the lead agency of the Nebraska State Data Center program. The data center program was developed in 1978 as a cooperative program between the United States Census and individual states to make census data available to the public. The demand for this data is great and keeps us very busy. For instance, in September of 2018, six months ago, David Drozd, the state data center coordinator in my office, has received over 175 unique requests for data both from public, private, and nonprofit sector partners. We are able to provide robust objective information on a range of topics including population growth, decline, and change around the state poverty, school districts, migration trends, employment, housing, income, and more as a result of the annual survey products the census does. We also provide similar data to the Planning Committee of the State Legislature. I greatly appreciate the leadership of this state's interest in data informed practices and policies, and as a result their inquiries to us for data. It is because of this work that I'm here today and to support Senator Hansen's bill regarding the 2020 Census. The U.S. Constitution calls for a complete count of the number of people in the United States in order to determine political representation. Since 1790 the census has been conducted every ten

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years for this purpose. The population numbers from the census are the main factor in determining how many federal, state, and local representatives we have. In addition, population counts are related to the state's return of federal-- the return of federal dollars to the state. For fiscal year 2016, about \$2,096 per Nebraska resident was returned to the state. Those counts do matter. For these reasons as well as the demand for census data we see in our office, I support LB436 and any and all effort by the Nebraska Legislature to ensure that every person is counted. Specifically, LB434 [SIC] calls for the development of a state Complete Count Commission. Complete Count Commissions are ad hoc, voluntary committees to identify possible challenges to a complete count and to work to find solutions, Nebraska specific solutions. Many of our neighboring states have already said, yes, including Iowa, Wyoming, Colorado, Missouri. In addition, several Complete Count Committees have been established in the area, but not a statewide. However, having the Legislature behind a statewide effort shows tremendous support and is a signal to your constituents that you want them to be counted which I believe will make a big difference. In addition to my testimony, I'm providing a one-page handout on the return of federal dollars to the state as a result of every person in Nebraska being counted. If you would like more of those to share with your constituents, we would be happy to provide them. Thank you.

BREWER: All right. Thank you for your testimony. Questions for Dr. Schafer? You must have done a good job. Thanks for the handout.

JOSIE SCHAFFER: Thank you.

BREWER: All right. Thank you for your testimony. Now, Gavin, come on up. Welcome to the Government Committee.

GAVIN GEIS: Chairman Brewer, members of the committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am the director of Common Cause Nebraska. I will be brief but I am here in support of LB436. I simply wanted to inform the committee first of all that there-- this is just an interesting discussion. First of all, because it's one I've been having with other nonprofits in the states, there are different levels. So for your information, there are different levels of a Complete Count Committees that you can engage in. There's the government level. So this is-- this bill represents the broad government level. You can have tribal level Complete Count Committees and then you can have community level Complete Count Committees. They should interact, be complementary. And from our view this committee would be a-- either superior in a lot of ways to the ones that the

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discussions I've been involved in, or most likely would be a fantastic high-level complement to the discussions of a group of nonprofits working together as a Complete Count Committee to work together to involve constituencies to get them engaged with the census. And to answer Senator La Grone who ran away from me. But his question of what are the benefits which we don't know but what we've been hearing especially from the direct servicers within the nonprofit realm is that many constituencies are afraid of the census. They don't know what the census entails. They don't know what it means when people come knocking at their door or if they get counted where that data goes. So a Complete Count Committee, whether at the government level, or at the community level, or the tribal level, that direct benefit is engaging those communities directly to assure them that it's not harmful, that it is helpful, that it benefits them. So maybe we don't have the data but we can be assured that it helps them and that we get them counted, that we get every Nebraskan counted. So we're in, we're in support of LB436 because we would love to work alongside the government as we form community Complete Count Committees. Thank you.

BREWER: All right. Thank you for your testimony. And since we got you trapped, and I apologize for La Grone running off. It was probably some of that lawyer mojo stuff you do.

GAVIN GEIS: Too much [INAUDIBLE].

BREWER: If we look at the categories that you talked about there-- you talked about government, community, and tribal. How many with tribal? What, what exactly fits in that?

GAVIN GEIS: I genuinely believe it is a tribal--

BREWER: So it would be actual existing--

GAVIN GEIS: Yes.

BREWER: --Indian reservations and they actually go and do their own count.

GAVIN GEIS: Form their own Complete Count Committees to make sure they're counted.

BREWER: Yeah, obviously, it probably would be better that way.

GAVIN GEIS: It-- I think very important.

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BREWER: All right. And then how do you draw a line between government and community as far as how you distinguish?

GAVIN GEIS: Right, community is-- well, this bill blurs that line a little bit because it involves community groups but because it's being established by law and being established with the Governor with the-- by the Secretary of State as the leader, it would be a government.

BREWER: OK.

GAVIN GEIS: And community is just community groups getting together doing that work. That's a community group, right? It's not being operated by a government agency or individual as its head.

BREWER: This is kind of a subject that it's hard to fully grasp. Although, I know that's kind of what you actually do every day is--

GAVIN GEIS: Right.

BREWER: --manage this. But if there was ever a handout you made, this would be kind of one that--

GAVIN GEIS: Right.

BREWER: --if you could put it in-- you know, common people terms--

GAVIN GEIS: Hey, that's useful.

BREWER: --it would be a valuable asset. Just--

GAVIN GEIS: OK, I will do that.

BREWER: All right. Additional questions for Gavin? All right, sir, thank you for your testimony.

GAVIN GEIS: Thank you.

BREWER: OK. Next proponent. Welcome back to the Government, Military and Veterans Affairs Committee.

JOHN CARTIER: Good to be back. Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. For the record, my name is John Cartier, spelled J-o-h-n C-a-r-t-i-e-r. I'm the voting rights director for Civic Nebraska, and I'm here today to just have a couple of comments. Westin, he wrote us a written letter in support testimony. But there's a couple things I wanted to highlight and make

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sure it's on everyone's radar for this issue. I had the fortunate opportunity to go to D.C. to meet with some other nonprofits who are going to be doing a lot of census work in 2020. And from that meeting, it was great to see what other states are doing especially through their different committee structures and how the nonprofits are really-- you know, making sure that communities are aware that the census is coming up and the citizenship questions definitely pose some problems for some of those direct service providers. But outside of those issues, what happened in 2010, the Census Bureau has an undercount of about 16 million people and federal funding for the 2020 Census Bureau is frozen at the 2010 levels. And this is something that, Chairman Brewer, you might agree with me that the federal government is not always the best doing what they try to set out to do. I think when we're looking at the census specifically-- and the reality is that the Census Bureau is quite frankly underfunded, understaffed. The government shutdown put them behind in hiring by a couple of months. To put it in perspective, they need to hire about 500,000 field workers to be able to go and canvass doors and do that stuff and they're pretty behind right now and that's for a variety of different reasons. But I really see this as a great opportunity for the state government to partner with community leaders to make sure we're getting an accurate count in these underrepresented areas which is gonna be crucial for funding to be secured for the next ten years. To put this in more perspective, Governor Ricketts, he's a businessman, the return on investment for this type of thing, some states are asking for a dollar per vote-- or per count, excuse me. Each person count is gonna yield about every year over \$20,000 in benefits and taxes coming into the state. So if you're spending a dollar to get back about \$20,000 in federal funding in places that's hard to reach, rural Nebraska, I think that's a good investment. And finally, I'll just close by saying that this is gonna be the first census that's going to be done primarily on-line and that's a concern for me in rural Nebraska where broadband access is an issue and people are already unsure what the census might be, and now they have to go fill something out on-line. So I see that there's a great opportunity here to spend a couple of bucks, and get a lot more back and benefit for all Nebraskans. And with that, I'll, I'll close.

BREWER: All right. Thank you, John. All right. Questions? Senator Hilgers.

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HILGERS: Thank you, Mr. Chairman. Good to see you, Mr. Cartier. One question actually, I thought, I thought I read that it's \$20,000 over a decade--

JOHN CARTIER: Um-hum.

HILGERS: --and I don't know if I heard you wrong, if you said \$20,000 for the-- a year or the first year.

JOHN CARTIER: Yeah.

HILGERS: Do you know what the number is?

JOHN CARTIER: I might have misspoke. I thought probably per year that sounds right to me. But if it's over a decade then--

HILGERS: And I'm not sure either way. I just-- I think I--

JOHN CARTIER: Yeah.

HILGERS: --heard something different so I was just clarifying. Thank you.

JOHN CARTIER: Um-hum. No problem.

BREWER: OK. Additional questions? Oh, hang on. Before I let you go, John, I got a couple for you really quick.

JOHN CARTIER: Absolutely.

BREWER: Because you are well-versed on the process-- so to keep someone from falling through the cracks and not being counted-- let's take for example, someone who is stationed at Offutt Air Force Base, gets out of the Air Force, he wasn't born here, didn't get raised here.

JOHN CARTIER: Um-hum.

BREWER: If he all of a sudden ends up in, in one of the communities, how did they identify him to get him onto the rolls or to have him accounted for?

JOHN CARTIER: This handout here-- this is actually from the Census Bureau and feel free to-- I didn't make copies for you guys but it might be helpful to have it. Right here on the second page, it, it lays out the, the procedure for how the Census Bureau imagines this is

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gonna happen. So March 12 through the 20th, they're gonna send through the mail an invitation to every household that they have through the postal office on record. The invitation is basically gonna invite them and say, hey, can you go on-line and fill the census questionnaire out? And some places are gonna mail them a paper version of the questionnaire. It just depends on-- you know, how they classify which has access to Internet which doesn't. Following that week, they're gonna send a reminder letter. Then March 26 through April 3, another reminder postcard; April 8 through the 16th, a reminder letter and paper questionnaire again, and then April 20 through the 27th, that's when there's gonna be a final reminder postcard before they say they're gonna follow up in person and try and hit every single house that they had not received any word back from. So that's the process how it's laid out right now as far as trying to get everyone counted. They're really relying on the cost savings of doing this on-line. I think that's a huge reason why it's still frozen at 2010 levels.

BREWER: And I, I see a lot of advantages of that because it's quick and,--

JOHN CARTIER: Right.

BREWER: --and a lot of times it's, it's a lot less painless because people can do it when they have a spare moment. The problem is if you look-- you talk about connectivity, but there's just a lot of folks if you take 60 and above that really shy away from a computer unless they absolutely have to. So there is kind of a void there where there could probably be some issues. And you know, I, I would imagine the reason they have the category for tribal-- you know, you show up and you're from the government on the reservation, we had some bad experiences. And so I think that--

JOHN CARTIER: Some-- someone brought up at that meeting that-- you know, there are people in prior census, when the census man shows up at the doorstep, they don't consider themselves a citizen of the United States necessarily. So there is an education issue where it's-- if you're living in the United States we need to count you. We need to know for purposes of redistricting, for purposes of funding education, healthcare, really everything down the line. This is a very huge event that happens once every ten years.

BREWER: Yeah, you're probably not helping your cause. I, I mean-- I understand that some of the thoughts of having a, a, a stand-alone area like they will do with, with a reservation. But if you're not

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counted for, in essence, so you don't exist or you don't have the ability to have a representative for your, your group. All right, one more time. Any questions? Seeing none, thank you.

JOHN CARTIER: Thank you, Chairman.

BREWER: All right. Any additional proponents? Come on up. Welcome to the Government Committee.

HANNAH YOUNG: Good afternoon, Senator Brewer and the Government, Military and Veterans Affairs Committee. My name is Hannah Young, H-a-n-n-a-h Y-o-u-n-g, and I am here to represent Nonprofit Association of the Midlands. Our mission is to strengthen the collective voice, leadership, and capacity of nonprofit organizations to enrich the quality of community throughout Nebraska and western Iowa. NAM has over 600 nonprofit member organizations across the state and serves nonprofits of all sizes and missions. We advocate for the nonprofit sector as a whole and do our best to represent those nonprofits. We would like to voice our support for LB436 in creating official Complete Count Commission. Creating a complete count for 2020 census is crucial to our state and is considered best practices by the Census Bureau. A Complete Count Committee should be formed to utilize local knowledge, expertise, and influence of each Complete Count Committee member to design and implement a census awareness campaign targeted to each community, bring together a cross section of community members who focus-- whose focus is 2020 census awareness, develop ways to reach hard to count residents and most importantly to build trust with the census among their stakeholders. Most states have already convened their Complete Count Committee or in the process of it and we believe Nebraska should follow with the help of LB436. Nonprofits are specifically concerned about the complete count in 2020 because it directly impacts many of their missions and the resources that they receive. In order to understand the magnitude of what's happening in our state, nonprofits need to have up to date and correct data. Nonprofits play a vital role in communities and also can play a vital role into making sure there is a complete count 2020. I would urge a Complete Count Committee if formed to appoint a nonprofit leader to make sure that the, the sector voice is heard. For those reasons, we support LB436. Thank you for your time. Any questions?

BREWER: Thank you for your testimony. So it we-- when we're talking about nonprofits that's like we, we talked earlier the 501(c)(3), (c)(4)--

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HANNAH YOUNG: Um-hum.

BREWER: --those two that fit in that category--

HANNAH YOUNG: Yep.

BREWER: --and Nebraska has over 600?

HANNAH YOUNG: We have over 600 member organizations in Nebraska. They're well, well over that. I don't know that number off my head-- top of my head but it's much, much more than that.

BREWER: OK. Thank you. Questions? All right. Thank you for your testimony.

HANNAH YOUNG: Thank you very much.

BREWER: All right. Any additional proponents? Any in opposition? Any in the neutral capacity? Senator Hansen, come on back.

M. HANSEN: Thank you, Chairman Brewer and committee members. And thank you to all of our testifiers we had today in support. Especially, I'd like to thank Dr. Schafer. She's somebody-- having served on the Planning Committee, we've got to work with and have a strong partnership with the University of Nebraska at Omaha and doing some of our data needs for the Legislature in our long-range planning. Fundamentally, just kind of-- I think we, we can see and understand the importance of making sure we have an accurate full count of us in the census. It matters both in comparison to other states. I will point out it also matters-- just in comparison throughout the state-- you know, just thinking about each and individual one of us if-- you know, somebody's legislative district gets a perfect 100 percent and somebody else gets underrepresented as more-- you know, 95. You know that's gonna change apportionment and ultimately lead to some of our communities having more or less representation. So in that way you know if Lincoln, Lancaster County is really aggressive and they've submitted a letter saying they are going to Complete Count Commission and like another community isn't-- you know, I think having a statewide system is a, is a way to have a backbone to support all communities and, and to do it that way. In terms of kind of final structure, final cost, this bill was based on the Illinois law which is one I, I picked and kind of red-lined through some of the things that I thought was the most expensive. It didn't get rid of the fiscal note entirely, but I'd be happy to look at reducing or eliminating

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that if possible. With that, I'd be happy to work with the committee and thank you for your time.

BREWER: All right. Thank you for your closing on LB436. Questions? All right. We do have letters to read in on LB436. We have two letters as proponents; none is opponent; and none in the neutral capacity. What that, we'll close on LB436, and move to LB98, Senator Wayne. He's coming. Senator Wayne just got done presenting in DHHS and he is en route so just relax. He'll be worth the wait. Wow, good timing.

WAYNE: The State Patrol were in my office for a meeting so I apologize for them on the record.

BREWER: No, actually we just-- we actually just finished. So your timing could not have been better. Welcome back to--

WAYNE: LB98.

BREWER: --LB98. See you know you have a lot of bills when you have to look at the sheet and see which one it is. [LAUGHTER]

WAYNE: I got to pull out the right sheet.

BREWER: It's all right. You have the most bills of anybody. You have the right to do that.

WAYNE: I'm good. All right.

BREWER: Greetings.

WAYNE: Thank you, Chairman Brewer and members of the Government Affairs Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13 encompassing north Omaha and northeast Douglas County. LB98-- and I did file an amendment today. I'm not sure if you guys have that here. I can get-- I got copies-- I can get the pages to give copies which are-- it'll be a-- it's a short amendment but it's important because the Secretary of State's Office caught something else that needed to be done. Nevertheless, LB98 will revert the signature requirement back to 4,000 signatures necessary to get on the ballot. This change in election law was passed a couple years ago. And looking at the legislative history, I don't believe there was really a whole lot of debate with the number and I don't think there's a whole lot of issue with the number. And if you remember we changed it-- part of a bigger process, this committee did. And there was-- I'm cutting through all of this because I know you

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guys have been here for a while. There was a couple of lawsuits-- or one lawsuit in particular and it was found to be-- they settled and made it sound like it was unconstitutional. And so I think we need to change it back to what it was. This is one of the highest thresholds in the country. And so that's part of the reason why I think this is unconstitutional, and why there was a settlement in the court system, and change it back to what it was and just set it back to where I think it needs to be. It's really simple-- a simple bill. The amendments which-- sorry, I was at HHS. This was another area that was cleaned up-- another area that the Secretary of State's Office caught and needed to be cleaned up and it's a simple-- just a clean-up bill that also adds some language. I'm just gonna leave it to you to explain because I already talked about it earlier. Sorry, I got a long-hearing neck over there.

BREWER: It's all right.

WAYNE: No, I--

BREWER: As far as the amendment that you just got,--

WAYNE: Yeah.

BREWER: --do you want to just leave that with the pages and they can make--

WAYNE: Yeah.

BREWER: --distribution?

WAYNE: I will.

BREWER: We can have that to hang on to and reference later. OK. Questions on LB98? Senator Blood.

BLOOD: Thank you, Chairman Brewer. How are you, Senator Wayne?

WAYNE: I'm good. Now I'm just catching-- getting my bearings a little bit.

BLOOD: Yeah, take a deep breath.

WAYNE: I was in Judiciary, and ran to DHHS and talked about diabetes, and now we're on government stuff. So--

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BLOOD: So what brought about this bill?

WAYNE: I didn't like the original bill when we passed it, and we, we had the issue of Senator Krist at the time trying to run as an independent. And then I had somebody in my district who was trying to run and with the ballot or the signature requirement it was just impossible to get there. So I believe I introduced the same bill last year but it didn't make it out of this committee.

BLOOD: Why do you think that was?

WAYNE: Because there were still an argument of whether it was-- the current law was constitutional or not. And that was kind of determined not to be constitutional now, so my bill is now right.

BLOOD: Fair enough. Thank you.

BREWER: Well fortunately, we have more lawyers on the team this year. All right. Questions for Senator Wayne on LB98? Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. How many signatures do-- did you need before?

WAYNE: The original one-- it depends on whether elections are statewide, it was almost like 119,000. Which is ironic, because you don't need anywhere close to that to become a party. So you can become a party and get on the ballot or if you try to run as an independent you got to get this 119,000 required, so it just didn't make a whole lot of sense.

BREWER: OK. Additional questions? And I'm afraid to ask if you can stick around for closing.

WAYNE: Yeah, I have to, I'm next.

BREWER: Well, that does make it convenient, doesn't it?

WAYNE: Yeah.

BREWER: You are next. We will keep you around for closing. All right. Proponents? Hello.

WAYNE BENA: Mr. Chairman, members of the committee, my name is Wayne Bena, W-a-y-n-e B-e-n-a. I serve as Deputy Secretary of State here on behalf of Secretary of State Bob Evnen. I've got a bill in

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Appropriations so I just say we are for this. We have an amendment to strike another portion of the state statute that was put down by another lawsuit in 2011. We just want that added on before this. I got to go. It's the quickest you'll ever see me. Thank you.

BREWER: OK. So the Secretary of the State is in favor of this bill?

WAYNE BENA: Yes.

BREWER: That's what I needed to hear. Thank you very much. You really did have to go. [LAUGHTER] All right, the next proponent for LB98? OK. Any opponents? Any in the neutral capacity? With that said, Senator Wayne, would you like to close on LB98? He's gonna waive closing. All right. We do have letters to read in on LB98, Senator Wayne's bill. And we have two letters as proponents; one in opposition; none in the neutral. With that, we will transition to LR9, Senator Wayne. Welcome back to Government, Military and Veterans Affairs.

WAYNE: All right. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent the mighty 13th District, which is north Omaha and northeast Douglas County. This is-- obviously, I'm taking a different approach to this bill because I think we are at a critical moment in our history right now. When you look at student loans at an all-time high, and you look at the gap between the haves and the have nots continuing to grow not just yearly but on a daily basis. And you look at the, the lobbyist and big money contributions that continue to dry out-- drown out the voiceless and drown out the hardworking everyday Americans in the political process. Today, I watched on the floor, Senator Hunt's bill, where in the Chamber there were multiple lobbyists working against it but there was not one person out there working for the waiters or the waitresses. I recall on constitutional amendment the first time my bill came up. The lobby was empty, and we're talking about slavery. But on tax day, you will see every lobbyist that is registered out in the front. Money is taking over our political system. And that's what this bill is about. That's what this resolution is about. And so I sponsored it this year and I will continue to do so, because we have to figure out a way to start eliminating corruption and the influence of money in our political system. And that's what this is about. There's only two ways that we can really do it based off of court rulings. Congress has to call for an amendment or we as a state has to hold our federal government in check. We've done that over and over in history and this is the opportunity for us to lead again like we did with the Seventeenth

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Amendment to say, we're gonna pass a resolution calling for this type of amendment. Money in our political system-- I wasn't even that long.

BREWER: You're good, you're good [LAUGHTER]

WAYNE: I just started getting on a roll. You were right, let's start all over. [LAUGHTER] Anyway, money in our political system is continuing to corrupt and destroy it. It's clear and this is not a Democrat, or a Republican, liberal, or conservative. Eighty to 90 percent of America agrees that we have to get rid of dark money. And I believe everybody in here has ran for an office except for one. But he's worked on campaigns and he knows the influence just like everybody else of dark money. We all got hit with a negative mailer here or there. We all got hit with somebody who we couldn't figure out who it is until we had to click on 14 different addresses to find it out. We have got to do better. And it starts with this type of resolution. We thought Congress was gonna fix it. It didn't happen. We thought the Supreme Court was gonna fix it. They made it worse. LR is not a mandate that says you have to do something specific. It is a conversation starter at the national level to say what are we going to do to fix it. I can probably come up with 14, 15 amendments that sound good between me and Senator Hilgers. But at the end of the day, I'm not always the expert in the area and I want more minds in the room to have a conversation about it. That's why this bill-- this resolution is so important. And the fact of the matter is, let's just be honest. This resolution isn't going to tomorrow create a convention of states. It isn't gonna create this runaway that people are gonna come and testify about. But what this does is it creates pressure on our Congress to do something. The 17th Amendment was only dropped by our Congress-- and I say dropped, put into action like I drop a bill here. When we got to about 30, 31 states who passed resolutions saying we should not appoint our U.S. senators anymore. They should be elected. And what happens is Congress as a body goes to self-preservation mode. No, no, we want to do it, not you. We don't want the states to take over. We want to do it. So they put a proposal amendment out which got ratified. That's what this is saying. This is a statement-- a resolution saying, we have to do something. We cannot continue to allow dark money, and corporations and big dollars to influence our elections. That's all this is. But everybody wants to talk about the right to vote. And I've seen-- some of my colleagues might even testify against it-- not this colleagues but people who support my vote-- my felon voting bill and also are against voter ID because they want elections to be free and unburdened, but they're not. There's a

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cost. And right now that cost is too high for a candidate to get in and be true to himself. Our Congress right now after they get elected, six months later they're calling people again fundraising. Do they really have the independent authority to say, I'm gonna venture out and do something radical. No, we have to start this conversation and Nebraska can lead in this area. We can join five other states saying it's time to move dark money. It's time to change the landscape around how elections are done and the influence of money. That's why this is so important to me. I've been outspent four to one. I've had dark money in my election. I overcame it, but I only had 40,000 doors to knock. I didn't have the entire state. I didn't have 300,000 in the congressional district. There's no way I would have won. We got to remove this burden and this obstacle and, quite frankly, the corruption we see in D.C. And it starts right here with a simple saying and a simple resolution. And with that, I'll answer any questions.

BREWER: All right. Thank you for that opening. Senator Blood.

BLOOD: Thank you, Chairman Brewer. I actually have several questions.

WAYNE: OK.

BLOOD: You ready?

WAYNE: Yeah.

BLOOD: OK. So I tried to take notes, hopefully I can read my handwriting. So the first questions that I have is, why are we trying to legislate something that really has to do with what happens when people go and vote? So the one thing I noticed when we've had other resolutions on other calls for convention of states, people tend to say, well, once they get into Washington, D.C., they're-- and you said it, too. You know-- they're no longer an independent authority is how you put it.

WAYNE: It's not once they get there though.

BLOOD: That they cannot remain true to themselves. That's what you said.

WAYNE: I know, but once they get there, it's in the process. You got to raise money to get there.

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BLOOD: So why do we keep voting these people in, and then try and fix a problem that we, we created?

WAYNE: It's, it's bigger than that. And so if you look at the legislative history and our country's history, when our founders wrote the constitution, nobody fathomed that a corporation has the same rights as me.

BLOOD: That would be what?

WAYNE: Nobody fathomed that a corporation would have the same rights as me. Nobody fathomed that a corporation--

BLOOD: Really?

WAYNE: --can spin-- I don't know. We had a--

BLOOD: Nobody would fathom that?

WAYNE: Well, if you look at the case law, the only issue to ever come to the Supreme Court was that, was that issue that just came in the last 10 years, 20 years. We've had-- we have generate-- we have hundreds of years of laws on the books but nobody took it to the Supreme Court challenging the same thing. This is a new, a new gimmick-- a new way of thinking about who all can speak.

BLOOD: I, I agree it is a new gimmick. I would agree with that. So how come bills like maybe LB210 that was before you where they address electioneering, is Senator Crawford's bill, where there's dark money involved and we don't know really who is, is paying for specific ads, they come out in the last 30 days. Isn't trying to correct our state statutes through legislation like that a more effective tool especially since we're worried about Nebraska as a whole?

WAYNE: So I don't-- yeah, I think that is an effective tool but it's not an either or for me.

BLOOD: In what way?

WAYNE: It, it-- and what I mean by that is because I introduced one resolution doesn't, doesn't knock or discount any other efforts to do campaign refinance. I have 53 bills-- 51 bills. Just because I introduce one doesn't mean the other one is less important. And so I don't, I don't think that's a fair question-- not a fair question, it's not a fair argument to say, Crawford's bill is less important

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than this bill. I think they're both equally important and there's two different avenues dealing with I think campaign refinance.

BLOOD: I'm not saying that one is less important or more important. What I'm saying is that one is a stepping stone to a resolution that you're asking for through your resolution-- I don't mean to be redundant, but through your resolution. So I'm gonna go back to some other questions that I have. You had said that there's no way there can be a runaway convention of states. But isn't it true that when they had the, the mock convention-- and I actually watched it on YouTube, I didn't know it was actually on YouTube until recently, that indeed it was actually quite the opposite?

WAYNE: Well, there's a couple of problems with the mock convention. One, I didn't know about it because I would have went. And my point, and my point in saying that is, it wasn't highly publicized in how it was done, right? I mean, it was a mock convention in which a lot of people who would probably participate in the real convention didn't. Two, there have been numerous Department of Justice reports, ABA, which is a, a huge attorney group, all say that you can limit that. Now they all may be wrong and that may be true. I don't see that. I think there is a way to limit. But, but more importantly-- and I said this last year during this hearing. One, I believe in the good of most people-- in all people. I start off with that presumption. But two, I'm not scared of that. I don't think it'll happen. Let me be clear, I don't think it will happen. But two, I'm not scared of that. And the reason I'm not scared of that is simply because one, two, three, four of us were not in the room when this was originally passed. There was nobody of my descent or Senator Brewer's descent and there were not any women allowed. So I'm not-- if, if we have such a great constitution that was created by all white males I think we can create something better with a diverse group of people sitting in the room and talking. So I'm not afraid of that.

BLOOD: And that does sound very-- what's the word I want to say. I mean, that sounds great but realistically we also know that-- and, and let me know this is true or not. Do we not have multiple calls for convention of states already in our books right now in Nebraska?

WAYNE: Yes, we do.

BLOOD: Can you say what some of those are about?

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WAYNE: One's a balanced budget. I believe the--

BLOOD: Several balanced budget ones, yeah.

WAYNE: Yeah, and then new ones-- I think we also have equal protection which has been around for 20 years and still hasn't gained across--

BLOOD: And polygamy.

WAYNE: Yes.

BLOOD: And yeah, there's quite a long list of them. And so the big cheese, and I can't remember his name, that was in favor of the other convention of states group came in here and said that it was very important that everybody understood that everything had to be aggregated. And that's why the convention of states if they got together wouldn't go crazy. So what you're saying when aggregate with what they're saying, how would you respond to that?

WAYNE: What I'm saying is that in this day and age with technology, and media and the political awareness that is now happening with generations younger than me, that having 100 or 200 or whatever number of not a diverse group deciding what's going on would not go over well. It would not really be successful. More importantly, there is a check in that and I believe it still has to come back to the states to be ratified. So you're always gonna have, if you want to say conservative and liberal, you're always gonna have a New York and a Texas. You're always gonna have a Nebraska and an Iowa. So 13 states can put a check on anything that's decided out of there. So I do think they're the checks and balances. I'm just not this big believer that it's gonna run away. And to your point, why this bill should be kicked out of committee, we have some that have been on the books for decades 30, 40 years and nothing's happened. So what are we afraid of now?

BLOOD: Well, that's not necessarily true, there has been a rescission bill brought forward--

WAYNE: By-- yes.

BLOOD: --to remove those--

WAYNE: By you.

BLOOD: --from the books by me. Right.

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WAYNE: Which is another control--

BLOOD: I was gonna promote myself. But yes, by me.

WAYNE: Which is another control mechanism we have.

BLOOD: Which, of course, like most of the other LRs that pertain to convention of states be they pro or be they con, we'll probably never see the light of day on the floor which is unfortunate.

WAYNE: Then let's vote them all out.

BLOOD: So my next question so I don't get in trouble from the Chairperson.

BREWER: Yeah, go ahead with your question.

BLOOD: All right. So, so-- Senator, what do you do for a living?

WAYNE: I'm an attorney by trade and I have a small construction company.

BLOOD: And so I have to say that you do a great job of marketing your cause verbally, but the concerns that I have are that this really comes down to what happens in the voting booth. And I question as a young person of color, why we don't have more faith in the people to, to vote and folks that are gonna do what we want them to do, as opposed to constantly trying to find backdoor ways to correct potential errors at the polls.

WAYNE: Well, there's a couple reasons for that.

BLOOD: And I, I mean that sincerely not in a way that is snarky or--

WAYNE: But, but there's a couple of reasons for that and why it's so important. There was a movement after the constitution was created that certain people in this room, particularly Senator Brewer and I, and then Senator Hunt and Senator Blood were excluded. Right?

BLOOD: Absolutely.

WAYNE: I think it took amendments to our constitution to change that. But here's, here's what I feel is one of the most insulting parts about our constitution that has not changed. Right now, Senator Brewer and I have a standard of strict scrutiny when it comes to discrimination. Senator Hunt and Senator Blood have what's called

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intermediate scrutiny because it specifically mentions race and nowhere in our constitution does it mention gender. And our Supreme Court time and time again-- and I'm pretty sure some of you from the ACLU who will verify this, because it's not written in our constitution, it's a different burden of proof. That's why-- forget this amendment, that's why we have to have the ability to change things and the fact that we haven't changed that is a problem. The fact that we haven't changed-- the fact that people can spend millions and millions of dollars and buy elections is a problem. We have the notion of free elections. That was the whole voter ID of debate was about in Nebraska, a burden-- a cost burden to people to go into the booth. But how free is our election if you can't get the ordinary person to run. So it isn't just about going into the ballot. It's about making sure that people who are on the ballot have the same access and the ability. That's why this is important.

BLOOD: So I do appreciate what you just said and, and I, I obviously can't deny especially in reference to race that that is inaccurate. But when you sat down, you talked about dark money.

WAYNE: Um-hum.

BLOOD: And it feels like-- I feel like the extra information that you just gave us was more to talk individually to people which I applaud you for on the committee to, to get them to support this bill-- or this resolution. But the thing that you were just talking about has to do with human rights.

WAYNE: No, what it has to do is our constitution and the reason why I introduced the bill to get rid of the slavery in Nebraska, is our constitution has to represent the values we hold. And I don't believe the values that most of the people in this room and most of the Americans hold is that money equals speech.

BLOOD: And, and I appreciate that. I'm gonna get to my last question, which I was in the middle of.

WAYNE: Oh, I'm sorry.

BLOOD: That's all right.

WAYNE: You took a pause, so I got, I got excited.

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BLOOD: I took a pause to make sure that I'm not been insulting in any way.

WAYNE: You're good, you're good.

BLOOD: So you said to make sure that ordinary people can run. I, I truly believe that this last election where so many women were elected into office and to Washington D.C., and I can't remember the number, is a really good example of why a change is not needed. I think if people have the passion and if people are willing to knock on enough doors regardless of whether they have enough money or not, that they have proven that the constitution is fine as it is and that with or without dark money that women especially can win these elections where before they had not.

WAYNE: No.

BLOOD: I just-- I think that you're already starting to see a change with the efforts that are being made especially by women in-- at the federal level. And I question, I question if this bill is really about dark money or the opportunity to take it in a different direction should another convention of states be held.

WAYNE: No, this is about dark money for me and this is about-- and the reason I pointed out people because what I'm saying is that there are inconsistencies today in our constitution that can only be addressed by two ways: congressional amendment or the states ratify-- and, and the states proposing an amendment. Those are the only two legal ways we have to do that. And, and I'm pointing out just-- although this deals with money, I'm pointing out inconsistencies in our constitution that we should be talking about how to address at the state level and, and demand our federal level or our federal level gives it back to us that are here. As it relates to women running, I think it's a great thing. What we're talking about is there is a reason in my opinion that Big Pharma is dumping millions upon millions into not only congressional candidates, U.S. senator candidates, because there is a huge threat now. This is an example, there is a huge threat now that more and more medical marijuana becomes legit and passed in all states, the need for a lot of their prescription drugs goes down. And study after study has shown that this is a threat in their market so that everyday voter doesn't have that same influence, that same talk, that same connection when you're at a fundraiser and they're writing you a \$10,000 or \$20,000 check. I'm not talking about just locally, I'm talking about-- and this isn't just about Nebraska. This is about

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a bigger issue across the country. So I think in Nebraska we have some very good things going. I think our, our last election showed that with the number of women who are now in the Legislature and not just that but our local school boards and everything else I think there was a huge increase. But what I'm saying nationally there is a problem and I'm trying to solve a national problem.

BLOOD: And, and I don't disagree with you that there is definitely a problem. But again, and I will end this because I know other people I'm sure have questions, and I'm gonna leave early so you lucked out today, is that I still believe with all my heart that that is done in the one time in our lives that everybody is equal and that's the voting booth. Thank you, Senator.

WAYNE: Thank you.

BREWER: All right. I think we'll all be lucky. OK. Next question? All right. You'll stick around for closing?

WAYNE: Yep.

BREWER: We will start with proponents for LR9.

BLOOD: Maybe I'll stay longer.

BREWER: Welcome to the Government, Military and Veterans Affairs Committee.

JOSH ACIZ: Thank you, thank you. So thank you, Chairman Brewer and committee members for allowing us to be here today. My name is Josh Aciz, that's J-o-s-h A-c-i-z. I am the national organizing director with Wolf-PAC. We are a nonpartisan organization working to add an amendment to the U.S. Constitution to address our broken campaign finance system here in America. I'm here today in support of LR9. I would just like to take a quick moment to acknowledge John and the volunteers behind me. They've been working on this for years now. They're incredibly dedicated and passionate. I myself started off as a volunteer as well. So I know the amount of time that they're giving out personally to work on this really important issue. So thank you for being here and thank you for your hard work. We're all here today to take responsibility, quite frankly, for an issue that should have been fixed a long time ago. You know, we are here today to talk about the amount of money pouring into our federal elections often with little to no transparency, and it's out of control, and the hard truth

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is it has gotten worse and worse every single year no matter which party has been in power. This legislation-- this resolution LR9 gives us an opportunity to come together as a nation to find a solution. A solution that would need to be so popular, so bipartisan, and so universally accepted, it is going to have a chance of being approved by the ratification process of three-fourths of the state, which is 38 states before it becomes part of the constitution. That's what we know for sure about how our constitution is designed. So frankly, if you don't believe that 75 percent of something that comes from the government-- state governments should be part of the constitution, it's not necessarily the convention that is the issue, you might be afraid with democracy itself. I think anything that has approval from 75 percent of the state governments should absolutely be part of the constitution. That's what the ratification process does. So a couple of things that are really important to remember of this resolution itself, LR9, is that the majority of the U.S. Constitutional amendments we have, have included convention campaigns passing in the states. So passing applications just like LR9 is a proven strategy for achieving constitutional change when Congress is unwilling to act themselves. There is a difference also, second point, between peer-reviewed research and op-eds. So 100 percent of the peer-reviewed research done on limited conventions have concluded that there are checks and balances to a convention and that you can limit it to one topic. That's not myself saying that it's from the Department of Justice under both Carter and Reagan. There have been four separate Congressional Research Service reports. The American Bar Association actually did a two-year study on this as well. Harvard Law Review and the Rotunda Constitutional Law Textbook have all concluded that you can limit a convention as multiple checks and in the packets there are some really great quotes from the conclusions of those reports. Last point, is that LR9 gives us an opportunity to actually strengthen the First Amendment, our most cherished amendment in our constitution, by restoring states' rights to create common sense campaign finance laws. A great example we use quite a bit at Wolf-PAC and around the country is the state of Montana. They actually had basically 100 years of sensible campaign finance laws without infringing on the First Amendment. But unfortunately, all of those state laws were basically thrown out of the books because of Supreme Court decisions. That's why we're here to talk about an amendment because amendment to our constitution is the only thing that goes above the State Supreme Court, and it can restore the states' rights to establish our own laws and solve this problem for the long haul. So in closing-- I know the red light is on, I would just ask you to do everything you can, use

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every tool available to you in our constitution to strengthen it, and help us save our republic. And I'm open for any questions.

BREWER: All right. Thank you, Josh.

JOSH ACIZ: Thank you.

BREWER: OK. Questions? All right. Thanks for the information.

JOSH ACIZ: Thank you.

BREWER: It's good we got that to reference, and thank you for your testimony.

JOSH ACIZ: Thank you, everybody.

BREWER: OK. Next proponent. Welcome to the Government Committee.

JOHN McCARDLE: Thank you. It's my second time being here so knock on wood. My name's John McCardle, that's J-o-h-n M-c-C-a-r-d-l-e. Good afternoon, Chairman and committee members. Thank you for holding today's hearing and for the opportunity to speak in strong support of LR9. My name is John McCardle as a private citizen of Nebraska. I grew up here and went to Millard North High School and played football at Kansas State. I'm sorry it wasn't Nebraska, they didn't recruit me. Anyways, my family owns a transportation business in Omaha where I work and took the day off from work today to be here to support this very important piece of legislation. As a volunteer, I have dedicated almost all my personal time working on this and speaking to many of you on this committee. This is my second committee hearing ever. The first being of the same issue last year. Last year, I discussed how I was personally affected by the power of money in our campaign system when my brother almost died from overdosing of opioids. Most people would say, well, what does this campaign finance reform have to do with drug overdoses. Well, when the DEA says that pharmaceutical companies are dangerously and illegally distributing opioids and Congress passes legislation to make it impossible for DEA to enforce laws, all you need to do is follow the money. In one county in West Virginia with 6,000 people, 9 million opioid pills are distributed. Even though the DEA knew illegal activity was taking place, they could do nothing. The pharmaceutical industry alone spent \$3.4 billion dollars between 1998 and 2016 on lobbying and campaigns. Sixty-four thousand Americans died in 2016 from opioid overdoses. It seems very clear to me and to all of us that our broken campaign finance system

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is having devastating effects on so many other important issues. Issues we can't afford to wait on to get fixed. Two and a half years ago when I started voluntarily working on this issue, I was delighted to see that my state, my state legislators still cared about people and fixing our corrupt campaign finance system. Being that, being that campaign finance reform is the most popular issue in America today in both parties, I thought how could anyone not support this. People are dying, our country dives deeper into debt and people want change. Today I ask you to lead with courage, to save the lives, and save our representative democracy. Please support LR9, the free and fair elections resolution so we can finally give this issue the attention it deserves. Thank you. Any questions?

BREWER: All right. Thank you for your testimony. Questions? All right. Thanks for sharing your story.

JOHN McCARDLE: OK.

BREWER: Appreciate it. OK. Next proponent. Good afternoon, and welcome to the Government Committee.

JENNIFER WILLIAMS: Good day to you, Chairman Brewer and members of the committee. My name is Jennifer Williams, J-e-n-n-i-f-e-r W-i-l-l-i-a-m-s. This is my first time testifying at the Capitol. I'm a lifelong Nebraskan, born and raised. I am a 40-year-old single mom raising a teenage daughter named Ashley. As you can imagine, I feel every bit of 40 these days. I am here today because I am concerned about my daughter's future. I am afraid that as she grows into adulthood and gains the right to vote, her vote will no longer matter or carry significance. Even worse, I fear that a political system which is unresponsive to her voice will cause her to lose interest and determination in the process and make her believe that there is no point to getting involved at all. Many citizens of Nebraska and around the country feel this today that their vote no longer matters. People understand that when members of Congress have to spend nearly 75 percent of their time calling wealthy donors to fundraise, they are not listening to the voices of the average Americans. In fact, a 30-year study done by political scientists at Princeton and Northwestern shows that public opinion no longer has any correlation for laws that are passed. But I'm here today because I have hope. Hope that with the passage of LR9, Nebraska will send a message to its citizens and to Congress that we demand a government responsive to the people. History shows us that most amendments to our constitution included a convention campaign. We have the Bill of Rights because New

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York and Virginia called for a convention to propose those amendments. Additionally, four out of the last ten amendments included state level resolution-- resolutions just like LR9 and then Congress ultimately proposed the amendments themselves. In fact, when the states decided that the U.S. Senate of the time was seen as corrupt and was not willing to change from a system of being appointed, Nebraska started a call and filed the first Article V application eight years before any other state called for a convention. When other states joined the charge led by Nebraska and got one state shy of the two-thirds needed to force a convention, the appointed senators capitulated and proposed the amendment themselves. That is how we got the Seventeenth Amendment, the direct election of senators. This process will work one way or the other. The matter of campaign finance reform is urgent and we cannot wait for Congress to come around by itself. It's our responsibility to fix our broken campaign finance system and restore the public's trust in our representative government. It's time for Nebraska to be bold and lead the way once again. For the sake of my daughter and future generations, I ask you to use your state power granted by our U.S. Constitution to help us regain our representative democracy. Please vote yes on LR9, free and fair elections resolution. Thank you.

BREWER: All right. Thank you for your testimony. Questions for Jennifer? All right. Thank you. All right. Additional proponents for LR9?

RONNIE KELLOGG: All right.

BREWER: Welcome to the Government Committee.

RONNIE KELLOGG: Hi. Thank you very much Chairman Senator Brewer and all the committee members here, and all my-- all the public for being out here and helping start this conversation. My name is Ronnie Kellogg. That is R-o-n-n-i-e K-e-l-l-o-g-g, and I want to correct, correct, correct a misconception. Not everything looks the same to a blind person. When people come together and try to solve a pressing issue that looks amazing. I am a-- born and raised Omaha-- I was born and raised in Omaha. I'm a 30-year-old classically-trained musician, but I actually work as a vending machine operator. Go figure. I was raised in a single-parent household and that was quite a struggle. My mom had to work like two to three jobs just to make sure we ate. Trust me that's a lot of ramen noodles and that's a lot of peanut butter and jelly sandwiches. And unfortunately, that's the way it is around Nebraska and with a lot of citizens around the world and, and-- I

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mean, around the United States because it looks like our current system is not working for the average person in America right now. And I believe that's because the federal government has become detached from the people and I'm not alone. According to a recent Ipsos poll, 83 percent of Democrats, 78 percent of Republicans, and 81 percent of Independents agree that we need sweeping laws to change and reduce the influence of money in politics. LR9 is calling for a convention to propose-- excuse me, to propose an amendment and this calls for two-thirds of the states to come together in an alliance to fight for something that they all agree on. And any, any proposal that's like that has to be reasonable. It has to be potentially effective, and it has to be very popular with the citizens of the United States and it has to appeal to both progressives and conservatives. And I say this because only an amendment like that can pass 38 states to be ratified, and 13 states have the power to block anything that's too radical and too unpopular. This is the exact same threshold that allowed 27 of the very best amendments out of 11,000 of the ones proposed by Congress before in its history to become part of our constitution. This legislation is a chance for us as a state to stand united and say loud and clear that we understand the issues that are raised when we have a broken campaign finance system, and that we are willing and ready to fight for a reasonable solution. So please, please vote yes on LR9. Thank you so much.

BREWER: Thank you, Ronnie. And your timing was almost perfect.

RONNIE KELLOGG: I'm glad. I was like oh, dear, I'm [INAUDIBLE].

BREWER: We weren't gonna say anything either way. So you're, you're good to go. Thank you for your testimony and-- you know, we, we have the advantage here in Nebraska to have a hearing on every bill and some of those hearings are kind of long and painful. But it's, it's those that take the time and really put their heart into it that make it worthwhile. So thank you for coming in. Questions for Mr. Kellogg? Well, again, thank you for coming in today. Thank you for sharing your thoughts. I think we're more knowledgeable because of what you shared today.

RONNIE KELLOGG: Thank you very much, everyone.

BREWER: All right. Additional proponents? All right. We will transition to opponents. Welcome to the Government, Military and Veterans Affairs Committee.

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DONNA ROLLER: Good afternoon, Senator Brewer. I'm Donna Roller, D-o-n-n-a R-o-l-l-e-r. I can't disagree with anything Senator Wayne said or any of those proponents. We need all of that. But this is a big complex issue with a big, big history. And I'm here mainly to educate all of you. And I hope you take the time to read everything I've handed out to you thoroughly. And that's not all. There's tons of information on the Web-- on the Internet. You have to be careful what your sources are. Hopefully, I have provided good sources. But Senator Wayne wants to get dark money out of our elections. Who is the biggest funder of dark money? With all of their think tanks and a huge web like an octopus it's the Koch brothers. They're behind constitutional convention, too, and that frightens me. And I'm not convinced that it'll be one single issue and until you can convince me of that, I'm gonna oppose a constitutional convention at all cost. And we already had LR9 with Meckler's organization and he gave some false information to this committee. One, that supporters were small donator-- donors. That is not proven. In fact, it is people like the Koch brothers that are contributing to his organization with more dark money and that it would be limited to those three amendments. OK, so you call a convention, what's to keep from Meckler's organization coming in and saying, well, let's add our amendments to your amendments and I was gonna go-- one of those articles that I gave you goes through a brief history. This started in 1976 to break down our freedom, our speech on our vote where money became speech and they-- and it, it started in '76 with Buckley v. Valeo and that started-- was started by the Koch brothers and, and through ALEC and all of these wealthy donors. There was another court case in, in the 70s that eliminated limitations on our-- on the contributions. So then it, it was primed for the court to say in 2010 that, that Citizens United would pass, and that money is speech and now we don't, now we don't count at all. Everything Wayne said-- Senator Wayne said is true, but I am not convinced this convention will work. And I advise extreme caution. And one of these-- I have a few quotes here. I mean, Justice Antonin Scalia, a conservative judge: There is no way an effective limit or muzzle to the actions of a constitutional convention, convention could make its own rules, set its own agenda. Congress might try to limit the convention to one amendment or one issue but there is no way to ensure that the convention would obey. After a convention is convened, it will be too late to stop the convention if we don't like its agenda. And I'm out of time because this issue is so broad, so complex, I can't possibly even go into it with the time allowed. Plus, I'm just a

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citizen. I'm not an expert on any of this but I do a lot of reading and this frightens me.

BREWER: All right. Thank you for your testimony. Now just because everything goes on the record here, you said LR9 on Mark Meckler. That was actually LR7, correct?

DONNA ROLLER: I'm sorry. LR7, this is LR9. OK, sorry.

BREWER: That's all right. There you go, you're, you're tracking. And you, you probably gave us the most extensive handout so far. So--

DONNA ROLLER: I did it cost me \$73, Senator Brewer.

BREWER: Well, and thank you for your dedication to this.

DONNA ROLLER: And, I, I, I felt like today I needed to inform all of you because I can't do this in a few minutes but I, I, I advise extreme caution here.

BREWER: All right. Questions? All right. Seeing none, thank you for your testimony.

DONNA ROLLER: Thank you, Senator Brewer and committee.

BREWER: OK. Any additional opponents? Welcome back to the Government Committee.

GAVIN GEIS: Senator Brewer, members of the committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am the executive director with Common Cause Nebraska. I, too, cannot disagree with much of what Senator Wayne said. Although there are a few points, I would like to make. Senator Wayne pointed out that money corrupts and destroys our system. He also pointed out the problem with the lobbyists here in our own, our own little statehouse and those problems will continue to exist at a constitutional convention, were it called, they just don't go away. So that I always find to be an interesting juxtaposition between the problems that proponents point out and the issues that will just pop up. They will be even stronger, I would argue, at a constitutional convention given the power that would be handed over. So those are problems. Those are things we need to fix. But a convention, were it called, will make them all stronger and the money that's spent will be all the larger. And is this just a cause-- is this just a conversation starter. That's an interesting notion. I think there's two things being argued here today. That one, this is just a conversation starter

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to force, to force our federal representatives to do something. But at the same time across our nation these are being introduced in statehouses to actually start a constitutional convention. So I don't know what the truth of the matter is. What is the real agenda? Is it to actually start a constitutional convention or to force the federal government's hand? I don't know what the truth is and I don't know if they know what the truth is. It seems like it's a little of both. I'm not sure. And I'd like to also agree with Senator Blood that there are plenty of our own issues. If the Senator really, really wants to get down to the nitty-gritter, gritter-- the nitty-gritty of what is going on and fix this issue. Let me just list a few things he could do right here today. First of all, we are one of 15 states that does not impose any caps on what a donor can contribute to an election in Nebraska. So not many states don't have a cap. We are one of those states that has no cap on what you can contribute to an election. We could do that right here. If that's a big problem, let's do that. It's been nearly a decade since we've talked about how we fund elections in Nebraska. We got rid of our public financing system. It got overturned. But we could sure have another conversation about it. There's been no legislation introduced. There's been no real conversations. Let's do that. We don't have a limit on how much lobbyists can contribute in food and drink. Let's talk about that. We're not worried about the revolving door even though it continues to come up. Let's do that. One more, if you don't mind, dark money. We don't know what that is. It just keeps being thrown out there, but there's a bill to somewhat address in this session. We could go deeper. There's deeper definitions of what dark money is. We could go further with legislation on that. We can do that right here in Nebraska. We don't have to go to the federal level. Thank you.

BREWER: Thank you, Galvin-- Gavin. OK. So questions? They're getting wore down I guess.

GAVIN GEIS: It's OK.

BREWER: Thank you.

GAVIN GEIS: It's a long day.

BREWER: Next opponent. Welcome back to the Government Committee.

JOHN CARTIER: Pleasure. Chairman Brewer, members of the committee. For the record, my name is John Cartier, spelled J-o-h-n C-a-r-t-i-e-r. I'm testifying today in my capacity as a director of voting rights for

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Civic Nebraska. Our mission at Civic Nebraska is to promote nonpartisan election reforms across the state and to protect the voting rights of all Nebraskans. Today, I'm testifying against LR9 for many of the same reasons that I testified against Senator Halloran's LR7. The primary reason is the scope of an Article V constitutional convention which is tasked with overturning the rulings of Citizens United and by the unknown delegates' reasons as to what might constitute restoring free and fair America-- free and fair elections in America. In preparing this testimony, the first place I look to was the record for LR268, the same resolution we are talking about now as introduced last year. Next, I went to the words by our very own then chair of this fine standing committee and now Treasurer Murante regarding the scope of the language he said: I could view this as allowing me to go if I were selected to be a delegate to go to a convention and put voter identification into the Constitution of the United States because to me that is a part of conducting free and fair elections. Now as an organization who is dedicated to eliminating barriers to the ballot box and promoting sensible election reforms, it will be very hard to convince us of the wisdom of opening up the U.S. Constitution to an Article V convention that may very well advance a voter ID amendment. While we don't agree with Senator Murante's voter ID persuasion, we agree with him that a convention limited to amendments that may permanently protect or restore free and fair elections in America is incredibly broad and may very well go beyond the scope of just fixing campaign finance as known under Citizens United ruling. Now a second issue is one of constitutionality. In this resolution, it says on page 2, that it desires how delegates may be chosen and restricts from consideration those who currently hold federal office. Now to me this seems to violate, violate the well-known principle that one general assembly cannot bind a future one. This resolution cannot restrict the constitutional power of a succeeding Legislature to decide who delegates may be. It is very possible that there will not be enough states who have passed this resolution to trigger Article V by the conclusion of the 2020 Legislature. Now with our main concerns addressed, I'll add that the topic which LR9 addresses is something near and dear to my heart. I wrote my capstone constitutional law paper entitled Citizens United: A Comprehensive History, Concerns and Possible Solutions. I know very well that overwhelming public opinion supports fixing our campaign finance systems. That's something I believe in very much. But as Gavin alluded to, there are other ways that we can begin working on it right now if we really wanted to, that would be a lot easier than getting a convention rolling. Now in closing-- probably end on the red light

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here, but I would like to read a quote by James Madison. He spent a considerable amount of time thinking about the very issue we are talking about today. What he called factions then is the same force people seek to contain today. On the issue he said: Liberty is to faction what air is to fire, an ailment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency. Thank you for your time.

BREWER: Thank you for your testimony. All right. Page 2-- one more time on exactly where you thought it was unconstitutional.

JOHN CARTIER: On page 2, it's about three paragraphs down. Now I know it chooses the word desires and perhaps that's a way to try and get around the constitutionality issue that might arise there. But essentially it would be this Legislature delegating who is gonna be the future delegates to a convention. That's something in my opinion a Legislature right now can't bind a future Legislature to adhere by especially the provision in there that says that you can't have anyone who currently holds federal office as a delegate. I might raise some other First Amendment concerns but that's just seems to kind of cross that threshold for me.

BREWER: And fortunately, we have some outstanding attorneys on this committee who will now ask questions about that. Go ahead. Really, no questions? OK, maybe we don't have such great lawyers. [LAUGHTER] Any other questions? All right. Thank you.

JOHN CARTIER: Yeah, thank you for your time.

BREWER: Next opponent. Welcome to the Government, Military and Veterans Affairs Committee.

RENEE FRY: Thanks so much. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name's Renee Fry, R-e-n-e-e F-r-y. I'm the executive director of OpenSky Policy Institute. I will keep my comments short today. I wanted to make sure that we were-- reiterated our opposition to an Article V convention. We would completely agree with the purpose of this legislation. But again, very concerned about the process. I have encouraged Senator Wayne to take a look at the convention of states simulation. Unfortunately, there is very little diversity in that

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room. And so we're skeptical that a convention would actually achieve that goal of his. I would also suggest that the Legislature if this is really sending a message to Congress could do that with a legislative resolution where you ask Congress to take up this issue. If enough states did this, you potentially could really bring attention to this issue or others without actually invoking an Article V convention. So with that, I would be happy to answer questions.

BREWER: All right. Thank you for your testimony. Any questions? No questions. All right. Thank you for your testimony again.

RENEE FRY: Thank you.

BREWER: OK. Any additional opponents? Any in the neutral capacity? With that, we will await Senator Wayne's speedy return. He probably expected maybe a little more testimony. Does anybody have his number to text him? [LAUGHTER] I'm guessing he wants to do a close or else I would waive for him but I don't know if that would be fair. Your timing is impeccable. Welcome back to the Government, Military and Veteran Affairs Committee.

WAYNE: Thank you.

BREWER: Would you care to close on LR9? This is not an option, go ahead. [LAUGHTER]

WAYNE: I'm just here to answer any questions. OK, then I'll waive the rest of it. You guys can Exec on this right afterwards. That would be great.

BREWER: And for what it's worth, I, I agree with the information you shared. I, I think there are some issues that need addressed.

WAYNE: Thank you.

BREWER: All right. With that said, we have letters to read in on LR9. We have eight proponents. We have ten, ten opponents; 9-- 8 proponents; and none in neutral capacity on LR9. With that, that will close our hearings.

LOWE: Ten or nine?

BREWER: What?

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LOWE: How many?

BREWER: All right. Proponents, 8; opponents 10; none in the neutral. OK. With that said, that will conclude all of our hearings today and we'll close Government, Military and Veterans Affairs Committee meeting.