

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 27, 2020

BREWER: [RECORDER MALFUNCTION] and welcome to the Government, Military and Veterans Affairs Committee. My name is Tom Brewer. I'm the committee Chairman. We will start today by introducing the senators from the committee. We'll start with Senator Blood, who will be our first presenter.

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

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

KOLOWSKI: Rick Kolowski, District 31, southwest Millard.

BREWER: And now we've got some senators that are, are busy. Senator Hilgers had Exec Committee. He'll be here. And if Senator Blood runs away, it's not because she wants to, she is presenting in Judiciary when she completes here. Senator Hansen is in Judiciary. Senator La Grone is in Revenue. So we'll be doing musical chairs for a little bit here. It's nothing personal, it's just that it's the last day of committees. In order to get bills presented, they got to do the, the routine to get them out there. So we ask for your patience there. To my right is Dick Clark, the legal counsel; to my left, Julie Condon, who is a committee clerk. And our pages today are Michaela and Hallett. So again, they'll be the ones that you give any materials to if you need them reproduced. Some administrative things. If you have electronic devices, I would ask that you silence them or turn them off. The senators obviously will be using electronic devices so they know when they've got to get up and go to the next thing they've got to do. If you wish to record your presence, there's a white sheet. If you intend to testify, just remember that you'll need to do the green sheet. When you come forward, present that to the committee clerk before you take the chair. If you plan to pass out materials, we'll need 12 copies. If you don't have it, please get with the pages before you come up and they'll get copies made to hand out. Letters that are submitted need to be in by 5:00 the day prior, those-- and should include your name, address, the bill number, and your position either for or against or neutral. We do not accept mass mailings. When it comes time for the bill that you want to speak on, normally the front row is reserved for those that plan to speak on that bill, or in today's case, probably the last couple of row-- or last two-- or first two rows here so that we kind of have some idea how many are going to present on a given bill. When you come up to testify, we ask that you

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state your name and then spell your name clearly in the microphone so that it goes into the official record. When the opening senator is done, we'll go with proponents, opponents, and those in the neutral. Because of the number of testifiers today, we're using the three-minute rule. And with that said, we will be looking at the following hearing-- hearings on the following bills today, LB752, LB744, LB1022, and the last one today is LR292CA. With that said, our first-- actually first two bills, but our first bill will be Senator Blood with LB752. Senator Blood, welcome to your committee on Government, Military and Veterans Affairs.

BLOOD: Thank you, Chairperson Brewer. And thank you to the entire committee for the opportunity to bring forward LB752 today, also known as the Nebraska Veterans Bill of Rights. My name is Senator Carol Blood, that is spelled C-a-r-o-l B as in boy -l-o-o-d as in dog, and I represent District 3, which is composed of western Bellevue and southeastern Papillion, Nebraska. LB752 is the result of countless hours of meetings with Nebraska's military families, veterans, and those who support this important community. As we continue to work toward making Nebraska a great place for our military families and veterans through policy and our actions, many things are still falling through the cracks and more can be accomplished. The actual intent of this bill was to address the needs and challenges faced by our veterans and their families ensuring we give them every tool available to succeed after they return home from serving our country. It is my belief that we can support and honor Nebraska's veterans and their service by doing the following: ending veteran homelessness, preventing veteran suicide and increasing access to mental health services, increasing veterans' access to jobs in considering skills, skills they may have gained in service, increasing veterans' access to certificates and licensure, asking the correct qualifying questions so we can best serve their needs, collecting the appropriate data to make better direct efforts in the future, and increasing access to healthcare. So I say "was" because, after talking with several different people and running up against a couple of external roadblocks that won't seem to budge, I realized trying to get this important effort done in one shot in a short session simply was not going to fly. So I will note that it is not my plan to walk away from what the Veterans Bill of Rights is aiming to do. I will bring forward a newly drafted bill that will bring new and effective resolutions to those aforementioned topics next session. But for now, I brought you all an amendment and I pray that you will adopt, and adopt it today, hopefully, and it will become the bill. And it makes LB752 even more

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simple, especially to our friends at the DOD and our service members, their families, and Nebraska's veterans. Frankly, the simple change provides a strong foundation for Nebraska as we strive to tackle those other issues. This new version of LB752 would have DHHS and the Department of Veterans' Affairs work jointly to encourage service providers in the respective departments and in other state and local agencies and departments to ask the question, Have you or a family member ever served in the military? While the specifics will be left up to the departments on how to implement this, I feel the question should be included in intake forms and interviews and should be asked at a wide range of state agencies and facilities such as employment offices, courts, by law enforcement, and senior centers to name a few. As I've already mentioned, this is a public policy change that the Department of Defense, military community and family, family policy offices has asked all 50 states to implement and Nebraska because-- and Nebraska because like the others asked, the other asked that we brought forward over the last three years that have now been implemented, it impacts the quality of service members and their families while they are here in Nebraska. So by asking this question, it allows the veteran, active duty service member, and their families to find out that they might have access to services they never would have been told about if they didn't self-identify. This will also help raise awareness for those providing services who may not have known the different services that are available for Nebraska's military families. So I'll also point out that by asking this question, the state can connect this demographic to federal services, which in turn may reduce the cost to our state. Now this is a win-win kind of initiative because there's no reason it should cost the state anything and it might result in saving funds. It can certainly change the quality of someone's life when they are in desperate-- in a desperate time of need. Finally, you might have noticed the absolute staggering fiscal note attached to LB752. I believe this amendment will zero that out as well. And with that, I thank you for your time today and will stay for the closing and any questions you may have. As always, should you have questions, you may find out that many will be answered by those waiting to testify or letters included in your packets in reference to this bill. And you may want for it-- you may want to wait for additional questions during closing because of that fact. Also, I was handed a letter from the city of Lincoln that I'm reading into the record that I passed to all of you in support of the bill as well.

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BREWER: All right. Thank you for your opening. Questions? Seeing none, we'll standby for closing here. All right. We'll start with proponents for LB752. Come on up. Welcome to the Government Committee.

MARTIN DEMPSEY: Thank you, Mr. Chair. Good afternoon, my name is Martin Dempsey, that's M-a-r-t-i-n D-e-m-p-s-e-y. I'm the Midwest Regional Liaison for the Defense-State Liaison Office operating under the direction of Undersecretary of Defense for Personnel Readiness and Military Community and Family Policy. Our mission is to be a resource to state policymakers as they work to address quality of life issues for families. This 2020 Department of Defense quality of life Initiative entitled, Ask the Question, is designed to assist service members in identifying veterans in order to provide better care. In various surveys, veterans indicated one of the top barriers to receiving care was that they do not feel understood by the providers who serve them. Opportunities to help veterans and their families are often lost simply because the connection is not made. Of the 19.9 million veterans in the United States, only 30 percent currently use VA healthcare services, while 70 percent of the veterans utilize community settings for health and behavior healthcare or go without such care. However, many of the community non-VA-- VHA behavioral health providers are according to the Ready to Serve study conducted by RAND, only 8 percent of the community providers reported high military cultural experience. For various reasons, the veteran may not readily self-identify either for stigma or simply because no one asked. Service providers in various state agencies can have a profound impact on these heroes and their care by connecting them to services that care through asking a simple question, Have you or a family member ever served in the military? By asking the question the provider may ask to determine the cause of various symptoms to better diagnose the issue presented. Connecting them to the appropriate state veteran service agencies may provide access to federal funding and support services to provide the care than using scarce state funding. Currently, four states have passed legislation to incorporate Ask the Question and five states are currently considering policy language. In closing, we gratefully-- we are grateful for the tremendous efforts that Nebraska has historically made to support our veterans. We appreciate the opportunity to support the policy reflected in LB752, and we're especially grateful to Senator Blood for introducing this important legislation. Thank you for taking time for consideration. I stand ready for questions.

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BREWER: Thank you, Mr. Dempsey. All right. Questions? Well, before you go, thank you for taking the time to come in today and, and helping with this bill. This, this means a lot that you did this because it speaks volumes for how much you guys care about our veterans. So I appreciate it.

MARTIN DEMPSEY: Thank you, Mr. Chair.

BREWER: All right. Thank you for your testimony. Next proponent? Welcome to the Government Committee.

JOHN McNALLY: Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is John McNally, J-o-h-n M-c-N-a-l-l-y. I am the deputy director of the Nebraska Department of Veterans' Affairs. I am here today to testify in support of LB752, specifically speaking to the amendment, AM2353, which would become the bill if adopted. As you know, the amendment directs NDVA to work with DHHS to encourage others to ask the question, Have you or a family member ever served in the military? This may be asked during interviews for benefits and services or included on intake forms. NDVA, as a practice, presumes military service in our benefits delivery. However, there are many other organizations and agencies which provide benefits which do not. Working with our partners, we believe that we can effectively provide training to encourage them to ask the question, Have you or a family member ever served in the military? Bringing attention to veteran status through interviews and forms would seek to increase awareness to those veterans and their families who might otherwise miss out on benefits and services available to them. Also, it requires those employees who provide the benefits and services to be better educated in the delivery of those benefits and services. In summary, while this is a very simple question, it acts as an important gateway to the delivery of benefits and services with a high impact on the quality of life for our veterans and their families. That concludes my testimony and I will answer any questions that you may have.

BREWER: All right. Thank you for that testimony. Questions? All right. Thank you again.

JOHN McNALLY: Thank you.

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BREWER: All right. Any additional proponents? We'll change then to opponents? And anybody in the neutral? Senator Blood, come on up and close.

BLOOD: Very briefly, there is many opportunities we're given to make big changes, but often when we make big changes they come with big fiscal notes and a lot of things that we're requiring people to do. This is a simple change that's going to be easily implemented without a fiscal note and is possibly potentially going to make a huge change in the lives of our veterans and military families here in Nebraska. This is a bill that I'm very proud of. I'm glad it's the foundation of what I hope we will do in the future to help the rest of the issues that I have addressed earlier in the opening. But with that, I do ask that you please vote it out, that you also approve the amendment, and let's get this to the floor for full debate.

BREWER: All right. Thank you for the closing. Questions? We will be Execing on your bill today. So we will, we will get to it as soon as-- we'll break for Exec when we're done. With that said, we do have some letters to read in here on LB752. We have two letters as proponents in support. We have no one in opposition and no one on the neutral. So with that, we'll close on LB752 and go to LB744 and you're already positioned and ready. So whenever you're ready, Senator Blood, you may begin.

BLOOD: Well, good afternoon again to Chairperson Brewer and to the entire, entire Government Committee. Again, my name is Senator Carol Blood and that is spelled C-a-r-o-l B as in boy -l-o-o-d as in dog, and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska. Again, thank you for the opportunity to be here today to present LB744. So LB744 allows the county engineer to be appointed by the county board and any county with a population of 150,000 inhabitants or more. This would eliminate the need for a partisan ballot election, which is only used in three, coincidentally, the big three of Nebraska's counties. In the other 90 counties, the board appoints either an engineer or land surveyor. We've looked into why the process is different when it comes to the big three by going into the transcripts from the 1970s when this was an issue. And frankly, I could not find a compelling reason for the different circumstances. What has happened along the way is that currently the county board and the county engineer have statutory duties related to road improvements that conflict in state statute. So I'd like to explain why this bill is being brought forward. The goal of this bill

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is to resolve current conflict-- conflicting language for clarity to result in a more efficient but less bureaucratic government. Ultimately, the county board is responsible for setting the county budget and its priorities. This is very important to when we speak about public safety, saving taxpayer dollars, transparency, accountability, and creating less government. This bill is being brought forward on the premise of good public policy that will allow for better communication between those making the financial decisions for a county and an entity whose responsibility it is to act accordingly on those priorities and utilize the funds allocated for those priorities. Now this all sounds pretty simple, but what happens when a county is growing quickly and plans are made to improve public safety, expand or support infrastructure, or when soft costs far exceed expectations? State statute, as written, says that the county board has the responsibility but not the authority for this budget and implementation. So the question that I have, so the question that I have for all of you is where does the buck stop? Why give all of this important responsibility to a county board but not allow it the ability to see that their goals are met in a timely manner, that the budget is utilized accordingly, and that progress continues to move forward. So my biggest concern is a looming question of what will happen when research shows that the authority who sets the priorities, a county board, is not moving forward in a timely manner on things like roads, bridges, or sewers because of this disconnect in statute. They know it can cause a bigger problem that may ultimately result in maybe even a death that costs taxpayers more money because a project was pushed forward to another year when the monies were set aside to do it in the current year. It's our taxpayers who are getting the sticky end of this lollipop. And in counties that are growing as rapidly as Sarpy County, this is a risk that we can't take. I know we all have stories of roads, runways, bridges, levees, and more that were put off to a future date only to find out that it costs millions more to complete in the future. That's not fair, and that is not responsible leadership. As you can see in your handouts, Nebraska Revised State Statute 39-1402 places the general supervision and control of the public roads of each county with the county board. And as you also see in that, "The board shall have the power and authority of establishment, improvement, maintenance and abandonment of public roads of the county." However, also in your handout, Nebraska Revised State Statute 23-1901 details in part in Section (e) for the county engineer will, "Have charge and general supervision of work or improvements authorized by the county board, inspect all materials, direct the work, and make a report of each piece of work to the county

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board." There's a conflict between the two statutes as both the county board and the county engineer have some level of supervision over county road projects. With the former, it's general supervision. With the latter, it's have charge and general supervision of work or improvements authorized by the county board, and direct the work. The county board's authority is very broad and it could be interpreted as including all actions related to the establishment, improvement, maintenance and abandonment of public roads of the county, including but not limited to, the management or supervision of a road project. The statutes, as written, provide the county board with authority over road improvements but make no mention of preparing plans, cost estimates, superintending the construction, inspecting the work, and directing-- sorry about that, directing the work. So it appears that those specific authorities that are related directly to the management of the work lie within the authority of the county engineer and not the county board. So as written-- sorry guys, I know this is complicated, the current statute offers little guidance on how to resolve any potential conflicts that may arise between the county board and/or the county engineers. There appear to be two masters and no final decision making authority vested in either office. So it seems that the only path forward for a county board member who may be trying to resolve a road concern for a constituent or finish a capital road project for the greater good is to request reports and updates from the county engineer. Since both the county board and the county engineer are elected, the solutions bend toward politics and waiting until the next election to see if there's a change. In the meantime, critical infrastructure needs may go unmet and eventually, as previously mentioned, public safety can become compromised. So I ask that you help out our taxpayers in making sure that their hard earned tax dollars are not wasted because of rising costs or unnecessary lawsuits because somebody was hurt or property destroyed. We can do this by allowing a county engineer to be appointed by the county board in each county that has a population of 150,000 or more eliminating the need for a partisan ballot election. If you look at Nebraska Revised Statute 16-308, you will note that in Nebraska the city government already has this type of discretion. In city government, an engineer is a mandated appointment by a mayor with council confirmation. The mayor with council confirmation can also remove a city engineer. So we don't need to reinvent the wheel. I know there are likely to be a few opponents here who will argue they believe this kind of bill takes away from some of the citizens' powers and some of their rights. To that I will first say that I'm also bringing an amendment that-- excuse me, after talking with several stakeholders we

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believe gets at our goal will also align for the appointment of county engineers following a vote of the people within the county. This allows people to weigh in. There's also an aspect of the amendment that would allow a process if they wanted to go back to the old way. The bill with this amendment better serves Nebraska citizens and the current conflict and ambiguity in state law between the county board and county engineer by tweaking the existing language to mirror what is done at the municipal level. Based on some of the opposition I received in my office, it's clear that some want to maintain a status quo that awards jobs to people based on personal relationships rather than skill and expertise. The end result of that is paying out more money in fees while getting back a lack of accountability and in some cases, poor execution. Nebraska has already made moves to change how positions are filled in other areas that were once elected positions, register of deeds offices being eliminated through mergers come to mind. I've gone back and I've looked at those transcripts when that happened and news reports, and there is no public outcry over that. And to my knowledge, no adverse effects after the fact. So one more time, I'm going to point out the election of county engineers is a thing that only exists in three of the state's 93 counties. If this was really an infringement, infringement on voters' rights, why is 97 percent of the state doing it this way already? And for those who claim that the quality of who will be performing the duties of the engineer may end up being less then, are they also telling us that the other 90 counties and municipalities don't have competent people working for them right now. So that sky-is-falling complaint does not hold water. So I thank you for the opportunity to bring this bill forward. I plan on staying for my closing, that may not happen because I do have a bill in Judiciary, but would like you to know that we do have a handful of people here to testify as well. Should you have questions, again, it might be more appropriate to ask those who are involved in this activity, but I'm also happy to answer any questions should you have.

BREWER: All right. Thank you for your opening. Questions? I will compliment you, you-- you've taken on one that sometimes it's hard to explain, and so I'm looking forward to hearing from everyone. This is--

BLOOD: Thank you, sir.

BREWER: --a big challenge. You bet. Thank you for your testimony. All right. First proponent? Welcome to the Government Committee.

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DON KELLY: Thank you, Senator. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Don Kelly, D-o-n K-e-l-l-y, and I'm testifying today on behalf of the Sarpy County Board of Commissioners. I'd first like to thank Senator Carol Blood for introducing LB744. As a former city council member and a senator representing Sarpy County and the Nebraska Legislature, Senator Blood understands how important road infrastructure is to our growing county. I was elected to represent District 1 on the Sarpy County Board seven years ago, and I've served as the chairman for the past four years. My number one priority when I ran for office almost eight years ago was proper road infrastructure. In Nebraska's fastest growing county, road infrastructure is absolutely essential for public safety, economic development, and quality of life. Road infrastructure remains my top priority and the top priority of our board as a whole. The largest and arguably most important road project in Sarpy County is the Platteview Road corridor, and it remains mostly undone. In fact, each year for the past three years, our board has prioritized funding for Platteview Road. And despite our dedication of financial resources and attention to the issue, the project remains at a standstill. Even the scope of this project has yet to be completed. There is an inherent tension in the statutes that has led to a detente between the offices of the county board and the county engineer. As Senator Blood pointed out, county engineers are responsible for the design of the roads, while the county board funds the road projects. The construct of the current statutes offers little guidance on how to resolve any potential conflicts that may arise between the board and/or county engineer. Simply put, two masters and no final decision-making authority vested in either office. LB744 will resolve the current impasse and bring Sarpy County in line with 90 of Nebraska's counties and the two largest cities in our state, all of whom have the ability to appoint professional engineers to serve as their county engineers or city engineer. In each of these contexts, and in communities with larger populations than Sarpy County, I might add, appointed engineers operate under the same ethical and professional parameters as an elected engineer. Appointed engineers work well for other communities and is unclear to us why Sarpy County should be treated differently. We support the amendment, AM2543, that Senator Blood has brought to the hearing and are grateful for her work on this issue. We're pretty confident in what the voters will say if they're given the chance to weigh in on this-- weigh in on this issue and resolve the current stalemate which we find ourself. Each week, I field dozens of calls from constituents who are frustrated and concerned about the current

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road conditions in Sarpy County. I share their frustration in my inability as chairman of the board to deliver infrastructure results due to the conflict in statutes. After seven years, our progress on this issue looks like Platteview Road does, mostly unfinished and incomplete. I, I just want to point out in closing that I'm here representing not only the county board, but the five state senators from Sarpy County who signed on to cosponsor. But this isn't a county issue, this is a Nebraska issue because economic development and the infrastructure that will support it is important to the state of Nebraska in terms of jobs, income tax, sales tax, and, and the, the wealth that growth will bring. Thank you. I'm happy to answer any questions.

BREWER: All right. Thank you for your opening. Questions? Well, I tell you what, I'll-- did-- like on the Platteview Road, how long has that been a project that's been ongoing?

DON KELLY: Well, it's been on the radar ever since I've been on the board and this is my-- I'm in the middle of my seventh year. As a matter of fact, it was the primary plank of my campaign that I ran on, is that I was going to get Platteview Road completed. If you look at the larger context of the metropolitan area, Platteview Road could essentially serve as the southern bypass around the metropolitan area, connecting I-20, I-29 to I-80 somewhere in the vicinity of Gretna, Nebraska.

BREWER: I, I used it when I was stationed at Offutt. It was, it was a route that would have been really nice if it wasn't as congested as it is because that's kind of the--

DON KELLY: Senator, I also point out, unfortunately, the growth is occurring so fast, we're at 180,000. We are-- we now have a sewer wastewater agency and we're going into procurement next month for a sewer infrastructure that will open up the southern 50 percent of our county development. Our, our estimates on our growth will be 350,000 population within 25 years. If we don't have the ability to build infrastructure, build it quickly, build it efficiently, and get out in front of the development, you might as well bring a, a cup of coffee and, and own a pack a Lucky's because you're going to be stuck in traffic no matter which way you're going. We pride ourselves as being a 20-minute commute county. But those days are numbered quickly because the traffic's overwhelming the current infrastructure and our ability to build it.

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BREWER: I, I can see that challenge because, you know, there's a point where you, you quit driving on a particular route because it just becomes unmanageable with, with time. So thank you for your testimony.

DON KELLY: Thank you, Senator Brewer. I appreciate it.

BREWER: Oh, I'm sorry. Senator Kolowski.

KOLOWSKI: Thank you, Mr. Brewer. I just wanted to check with you on the NRD, and have you worked with the NRD as far as the construction in the county, as far as the, the future of what, what could happen there?

DON KELLY: Oh, oh, yes, sir. We, we work with the NRD very closely on a, on a variety of issues. As you know from your experience, they're very involved in watershed and,--

KOLOWSKI: Yes.

DON KELLY: --and, and, and a lot of quality of life issues, because with those watershed projects come a lot of amenities which make Sarpy County even a much more attractive place for people to want to live. One of our current county commissioners is a former NRD board member, so we're tied in very closely with the NRD on all kinds of infrastructure projects.

KOLOWSKI: I'm sure you'll keep that up also. Thank you very much.

DON KELLY: Thank you, Senator.

BREWER: All right. I'll make one more try. I didn't mean to leave you out there, I just looked left and missed it. All right. Any more questions? Seeing none, thank you.

DON KELLY: Thank you, Senator Brewer.

BREWER: All right. Additional proponents for LB744? Are there any opponents? Oh, yeah, come on, you-- just have a seat in the front row there and we'll feed you in.

DENNIS WHITFIELD: Good afternoon, Chair and remaining members of the committee. You're going to get the executive summary with the limit of three minutes. My name is Dennis Whitfield, W-h-i-t-f-i-e-l-d. I reside in Sarpy County at 2913 Sheridan Road, Bellevue, Nebraska, and I wish to speak in opposition to LB744. I come before you as a double

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registered professional, being both a registered land surveyor and a professional engineer in the civil discipline. With my presentation, I hope to inject the difference between an elected professional who is to protect the public as an engineer versus an appointed, appointed employee of the commissioners. I had several statutes listed here, anything from 29-- or excuse me, 23-191 that if it's changed I think it will change some of the other-- I've got three other statutes listed here that I think it'll be in cross-reference to. I hope you take the time to read those. While composing my facts with regard to this opposition testimony, I reviewed a video of the Douglas County Commissioner's website. It would be part 1 of the November 4, 2019 meeting of the Tri-County Retreat, which was held under public-- which was held under the Open Meetings Act and is of public record. At minute 27 [SIC], 24 seconds of the video, a Sarpy County Commissioner opened their presentation with a statement, one office we think that clearly needs to go away is county engineer. At 24:20 of the video, the commissioner states with regards to the Sarpy County Engineer, we lose control. At 24:26 of the video, the commissioner states with regard to the Sarpy County Engineer, we have no control. At 24:35 of the video, the commissioner states with regard to an appointed Sarpy County Engineer, we gain control, we own it. At 24:46 of the video, the Sarpy County Commissioner states with regard to the Sarpy County Engineer, don't work for us. At 26:12 of the video, the Sarpy County Commissioner states with regard to the appointed Sarpy County Engineer, we take control of it and we own it. Very obvious with these three-- or excuse me, with these above six examples, which is just a small sample of the tone of that presentation that the Sarpy County Commissioners-- I lost my place, I was going so fast, that the Sarpy County Commissioners feel that they can appoint a position with a greater value than they have. The only thing that a county commissioner has to be is a registered voter and live in the district they represent. A county engineer has to be a licensed surveyor under the, the engineers and architects acts and has a duty and the code of practice to comply with public requests. In closing, we live in a democratic, democratic society, we need to discourage actions like LB74 [SIC] and the Sarpy County Commissioners and uphold the elected professional positions for which the registered voters elected to protect their public interest and keep us safe and healthy as we traverse our county. Failure to comply, which is one of the statutes I talked about earlier, by a professional engineer upholding their duly responsibilities to safeguard life, health and property and to promote the public welfare does not warrant LB74 [SIC].

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BREWER: OK. Thank you for your opening on that. Questions? All right.

DENNIS WHITFIELD: Thank you for your time--

BREWER: Thanks.

DENNIS WHITFIELD: --and professional consideration.

BREWER: You bet. All right. Next testifier on LB744? And, and again, because we, we had to go from the five minute to three minute, I know that's forcing you guys to kind of condense your stuff. We apologize for that. All right, you'll get your green light for two, amber for one, and the red light comes on. There will be an audible alarm that will go off if you go over your red light too long, so that'll be my warning that--

DENNIS WILSON: I promise I won't.

BREWER: --you're, you're, you're at a halt. All right. With that, we'll start your time fresh. There you go.

DENNIS WILSON: All right. Thank you. My name is Dennis Wilson, I'm the Sarpy County Engineer, D-e-n-n-i-s W-i-l-s-o-n. I appreciate the opportunity to speak here in opposition to the bill. Just to clarify a few points that Commissioner Kelly had brought up, the priority for Platteview Road came June of 2018. That was the first time we had funded money in that budget. And although again it had been mentioned at projects, that's when it became a priority. In October of 2019, we submitted a set of finished plans for Platteview Road at 108th and Platteview and the board decided that they would not grant us permission to bid, bid the project. A number of reasons for that. Due to the time constraints, I will not mention it at this point in time. The reason that we do have county engineers elected in the major cities is because the problems are complex. There, there are wonderful projects going on in certain areas, villages, cities, etcetera. But with the complexity of Sarpy County and all of the various issues we have to look at, you need that position to be appointed-- or to be elected. Furthermore, there's not a separation of power between the board and the engineer unless that election gives the autonomy of that. I have felt pressured on at least a half dozen issues that I felt were totally unsafe for the traveling public. That's what a licensed engineer does. We have to carry the burden of making sure that public safety, when designed, meets certain standards. When I presented those issues to the board, I felt tremendous pressure to get

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that done. If you have an appointed individual in that position who can be removed instantaneously if they don't comply with certain requests, you're going to lose control of that particular element, safety for the citizenship. With regard to the budget that was submitted a couple of days ago, I think it was on the fiscal side, there are some major issues there that are slanting biased towards certain things, such as projects that are in an accumulating fund. So those projects don't get built until they accumulate a certain amount of money because we do big projects. So that and the ASIP program, which is again one of those, it stays within the budget every year, funds come in and funds go out. And then finally, we again have had other projects that've been canceled by the board, which if you take a \$2 million project out, you're not going to have time to get a project designed and in place to, to replace that. And we've had that happen on a number of occasions. The last item is developers make changes, and in a lot of cases, the developers are the ones who are running the show. Even though we have funds in it, they take the lead. With that, I would be happy to answer any questions.

BREWER: You did very good on time. Thank you.

DENNIS WILSON: Thank you.

BREWER: All right. Questions? I, I have one quick one for you. Whether we're talking appointed or elected, the criteria or the, the required skill sets to hold the position, would you still have to be an engineer or if you're elected, it's simply a vote?

DENNIS WILSON: Well, the-- as far as the statute reads now, it needs to be a professional engineer, an elected professional engineer.

BREWER: OK, that's-- I was just making sure that is what I read.

DENNIS WILSON: And that does take about eight years to get, get that license. So it's not something simple.

BREWER: Well, OK. Well, I guess that's good, if they're going to build stuff that's going to endanger lives if it's done wrong, so. Yes, Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Could you tell, tell-- talk to us about the various municipalities that you have to deal with in the county, Papillion, La Vista, the Ralston area, Bellevue, you're growing so quickly, which I've, I've noticed living in the, the

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southwest part of Omaha for the last 30 years, that it's exploding with growth. Do you have good communication between those entities as far as the coordination for the county as a whole?

DENNIS WILSON: We, we definitely do and, and to the credit of the board of commissioners, you know, they meet with those individuals in the executive positions and probably certainly legislative positions. But we deal on a daily basis with the engineering staff and the technical staff associated with the other individual entities. We also do snowplowing. And since Harrison Street's the boundary lines that separate the two, every year we get together and work out what we're going to do and what they would do to make sure it's efficient for the taxpayers.

KOLOWSKI: We have those snowplows in Millard, too, dividing the lines. Thank you.

DENNIS WILSON: Right.

KOLOWSKI: Thank you.

DENNIS WILSON: Um-hum.

BREWER: All right. Any additional questions? Thank you for your testimony.

DENNIS WILSON: Thank you.

BREWER: All right. Additional opponents? Welcome to the Government Committee.

PAM DINGMAN: Thank you. My name is Pam Dingman, spelled P-a-m D-i-n-g-m-a-n. I am a licensed professional engineer in the great state of Nebraska and I am the current Lancaster County Engineer. Today, I am testifying in opposition of LB744. I was appointed Lancaster County Engineer in December of 2013. I then won a contested election for county engineer in 2014, becoming the first woman in Nebraska to be elected county engineer and the first woman in America to win a contested election for county engineer. Only Ohio and Nebraska elect their county engineers. As an engineering consultant, I often advise my clients that you seek the advice of an engineer on what you-- not on what you want to do, you seek the advice on an engineer to hear what you need to do. My duty as an engineer is to safeguard life, health, property, and promote public welfare according to Nebraska statute 81-3402. I serve as a very important

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representation to the citizens who live in Lancaster County. The current system elects a county engineer. This creates a separation of power between the elected county commissioners and the county engineer. As you are aware, sometimes elected officials jockey over the separation of power. I'm sure it never happens here. But we must acknowledge the importance of these boundaries throughout all levels of government. After the flooding of 2015, there were several commissioners in Lancaster County that wanted to reopen bridges that I had closed because they had become a danger to the traveling public. These bridges no longer met the criteria defined by the Federal Highway Administration to remain open to traffic. And as a licensed engineer, it was my responsibility to close these bridges. The amount of pressure, name-calling, and bullying I experienced in an attempt to force me to endanger the public was unrelenting. And as an elected engineer, I did not need to feel, I did not need to feel the need to acquiesce to the commissioners to keep my job. As the Lancaster County Engineer, I've been able to serve the public as an unyielding infrastructure warrior, which in the last 5 years has led me to complete 8 miles of road grading, 14 miles of new pavement, 107 miles of asphalt overlay, 16 new bridges, and 22 bridge repair projects. In the upcoming year, I plan to do 9 bridges and 4 miles of road. This is accomplished while modernizing my office operations, creating new innovative procedures and recovering from two natural disasters. In addition, this was accomplished while reducing my staff by 5 percent. I am dedicated to making the roads of Lancaster County safer for the traveling public. I am dedicated to the people of Lancaster County and it is imperative that I continue this mission which I have humbly embarked on yet will never finish. It is imperative that Lancaster County continues to have an elected engineer. Thank you for your time.

BREWER: Wow, very impressive timing there, you hit it right on the red light. All right.

PAM DINGMAN: That's what engineers do, Senator Brewer.

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

KOLOWSKI: Thank you, Mr. Chairman. You, you mentioned you had a 5 percent deduction of your-- lesser of your, of your budget for this year with a growing county?

PAM DINGMAN: A 5 percent reduction in FTEs.

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KOLOWSKI: FTEs?

PAM DINGMAN: Full-time employees.

KOLOWSKI: How many FTEs will-- did that turn into?

PAM DINGMAN: So that was the reduction of six full-time employees.

KOLOWSKI: Six employees. One of the fastest growing counties in the state and that happened. Is it a budget crunch time or how is it [INAUDIBLE]?

PAM DINGMAN: It is not a-- it is an efficiency. So what I've done during my time period in office is I focused on modernization and efficiency.

KOLOWSKI: I wish you well. Thank you.

PAM DINGMAN: Thank you.

BREWER: Obviously, the, the simple thing we're going to have to get our heads wrapped around here is, is appointed versus elected. You did a pretty good job of kind of explaining it, but is there other issues that are going to become, maybe, a, a big negative if we change the way the system is, other than the ones you pointed out?

PAM DINGMAN: So the biggest issue is, is you're taking away a vote of the people. The people of Lancaster County have voted for me twice to be county engineer. They voted for Engineer Wilson three times. What the big issue is here is if you appoint an engineer, that engineer to some extent becomes beholden to the direction of the board, which may not be consistent with what professional requirements are. You know, most people don't seek to talk to an engineer just casually. I mean, we, we are the experts in our subject matter. And what we're simply asking for is-- this appears to be some sort of turf war, I'm asking for the checks and the balances to remain in place. I'm going to humbly tell you that, that I, I have had disagreements with board members. We have disagreements with each other as elected officials. That's part of the game. We need to work out those disagreements for the better of our constituents. That's why I think the engineer needs to remain elected.

BREWER: Well nothing personal, but sometimes engineers can be a little bit dry so that maybe you don't want to talk to them. All right.

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PAM DINGMAN: Maybe you're not hanging out with the right engineers, Senator. [LAUGHTER]

BREWER: Point well taken.

PAM DINGMAN: I apologize.

BREWER: Thank you for your testimony. Wow, that was a, that was a good zinger there. Welcome to the Government Committee.

CAREY COLLINGHAM: Thank you, ladies and gentlemen of the committee. My name is Carey Collingham, and I oppose LB744. I am a student of the law.

BREWER: We need you to spell that.

CAREY COLLINGHAM: My name is spelled C-a-r-e-y C-o-l-l-i-n-g-h-a-m, and I am a student of the law at the College of Law here in Lincoln, and I am a lifelong Lancaster County voter. Please let the record take notice of a memo that I've handed out, and please let it be included in the legislative record for this session. To summarize my memo, LB744 violates Article IX, Section 4 of the Nebraska Constitution. Article IX, Section 4 provides that the Legislature shall provide by law for the election of such county and township officers as may be necessary. County engineers are officers within the constitution's meaning in this section. As my memo explains, the Nebraska Supreme Court has expressly recognized this and as LB1022 before us today indicates in three places, so too has this Legislature. When the constitution uses the word shall, it provides a mandate for the Legislature. In this case, it mandates that county officers be elected, not appointed. In 1936 our Supreme Court dealt with a law functionally identical to LB744. The County Manager Act of 1935 was passed, allowing county boards to appoint the previously elected county manager officers. The next year in O'Connor v. Tusa, the court struck down the County Manager Act as unconstitutional under Article IX, Section 4. The Tusa court declared that the constitution prohibits the appointment of a county manager for the reason that he is constituted a public officer. The Tusa decision applies to the appointment of any county officer. To summarize the constitutional problems with LB744, county engineers as county officers must be elected by the people and any restriction on that right is unconstitutional. I also understand there's an unpublished amendment before us today that would ask voters to adopt the appointment provision. I also understand there's a recommendation that unpublished

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amendments be subjected to a new hearing. Regardless, any such amendment does not cure the constitutional issue before us today. The Legislature can only delegate those powers it possesses and voters cannot be asked to vote away their constitutional guarantees. I also question, as we've heard all the testimony about the purely local issue before us, whether or not this is special legislation. Lastly, I want to visit the policy underlying LB744. There is no shortage of precedent in Nebraska recognizing that voters are entitled to demand accountability from their government. Specifically, voters demanded by adopting our constitution that they maintain the right to elect their county officers, including the county engineer. If we chisel this out this right, the next session may see a bill seeking to appoint sheriffs, attorneys, assessors, treasurers, or even the commissioners, regardless of concerns over the capacity of voters to intelligibly appraise the qualifications of officers who perform complex duties on their behalf, the voters have nonetheless preserved for themselves that very right. LB744 is unconstitutional. And on behalf of your voters, I thank you for the opportunity to present before you today. I yield the remainder of my time.

BREWER: Thank you for your, your opening and this is pretty impressive. You put a lot of work into this,--

CAREY COLLINGHAM: Thank you, Senator.

BREWER: --so my compliments. All right. Questions? Well, well done. And, and I was a little worried when you gave the five pages to me that you were going to try to read them in three minutes and I was going to be impressed.

CAREY COLLINGHAM: I'm not that qualified yet, sir.

BREWER: Well, thank you for the information, and, and that does work out well when we don't have quite enough time but we've got the materials to read. So I appreciate your work.

CAREY COLLINGHAM: Thank you.

BREWER: All right, the next opponent for LB744? Welcome to the Government Committee.

JOE MURRAY: Thank you. My name's Joe Murray, spelled J-o-e M-u-r-r-a-y, and I won't be as impressive as my fellow soon to be alumnus there. I don't have any prepared remarks. I just come as a

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citizen of rural Lancaster County. I also have years of experience working in the construction industry. I also like Pam Dingman. This would be a great disservice to this county because Pam Dingman is one of the finest elected officials I've ever seen. She works-- she's dedicated, she's hardworking, she certainly has a-- above outstanding professional qualifications. You'll see her-- when the snow is being removed, she'll be out helping with the people. When there's construction work, you'll see her out with the hard hat. I think she's the personification of a good public official. I think this would be detrimental to our county because I don't, I don't think she would survive if this ended up being an appointed official. Because she does-- she's independent, she presents what needs to be done. And sometimes the board-- county board can't do that. So I think we would probably lose this outstanding servant if this one [INAUDIBLE], would happen. So I would just encourage you to not pass this one, to kill this bill. I don't think it's necessary. Certainly, I think it would be damaging to Lancaster County.

BREWER: All right. Thank you for your testimony. Hang on just a second here and see if we've got questions? No questions.

JOE MURRAY: Thanks.

BREWER: Thank you, Joe. OK. Additional testifiers on LB744? Welcome to the Government Committee.

FAITH WHITE: My name is Faith White, F-a-i-t-h, like Faith, Hope and Charity, White like the color white, W-h-i-t-e. Our infrastructure-- I'm from Lancaster County, so I am testifying from perspective of being a Lancaster County resident and a supporter of Pam Dingman. Our infrastructure is in bad enough shape, it'll only make it worse if we replace our county engineer with an appointed individual. We'd no longer have someone who is accountable to voters. LB744 is an anti-rural bill which would be bad for residents living in the rural parts of Lancaster, Douglas, and Sarpy Counties. It's clear these counties have been gerrymandered to disadvantage rural voters and our crumbling infrastructure is unmistakable proof. In the affected counties, LB744 would have a disproportionate and adverse impact on rural voters, would impair commerce, would cause problems for commuters living in these areas, and would reduce rural property values and tax receipts. The infrastructure crisis in my county is the result of irresponsible allocation of funds by the county board over a long period of time. Enabling it to appoint a county engineer be-- only beholden to it would be a huge mistake. The crisis would only

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worsen. I loathe to call any elected official corrupt, but I can't ignore the potential of LB744 to increase county level corruption given that the county engineer's budget is a substantial fraction of the overall county budget. Furthermore, my county board looks to have their hands full with the existing responsibilities. I feel strongly they should not have even more responsibility and I don't believe they're qualified. If it passes, my expectations are that commerce will further decline in the rural parts of the county and it would worsen our infrastructure crisis. But the biggest problem is the county board would be able to appoint a county engineer who is under their thumb and there are advantages being elected and responsible to the voters. So with that, I will conclude and say I am a strong supporter of Pam Dingman as county engineer and of electing our county engineer.

BREWER: All right. Thank you, Faith, for your, your testimony. Questions? All right. Seeing none, thank you again. All right. Additional opponents to LB744? Anybody in the neutral? All right. There we go.

JEANNE McCLURE: Good afternoon.

BREWER: Welcome to the Government Committee.

JEANNE McCLURE: Thank you. I'm Jeanne McClure, J-e-a-n-n-e M-c-C-l-u-r-e, and I'm with ACEC, the American Council of Engineering Companies. And we are here to testify in the neutral capacity if the committee would adopt the proposed amendment. So we are in favor, we would-- we, we stay neutral as long as the amendment is adopted. The issue that we have with the bill, as written, is on page 2, line 14 that the county may appoint a county engineer. We feel strongly that a licensed professional engineer is needed to oversee and advise the county board on all projects. We've informed those bringing LB744 that the language in the original bill-- they have informed us that it was an oversight and that they would intend to have the amendment take the place of the bill. So with that, I'm done.

BREWER: All right. Thank you for your testimony. Questions? Seeing none, thanks again for your testimony. Additional neutral on LB744? We have a familiar face back. Welcome to the Government Committee.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Brewer, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska

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Association of County Officials, and I'm testifying neutral on this bill. The next bill that you will hear, Senator Hansen's bill, would address the appointment or election of county election commissioners. Because there is a lawsuit pending on that issue, the NACO Board has chosen to remain neutral on all bills that deal with appointment or election of officials this year. So we just wanted to be on the record to let you know that we have a neutral position, but it does not necessarily deal with the merits of the bill itself. So I would be happy to answer questions.

BREWER: Well, that kind of makes sense, I guess. All right. Any questions? All right. Thanks for your testimony. The next testifier in the neutral? Welcome to the Government Committee.

ANTHONY SCHUTZ: Hello, my name's Anthony Schutz, A-n-t-h-o-n-y S-c-h-u-t-z. I'm a professor at the University of Nebraska College of Law. I specialize in state constitution as well as agricultural and water sorts of issues. I just wanted to make three quick points. The distribution of power that we're finding at the county level is a factor-- or I'm sorry, it's a, it's a common attribute of Nebraska's constitutional design. We distribute executive power at the state level to a number of different actors. It's not necessarily efficient, but it is what we chose to do in our founding document. The same can be said of county government. Any office that the Legislature creates must be elected, simply put. That's cumbersome, it's difficult, but by design, that's the way we, we set it up. The second point is that the very reason you should probably reject this legislation is the reason for Senator Hansen's legislation in the next bill, which is election commissioners probably are also officials of the county and should be elected. In fact, there's an AG Opinion to that effect issued in September, AG Opinion 19-12. And directly on point, it's a good one to read. And I think it's a, I think it's a very significant-- and it gives us very significant-- or it has a significant impact on this particular piece of legislation. Finally, I'd just draw the connection to the importance of voting in this and the relevance of that to LR292CA. Voters in Nebraska execute the watchfulness of the citizenry through that apparatus, and that makes the, the legislative resolution that's on the table later today quite important, so. If you have any questions for me about the state constitution, I'd be happy to answer them.

BREWER: It's always good to have an expert. Senator La Grone.

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ANTHONY SCHUTZ: I was, I was afraid of that.

La GRONE: Thank you, Chairman Brewer. It's all right, he gave me an A when I was in there, so that's fine. Thank you, Professor Schutz, for being here. I just am happy that you didn't come blazing and tell us we're doing something terrible and unconstitutional.

ANTHONY SCHUTZ: No. No.

La GRONE: That's usually what your, your testimony is. So I just wanted to say I'm glad we avoided a scorn of Professor Schutz.

ANTHONY SCHUTZ: It's more effective to, to come down and testify. And then if you do do it, I can say I told him not to.

La GRONE: And then you can sue us later. Well, not us but--

ANTHONY SCHUTZ: Well, I, I also wanted to claim Mr. Collingham. He's one of our students, so we're quite proud.

BREWER: A lawyer that said, I told you so, that's refreshing. All right. Any additional questions? All right. Are you sticking around for Senator Hansen's testimony?

ANTHONY SCHUTZ: I think that AG's Opinion is, is pretty complete.

BREWER: All right.

ANTHONY SCHUTZ: I don't think you'll need me.

BREWER: It was kind of a good lead into it anyway. Thank you.

ANTHONY SCHUTZ: Thank you.

BREWER: All right. Any additional in the neutral for LB744? Senator Blood is in Judiciary so we will transition to Senator Hansen's. Oh, and I will read in letters that I have here somewhere in this big pile. They're all right here, just got to get to them. All right. And before we close on LB744, we have one proponent, eight in opposition, and zero in the neutral for letters. That will close the hearing on LB744, and we'll let things quiet down for a second here. All right. Senator Hansen, welcome to the Government, your Government Committee. You may open on LB1022 whenever you're ready.

M. HANSEN: Thank you. And good afternoon, Chairman Brewer and fellow members of the Government, Military and Veterans Affairs Committee.

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For the record, my name is Matt Hansen, M-a-t-t H-a-n-s-e-n, and I represent LD26 in northeast Lincoln. I'm here today to introduce LB1022, which would require that all county election commissioners be elected rather than appointed. Under current law, the Governor appoints election commissioners in counties of at least 100,000 residents, which is right now in Douglas, Lancaster, and Sarpy County. Also under current law, midsize counties, those between 20,000 and 100,000 residents can choose to have their county board members appoint an election commissioner. Right now, Buffalo, Cass, Hall, and Platte counties have made that choice. In counties of this size who do not choose to have an election commissioner and counties with fewer than 20,000 residents, an elected county clerk handles the duties of election commissioner. LB1022 would have all those currently appointed election commissioners be elected as well. This past interim, I met with Civic Nebraska and they showed me our current statutes that provided our appointed election commissioners are in direct conflict with our Nebraska Constitution, which calls for the election of all county officers in Nebraska Constitution Article IX, Section 4. The question became-- then became, Are election commissioners county officers? To answer this question, I decided to ask for an-- the Attorney General to issue an opinion on this matter. The Attorney General's Opinion concluded that county election commissioners and deputy election commissioners are county officers within the meaning of the Nebraska Constitution, and that their appointment, rather than election, violates that constitutional provision. He cited several reasons for this, including that they take an oath, they have a set term of four years, and that they are responsible under statute for enforcing the Election Act and promulgating rules and regulations under the act. For these reasons, among others, the Attorney General concluded that election commissioners are county officers and, there, should be elected rather than appointed. At the beginning of October, the Attorney General filed a lawsuit to the Nebraska Supreme Court asking them to declare the current process unconstitutional. We are still waiting for this ruling. I believe that there are testifiers behind me who can give more detail on where we stand with this court case. It is my belief that all election commissioners should be elected in accordance with the Nebraska Constitution. In the vast majority of counties, an elected official, the county clerk, is already handling election duties. It only makes sense to have someone accountable to the voters oversee county elections in all counties. I would like just to take this time to say for the record that I've gotten the opportunity to work with several of our appointed election commissioners, including this session and over the years, and I want

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to commend them for their hard work. This isn't directed at any of them. I simply believe that our constitution is clear and requires those who oversee our elections to be elected. As I said, there's others behind me who will share their perspective in more detail, but I'd be happy to close and answer any questions if I can.

BREWER: All right. Thank you for your opening. Questions on LB1022? All right. And I assume you're sticking around for closing?

M. HANSEN: Absolutely.

BREWER: All right. We'll begin with proponents. Welcome back to the Government Committee.

WESTIN MILLER: Thank you, Chairman Brewer and members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of public policy at Civic Nebraska. As you might imagine as a nonpartisan, nonprofit that focuses on elections and voting rights, when we discovered such an obvious constitutional discrepancy when it comes to the election of those who administer our elections, we couldn't in good faith stay out of the conversation. Senator Hansen discovered that these statutes are unconstitutional. A previous testifier was right, the AG's Opinion is very thorough and very succinct. It seems very clear. I'm happy to discuss more if you'd like to. I prefer to use my time to address another question, which is why do we need to do this right now? There's a statute I did not know about until this issue came up, that's 84-215 in your folder there. It creates a mechanism by which a state officer can actually refuse to do part of their job as the result of an Attorney General's Opinion. And that's what's happening here. So as a result of Attorney General Peterson saying that the appointment of election commissioners is likely unconstitutional, Governor Ricketts said that he refused to reappoint Douglas County Election Commissioner Brian Kruse, whose term is up at the end of 2020. This resulted in litigation between the Attorney General and the Secretary of State that is currently pending. So what this means, and the reason we really cannot just wait on the courts to decide, is because we're going to face one of two scenarios, both of which are pretty bad. Number one, if the courts do strike down these statutes in the interim, while the Legislature is not in session, then all of the duties of the election commissioner will per 32-218 fall on the county clerk. Now this might not be a huge deal in many of our counties, but in the big three especially, this is going to be an administrative burden that is enormous placed on the county clerks potentially right before the 2020 election. You heard

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Commissioner Kruse testify in this room two weeks ago that his office is already working at capacity, they're not having great success hiring enough part-time employees, so just imagine that if his office were eliminated and the current Douglas County clerk had to do their job and the job of that entire office at the same time before 2020, that would be a nightmare both administratively and for public confidence that their elections would run smoothly. Now the other scenario is one in which the courts do not act in the interim. This means that the Douglas County Commissioner would still administer the 2020 elections, which is great. But beginning January 1, 2021, there simply would not be a person to run the Douglas County elections. That's because the statute I just referred to that would move the duties to the county clerk only works in counties where the office of election commissioner doesn't exist. So if the courts don't actually eliminate the office by striking down the statute, Douglas County will have an office of election commissioner, but it will be vacant. There will be no one to run the elections. I do want to say very, very clearly this is absolutely not about any individual election commissioner. I've had nothing but positive experiences with all of our commissioners and county clerks, and I think that they're all excellent at their jobs. Our statutes governing the appointment of election commissioners are just objectively out of compliance with Article IX, Section 4 of the Nebraska Constitution. So LB1022 is an attempt to solve this problem legislatively, which would therefore dispense with time consuming litigation, which will in the meantime leave the administration of elections in our largest county in jeopardy. I do believe the office of election commissioner is essential, especially in our largest county, simply seeking to make sure that they're nominated in a way that's consistent with Article IX, Section 4. Thanks for your time.

BREWER: Thank you. Questions? Now just for clarification because I made this mistake, you are not an attorney?

WESTIN MILLER: That is correct.

BREWER: Well, you do a very nice job of, of taking lawyer like stuff and making it sound like you're a lawyer. So I don't know if that's a blessing or a curse.

WESTIN MILLER: Thank you. I appreciate that. I also can't play golf, so I'm not sure how I got here.

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

WESTIN MILLER: Thank you.

BREWER: OK. Let's see, we're on proponents for LB1022? We'll go to opponents of LB1022? Sir. Mr. Secretary, welcome to the Government Committee.

BOB EVNEN: Thank you. It's a pleasure to be here. My name is Bob Evnen, B-o-b E-v-n-e-n. I have the honor and privilege of serving as Nebraska's Secretary of State, and I'm appearing here before you this afternoon in opposition to LB1022. Now we've just heard that, that the current method of selecting election commissioners is unconstitutional and we've heard, heard that from a representative from Civic Nebraska who for whom I have respect. We've heard something akin to that from Professor Schutz, and I have a great deal of respect for him also. In my opinion, the current legislative method for selecting these election commissioners is constitutional. And I would tell you that my opinion and the opinions of others don't make any difference whatsoever, because the opinions that count are the opinions of those who sit on the Nebraska Supreme Court. There is currently litigation in process where the question of the constitutionality of the current method of selecting election commissioners is before the courts. It will-- it's before district courts now, it will ultimately be before the Nebraska Supreme Court, and they are the ultimate arbiter of whether this is constitutional or not. I think that strong arguments can be made that our current method of selecting election commissioners is constitutional. We-- I am a party to this litigation and I will be advancing those arguments to the courts. And in due course, the courts are going to decide who's correct about this. This legislation is premature. This legislation is not needed now. And, and we ought not to be, we ought not to be focusing on these selection methods today. We ought to instead be waiting for the courts to decide whether, whether the methods that have been used for over 100 years in our state are constitutional. And in the past 100-plus years, no one until today has thought that these methods was-- were unconstitutional. And now arguments are being advanced that they are. So I-- I'm, I'm going with the history. I think there are strong arguments to be made for the constitutionality of the current methods. I think that the history is also very supportive of it. And so what I would say is that this, this legislation is premature, and, and you ought to wait on this. Thank you.

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BREWER: Thank you, Mr. Secretary. Questions for the Secretary of State? All right, sir, thank you for your testimony. All right. Additional opponents to LB1022? And are there any in the neutral capacity for LB1022? Beth, welcome back to the Government Committee.

BETH BAZYN FERRELL: Good afternoon, Chairman Brewer, members of the committee. For the record, my name is Beth B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing neutral on LB1022. As I testified to earlier, the NACO Board has elected to take a neutral position on all of the bills this year that would deal with changes in the appointment or election of county officials because of the lawsuit that's pending. I would just like to, though, mention that we are very proud of our election officials, they are meticulous, they are dedicated, and they do their best to ensure that elections are secure and accurate. I would be happy to answer questions.

BREWER: All right. Do we have questions for Beth? All right. Again, thank you. Let's see, can we get the green copy over to clerk? And you're testifying in the neutral capacity?

MARY BOSCHULT: Actually, I didn't hear you change-- transition to neutral, I'm opposed.

BREWER: All right. We'll, we'll, we'll juggle the-- juggle the order here.

MARY BOSCHULT: Thank you. Sorry about that.

BREWER: OK. So this will be opposition to LB1022, and whenever you're ready, ma'am.

MARY BOSCHULT: Thank you. Thank you for your indulgence. My name is Mary Boschult, M-a-r-y B-o-s-c-h-u-l-t, and I'm representing the League of Women Voters of Lincoln and Lancaster County. And I'm here to oppose LB1022, a bill to provide for the election of election commissioners and eliminate chief deputy election commissioners. Neither the bill, nor the intent statement identify a problem that is to be solved. The League of Women Voters is a nonpartisan organization that encourages informed and active participation in government. The League does not support or oppose candidates or political parties. We work to increase public understanding and participation in public policy processes. The League supports free, fair, and secure elections. We work closely with the election commissioner and chief

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deputy election commissioner in Lancaster County. Our relationship has been positive and productive. In the ten years I have served as president of the Lincoln League, there have been no significant problems identified by the community or by our members. In fact, at our annual membership meeting, there is usually a motion with unanimous support to communicate our praise to the election commissioner for their performance. Our League is an all volunteer organization. We do 30 to 50 voter registrations each year. Some are done for the election commission, some are done for league events, or at the request of community groups. In times of eroding confidence in government, it is still our experience that our election commission is a respected and trusted government agent in Lincoln and Lancaster County. The League provides voter education for community groups, schools, and businesses. When those attending these sessions learn that both Republican and Democratic political affiliations are represented in the commissioner and the chief deputy commissioner, they remark that it's a good idea. They think it is fair and they feel represented regardless of their personal political affiliation. League members have questioned why change these election commissioners from appointed to elected? Why now? Why subject the people running the elections to campaigning for office and fundraising for campaigns? What risks and problems does it present to the administration of free, fair, and secure elections? What individuals or companies would be interested in contributing to an election commissioner's campaign? And what might the donors expect for that contribution? Organizing voter services and voter registration for our league for 12 years has been a learning and rewarding experience. Prior to this volunteer work, I worked in county and state government for 33 years and taught graduate classes for the university for five years. In public human services, I worked on a number of mergers and reorganizations, including the transfer of county welfare to the state welfare department in 1983 and merging five human service agencies to the Health and Human Service System in 1997. What I witnessed and what I know from my graduate studies and doctoral studies is that organizations are destabilized when these significant changes occur. It can take two to five years or even longer to establish-- to reestablish and perform effectively. Our current election structures work and the system works. Our Lancaster County Election Commission is a key element in this structure working. Our questions remain, Why? Why now? And who will win?

BREWER: Thank you.

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MARY BOSCHULT: Thank you.

BREWER: All right. Questions? Questions? All right. Again, thank you for your testimony.

MARY BOSCHULT: Thank you.

BREWER: And I should have made it more clear.

MARY BOSCHULT: I'll, I'll listen more closely.

BREWER: Well, that's all right, probably on me. All right. Are there any other opponents? Are there any additional in the neutral for LB1022? Seeing none, Senator Hansen, would you like to close?

M. HANSEN: Thank you, Chairman Brewer. And thank you to all the testifiers. Just, just as, as I kind of said in my opening, obviously this is not directed at any particular elected-- sorry, election commissioner currently. You know, it was just a couple of weeks ago that I believe all three of the commissioners in Douglas, Sarpy, and Lancaster all testified in favor of a bill that I agreed to carry with them on NACO. So it's obviously something I'm more than happy to work with them and I appreciate all the work and expertise they provide. For me, this is just very clear in the sense that we have this constitutional provision that says all county officers shall be elected, the Legislature shall provide for that. And it's hard for me to, to, to say that we're in, if I'm doing the math right, 86 counties the chief election officer is elected and in 7 they are not depending on whether or not it's being run by an election commissioner or county clerk. I do think the worst case scenario here is if we do nothing, we do have a situation where in an election year, ultimately, it's a Nebraska Supreme Court case that comes down with some sort of worst case scenario, adding some doubt or uncertainty to who administers our elections if they agree with the Attorney General's position. I appreciate Secretary Evnen's perspective, that certainly I believe, I think Senator Schumacher was fond of always saying nothing's unconstitutional until the Supreme Court says it's so. And that is certainly something I can, I can understand. With that, also pragmatically moving forward, if we choose to forward, forward the bill, obviously we would have to work to find both a vehicle and a path. If for nothing else, then I am creating an office whose filing deadline would be on Monday. So we'd have to figure out a way to make this feasible in an election year. With that, I'm happy to work with

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the committee and just think this is, frankly, something that is required by our constitution that at some point we will need to do.

BREWER: Thank you, Senator Hansen, for that closing. Questions? I guess I have one because this kind of fits into that wheelhouse you're more knowledgeable of. Is there any way to know a timeframe on when a decision will be made?

M. HANSEN: No, sometimes, sometimes it takes quite a while. So--

BREWER: Would you anticipate it before the election?

M. HANSEN: I don't know if I would, no. So, so as I, as I understand it is, is there was a mechanism for filing directly with the Supreme Court in that they have instead sent it down to Lancaster County District Court so we'll have to come back up. As we knew, for example, with like the legislative subpoena case that we were kind of-- the Legislature was involved in, I think that took well over a year. So sometimes you measure Supreme Court cases in years rather than months. So--

BREWER: OK. It keeps attorneys employed, that's what we do.

M. HANSEN: Absolutely.

BREWER: All right. Thank you for your testimony.

M. HANSEN: Thank you.

BREWER: All right. And we got some letters to read in on LB1022. We've got three proponents; one opponent; and none in the neutral capacity. With that, we will close on LB1022. And we will transition to LR292CA. Senator La Grone, we'll hold up just for a second and let folks kind of settle down so we can hear. OK, I think we got it pretty well quieted down. Senator La Grone, welcome to your committee on Government, Military and Veterans Affairs. You may open whenever you're ready.

La GRONE: Thank you, Mr. Chairman and members of the committee. My name is Andrew La Grone, A-n-d-r-e-w L-a G-r-o-n-e. I represent District 49, which is Gretna and northwest Sarpy County. I'm here today to introduce LR292CA, which would place before the voters in Nebraska the question of whether or not we should have voter ID in the state. This committee has dealt with a number of election confidence issues over-- throughout this session and as it continues to do its

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work. And I think these issues are incredibly important regardless of, of which confidence issue they're going to. A 2019 Ipsos poll showed that only 13 percent of the U.S. population has a high degree of confidence in our elections. Now luckily, that jumps to 53 percent when we ask for just a general level of confidence. So over half, do you think there is-- do have some confidence that our elections are happening properly, only 13 percent have a high degree of confidence, which I think shows this committee has a, a great number of things to do around election confidence. And different people interact with elections differently. And how they interact with elections really raises the issues of what election competence issues are important to them. And I, I think that all of those are valid and we need to continue to discuss all of those. Voter ID is the issue that I hear the most from my constituents, which is why I wanted to continue to bring this forward and ensure that it remains part of the conversation. I think that-- well, what I hear in my community from many of them is that they view it as a commonsense approach to securing our elections against any other form of interference. And I think that this is something that if we do properly and we would-- we must do it properly, we could get buy-in from a large swath of the, the electorate because election confidence is confidence across the board. It is not isolated to one group to have confidence in the election system. So I think that it's something that we need to do with a great amount of buy-in, and I firmly believe that we can do that. I believe this can be done without disenfranchising a single voter. Voting is the most important right that we have, and I think that this would go towards giving folks more confidence in that right, protecting that right, and ensuring that we protect that right for everyone. So that's why I brought the bill forward, and I'd be happy to answer any questions you may have.

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

M. HANSEN: Thank you, Chairman Brewer. And thank you, Senator La Grone. Why did-- when you brought this issue forward, why did you choose to bring this in constitutional amendment rather than a bill?

La GRONE: So I brought it as a constitutional amendment to place the simple question before the voters of whether we should or should not have voter ID? Another reason I did that was to facilitate the, the, the-- a broad conversation that I talked about as we've considered a number of election confidence issues this session. I thought a, a more open, broad bill would raise the topic so we could discuss it from a

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number of different aspects. And I really think that we can have a good conversation today about why this is important to certain folks in terms of increasing their confidence election-- in elections and how we would have to do it to ensure that we protect the right to vote of everyone.

M. HANSEN: All right. Thank you.

BREWER: I guess, I got a, a quick question for you. So we're, we're, we're had-- we've had discussions on the process of once the ballot is either in the mail or you're in the voting booth and you, and you vote. We talked about the new 850, the machines that count the votes and all that. That end of it, you, you think is well-established and trustworthy. What we're looking at here is simply the process of the individual who is either mailing the ballot or filling out the ballot?

La GRONE: So this wouldn't affect mail-in ballots, and I can see how that-- the language that we use might be misinterpreted as that. And I-- if we would move forward, I would suggest an amendment to clarify that. I, I think that our election administrators do a great job. I think our Secretary of State does a great job. And I have a high degree of confidence in our election system. I think that there-- there's no reason not to safeguard the right to vote more though, because it is so important. And we can do that at a time where-- we can do that in a manner that increases the confidence in more voters and safeguards that right even more. I think that that's a, a smart and good thing to do.

BREWER: All right. No, thanks for clarifying that. Any additional questions for Senator La Grone? All right. Assuming you're sticking around for closing?

La GRONE: Absolutely.

BREWER: All right. Thank you. All right. First proponent? And sir, before we start here, I kind of need to do a quick poll. All of those that plan to testify on this bill, can I see a show of hands? All right. I hope you brought your supper. All right. Secretary, thank you for coming by, and you are free to start whenever you're ready.

BOB EVNEN: Thank you, Mr. Chair. Thank you, members of the committee. My name is Bob Evnen, B-o-b E-v-n-e-n. I have the honor and privilege of serving as Nebraska's Secretary of State. And I appreciate the opportunity to discuss this with you. We're talking about elections.

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We're talking about voter ID. We're talking about I have three minutes and everybody wants to know how am I going to confine myself to that? The-- first of all, the LRCA before you does not establish voter ID in the state. What it does is it clarifies the Nebraska constitution that voter ID would be permissible. It presents to the voters of the state the question, as Senator La Grone just noted, of whether or not they support the idea of voter ID as a method of further securing our elections in our state. So it, it is giving the people of the state the right to weigh in on this in a statewide vote. I think voter ID is something that is broadly supported in our state. It's a matter of common sense. I note a Gallup, I've certainly sent-- I've certainly received that sentiment as I've traveled the state. The Gallup Organization conducted a poll in 2016 and found that 81 percent of Americans support voter ID, 77 percent of minorities support voter ID. And, and again, it's a, it's a matter of common sense. So it's, it's presented as a controversial issue, but really it's not. One of the, the big objections to voter ID, which is just a method, we have all these methods across a, a variety of steps in our election process to secure it. We're very-- all very concerned about securing elections. This is a step in that process so I want to, I want to respond to a couple of things. One is, why are we fussing with voter ID if we don't have some huge voter ID problem? And the answer is that if you wait for your, your election systems to become corrupted, you can never recover. And there are all kinds of examples across the country of that. The-- then the second objection that, that is often heard that you may hear through-- I, I bet a lot of these people are opponents, I'm just guessing, and the people you're going to hear from, and they're going to talk perhaps about voter suppression. I have tried to-- I'm always trying to be attentive to arguments of voter suppression and where the evidence is. And what I can tell you is that I haven't found evidence of voter suppression and I have found evidence that, that voter ID laws do not suppress votes. I would tell you that our, our preliminary study shows that 98 percent of Nebraskans who are eligible to register today have state-issued IDs, 98 percent of the people by our preliminary review who are eligible to register to vote in Nebraska already possess state-issued photo IDs. That leaves a population of 2 percent. And what my view of that is, is that, that we have to-- and I'm, I'm committed to doing this, we have to identify the populations where, where we, where we find the-- that 2 percent of the population that's eligible to register but does not possess a state-issued voter ID-- photo ID and address it so that they're, so that they're not foreclosed from casting a ballot at the polls. I-- the, the-- because it's such a small number, it's a very

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manageable thing to do and it's something that I'm committed to. I thank you for your attention today, and, and I appreciate the work that you're putting into this issue and, and all the issues that come before you.

BREWER: And, and technically, because you're the Secretary of State, you're not limited to the three minutes. So if you-- if, if we've cut you short, I didn't mean to do that, and I should have clarified that when I started. But--

BOB EVNEN: Well, I, I appreciate your indulgence, Senator. But in the end, I'm just a guy and I'll live with the same rules.

BREWER: I appreciate that because it could be a long day. All right. Questions for the Secretary of State? All right. Thank you, sir, for your testimony. Oh, yes, sorry.

M. HANSEN: No, no, thank you. Sorry, I was a little slow on the draw. Thank you, Chairman Brewer. And thank you for testifying, Secretary Evnen. So I guess I was kind of weighing your-- so you feel like you don't-- you, you haven't seen any evidence that, that voter ID laws would suppress the vote or change who's eligible to vote?

BOB EVNEN: Well, it has nothing to do with eligibility, Senator. It has to do with identification. It, it has to do with, are you who you say you are. And, and I've-- I have encountered-- I've been trying to find are there studies that show this, credible statistical studies that show this. I found one study that was unpublished, not peer reviewed, and that was subsequently criticized in, in every fundamental respect that it put forward. So I consider that one to be, at best, inconclusive. I see anecdotal evidence that after the introduction of, of, of, of photo ID-- of voter ID law, that, that minority participation in elections has been as strong or stronger than in, in, in prior elections. So I see that we have 36 states that have done it. I see that the U.S. Supreme Court has approved of it. And, and I think that we can have a voter ID system that'll meet constitutional requirements and that won't shut anybody out. And I'm, I'm committed to that.

M. HANSEN: OK. I guess that leads me down the questions of, so as you've described and I think as Senator La Grone describes, that this constitutional amendment allows for us to, as a state, to vote yes or no, do we want this and I, and I appreciate the tactic that's being taken there. But I think kind of, you know, this-- the devil's in the

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details always so you know-- should this go, go down this way and we start leaning towards the path, kind of how would you envision voter ID being operated in the state, would you need-- you know, what types of IDs would qualify if you could just kind of elaborate as somebody who I'm sure would be--

BOB EVNEN: Well--

M. HANSEN: --key in implementing it.

BOB EVNEN: And we've, we've begun looking at that.

M. HANSEN: OK.

BOB EVNEN: One thing that we want to do is to have Nebraska's statute conform to the constitutional requirements that we're finding in the cases that are coming forward. So if you don't have an ID, you have to have easy access to it and it has to be at little or no cost. Again, then there are, there are alternatives if you don't possess an ID. Another problem-- I mean, there are ways of casting a ballot and having it counted later, even if you don't have an ID with you. So I, I think that there are those aspects of the law that we can, we can work out. In terms of the constitutional amendment itself, my view is that this is a clarification of the existing state of the Nebraska Constitution, that the Nebraska Constitution would allow this-- the Legislature to adopt voter ID legislation now as it's currently drafted, but that there is a, there is a certain amount of uncertainty about that. And, and in the sense that I can see down the road, the potential that organizations you may be familiar with may bring a challenge to that.

M. HANSEN: Sure.

BOB EVNEN: This, this-- so this constitutional amendment would clarify that such legislation would be permissible.

M. HANSEN: All right. And I think just one more, just, just so I kind of understand the stakes then, is, is it your understanding then that if we passed this constitutional amendment and it was enacted by the voters, we couldn't implement voter ID until the Legislature came back and then passed a voter ID law that hammered out all the details?

BOB EVNEN: Correct. That's my understanding.

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M. HANSEN: Thank you very much, Secretary.

BOB EVNEN: Thank you.

BREWER: You bet. Any additional questions? All right, seeing none. Again, thank you, Mr. Secretary. Next testifier is a proponent. Welcome to the Government Committee.

DOUG KAGAN: Good afternoon. Doug Kagan, D-o-u-g K-a-g-a-n, Omaha, representing Nebraska Taxpayers for Freedom. Currently, anyone can walk into a polling place, write in your name and address and vote under your name. You come in later and express shock to discover that someone impersonated you and stole your vote. We believe it incumbent upon the State Legislature to preserve the integrity of the voting process, express zero tolerance for vote fraud, and guarantee confidence in the outcomes of our elections. LR292CA would curb existing and future voter fraud three ways: check against errors, prevent individual and organized wrongdoing, and then offer citizens confidence in our voting process. Voter ID significantly deters impersonation fraud voting under phony names or with dead voter names, double voting by individuals registered in more than one state, and voting by illegal aliens. This photo ID standard will withstand constitutional challenge. In Crawford v. Marion County Election Board, the U.S. Supreme Court upheld an Indiana law that required voters to present a current and valid voter ID together with name. The majority decision considered any burden placed on voters offset by the benefit of reducing fraud that the law was reasonable, stating the importance of preventing illegal voting outweighing vague and undocumented cases of vote suppression. Justice John Paul Stevens in this case stated that flagrant, flagrant examples of voter fraud have been documented throughout our nation's history by respected historians and journalists, which demonstrate that not only is the risk of voter fraud real, but that it could affect the outcome of a close election. Similar legislation already has passed in 17 other states, including Kansas and South Dakota. A total of 34 states have laws requesting or requiring voters to show a form of ID at the polls. Few Nebraskans lack driver's licenses or state ID cards. The bill generously would include several generally-accepted idea options. One now must present ID to rent a movie or a vehicle, cash a check, or board a plane. In August 2017, Rasmussen Reports survey revealed that 70 percent of likely U.S. voters believe voters should be required to show photo ID before voting, instilling confidence in our elections. A Gallup poll in August 2016 found 80 percent of responses favor voter ID. In a

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November 2016 poll revealed that 100 percent of Nebraskans wanted voter ID, with 38 percent favoring the state providing free ID cards. Opponents of voter ID frequently predict that it would prevent thousands of citizens in various states from voting, whereas statistics show record voter turnout, not disenfranchisement, in minority communities across the country. An NPR/PBS news poll show that Americans worry more about ineligible voters than voter suppression. Another NPR poll confirms that only 6 percent of respondents reported difficulty with producing ID at polls. The National Bureau of Economic Research Study revealed that voter ID laws have no measurable, measurable effect on voter registration or turnout for groups defined by race or age. So LR292--

BREWER: Go ahead. If you're on your last sentence, finish it up.

DOUG KAGAN: Just two sentences. LR292CA will allow Nebraska voters to definitively understand that no one is usurping their votes. Let us join states like Arkansas and North Carolina to put voter ID into our state constitution. Thank you.

BREWER: All right. Thank you, Doug. All right. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. How are you today, Mr. Kagan?

DOUG KAGAN: Just fine, Senator.

BLOOD: Two questions for you. So you specifically referred to cashing a check or boarding a plane. In your personal opinion, would you say that doing those tasks are personal choices or a person's right?

DOUG KAGAN: Do you mean voting is-- it's a right?

BLOOD: Well, no, I'm asking about cashing a check and boarding a plane because you compared that to voting and needing an ID.

DOUG KAGAN: Can you repeat that again? I didn't catch it all.

BLOOD: In your personal opinion,--

DOUG KAGAN: Yeah.

BLOOD: --do you feel cashing a check or using an ID to board a plane, do you feel that those are rights or personal privileges--

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DOUG KAGAN: Those are privileges.

BLOOD: --personal choices? Personal privileges. So do you think it's a fair comparison to compare something that is your constitutional right to something that is a personal privilege?

DOUG KAGAN: I see a similarity, yes.

BLOOD: OK. The other question I have for you-- and that's fair enough, thank you for that answer, is that you specifically gave a synopsis that you created in reference to somebody coming in and impersonating you. Can you tell me the data that you have that this has happened in Nebraska?

DOUG KAGAN: I don't know that it has happened, but the way the, the law is now, it, it can be done.

BLOOD: As with any law in the United States, right, or in Nebraska, there's a law that I can't kill somebody, but yet I could still kill somebody.

DOUG KAGAN: Well, you wouldn't know unless, unless it happened. You, you can't tell because of the law, the way, the way the law is written now. You can't verify that it's not being done.

BLOOD: So now, especially knowing the organization that you're with, you are very much against laws that pertain to creating bigger burdens for taxpayers. Yes?

DOUG KAGAN: Yes.

BLOOD: All right. Thank you very much.

BREWER: All right. Any additional questions for Mr. Kagan? All right, sir, thank you for your testimony. All right. Additional proponents for LR292CA? Welcome to the Government Committee.

JAMES-EDWARD KLISH: Thank you. My name is Klish, James-Edward, last and first, Klish, K-l-i-s-h, James-Edward, J-a-m-e-s hyphen E-d-w-a-r-d. And I don't talk about the people who are opposed to voter ID, I do not understand why they would be opposed to something to prevent fraud because they talk about tight elections where one vote can make a difference. And does anyone really want somebody who is not legally entitled to vote casting a vote? Maybe the vote will turn out good, maybe it'll turn out a disaster for us. But the only

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ones who really should be voting are the ones who are legally entitled to it. And yet I hear all these people with their phony arguments, voter suppression. There is no voter suppression. Most of us have IDs already and the state can issue them, too, at no cost or low cost. So who's disenfranchised? What is being suppressed? And why do they want people who are not eligible to vote to even have the-- cast a vote when they should not be? Why do they say let's wait until fraud occurs out in the open? Once it occurs, you're going to have a hard time cleaning up the whole mess. So I question the motives of those who are always opposed to the ID. What is their logic? Is there any logic? And that's all I have to say about it.

BREWER: All right. Thank you for your testimony. Senator Blood.

BLOOD: Thank you, Chairman Brewer. I'll make this brief, I know you have a lot of people to testify. And thank you for testifying today. So the question I have, hearing your testimony, is, are you, are you for this bill or against the people who oppose this bill?

JAMES-EDWARD KLISH: No, I'm for voter ID. But the question is, why are people opposed to the ID? What is their motivation? Why would they not want to make sure we have a clean election process? Why do they want to wait until we really have a problem that we cannot deal with? It becomes a problem. Chicago's always been a good example in our history books where the dead could vote.

BLOOD: Chicago is very different than Nebraska.

JAMES-EDWARD KLISH: Yes, but we do not want a Chicago situation here.

BLOOD: I, I respect your opinion and for you clarifying and I think probably when you hear the opposition you'll get your answers. Thank you.

BREWER: All right. Next proponent of LR292? Welcome to the Government Committee.

SUSAN GUMM: Thank you. Chairman Brewer and committee members, my name is Susan Gumm, S-u-s-a-n G-u-m-m. I support LR292CA because I believe voter ID is a commonsense election reform and a proactive step to combat voter fraud in our state. The electoral system cannot inspire public confidence if no safeguards exist to defer fraud or confirm the identity of the voters. States that have passed voter ID laws understand that requiring voter ID is a fundamental and necessary

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component to ensuring people-- to ensuring people's trust in the integrity of the election process. The justification for voter ID laws does not depend on establish-- establishing such fraud. It is enough that fraud should not be permitted and that the opportunity to commit such fraud exists. Every American citizen who is eligible should be able to vote, but it is equally important that every American's vote is protected and not canceled by a fraudulent vote. Election integrity must be preserved to ensure that every legitimate vote counts and that our elections accurately reflect the will of the people. Voter fraud can drive honest citizens out of the democratic process and create distrust of our government. If you aren't actively looking for voter fraud, you won't find it. There are many elections, particularly at the local and state level, that are decided by a very small number of votes. In 2008, the U.S. Supreme Court declared that the Indiana voter ID law didn't violate the U.S. Constitution or cause an undue burden on the people. Citizens who value their right to vote and want to participate in the democratic process should be willing to make the effort to secure the proper ID and voter ID requirements. You cannot be part of the mainstream of American life today or participate in everyday activities without a photo ID. Most countries require voter ID, usually a photo ID to prevent fraud and duplicate votes at the polls. Canada and Mexico both require photo IDs. At a 2012 conference in Washington at which election officials from more than 60 countries met to observe the U.S. presidential election, most were astonished that so many U.S. states don't require voter ID. The American people value honest elections, the cornerstone of our representative democracy, and they overwhelmingly support voter ID requirements. Voter fraud is a very real and ongoing threat to the integrity of the political process. Election integrity shouldn't be a partisan issue, it should be an American issue. Whether we are voting for a state senator or the president, every Nebraskan must be able to trust the election process and the result. Voter ID would give Nebraskans some assurance that their vote counts and our elections are honest. I want my vote protected. Please support LR292CA and give Nebraskans the opportunity to have their voices heard on voter ID. Thank you.

BREWER: Thank you. All right. Questions? All right. Thank you for your testimony. Next proponent? Welcome to the Government Committee.

DOUGLAS ALMS: Thank you. My name's Douglas Alms, D-o-u-g-l-a-s A-l-m-s, in Malcolm, Nebraska. And I'm here with the Nebraska Taxpayers for Freedom and I support the voter ID. I'm confused as to why there are people that don't want this to happen. I think it's a

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very important right and fundamental duty of people to vote. Like it or not, without our military men and women, none of us would be sitting here today even discussing it. And I just-- I find the hypocrisy and the double standard to be overwhelming. Kind of paraphrase a quote from former President Ronald Reagan in the midst of a debate involving abortion, he said it suddenly occurred to me that everyone here that's supporting and promoting abortion has been born. And I think it's safe to say that everyone here today that contributes and takes part in the process as far as voting, we have photo ID, we have driver's licenses, we have things that are necessary to function in society today. And I just don't understand-- another thing I don't understand is how without valid ID, state and local governments can issue any benefits to the people that don't have the ID, and let alone then expect them to vote. I just don't understand how that transpires. I think it's a great double standard, they want, they want the benefits, but then they don't want to identify their voters, it seems to me like. So I, I support the voter ID and I think it's needed by everybody here in Nebraska. That's all I have.

BREWER: All right. Thank you, Douglas.

DOUGLAS ALMS: Yep.

BREWER: Senator Blood.

BLOOD: Thank you, Chairman Brewer. Just really quickly, who, who is they?

DOUGLAS ALMS: They are, they are the people that are in opposition to voter ID.

BLOOD: So those are the people that are getting services without an ID? That's what I'm-- I'm trying clarify what you're saying. I'm not trying to be a smart aleck, I'm truly trying to understand what you just said.

DOUGLAS ALMS: No. Yeah, I think there are-- I think a child could figure out there are people that are getting benefits, social and economic benefits, that do not possess a voter ID or even-- maybe even a picture-- a valid ID. I think that's-- I mean, see it everyday.

BLOOD: In Nebraska?

DOUGLAS ALMS: Yeah.

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BLOOD: Where?

_____ : Where?

_____ : Who?

BREWER: All right.

DOUGLAS ALMS: Well, if you go, if you go to where they distribute the food stamp programs or you go anywhere on 27th Street to the-- where they supply food and such things.

BLOOD: Oh, you mean like if somebody was homeless?

DOUGLAS ALMS: Yeah, that would be one example.

BLOOD: All right.

DOUGLAS ALMS: And so how do they, how do they-- how do you walk in and just say, OK, I'm here to get whatever I got coming and you don't have to prove who you are?

BLOOD: Well, to a homeless shelter, I'm homeless, I'm a veteran, I have no food, yes, they don't necessarily--

DOUGLAS ALMS: But then that same person shouldn't be allowed to vote.

BLOOD: But they fought for a country.

DOUGLAS ALMS: Some did, yes. And you're saying only 2 percent do not have photo ID, so I don't see where that would be a huge cost to supply them with that.

BLOOD: Fair enough. Thank you for the clarification.

DOUGLAS ALMS: You bet.

BREWER: All right. Just a second, let me check. Any more questions? All right. Thank you, sir.

DOUGLAS ALMS: Yep.

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

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MARK BONKIEWICZ: Thank you very much, Senator Brewer, and other senators on the committee. My name is Mark Bonkiewicz, M-a-r-k B-o-n-k-i-e-w-i-c-z. I live at 11129 Z Street, Omaha, Nebraska, Legislative District 12. I am a former farmer from Sidney, Nebraska, 350 miles west of here. So I'm approaching this just from a commonsense standpoint of how my dad would have talked to me on the farm and ranch. I need to have a photo ID for ten items that just come to the pop-- top of my mind as I sit here and prepare. I need it in order to acquire a library card, rent a video, acquire a passport, buy car insurance, buy a home-- buy a home, buy a car, rent a hotel room when I'm on the road, acquire a licensed certificate for marriage, board a plane. But I don't need one for the most important thing that I as a citizen do, which is to vote responsibly. So it just is absolute common sense that this should be a requirement. I want to vote for myself and only myself. I don't want anybody else ever voting for me. I don't ever want to vote for anybody else. When I go in and vote today, I take out my driver's license and I show it to the people sitting there, and they say, sir, you don't have to show that. And I said, I think I should have to, to prove that it's me, and that's my address where I live, which matches your records. So from a farm perspective, ranch perspective, you shut the gate in order to keep the livestock in the pasture. Let's not have any cases of voter fraud. Let's stop it before it even begins. And so let's pass this constitutional amendment and let's let the people vote on it. Thank you.

BREWER: Thank you for your testimony. Questions? Quick question for you. So you, you vote here in Lancaster County?

MARK BONKIEWICZ: Legislative District 12 is Millard.

BREWER: Or I mean, Millard.

MARK BONKIEWICZ: Yes.

BREWER: Obviously where I vote, everybody pretty much knows you when you come in, especially when your brother's the county sheriff. The process is you give them your address and name and then they match you to the, the book, the log, or whatever.

MARK BONKIEWICZ: That's correct.

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BREWER: And that's-- the confirmation is the name and the address. Is that how it works?

MARK BONKIEWICZ: That's all that they're doing and then you sign your name to that line.

BREWER: OK. All right. Thank you.

MARK BONKIEWICZ: Yep. Thank you.

BREWER: All right. Any additional proponents? All right. We will start transitioning to opponents. All right. And again, here's, here's how we need to do this as, as best you can to shift forward as we, as we work through. But those, those that are up front here obviously are going to be the, the first ones to get heard, because that's the system. I will ask that you try and respect those that are testifying, even if you don't totally agree with what they say. I need you to, to hold it down because they are the ones who we need to show the respect to, they're giving the testimony. So just please work with me with that. With that, welcome to the Government Committee.

MARGARET FISHER: Thank you. Hello, my name is Margaret Fisher. I live at 4375 Lafayette Avenue in Omaha, Nebraska. I'm from District 8, and Megan Hunt is my representative.

BREWER: Could I have you spell that?

MARGARET FISHER: M-a-r-g-a-r-e-t F-i-s-h-e-r.

BREWER: Thank you.

MARGARET FISHER: Thank you for allowing me to address you today. I'm here to discuss LR292CA. I am passionate about this issue. I grew up in Lincoln and have made Nebraska my home. While growing up in Lincoln. I went to McPhee Elementary School, literally in the shadow of this State Capitol Building we sit in today. While at McPhee, I was immersed in cultures drastically different than my own. I am white and instead of going to a majority white school, my parents tried to find a school that had diversity, as this is and was the America that we live in today. It cannot be understated how important that those lessons that I learned there were, lessons that the poor and minority children of Nebraska need to know. Not only in politics, but in life. I sit here now to discuss what one of the most amazing teachers taught me 21 years ago. If something is wrong, stand up for yourself. And most importantly, stand up for others, make yourself known and fight

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for what is right, even if it's not easy. I was 11, but I have not, not forgotten those lessons. Honestly, I can't believe that I'm here so close to that little classroom in which I learned that lesson I would-- that I would carry a lifetime. But I'm here now, here to discuss my home, District 8, where most people are not paid a livable wage, do not live in fancy homes, or even have enough money for rent as rent hikes are often more expensive than owning a home. I am surrounded by black, Latino and white Americans who are trying to get their children into good schools, avoid getting in trouble with the law, and simply live their-- the best lives possible while surmounting a mountain of debt. America is no longer a pull yourself up by your bootstraps country, it's a I hope you were born into a privileged home. The, the argument, it's an ID, everyone has one is invalid. It's simply not true. I have a friend, for instance, who is a veteran, my age, who does not have a birth certificate due to unfortunate circumstances and, therefore, does not have a photo ID. Does this mean that he who has served his country should not be able to vote? Should my neighbor's grandmother not be able to vote because her driver's license was taken away? Or how about a friend who made mistakes in her young life and will never have a driver's license again, even though she made amends and has gotten her life back together? We are poor, we are marginalized, but we are Nebraskans and we are strong and we have the right to vote with that-- with the proper paperwork. When I was 18, a woman named-- with my name also voted, Margaret-- or Maggie Welkin [PHONETIC], Margaret Welkin. Should her vote have not been counted? No, it was easily told different. We, we were different people because of not only our birthdates, our address, but our Social Security number. All I have to say is these-- sorry, our voting system works, leave it alone. Thank you.

BREWER: Thank you for your testimony. Oh, hang, hang on just a second,--

MARGARET FISHER: Oh, so sorry. Hey, guys.

BREWER: --we might, might have a--

MARGARET FISHER: Any questions?

BREWER: Well, I, I-- I'll have a quick comment for you.

MARGARET FISHER: Yeah.

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BREWER: If, if you, if you have a friend who's a veteran and,--

MARGARET FISHER: Yep.

BREWER: --and he's struggling to get an ID, you can get with me and I'll-- I will help figure out how to fix that because he should be entitled to one, whether it's through the VA or--

MARGARET FISHER: I would love that, we've been struggling for four years.

BREWER: All right. Well, come, come by my office probably not tonight, but we'll work on it.

MARGARET FISHER: I'll send you, I'll send you an email.

BREWER: Yeah. All right. Thank you for your testimony.

MARGARET FISHER: Thank you. Senator Hansen.

BREWER: Welcome to the Government Committee.

TYLER WILSON: Thank you. Gosh, this is an awfully tall table.

BREWER: It is a very tall table.

TYLER WILSON: So my name is Tyler Wilson, T-y-l-e-r W-i-l-s-o-n, just like the basketball. Unfortunately, I don't get royalties from it. I live in Omaha. My address is 3860 Dodge Street. I'm going to, to throw a lot of numbers and statistics at you. Hopefully, it's early enough in the afternoon where your brains aren't mush yet. It's been said that voter fraud is an issue that needs to be stopped. LR292CA is a solution for a problem that doesn't exist yet and it more than likely will never exist. In the 2016 presidential election, 58.1 percent of Americans eligible to vote voted. That equates to 138 million voters. Of those, count the zeros, 0.003 percent were fraudulent voters, which equates to 414 votes out of 138 million. Eleven percent of America's voting population does not have a photo ID, which equates to 32 million voters. That 11 percent can be broken down into 4 main categories: the elderly, low income, college age, and minorities. Eighteen percent of the elderly don't have IDs, and 25 percent of African Americans don't have IDs. You may ask, well, why can't they just get an ID? Many factors, such as geographical location and income restrictions play into that. Rural Nebraska lacks public transit, meaning in order for someone to get to the DMV, they need a car which

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you can't legally drive without an ID. And in rural Nebraska, where I grew up, our DMV is only open one day per week and even then it's open for less than eight hours, making it extremely difficult to access the ID if you don't have a ride or access to public transit. Elderly voters are the most active out of any demographic. Voter ID laws will hinder them. Minorities voted to virtually the same rate as their counterparts in 2016. So let's go back to that 0.0003 percent. I'd like to quote something from the Brennan Center at NYU School of Law, it is more likely that an individual will be struck by lightning than they will be impersonated at a ballot box. Voter ID only stops one type of voter fraud. And it does nothing but damage our democracy. What we should be talking about is automatic voter registration to reduce duplicate voting or how making election day a mandatory federal holiday so voters don't have to take off work or can have more access to polls. It is your duty as elected officials to uphold democracy and to empower your constituents to vote. Instead, you're tearing down the fundamental civic duties of all Americans by not allowing Americans to vote. Thank you.

BREWER: Thank you. And thanks for your homework.

TYLER WILSON: Yeah.

BREWER: You, you did a good job with the numbers. Now let me run a, a couple by you.

TYLER WILSON: Yeah, absolutely.

BREWER: Just out of curiosity, Tyler, where's home, where did you grow up?

TYLER WILSON: So I grew up in Custer County, Nebraska.

BREWER: Uh-huh, drive through it.

TYLER WILSON: More specifically, Merna, Nebraska. But most people have no idea where that's at.

BREWER: Well, I do. I drive through it about once every two weeks.

TYLER WILSON: Well, there you go. Don't blink because you'll miss it.

BREWER: Every-- yeah, it's, it's--

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TYLER WILSON: We got a gas station finally.

BREWER: You do have a gas station.

TYLER WILSON: So, you know.

BREWER: All the numbers make sense, the 32 million without though that would be-- wouldn't that be like one in every ten that doesn't have an ID? It, it seems a little high.

TYLER WILSON: I can't speak exactly to the ratio of it. But I have your email address, so I can definitely email you--

BREWER: Yeah, do.

TYLER WILSON: --some more details on that.

BREWER: And, and maybe that's spot on. I just-- you know, I, I think we're in the three hundred and twenty, thirty, forty million range. So if we had 32 without, it'd be about 1 in 10.

TYLER WILSON: Yep.

BREWER: But--

TYLER WILSON: Yeah, I'll, I'll email that to you.

BREWER: Yeah. But I-- you sat down and did a lot of homework, a lot of work and--

TYLER WILSON: Yeah.

BREWER: --appreciate it.

TYLER WILSON: It was actually-- I'd like to thank, Precious McKesson, who's behind me. Without her, I wouldn't have known about this constitutional amendment. And so it was a very fast 1:30 in the morning last night trying to cram all these numbers.

BREWER: Well, well, time well spent.

TYLER WILSON: So--

BREWER: Any questions? Yes, Senator Blood.

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BLOOD: Thank you, Chairman Brewer. Just real brief, I'm sorry, how many zeros in front of the 3?

TYLER WILSON: So it is-- hold on, let me scroll up, 0.0003 percent. So three zeros.

BLOOD: So in your research, did you look at how many people were experiencing identity fraud this last year?

TYLER WILSON: I did not, no.

BLOOD: Fourteen to fifteen million.

TYLER WILSON: OK.

BLOOD: So you seem like a smart guy,--

TYLER WILSON: Yeah.

BLOOD: --which seems like a bigger problem, someone's stealing your identity and using it incorrectly or somebody trying to pretend to be you at the polls?

TYLER WILSON: I mean, technically speaking, if someone uses your ID to vote, wouldn't that technically be considered identity fraud?

BLOOD: Well, it, it would be but what I'm saying is that--

TYLER WILSON: So therefore, it's it the same issue?

BLOOD: --we don't seem to be really worried about people stealing your identity that we seem to be worried about you pretending to be you at the polls. So--

TYLER WILSON: Right.

BLOOD: --I'm, I'm putting one on one end of the scale, one on the other end of the scale--

TYLER WILSON: Right.

BLOOD: --and it kind of goes like that.

TYLER WILSON: I mean, we also-- there's a lot of issues that you could weigh in that same aspect. Right? Homelessness is a huge problem.

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BLOOD: Huge problem.

TYLER WILSON: Why should any American be homeless? Right? So--

BLOOD: Because we don't do a very good job of taking care of our own.

TYLER WILSON: Right. So we're here today testifying on voter ID when we could be testifying on let's build some homeless shelters and take care of our homeless problem. But we aren't, we're here on voter ID.

BLOOD: Well, you sound like a good soul.

TYLER WILSON: Thank you.

BLOOD: Thank you for testifying.

TYLER WILSON: Any other questions?

BREWER: All right. Thank you for your testimony.

TYLER WILSON: And I will get that email to you. Thank you.

BREWER: All right. Thanks. All right. Next opponent for LR292? Welcome to the Government Committee.

SHERI ST. CLAIR: Good afternoon. I'm Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r, and I'm here on behalf of the League of Women Voters of Nebraska and the League is opposed to LR292CA. The league opposes barriers to voting, including requirement for photo ID and documentary proof of citizenship. We also find that the wording of LR292CA is pretty vague as to what appear on the ballot. At some point the Legislature has to go back and determine how poll workers are to check the photos, and so it's unclear how much of a burden of confirming the match is going to fall on that poll worker. What if the person's appearance is different from when they had their photo ID? They grew a beard, they shaved a beard, for example. And additionally, the cost of placing this proposal on the ballot and the cost of implementation aren't addressed. So we would be very interested in knowing how the dollars are going to match up with this. So voter ID bills, as we all know, have been introduced and failed to advance in previous sessions of the Legislature. Unchanged from previous proposals, again, are these anticipated costs to the election boards and commissioners, the difficulty some citizens will experience in trying to obtain photo IDs, and the absence of evidence of voter fraud in Nebraska. The proposed amendment will turn voters otherwise eligible to cast ballots

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away from exercising their right to vote while not solving the purported issue of people trying to vote under somebody else's name. On a personal note, my mother is an elderly voter, she is very in tune to political process, she has very strong opinions. She hasn't driven for a number of years, taking her to get a photo ID would be a burden having to-- and she sees no reason that she should have to do this. And I think there are a lot of elderly people that just say-- that's a point where they say, OK, I was done with driving, I'm done with this, I'm done with that, now I guess I'm done with voting as well. I would hate to see us do anything that's going to discourage anyone from participating in the process.

BREWER: All right. Thank you for your testimony. Senator Blood.

BLOOD: Thank you, Chairman Brewer. For the record, how many decades has your mom been voting?

SHERI ST. CLAIR: She is 93. She's been voting since she was eligible when she was 21.

BLOOD: Thank you.

SHERI ST. CLAIR: Um-hum. And she voted in this past-- in our school board election here in Lincoln just a couple weeks ago.

BLOOD: Good for her.

BREWER: Additional questions? I, I have one quick comment for you. My, my mom, who's in the home, has kept her driver's license-- it's expired from when she was 50 because her hair was a color that she wants it to be.

BLOOD: That's a good story.

BREWER: Thank you.

SHERI ST. CLAIR: That's understandable.

LOWE: Has Tom done the same?

BREWER: Welcome to the Government Committee.

CHRISTINA BRADLEY: Thank you. My name is Christina Bradley, C-h-r-i-s-t-i-n-a B-r-a-d-l-e-y. I'm here in opposition to this bill. Lots of people have thrown out numbers. I will tell you, I've got an

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article here from the Sandhills Express that says these state's own numbers find voter ID fraud rare. So what we have is out of 860,000 ballots cast in the 2016 presidential election in Nebraska. There are only two potential cases of fraud. So that is .00023 percent. I'm speaking today because, in a former career, I worked for Legal Aid of Nebraska and we had a program where we helped homeless people get birth certificates. And we at any point in time had between 10 and 20 cases open. In the state of Nebraska, you are not able to get a driver's license or a state ID without a certified copy of your birth certificate. You are not able to get a birth certificate without a state ID. This is a catch-22 that is going to disenfranchise the elderly, the transient, victims of domestic violence who have had their documents destroyed by a violent partner. And in this day and age, we need to be encouraging people to vote, not throwing up roadblocks. And that's all I'm going to say right now, unless anybody has questions.

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

CHRISTINA BRADLEY: Thank you very much for your time.

BREWER: OK. If we can-- yeah, let's see, would one of the pages help grab the green sheet so she has-- thank you. Welcome to the Government Committee.

ERIN PHILLIPS: Thank you. Senator Brewer, and members of the Government Affairs Committee, thank you for this opportunity, opportunity to speak about LR292CA today. My name is Erin Phillips, E-r-i-n P-h-i-l-l-i-p-s. I am one of the Disability Policy Specialists for People First of Nebraska. I am asking for more time so I can speak slowly and be understood. People First is an organization of self-advocates, of self-advocates. Our mission is to empower, train, and advocate for all of the people with disability have a voice-- so all people with disabilities have a voice. People First of Nebraska oppose LR292CA because it takes away the voice from those who don't have IDs. Many other people have talked about the numbers and the data. I want you to know why we shouldn't have to show photo IDs to vote. First, everybody should have-- first, everybody has to prove who they are and where they live when they register to vote. However, in order to show, in order to show a photo ID at the polls, you must have one, you must have one. A five-year photo ID costs \$24. So you would have to pay \$24 to vote. If your photo ID has expired, you have to show your birth certificate to get a new one. To get a birth certificate, you must show a government photo ID and pay \$17. But if

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you don't already have a photo ID, you must find somebody to show their ID to get your birth certificate. So that means you have to pay \$41 to get a government ID. This may not seem like much, but people with disabilities live in the group homes, only have allowances-- allowances of \$64. That's \$41 for photo IDs, most \$64-- may I correct myself? That is \$64-- I don't know what's in here. I heard this would be like a poll tax. I don't know anything about that, but I do know I can't afford it. You have a chart on your paper to show how much that is. On top of that, [INAUDIBLE]-- you got to get to the DMV for the photo ID-- on top of that, you need to get to the DMV for the photo ID. Many Nebraskans who have a long way to go use lots of gas. For instance, Valentine has only one DMV in all of Cherry County. That's one DMV in a 6,000 square mile. I can't do the math on that, but I think it would be 100 miles to the nearest office where you can take your-- photo taken for the ID. Those are-- these are the reasons People First opposes LR292CA. I'll try to answer any questions you may have.

BREWER: Thank you, Erin. I hope everybody understands that I turned off the light system because it's the right thing to do here. So if you're offended because you only get three minutes, it's on me, OK, Erin. Any questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. And thank you for the accommodation. Erin, good job. And I want to ask you a question and explain something to you. So you talked a little bit about the poll tax. So the poll tax was something that was used, especially in the south, to prevent people from color and the poor from voting. It was more of a trick than a tax, where in some states they would ask people to answer questions that had no answers. They would ask poor people who couldn't afford to pay a tax to pay a tax if they wanted to vote, even though a tax is everybody's constitutional right. And then brilliant people like somebody named Evelyn Bettes took it to the Supreme Court and held people accountable because this is everybody's constitutional right. So one of the things that you talked about was the allowance that you get-- or that many people get that are people with disabilities in group homes, and so the allowance being \$64. So if you had to pay, say, \$41 for a government ID, because I think the idea is for people who don't, the idea is for people who don't drive or-- I think the last, what, five or six years. Do you know that, Erin? Something like that. My son is an adult with a disability, I

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think it's like five or six years. So that would only leave you 20 bucks, we'll say, to, to live on, right?

ERIN PHILLIPS: Yeah.

BLOOD: So what that-- what would that prevent you from being able to do that month?

ERIN PHILLIPS: Maybe, coffee for my-- I like coffee.

BLOOD: So just basically it would make your life smaller.

ERIN PHILLIPS: Yeah.

BLOOD: Right? OK. Thank you very much again. Good job.

ERIN PHILLIPS: You're welcome.

BREWER: You did do a good job. Thank you. [APPLAUSE] All right. Next opponent to LR292? Welcome to the Government Committee.

JADEN PERKINS: Good afternoon. Thank you to the Government Committee for holding this hearing. My name is Jaden Perkins, J-a-d-e-n P-e-r-k-i-n-s. I am from Omaha and I am here in today in opposition to LR292CA for some very simple reasons that should also be clear to the senators who are trying to pass this amendment. Just 60 years ago, my ancestors marched in the streets for my right to vote. Now that right is under attack and we shouldn't turn our backs on their hard work. We still have more-- much more progress to make. Since 2010, some 36 states have passed some form of voter ID bill. According to a 2016 article by the Brennan Center for Justice, race has overwhelmingly played a factor in which these laws were implemented. Hundreds of thousands of people have been unknowingly thrown off the voter rolls and has gotten so out of hand that Florida now has an effective modern day poll tax that has and will cost voters millions. Voter IDs will overwhelmingly impact communities like mine, 2016 was the first presidential election in which full Voting Rights Act was not in effect due to the attacks on voting rights all across America. We cannot afford voter ID bill in Nebraska. Nebraska shouldn't be participating in destroying democracy because voter ID laws are discriminatory. Just some statistics: minority voters disproportionately lack ID. Nationally, up to 25 percent of African American citizens of voting age lack government issue voter ID, compared to only 8 percent with white people. Some states that have voter ID often exclude forms of ID and in a discriminatory manner.

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Texas, for example, allows concealed weapons permits for voting, but does not accept student ID laws. Until its voter ID law was struck down, North Carolina prohibited public assistance IDs and state employee ID cards, which are, which are disproportionately held by black voters. And until recently, Wisconsin permitted active duty military ID cards, but prohibited Veterans Affairs ID cards for voting. Simple solution is we should not have voter ID, period.

BREWER: All right. Thank you for your testimony. OK. Questions? Thank you. All right. Next opponent to LR292? Welcome to the Government Committee.

JUDY KING: Thank you, Senator Brewer. Thank you, Committee. I'm not going to be as friendly as everybody else has been or any of them that will be probably. My name's Judy King, and I want you to make this part of your record. I'm here with my white privilege in opposition to the constitutional amendment, LR292CA. I'm just going to jump up front about this. According to the Republican playbook, this is a national step to impede the voting as well as gerrymander the voting maps and is not to curb voter fraud. This has been proven across the nation. This will cost the state millions of dollars if you create voter IDs. It'll cost the state again for court costs to fight the discrimination complaints. It's another age, race and poverty discrimination bill. It will be hard for minorities, older persons, and young college-age voters, and impoverished persons to vote. I know that there are examples of this, especially for older people not being able to vote because it's hard for them to even make it to a polling place. And you'll probably hear the testimony mailed in-- or you'll receive testimony mailed in on that also. I have a better idea that would allow everyone, everyone to vote. And that would be to introduce vote by mail like other states are doing. No need for the cost to have the voter IDs made. This will save all voters' time when they can vote from their home. It will be-- it will save significant money by being more efficient. This is why other states have implemented, implemented this legislation. The current amendment is actually showing that the Republican Party wants to stop the vote and some-- and for some people and they do not care how much it's going to cost. As Nebraska citizens, we can't afford this bill. This is a racist bill. I'm tired of your continued protection and support of right wing ultra conservative issues. Your stance and protection of white supremacy gun humpers, instead of people that just want gun reform is disgusting and just another example of racism. You are initiating the proposed constitutional amendment with the ultimate aim to make it more

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difficult for certain individuals to vote. I'm telling you, this is a racist bill. Just like I told you David Pringle was a white supremacist in the hearing the other day. Do you need to see a person in a white sheet with a cone on their head before you can make a statement against racism and stop these racist bills? Racism and white supremacy is a problem in this state from the Governor's family through the Governor's campaign staff on down. Issues on racism and white supremacy have continued to be a problem. When it's pointed out to you, you act like you're shocked and offended that we would say such a thing. This is not working anymore. It just makes you look stupid. And you really want to know-- if, if you really want help knowing who these people are, we can help you with that. Let's show the people of this state you are not stupid. Let's make sure everyone can vote and be able to live in a safe state where everyone has equal rights to practice their religions without fear of having the churches burned, the synagogues disfigured, or children having racial slurs at basketball games, and everyone in this state having an equal chance to thrive. Stand up for Nebraska and this country. Let everyone, everyone vote. Thank you.

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

JUDY KING: Thanks.

BREWER: All right. Next opponent? Welcome to the Government Committee.

CHERYL GOODWILLIE: Good afternoon, Senator Brewer and members of the Government, Military Affairs and Veterans Committee [SIC]. I'm happy to be here. My name is Cheryl Goodwillie, C-h-e-r-y-l G-o-o-d-w-i-l-l-i-e, and I want to state that I oppose LR292CA because of my mother's personal experience and that I believe her situation is common to many disabled and elderly people in our state. I testified two years ago when a similar bill was under proposal. I told the story of my elderly mother in an assisted living community who did not have a photo ID and she had not driven for many years. She used a walker then, and I once took her to the DMV to obtain a photo ID. My father died only a few months later after that time, and we had to move her to a less expensive apartment in the same facility. We never returned for an updated ID because she said it was too exhausting. If I may, I'd like to update you on her current situation. She is now 89 years old and living in a nursing home. She is incapacitated and unable to get out of bed without two assistants. She is sometimes put in a reclining wheelchair, but never more than a few hours a day. I can no

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longer drive her anywhere myself because I would never be able to get her in and out of my car. She only leaves the nursing home for a doctor's appointment using the van available at the facility. In fact, she has only been out of the facility two times in the last seven months. She is also nearly blind and can barely write her name. Obtaining a photo ID places an undue hardship on elderly and disabled people in our state who have limited access to transportation. I've tried to be supportive of my mother's needs these last several years, but there are many people in our state who do not have someone who can or will act as an advocate for them. There are many people who don't have access to a computer, realistically. Oh, goodness, time already. How are they to obtain ID without assistance from others? So my mother never missed voting in an election. She was a-- worked at a polling place for many years. She took great pride in that responsibility. And more than most people, she understood that we need to encourage everyone to vote. And she knows that Nebraskans are responsible citizens. If the bill were to become law, elderly and disabled people across the state who depend on others for transportation might easily lose their right to vote. Many others-- many people do not want to trouble others for transportation, or it may be just too exhausting and physically demanding to go to the DMV and obtain a state photo ID. Thanks so much. I want to-- I'm just excited to be here and I appreciate the opportunity to share my story. Thanks.

BREWER: You bet. Thanks for coming in. All right. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. And thank you for testifying. Before asking you a question, I just wanted to say how lucky your mom is to have somebody who obviously loves and cares for her.

CHERYL GOODWILLIE: Well,--

BLOOD: Because not all of our senior citizens are that lucky.

CHERYL GOODWILLIE: --my brother and sister live-- you know, you know-- thank you. That's very kind of you.

BLOOD: We, we have a lot of senior citizens. I volunteer in nursing homes all the time and there are people who once they get put into a home, they never see their families. So God bless you.

CHERYL GOODWILLIE: Yeah, it's, it's really depressing.

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BLOOD: How many decades did your mom vote?

CHERYL GOODWILLIE: Oh, I'm sure 21 to-- you know, and she didn't vote in the last presidential election.

BLOOD: Because of the circumstances?

CHERYL GOODWILLIE: Yeah, because of those circumstances. And at this point, I mean-- but, we'll see.

BLOOD: I'm sorry, I didn't mean to upset you.

CHERYL GOODWILLIE: Yeah, uh-huh.

BLOOD: So one of the things that keep coming clear to me is I hear people testify-- you know, I, I think that when we look at that generation, they understood what they had to do to fight for their right to vote and that they've always valued it. And that's one of my concerns about this bill as well, is that I don't-- we shouldn't disenfranchise anybody, anybody.

CHERYL GOODWILLIE: Yeah.

BLOOD: And so if I heard you correctly, that's exactly what you're talking about.

CHERYL GOODWILLIE: Oh, I, absolutely. I think-- I mean, when-- there are so many people in-- I mean, in rural areas-- this person I had no idea that DMVs were open one day a week.

BLOOD: Right.

CHERYL GOODWILLIE: That makes it really tough. So I think, I think rural people are more, you know, more likely to be disenfranchised than, than urban.

BLOOD: Yeah, it sounds like it. Thank you so much.

CHERYL GOODWILLIE: Thank you. Thanks so much.

BREWER: Thank you for your testimony. All right. Next opponent to LR292? You realize this will be the last time--

WESTIN MILLER: I know.

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BREWER: --you get to testify in front of the Government Committee for the year.

WESTIN MILLER: Way to go out on a, way to go out on a low-key, chill note. This is great.

BREWER: Welcome back to the Government Committee.

WESTIN MILLER: Thank you, Senator Brewer, and members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of public policy with Civic Nebraska. The most important things are being said by people here to share their personal experience, so I'm going to kind of interject, at the halfway point, to encourage you to ask a couple of questions as you evaluate this, just whether or not, whether or not it's a good policy. There are five questions I've given you that I would encourage you to ask about voter ID laws. Those questions are: number one, is there a clear problem that you are solving? Number two, is there evidence that your policy is or will be effective? Number three, are you spending money? Number four, is that expenditure the most effective use of taxpayer dollars right now? And number five, is your bill written in the most effective and responsible form? I'm using these questions based on being here all, all session and seeing that these are really reasonable questions that you all ask about every other policy. For some reason when it comes to voter ID, we forget to ask those questions and we instead say we have to pass this right now because this is a no brainer and people are nervous about fraud. I know time is very short, so I literally have time to answer one of the five questions that I've given you. So I'm going to pick number two and feel free to ask questions if you want to talk about the rest. And I'm picking number two because Secretary Evnen, I think, correctly brought up the importance of evidence when we have this conversation. So is there evidence that your policy is or will be effective? I do not doubt for a second that people are feeling unsure about our election process. I've seen those polls, too, they're terrifying. But public trust in elections is for me, as you all know, value number one when it comes to supporting legislation. That's why I think it is so important you know that there is exactly zero valid evidence proving that voter ID laws even make anyone feel better about the state of elections or about the existence of voter fraud. Last year, researchers conducted the largest data analysis of voter ID, I think ever, but certainly the largest I can find so far. They sampled more than one billion, with a B, instances of voter behavior collected in states with voter ID laws between 2008

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and 2016. And they concluded, and I'm quoting, voter ID laws have no effect on fraud, either actual or perceived, actual or perceived. And they continue, we do not find any significant effect of the laws on either the actual number of fraud cases or the likelihood that they get detected and reported. Now they did acknowledge that that's not necessarily the same as how people feel about the state of elections, so they also investigated that. And they found, quoting again, we find the laws had no significant effect on the perceived occurrence of voter impersonation, multiple voting or noncitizen voting. So in normal person language, this means people who are worried about voter fraud are just as worried about it after a voter ID law is passed. My three minutes is already up, so I hope I get to answer some questions. But if not, I do want to acknowledge that I know at this point, really just having a conversation, but it is a conversation that clearly a lot of us take very seriously. And I think that voter ID has somehow become exempt from the scrutiny that we normally give other big public policy questions. So I would encourage you to ask those questions today. Thanks for your time, thanks for--

BREWER: Technically, you had 24 seconds left. Well done. Questions? All right. Oh, sorry.

M. HANSEN: Yep, no, no problem.

BREWER: Go ahead, Senator Hansen.

M. HANSEN: Yeah. Thank you, Chairman. And thank you for being here, Mr. Miller. I asked this about Senator La Grone and the Secretary, what's-- what in your mind is the significance of this being a constitutional amendment rather than a bill?

WESTIN MILLER: Sure. Great question. This is, this is one of the most vague voter ID proposals that we've seen since 2011. And I understand that that can be politically advantageous because it allows for wiggle room in negotiations, so I get that, and I think the intentions here are fine. That is a great question, because it's very important that, as a committee, you're aware of what you're being asked to do by authorizing this as an amendment, not an actual bill. So if this amendment is passed and approved by the voters, you no longer have any choice whether or not you can or cannot pass a voter ID law, you must do it. If you sign on to this particular amendment, you have no guarantees of what the voter ID law will or will not include. It just says that you can't vote until a poll worker has verified you with a photo. You have no guarantees about how much it will cost. Senator

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Brewer, in past years, you've asked good questions, but what IDs will or will not be included? There is nothing in this amendment that guarantees that a future bill will or will not include certain IDs, but you will have no choice but to pass some kind of a bill. So I just think that is kind of a rotten situation for you all to be in when it comes to crafting good legislation. Thanks for that question.

M. HANSEN: All right. Thank you.

BREWER: Again, that's what I like about you, you make things pretty clear--

WESTIN MILLER: Thank you.

BREWER: --and you don't confuse it with lawyer mumble jumble now that I know you're not a lawyer. All right. Any other questions? Thank you.

WESTIN MILLER: Thank you.

BREWER: OK. Next opponent to LR292?

ROBIN VODEHNAL: Thank you, Senator Brewer.

BREWER: Careful, that chair's, that chair's a little tricky there.

ROBIN VODEHNAL: It is.

BREWER: Welcome to the Government Committee.

ROBIN VODEHNAL: And welcome all of you to the committee, too, and thank you for your hard work. My name is Robin Vodehnal, R-o-b-i-n V-o-d-e-h-n-a-l, and I'm a constituent of Senator Halloran's, and I'm here to speak in opposition to LR292CA. LR292CA would force legislation to create a voter ID law and put disenfranchisement at the heart of Nebraska's Constitution. This would unfairly impact veterans, elderly populations, people with disabilities, rural voters, and poor people, which is why I'm here today to talk about the poor and how voter ID will further disenfranchise these indigent people. The poor are battling demons that you may know some things about. And this is just one more way to keep people away from the polls. When you are worried about your next meal or where you will sleep that night, voting is not your number one priority and this makes it easier not to do it. Voter ID laws deprive many voters of their vote-- right to vote, a cornerstone of our democracy. This stands in direct opposition of wanting more Americans to participate in the democratic process.

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Even if that-- if the ID is offered for free, underlying documents required to obtain ID costs money, a significant expense for lower income Nebraskans. According to the ACLU, the combined costs for document fees, travel expenses, and waiting time are estimated to range from \$75 to \$175. Travel is often required and is a major burden to people with disabilities, the elderly, or those in rural areas. Without access to a car or public transportation, when poor your resources are better spent on food and shelter. When voter ID is required, it reduces voter turnout by 2 to 3 percent points, which can translate into tens of thousands of votes lost in a single state. Minority voters are disproportionately affected. According to the ACLU, up to 25 percent of African American citizens lack government-issued photo ID compared to only 8 percent of whites. There's never been a conviction of voter impersonation fraud in the state of Nebraska, or even a tangible problem of voter fraud. Talk about government overreach, a solution looking for problems is what I would call voter ID laws. Cited by the ACLU in a recent study, there have only been 31 credible allegations of voter impersonations since the year 2000, the only type of fraud this amendment would prevent. There were over one billion ballots cast in this period of time. We here in Nebraska have to pick and choose how our tax dollars are used. Voter ID is very expensive and this resolution and one I would not support. According to the ACLU, Indiana spent over \$10 million to produce free ID cards for a problem that is rarely to say the least seen. This resolution is too expensive for Nebraska to implement, especially with absolutely no problem. Easier registration processes, a day off to vote. These are worthwhile items to work on to make our democracy flourish and to make it easier for more people to participate in our democracy. Thank you.

BREWER: Well, your, your timing was good there. All right. Questions for Robin? All right. Thank you for your testimony.

ROBIN VODEHNAL: Thank you.

BREWER: Welcome to the Government Committee.

VICKIE R. YOUNG: Thank you. Greetings. I am Vickie Young, president of the Omaha Branch of the NAACP, the National Association for the Advancement of Colored People. That's Vickie, V-i-c-k-i-e R. Young, Y-o-u-n-g. The Omaha Branch of the NAACP was chartered locally in 1914 and I'm here today to present views and historically charged understandings of the African American community. I'm here to speak in opposition to LR292CA. Dear Senators, it seems like every year the

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Nebraska Legislature proposes voter restrictions through various forms of voter ID requirements. And every year organizations like the NAACP come forward to protect Nebraska's most marginalized communities, those living in poverty and people of color. Here we go again. We hear, we hear from this chamber that it is not to disenfranchise voters, but rather to protect voter integrity. Yet, there are no signs of any voter fraud in Nebraska or any other state that has or is imposing draconian voter ID legislation. Excuse me. I submit that the only violation of integrity in this misleadingly disguised-- is this misleading disguised legislation. It took major legislation in the '60s to finally codify our right to vote. The Voting Rights Act of 1965 was passed to, to supplement the 15th Amendment to the Constitution. It further guaranteed that no federal, state or local government shall in any way impede or discourage people from registering to vote or participating in voting because of their race or color. And yet we find the Nebraska Legislature attempting to eviscerate people's rights to vote again with needless voter ID requirements. Understand the historical significance of this action. Many who, who were denied the right to vote, marched and bled, even died, in order to obtain those rights. Our rights have traditionally been denied via poll taxes, literacy tests, and, of course, voter ID laws. For African Americans, fighting these attempts go beyond decades. As I've testified before, my grandfather, Reverend Thomas Calvin Young, protested, marched, and fought for his rights and the rights for generations to come. He was chased by dogs, racist-- and racist individuals who were intimidated by the power of the black vote. My grandfather never gave up. He instilled in me and our family the fight for righteousness, the fight for our civil rights. He was born and raised in Holly Springs, Mississippi. Again, this cynical action is morally repugnant and has no place in civil society. It is a problem created by political ambitions and will not solve a problem that does not exist. It only creates impediments for people who have spent generations fighting for the right to vote. Again, I repeat my objection to this unnecessary and offensive legislation. Again, the Omaha Branch of the NAACP and I oppose LR292CA. Respectfully submitted, Vickie Young, President.

BREWER: Thank you, Vickie. All right. Questions for Vickie? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Vickie, how many members do you have in your organization?

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VICKIE R. YOUNG: We, we have probably right around anywhere from 500 to 600. But that's just the Omaha Branch--

BLOOD: Right.

VICKIE R. YOUNG: --of the NAACP. Here in the state of Nebraska, we have two other branches, the Lincoln Branch and also the university at Lincoln.

BLOOD: If you were to combine those members how many would that be do you think?

VICKIE R. YOUNG: That I couldn't tell right off the top of my head.

BLOOD: Sorry, I didn't tell you I was going to ask you that question.

VICKIE R. YOUNG: That's OK.

BLOOD: Would you equate this to a poll tax?

VICKIE R. YOUNG: I would in a sense that you're asking individuals to come out of their pocket to pay for their right to vote. Individuals such as those who, who can't afford, like the testimony that came forward, they can't afford bread, milk, they depend on services that are already provided by our state and let alone will have to then come up with another \$20, \$30, \$40 for an ID just for the given right to vote.

BLOOD: So I'm glad you said that, because that reminds me of one of the proponents' testimonies. Should someone have to choose between their right to vote and eating?

VICKIE R. YOUNG: You shouldn't have to, you shouldn't have to. I, I know that there in Omaha, Morning Star Baptist Church, every fourth Saturday of the month, has a food market. They do not require ID to come and get food for their family. So--

BLOOD: Because it's an act of compassion.

VICKIE R. YOUNG: True.

BLOOD: Right?

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VICKIE R. YOUNG: True. So you shouldn't-- but you shouldn't have to be penalized. You shouldn't have to prove who you are for a loaf of bread. And you shouldn't have to prove who you are to vote.

BLOOD: Which is your constitutional right.

VICKIE R. YOUNG: It's your constitutional right to vote.

BLOOD: All right. Thank you so much.

VICKIE R. YOUNG: Thank you for having me.

BREWER: All right. Any additional questions? If not, thank you for your testimony.

VICKIE R. YOUNG: Thank you.

BREWER: All right. Next opponent to LR292? Welcome to the Government Committee.

MATT WAYNE: Good afternoon. I'd like to start with a quote, Always vote for principle. Though you may vote alone, you will cherish the sweet reflection that your vote is never lost.

BREWER: I'm going to need your name and then I'm going to need you to spell it.

MATT WAYNE: Sorry, it's my first time.

BREWER: That's all right.

MATT WAYNE: My name is Matt Wayne, M-a-t-t W-a-y-n-e, and I oppose the bill.

BREWER: All right. Now drive on.

MATT WAYNE: All right. Thanks. Let's see, first of all, let's talk about-- someone talked about the Canadian vote earlier, they're a, a proponent of it. I texted my friend who's a Canadian citizen, and she said that they do not have to bring an ID to the polls there. You can bring a bill if you want, you can bring your health card, whatever you want to bring. And also, she said you can register at the polling place. That's interesting. Also, as far as barriers to voters with disabilities, I've been out canvassing in the city of Omaha the last few months, and I have met a woman who is an amputee with both legs below the knee. She lived in a house with her five-year-old daughter.

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They did not have a wheelchair ramp in front of their house. When she opened the door, there was nothing in the house other than just blankets, no furniture, nothing on the walls. I don't know how people like this can get out and vote or get IDs or even be burdened with the idea that they have to get IDs. Also, several people come to the door very slowly with walkers, wheelchairs, on oxygen, their world is basically their home. I find it very difficult to believe that they can get out to get an ID, even afford to do all the paperwork that is involved. A lot of people are concerned about voting because they don't have Internet in their house. These are the questions and things that I hear as I'm out canvassing door-to-door. And I feel like, you know, that things like this, when these people see the results come in from an election, I wonder how they feel when they can't vote. You know, I don't feel-- I feel like they would be angry, sad, disenfranchised, even frustrated. I don't see one positive emotion that would come out of this bill. That's my statement today.

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

MATT WAYNE: Thank you.

BREWER: Nicely done. You're like shifting forward, it's all coming together. All right. Welcome to the Government Committee.

MARK METCALF: Thank you. Good afternoon, Chairman Brewer, members of the community-- or the committee. My name is Mark Metcalf, that's M-a-r-k M-e-t-c-a-l-f. I live near Sutton, in Nebraska, a state that voted overwhelmingly for Donald Trump, where our first district U.S. congressman is a Republican, our 2nd district U.S. congressman is a Republican, our 3rd district U.S. congressman is a Republican, our senior U.S. senator is a Republican, our junior U.S. senator is a Republican, our Governor is a Republican, and our Unicameral is dominated by Republicans. Do these facts suggest a problem with voting in Nebraska? Maybe so. But voter impersonation fraud is not the problem. There is no problem with voter impersonation fraud in Nebraska. And that's a fact. So what is LB292CA all about? It seems to me it's a little ol' attempt to make Nebraska look more like a southern state. It ain't meaning no harm, it's just a little harmless voter suppression, that's all, y'all. Well, I'm afraid that this amendment is meaning some harm, and it adds a sinister edge to our notorious state slogan, doesn't it? To be honest, I don't believe a great many votes would be suppressed if this amendment were to be adopted, but I'm convinced a few votes would be suppressed. Actually, what really irks me enough to come here and speak to you today is the

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hateful symbolism of this push for voter ID. In an effort to placate the national Republican Party, Nebraska Republicans are willing to propose a constitutional amendment that would serve as a reminder, a gratuitous reminder to African Americans that their right to vote has been suppressed in the past and that some Nebraskans would like to suppress that right to vote now. All because Barack Obama managed to win one electoral vote here in 2008. There may be a slim chance that those behind LR292CA are well-meaning, but if they're looking for a truly well-meaning constitutional amendment, I recommend that they take a long and respectful look at the 15th Amendment to the Constitution of the United States of America. Please do not allow LR292CA to do anything other than join its hateful predecessors in history's proverbial dustbin. I would be delighted to answer any questions you have about voter impersonation fraud in Fillmore County where I vote in the belly of the beast.

BREWER: All right. Thank you, Mark, for your testimony. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Just, just a quick question. You said Fillmore County, but I thought Sutton was in Clay County?

MARK METCALF: It is, but we live just inside the county line, just--

BLOOD: My family's all from Clay Center and Edgar and so I'm real familiar with Sutton and that area.

MARK METCALF: And that's, that's also the belly of the beast.

BLOOD: That's where I come from. So thank you.

BREWER: All right. Any additional questions? Thank you for your testimony, Mark. All right. Next opponent to LR292? Let's see if we can have one of the pages grab his green sheet there. We got to do the paperwork. All right. Welcome to the Government Committee.

BILL ARFMANN: Chairman Brewer, members of the committee. There are a lot of people behind me, so I'll try to be very brief. My name is Bill Arfmann, that's B-i-l-l A-r-f-m-a-n-n. I live in rural Lancaster County. I'm here today on behalf of the Nebraskans for Peace, Lincoln Chapter. I urge you to vote no on LR292CA. This proposal is, in our opinion, a matter of the Unicameral trying to fix something that has never been proven to be broken. I'm aware of no evidence that voter fraud is, or has been an issue in my home, Lancaster County, or in our

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state. From another perspective, if voter fraud were such a burning problem, there would be widespread outcry from citizens throughout Nebraska. I have heard no such outcry. Finally, there's a matter of cost. I don't know what the Legislative Fiscal Office estimates the cost of this to be for taxpayers. And I don't know what the annual costs of ongoing implementation would be to our counties or our state. But any new spending, given the many revenue and budget priorities the Unicameral is wrestling with right now, seems to be, in my opinion, wasteful. This is a fix to a nonexistent problem. In my opinion, not a wise use of your time. I'd recommend a no vote on this.

BREWER: All right. Thank you, Bill. And he did it all in the green light. So you got your point across and I appreciate your efficiency. Hang on, let me see if we've got any questions for you.

BILL ARFMANN: Oh, sorry-- I'm sorry.

BREWER: That's all right. We didn't have any questions, so you're good.

BILL ARFMANN: All right.

BREWER: All right. Next opponent to LR292? Welcome to the Government Committee.

JEFFREY D. PARIS: Thank you, Chairman Brewer and thank you for all the senators of the committee for allowing me the time to address you this afternoon. My name is Jeffrey D. Paris, that's J-e-f-f-r-e-y D. P-a-r-i-s. I am here to speak in opposition to this constitute-- constitutional amendment and I have three reasons why I am so against this bill being advanced from this committee. I keep hearing about state-issued ID. First, I'm a military retiree from the United States Air Force. I served this country for almost half my life to earn this blue ID card. But this ID card does not have an address on it. It doesn't expire. If you mandate a state-issued ID or any ID like that, are you saying that my 169 combat missions over Iraq and Afghanistan don't matter to the state of Nebraska? Because I believe that's what you're saying. The place that I will have called my home for 18 years will feel just a little bit less welcome. Just last week, I was talking to an older gentleman in north Omaha about the upcoming census. He is also a retiree, so we spent a few minutes discussing the military. He no longer drives. He has no reason to get any form of identification other than the military ID he carries that I just showed you. Are you saying that this honorable gentleman can no longer

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vote because he doesn't have the right identification? Second, and this relates to military family members, especially military spouses, this Legislature over the past few years has passed multiple bills that have made it easier for military family members to transition and continue their life in the state of Nebraska with as few interruptions as possible. In fact, most of those bills were brought by a senator on this committee. All of those bills were a way to welcome and thank our military family members, which have a very difficult life, sometimes even more difficult than the active duty military members. When military members can vote, usually they vote in their home state by absentee ballot. The family members can't do that. They normally have to reestablish residency and vote in their new state where they've lived. Sometimes they've moved six or eight times and now you want to add an additional burden to what they have to line up to be able to vote in their new state, that they were moved out of no issue of their own, they're just following their spouse. Third, one of the reasons my family made Nebraska our home is because of our sense of community we felt in the neighborhood and everywhere we went. Nebraska should really be a place for everyone. If you enact this constitutional amendment, you're not just letting military members and their families know that Nebraska is not for everyone, and maybe they should look elsewhere as a place to raise their family after retirement. For those three reasons, I'm against any change to Nebraska's Constitution in relation to the right to vote. Senators, thank you once again for this time to speak in front of you. I will very gladly answer any questions you have.

BREWER: All right. Thank you for your testimony. Questions? I, I got a quick one for you because actually I hadn't thought about it until you, until you brought it up. I guess what I was thinking was that if I showed up and they needed an ID, they would then match my name to the address. But if-- for that to happen, you'd have to be already in the system, so they put the two together. Is that-- so if you weren't, then it wouldn't really mean much to them.

JEFFREY D. PARIS: Yes, there, there-- there's obviously ways you could work anything. But one of, one of the issues is with a state-issued ID card, normally you update that every time you move, it has an address right on it. You can verify not just the photo, but the address as well. On military IDs, that's not the case. And that's just your--

BREWER: As a matter of fact now that our, our socials are gone, we're given a DOD ID number,--

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JEFFREY D. PARIS: Yes.

BREWER: --you even have less. OK. Yes, Senator Lowe.

BREWER: He's first in line.

BLOOD: No, I agree.

LOWE: Always.

BLOOD: I'm pointing to him.

LOWE: I just wanted to say thank you for your service to our country.

JEFFREY D. PARIS: It was my honor to serve, sir.

LOWE: We on this committee really appreciate that.

JEFFREY D. PARIS: Thank you.

BREWER: Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you, Jeff. I just want to clarify something for the record, and it's not to oppose anything that you just said, just clarification. So when I go to register to vote in Nebraska, which is one of the reasons I find asking for it, when people talk about voter fraud, it almost impossible is that you have to have a driver's license-- a Nebraska driver's license to register to vote, right, or a state-issued identification card.

_____ : No, no, no.

BLOOD: If you do it on-line, you do.

_____ : Yeah, on-line.

BLOOD: OK. All right. Let me re-- back up. If you register on-line to vote, which a lot of the military would do, of course. Right?

JEFFREY D. PARIS: It's, it's depending on what-- when--

BLOOD: Sorry, I should have been clearer.

JEFFREY D. PARIS: --do they get their residence, after they've moved in and the family setting everything up, do they get the residence early enough? There's timing that could happen when a family moves in

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not long before the election where you're just making another hurdle in the case, because sometimes they've moved in, it's long enough where they have time, but now they have to make sure that they do all of that and register and have the ID. Because when you go to get your initial ID here, it takes three to four weeks to get it in the mail from the government.

BLOOD: Right.

JEFFREY D. PARIS: So that's another hurdle. So you're saying that, is the paper good enough? It's just one of those things-- there's a lot of issues that could come forward for a military family by implementing something else that they have to do on a checklist that can get very difficult when you move from point A to point B.

BLOOD: And you don't get the choice to move.

JEFFREY D. PARIS: No, it's, it's pretty much you're told to do it and you do it.

BLOOD: Right, which is what I always say sets us apart from people like me who's never, who's never served, is that the families also serve and they're not given the choice of where they want to go or not go.

JEFFREY D. PARIS: The families have a lot less choice than the military member does.

BLOOD: Without a doubt. All right. I'm sorry for the, the confusion.

JEFFREY D. PARIS: Nope.

BLOOD: It's been a long day. It's time for coffee. Thank you.

BREWER: Quick question for you, where have you gone? What, what airframe did you fly?

JEFFREY D. PARIS: I flew a RC-135.

BREWER: Very good. Well, thank you. Thank you for everything.

JEFFREY D. PARIS: Thank you, Chairman Brewer. Thank you to all the senators of the committee.

BREWER: Well, welcome back to the Government Committee.

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LAZARO SPINDOLA: Well, thank you.

BREWER: And I'll be able to say that this will be your last chance to testify for the year, too.

LAZARO SPINDOLA: Oh, well, I'll see you next year.

BREWER: Yeah, that's true. Welcome to the Government Committee.

LAZARO SPINDOLA: Thank you. I like this committee. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. Thank you for receiving me today. For the record, my name is Lazaro Spindola, and that would be L-a-z-a-r-o S-p-i-n-d-o-l-a, and I am the executive director of the Latino American Commission and I am also testifying on behalf of Nebraskans for Peace. I'm here today in opposition to LR292CA. Everything has been said already. So good afternoon, and goodbye. [LAUGHTER]

BREWER: If I could give you a hug I would.

LAZARO SPINDOLA: I'll just talk about the resolution itself.

BREWER: OK.

LAZARO SPINDOLA: As I read the resolution, I see that on line 7, paragraph I-22 (1) states that "there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise." The resolution creates an additional barrier between the voter and the ballot, so it creates an impediment. The second paragraph of section I-22, states that this measure is needed "In order to combat voter fraud." And since there is no such thing in Nebraska, I have to assume that the intent is to prevent voter fraud. Now here we go into prevention, which is something that I know of from my years in public health. I will give you an example, currently as smallpox is eradicated so we do not vaccinate anyone because no one will ever become infected. Therefore, vaccination would be an unnecessary procedure. Former Secretary of State John Gale said that there is no voting fraud in Nebraska, so this resolution qualifies as an unnecessary procedure, and the reasoning behind it is faulty. A previous testifier said that there is no evidence of voter ID produces or, or resolves in voter repression. But at the same time, there is no evidence that there is voter fraud. So this knife cuts both ways. And as for the confidence of, of the electorate in the electoral process-- well, in 2018 we had the largest turnout of the primary elections that

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we ever had in the last 50 years, so I think there is confidence there. The resolution creates an additional barrier to the voter and does not prevent anything, and the consequence would be voter disenfranchisement. In Nebraska, elections are usually won by margins ranging between 55 and 60 percent. The magnitude of fraud would be so high that it would be immediately recognized so candidates have nothing to fear except becoming the candidate. The second paragraph also say that a poll worker will review the photograph of a digital image to verify the identity of the voter in a manner determined by the Legislature. I have been in four previous hearings of voter ID proposal. Defining the proper ID has been impossible. Even Kris Kobach, when he was here, he forgot to include a passport as a valid ID. So it would now be your proud duty to decide what would be the IDs that we allow. I remind you that in the past, not even IDs issued by this state, like this one issued by you were valid. I am prejudiced against this type of measure, Senators. I am probably the only person in this building whoever had to show an ID in order to vote. I did that in Venezuela in several elections. And this is the way the government controls who votes and especially what public servants are following instructions when voting. This is communism. This is tyranny. It is only logical that I view measures as LR292CA with suspicion. I love this country. I love our form of government. I love the institutions that represent our way of life. I even love taxes. I ask the committee not to pass this resolution on the grounds that it is unnecessary and creates additional barriers to the basic rights of voting. I'd be happy to try to answer any questions.

BREWER: All right. Well, you're, you're absolutely the first to ever say I even love taxes. But--

LAZARO SPINDOLA: Oh, but I can, I can tell you about that, I never paid taxes in Venezuela. The government owns everything-- the oil, the iron, the aluminum-- everything. So I did not have to pay taxes. Nothing works.

BREWER: See, it makes more sense now.

LAZARO SPINDOLA: Here I pay taxes and everything works.

BREWER: All right.

LAZARO SPINDOLA: So, hey, taxes, welcome.

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BREWER: OK. Any questions? Thank you, sir.

LAZARO SPINDOLA: You're welcome.

BREWER: All right. The next opponent to LR292. And let's see, they'll snag that green sheet for you. Welcome to the Government Committee.

MARY ANGUS: Well, thank you, Senator Brewer. Thank you, members of this committee. I-- again, I can pretend, right, that I really didn't intend to, to testify until I heard what's going on in the, in the proponent section. I just wanted to-- I'm Mary Angus, A-n-g-u-s, first name Mary, M-a-r-y. I just wanted to say that I think we've had a lot of people clarify exactly why they oppose this voter ID idea. And it-- one of the things we talked about is being able to be included in the mainstream of American life in Nebraska. People with disabilities have a hard enough time being included in the mainstream without having to show a photo ID, many don't have birth certificates or have access to them, many don't have current IDs, those things get in the way. However, we're talking about only-- if we have only 2 percent of those without IDs, which I don't, I don't know for sure how that would be, then we ought to find them, yes, and help them to get them. But it shouldn't be only so they can have their constitutional right protected. One of the problems with may in the, in the, in the bill-- in the resolution, is that you guys may require a photo ID, which is fine if you don't want to. But when it comes to the voters going to the polling places and someone tells them they need to show you an ID, we kind of think you have to do that when you don't even when it hasn't even come to this point, so that causes confusion. It also takes a lot of extra time for the poll workers to check those IDs, they already are checking them against the, the registration lists. There was also a statement that there were 100 percent of the people who are in favor of photo IDs. Well, I think we have an awful lot of people here that would say that's not accurate.

BREWER: I'd have to agree.

MARY ANGUS: Yeah. Let's see, I just wanted to cover those things. I'm not going to go into anything further because it's all been covered. I appreciate the chance to talk to you about this and I'm sorry I don't have that all written down for you, but that's--

BREWER: That's OK, Mary, we appreciate--

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MARY ANGUS: If there are any questions, I'd be--

BREWER: --your words, and,--

MARY ANGUS: Oh, thank you.

BREWER: --and we're just glad that you had a chance to speak. Any questions for Mary? Thank you.

MARY ANGUS: I was afraid she was going to ask me how many people with disabilities--

BLOOD: Hold it, I do want to ask a question.

BREWER: OK.

MARY ANGUS: --because I don't remember the answer.

BREWER: Oh, I'm sorry. Senator Blood.

BLOOD: That's all right, Chairman Brewer. Mary, how long have I've known you?

MARY ANGUS: Probably 15, 20 years, close to it.

BLOOD: And in that entire time, have you always been a strong advocate for people with disabilities?

MARY ANGUS: Yeah, I have. I'm a person with a disability also.

BLOOD: And would you say that was your main motivation for being here today?

MARY ANGUS: Yes, it is.

BLOOD: So you almost got off without a question, you shouldn't have said anything. Thank you.

MARY ANGUS: Well, I'll tell you what, my conviction to advocating for people with disabilities leads me to my current position. I am not speaking as a member of that. I work for [INAUDIBLE],--

BLOOD: You're speaking for yourself.

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MARY ANGUS: --that is not why I'm here and I have been advocating training and being a mentor to people with disabilities that whole time since I've met her. Thank you, Senator.

BREWER: All right. Thank you, again, for your testimony. OK, real quick, I need a, a headcount on how many still intend to testify. OK, what we'll do is after the next testifier, we're going to be taking a ten-minute break because--

_____: What about the next two, sir?

BREWER: OK, I can-- I, I will do that for you and you only.

_____: [INAUDIBLE]

BREWER: All right. Sorry for the delay there, whenever you're ready. Thanks and welcome to the Government Committee.

PRECIOUS McKESSON: Thank you. Good afternoon. Thank you, Chairman Brewer and committee members for this opportunity to speak. My name is Precious McKesson, P-r-e-c-i-o-u-s M-c-K-e-s-s-o-n, and I'm the chair of the Nebraska Black Caucus and the United State of Woman Nebraska Ambassador. I am here in opposition of LR292CA. Voter ID laws block many voters of their right to vote and reduce participation and stand in direct opposition in our country's ability to include more Americans in our democratic process. Many Americans do not have one of the forms of identifications states accept that is acceptable for voting. These voters are normally disproportionately low income, racial and ethnic minorities, the elderly, and people with disabilities. These voters have a difficult time obtaining the ID because they cannot afford or can not obtain a government-issued ID card. Obtaining ID cards costs money, and even if the ID is offered for free, voters will still be responsible for other costs, such as paying for their birth certificates to apply for these government IDs. For those not born in the state, needing an ID can be an-- can be a hassle. Me, for example, I was born in Fort Bragg, North Carolina, and I had to jump through hoops to get my birth certificate when I was 19 because I lost my ID, which was issued to me at the age of 12 because I was going on a trip to California and I had traveler's checks, so I was fortunate to be able to get an ID. The voter registration application already asks for identifying information, either your ID or your-- the last four of your social, you can provide either or. Will the state be paying for citizens to have these IDs? And then I ask, how many complaints have been filed in the state of Nebraska for

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vote-- toward voter fraud? The travel required for a disability is, is a much burden for our disabilities and for our elderly or those in rural areas without access to public car or public transportation. Last year I took my neighbor, who is 93 years old, to the grocery store as she was not able to cash a check because her driver's license had expired in 2000. I think of her and I think of my brother, who is a quadriplegic and does not have a current ID, how do we protect our elderly and our disabled when we want them to vote. Per the ACLU from 2017, in-person fraud is vanishingly rare. A recent study that they found in 2000 said that there was-- since 2000 there was only 31 credible allegations of voter impersonation, the only type of fraud that photo ID's could prevent during a time of which over one billion ballots were cast. Voter ID laws reduce turnout among our minority voters. This month, both the state house of-- state houses of Virginia voted to remove voter ID. Why must this continue to be introduced? The legislative body has voted no to this bill for several years. I am asking the committee today to keep that no going and not vote this out of committee. The last thing we need is for Nebraskans to have a struggle to pay for an ID, let alone try to be excluded from voting because it's required and it is our right to vote. Thank you.

BREWER: Thank you, Precious. OK. Questions? I have-- I've got one. Oh, go ahead. Senator Lowe.

LOWE: Thank you, Chairman. Precious, it's good to see you again.

PRECIOUS MCKESSON: Thank you, Senator Lowe.

LOWE: Will you be coming back to Urban Affairs Committee anytime soon? Please.

PRECIOUS MCKESSON: Maybe, I don't know. Maybe, next, next session.

LOWE: OK.

BREWER: Fort Bragg,--

PRECIOUS MCKESSON: Yes, sir.

BREWER: --your father or mother was a--

PRECIOUS MCKESSON: My grandfather was one, sir, and my father.

BREWER: --paratrooper?

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PRECIOUS MCKESSON: Yes.

BREWER: Paratrooper?

PRECIOUS MCKESSON: Yes.

BREWER: Very good. Well, in my family, my daughter's the paratrooper, so.

PRECIOUS MCKESSON: OK.

BREWER: OK. No other questions, thank you for your testimony.

PRECIOUS MCKESSON: Thank you so much.

BREWER: OK. We'll go two more and, and then we'll take the, the break here.

CINDY MAXWELL-OSTDIEK: We came in a car together.

BREWER: All right. Welcome to the Government Committee. Whenever you're ready, go ahead.

CINDY MAXWELL-OSTDIEK: Thanks. I'm Cindy Maxwell-Ostdiek, and my name is spelled C-i-n-d-y M-a-x-w-e-l-l hyphen O-s-t-d-i-e-k. I live in Omaha in District 4, and I came today in opposition to LR292CA, a constitutional amendment to require verification of identity prior to voting. I wrote a letter and I don't really want to go into all of that because I had a few other things I wanted to comment on and I really agree with what so many other people talked about today. But people were showing their IDs, and this is one I'm very proud of, I'm a registered deputy registrar, I help register people to vote. And I have had a question, and Secretary Evnen was so gracious to take a moment after he testified, I actually caught him for a minute because I wanted to ask him a question about voter ID and whether it would also be required when you register to vote. Because when you register in person or by mail, you do not have to provide photo ID, and apparently that's not a part of what this bill or plans for this bill would involve. But I did used to work at a retirement center and knew several elderly people, and I asked him about these 2 percent of the people who would not have photo ID and how would we make sure that we would provide it for them? Would we be going and finding all of the current registered voters that didn't respond by a certain date? What about people who want to register to vote new? And I'm very upset with our State Legislature right now and how much we're not addressing some

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very important issues. We have a lot of budget constraints. And I watched a few hearings in the past couple of weeks where we have people on disability waiting lists for years. We don't have the money to help people on several critical issues. And to me, I would not trust that we would be able to find everyone and get them an ID and that would upset me as a proud Nebraskan and someone who believes in the right to vote. I also used to specialize in recruiting. And if you read my letter, it talks a little bit about how I had an experience where one person that I was trying to actually recruit in the early 2000s was concerned about our voting process and what they'd experienced in Wisconsin. Thank you.

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

CINDY MAXWELL-OSTDIEK: Thanks.

BREWER: --thank you. OK. What we're going to do is we're going to go until 5:00, and then we're going to take a ten-minute break so it's just going to be your luck of the draw here because I kind of made some promises, we'd-- yeah, if, if you want to move up to the front row here and, and we'll have you be the-- yeah. All right. Let me get the room to just settle down a little bit here and we'll-- OK. Whenever you're ready, ma'am.

LINDA JENSEN: Hi. Thank you for hosting this all today. I'm Linda Jensen, I'm from Omaha, L-i-n-d-a J-e-n-s-e-n. Couple of quick observations: number one, we're talking about ID for voting, but none for the census, which is another government requirement, so that's just kind of an interesting caveat. And another point that was brought up, is it-- though it seems like there is a lot of identity theft or identity fraud in this country, it's a very miniscule part of it that is used for voting. It's generally used to access your money. So the fraud may be that we're looking at is, you know, if we're going to spend money on fighting fraud, maybe we're fighting the wrong fraud here. Just a simple thing. But my story today is where you've heard a lot of high level and some great statistics, mine's very granular, I wanted to tell you about my mom. Throughout my childhood and my growing up, my mom was a school teacher and loved by many, many, several generations of kids that she taught to read. But along with the wonderful things about my mom, she also struggled with mental health issues, which is a whole nother subject we can go into another day. But because of those issues, she ultimately lost her job as a teacher and devolved into poverty. And there's a thing saying about

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poverty, it doesn't matter how you get into it, getting out is almost impossible. So no matter how she got there, here's an educated woman who had educated generations of children, and she-- my mom, you know, she used to live at the Paxton Manor. It's a pretty upscale place right now. But let me tell you, it wasn't when she was there. She had about an 8 by 10 foot room with a toilet and a bathroom that I hesitated to use when I was there to visit, and so her whole payment for the month covered her living and her utilities and her food. And if she was lucky, every now and then she could even get an extra orange off the dinner table so she could have something in her room for the evening. Unbeknownst, and I was very poor through most of my adult life, and thankfully I am one that made it out. Now Mom thought she made it out and that's another story. For several years, and of course she didn't tell us until she-- the way she got out was she became a foster grandparent and they had a stipend of \$2 an hour, so she made about \$40 a week and she thought she was rich. Up until then, her spending money had been \$5 a month. She kept it in a stack of quarters in a medical jar. Now this has been years ago, so maybe by now it had been ten and that would have been a whole row of quarters. But when you talk about voter suppression and what it cost, it's only a few dollars to get an ID-- you know, that's one quarter for a stamp. That's one-- it's like when you're living on \$5 worth a quarters, this is real, this is what it looks like. That's the bottle of money that I got out of Mom's apartment when she passed. I've never opened it, and to the best of my knowledge, I count 86 cents in there.

BREWER: All right.

LINDA JENSEN: That's poverty.

BREWER: Thank you for your testimony. All right. Questions? Thank you for your testimony, again. All right. And can I have someone grab the green sheet there and get all the paperwork right. Sir, welcome to the Government Committee.

MAJOR DEWAYNE MAYS: Thank you. Senator Brewer and members of the Government, Military and Veterans Affairs Committee, I'm Major Dewayne Mays, Major, M-a-j-o-r, Dewayne, D-e-w-a-y-n-e, Mays, M-a-y-s, and I'm representing the Lincoln Branch of the NAACP in opposition of LR292CA. And I don't know how many times I've been before this committee on the same issue. And each time my, my spirit sinks lower because I think about-- I won't tell a story about the [INAUDIBLE] and I won't tell a story about my, my dad and, and poll tax. But I will say that all of those efforts seem like they were in vain if this bill passes. I

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wanted to, to-- I'm trying to cut this short, but by, by placing additional barriers on voters such as LR292CA, many voters will be disenfranchised, thus lowering voter turnout. This, this disenfranchisement will mostly impact veterans, the elderly, the disabled, rural voters, and people of color, among others. Also, the additional cost of implementing this bill has not been determined, even though the taxpayers will waste millions of dollars-- disenfranchisement of thousands of Nebraskans where there will be no approved or anything that proves, such as voter impersonation or fraud or anything else, has been proved within the state of Nebraska. Yet, we are making this kind of commitment and investment. We encourage you to-- you, the members of this committee, to join many other Nebraska legislators who have over the years resisted barriers in the form of voter restrictions on the right to vote. Therefore, please vote no on advancing LR292CA. Thank you for your service to our state and to our citizens who want to see unrestricted voting rights.

BREWER: All right. Thank you, sir, for your, your testimony. Questions? Senator Blood.

BLOOD: Thank you, Chairperson Brewer. Thank you for your testimony. I'm going to ask you two questions and one is going to be really uncomfortable and I apologize in advance, but I, I really want to get this on record.

MAJOR DEWAYNE MAYS: OK.

BLOOD: The first is have, have you read the book by Charlene Ligon in reference to her mom taking the poll tax to the, the Supreme Court?

MAJOR DEWAYNE MAYS: No, I haven't.

BLOOD: So she lives right here in Nebraska, in Bellevue, and I probably talk to her more than I talk to my own mom. She's been a friend for a long time. You need to read the book. So are you aware of the legislation they're trying to pass to the federal right-- level right now that is the anti-lynching legislation?

MAJOR DEWAYNE MAYS: I don't-- I haven't read that specifically, but I want you to know that I went to the museum just a few months ago, just a month or two ago, and I read a lot of information that was going on, things that were going on.

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BLOOD: So, so the reason I brought-- and I told you this would be uncomfortable and I apologize, I, I hope I'm being respectful, so the thing that I remember when I was listening to the discussions on this bill, is that they said it's never too late to do the right thing. So if I heard you correctly, would you say that that was a good interpretation of what you just said?

MAJOR DEWAYNE MAYS: I think so, I think so, because incidentally, 219 people were lynched in my home county in 1919 in one day.

BLOOD: I, I, I just watched the documentary on PBS literally yesterday.

MAJOR DEWAYNE MAYS: If you want to read that, Elaine Riot.

BLOOD: Thank you.

BREWER: All right. Well, before you go, just to give you a sense of-- I don't know, hope, I guess, because you have been before the committee, most of the issues that you come to speak to us on go your way. And, and this bill is the last bill on the last day so that might be an indicator where it sets on the list of priorities, just saying.

MAJOR DEWAYNE MAYS: I'm counting on you.

BREWER: All right. Thank you.

JEANNETTE JONES-VAZANSKY: I've still got five minutes.

BREWER: All right. Let's get the green sheet. All right. Welcome to the Government Committee.

JEANNETTE JONES-VAZANSKY: Hi. Good afternoon, my name is Dr. Jeanette Jones-Vazansky, and I'm the president of the Lincoln Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated. My name is spelled J-e-a-n-n-e-t-t-e, last name J-o-n-e-s hyphen V as in Victor -a-z as in Zebra -a-n as in Nancy -s-k-y. As I said, I'm here on behalf of the Lincoln Alumnae Chapter of our sorority. I've come today to voice our opposition to LR292CA, which would amend our state constitution to require voter identification. In the past, we have also testified before this committee against LB239 in 2012, LB381 in 2013, LB111 and LB121 in 2015, and LR1CA in 2017, all on the grounds that those bills would result in voter suppression in Nebraska. It pains us that we are here again today in 2020. We hold the same views that we articulated in 2012 that these attempts to put voter identification into law rests

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on the same logic that is to suppress voter turnout and we oppose that to our core. For those of you who don't know, our first public act as a sorority was to participate in the Women's Suffrage March in 1913. Without going into details, we were not welcome because we were black women, but we went anyway. And even though we would not see the right to vote until at least those of us in the north until 19-- the 19th Amendment-- excuse me, the 19th Amendment was ratified in 1920, we still continue to work for individuals who vote in primarily the southern states. If the 2010, 2012, 2016, and 2018 national elections were any indication of the impact of voter identification legislation, then we know that disproportionately low income African American voters, especially black women, found their right to vote challenged by legislation passed in Pennsylvania and Ohio, among other states. According to the Brennan Center for Justice, there was an alarming increase in the number of state governments across the country enacting new laws to make it harder to register to vote or simply to vote. So we're saying that there's no need for us to do the same here in Nebraska. We've been saying it for a number of years, but soon it will be a decade in two years that we have said that. Hopefully, another bill will not come up or an amendment, a proposed amendment to the constitution. Since I'm low on time, I'll just end by saying that for many of us in this room, voter suppression is personal. My sister has been texting me all day and she sent me something that just chilled me about my great, great, great grandmother realizing she was born in 1840. In 1920, according to the census, she was 80. She lived to see all kinds of amendments to the constitution, but I don't even know if she ever voted. Think about that. She was born in Alabama in 1840. She saw the 13th, 14th, 15th Amendment to pass and the 19th Amendment, and I don't know as I sit here if she ever got the right to vote. I don't want that to happen to anybody because they can't have an ID. Thank you.

BREWER: Thank you. And thanks for managing your time. And again, when you take the time to give us the information, that's nice because, if you run out of time, we can still hear your words. So I appreciate that. Questions?

JEANNETTE JONES-VAZANSKY: Thank you.

BREWER: You bet. And thank you for taking the time to come in. OK.

EDISON McDONALD: Give me 30 seconds.

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BREWER: Really?

EDISON McDONALD: Seriously.

BREWER: All right.

EDISON McDONALD: Hi.

BREWER: Hey, I probably got a kidney infection by now anyway it doesn't matter, we'll just drive on. [LAUGHTER]

EDISON McDONALD: Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d, representing the Arc of Nebraska. Just going to let you read my letter and state our opposition to this. Ultimately, it doesn't protect people with disabilities. We've appreciated the committee working with us before and this is a step back. If you have any questions, I'll take them. Otherwise, I'd be happy to talk with you all about them at any other point.

BREWER: And Edison, you'll be one of those that we'll be sad that we don't get to see you anymore.

EDISON McDONALD: I know I've missed you guys, I haven't gotten to hang out here a lot.

BREWER: We'll catch you in the hallway somewhere.

EDISON McDONALD: OK.

BREWER: Thank you.

EDISON McDONALD: Sounds good. Thanks.

BREWER: All right. Come on up, what the heck.

DANIELLE CONRAD: I was hoping to be done before Senator Hilgers got back, but we have to have our, our annual, our annual discussion.

BREWER: You timed that on purpose, I think.

DANIELLE CONRAD: Perfect timing.

BREWER: Welcome to the Government Committee.

DANIELLE CONRAD: Hi. Good evening. My name's Danielle Conrad, it's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, here today on behalf of ACLU of

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Nebraska, and in opposition to this measure. I won't reiterate the very thoughtful and heartfelt and important testimony that you've already heard from opponents here tonight. But I do just want to lift up a really quick lightning round kind of legal analysis to make sure that that is part of the record. As you well know, that courts have given really a mixed treatment to voter ID laws over the years. And that's for a host of different reasons. It's hard to make an apples-to-apples comparison because they take a lot of different forms, and so do the challenges that, that are looking at those. But I think it is fair to say that voter ID laws are typically subject to litigation, which is lengthy, costly, and uncertain for the taxpayers, and all involved. The other piece I, I just want to be really clear about. I, I take Senator La Grone and Secretary of State Evnen at their word. We all care about the integrity and the fairness in our elections. And I think that there's a lot of other solutions that we can work on together to advance those values that aren't as divisive and as suspect from a legal and policy perspective. The, the additional piece that I wanted to lift up was that there are existing significant criminal penalties for people who were to perpetuate any form of voter impersonation, which is what voter ID laws seek to remedy. And then the, the last piece that-- two quick pieces that I just want to lift up is that I will tell you, we do voter election protections on Election Day. We field calls from poll workers and folks going to vote if they have any issues. Each year this is heard, the number of calls that we get related to voter ID, from both our hardworking election officials and voters who are preparing to go vote, goes up. It causes a lot of confusion in the public, even when it hasn't already become law. Just that swirling in, in the public dialogue has a, a chilling effect, I think. And, and I just want to be really clear about that. The last piece is there's-- looking at the, the proposal itself in this statement of intent. I know Senator La Grone is a, a really thoughtful attorney who cares deeply about constitutional law and statutory interpretation. But if you look at the statement of intent, for example, it essentially indicates that this is an advisory opinion that we're asking Nebraska voters to weigh in on and about whether or not there should be some form of voter ID in the future. But we-- that's not an appropriate use of a constitutional amendment. We should not litter our constitution with a poll, which in, in essence you could conduct many other ways. It is-- the Constitution of Nebraska should not be utilized for advancing advisory opinions. The last piece is without a, a clear record of fraud and prevention is, is not enough, the courts have been really clear about that in other instances because they're going to bring

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strict scrutiny to an issue of fundamental rights. And it is against some religions to-- they have a prohibition on, on the use of graven images. And so that's something that we'll need to think about as well, because that's existing Eighth Circuit law and the [INAUDIBLE] case. OK, told you it was lightning round.

BREWER: Questions?

DANIELLE CONRAD: And I might not get fined from my day care if we don't have too long of dialogue. But I look forward to it. Yeah.

BREWER: You've intimidated Senator Hilgers.

DANIELLE CONRAD: I doubt that.

BREWER: The, the, the penalty-- do you know what it is? It's, it's considerable, but I, I don't remember.

DANIELLE CONRAD: Yeah, it's, it's a felony. I, I want to say perhaps a Class IV, but I need to double check that. That comes with jail time and a, a significant fine.

BREWER: Yeah, I thought, I thought it was a felony. All right. Thank you for your testimony.

DANIELLE CONRAD: Thank you so much. OK, thank you so much.

BREWER: OK. We're just going to keep pushing here. Next-- I was informed it's a Class IV felony, so nice guess. Welcome the Government Committee.

SCHUYLER GEERY-ZINK: I'll make this quick so that you can use the restroom because bathroom breaks are important. My name is Schuyler Geery-Zink, S-c-h-u-y-l-e-r G-e-e-r-y hyphen Zink, and I'm a staff attorney with Nebraska Appleseed. What can I add that hasn't already been stated and you can read my testimony, but I just want to reiterate that voting is a cornerstone of our democratic republic and is fundamental to a fair and functional government. And yes, affirm that you've already addressed voter fraud under 32-1502. And yeah, it is a Class IV felony and that people really have more to lose than to gain by committing voter fraud compared to other types of fraud that we've already discussed today. And as we've heard, voter ID requirements, it's still burdensome barriers to voting, especially for people of color, low income, elderly, disabled, rural, veteran, and young Nebraskans. That's a lot of people that can be affected by this.

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And we already have a simple system to verify a voter's address. So what standard are we going to impose on our election workers to decide whether someone is who they say they are? And are we willing to open up the government to more liability due to voter disenfranchisement as Danielle suggested. So our constitution says clearly all elections shall be free and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise. Voting is an American right at the core of our democracy. Please protect this cherished and fundamental right from the democratically corrosive effects of voter ID policies such as this one. We strongly urge you to oppose this constitutional amendment. Thank you. I'll take any questions at this time.

BREWER: All right. Thank you. Questions? Seeing none, thanks for hanging in there.

SCHUYLER GEERY-ZINK: Thank you.

BREWER: All right. Next opponent to LR292? Come on up. Welcome to the Government Committee.

RA'DANIEL ARVIE: Good afternoon. My name is Ra'Daniel Arvie, R-a-'-D-a-n-i-e-l, last name, Arvie, A-r-v as in Victor -i-e. I'm a student here at the University of Nebraska-Lincoln. I'm a sophomore. I-- my family lives in Omaha. I currently have an apartment in Lincoln. So that is why I'm really here. I am here just as I was two years ago on this exact same day in opposition of LB292CA. My parents were born in Lake Charles, Louisiana. I was born in Shreveport, Louisiana. We moved up here to-- we moved up to Nebraska, to Omaha, when my father was called to pastor Mt. Nebo Missionary Baptist Church, located in north Omaha in 2005. Every time we moved, we took one person with us. His name is Jesus. They naturally taught me about him and I developed a deep love for him and his teachings. One of his teachings talks about how we must treat the least of them. In context of LB292CA, the least of them are the elderly persons of color, included but not limited to, African Americans and Hispanics, as well as the poor and those with the disabilities. There's a parable in Matthews-- in, in Matthew 25:31-46 that talks more so about what's going to happen when we get to heaven if you believe-- I'm not really trying to argue that, I'm just using as a point. In that parable, God split the sheep and the goats, putting the sheep on the left and the goats on the right. The sheep were the righteous, and the goats were the unrighteous. God told the unrighteous, we're not-- he told them to depart from me, for I know not thou. He told them, saying when I was

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hungry, you didn't feed me. When I was thirsty, you didn't provide for me. When I was a stranger, you didn't invite me into your home. He then, he then told the sheep, who he-- who did those things and he let in heaven, he told them that whatever you did for me, for the least of them, you did for me. What a shame it would be if God were to say when I wanted to vote, you prevented me because I didn't have a photographic ID. And I'm going to leave with this story-- my church is a polling place in Omaha, and there was a woman, she was born in 1920, she was 88 years old in 2008. She came to cast her vote for Barack Obama. It would be the first person that looked like her that she could vote for. When she got there, she was informed that her polling place had changed. She immediately broke down into tears, and it was the saddest thing, to, to this day, that I have ever seen. And we asked her, you know, did you know that your polling place changed? She said, no. And then, you know, this woman, she went through almost every pivotal event of the 20th century. And you may be asking, well, how does this relate to voter ID? Well, it relates in the fact of how we treat the least of them and how that has a lasting impact in their lives. Do you have any questions?

BREWER: Well, first off, we don't get many students that come in. It's, it's a difficult place if you're not used to coming in and testifying, so thanks for having the courage to come in and do it.

RA'DANIEL ARVIE: Thank you.

BREWER: Do we have questions? All right. Thank you. All right. Next opponent to LR292? Welcome to the Government Committee.

JONATHAN RENTERIA: Thank you.

BREWER: Whenever you're ready.

JONATHAN RENTERIA: Hello, members of the Government, Military and Veterans Affairs Committee. My name is Jonathan Renteria, J-o-n-a-t-h-a-n R-e-n-t-e-r-i-a. I'm here as a concerned citizen testifying against this proposed resolution's attempt to bring about voter ID. Why do I believe voter ID is a bad idea? Because it doubles down on our state's campaign to let people know Nebraska is not for everyone. When my family moved to Nebraska from the Sunflower State of Kansas 15 years ago, I did not know what to expect. But what drew us here were the promises of low barriers to success, something that appealed to a single-parent family looking to recover from a fire where they lost everything. Here in Nebraska, my mom raised three

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young boys while tackling the challenges of doing so on her own. Her days were long, her breaks were short, and we danced between success and not doing quite as well, like so many families across the state. An individual's ability to change their schedule when they'd like is a privilege not everyone has, especially with limited laws surrounding mandatory paid time off and vote by mail. There are enough current barriers when it comes to getting ahead, barriers that may fall outside of this committee's scope, but not the scope of everyday Nebraskans. Yes, we do have a lower cost of living than other parts of the country. Why can't we be just as proud of lower barriers to voting? Equal access to the ballot should be the goal and asking for current voters to place one more unnecessary hoop in front of future voters does not sound like the right path towards that goal. Asking for someone who may not have a car, access to child care, paid time off, or are in some way disabled to have to coordinate the logistics and costs associated with going to a county office to take care of this extra burden may not resonate with everyone, but it definitely resonates for some. Casting a ballot that is not your own is already a crime that rarely happens, and now we are proposing an extra burden making it harder to cast one at all. For that reason, I am in opposition to the proposed resolution to bring about voter ID in Nebraska.

BREWER: All right. Thanks, Jonathan.

JONATHAN RENTERIA: Thank you.

BREWER: Questions? All right. Thanks, again, for coming in. All right. Additional opponent?

LORRIE BENSON: I guess I'm it, maybe.

BREWER: You, you-- welcome to the Government Committee.

LORRIE BENSON: Thank you, Senator Brewer and members of the committee. I appreciate you taking my testimony. I'm Lorrie, L-o-r-r-i-e, Benson, B-e-n-s-o-n. I live in Lincoln in District 25. I am obviously in opposition to the proposed constitutional amendment. I came in this afternoon with some carefully composed thoughts I was going to share. But as I've sat here this afternoon, I wanted to change my mind about what I want to say, so I apologize if my comments are a little bit rougher around the edges than I might like. We seem to be moving increasingly to mail-in-only elections, and so I'm surprised to hear the senator say, if I understood correctly, that this provision does

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not apply to mail-in elections. And it just seems to me that it's-- that a mail-in-only election is more susceptible to voter fraud than in-person voting. And if this is true, then it would seem odd that we would have a, a scheme to address in-person voting risk, but not something by mail-in ballot. My understanding for the states that have voter ID laws is that, that for a mail-in election, you're required to send in a photocopy of your ID. And obviously this is burdensome if you don't have ready access to a photocopier, you know, and it could be a concern as apparently some people have concerns with mail-in elections that the secret ballot is compromised. And it seems like that would only increase the, the concerns about that. As a side note, as I was on my way into this hearing, I ran into a lawyer friend who spent many years as legal counsel for one of our Nebraska law enforcement agencies. And she mentioned to me that it is apparently a violation of state law to photocopy a driver's license except for law, law enforcement purposes in Nebraska. She tells me that is a product of the Real ID Act that came about after 911. Obviously, this would need further investigation, but if we're going to use our driver's licenses for real-- for mail-in ballots, if we would come to that, then we would need to address that issue in some way. I was going to talk about my elderly father, my 91-year-old father, but that's-- those issues have been covered, other than I'll add, he, he served our country in Korea and he held elected office in Nebraska, and seems he should be able to vote. Recognizing I'm, I'm almost out of time, I will add that I do object to spending scarce resources on something that is not an issue. If we're going to spend money on election security, let's make it on upgrading aging voter equipment and protection against hacking, those kinds of issues that we know are real. Finally, I'll add that, as a lawyer, I object to adding such a specific provision to Nebraska's Constitution. I am probably not the best constitutional scholar in the room, probably guaranteed, but I do agree with the philosophy, philosophy that a constitution should be a broad foundational document and we should put specific provisions into statutory laws and regulations. It's much more challenging to amend a constitution, which-- than a statute-- which increases the risk that we would be forced to live with unintended consequences if we find something we don't like in a constitutional amendment such as, for example, finding that we have a financial burden that's too high to bear in connection with the constitutional amendment. Finally, just one quick comment on the confidence, the, the surveys about confidence in elections, if NPR Marist Poll contacted me, I might indicate that I have less confidence in our elections, but it would not be because of fraud, it would be because of concerns about foreign interference in

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our elections. So I'd be interested to know more about how those questions were phrased and if people were given an option of-- a menu of things they were concerned about in connection with our elections. So thank you for considering my comments.

BREWER: Thank you for your testimony. And we may have saved the best for last. Any other questions? Seeing none, thank you.

LORRIE BENSON: Thank you.

BREWER: Any more testifying in opposition? Any in the neutral? Senator La Grone, would you care to close on LR292CA?

La GRONE: Thank you-- excuse me, thank you, Mr. Chairman and members of the committee. First, I just want to say I appreciate everyone who came out to testify. This was meant to be a conversation about another election confidence issue that I hear about from my constituents, and I think it served that well. Actually, that last testifier was good lead-in to a couple of the comments I had on that subject. And that is like I started out saying I think there are a number of election confidence issues that there are a lot of common ground on, and that we can do a lot of work together on. This is one that I hear about my constituents-- hear about from my constituents so that's why I wanted to make sure it was brought forward. As to modernizing our election technology, that's something I fully support, I supported last year, and I think that there's still work to do there. I worked with, in the past Senator Hansen on that effort and actually there-- his LR403 report, I think four years ago now, that's getting a little old there, indicated there's some commonsense measures we can take. And I think this goes to the point about ensuring that we have types of IDs that are allowed that serve everyone. Personally, my, my personal preference, and this isn't what the proposal puts forward, it's the simple question, my personal preference would be for E-poll book voter ID, which E-poll books are called for and in that report, the LR403 report, so that would be a cost minimizer because that's something I think we need to do to update our election systems anyways. And number two, it wouldn't actually require to actually bring a physical ID to the polling locations. So that's my personal opinion on where I would like to see that go. And then also on the comments about needing to pay for IDs, that would be unconstitutional. The Supreme Court has made that abundantly clear. You cannot charge someone for their right to vote. And so we would, we would have to ensure that it would not place a financial burden on anyone in order to be able to utilize that

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right, insert that right. With that, I would be happy to answer any questions the committee may have.

BREWER: All right. Thank you for your closing. Questions? Seeing none, we will need to read into the record for LR292CA. We have 20 letters in support that are proponents; we have 64 in opposition; and zero in the neutral. With that, we will close the hearing on LR292CA. We'll take a quick five-minute break and then come back and we will--