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M. HANSEN: Good morning, everyone. We're going to go ahead and get started. My name is Matt Hansen and I'm a state Senator from Lincoln. I'm the Vice Chair of this committee. I'll be running the hearing today since Senator Brewer cannot be here today. And welcome to the Government, Military and Veterans Affairs Committee. I'm going to go through our opening now, but for the safety of committee members, staff and pages, the public, we ask those attending our hearing to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it's necessary for you to attend the bill hearing in progress. Because we only have one bill this morning, but the bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify the bill, which is currently being held. Committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit doors in the hearing room. Please note the exit door is on my right, your left of the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist committee members and transcribers in hearing and understanding the testimony. It's up to the committee member's discretion. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by the Sergeant at Arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to enter a hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the ability due to the HVAC project for overflow hearing room. So for any hearings which attract several testifiers or observers for hearings with large attendance, we ask-- request that only testifiers enter the hearing room. And we also ask that you please limit or eliminate handouts. The committee will take up bills in the order posted on the agenda. Our hearing today is your part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. The committee members might come and go to-- introduced during the hearing. This is part of the process as we have bills to introduce in other committees. I would ask that you also abide by the following procedures to better facilitate today's proceedings. Please silence or

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turn off your cell phones. Please move to the reserved chairs when you're ready to testify. These are the chairs towards the front. Introducers-- the process will work that the introducer will make the initial statement followed by proponents, opponents, and then neutral testimony. Closing remarks are reserved for the senator. If you're planning to testify, please pick up a green sign-in sheet that is on the table in the back of the room. Please fill out the green sign-in sheet before you testify and please complete the form. When it's your turn to testify, please give to-- sign-in sheet to our committee clerk. This will help us keep an accurate public record. If you do have handouts, please make sure you have 12 copies and give them to the page when you come up to testify and it'll be distributed to the committee. If you do not have enough copies, let us know and the page will help make sufficient copies. When you come up to testify, please speak clearly into the microphone. Tell us your name and please spell your first and last name to ensure we get an accurate record. We'll be using the light system today for all testifiers. With this size of crowd, we'll go ahead and give everybody five minutes to make your initial remarks to the committee. When you see the yellow light come on, now that means you have one minute remaining and the red light indicates that your time has ended. Questions from the committee may follow. There are no displays of support or kind of reactions in the audience, vocal or otherwise, allowed at public hearing. This is to ensure the safety-- sorry, not the safety --to assure the accuracy of the transcript so we know what testifiers are referencing. The committee members today will introduce themselves, and I'll start on my right with Senator Blood.

BLOOD: Good morning. I'm Senator Carol Blood and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska.

SANDERS: Good morning. Rita Sanders, District 45, the Bellevue/Offut community.

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

HALLORAN: Good morning. Steve Halloran, District 33, representing Adams County and parts of Hall County.

HUNT: I'm Megan Hunt and I represent District 8 in midtown Omaha.

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M. HANSEN: Thank you all. Also note that to my right is committee legal counsel, Dick Clark. And Julie Condon, on our far left, is our committee clerk. We're also joined by Jon and Ryan, who are our two committee pages for this morning. They are both seniors at UNL. And with that, that's the end of my opening, so we will welcome up Senator Slama to open LB76. Welcome.

SLAMA: Thank you, Mr. Vice Chairman, and members of the committee. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I represent District 1 in southeast Nebraska. I'm here to introduce LB76, which reinstates the winner-take-all system for allocating our Electoral College votes for presidential elections. Currently, 48 states award their Electoral College votes by the winner-take-all system. Our system of awarding two statewide Electoral College votes and one Electoral College vote per congressional district was implemented in 1991 following Maine's passage of similar legislation. This format was billed, the election structure of the future. But since then, no other states in the country have adopted this method. Just two years after our system's initial passage in 1993, two bills were introduced to return Nebraska to the winner-take-all system with one of those bills advancing to General File. The Legislature passed bills in both 1995 and 1997 that would have returned Nebraska to the winner-take-all system, but they were both vetoed. Since that time, the Government Committee has heard debate on this idea ten times, and passed it through to General File, six. While reading through the transcripts of each of these bills, I saw that there were a few consistent arguments against Nebraska returning to the winner-take-all system. I'd like to address these point by point. The first argument is the current system was supposed to, at least in theory, designed to be a compromise between winner-take-all awarding of Electoral College votes and abolishing the Electoral College system altogether. However, this current system only exacerbates any issues with the Electoral College system. It incentivizes gerrymandering when drawing congressional districts for the benefit of Electoral College votes, which is exactly what the framers of our Constitution fought against by empowering states, not segments of states, to choose the President of the United States. Outcomes of presidential elections should never be determined by lines drawn by state level politicians. Past testifiers also argued that the current system was the plan of the future. They believed at the time that other states would quickly follow in Nebraska's footsteps. However, no state has changed this-- to this system since Nebraska did

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in 1991. One state currently considering a similar system to ours, Wisconsin features a fascinating rebuttal of Nebraska system by party Democrats, with former Chairwoman of the State Assembly Democratic Caucus, Kilda Royes, commenting that such a proposal would make Wisconsin irrelevant in presidential elections. In Michigan when changing to the Nebraska system was proposed in the aftermath of the 2020 elections, Congresswoman Rashida Tlaib tweeted, they tried this racist attack-- attempt to change the way electoral votes are allocated in 2015 and failed. Diluting the black vote in Detroit is a page out of the Jim Crow handbook, end quote. I certainly expect a strong delegation of Nebraska's Democrats here today to make the exact opposite arguments showing that our system or any variance from the system, almost every other state has politicized as the system to select the President and has absolutely no business being tinkered with by politicians on a patchwork state by state basis. Third, past testifiers have argued that without the current district plan, their vote doesn't count or they need to feel like their vote counts. We shouldn't be in the business of legislating based on feelings, but in facts. And the facts are firmly in favor of passage of LB76 and returning Nebraska to a winner-take-all system. In our system, each Nebraska voter only has a say in three of our state's five Electoral College votes. Moreover, our current system creates an outsized urban advantage in the distribution of the Electoral College votes with two of our three congressional districts heavily anchored by major metropolitan areas, effectively disenfranchising rural Nebraska voters. Returning to the winner-take-all system is simply the fairest way to give every single Nebraska voter an equal say in all five of our Electoral College votes. Fourth. Proponents for the current system argue that the district plan is a unique experiment worth trying. However, how we award our electoral votes is a policy decision, not an experiment. We've used the current system for several decades and through eight presidential cycles, and it is no longer logical to experiment with our electoral votes, especially when no other states have adopted the system after us. Fifth. Proponents justify the current system by saying that the district plan increases grassroots participation and encourages more people to vote. This also has no real basis. In fact, the voter turnout in Nebraska has not shown much of a change on average in comparative difference between statewide turnout and national turnout. And that margin has remained almost unchanged since the 1970s. Finally, those in favor of our current plan argue that more presidential candidates would come to Nebraska in an

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effort to collect an elusive single Electoral College vote. Yes, we have had candidates visit our state, but those stops have almost entirely been limited to the Omaha metro area. Turning back to the winner-take-all system would better incentivize attention from presidential candidates across the board, not just in Omaha. If you don't want to take my word for it, let's reference the Washington Post op ed published January 19th of this year in response to Wisconsin's proposal entitled Wisconsin Lawmakers Show Us How Not to Fix the Electoral College. Allocating electoral votes by congressional districts would import gerrymandering into the presidential election process. Because Wisconsin's work congressional map, if the system had been in place in 2020, Mr. Trump would have taken six electoral votes from Wisconsin and Mr. Biden only four, despite President-elect Biden's 20,000 vote margin. And Mr. Biden would have fared even that well only because the statewide winner would have gotten two automatic electoral votes. Mr. Trump carried six of the state's eight congressional districts. If Mr. Biden had narrowly lost, he likely only would have won two electoral votes to Mr. Trump's eight. In other words, the state electoral votes would have been allocated in a manner that was far from proportional. Moreover, moving to such a system would increase the incentive state lawmakers have to gerrymander congressional district maps for political gain. The Supreme Court refused in 2019 to strike down extreme gerrymanders in Maryland and North Carolina, enabling partisan lawmakers to continue drawing bizarre district boundaries. With a freer hand and the ability to warp both congressional and presidential elections, they would have all the more reason to extract every last drop of partisan advantage, end quote. Our current system for awarding Electoral College votes turns are proudly nonpartisan body into a hyper-partisan one during redistricting time, with incentives abound to not only draw favorable congressional district maps for the benefit of partisan gain, but also for presidential elections. Nebraska votes for a Governor as a state. That is winner-take-all. We also vote for U.S. Senators and constitutional officers as an entire state, which again is winner-take-all. Returning Nebraska to a winner-take-all system for presidential elections would ensure that every single voter in our state has an equal say in how each of our five Electoral College votes are distributed. It's simply the most equitable way to determine the outcome of our elections. And as such, I urge this committee to support LB76 and advance it to the floor. Thank you for your time and I'd be happy to answer any questions.

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M. HANSEN: Thank you. Questions for Senator? I see Senator Blood.

BLOOD: Thank you, Vice Chair Hansen, and thank you, Senator Slama, for this interesting bill. I also read the March 5th hearing-- floor debate. That was my birthday and I actually watched it that day because I was home, so.

SLAMA: Well, happy early birthday.

BLOOD: Oh, yeah. I'm going to be the big 60. So I actually have several questions for you and I just-- I'm trying to just get them all out right away. That way I'm not going to raise my hand all day long. But the great thing is that you're an attorney.

SLAMA: Oh, I'm not an attorney. I'm just a law school kid, yeah.

BLOOD: OK, so a law school student, so I think you'll know some of these answers and I'm hoping to have some really good discussion with you.

SLAMA: Wonderful.

BLOOD: All right, so there's-- there's my introduction. So can you talk a little bit about the Equal Protection Clause in the First Amendment for me, because I was listening to kind of your introduction-- listen to your introduction, and that's the first thing that came to mind to me.

SLAMA: Um-hum.

BLOOD: So what's the other name for the Equal Protection Clause?

SLAMA: I don't know that offhand.

BLOOD: I've heard it called the one person, one vote clause.

SLAMA: Sure.

BLOOD: So if you take away the Electoral College system, as is in Nebraska, explain to me why it wouldn't deprive voters of being adequately represented.

SLAMA: Forty-eight other states have the same system and it has not been found in violation of that clause.

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BLOOD: But do the other 48 states have a Unicameral that make them unique like us?

SLAMA: I don't understand how being unique in one way justifies being unique in other ways.

BLOOD: Because I feel-- I mean. I guess it's not my job to answer that question, so I'll hold my opinion on that one. So sometimes I-- but I do feel that we have our very unique state. Where is the vast majority of our population? In [INAUDIBLE] Nebraska.

SLAMA: Yeah.

BLOOD: And where would you say a huge concentration of people who might maybe be more progressive tend to be?

SLAMA: I'd say it's congregated more towards urban areas. It's the point of this bill, that every single voter in the state has the same say and that we're not splitting up votes by congressional district to give more swing to some voters than others. It's simply one person, one vote for each of our five Electoral College votes.

BLOOD: What would you say the number one concern in our protests this last year were from people of color?

SLAMA: I would say they had several concerns. I wouldn't feel comfortable speaking for them.

BLOOD: Would you say one of those concerns were that they felt that they don't have a strong voice here in Nebraska and that they're not heard?

SLAMA: I'd say yes.

BLOOD: And so would it be a surprise to you that many feel that taking this away, especially from urban Omaha, is also taking away their voice?

SLAMA: Well, I would say, as I referenced in my opening, the other argument is being made in the opposite direction. In Michigan, where our system being proposed is being implemented there is being perceived the way that you're describing my proposal. So I think the most truly fair way to ensure that all people, regardless of race,

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religion, where they live, is that each voter has a say in every single one of the votes. That's-- that's as fair a way as I can think of to give all of those voters an equal voice in our elections.

BLOOD: And so the opposition is saying that that's exactly what's happening now, why do you want to change it? So I hear what you're saying, but I also definitely strongly hear what they're saying. So we know that-- that vote-- voting and accurate representation are fundamental to our democracy, yes?

SLAMA: Yes.

BLOOD: OK. So you've explained how you believe that this will impact the one person, one vote principle that was established in '64 in Reynolds vs. Sims. That's the same case that we use when we talk about gerrymandering, right?

SLAMA: Yes.

BLOOD: OK. So they always say that state should represent people and not geographic districts, and you're saying that you feel that the way it is right now, it represents a geographic district, while people who oppose the bill are saying that taking this away takes away their representation.

SLAMA: Well, we haven't heard any opposition testimony yet. Who knows,--

BLOOD: That's true.

SLAMA: -- the people behind me could be in favor of the bill.

BLOOD: That's true. So do we as a state want to continue to increase voter turnout?

SLAMA: Absolutely, yes. And I think the best way to do that is to give all of those voters an equal say.

BLOOD: So you don't believe that the current system increases voter turnout, especially among minority communities?

SLAMA: No, I referenced that in my opening that the proportional margin of difference in Nebraska is very blessed to have an average

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turnout that is higher than the national average, but that's been across the board since the 1970s, since this was put in place. And that's remained relatively unchanged on average in the aftermath of the implementation of the system in 1992.

BLOOD: And I think that that actually answers the ques-- see, I think you and I look at the same question and see a different answer. I mean, so what you're telling me is, that's why we need it. And I'm telling you that's why we don't need it, because urban is-- there's urban Nebraska and there's rural Nebraska. And rural Nebraska based on what we're getting, the way we do it now, has their voice strongly heard, Trump urban Biden. And-- and it doesn't matter whether you're a Republican or a Democrat, those were actual votes. Those are actual people. So I always go back to-- to-- to that court case. It's one voice, one vote. So. If you feel that their votes matter and we want to represent their voices and bring in more voters, especially among minority communities, why do we want to take away this one small tool we have to empower them to vote in presidential elections?

SLAMA: Because we'd be empowering them to make their voice heard on five rather than three Electoral College votes.

BLOOD: So you say we don't make legislation on feelings, but I could give a long list of legislation that passed last year based on feelings.

SLAMA: I prefer facts personally.

BLOOD: I'm going to remember that forever. You know that, right?

SLAMA: Yes, I'm sure it will come up.

BLOOD: So, you know, it's a fact that there's discrimination in Nebraska, yes?

SLAMA: In certain contexts, yes.

BLOOD: All right, it's a fact that we, as senators have heard from minorities that their voices aren't heard.

SLAMA: Yes.

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BLOOD: OK. So is it a fact that one of the reasons that Biden won was because minorities came out and showed strong voting among the blacks, Latino, Native Americans, Asian-Americans, Pacific Islanders and other communities of color?

SLAMA: I'd say overall, Americans made their voices heard regardless of their racial identity.

BLOOD: So, again, I keep going back to this because these are people that I'm hearing from.

SLAMA: Um-hum.

BLOOD: So if Nebraska is viewed as-- as an obvious vote after the implementation of LB76, how would this impact our state's grassroots activity, especially when it comes to how much money is spent in the media? How many jobs do you think this is going to affect by changing this?

SLAMA: So are you arguing that money and media is a reason you should oppose the bill, or could you--

BLOOD: I think it's--

SLAMA: --phrase it in a different way?

BLOOD: I can definitely reframe that. So one of the things since I know you read the transcripts--

SLAMA: Yes.

BLOOD: --and I have to say that all of the positive things they said we're going to happen did happen. Their crystal ball was-- it was accurate. One of the things that they said was going to happen is that it's going to make us have a stronger voice as a state and that we're going to start seeing more candidates come to Nebraska than had been coming to Nebraska. You know, you always hear the expression flyover state. If I can use-- I'll use my-- my own experience as an example. I have digital TV.

SLAMA: Um-hum.

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BLOOD: Because I have digital TV, people can buy political ads on digital TV.

SLAMA: Um-hum.

BLOOD: And as soon as that presidential campaign is over, all of a sudden there's place cards with music, like elevator music, because they've not been able to sell those spots. I talked to people at different TV stations, different radio stations. There are millions of dollars spent on presidential elections within the media. So if we're trying to change something that's not broken, in my opinion, why do we want to add to that and also affect people's livelihood?

SLAMA: Well, I mean, I would-- I'd question whether the sheer volume of political ads is a sufficient enough reason to oppose this bill. But let me give your experience a counter by my own experiences and my own communities experiences. When this bill was passed in 1991, like you said, we were told we'd give-- we'd receive more attention from presidential candidates and we have had candidates visit again solely to the Omaha area. However, one of the proudest moments in my hometown of Auburn. I have two hometowns. I'm from outside of Peru and I went to high school and graduated from Auburn. And the proudest moments in our communities history is in the sixties. Then presidential candidate Kennedy, I believe it was Bobby Kennedy, visited our-- visited our community and had a presentation at our band shelter. And whether you want to talk about changes in approaches to campaigning, the fact that all five of Nebraska's Electoral College votes were on the board meant that the entire state was to be campaigned and not just in the Omaha metro area. And if we're going to argue that media spending is a reason to keep our current situation, wouldn't we want to spread that wealth among other media markets in the state of Nebraska, as I can ensure you the political spending will still happen. Personally, I'd rather not see as much political advertising and I'm sure most Nebraskans, regardless of party identification, would agree with that. But I truly think this gives Nebraska across the board a far more equitable way to determine how our Electoral College votes are determined.

BLOOD: And I have to say that in Hastings, Bobby Kennedy came as well.

SLAMA: Yes.

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BLOOD: You did read the transcripts, you noticed that-- that because as our state demographic change and other states demographics change, how presidents did their campaigning also changed. And so, yes, in the 60s, presidents were still coming. But really, if you start looking in the 80s, in the 90s, I'm not sure how old you are, so.

SLAMA: 1996 is my.

BLOOD: OK. I remember when Kennedy came to Hastings.

SLAMA: Um-hum.

BLOOD: So I think that data says otherwise. So I appreciate your opinion, but I think the data is there that they don't really care about us about that, that-- I hate to say blue dot, but without that dot. So I'm sorry, I'm almost done with my questions.

SLAMA: No worries. And I would just counter to that point the exact opposite point was made in Wisconsin where all of the local news-- all of the Wisconsin major newspapers came out and said, if we adopted Nebraska's system where we divided up our Electoral College votes by congressional districts, we would be rendered irrelevant. So I do think there's arguments for both ways, but at the end of the day, conclusion is, our framers intended for states, not segments of states, to determine the outcomes of elections and we shouldn't be deciding presidents on a patchwork state by state basis. It should be fair across the board.

BLOOD: That's what they say about the Unicameral last year, so. So you had talked about how in the hearing people had suggested that we needed to get it done because other states were going to fall in line.

SLAMA: Yes.

BLOOD: And that was part of the conversation. But the other part of the conversation is that waiting for other states was kind of pointless. It's either a good idea or it isn't. And that was Senator Schumaker that said that. And then it was passed with 29 votes, I believe. Right? And I came up with 16 attempts to return to winner-takes-all, so how many do you have?

SLAMA: I had--

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BLOOD: 10 or 11.

SLAMA: Well, I had a few before that, so I think closer to that 16 number because I did speak about the two bills that were introduced in 1993. That's around the same number.

BLOOD: Why do you think for the ones that didn't have a debate, why do you think most of them have failed?

SLAMA: Well, I mean, two times it's passed and been vetoed.

BLOOD: Why was--

SLAMA: And I would argue that the threshold to override a veto is higher than the vote that this bill received in 1991.

BLOOD: Would you say that our current electoral system in Nebraska diluted our standing in presidential politics?

SLAMA: Did what to our standing?

BLOOD: Diluted our standing in presidential politics?

SLAMA: I do, yeah.

BLOOD: Because?

SLAMA: Because you rendered-- you split the Electoral College votes. We're stronger as five votes together than is three votes separately by congressional district.

BLOOD: But the difference of one vote didn't change the outcome of the last two presidential-- presidential elections, where the vote was split, right, in 2008 and 2020?

SLAMA: In the 24 times where votes could have gone to a different party, it has only happened two times and neither of those times have actually impacted the outcome of that presidential election cycle, which I think further gets to my point is that it really hasn't been that big of a difference in relevance in presidential campaigns.

BLOOD: All right, so the original bill had bipartisan support, yes.

SLAMA: Yes.

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BLOOD: So it was obvious by the debate that there's some that were hesitant to support the bill back in 1991, but their concerns were simply that there was worries of the potential impact and the lack of information that they wanted to have a study. Would you say that's accurate?

SLAMA: By a potential study to the current system before implementation?

BLOOD: Right.

SLAMA: Yes, that's accurate.

BLOOD: OK. So can we at least agree that this original reasoning for proposing the bill really no longer carries any relevant-- relevance?

SLAMA: The original reasoning for a--

BLOOD: For why they were against the bill-- three decades later.

SLAMA: I would say in the transcript, these same arguments of Nebraska becoming irrelevant in presidential campaigns, similar arguments that I'm making now were brought up during that time. Now, the ones that you were brought-- that you brought up saying that further studies are needed, yes, fine. Those are, I think we have plenty of data to show that LB68 should be passed.

BLOOD: So--

SLAMA: LB6-- 76, sorry.

BLOOD: Excuse me, I'm sorry. So in 2011, were you aware that Republican Party leaders threatened to withdraw financial support from their candidates that they were just to vote against a bill like this?

SLAMA: I was a sophomore in high school in that time, so I was not savvy to the political goings on.

BLOOD: Would you think if you were to hear that, you were just a normal person who wasn't involved in politics, if you heard something like that, would you think that there might be a partisan motive behind trying to eliminate something like this?

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SLAMA: Do you think that the Democratic Party would withhold support for candidates who supported the passage of LB76 based on how strongly they've opposed this concept in the past?

BLOOD: I absolutely do not believe that, nor have I ever, in the long period of time been involved with the Democratic Party, ever been told something like that.

SLAMA: And I've never been told anything similar from the Republican Party.

BLOOD: Were you aware that that happened in 2011?

SLAMA: I--

BLOOD: In the Omaha World-Herald?

SLAMA: I was not savvy to that, no. And I do believe we have a representative from the Republican Party here, and he could probably shed more light on what happened there.

BLOOD: I think that would be really an interesting conversation. So-- so, Senator, I do appreciate your efforts and you've done an excellent job of presenting your case, but I still am going to be really curious to hear what the opposition, if indeed there is opposition,--

SLAMA: I know.

BLOOD: --has to say about that because I remember the original debate. And everything that Senator Schimek and the supporters said about this bill happened for the positive and all the negative on the debate did not happen. And I don't understand why we're trying to fix something that I don't see as broken unless there's a partisan motive behind it. And I'm hoping that that is not the case because we are a nonpartisan body. So I will be-- look forward to hear what the-- the pros and cons are on this bill.

SLAMA: I appreciate that. And just in closing, would reference my point about the partisanship of gerrymandering for Electoral College votes. This is an entirely nonpartisan bill meant to take the politics out of deciding the boundaries of Electoral College votes in our state.

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BLOOD: And so-- I'm sorry, so are you saying that there will never be gerrymandering because of this or--

SLAMA: I'm saying that there will no longer be drawing of political boundaries for congressional districts with Electoral College votes in mine because it would be winner-take-all?

BLOOD: Um, I think that's a whole another conversation. I'm going to allow other people to ask questions.

SLAMA: Thank you, Senator Blood.

M. HANSEN: Thank you, Senator Blood. Are there any other questions? Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. So, do you believe that having two states, Maine and Nebraska, with not having winner-take-all effectively creates a 51st and 52nd state. In other words, we're splitting those states up in their electoral votes.

SLAMA: Yes.

HALLORAN: It's-- it's-- we're-- we're a Unicameral, and the prefix Uni means one. It would seem to me that it would be more unifying if we stuck together with one state. Your opinion on it?

SLAMA: I completely agree with you, Senator.

HALLORAN: OK, thank you, Senator.

SLAMA: Thank you.

M. HANSEN: Thank you. I would just have a final question, Senator Slama. So you talk about kind of the founders and the intent of the Electoral College.

SLAMA: Yes.

M. HANSEN: Was the-- can you-- can you-- trying to figure out how to phrase this. So do they-- do you believe the founders intended the Electoral College to be unified blocks from each state, or do they intend it to be the delegates being able to make their own-- the

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Electoral College voters being able to make their own independent decisions?

SLAMA: That's a concept that has evolved over time. And we saw throughout the 19th century the trend was, at least through the early part of the century, to have the state Legislatures decide. And that concept has evolved later on to making it popular vote within each state to determine Electoral College votes. So it is an evolving concept, but the core idea of what they were getting at, regardless of whatever method you look at, was used in the 18th or the 19th and then on to the modern day, is that it's up to the states, not the parts of the states, to determine the Electoral College votes and decide the presidency.

M. HANSEN: All right. I think that's a fair summary of the history, so thank you.

SLAMA: Thank you.

M. HANSEN: Any other questions? Seeing none, thank you, Senator.

SLAMA: Thank you.

M. HANSEN: And with that, we'll move on to proponent testimony. As a reminder, please have your green sheets filled out and bring them up to the page and the committee clerk. And with that, we'll look them up, the first testifier.

RYAN HAMILTON: Thank you, Senator Hansen, and members of the Government, Military and Veterans Affairs Committee. My name is Ryan Hamilton, R-y-a-n, Hamilton, like the musical. I'm the executive director of the Nebraska Republican Party. We are the largest political organization in the state. We represent more than 605,000 registered voters, and I'm here today to testify on behalf of the party in support of this measure to move to a winner-take-all system. This measure would move Nebraska to a standardize election system along the lines that 48 other states conduct elections. It would correct the injustices that have been long-standing since a political ploy pushed by then Governor Ben Nelson resulted in this bifurcated system that made the 2nd Congressional District a swing district. Since the 1992 presidential election, our state is permitted by law what is essentially a voter inflation scheme by making one part of the

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state's considerably-- one part of the state's votes considerably more valuable than any other part of the state's vote. It prioritizes people who now live in what is the 2nd Congressional District over those who live in the 1st-- in the 3rd Congressional Districts. This way of doing business has exacerbated the urban-- urban, rural divide within our state and divides our political strength for little or no reward. Since 1992, very few candidates have actually made an appearance in Omaha. And when they do come to Nebraska, as Senator Slama pointed out--

BLOOD: [MESSAGE FROM PHONE] I am sorry.

RYAN HAMILTON: --they exclusively go to Omaha. The system we use doesn't make much sense. By way of illustration, if this system was adopted nationwide, the at-large basis of rewarding Electoral College voters would result in many disagreeable outcomes for presidential elections. In 2012, by way of illustration, Mitt Romney would have prevailed over Barack Obama 274 to 266 electoral votes. Instead, because of the more just way of doing business in other states, the outcome tracked much more closely with the popular vote and certainly the popular vote of every other state. And President Obama won reelection 332 to 206 electoral votes. The idea that it's partisan doesn't make much sense. We would be here advocating for a system that would sometimes produce a Republican winner in some circumstances and other times produce a Democratic winner, the reality is the basis for this push is fairness. The dramatic reversal for Romney could have only been achieved by the type of political gamesmanship that we permit in this state by law and have for every presidential election cycle since 1992. The at-large allocation of electors dramatically increases the stakes of redistricting, driving gerrymandering a process that this Legislature has historically tried to curtail with legislative fixes. This one simple voter fairness change would reduce the stakes associated with redistricting and take away much of the drive that exists to draw lines favorable to this candidate or that candidate. This measure should be a part of that anti-gerrymandering conversation. Our current law both incentivizes Republicans and Democrats to draw lines in Sarpy County that would give their political parties statistical advantage in presidential election years to award their presidential candidate that one electoral vote in Congressional District 2. It's unfortunate that all this time and effort is focused on the minority of Nebraskans who live in Congressional District 2, while the other one, a quarter million

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Nebraskans are typically overlooked and have had the value of their vote deflated by political maneuvering. If presidential candidates want to be awarded any electoral votes from Nebraska, they should have to earn it to making it to the voters across the entire state, not just in one congressional district. I want to thank Senator Slama for introducing this bill, her brilliant testimony in favor of it. I was very impressed by that. And I want to thank all of you for allowing me to testify in support of an issue that so many Nebraskans care about. On behalf of the state Republican Party, I strongly encourage you to advance this bill to the next phase of legislation.

M. HANSEN: Thank you for your testimony. Questions from the committee? Senator Blood.

BLOOD: Thank you, Vice Chair Hansen, and thank you for your testimony. I'm sorry about that. I-- I tend to-- to watch it, what's going on, on my phone and I didn't turn it down and I apologize.

RYAN HAMILTON: No worries at all.

BLOOD: Did you hear my comment about 2011? Can you verify whether that was true or not?

RYAN HAMILTON: I can't. I'll begin by saying that not everything printed in newspapers is true, but at the same time, I can understand why somebody who was in my position or the position of the chair might make this a priority. It's been a long-standing priority for the parties. My understanding is the reversal of this measure has been in our state party platform since likely the year it passed, 1992, right-- right after they adopted that measure. So I can't say one way or the other, but it wouldn't surprise me.

BLOOD: So-- so if I hear you correctly, based on your party-- party-- party platform, if you have people that are in office that it is your demand that they vote a particular way in support of that platform?

RYAN HAMILTON: No, I wouldn't say that I would say that the party tends to support with financial resources those candidates most ideologically in favor of the party platform. That seems to follow, yes.

BLOOD: So no freedom of thought.

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RYAN HAMILTON: There's certainly freedom of thought within the Republican Party. We've got 605,000 members, many of whom have various agreements or disagreements on any one political issue. To characterize it as issue of freedom of thought, I don't think is entirely accurate. I would also point out that most of the opposition in the state is as uniformly opposed to this change, that is to say the Democrats as Republicans are uniformly in favor of it. And I would suggest that that's because it empowers those progressives that you mentioned at the opening of your testimony that they're trying to protect those votes by deflating the value of votes in other parts of the state.

BLOOD: Well, I don't know if we're protecting progressives or protecting people of color who tend to feel that they don't have a voice in Nebraska, so I want to make sure that that's very clear. And the question I asked was not in reference to the many Republicans that there are in Nebraska. It was in reference to the Republican-elected official. So I respect the fact that Nebraska is broadly Republicans. And I got some Republican friends, so I'm teasing. But I think it's very telling when-- and I have to say, since it's clear that I'm a Democrat, I've never experienced that in my own party, so it's seems very foreign to me if people are threatened for not supporting an issue. So I give you kudos for having such strong convictions on your-- your party platform. So you don't feel that this in any way will tell people of color, especially, because really that's what we're talking about when we talk about this area, right? Because really, rural voters really are ordering control of four of the five electoral votes. Wouldn't you say that's pretty accurate?

RYAN HAMILTON: I don't know if they're in control of, their vote counts. Rural voters, yeah, they-- they have a determination in it, sure.

BLOOD: OK.

RYAN HAMILTON: I don't know if I'd agree with that exact phrasing.

BLOOD: But in general, we have a consensus.

RYAN HAMILTON: Yes.

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BLOOD: All right. So knowing that, why-- why are we worried about this-- this one-fifth of a-- of a-- of Nebraskans feeling like their voices are heard. Why are we trying to trample that down. Isn't ultimately that people are unhappy with the results of the election, the last two presidential elections, where maybe a man of color became President and now we have a woman of color as Vice President? I mean, it seems-- it almost seems like we're trying to take away that enthusiasm in that voice.

RYAN HAMILTON: Well, again, illustrate the point that Mitt Romney would have prevailed over Barack Obama under the system that Nebraska had if it were adopted nationwide. I'll again say, I subscribe to the-- what I guess is now considered old-fashioned notion that one person, one vote should be the basis of the law and that an individual's color ought not come into that--

BLOOD: But that's easy for us to say--

RYAN HAMILTON: --vote making process.

BLOOD: --we're white. That's easy for us to say. We didn't have to pay poll taxes and we didn't have to take that to the Supreme Court to make sure that our voice was heard. So I think we have to be really careful because we come from a point of privilege. I-- I believe that we have to really take a step back and take ourselves out of the picture.

RYAN HAMILTON: Suffice it to say, I disagree with that.

BLOOD: I-- I have to say I respect the fact that you believe that this bill does one voice, one vote, but I believe the existing principle is one voice, one vote. And we hear a lot of decrying about partisan gerrymandering. And I'm going to be really, really acutely aware who opposes the maps, because I sit on that committee that are advanced this year during redistricting to see if they want to create a partisan advantage, because I have seen many of the memos come out that say that's a very important issue for a certain party. So I will-- I just want to make sure that we stay on task and that we hear the voices that feel that-- that if we change this, they're discriminated against. I appreciate your answers.

RYAN HAMILTON: Very well.

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BLOOD: Thank you very much.

M. HANSEN: Thank you, Senator Blood. Any other questions, committee members? Senator Halloran.

HALLORAN: Thank you. Vice Chair Hansen. So, I'm sure the Republican Party doesn't keep track of race for the registered Republican voters.

RYAN HAMILTON: No.

HALLORAN: But the assumptions that we hear a lot of times are that our presumption is, is that there are no black Republicans or no-- no Republicans in color. Is that true?

RYAN HAMILTON: That's not true.

HALLORAN: Thank you.

M. HANSEN: All right, thank you, Senator Halloran. One more question actually, Mr. Hamilton. I guess you might have already indicated this, that it's part of your party's platform, but so you're the executive director, correct?

RYAN HAMILTON: Correct.

M. HANSEN: And we're-- I guess, did-- is your testimony based on the state central committee, the state chair, just the state party platform.

RYAN HAMILTON: The state party platform.

M. HANSEN: All right, thank you very much. That clarifies it. Thank you. Any other questions? All right, seeing none, thank you for your testimony.

RYAN HAMILTON: Thank you again.

M. HANSEN: We'll invite up our next proponent. Are there any other proponents? Hi. Welcome.

AMELIA ASPEN: Hello, I first like to thank Mr. Chair and the honorable committee. My name is Amelia Aspen, A-m-e-l-i-a A-s-p-e-n. I'm 11 years old and in the sixth grade. I'm here in opposition of LB76. First off, when we split our votes, Nebraska's opinion matters. One

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thing we can all agree on is that we made it this way for a reason. If we're going to change it to winner-takes-all, let's at least not do it now. We just had a very contentious election, to say the least. And we don't want to make a big transition right now. We've split our vote for many, many years. And I'd like to point out that we were totally OK with it all these years, and now-- now we want to change it to winner-takes-all. It seems a bit off. Quite honestly, it feels like you're asking the Electoral College to subsidize underperforming party politics. We want all voices to be heard, not just one opinion. Any-- um, please don't hesitate to ask any questions.

M. HANSEN: Thank you very much for your testimony. Senator Blood, with a question.

BLOOD: Thank you, Vice Chair Hansen. Good job.

AMELIA ASPEN: Thank you.

BLOOD: Can I ask what motivated you to come and testify today?

AMELIA ASPEN: Well, our family is really into politics.

BLOOD: Um-hum.

AMELIA ASPEN: And this is something that I thought, um, I really wanted to keep because I thought it was working fine and I don't really want anything to change about or see-- and stuff I couldn't really see. And then also, I just thought it would be a fun thing to help with.

BLOOD: You, and I hope-- I hope that you continue to do-- use your voice for the greater good.

M. HANSEN: Senator Blood. Any other questions? Senator Hunt.

HUNT: Thank you for being here today, Miss Aspen. Um, can you tell me more about what you've learned about Nebraska's unique system in school? Do they talk to you about it in school at all?

AMELIA ASPEN: Um, people in my school try not to really talk about politics. So I-- I've pretty much learned everything at home.

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HUNT: That's great. I'm proud of you for being here. Is it your first time testifying?

AMELIA ASPEN: Yeah.

HUNT: I hope you keep doing it.

AMELIA ASPEN: Thank you.

HUNT: Thank you.

M. HANSEN: Thank you. Any other questions? Thank you again for your testimony. You did great. All right, just to confirm, was there anybody else in the room who want to testify in support of LB76? All right, seeing none, we'll switch over to opponents and we'll welcome up our next opponent to LB76. Welcome back.

DIANNA SCHIMEK: Thank you, Mr. Chairman, members of the Government, Military and Veterans Affairs Committee. It's a pleasure to be here today and it's a particular pleasure to hear a young woman or maybe I shouldn't even say young woman, she's still pretty young, to come and testify before a committee like this. I would have been shaking in my boots at her age and she just did it with all kinds of aplomb, let's say. So anyway, for the record, my name is Diana Schimek and I am here in opposition to LB76. That's an easy memory to remember. I think of 1776 when I think of 76. So I don't want to think of this as a patriots bill, however, Senator Slama.

M. HANSEN: Ms. Schimek, before you go further, can we have you spell your name?

DIANNA SCHIMEK: Oh, Schimek. S-c-h-i-m-e-k.

M. HANSEN: Thank you.

DIANNA SCHIMEK: And may I ask a question before I go ahead? I was originally going to pass out handouts. You're not doing that?

M. HANSEN: If you have them, you can get the pages to hand them out. We're just asking people to be conscious about it.

DIANNA SCHIMEK: OK, well, I'll go ahead and do it. I've got some of the same information that Senator Slama shared with you regarding how

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many bills there have been and what the results of all those bills were. And so that's the top sheet. And I won't go over that because she did an excellent job of telling about all those-- all those bills. At-- actually after Senator Christiansen's bill was vetoed by Governor Nelson, there weren't really any bills that went very far and that was back in 1983. So it's been a long, long spell of trying to do something to do away with the winner-take-all or to do away with the Electoral College scheme that was put together under LB115. I want to say that, I-- I guess I'm not going to go over my testimony. This testimony, I pulled out of a file somewhere because I've testified, I think, on every one of these bills that have come up. And so you can imagine how many files I have and how-- how many testimonies there have been. But I think I covered the main points that I would like to cover in this written testimony. And I guess a couple of things I would like to highlight, however. At the bottom of the first page of testimony, it says, I also believed at that time that a change in the electoral system might prevent the unfortunate results of someone winning the popular vote, but losing the election in the Electoral College. And, of course, that didn't actually prevent it, but it was a possibility. But the most important reason-- you'll see in the bold type for enacting the bill and the reason we should not undo the previous legislation in this area is that it encourages grassroots activity. And I don't know how anybody could argue that grassroots activity hasn't improved over the years and it encourages more people to vote. And that is very, very important in this area-- era of deep personalization of politics and the advertising wars that occur in every election. It is critical that citizens know their votes count. This is a state with a small but very diverse population, and it is important that citizens feel they have a chance to make their voices heard. And then I point out in this testimony that there were three elections in our history before the bill passed in 1991 in which there would have been a winner of one congressional district. That was-- those-- two of them were in the 40s and Franklin Roosevelt actually got a district each of those times. And then I think it was Lyndon Johnson won the state, but Goldwater actually won the 3rd District in 1964. And then finally, I'd like to say that I think that this is the time to put this issue to rest, that it has been up on the agenda and up on the agenda and up on the agenda and I think it's time to put it to rest for a while. It didn't cause any-- any serious problems. It had some good effects. In fact, over the years, I've testified on the kind of economic development, if you will, which has been brought to

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the 2nd Congressional District by staffers coming into the state and-- and eating at restaurants and getting hotel rooms and so on and so forth. They weren't quantified with a great deal of confidence because a lot of that had to be supposition as to what-- what the actual income was, but there was economic impact. And, um--

M. HANSEN: Ms. Schimek.

DIANNA SCHIMEK: Yes.

M. HANSEN: You got your red light, so you just need to give us your final thought. I know it went by fast.

DIANNA SCHIMEK: Oh, Oh, I wasn't watching. Well, I wanted to talk a little bit about that redistricting issue, but I will-- I will let somebody ask me the question if they want to.

M. HANSEN: Absolutely. Are there questions from committee? Senator Blood.

BLOOD: Thank you, Vice Chair Hansen. Senator Schimek, can you talk a little bit on the economic impact of this bill-- that your bill has had. Did you ever hear from the Nebraska Broadcasters Association or any other groups about the impact?

DIANNA SCHIMEK: No, I didn't. And I wasn't looking at that. I was just looking at things that-- because it's hard to know how many advertisements would-- how they would have increased over any other particular situation. But you know that there were people who came into the state and rented offices, and--

BLOOD: Right.

DIANNA SCHIMEK: --had phones hooked up and all that kind of thing. So I-- I tried to put together something that was modest. And I think the one time I figured over a million dollar impact in-- that was the Obama race in 2008.

BLOOD: I think this-- and I have to go back through my notes, but I think this last election for presidential, I think there's something like six million spent in the last cycle for the presidential election.

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DIANNA SCHIMEK: Oh, I'd like to have that.

BLOOD: So, I'll just dig that out for you.

DIANNA SCHIMEK: Thank you.

BLOOD: Thank you.

M. HANSEN: Thank you, Senator Blood. Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. I'm not sure-- I understand that the economic impact may be of significance for some people, but I'm not sure it's all that important for the issue that we're talking about.

DIANNA SCHIMEK: I agree with you, it's not, but some people are interested in that kind of correlation.

HALLORAN: Clearly, they are, and that's fine. So the state was founded in 1867.

DIANNA SCHIMEK: Yes.

HALLORAN: In 1991, we passed LB115. It was 124 years of the winner-take-all. Maybe you can enlighten me on what-- what was wrong over that 124 years that needed to be changed with LB115?

DIANNA SCHIMEK: Well, I'm going to kind of come up to answer in maybe a little backward fashion. But I want you all to think about the fact that 1968 was really the last year that Nebraska mattered in-- in the sense that we were one of the few states in the United States that had a primary. And so we got a lot of candidates in here. I'm sure you can probably remember when, oh, Eugene McCarthy came in. Well, that was '72. I'm trying to think of who came in, Frank Church. There were a lot of candidates that came in to the state and campaigned here because we were one of the only places they could go into a primary. So I think when we talk about the fact that Nebraska was-- was really going downhill in terms of interest from some of the campaigns after that date, and so in my opinion, it-- it needed some kind of a boost. The-- the idea-- this was not, incidentally, Governor Nelson's idea. In fact, I didn't even know if he was going to-- to sign the bill or not. I didn't talk to him about it beforehand or anything. It was an idea that came from a conference and I thought it sounded like a

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really, really good idea. But the-- the redistricting part of this issue was-- was always-- it was always there. It was always a political issue, I can remember in-- I think it was 1968 being a legislative hearing where they were hearing bills on redistricting and that-- that was a very hotly contested partisan issue. And it's not always so much on the legislative level, but on the congressional level it's always been very partisan. So I don't know how you cure that without taking it out of the hands of the Legislature, if you will, and giving it to a committee that proposes maps like they do over in Iowa and then ask the Legislature to approve. But I'm kind of-- I'm kind of wandering from your question. Would you like to--

HALLORAN: Well, the reason I bring the question up is because we've been since LB115, it has been 30 years, right, that we-- that we split the electoral votes in western Nebraska.

DIANNA SCHIMEK: Right.

HALLORAN: And part of the argument I'm going to hear and I think we'll hear from other testifiers is, it's been that way, don't change it, right, after 30 years. And my reason for bringing up the 124 years from the inception of Nebraska to the passing of LB115, a lot of people would have argued it works, why fix it? Right? That same argument.

DIANNA SCHIMEK: Well, and Senator, I have to-- I have to mention that back in the early days of United States, a lot of states did do district kind of elections. District delegates, district electors were chosen and votes were counted that way. Gradually, states moved away from that, not all at once, but gradually they did. And I think Senator Slama even alluded to that in her testimony. So, it wasn't always the same way in those hundred and some years. It wasn't always the same way. And as you know, states were given the ability by the Constitution to decide how to pick their electors. And so that's-- that's why it was possible for us to introduce this bill, it's why we only needed to pass a bill rather than a constitutional amendment, but states have total flexibility in that.

HALLORAN: Should it have been a constitutional amendment, do you think?

DIANNA SCHIMEK: No.

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HALLORAN: Why not?

DIANNA SCHIMEK: Well, times change.

HALLORAN: Well, but what I'm saying is, why not put it to a vote of the people back in 1991? Why not put it to a vote of the people on how they wanted their electoral votes?

DIANNA SCHIMEK: We don't put legislation-- well, I guess we do too. We-- we don't generally put legislation to a vote of the people, but--

HALLORAN: Right.

DIANNA SCHIMEK: --only if it's a constitutional amendment originally.

HALLORAN: Right.

DIANNA SCHIMEK: I don't think you want to do that to this particular thing. There may come a time in the future when we decide this isn't a good way to do it anymore.

HALLORAN: Might be now.

DIANNA SCHIMEK: No. [LAUGHTER] It's too early.

HALLORAN: Well, it's never too early. Thank you.

M. HANSEN: Thank you, Senator Halloran. Any other questions? All right, seeing none.

DIANNA SCHIMEK: Thank you.

M. HANSEN: Thank you.

DANIELLE CONRAD: Good morning.

M. HANSEN: Welcome.

DANIELLE CONRAD: Hi, my name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today on behalf of the ACLU of Nebraska to oppose this measure. To start out, let me be clear. The ACLU is a nonpartisan nonprofit organization, so we don't have a stake in a blue dot or red sweep or anything like that. Our organization has for many years been a key defender in voting rights, and our organizational

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position has opposed the Electoral College for-- for many years. But we in Nebraska, the Nebraska affiliate, have taken the position that this is a good, commonsense compromise that works for our state. And why it works for our state is very, very important because Nebraskans should have an opportunity to cast a meaningful vote and this unique system in Nebraska allows them to do just that. I think it's also critical, you've heard talked about already in dialogue today that when looking at this measure, you can't erase history and you can't erase race. And those components and factors have to be at the forefront of this discussion. Additionally, and paraphrasing Judge Kagan for a unanimous court and a recent decision about states' abilities to regulate the Electoral College-- excuse me, the California decision from 2020, I think-- well, I appreciate that-- that Senator Slama has brought this-- this measure forward. I think that her arguments fail both when looking at the text of Article II, which establishes that the process for the Electoral College, and then, of course, it has been subsequently amended through the 12th Amendment, 1720--20--25th, but also the history, and Senator Schimek talked about this as well. And I think Senator Slama did admit that at the beginning that early in our history, actually states did use a measure very similar to this. And the court has been clear and the Constitution is clear, that is up to the state Legislature to decide how to allocate electoral votes, period. You can look at the text of the Constitution itself and you can look at a host of Supreme Court decisions dating back to the 1890s. I cite the McPherson case for you. The Blair case in 1952, classic case in '41, the Williams case in '68, the Arizona redistricting case in 2015, and then again the Chiafalo case in 2020. The court has been clear across the, the justices ideological spectrum that states have maximum flexibility to decide how to allocate their electoral votes. It's important that Nebraska maintains this unique common sense compromise that was in fact envisioned as part of the compromise itself when the Electoral College came about trying to strike a balance between the national popular vote and political leadership. We thank Senator Schimek for her long leadership on this. This measure has been defeated about 16 times, I think, in Nebraska. When it went down most recently, you know, we-- we hoped that that would be the end of it. But unfortunately, we see this continued injection of hyper-partisanship into our nonpartisan body and our unique nonpartisan traditions in Nebraska. It also has to be said that this measure was introduced right after the insurrection in our Capitol. And at the heart of that horrific day was a fierce battle

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about voting rights. And we can't erase that history from this dialogue as well. So I'm happy to answer any questions, but let me be clear from a legal perspective, states have every right to move forward in this direction. And if folks thought otherwise, they wouldn't be making those arguments here today, they'd be making them in a court. And we look forward to helping with that case. So thank you so much.

M. HANSEN: Thank you, Senator. Questions? Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. A constitution is also very clear that-- that states have the exclusive authority over establishing voting procedures and rules in their respective states, right?

DANIELLE CONRAD: Yes, I thought I might hear from you this morning, Senator Halloran.

HALLORAN: That-- that-- at least five states. And that was the Texas lawsuit's contention. It wasn't Texas lawsuit didn't get into the nitty-natty detail of, this precinct didn't do it right, or there was miscounted votes over here, over there, it was dealing with a constitutional issue that the states exclusively, the Legislatures, have control over the voting procedure. But yet in those five states, and I know that we're Nebraska and we're not part of those five states that did that, they let the executive branch and judiciary or combination of the two change the voting procedures.

DANIELLE CONRAD: Um-hum.

HALLORAN: So, we're not perfect in many respects--

DANIELLE CONRAD: Sure.

HALLORAN: --but at least we respect the Legislature in that-- in that regard. And I have no contest about whether or not the Legislature should have control over this issue. That being said, what's wrong with the other 48 states? Are they just rubes?

DANIELLE CONRAD: Well, Senator, there's a lot to unpack there, but let me start by saying, I'm biased. I think Nebraska's the best, so, and hopefully we can get a lot of agreement there.

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HALLORAN: That wasn't my question again.

DANIELLE CONRAD: Sure, but let me unpack some of the other pieces. So when you're looking at the heart of some of those challenges in the most recent election, they're-- they're governed by a different part of the U.S. Constitution. So that would be the Times, Places and Manners provision in-- in Article I, which gives states a significant amount of authority to set reasonable regulations and rules around congressional and other elections. Congress also reserved for themselves quite a bit of preemptive power if states were to run afoul of their congressional-- other constitutional issues. But when it comes to the Electoral College, that's really governed in Article II around the executive branch. These issues were at place in that most recent litigation. I appreciate and understand the perspective that you have brought forward, but to be clear, a couple of things. Under the Time, Place and Manner clause and state's ability to regulate their elections in a-- because we have 50 state elections, right, for President and for our local work. Some states actually do delegate provisions and powers to electoral boards, to Secretary of State, to other actors in the system and that's been upheld as permissible and is a longstanding, well-established process. Of course, there were also unique considerations that came into play because of the pandemic in 2020. And so there was opportunities that legislative bodies, electoral boards and courts weighed in on to protect and facilitate the right to vote, because that's at the heart of our democracy and that's what happened. And those claims were all rejected by the United States Supreme Court ultimately.

HALLORAN: Well, the Supreme Court didn't hear the Texas case. I didn't mean to digress on that that much--

DANIELLE CONRAD: Sure.

HALLORAN: --but what's wrong with the other 48 states? Are they just rubes?

DANIELLE CONRAD: No, I would not-- I would not say that. I think each state has many wonderful attributes about them. But I think that just as we chart our own course with our Unicameral, with public power within NRDs to a certain extent, we have the right and the ability as a state embracing our sovereign immunity granted to us under the 9th and 10th Amendment to chart our own course. And that's what Nebraska

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has done proudly on this issue. Before when they decided winner-take-all was appropriate and in 1991 since, when they decided that an electoral allocation was, was a better way to go.

HALLORAN: And don't you believe LB76 is giving us the opportunity to chart our own course?

DANIELLE CONRAD: It would give us our opportunity to chart our-- our own course to go back to winner-take-all, absolutely. But I think that the history is-- is clear, the policy is clear, the law is clear that Nebraskans have enjoyed the opportunity to cast a meaningful vote with this electoral allocation.

HALLORAN: So is my vote more meaningful now since 1991 than it was before?

DANIELLE CONRAD: Well, I don't know. You'd have to answer that for yourself.

HALLORAN: But you used the phrase and that's why I'm asking.

DANIELLE CONRAD: Yes, but I will tell you personally in our electoral work that we do in voter education work, that actually the voters that we talk to are very excited that Nebraska has a different way of casting their electoral votes, because we hear a lot of times people kind of shrug or have a cynicism and say, well, my vote doesn't count because this Electoral College thing and etcetera, etcetera, and I said, well, actually, not in Nebraska, you have a chance to weigh in in a different way and people's eyes light up and they're like, oh, that's kind of cool.

HALLORAN: It's good to see people get excited about this kind of thing.

DANIELLE CONRAD: Absolutely.

HALLORAN: I would like to see-- I would like to see some of those conversations and see their eyes light up, but thank you.

DANIELLE CONRAD: Sure, sure. Well, that's always a fun conversation, when we're talking voting rights.

HALLORAN: Thank you.

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M. HANSEN: Other questions? Senator Lowe.

LOWE: Thank you, Vice Chair, and thank you, Danielle, for being here today and speaking.

DANIELLE CONRAD: Good to see you.

LOWE: Senator Slama brought up other states--

DANIELLE CONRAD: Um-hum.

LOWE: --and how they have thought about doing this and they said, oh, no, we're not going to do that. What do you say about that and say that if we implement this in California--

DANIELLE CONRAD: Um-hum.

LOWE: Do-- do you have an answer.

DANIELLE CONRAD: Sure. Yes, and I think that she did a great job of laying out kind of exactly how other states are approaching this very issue, but I think, unfortunately, what she did leave out of that equation was the fact that many of our sister states have embraced electoral reform by adopting a national popular vote compact, for example, quite a few states. So while many states have not moved to this specific reform measure, many of our sister states have embraced reform to the Electoral College process in their state.

LOWE: But have they done it?

DANIELLE CONRAD: Have they elected-- have they adopted a national popular vote?

LOWE: Have they split the vote?

DANIELLE CONRAD: No, no, I don't believe that other than Maine and Nebraska, any of those other measures about electoral vote allocation have passed. They have been introduced and they have been fiercely contested, I think from-- from participants regard-- depending upon the political landscape in those states, yeah.

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LOWE: Would-- would you say it would weaken the vote of-- the California vote, if they would split their votes the way Nebraska does?

DANIELLE CONRAD: Sure, I think that that's definitely been a hot topic in California, Wisconsin and other states that have taken this up and people have been reluctant to embrace this reform. But again, that's up to their state to decide how to split their electoral vote. It's granted specifically in the text of the Constitution and it's been played out in Supreme Court case law. So it's up to each state to say what's best for them in this regard. And Nebraska has said throughout its history, once it was winner-take-all since the 90s, it's been this electoral split, so that's our right. And we can look for guidance to our sister states, but it's not dispositive. The Constitution is and the will of Nebraska voters is.

LOWE: Wouldn't you say that that is what LB76 is doing is bringing it to the people as we have people here today and--

DANIELLE CONRAD: Sure.

LOWE: --all the prior bills and including Senator Schimek's.

DANIELLE CONRAD: Yes, this is exactly right and Senator Schimek laid it out right and I think Senator Slama did as well, but this is-- this is the decision for the state Legislature and the people of the state to make. Yes. So this is an opportunity to go back in time pre-1991 and return to a winner-take-all system. Similar efforts have failed 16 times in Nebraska for a host of different reasons. We are here today to say that we believe that this is a commonsense compromise that generates voter excitement and activity and allows Nebraskans to cast a more meaningful vote. Think of it this way. Senator, we have district elections for city councils and county boards and school boards. We've moved away from winner-take-all in a lot of those electoral landscapes because it dilutes communities of interest voice before those bodies. This works the same way with our Electoral College vote. And I think there's a time that binds us together as Nebraskans, but I do think that we have different priorities and different perspectives and different needs in different communities in the state and this gives voice to that expression.

LOWE: But don't we want to be seen as one state.

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DANIELLE CONRAD: We are one state.

LOWE: One one vote, one state.

DANIELLE CONRAD: We-- this does not violate the principle of one person, one vote, and in fact, it strengthens it, right, because you have an opportunity to cast two of the electoral votes for the statewide winner. And then you additionally have the opportunity to cast an electoral vote in your congressional district towards the candidate of your choice. And that's a good thing, right? It's good to have competitive elections and it's good to have a lot of interest in our democracy and look no further than even the 2nd Congressional District, right? They're in the most recent-- in the most recent election. I believe actually Congressman Bacon and Senator Sasse won that district handily and beat-- and beat their opponents. But this gave voice specifically to voters in that district who were voting for many strong Republican candidates to say, I disagree with the presidential Republican candidate, I'm going to cast my vote a different way. And then that was reflected in our electoral vote as well, which is pretty cool.

LOWE: I look at this as a-- as a husband and wife.

DANIELLE CONRAD: Sure.

LOWE: One Republican, one Democrat. Their votes contradict each other. It's like nobody voted in that family.

DANIELLE CONRAD: Or they both did, right?

LOWE: Well, they both did, but their votes don't count because they contradict each other's vote. And so I see that we have five votes and yet one splits off and that takes away one other from the other side. So it's-- it's not one vote, it's a partial vote.

DANIELLE CONRAD: Well, sure, and-- and Senator, I guess I would disagree, because it-- it depends on how the voters act and which candidates elicit their support, right, because you can look, for example, at the history. It's not a straight partisan slam dunk, right? We've had this in place since 1991. We've seen a split in CD2 twice in that time in decades. So I think it-- it just doesn't-- history doesn't belie that, that this is an automatic slam dunk for

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one party or the other. It-- it's up to the candidates and it's up to the voters to decide how this allocation is going to happen.

LOWE: Thank you.

DANIELLE CONRAD: Yes, yes.

M. HANSEN: I would have a question.

DANIELLE CONRAD: Sure.

M. HANSEN: Just to clarify your own position. So is it the position of ACLU and ACLU National to oppose the Electoral College?

DANIELLE CONRAD: Yes, that's right.

M. HANSEN: So your opposition to this bill is that if we have to be under the Electoral College, the district system is going to--

DANIELLE CONRAD: Right, so--

M. HANSEN: --the lesser of bad options.

DANIELLE CONRAD: Yeah. So how our organization works, we have a large national organization, which, of course, we're-- we're uniquely tied to. But then we also have essentially sovereignty as individual state affiliates to chart our own course. So our-- the ACLU [INAUDIBLE] long opposed the Electoral College for a host of different reasons and has called for reform. We, in Nebraska, appreciate and understand that, but we also appreciate and understand that this is an unique Nebraska reform that-- that we want to maintain.

M. HANSEN: And can you summarize the why the ACLU has opposed the Electoral College as an institution?

DANIELLE CONRAD: Did-- did-- I just didn't grab the first part.

M. HANSEN: Sure. Can you summarize the opposition to the Electoral College in general?

DANIELLE CONRAD: Oh, sure. I mean, I think that this comes up a lot in our organization and in our democracy, right. People are looking at the Electoral College over the years. I think there's been something like-- maybe a couple hundred attempts to reform the Electoral College

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and in our history they're on the congressional level or at the state level, because people see it as fundamentally undemocratic. They see it as an antiquated institution and would prefer to move to a winner-take-all popular vote kind of system. There's deep concerns about how it erases and minimizes the voices and votes of people of color, of black voters, entrenches minority positions in the-- the-- the presidential stakes, for example. And we've seen that play out, right, where-- what is it, five times in our nation's history, we've seen the Electoral College votes be awarded to a presidential candidate that lost the popular vote, right, and every time that happens, it kind of renews interest in this reform dialogue.

M. HANSEN: All right, thank you very much. Any other questions?
Senator Lowe.

LOWE: Thank you, Vice Chair, and Danielle, good to speak with you again.

DANIELLE CONRAD: Always.

LOWE: Thank you for answering those questions.

DANIELLE CONRAD: Sure.

LOWE: So correct me if I'm wrong, that with the Electoral College, we should split our vote, but with the popular vote, we shouldn't split it up by state with the Electoral College. I mean, an election, you're saying should be won by the popular vote.

DANIELLE CONRAD: Um-hum.

LOWE: But by splitting up our electoral votes, it's not won by the popular vote. It's won by districts and isn't that what the Electoral College is kind of doing now?

DANIELLE CONRAD: Well, a couple of--

LOWE: Otherwise, we're being controlled by the big cities and the East Coast, West Coast. Our area would not have a say so if it was not for the Electoral College.

DANIELLE CONRAD: Right. And that's the exact position that small states have advanced since the initial compromise before that, you

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know, in the drafting of the Constitution, right, and that persists through today. So our position is that we would prefer to have a national popular vote, but until that happens, we think that this is a commonsense solution to better meet the needs of Nebraska voters within that existing system. And I don't think that this--this measure doesn't anticipate abolishment of the Electoral College, so.

LOWE: No.

DANIELLE CONRAD: Yeah, but it is-- I understand the tension, yeah.

LOWE: It's kind of wonky. Thank you.

DANIELLE CONRAD: That's the bumper sticker. Yeah, I have to stitch that on a pillow, I think.

M. HANSEN: Thank you, Senator Lowe. Any other questions?

DANIELLE CONRAD: OK, thank you so much.

M. HANSEN: Seeing none, thank you. While we're getting ready for the next testifier, I just presume most people in the room still want to testify. Can I get a show of hands of people-- Thank you. Come on up.

ALEX MUNSON: Thank you, members of the committee for hearing me. Thank you pages and everyone else who's present to help us be a safe and secure situation. My name is Alex Munsen. It's Á-l-e-x M-u-n-s-o-n. I don't come here as a Democrat or Republican. I come here as a schoolteacher and I'm from the-- originally the western, I like to say as far northwest as you can get and still be in the state north of Harrison, Nebraska. And I go back and forth every summer from here and back and forth. And so I'd like to believe that I get a wonderful experience from both or all sides of the state. And, you know, this-- this paradoxical conversation almost of, you know, federal rights, state rights, individual rights, we're worried about, you know, the state not being represented on the grand sphere of the country because of not a unified vote-- vote. And we're worried about individual rights as far as those within Nebraska, whether they be on the eastern side of the city, the rural, the western side of the state, etcetera. And I guess ultimately I-- I believe that this is-- I don't think that those who are presenting this, I'm opposed to it. I don't believe that those who want to change it back are cowards by any means, but I think this is a cowardly act. I think it's censorship. I think that the

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reason why to-- to answer some questions from Senator Holland--
Halloran, I think we had 100-some years of one system, then we changed because we became more enlightened. I think that we started with a state that did not have large cities such as Omaha and Lincoln and communities that were full of diverse peoples. And then we grew to have those peoples, which is why we changed our system so that those voices could be heard. You know, it's the same reason we don't have slavery any more. We find that something is wrong or it doesn't work or that their voice is being suppressed and we change it. And I think that that's why Nebraska has the government it has today. When we talk about being sophomores in high school, I went to Boys State as a junior in high school and one of the things we were most proud of was the Nebraska government because of this idea of individual voice being heard. And then to address what Senator Lowe was saying about, you know, man and wife, I guess I can't ask questions yet, but if you love your children, if you love your family, you don't control them. You don't tell them you're going to be this way. You're going to do what I say. You're going to let them kind of figure it out on their own. And yes, if you have a man and a woman who are Democrat or Republican and they disagree on something and their voice counteract each other, I don't think that's what I worry of being lost. I think what's being lost is individual agency. You don't just see the man submitting to what the woman says or the woman submitting to what the man says, you see them both being individuals with voices wanting to be heard and enacting those voices through their actions and their votes in the Unicameral system that we have and the representation that we have. And-- and I think that on this conversation of unity, I think that if you switch it back to the way things were, I think will actually create greater division, because I think that you were suppressing voices. I think you are making all the voices in Omaha and Lincoln-- I mean, this is just the way Nebraska is. Like the other states, they have their different ways because those are different states. Nebraska grew the way it has. We have Omaha and Lincoln and we're rural communities and we're figuring it out. But right now, that's where those voices are and that's how those voices are heard when they speak and when they vote. And the excitement for voting in Nebraska is present because they feel like they can be heard on an individual level because they're not just washed over in the sea of red. Go Huskers, but not just-- we don't want to feel just washed over the sea of red in Nebraska. We want to feel like we can actually show up and have our voices be heard. And-- and I think that if you were truly

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confident in your message and what you stood for, you would feel confident that you could just say those things and convince the people of this state to stand with you and act with you rather than submitting-- causing them to submit to just this winner-takes-all system of red wins, game over, right? I honestly think that's-- that's what this is. I know you can't say it in all these legal things, but right after this election, it's just, oh, we're scared that red can't take the whole state, better switch it back. And I'm just going to call you out on that and I believe that you're better than that. I believe that you have voices that are-- have worthwhile things to say. I hear them every time I go back and forth across the state and I think that you need to believe in those voices rather than just forcing people to submit to the winner-take-all. That's all I have to say. Let me know if you have any questions.

M. HANSEN: Thank you, Mr. Munson. Are there questions from the committee? Seeing none-- oh, Senator Lowe.

LOWE: Thank you, Vice Chair. So I want to ask a question that Senator Halloran asked earlier. So are the other states just rubes besides Nebraska and Maine?

ALEX MUNSON: I don't think that's the right way to phrase it. I think that each state is trying to figure out what works for them. I think that we were brave in trying to change our system. It's a very complicated process, as many of us know and imagine through even right now. And-- and I think that it speaks to Nebraska's enlightenment that we are a more-- that we are a stronger state. And I don't want to use these-- these just kind of blend adjectives, but I think it speaks to our unit-- our unified nature, in that we believe ourselves confident to function this way, that we can be competitive with our ideas and come out on top of something better. That we don't feel like the other states who are maybe-- it might be a fear of change. It might be a fear of lack of control as far as other states are concerned, as many of these cases are, but-- but I just simply think that we should not say that they're a rube. I think that we should just look at Nebraska and what we're trying to do and I think what we're doing is right.

LOWE: Well, isn't that what this bill is also trying to do is trying to look at change, trying to--

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ALEX MUNSON: Oh, I think so. I think so. But I think it's-- I think it isn't going back in time. I think it's going back to an archaic and a system that doesn't truly represent all voices in this state. I know we are concerned about getting that one unified win, represent ourselves on the national level, but I think that you would have people leaving this country-- state. I would want to leave this state if I didn't feel like my voice was heard in the system that we have in place. And I think that as-- if we were to change it back, I think that-- excuse me, I'm being excited, I think it changed the way it did because of what we are now. And I think where we are continuing to move and where we are still is not a place that wants to move back to that. I think moving forward means that we still oppose this bill.

LOWE: All right, thank you.

ALEX MUNSON: Thank you.

M. HANSEN: Thank you, Senator Lowe. All right, we'll invite up our next proponent.

AL DAVIS: Good morning, Senator Hansen. I have to say that your page does the best job of anyone in the county getting these cleaned up, so we know we're safe. Appreciate it. Senator Hansen, members of the Government Committee, my name is Al Davis. I'm here as a registered lobbyist, testifying in opposition to LB76 on behalf of the 3,000 members of the Nebraska Sierra Club. We believe that the winner-take-all approach disenfranchises voters in every state, not just Nebraska, but every state. Democrats dominate in California and rural Republican voters are disenfranchised just as Democrats are disenfranchised in red states. Nebraska's current method builds enthusiasm among voters and offers a system which should be the model of the nation. Winner-take-all amplifies the power of the large states over the small ones and the swing states over the red or blue ones. President Trump visited Wisconsin, Pennsylvania and Michigan over 12 times. How about visits to Colorado, Idaho, North Dakota or Wyoming? Not one. The candidate lavish attention on the uncertain possibility, while ignoring the certain inevitability. So who loses in that scenario? I can't tell you how many times I heard Nebraska mention in the news this fall the prognosticators like to draw maps where Nebraska's blue dot might put Trump in power or Joe Biden. The state was discussed in a positive light by cable news commentators and print journalists who are interested in maverick news stories. All that

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publicity puts the state on the map, publicity which you can't buy, and that publicity pays taxes. Television advertisement was purchased, staff was hired, all to turn the blue dot to one team's advantage or another. President Trump held a rally in Omaha while Joe Biden and Doug Emhoff visited Papillion. Neither of these visits would ever have happened if there wasn't uncertainty about the election. We have a good system, let's just leave it alone. I'd like to make a few comments about some of the things that were said earlier, which I find to be amusing. The discussion that the winner-take-all proposal really amplifies gerrymandering. And I wasn't here when the Legislature redistrict last time, but there was so much anger and hostility in the members who were here over the gerrymandering that took place then largely to protect congressional districts. So I think to say that this has anything to do with the presidential election is completely irrelevant. There's been discussion about Nebraska's influence. I thought Senator Schimek made a really good point about that. If you go back to the '60s when Bobby Kennedy had his train trip across the state, my father was invited to attend that and there were all kinds of people coming in here because our primary was a big deal and a very important one. I'm sorry that our representatives didn't protect that, move the primary. I'd like to see something like that happen so Nebraska could again have some influence on the national stage. Presidential policy depends a lot on what happens in those primaries. And, you know, if you go look at a map of the visits that President Trump made to places like Iowa, New Hampshire, it's just dotted with visits there and nothing, you know, in other states. But that's another issue. But we have a consistent-- I think Danielle Conrad made good points about the national popular vote piece, which is a compact of states to try to sort of make the process a more democratic one. I always-- Senator Lowe, you talked about your-- the spouses and my parents were both Democrats, but, you know, they always voted the Democratic ticket and so they actually never cast a vote that was really worth anything in the state in Nebraska. I'm not sure, I think that's really a good process. Go back and look at why winner-take-all came into being. It wasn't that way when the nation was founded, but the bigger states said, if we can cast all our ballots for winner-take-all, we're going to have an outside influence in what happens in the presidency. So this policy was dictated not-- not through a democratic process, not to further a democratic process, but to further a political party's influence. The Unicameral was designed

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by George Norris to eliminate a lot of political influence. I think this does the same thing. Thank you.

M. HANSEN: Thank you, Mr. Davis. Questions? All right. Oh, Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. Thanks for being here, Senator.

AL DAVIS: Thank you.

HALLORAN: No one's talked about it yet, but-- but I think it's important to have some discussion about it, the Equal Protection Clause. Very simply, Equal Protection Clause spreads that equality to every voter within a jurisdiction, in this case the state. And the issue I have with-- with the way we're doing it now is, it gives some Nebraska voters different voting power for President simply based upon the population in those districts, right?

AL DAVIS: Well, I wouldn't say that necessarily. Every-- yes, there's some more focus on what happens in the metro because the metro is in play. If the other two congressional districts were at all in play, there'd be a lot of interest in them. They're just not. So I don't see that that argument really carries any weight.

HALLORAN: Well, I think it does, because in the higher populated districts, they have a disproportionate advantage by having separate-- separating their votes in Electoral College based upon the population in those-- those communities, in those-- in that district specific. Anyway.

AL DAVIS: Aren't they disenfranchised, though, if they-- if that district really largely likes the system that we have today, but we want to change that and deprive them of their right, because isn't that what you want to do by passing this bill, deprive them of their right to cast a ballot which might switch the election one way or the other?

HALLORAN: I think no matter what you do, someone's going to complain about disenfranchisement whichever--

AL DAVIS: I would agree with you there.

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HALLORAN: --whichever way you go, there's going to be people complaining about it. Thank you.

AL DAVIS: Thank you.

M. HANSEN: Thank you, Senator. Senator Blood.

BLOOD: Thank you, Vice Chair Hansen. I want to just make sure that I bring this point up before I ask this question. The first question I literally asked Senator Slama was in reference to the Equal Protection Clause of the First Amendment. So we have had discussion about that already. So, did you hear what-- did you hear that question earlier when we talked about the Equal Protection Clause of the First Amendment?

AL DAVIS: Yes.

BLOOD: So--

AL DAVIS: With one man, one vote.

BLOOD: Yep, one person, one vote. So-- so if I hear you correctly, since we're talking about that particular thing, taking away the Electoral College system in Nebraska would deprive voters of being adequately represented?

AL DAVIS: Well, I think so.

BLOOD: OK.

AL DAVIS: If you're going to say we're going to put the whole-- the whole state has to march along to the same system, it seems to me it deprives people who are in the minority party or the minority in anything from their position. You know, that's one of the problems with parties, is they want everything their own way. I think if the parties would sit down and visit, we would-- could find a solution, but that's not going to happen because everyone has a vested interest in the current system.

BLOOD: And we have sincerely lost the ability that I remember growing up in rural Nebraska to listen first to understand that's us versus them, and there doesn't seem to be anybody listening to really what the other side is saying, we just want to be right.

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AL DAVIS: Right. Absolutely.

BLOOD: Thank you.

AL DAVIS: Thank you.

M. HANSEN: Senator Lowe.

LOWE: Thank you, and thank you for being here today, Senator Davis.

AL DAVIS: Thank you, Senator Lowe.

LOWE: Uh, I kind of alluded to this with Senator Conrad that I know we're in Nebraska and we're dealing with just Nebraska, but let's say you were in California and this was brought up only in the reverse. Would you be arguing the same point in California that you're arguing here?

AL DAVIS: Absolutely. I think that-- I think the system that we have-- this is my personal opinion, not the Sierra Club's. I think the system that we have today needs to be completely reformed.

LOWE: So--

AL DAVIS: Because we are-- we're-- we-- we're producing elections that pivot on certain specific states, only the swing states really matter anymore.

LOWE: So this is just your opinion, not the Sierra Club's.

AL DAVIS: Correct. I mean, I've submitted testimony that the Sierra Club-- I just don't want-- I don't want the Sierra Club to say, well, Davis said this, and that's not what we said.

LOWE: No, no, I understand that. What do you think the Sierra Club would say?

AL DAVIS: Sierra Club's opinion is that we need an approach that is more democratic and representative. And so that's why we came in on-- in support of this bill. It was one of the bills that the Sierra Club legislative committee raised to the top. We have about 10 bills that we thought were most important. This was one of the 10.

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LOWE: I know my son lives in California and he is in a pocket of conservatives in California. So their voice is not heard because of the Electoral College in California, right?

AL DAVIS: That's why--

LOWE: So maybe if you had referenced that--

AL DAVIS: I made reference to that, yes. And that's all over the country. So you've got Democrats in the South who aren't--

LOWE: Your pockets everywhere.

AL DAVIS: --aren't listened to, and Democrats and Republicans in New York who aren't listened to. So, you know, reform makes a stronger system, I think. When half the people don't feel like their vote ever counts, you've got a problem.

LOWE: Well, I don't think we'll ever accomplish that. It would be a nice, nice thing, but--

AL DAVIS: I'm hopeful, Senator, that someday it will happen.

LOWE: All right. Thank you, Senator.

AL DAVIS: Thank you.

M. HANSEN: Thank you, Senator Lowe. Seeing no other questions, thank you.

AL DAVIS: Thank you, Senator Hansen.

JUDY KING: Thank you.

M. HANSEN: Hi, welcome.

JUDY KING: Hi, my name is Judy King. It's spelled J-u-d-y K-i-n-g, and I am in opposition to LB76. Please make this part of the record. Trump lost the election and according to 60 court cases and several of them Trump appointees and Secretaries of State, the election was fair. So Trump stated that only the way the GOP would ever win an election is if they stop the other side from voting. So you got to work and you came up with this bill. And the day that Precious McKesson was giving her historic vote here in our Capitol so that Biden could have a

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decent vote count in our state, I started out the door only to find Ryan from the party of Trump, formerly the GOP, giving an interview to take that vote away. And I'm not surprised to see that they use Senator Slama to do it. We've watched how mad Trumpsters, formally the GOP party, were to think that their vote had been stolen. The party of Trump, formerly the GOP, has chosen a past that champions-- that are champions of white supremacy Proud Boys, Oath Keepers and malicious tactical ADA and radical Christian right and is nationally doing everything it can to limit minority representation. They were mad enough to take over the Capitol in D.C. and even though if any intelligent person wanted to know more about voting-- the voting system, all they would have had to do is get involved with their Secretary of State and become a poll watcher, or even better, work at the polls. Are the Trumpsters so inept that they can't tell a lie from the truth, or do they just want to do away with democracy and take over the country? Well, I am here to tell you, we will not let that happen. We will not let you take our votes away or roll over two years of voter suppression. I have watched what suppressed voters and people in your party, whatever it is called now, have done this last year. They are all heroes and heroines in the middle of the pandemic, and risking their lives they have stood in line for hours and in the rain just to have their vote. And a truly funny thing is that your party even did it to some of your own voters, made them wait in these long lines. The next time you try to take away our vote in Nebraska, we will do the same thing that the suppressed voters have done across the nation. What-- what you do to one of us, you do to all of us. No matter what impediments you put before us, we will overcome because we-- there-- because there will be more of us helping the oppressed. The party of Trump, formerly the GOP, needs to start telling the truth to its voters and needs to start trying to find some ethics. What you are doing with this bill is plainly voter suppression. Please, Senator Sláma, think deeply what bill you put your name on and do not take our democracy away. Thank you. And I have nothing more to say.

M. HANSEN: Thank you, Ms. King. I presume there are no questions. With that, we will invite up our next testifier. While he's coming up, I'd just like to remind everybody that we have a rule against reactions in the audience. There's been some laughter and some stuff today. For the transcript that gets a little confusing for the transcribers so just make sure to be kind of quiet, let the testifier have their focus.

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JIM TIMM: Jonathan never tires of this. He could be a pit crew member for a NASCAR race crew any day with the speed he does that. Good morning, Vice Chairman Hansen, members of the Government Committee. My name is Jim Timm. That's J-i-m T-i-m-m. I'm the President and executive director of the Nebraska Broadcasters Association. Our membership represents the Over the Air AM, FM and television FCC licensed broadcasters. We number over 200 stations and over 40 different companies in our membership across the state. And I'm here to testify in opposition to LB76. We believe that every citizen's vote should count and therefore we should maintain our current system that ensures that every citizen's vote is valued by all presidential candidates. Under LB76, Nebraska risk losing further national relevance. Dating back to 1916, Nebraska's presidential primary was a focal point of national media coverage, despite our smaller number of voters. Moreover, Nebraskans, as has been said by many people, could meet national candidates in person as they campaigned in our state. Those who couldn't meet them were at least able to view them through the eyes and ears of their trusted local media outlets. Through the years, as bigger states and consolidated primary dates pushed ever forward, Nebraska and her citizens became further diminished in this process. And we believe LB76 will further diminish our national relevance and afford few, if any, chances for our citizens to have access and influence to the national candidates even as they vie for all or part of five electoral votes. If LB76 is passed, Nebraskans would see-- would only see presidential candidates through the national media's perspective. Nebraska TV and radio stations would be forced to report solely through the eyes and ears of these national news sources. The coverage would not include visits to Nebraska, interactions with our citizens or interviews on issues that affect Nebraska, all of which do provide meaningful information for citizens as they decide how to vote. Do we really want it left to national media outlets, cable network shout shows and social media to educate Nebraskans on our presidential candidates? I hope not. For TV and radio stations serving Nebraskans 2nd Congressional District, LB76 would greatly reduce, if not eliminate, presidential candidate advertising revenue as candidates and their supporters would steer their funds out of Nebraska and to states expecting closer races. Even with these presidential elections occurring only every four years, stations rely on this revenue to help keep their newsrooms adequately staffed and to keep up with technological advancements to keep providing relevant content to their audience every day of every year.

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Let's keep Nebraska relevant and allow our citizens to continue their closer connection to presidential elections. We respectfully ask that you not allow LB76 to advance. Thank you for your consideration and I'd be happy to answer any questions.

M. HANSEN: Thank you. Are there questions from the committee? Seeing none, thank you.

JIM TIMM: Thank you.

SHERI ST. CLAIR: Good morning, members of the committee. I am Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r, and I'm just here as a voter in the state of Nebraska and I guess I could also say a fourth generation Nebraskan who comes from families that vote all the time. My preference is that the Electoral College be abolished. Since that's not going to happen, I think in my lifetime, our current system that we have in this state is a suitable alternative. We know that this system-- we've heard it's used in Maine. Nebraska has been proposed a lot of other states with variations on the theme. Most recent has been proposed in Colorado with a percentage of the votes going to a percentage of the electoral votes in kind of a relationship. As you pointed out, it hasn't made traction in a lot of these states. I think that's because, as Senator Slama rightly pointed out, there is a relationship between gerrymandering and the Electoral College. Additionally, a number of states, I think it's 15, have kind of given up on the whole Electoral College thing and have adopted or voted for the National Popular Vote Compact, where all the electoral votes in their state would go to whoever won the national popular vote. I think that our current system does serve to help make Nebraska relevant. I don't think we would have gotten any presidential candidate visits or any media attention, or limited media attention, if we were winner-take-all. We wouldn't have seen Steve Kornacki in his khaki pants on November 3rd, you know, showing-- pointing out Nebraska with the red and blue stripes. So I think that the current congressional district method more accurately reflects the will of the people. And I hope that LB76, does not make it out of committee.

M. HANSEN: Thank you for your testimony. Any questions? Seeing none, thank you.

SHERI ST. CLAIR: Thank you.

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LEON SANDERS SR.: Good morning. I think it's still morning. My name is Leon Sanders, Sr. Just happened to be visiting the Capitol here to renew my LLC and just happened by here, so I thought I'd stop here and see what we had going on in here. And to my surprise, you know, it's something that's really great, and to this gentleman here in the Sierra Club conversation, so I just been kind of listening along and I have a short-- just wanted to do my little short situation in here because what I'm saying, but you kind of make the point for this gentleman from the Sierra Club and the rest of the people at-- referring to California. And your son and how he is not being counted, well, with that, you would think that Nebraska would, in my opinion, have a really nice system where everyone's counted, including the people of Omaha and the ones that we don't want to be counted anymore. And so, you know, that's-- you know, I mean, I don't have any notes. This is fly by the pants-- seat of the pants situation. So I thought that, you know, just listening to some of the conversations, I thought that me being a black individual in this state would like to see, you know, the minority communities in this state remain counted. And so from your testimony, to the gentleman from the Sierra Club with the California situation, maybe they should adopt what Nebraska has to us getting rid of it. And so that's how I feel, fly by the seat of the pants. No notes.

M. HANSEN: Perfect. First things first, can you spell your name for the record?

LEON SANDERS SR.: Last name, first name, all of it?

M. HANSEN: All of, of it.

LEON SANDERS SR.: L-e-o-n S-a-n-d-e-r-s, S.r.-- senior.

M. HANSEN: Perfect. Thank you.

LEON SANDERS SR.: Yes.

M. HANSEN: Questions from the committee? Seeing none, and if you will make sure to fill out the sheet the pages have.

LEON SANDERS SR.: Will do.

M. HANSEN: Thank you.

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LEON SANDERS SR.: Thank you for your time and appreciate listening in to.

KAREN SCHAPER: Hello, my name is Karen Schaper, K-a-r-- K-a-r-e-n S-c-h-a-p-e-r. I am a schoolteacher. I'm a schoolteacher and I've taken one of my two personal days to be here today because this is so important to me. And so I'm just going to tell a couple of stories and I hope people can step out of their corners for a minute and just listen to what I have to say, because I think I'm coming from a little bit of a different perspective. I'm here just to-- thank you for taking the opportunity to give me to speak in opposition of LB76, winner-take-all. I'm going to skip the part about how this system having CD2 keeps people engaged like myself who was never engaged in politics, and then when I lived in a swing district, I became active and have been very active trying to get people involved in either side just in voting. So, I'm an example of why keeping CD2 relevant is important. So we want people engaged, not apathetic. Expanding voting supports healthy democracy no matter what side of the political spectrum you're on. And if you're against increasing engagement in voting, I think your heart might be in the wrong place. I-- like I said, I've been a teacher for the last 20 years. In these two decades, I've worked at colleges, middle schools and high schools. Firstly as a science teacher, but also as an advocate for sustainability, and I would tell you that often lately with video games and Snapchat, that our students exude apathy and it's hard to get them moving and engaged. And they-- because I think in general, they believe their actions and their beliefs don't have any impact on the world, so they kind of sink into their snaps and their stories. But when you show them, like this young woman, girl, who was in here before, that they can make a difference, they become empowered and they become engaged. And when they feel their opinion matters, they engage in life. And I don't know if you have kids and you've seen them just kind of like gaze into their phone for hours and video games for hours, especially now that they're home all the time, but, if you can engage them in the world, CD2 engages young people. It's something that we-- we forget what we're talking about, the law, but the reality is when people feel like-- when these kids feel like their voice matters, they engage in the world and we need that to grow. Nebraskans for the future of Nebraska. If they feel like their vote doesn't count, they're just going to keep snapping and doing their stories and playing their video games. And my second point is, has to do with my neighbor. So, this

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current system brings needed business to Nebraska, and I know that other people are saying that's not-- that's not necessarily true, but I would just like to tell the story of my neighbor whose business was saved this past fall because of the presidential candidates and their surrogates coming to Nebraska. I think-- my neighbor and his father own a business that sets up fencing for large scale events and as you can imagine with COVID, they were struggling with parades, concerts, festivals, all canceled. Their business was very struggling, but when former President Trump came and President Biden and his allies, they were given the income they needed to stay afloat for that time. And now they think they're going to make it because business is picking back up. He got paid to set up fence for all these events and it's helped feed his children and paid his mortgage and has kept his house warm these last few days. And I wonder how many small family businesses there are out there that have benefited from this. So I just-- I hope you listen to that. And it's not just a dollar value. It's like people. It's my neighbor. It's my best friend. So I hope that you can hear that story. So in summary, I oppose LB76 because it limits voter participation and youth engagement, not necessarily voting, but it's engagement like this young woman who was here, and income for the state's small family businesses. So thank you.

M. HANSEN: Thank you. Questions from the committee? Seeing none, thank you. Welcome.

JADEN PERKINS: Good morning, Senators of the Government and Military and Veterans Committee. My name is Jaden Perkins and I'm from Omaha and I'm representing Black Votes Matter. I come to you today as a grassroots community organizer who is strongly opposed to LB76, because this issue is simply another form of voter suppression. Over the last year during a deadly pandemic, many organizers across the state, like myself, worked tirelessly to mobilize thousands of voters specifically in north and south Omaha to come out to the polls like never before, because we knew that this was perhaps the most consequential election of our lifetimes. All of that hard work resulted in President Biden and Vice President Harris gaining the 2nd District's electoral vote. And for the first time ever, a black woman got to cast that vote on our district's behalf. This moment is history that should be honored by simply keeping the split vote the way it is, not reversed because a certain party failed to win in the last election. The split vote encourages fair competition from presidential candidates, which results in robust voter turnout. Those things are

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what makes democracy a beautiful thing. And if you truly believed in it, then you would vote to strike down this anti-democratic and anti-American piece of legislation. Thank you.

M. HANSEN: Thank you. And first and foremost, could we have to spell your name for the record?

JADEN PERKINS: Oh, J-a-d-e-n P-e-r-k-i-n-s.

M. HANSEN: Thank you, Mr. Perkins. Any questions from the committee? All right, seeing none, thank you very much.

JADEN PERKINS: Thank you.

PRESTON LOVE JR.: Good afternoon. My name is Preston Love, Jr., P-r-e-s-t-o-n L-o-v-e. I am the CEO and founder of the organization in Omaha called Black Votes Matter. I have included about a 800-word statement that I-- you can relax, I'm not going to read the 800 words. I wanted to come down today, quite frankly, I'm going to be here most of the day testifying at the various hearings on various bills, and ladies and gentlemen, quite frankly, I want to talk more about the context than the content. I'm dismayed. I've lived long enough. I was raised in Omaha, Nebraska, lived long enough to have been redlined as growing up, discriminated against layers of racism in the educational system, and as a university professor, I teach the civil rights movement and all of the impediments that the African-American faced prior to the civil rights and during the civil rights movement. Impediments, poll tax, grandfather clauses, literacy tests, and how many jelly beans are in a jar? Impediments to voting is nothing new. I, of course, went to the University of Nebraska, graduated in 1965, which may ring a bell, but in 1965 the 1965 Voting Rights Act was passed. I'm dismayed because I feel, and it's reflected in my short comments written, that Nebraska is losing its way as it relates to democracy. And I say to you, the context is more important than the content. Winner-take-all-- what's changed and it has worked well. What's broken? What are you fixing? It's worked well, and those of us who have color in our skin feel in-- we feel as if we're part of the Stefán system and our vote counts. It counted simply in 2008 and this year, but we don't understand the context of what you're trying to do. It seems like that you're going away pouting because we got an electoral vote. That's what the context looks like and we surely have to keep our eyes on Nebraska democracy. After all, this is one of the

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17 states that joined with a suit from Texas against the frivolous state, against the several states trying to get them not to be able to even cast their electoral vote. Why did Nebraska do that? I'm not sure, but it was a affront to democracy for us who live in Nebraska. I'm testifying today for the fifth or sixth times against voter I.D. What's the problem? There is no fraud. And so I say to you, and if you do want to ask me questions, I surely have the answer to what about California? What about that 48? But I want to appeal to this committee and to the Legislature and to Nebraska, let's keep democracy alive. This is a-- can be interpreted as an affront to democracy, I feel as if the Legislature is potentially wanting to step on my right in Congressional District 2 to have my vote counted during the presidential elections in my congressional district. It's personal. My time is up. I've got an hour or more, but I won't persist.

M. HANSEN: Senator Blood has a question.

BLOOD: Thank you, Senator Hansen. That's the first time I've heard that go off all morning. So, to keep it very brief, Preston, would you say that the current electoral system allowed people to at least have the impression, whether people believe this or not, that minorities finally had a seat at the table when it came to democracy in Nebraska.

PRESTON LOVE JR.: Yes, and let us not forget, based on people's age, it's the only system that they know.

BLOOD: Right.

PRESTON LOVE JR.: And have known in their voting life. And they feel good about it because they have the opportunity to have their vote translated into an electoral vote and this year that we made history and who actually delivered that vote, but that's a minor point. So, yes, and for-- for me to go to my community and say that the Legislature is considering undoing that sends a very bad message to my community about how Nebraska feels about it.

BLOOD: And it's only been just over four decades, the poll taxes no longer existed--

PRESTON LOVE JR.: Right.

BLOOD: --right?

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PRESTON LOVE JR.: Yes. And some say and I know this is not the hearing--

BLOOD: Voter ID is the type of--

PRESTON LOVE JR.: --that voter I.D. is form of attack.

BLOOD: I agree with that.

PRESTON LOVE JR.: So the context is, if I've made it augmented, is that Nebraska is not sure about democracy as it relates to everyone. That's what it looks like. I surely wouldn't want to-- as I look in all of your eyes, I see nothing but wonderful people who have Nebraska and democracy in their heart, but you must understand that in a complex and diverse community that we have, not only urban and rural, but in all the ethnicities and all the things that we must consider the impact of your actions on how we feel about our state and how new people feel about their state. In Omaha, we have the most South Sudanese in the whole country. I don't want to go back and tell the Sudanese that their vote has been watered down in congressional district, I'm going to be walking to another hearing about redistricting and I'm going to-- I wish I had this on tape, I'd just play that tape for that hearing because we should be fair in the way that we draw those lines as well.

BLOOD: And I have one more question. So we're all very acutely aware of the-- the protests that have happened and obviously, there are a lot of people that joined those protests because they felt that their voices weren't being heard. Based on your experience, do you feel that when certain communities in Nebraska hear bills like this being pushed forward, that is yet another-- another way for the man, or whoever we want to say it is, to-- to dampen their spirits, to dampen their voice?

PRESTON LOVE JR.: Absolutely. And not only that, maybe I would say to this committee, look out for Preston Love because I'm the one that has to stand in front of the demonstrators so your voice does count. Your vote does count. Don't make me look silly by going back and say, this committee has decided to go back to winner-take-all.

BLOOD: Thank you.

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M. HANSEN: Thank you, Senator Blood. Any other questions? Senator Lowe.

LOWE: Thank you, Vice Chair, and thank you, Mr. Lowe, for being here and speaking up.

PRESTON LOVE JR.: My pleasure.

LOWE: And I will be in the next committee also, so if I take a nap while you're speaking-- I've already heard.

PRESTON LOVE JR.: Well, I'll tell you what we can work out. If you just give my testimony, we could go to lunch.

LOWE: You spoke of the people in your community.

PRESTON LOVE JR.: Yes.

LOWE: And you spoke that your voice was finally heard because of this. What happens if there's somebody that doesn't align politically with your thoughts or most of it, how is their voice heard?

PRESTON LOVE JR.: Oh, their voice is heard equally. And, you know, my point is not that the voices are not heard audibly. The voices are not heard in the context of voting is what I meant, and in the context of voting, your voice is not heard if in your congressional district-- and let me just kind of dotted line to some of the thoughts you had. In the rest of the states, I think they're making a mistake because it's the same problem no matter where in each congressional district, if-- if you have a resounding victory in a congressional district for a candidate, does not-- who does not win the state, the voices are not heard if it's winner-take-all. That's what I meant. But for those voices that don't win, that's a-- by the way, our voice was not heard in the context of kind of how you're asking that question. In 2012, 2016, we wanted our candidate to win, but we were OK with it because we felt the process was fair. So that's what I mean by that.

LOWE: All right. Thank you.

LOWE: Thank you, Senator Lowe. Other questions? Seeing none, thank you for your testimony.

PRESTON LOVE JR.: I appreciate your time. Do the right thing.

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M. HANSEN: Thank you. While we're getting ready for the next testifier, a show of hands, people still want to testify today. All right, we're going to keep going. I will note for the record, we're losing a couple of members to the Exec Board hearing in a moment, so the committee is going to dwindle. I think we've got enough time, but we do have to take a break before our 1:30 hearing so if any of your points have been said beforehand, feel free to say you agree with the previous testifier. And I'm not going to shut anybody off, not going to change the time limits, but just be mindful, so with that, we'll invite up for next time-- with that we'll invite up our next testifier. Welcome.

WESTIN MILLER: Vice Chair Hansen, 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. I tried to scratch off everything that's already been said, so I'll be as quick as I can. So that Nebraska does have the luxury of as a nonpartisan organization not caring which party or which color claims the dot in CD2, our interest is that the person who receives the most votes wins the election. That might seem really obvious, but that is why we're opposing LB76. I am not at all here to defend our current system is perfect. I don't think it's perfect. I just believe that this legislation moves us even further in the wrong direction. As an organization, Civic Nebraska also supports a national popular vote for President. We fully understand the Electoral College was a part of the founding pact that led to the ratification of the Constitution, but so was an agreement to not outlaw slavery. Just because we agreed to something a long time ago doesn't mean it's a good idea. This bill to me is about one question, which is simply should the person who receives the most votes be elected? We think the answer is yes, and that is kind of the end of our thought process. I do want to address a couple of things have been brought up in today's hearing quickly. First, I am genuinely excited to hear Senator Sláma's strong anti-gerrymandering rhetoric. She's absolutely right that our current system is vulnerable to gerrymandering. There's just no question about that. I would argue that the problem worth fixing, though, in that sentence, is the gerrymandering, not our current system itself. That is, of course, something that Senator Slama herself has the ability to fix as a member of the Exec Board. She could vote yes on Senator McCollister's LB107. And I think that if she were to announce that in her closing, we would all violate the no applause rule pretty loudly. Finally, I

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have just-- since nobody has yet, I have to address Ryan Hamilton, Director Hamilton's testimony. Specifically when he referred to our current system as a, quote, voter inflation scheme in defense of the Electoral College. Some basic Googling and some basic math will show that to be an absurd assertion. California-- Senator Lowe, this specifically, your son as a conservative in California is disenfranchised for a couple of different reasons in this conversation. One, you already addressed, but the other is that California has one electoral vote per 745,000 people who live in that state. Nebraska has one electoral vote per 380,000 people who live in our state. Wyoming has one electoral vote per 193,000 people who live in their state. So Nebraska's representation, if we want to talk about inflation, Nebraska's representation is inflated to twice that of a Californian. Someone from Wyoming, which I had to look it up to-- Wyomingite is the actual word. A Wyomingite, their representation is inflated to one point five to one compared to someone who lives in Nebraska. That is inflation. We think it should be really simple that the person who receives the most votes should win the election. I understand that you as the Nebraska Legislature can't make that happen magically, which is why our current system is just the best we can do right now. To answer, I think it was Senator Halloran's question originally, I don't think the other 48 states are rubes. I just think that we have a bad system. Most states have said, well, bummer, this is a bad system. Nebraska and Maine have said, we could at least make it a little bit better until we can switch to a national popular vote. So let's just move this in the wrong direction. So that's our nonpartisan perspective on a highly partisan issue. Thanks for hearing me out and I'd be happy to answer any questions.

M. HANSEN: Thank you. Are there questions? I would have one question. So related to kind of proportionally talk about electoral votes for states similarly within the state, it was talked earlier about a congressional district had more people or less people.

WESTIN MILLER: Yeah.

M. HANSEN: So on that, would a highly populated or less populated-- what would be the difference between a highly populated, less populated, like who would have more sway over their district electoral vote?

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WESTIN MILLER: Great question. So, and I think, Senator Lowe, you brought this up a couple of times and it's an important conversation. I think there's sometimes some confusion between the notion of one person, one vote and one state, one vote. I totally appreciate the like idea of unity and conformity and how we conduct our elections. But the state voting as a unit is not a substitute for one person, one vote, which is the real principle. How-- the Nebraska system or the California system, we'll call it the standard system, those are just two different ways of how we apportion this already. What's the word, diluted or inflated, number of votes. Congressional districts have to be equal-- always roughly equal in population. So I do want to challenge the notion that CD2 is vastly more populated than CD1 or CD3, and that will be-- any disparity will be amended in the next redistricting process. The idea is we divide them according to population. So each each congressional district has equal say in our unequal number of electors that goes into the overall pot. Does that answer your question?

M. HANSEN: Yeah, it does. Thank you. Other questions? All right, seeing none.

WESTIN MILLER: Thank you.

M. HANSEN: Thank you. Welcome.

DENNIS KIRKPATRICK: Thank you. Well, it's still morning, so good morning. My name is Dennis Kirkpatrick. That is D-e-n-n-i-s K-i-r-k-p-a-t-r-i-c-k. If you excuse me a little bit. On this it says, I was supposed to address Chairman Brewer, but he's not here, so I'll amend that in my statement. So Vice Chairman Hansen and members of the committee. Today, I have come up from Auburn, Nebraska, which is in Senator Slama's District. I attend Peru State College and say social science education with a political science minor. My alma mater is Auburn High School, which is where Senator Slama also went to high school. And in fact, I'm fairly certain we had the same government teachers, teachers who taught me that Nebraska's legacy of nonpartisanship was a virtue to be celebrated. What is clear as I sit here is that this legislation only stands as a clearly partisan attempt to undo the bipartisan legacy of this legislative body. We are one of two states to use this system of electoral apportionment such to the fact that with our current system of Electoral College apportionment, we've-- we have had candidates from both sides of our

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partisan aisle visit our state in an attempt to win over District 2 voters. If Senator Slama's bill had been enacted prior to the 2020 general election, I am fairly certain that neither party would have visited our state this cycle. Not only does this bill negatively impact our political and partisan system of presidential elections in Nebraska, it also stands to only exacerbate the urban versus rural divide in this state. Nebraska is not only a rural state, but with two distinct parts to Omaha and Lincoln metro areas are half of our state, with the other half being the rural agrarian culture that I know so well from being in my community. This divide can be seen in our three congressional districts. District 1 and District 3 are mostly agricultural, although Lincoln is located in District 1. District 2, however, is mostly urban and suburban. The Omaha World-Herald reported in March of 2020 that the Omaha metro area is likely to hit one million people in 2025. The people of Omaha and the subsequent metro area would only stand to lose representation in the Electoral College. Let's be clear about what this bill would mean for Omaha. Not only would they lose an important voice in the national discussion, but would lose the media and subsequent revenue that comes with national attention. Omaha's electoral vote is is a competitive and fair system that allows a fair opportunity for both sides to compete for more than just the rural majority of Nebraska's votes. And so, Mr. Vice Chairman, in conclusion, I say that in the spirit of independence and nonpartisanship, that this great legislative body was founded, I implore you to reject this bill rather than entertaining this brazenly partisan stunt. This body should focus on genuine electoral reforms. Legislation like LB76 would only work to delegitimize our nonpartisan elections. Electoral reform should only exist to encourage the idea that our elections are free and fair and not simply a farce to be manipulated by the politics of the day. Thank you.

M. HANSEN: Thank you. Mr. Kirkpatrick. Any questions from the committee? Seeing none, thank you. And I think I forgot to do this earlier, I should note for the record. Senator McCollister did join us for a while and then had to leave, so. Missed his opportunity to introduce himself. Welcome.

JACK MCGILL: Hello, my name is Jack McGill, J-a-c-k M-c-G-i-l-l. Now, I'm not really a political person and I don't know many thing about politics. I'm just normal-- normal Omaha person hopefully going to get my real estate license, but my original opinion, I was thinking about

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this whole case that we have today was the Republican-- excuse me. Can I ask the name who brought us all here? I forgot that.

M. HANSEN: Introducer, Senator Slama.

JACK MCGILL: Yeah. So originally I thought possibly this was just a jealousy against losing of Trump. But I have an opinion is Nebraska is a red state, a very big red state, and we're broken in three parts. And we had the hope circle, which is Omaha, Lincoln and the other areas around that are Democrat. And I believe that hope circle brings hope to voters and minorities, because without that, if you would get it-- if we get it away, think-- I had a friend who lived in a rural town and she-- no one liked her and no one was-- everyone was against her, against her opinions, and she felt lonely. And she moved to Omaha and she had a new foundation of what she could do here. And she had a way to vote and she had a hope. And that's why I like to call it the hope circle. So if we get rid of that-- if we get rid of our split vote, I think minorities will start lose-- will lose hope. They'll lose the fighting for it. And then whenever you go to vote, I feel like it'll just-- it'll feel just depressed to vote, because when I voted for my first time in the 2020 election, I was very scared to vote, but I was so happy that to see my area turn blue. And to get that taken away, it's just like, well, my vote doesn't matter to me apparently, but it's just having that hope that we have something in Nebraska to keep us on the people who want to vote blue and who want the people who should be in office to help us get on the right way to-- sorry, I'm just a little nervous, but I just believe that this decision should be made right by the people. And that's all I have to say.

M. HANSEN: All right, thank you. You did great. Questions from the committee? Seeing none.

JACK MCGILL: All right.

M. HANSEN: Thank you for your testimony.

JACK MCGILL: Thank you.

M. HANSEN: Still on opponents on here?

ERIN POOR: Good morning, everyone. My name is Erin Poor, E-r-i-n P-o-o-r, and I want to thank members of the committee for allowing us

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to have testimony on this bill. And I want to thank you for hearing mine. I want to let you know that I oppose LB76. I'm a graduate student at Doane University. I'm studying clinical mental health counseling. I currently live in Lancaster County and I'm a dual citizen of the United States and Cherokee Nation. I consider myself a temporary visitor on this land, which is, was, and forever will be the homelands of the Pawnee, the Omaha, the OtoeMissouria and the Oceti Sakowin. I oppose LB76 and urge you all to oppose it as well. I did that-- sit down last night to write this testimony and I wrote and deleted it so many times because I wrote a lot about the history of the Electoral College and I wrote about how the Electoral College origin was rooted in antidemocratic theories with white, wealthy, male supremacy being at the very heart of it. I wrote about indigenous peoples being called merciless Indian savages in our Constitution, and I wrote about how black Americans were categorized as subhuman by the constitutional framers with the so-called three-fifths compromise directly affecting issues of taxation, congressional representation and the Electoral College. I wrote about how this dehumanizing rule favored states with large enslaved populations, giving those white, wealthy landowning men an outsized power over northern states. I wrote about how the country came close to abolishing the Electoral College completely in 1970, but a filibuster by two southern white racist lawmakers in the U.S. Senate ended that opportunity for hundreds of millions of people for generations, again demonstrating the outsized power of a particular demographic in this country. But then I erased all of the details of that history because I thought to myself, these are my senators and they know this. They know this history and they know the racist origins of the Electoral College. I don't need to remind them of the fact that this structure is antithetical to the kind of democracy we strive for in this country and more specifically antithetical to the democracy we strive for in this state. Nebraska's government is a Unicameral because the people are the second house in this state, and in this building, we pride ourselves for the power we give to the voices of the people. Our Electoral College distribution system also honors that power of the people's voice as much as it can in such an antiquated ill-suited system for today's country. People vote when they think their vote will matter. What you're doing today with this bill, Senator Sláma, is telling Nebraskans that if they don't vote with the conservative majority in this state, their vote won't matter. This is a depressing thought, a vote that doesn't matter in a democracy. And that's exactly what happens. The vote is

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depressed. Less people will participate in a democracy if they don't think their vote will matter. I'm not naive. I know that you all are likely very aware of that, which is again, upsetting to think about that you know this history of this faulty institution; that you know the impact this will have on people who vote for Democrat or progressive candidates. And yet here we are again, fighting for representation in a representative democracy. It's just not right. We need to embrace the diversity of thought of culture and of people in this state. People who do not think like conservatives are not the enemies to conservatives, we are your daughters. We are your neighbors. We are your friends. We disagree and that's healthy. We need that in a democracy, but to suppress those who you don't agree with, that's not a healthy democracy and it's just not democracy. I just want to address a few points from Senator Slama's introduction. She mentioned several times that 48 other states do winner-take-all, essentially saying everybody else is doing it. And I just want to say that peer pressure is not the political theory that should guide Nebraska's democratic policy. She also talked about the intention of the framers. We talked about that a lot today, but ultimately the framers decided to leave this up to the states. We as a state have the opportunity to make this decision and it doesn't have to be impacted by what Alaska is doing or what Iowa is doing. It's important to what Nebraska need to do because of our Nebraskan experience. Senator Slama also referenced that our state elections-- our state elected offices are winner-takes-all. She kind of said that this Governor's race is winner-takes-all so shifting our Electoral College distribution to kind of match that would be better, but our executive offices in the state are elected by popular vote. So a popular vote is what she's saying that we should be moving towards. So I just wanted to point that out. Senator Slama also said that her bill advances equity in voting, but I really don't think she's using that term correctly because equity is justice that is free from bias or favoritism. And you're ensuring that a grossly racially-biased contract like the Electoral College is enacted more fully here when you propose this bill. So please oppose LB76 and let's focus our time on efforts on building a better, more representative democracy. Thank you.

M. HANSEN: Thank you, Ms. Poor. Questions from the committee? Seeing none, thank you for your testimony.

ERIN POOR: Thank you.

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BRAD CHRISTIAN-SALLIS: How's it going? I'm Brad Christian-Sallis. That's B-r-a-d C-h-r-i-s-t-i-a-n, hyphen, S-a-l-l-i-s. I'm here representing myself and I just want to talk about this bill just because of the work that I do, encouraging people to participate in our democracy whether it's, you know, having people come up to testify on different bills or having people helping them get out to vote. And there's been a lot of talk on whether or not the blue dot and the ability of those dots in our different congressional districts to flip and separate from the others if it makes a real difference in voter turnout. And without a doubt it does. It also makes a difference in helping black voters and all types of black and brown folks in Omaha be able to feel like their voice counts. But even beyond that, the idea of winner-take-all is partially like, really alluring. I get it because I think I'm an amazing organizer and I think I'm going to be able to convince the state, the entire state to believe my policies. And I would rather not have to worry if one congressional district could throw that off, but that's not how it should work. If one congressional district can throw that off, that means we need to do a better job convincing people and bringing them to our side. It doesn't mean that we just tell them to shut up. And that's what this bill does. That's what LB76 does. It says, ah, we haven't done a good enough job yet, we're not going to get there, so just shut up. That's not the way it should be. I know once I've convinced everyone, I'll keep them convinced and I'll do a good job at it. And I think that's what everyone should do and set their goal to it. It shouldn't be to stop people from participating. So I won't take up too much time because I know everybody's been here a long time. But, yeah, any questions?

M. HANSEN: All right. Thank you for your testimony. Are there questions?

BRAD CHRISTIAN-SALLIS: Cool.

M. HANSEN: Seeing none, thank you.

BRAD CHRISTIAN-SALLIS: Thank you.

M. HANSEN: All right, we're nearing the end, any other opponents?

DANIEL EPSTEIN: I'm Daniel Epstein, D-a-n-i-e-l E-p-s-t-e-i-n. Thank you, members of the committee, for this time to speak. I will try to

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not belabor the point. You sat through hours of testimony so far. I think the question really is why do we want to go back to an antiquated system? It's already been brought up and we don't need a history lesson here today, but the Electoral College was established by our founding fathers who were white male landowners. Women did not have the right to vote. Blacks and minorities did not have the right to vote. Why would we want to go back to a system established by white male power brokers to consolidate their power and to keep their power? Why do we want to go back to a winner-take-all system? Senator, you asked multiple people so far today. What was wrong between 1867 and 1991? What was right during those years? For 53 years, women didn't have the right to vote. For approximately 100 of those years minorities had problems with, and that was an all winner-take-all system, so why would we want to go back to that? In 1991, you've been asking people, are the other states rubes because they're not doing what Nebraska is doing. That's the wrong way to look at that. This Legislature 30 years ago had the ability and the strength to make it a city that we're going to change and we're going to do something different. We're going to allocate our votes differently than what we've done in the past. And you've had that ability through apparently 16 attempts to change it. You've had the strength to keep that. Why do we want to go back just because Robert Kennedy showed up in Auburn in 1968? I mean, let's-- let's face facts. They're not coming back. There's not going to be whistle tops-- whistle stop tours by railway or by bus in the smaller cities in Nebraska if we go back to a winner-take-all in Nebraska. That time has passed. We have evolved as a city. We've evolved as a state. We've evolved as a country. Why do we want to go back to a system that keeps areas of the country not answer? Senator Lowe, who's not here right now, has asked multiple times about California. Obviously, the people in California that are Republicans would love a system like Nebraska's because those people, the pockets like his son, would have an ability to vote and would have their voices heard. What's wrong with our system right now in Nebraska? There isn't one. The only thing wrong with our system in Nebraska right now is that in two years, 2008 and 2020, the 2nd-- 2nd Congressional District became a blue dot. Who cares? Who cares that certain people in the Congressional District 2 voted for Obama and then Biden because in 2020 the 2nd Congressional District not only voted for Biden, but voted for Bacon. We're a diverse area. So why not let those people have their say in who they think their President should or should not be? I mean, I am against the Electoral College in

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general. This is not the time nor the place to abolish that, but why should we be going back to a system that, what was good about it? What was good about it? I mean, that's the question that I have for anyone. Can anyone say that what was good about it just because the founding fathers put it in place, but it has evolved since then. That's all the questions I have, unless anyone has anything direct to me.

M. HANSEN: Thank you for your testimony. Are there questions from the committee? Seeing none, thank you. All right. Any other opponents to the bill? Seeing none, any neutral testimony to the bill? All right, seeing none, Senator Slama, we invite you up to close. While you're coming up, I will read the letters into the record. So for position letters on LB76, we had three proponents and 72 opponents and then for written testimony, we had only opponents. And these are all opponents. Rob McEntarffer, self, from Lincoln, Nebraska, Abbi Swatsworth from OutNebraska, Gavin Geis from Common Cause, Nebraska, Alisha Shelton, self, from Omaha, Meg Mikolajczyk, Planned Parenthood voter-- excuse me, Planned Parenthood Advocates of Nebraska, Michelle Jenkins from Sidney, Nebraska, Kayla Meyer with the Lincoln Young Professionals Group, and Jennifer Creager from the Greater Omaha Chamber. With that, I'll recognize Senator Slama to close.

SLAMA: Wonderful. Thank you, Vice Chairman Hansen, and thank you to you and the rest of the members of the committee and the testifiers for being here today to express their thoughts on LB76. We talked about a wide range of issues here today from concerns about the Electoral College to the amount of money spent in politics in Nebraska. I don't want to belabor any of those points so that we can get to lunch and get back here in the afternoon, but I did just want to touch on one point briefly. We are obviously in a redistricting year this year, so I did want to make the point that every time you draw congressional districts, every time we do that, once they're put in place, they start moving out of balance. Folks move in and out of the district, they're born and they pass away, and that movement out of balance happens for the next decade until we start again and redraw the lines. Of course, we draw them as equally as possible, but the whole point of redistricting every ten years is to fix that imbalance that results just from the movement of people. The current system makes certain that the voters across the three congressional districts will have votes that are weighted differently as population changes across the districts. Even when we do redistricting, we don't have the exact same amount of people in every single congressional district. We

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get as close as we can, but it's always going to be unbalanced. It's just a matter of fact. Only under the winner-take-all system do all Nebraska votes count the same in every presidential election, no matter in which cycle that election occurs. Again, thank you so much to the committee for being here today. I appreciate it. I appreciate the discussion and would appreciate your consideration of LB76.

M. HANSEN: Thank you, Senator. Questions? All right, seeing none that will close our hearing on LB76 and our hearings for the morning. We'll be back at 1:30. Thank you.

[BREAK]

M. HANSEN: Thank you, everyone, and welcome to the Government, Military and Veterans Affairs Committee. My name is Senator Matt Hansen, and I represent District 26 in Lincoln, and I'm the Vice Chair today. I'll be running the hearing since our Chairman, Senator Brewer, could not be here. I'm going to run through our opening now. For the safety of our committee members, staff, and pages, and the public, we asked those attending the hearing to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. We just have one bill today, and so I guess [INAUDIBLE] it's good [INAUDIBLE]. We request that everyone utilize the identified entrance and exit doors to the hearing room. Please note the exit door is on my right, your left. We request that you wear a face covering while in the hearing room. Testifiers may remove their face coverings during testimony to assist committee members and transcribers in hearing and understanding the testimony. For committee members, it is up to their discretion. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored for the start-- by the sergeant at arms, who allow people into the hearing room based upon seating availability. Persons waiting to enter a hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the ability, due to the HVAC project, for an overflow hearing room for hearings which attract several testifiers and observers. For hearings with larger attendance, we request that only testifiers enter the hearing room. We also ask that you please limit or eliminate handouts. It's not a hard limit or a hard

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prohibition, but please be mindful of that. The committee will take up bills in the order posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. Committee members may come and go during the hearing. This is just part of the process, as we have bills to introduce in other committees. I know that's where Senator Blood is right now. I'll ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Please move to the reserved chairs when you're ready to testify. Those are the chairs up in the front row. Introducers will make initial statements, following by proponents, opponents and then neutral testimony. Closing remarks are reserved for the introducing senator. If you're planning to testify, please pick up a green sign-in sheet that is on the table in the back of the room. Please fill this green sign-in sheet out before you testify. On those cell phones, that includes myself; excuse me. Please fill out the green sign-in sheet before you come up to testify. Please print, and turn in the form in its entirety. When it's your turn to testify, give it to either the page or the committee clerk. This will help us make a more accurate public record. If you do have handouts, please sure-- make sure you have at least 12 copies, and give them to the page when you come up to testify, and they will distribute those to the committee. If you do not have enough copies, the page will make sufficient copies for you. When you come up to testify, please speak clearly into the microphone. Tell us your name and, please, also spell your first and last name to ensure we get an accurate record. We'll be using the light system for all testifiers. You'll have five minutes to make your initial remarks for the committee. When you see the yellow light come on, that means you have one minute remaining, and the red light indicates your time has ended. Questions from the committee may follow. There are no displays, so no displays of support or opposition to bill, vocal or otherwise, at the public hearing. This is for the accuracy of our transcribers to make sure we have a clear process. With that, we'll move on to introductions, and I'll have committee members introduce themselves, starting with Senator Sanders.

SANDERS: Good afternoon. Rita Sanders, representing District 45, which is the Bellevue-Offutt community.

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

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Rough Draft

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HALLORAN: Good afternoon. Steve Halloran, representing District 33, which is Adams County and parts of Hall County.

HUNT: I'm Megan Hunt in District 8, which is Midtown Omaha.

M. HANSEN: Thank you. I'll note, both Senators Blood and McCollister are introducing bills in other committees and may join us later. Also, note that we have Dick Clark, our committee legal counsel, to my right. And at the far left is Julie Condon, our committee clerk. We are joined today by Caroline and Peyton, as our two pages. Caroline is a junior at UNL, and Peyton is a sophomore at UNL. And with that, that's the end of my opening. And so we will invite up Senator Slama for LR3CA. Welcome.

SLAMA: Thank you, Mr. Vice Chairman and members of the committee. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I represent District 1 in southeast Nebraska. I'm here today to introduce LR3CA, which would place before Nebraska's voters the question of whether or not we should require voter ID in our state. Adding voter ID to our election security measures would put us in line with countries like Argentina, Brazil, Canada, France, Germany, India, Israel, Mexico, Norway, and Sweden, and 35 other states in the U.S. It's a commonsense, low-cost measure to further secure our elections at a time where the issue is on the forefront of many Nebraskans' minds, reflected by the hundreds of people who have reached out to me personally, or via my office, to express their support for this measure. Many have said that they have always thought that voter ID should be required in elections and do not understand why this wasn't already in place. When a valid ID is required to drive, purchase cold medicine or spray paint, or even to see an R-rated movie. I must admit I share a lot of these same thoughts. The overwhelming majority of states have successfully implemented voter ID systems and we should follow their lead to make our elections as secure as possible. The goal of LR3CA is to add an additional level of security to our elections and, thus, increase voter confidence in those elections. We hear the retort to voter ID legislation that voter fraud only happens a few times in the state per election cycle, so it would fall outside the level of statistical significance. Two things there: First, those cases of voter fraud are the ones that we're able to catch and prosecute; Two, we have elections decided by razor-thin margins all the time. In 2006, Senator Lathrop won his first race for the Legislature over current Omaha Mayor Jean Stothert by 14 votes, out of 2,132 votes cast in that race.

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That's a margin of victory of .14 percent. In this cycle, just across the river in Iowa, Congressman-- Congresswoman Miller-Meeks defeated her opponent, Rita Hart, by 6 votes. Our neighbors in Iowa had a congressional seat decided by 6 votes out of 393,922 total votes cast, for a margin of victory of .0015 percent. Looking down ballot, a good handful of local elections, that my team and I were able to find in our state over the last few years, were settled by just one vote. Sometimes we have ties that are determined by coin flips. Even one fraudulent vote can change the outcome of a race. Yes, voter fraud happens even here in Nebraska. In 2017, two Lexington men were convicted of voting multiple times in the 2016 elections. Thankfully, voter fraud is rare in our state, thanks to the outstanding work of our hardworking election officials and the Secretary of State. But it still does happen. And when it does, it can change the results of a race and undermine voter confidence in election outcomes. Polling data backs claims that voter confidence in the security of our elections is low. In 2019, an Ipsos poll showed that only 13 percent of the U.S. population has a high degree of confidence in the security of our elections. Thankfully, that jumps to 53 percent when the poll asked about a general level of confidence. This statistic, on its own, should inspire a review of our election security measures, which we, as lawmakers, should really be doing regularly anyway. We should be proactive in protecting our elections. It is common sense that we would want to put standards in place to keep Nebraska as free as possible from voter fraud. Some have critiqued LR3CA to have the potential to be a poll tax on those who do not already have photo identification. The proposed white copy amendment, which has been passed around for your consideration, definitively addresses this concern with the Secretary of State's Office ensuring that those voters without an eligible ID could receive one, specifically for voting, at no cost to the voter. Secretary of State Evnen can go into more technical details about how this would be implemented, but his office has established that 98 percent of Nebraska voters already have photo IDs that could be used for voting. We should be able to provide the remaining 2 percent of Nebraska voters with a free voting ID at a marginal cost to the state. It is important to note that these state-issued voting ideas could only be used for voting and nothing else. Also, your white copy amendment empowers the Legislature to prescribe exceptions to this requirement as it sees fit. LR3CA, if passed by this body and approved by the voters of Nebraska, would add another layer of security to our elections, already implemented by 35

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other states, without disenfranchising a single voter. Voting is one of the most sacred duties we have as Americans, and LR3CA would increase the confidence of Nebraskans in our elections. I urge you to pass this constitutional amendment to General File and allow Nebraska's voters to decide whether we should require voter ID in our state. Thank you, and I'd be happy to answer any questions you may have.

M. HANSEN: Thank you, Senator. Are there questions? I would just have one. Kind of in some of the recent rulings about the single subject requirement,--

SLAMA: Um-hum.

M. HANSEN: --do you have any concerns with the multiple provisions in your amendment getting into trouble with the single subject?

SLAMA: Well, I mean, that's always a possibility, but I'm confident that we fulfilled that single subject requirement.

M. HANSEN: OK. Thank you.

SLAMA: Thank you.

M. HANSEN: Any other questions? Seeing none, thank you.

SLAMA: Thank you very much.

M. HANSEN: And with that, we'll move to our first proponent. As a reminder, the pages are going to sanitize the table and share in between, so as you come up, feel free to give them some space to do that. Welcome.

BOB EVNEN: Good afternoon. Thank you, Mr. Chairman, members of the committee. Good afternoon. 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. I appear before you today, in support of LR3CA as it is-- as it has been amended in the white copy that you have before you. LR3CA would place a provision into the Nebraska Constitution for the avoidance of doubt. I support the proposed constitutional amendment as it was amended, although there is no constitutional impediment to legislative adoption of a voter ID law, as the constitution currently reads. The proposed constitutional amendment would make explicit that

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requiring a photo ID to vote is not a hindrance or impediment, under Article I, Section 22 of the Nebraska Constitution. The U.S. Supreme Court already has so ruled in *Crawford v. Marion County Election Board*, and I am quite confident that the Nebraska Supreme Court would agree. All the same, adopting the proposed constitutional amendment would avoid litigation that otherwise would be sure to follow legislative enactment of a voter ID law. Presenting a state-issued photo ID at the polls is simply common sense. And contrary to all the Sturm und Drang, it is not controversial. Gallup found that 80 percent of Americans favor it, 77 percent of minorities support it. And why is that? Many new Americans who worked hard to gain citizenship don't want their vote canceled out by someone who is not entitled to cast a ballot. Other polls conducted by The Washington Post and others show that between 70 and 85 percent of Americans support voter ID. It's no surprise, then, that about 35 states have adopted some form of voter ID at the polls. Voter ID increases the accuracy of records at the polls, prevents wrongdoing, and gives the voters additional confidence in the security and integrity of elections. All three of these points, especially the third, voter confidence, are very important to our elections. In opposition to this simple, effective, and popular proposal, two points are routinely recited: first, that voter ID will suppress votes from racial minorities and underprivileged populations; and second, that it is not needed. Voter ID does not suppress votes. It does not need to suppress votes. There are a few studies that have made suppression claims, the most often cited of which is unpublished, and was not peer reviewed, and has been regularly and routinely debunked. Then, too, we have the example of Alabama. After passing the most stringent voter ID law in the nation in 2013, the percentage of voters who were African-- African-American, in the 2016 election-- this is after passage of that law-- equaled the percentage of voters who were African-American in the historic 2008 election, when Barack Obama was elected for his first term. That was before the law; it had no impact. In Nebraska, we have roughly estimated that 98 percent of Nebraskans who are eligible to register to vote already possess state-issued photo IDs. It would not be difficult to identify the roadblocks, whatever they may be, to the remaining 2 percent and to address them. To the extent necessary, IDs for voting can be provided at no charge by the state for a cost that's far less than many of the election proposals that have come before this committee. Exceptions to the photo ID requirement also can be developed, taking into account the populations represented among those 2 percent. No voter need be

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disenfranchised by a voter ID requirement. Well, why take this step when there's no evidence of fraud at the polls, or-- or not much? Well, why put vaults in banks until they're robbed? Or to put it more affirmatively, an ounce of prevention is worth a pound of cure. What we've seen elsewhere in our country is that, once voting systems are corrupted, they can never be recovered. It is far better to stay ahead of the curve for the sake of integrity, security, and voter confidence. And so for these reasons, I ask the committee to adopt the amendment and advance LR3CA, as amended. Thank you for your consideration. I'd be happy to respond to any questions.

M. HANSEN: Thank you, Secretary Evnen. Senator Hunt.

HUNT: Thank you, Chair-- Vice Chair Hansen. Thanks for being here today. Can you tell me about the amendment and how your office worked with Senator Slama on the amendment?

BOB EVNEN: Well, I suggested the amendment to Senator Slama, who felt that it was appropriate.

HUNT: When did you suggest it?

BOB EVNEN: Well, it was after the bill was introduced. I can't tell you the date.

HUNT: OK. Why?

BOB EVNEN: Why did I suggest it? Because I felt that it better expressed the-- I felt that the amendment would cover issues that I've discussed here today, that it created an opportunity for the Legislature to-- to enact exceptions, that it provided for voter IDs, photo IDs for voting, at no cost to voters who didn't have any other form of ID and couldn't afford it, and that it just better expressed the basis on which a photo ID would be sound policy.

HUNT: Before-- before Senator Slama introduced LR3CA, as introduced, were you in conversation with her office at all?

BOB EVNEN: No.

HUNT: OK. The-- the frustration to me is that LR3CA, as introduced, has no fiscal note, but by requiring the state to issue photographic

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ID for every eligible voter who doesn't have an ID is going to add a huge fiscal vote. And maybe we dispute what huge is, but--

BOB EVNEN: Well, I'll tell you--

--do you want to--

--what my estimate is.

HUNT: --do you want to speak to the cost?

BOB EVNEN: Sure. I estimate that the cost of producing a photo ID by the state would be perhaps \$3, and that we would be-- have perhaps 50,000 people, so that the cost to do this would be \$150,000.

HUNT: OK. Thank you.

BOB EVNEN: That's-- that's my best speculation at the moment.

HUNT: All right. I wish that we would have that-- that hard information earlier, but I hear you. Thanks a lot.

M. HANSEN: Other questions? Senator Halloran.

HALLORAN: Thank you, Mr. Vice Chair Hansen. Well, thanks for being here, Secretary. There's some interesting--

BOB EVNEN: Well, you've promoted me, sir.

HALLORAN: Oh, I'm sorry; excuse me. Well, do you feel like you need a promotion? Interesting language, and I think it's-- I think it's important language that's put in the amendment. It's in order to deter-- deter and detect. There's an old expression: People don't respect what you don't inspect. If you don't inspect it, you're never going to find anything. Right? I kind of put it akin to if we didn't have radar in State Patrol cars, there'd be a whole lot fewer people being stopped for speeding because you couldn't detect it. All right? So I don't-- I think that's good language to have in there. And I understand this is more of a comment than a question, but I think Senator Hunt's question answered a question I had about the cost. But compared to some of the fiscal notes we've seen, that's pretty nominal. But again, thank you for being here, future Mr. Secretary.

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BOB EVNEN: Thank you, Senator.

M. HANSEN: Thank you, Senator Halloran. I would have a question. And it's related to what I asked Senator Slama. So as you've described the amendment, it sounds like there's the requirement that the voter presents IDs, there's the power for the Legislature to grant an exception, and there's the requirement of the state to provide the free IDs. Isn't that three subjects?

BOB EVNEN: Well, once again, Senator, now you've promoted me to the Nebraska Supreme Court.

M. HANSEN: OK.

BOB EVNEN: And I-- my track record at the Nebraska Supreme Court this last little while has not been very impressive. I may be the only person you've ever met who was reversed by the Nebraska Supreme Court twice in one day. And it's on this very topic that you've raised with me. I may not be the best person to ask. I believe that this would-- that this would satisfy the one-subject requirement, for whatever that belief, however you may value that.

M. HANSEN: No, I-- I appreciate that.

BOB EVNEN: I wonder if I might comment a little bit further.

M. HANSEN: Of course.

BOB EVNEN: There's-- There will be, for this committee's consideration, various approaches to that question, the question of evaluating a single subject. I believe that's on your agenda for tomorrow. And I would just preview my view of that by saying that, in the marijuana initiative, in the determination that I wrote in the marijuana initiative, what I said was that we have to find a better way and that I'm going to work on that problem in the near future. And let me tell you what I've done. I contacted professors I know at the University of Nebraska College of Law and discussed it with them. And-- and the University of Nebraska Law Review is planning to devote an entire issue to the process and substantive law of single issue and the-- and the evaluation of initiatives. They plan to devote an entire issue of the Law Review to that this fall, and couple that with a seminar, a symposium. And I am hopeful that, when the experienced and deep thinkers who contribute to that issue and to that symposium are

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finished, that we'll have a better grip on how we can address this in a more productive way. And you'll find all that in testimony or a letter that's submitted for tomorrow, so I appreciate your indulgence to let me preview that.

M. HANSEN: No, I appreciate that. If that symposium offers CLE, I'll probably attend. With that, that's the end of my questioning. I'll turn it over to Senator Hunt.

HUNT: Thank you, Senator Hansen. So in Judiciary today, they're hearing LB271, which is introduced by Senator Morfeld. And part of what this bill does is, it creates a new type of driver's license permit that would allow formerly incarcerated people to drive to work and drive to school while they're completing their sentence or something. They're hearing that today. But according to the fiscal note for that, according to the DMV-- I'm just looking at the fiscal note on my computer. It looks like programming for this new type of license in the system will be over \$100,000. So that's just to get it set up. Have you consulted with the DMV at all about the cost of these voter licenses?

BOB EVNEN: No, I have not. I have-- I have had brief and informal discussions with colleagues of mine in other states.

HUNT: OK. It's-- since we don't do fiscal notes for constitutional amendments, it's hard to know what the full cost is going to be of this-- of this constitutional amendment. Do you agree?

BOB EVNEN: I agree. It's hard to know the exact cost.

HUNT: Thank you.

M. HANSEN: Thank you, Senator Hunt. Senator Lowe.

LOWE: Thank you, Vice Chair. And good to see you here today. And so how would people acquire these IDs? Where would they come through? Would they have to come down to your office here at the Capitol or-- or where would they get the ID?

BOB EVNEN: Well, it's possible that the IDs would be issued from locations that already issue. We have locations set up that issue-- that have state-issued photo IDs. And it's quite possible that those-- those facilities could be used for this purpose, as well. There might

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be other ways to do it, too. While you might have an average cost, you know, I've estimated an average cost of \$3, but there may be some people where we go out and see him. That's going to be more than \$3. On the other hand, if you just have people in line, maybe it isn't \$3, it's 50 cents. So I'm trying to just balance what I've-- I'm getting back to cost, I guess. But the answer is that the bulk of people could come down to preexisting locations to obtain their-- their photo ID. And for people who-- you know, there are a number of different-- for people, you know, maybe you have to go out and to where someone lives and produce one for them there. But on the other hand, the constitutional amendment, the LRCA, as amended, also allows the Legislature to carve out exceptions. So the point is, if you have a small percentage of voters-- and we would have a very small percentage of voters-- who have difficulties or problems obtaining-- don't possess a state-issued photo ID, the question is: Well, why not? What's the problem? What's the impediment? What's the rock in the road? And you have to evaluate, for those populations, what is the rock in the road, and then see how you move it. Well, for some of them, maybe they don't have the money or they-- or there's some access issue. You have to-- you have to study this in order to tailor a solution that makes sense. For others, it may be that obtaining a photo ID is-- is difficult for some other reason we don't understand right now, but that's the whole point. With a very small percentage of people lacking, you know, not in possession of them, we can figure that out. It isn't an overwhelming task. It's a very achievable task. And then, having figured out what the impediment is for them, then we can design an answer that works for that population. And that's how I-- that's how I view this process. So what is the impediment here, and how can we resolve that in a way that works for that particular group? So the LRCA, as amended, provides for the potential for all of that. I'm comfortable with it as a-- as an election administrator because, in the end, it's the security of the election. We have to-- we have to make sure that it's easy to vote and hard to cheat. And so as we evaluate, well, what is the reason for the impediment in this very small group of people, percentage wise, then we can-- we can devise solutions to that, that work for them and that-- that don't compromise election security. That's the way that I view this.

LOWE: So you're trying to find a solution for this problem that we have?

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BOB EVNEN: Well, right. I'm-- what I'm-- because the overwhelming majority of people who already-- who are eligible to register to vote in this state, already possess state-issued photo IDs. We have a very small group of people who apparently do not. Because the group is so small, it's very manageable. And then we go in and try to find out why, and then-- and respond to it, based upon what we learn from that investigation.

LOWE: All right. Thank you.

M. HANSEN: Thank you, Senator Lowe. Senator Hunt.

HUNT: Thank you. Given that we know that voter fraud is not a problem in Nebraska, which is in large part thanks to the work of your office and-- and elections in Nebraska, I'm thinking about this amendment, which kind of-- it changes the introduced bill, because it says the Legislature can make exceptions for certain cases, and that the state has to provide the IDs. And so I get that the-- the intention of the amendment is to get rid of the opposition who could argue that, well, this is a poll tax that will require people to pay money to get an ID, or there are people who are elderly or disabled or they live three hours away from a DMV, or whatever the problem is, in rural Nebraska. There's all these barriers to being able to get this ID, which is like a typical opponent argument that, you know, that you're familiar with. But even with this amendment, even if we pass this with this amendment and it goes into effect, the Legislature would then have to pass a law with its exceptions for the elderly and disabled, for any other exception that we can think of. That's another year. You talk about maybe the department needs to go to people's houses if they're unable to get to the DMV or unable to get in line to-- to get their special voter ID that's paid for by the state. Who's going to-- like how is that program going to be implemented? And how can the state guarantee that not one Nebraska voter will be disenfranchised or will be prevented from casting a mail-in ballot or going to the polls because of this voter ID requirement when-- when we know that the needs of the elderly and disabled, for example, will not be encompassed in this constitutional amendment? It could be down the line because of provisions in this amendment saying the Legislature can make a different law that gives them, you know, an exception, but that would be later. So how can you guarantee that not one voter will be disenfranchised by this?

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BOB EVNEN: Well, Senator, first of all, I'm hopeful that ultimately you will see, you can find that this is-- that this is a sound proposal, that it successfully responds to concerns that have been raised about this. And as far as how can I guarantee things, Senator, the only thing I can guarantee to you is that the sun won't catch in a tree when it sets tonight. But I can tell you that we're making a lot of provisions here for people with the intention of-- of --of mitigating voter suppression objections, which we're taking very seriously. And--

HUNT: When you say--

BOB EVNEN: --as-- as I always have.

HUNT: When you say provisions, I see bureaucracy. You're saying, well, there's-- there's exceptions. There's-- we're going to come to their house and make a photo ID for them so that they don't have to leave when they're-- when they're in a wheelchair or something. But like--

BOB EVNEN: Yeah, that-- that was--

HUNT: --that's-- those are extra steps. That's bureaucracy.

BOB EVNEN: That was an--

HUNT: That's time and money. And-- and that's--

BOB EVNEN: --that was an example.

HUNT: --going to provide-- let me finish what I'm talking about.

BOB EVNEN: I'm sorry.

HUNT: It's going to get in the way of them being able to exercise their right. And I mean, you know, over the last year, my office helped over a thousand people, from my district and beyond, to get their unemployment benefits. And I became really, really good at helping people navigate the unemployment system. And just the amount of bureaucracy, and paperwork, and recertification, and red tape, all of this is put there by the government by design to make it hard to receive benefits, to make them have to, you know, really claw through bureaucracy in order to get something they're entitled to, to-- to make it through these hard times. But I don't see the need. You say

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that-- that we're responding to concerns with this bill. You know, we don't have to respond to concerns with bills when there's no demonstrated need for the bill. Concerns can always exist. But like there is no voter fraud in Nebraska; this is not a problem here. And by passing this, what we're creating is a new network of bureaucracy for disadvantaged people to have to navigate. You're creating more work for my office because I'm going to get more calls from elderly and disabled people saying: I can't vote. How do I get Secretary of State Evnen to come take my picture and give me my voter ID at home? It's going to be a nightmare for everybody. This is big government to me. This is more bureaucracy. This is not streamlined. And that's all I have. Thank you.

BOB EVNEN: Well, it was the Secretary of State of Iowa who told me that if someone couldn't get in to get their picture taken for a photo ID, he'd go out himself and do it. And he made that offer. And I thought that was a reasonable offer. So you just tell your constituent, you know, the Secretary of State will be out there with a camera, and we'll get your ID.

HUNT: I challenge my constituents to do that, if they're listening.

BOB EVNEN: Well, you-- you'd-- you're right. They would call your office and you would call mine. But-- but I-- I don't think it's a nightmare, Senator. I think that it's something that would be easy to implement and would be a step against-- you see, the prevention of fraud is where you ought to-- where we ought to be. Not responding to a system that-- once we let our system get infested with fraud and then try to clear it out, it's not-- it's not-- it's not something that-- that is easily done. It's rarely accomplished. The better-- the better practice is to stay ahead of the curve, and to stay ahead of the curve in ways that do not suppress votes. And that's my commitment.

M. HANSEN: Thank you. Seeing no other questions, thank you for your testimony.

BOB EVNEN: Thank you.

DOUG KAGAN: Good afternoon.

M. HANSEN: Welcome.

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DOUG KAGAN: Doug Kagan, D-o-u-g K-a-g-a-n , Omaha, representing Nebraska Taxpayers for Freedom. Most forms of fraud are difficult to detect with present Nebraska laws. There is no way to analyze precisely how much voter fraud exists now in Nebraska because there exists no means to determine how rampant. Recall that two alien Somalis voted in a 2016 Nebraska election. Currently, anyone can walk into a polling place, write in your name and address, and vote under your name. You come in later, shocked 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 Nebraska elections. LR3CA can deter fraud at our polls, particularly by illegal aliens and those voting under phony or deceased names, and prevent double voting by individuals registered in more than one state. Consider it a vaccination process to prevent the spread of vote fraud. Thirty-six states, by our count, including adjacent Kansas and South Dakota, currently require voters to present a form of personal ID at the polls. When voter fraud occurs, it dilutes the votes of all legal voters. This resolution would increase Nebraska voter confidence in our electoral process, an essential element in our democracy. A photo or digital ID offers poll workers more assurance that an individual has the right to vote. A 2018 Pew Research poll showed that 75 percent of Americans favor voter ID. This resolution would prevent voter impersonation, and will not disenfranchise one voter. Research in Indiana, a state which opponents of voter ID claim has the most draconian photo ID requirements in the nation, showed that voter turnout actually increased in the elections after the ID legislation enacted. The few who do not easily can-- OK. To counter the plea that many lack ID, Nebraskans of every background overwhelmingly already have photo ID. We must use a photo ID in our daily lives to drive a vehicle, board a plane, buy a beer, see a physician, and enter many government buildings. A report from the American University Bipartisan Commission on Federal Election Reform stated that our electoral system cannot inspire public confidence without safeguards to deter or detect fraud and provide a valid ID for voters. It recommended photo IDs. An additional study showed that no voter ID laws have a significant effect on voter participation, do not stop committed voters from voting, and do not prevent people from registering to vote. A National Bureau of Economic Research study revealed that voter ID laws have no measurable effect on voter registration or turnout for groups defined by race or age. It is not a

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controversial issue. Nebraskans deserve the opportunity to vote on voter ID as a constitutional amendment. Thank you.

M. HANSEN: Thank you. Questions from the committee? Senator Blood.

BLOOD: Thank you, Chairman-- Vice Chair Hansen. And I'm sorry if I'm redundant on a question. I had a bill in another hearing, so--

DOUG KAGAN: Senator, pardon me for interrupting you. I'm not going to reply to your questions today or in the future, based upon our legal counsel's viewing of your recent communication with our group [LAUGHTER].

BLOOD: So for-- so for public record, So since we have this on record, for public record, we should say that the communication was in reference to an image that was stolen from somebody who does video for a living to use in a post. I encouraged them to continue to voice their-- to utilize and say whatever they like within social media. But they were infringing on somebody's-- somebody's business and they needed to get permission to use the image or use a different image. So unfortunately, now that equates into I can't answer questions, which is fine. Thank you, sir.

DOUG KAGAN: I will answer questions from any other source in the room.

M. HANSEN: I am not going to allow you to pick and choose what senators you ask for. You can leave the testifier stand now, sir.

DOUG KAGAN: I will not answer her questions.

M. HANSEN: I know. I'm asking you to leave the chair, sir.

DOUG KAGAN: I'll leave now.

M. HANSEN: All right, are there any other opponents?

DICK CLARK: Proponents.

M. HANSEN: Oh, sorry. Proponents, excuse me.

PRESTON LOVE JR.: Proponent?

M. HANSEN: Yes, proponents, people in support of the bill, excuse me. We're still on supporters of the bill.

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AMBER PARKER: Hi.

M. HANSEN: And just a reminder with folks-- agreement from the audience, disagreement in the audience, let's keep it kind of quiet and respectful for the transcribers and for everybody watching at home, so they understand what's going on.

AMBER PARKER: OK.

M. HANSEN: And with that, welcome, and feel free to start.

AMBER PARKER: All right. My name is Amber Parker, A-m-b-e-r, Parker, P-a-r-k-e-r, and I am here as a proponent to LR3AC, to add it as a constitutional amendment. I urge you guys, respectfully, to vote this out of committee, to get on the floor, to give us-- we, the people, the second house-- the power. But Senator Hunt, you ask some great questions, and fiscal notes are always important. But I got to tell you, it works both ways, not just one way. So please preach that on both sides. I first want to ask, who has the cons-- who has our constitutional amendments in front of them? Because I'm going to go to the governing law of the land, which is the Constitution of the United States of America. And what I'm about to pinpoint to you is that voter ID, if we do not have voter ID in this state, our question is: Are we not following the Constitution? Because how can we prove Amendment Twenty-Six, ratified July 1, 1971-- and I'll wait for you, making-- Senator Hunt, for you to pull out your Constitutional booklet. I know you've been asking a lot of questions. So you guys can follow along with me, so you know this isn't just me making things up or speaking from the air. So please, please pull your Const-- I know time is of essence, but please put your Constitutional booklet because I want to address some specific questions you have asked.

M. HANSEN: We-- we--

AMBER PARKER: Do you have that? I just want to give you time.

M. HANSEN: Ma'am, we don't ask-- allow testifiers to ask questions of senators. They're not allowed [INAUDIBLE].

AMBER PARKER: OK. But the senators can ask us questions, and we-- we're told to answer to them. You guys are not transparent with us. Of leadership votes, we're supposed to be the second house. And here you're telling me-- what the gentleman before, that he was not going

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to be asked any other questions from any other senators because he would not answer Senator Blood's questions. So you are doing the same thing to me; that is hypocrisy. I just got to know. We the people, these are our seats. So I'm going to go back to the Constitution of the United States of America. On Section 1, it says, "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age." Guys, the question is any state, our state not having proof that a voter is 18, could we be going against Amendment Twenty-Six of the Constitution in Section 1? That, in itself, would show-- it would be important that we would add a constitutional amendment. So if this did not pass, I would say that we should have something come forward where we would add to our-- the process to our Nebraska Constitution. Because how are we proving that these voters that are coming are actually 18 years of age? And that's my testimony.

M. HANSEN: Thank you for your testimony. Any questions? Seeing none, thank you for your testimony.

AMBER PARKER: OK.

M. HANSEN: And before this next testifier comes up, I'm just going to take a moment, since we've had a couple of things in a row. The purpose of legislative hearings is to build a legislative record. It is to create, essentially, a written document transcribing the process so that future senators, future courts, who are-- future citizens, whoever needs it to be, has an understanding of what was discussed and why this bill came forward or did not come forward. That is why we're here, and that is why we're emphasizing the audience not react. And that is why we're allowing you to share your expertise or your personal views, as citizens. It's not necessarily to have a free-ranging debate or a back-and-forth. So with that, welcome to your committee and feel free to testify.

SHERI ROBERTSON: Thank you. Hello. Good afternoon. My name is Sheri Robertson, S-h-e-r-i R-o-b-e-r-t-s-o-n. I'm here representing me, the citizen of Lincoln, Nebraska. Love your passion on the fiscal stuff; I love that. And I'll be the first to volunteer to do a GoFundMe page, and we'll pay for this thing. It'll be paid for in a couple hours. But the reason I'm here is to-- I heard about this hearing and I'm thinking, when do I need an ID? I need an ID to go buy Zyrtec every

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spring at the Walgreens. I need an ID to get on an airplane. I need an ID to purchase alcohol. Yes, even-- HyVee, they still card me, they card everybody. If I go-- if I order something on-line at Walmart or Target and I go to the store to pick it up, I have to show them my ID before they'll hand me those goods that I purchased on-line. If I return something at a store without a receipt-- not all stores, but some-- they require an ID. If I go to a doctor, I need an ID. If I get on a Greyhound bus, I need an ID. If I go-- have the Post Office hold my mail, to go pick it up, I need an ID. And so I am asking myself, is Target and Walmart, are they racist or classist? And I'm thinking no, because they'll sell to anybody, they'll sell to anybody that clicks "purchase" on-line, they'll sell to anybody that comes in their store. And is HyVee discriminating by scanning my ID every time I purchase a bottle of wine or two or three? No, they're not being discriminatory. They're protecting themselves and making sure that I'm old enough to purchase alcohol. Is the TSA or the Post Office? Are they being discriminatory when you go to pick up your mail or get on an airplane? Of course, the answer is no, because they just want to make sure that the proper person is getting, you know, their goods from the Post Office or that proper person is getting onto the airplane. And so I think to myself, well, how important is our right to vote? To me, it's the most important right we have besides breathing. It's, you know, the most important thing that we have in this country. And so I think the very least that we can do is to make sure that that person that's casting the vote is that person. I think Mr. Evnen stated earlier, it's a commonsense thing to me-- or to him-- and it is to me, as well, it's just common sense. And with that, I thank you for your time and will answer any questions.

M. HANSEN: Thank you, Ms. Robertson. Are there questions? Senator Blood.

BLOOD: Thank you, Vice Chair Hansen. And thank you for coming today.

SHERI ROBERTSON: You're welcome.

BLOOD: So I like how you said that voting is a right, because I-- I agree. It's a constitutional right. Would you agree with that?

SHERI ROBERTSON: I would agree with that.

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BLOOD: So I'd be curious, in your opinion-- and I mean this sincerely, like I don't want any more of this weirdness going on.

SHERI ROBERTSON: I agree with that.

BLOOD: Yeah, that was weird. So you talked about you need an ID to-- to buy groceries, to get on a plane, to go to the doctors. So would you agree, though, that those are more consumer items, where we know indeed that there has been fraud? Right? You pretend to be somebody to get somebody else's health insurance or you write bad checks. Those are reasons that-- that ID is asked for in consumer-type situations. Would you agree that that's true?

SHERI ROBERTSON: I would agree with that, yes.

BLOOD: OK. So what I thought was really telling for me, hearing your testimony-- and it was a great testimony, thank you for doing that-- is that you specifically called voting a right. And we know that that's a right under the Constitution.

SHERI ROBERTSON: Um-hum.

BLOOD: What other rights do we have that, I mean-- and this isn't a trick question-- would you say, that we have under the Constitution?

SHERI ROBERTSON: Well, since the ACA has been passed, they-- you know, there-- that the argument there was that you have the right to medical care, which goes back to the doctor.

BLOOD: OK. I think that's-- that's a really good example,--

SHERI ROBERTSON: Um-hum.

BLOOD: --because in-- in-- in the United States-- we want to be fair and equal as much as possible in the United States.

SHERI ROBERTSON: Of course.

BLOOD: Right. And that's why I like living in the United States, where you can have guns, not have guns, you can vote, not vote. You aren't forced to do one or the other; it's your choice.

SHERI ROBERTSON: Correct.

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BLOOD: Right? However, with constitutional rights, everybody has the right to vote. So I look at things like, in your opinion, if I'm a retired person and I no longer drive, and perhaps I live in an assisted-living facility-- but I can tell you, having run multiple campaigns, that people vote in assisted-living facilities--

SHERI ROBERTSON: Um-hum.

BLOOD: --should I not allow Grandma Moses to-- to vote because she is on a fixed income, she's not going to spend that \$30 dollars for the picture ID, 'cause she obviously-- she doesn't drive anymore-- should we disallow people that have voted for decades not to vote because we're passing a law that-- that doesn't say it's a constitutional right, but now we're saying it's a privilege, like when you go and grocery shop?

SHERI ROBERTSON: But doesn't the amendment-- let me ask you this. Doesn't the amendment address that by providing an ID for those that are unable to get them?

BLOOD: I think I came in right at the end of that. And I-- I had to say, I agree with Senator Hunt, although you're not supposed to ask any questions,--

SHERI ROBERTSON: Oh, I'll-- sorry.

BLOOD: --but it's OK.

SHERI ROBERTSON: Let me make that a statement.

BLOOD: But I'm-- I'm-- I'm happy to answer it [INAUDIBLE].

SHERI ROBERTSON: The amendment addresses that, and addresses those that are unable to get a voter ID, or an ID, and one will be provided to them by the state.

BLOOD: I mean, I look at the fiscal note and I look at bureaucracy, and I'm-- in that area, for me, I think, again, we're trying to solve a problem that doesn't happen. And I-- I'm not a big fan of preemptive legislation where we claim something's going to happen. And I keep hearing some-- I've only been here a short period of time prior to you and I heard some racist comments already. I just wonder who we're truly-- and obviously not you-- who we're truly trying to

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disenfranchise, and that's my concern. So-- so all I-- the question for me was: Do you think it's the same as a consumer-type purchase? And you've already said no. Right? It's different because [INAUDIBLE].

SHERI ROBERTSON: I would-- I would say that the amendment addresses your concern, and that Grandma Moses would be provided an ID by the state.

BLOOD: At taxpayer expense.

SHERI ROBERTSON: Correct.

BLOOD: All right. Thank you.

SHERI ROBERTSON: You're welcome.

M. HANSEN: Thank you, Senator Blood. Other questions? Seeing none, thank you for your testimony.

SHERI ROBERTSON: Thank you.

M. HANSEN: We are still on proponents. Are there any other proponents for the bill? Come on up.

SUSAN GUMM: Good afternoon, members of the Government, Military and Veterans Affairs Committee. My name is Susan Gumm, S-u-s-a-n G-u-m-m. I am here today in support of LR3CA. Nebraskans deserve an opportunity to vote on a requirement that voters present valid identification before casting their ballots. The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or confirm the identity of voters. The justification for voter ID laws does not depend on establishing such fraud. It is enough that fraud should not be permitted and that the opportunity to commit such fraud exists. Voter ID is a commonsense election reform and a proactive step to combat voter fraud in our state. Voter ID requirements would give people some assurance that their vote counts in our elections are honest. Preventing fraud in the first place is much easier than trying to detect, investigate, and prosecute after it occurs. The vast majority of countries require voter ID, usually photo ID, to deter and prevent fraud. 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. Requiring voter ID is not about denying anyone

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the right to vote. Every American citizen who is eligible should be able to vote. But it is equally important that every law-abiding citizen's vote is protected and not canceled through fraud. Every time a fraudulent vote is cast by a noncitizen, felon, or other ineligible voter, it effectively cancels out the vote of a legitimate voter. 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 discourages citizen participation in the democratic process, and breeds distrust of our government. When citizens are disenfranchised by the counting of improperly cast ballots or outright fraud, their civil rights are violated, as surely as if they were prevented from voting. We should be concerned about any amount of voter fraud, not just massive voter fraud. In close or disputed elections, even a small amount of fraud can make a difference. There are many elections, particularly at the local and state level, that are decided by a very small number of votes. Some people contend that a voter ID law would impose burdensome restrictions on voting and disenfranchise the elderly, minorities, and low-income people. In 2008, the Supreme Court ruled that voter ID laws do not constitute an undue burden on people. Photo IDs have become an essential part of living in a modern society. It is very difficult to function without photo ID, as it is required to participate in many everyday activities. I fully support providing a photo ID at no cost to those who need one. Preserving the American Republic is dependent upon free, fair, and secure elections. Americans, no matter their race, ethnicity, socioeconomic status or party affiliation, overwhelmingly support voter ID requirements. Election integrity should not 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 result. Please support LR3CA, and give Nebraskans the opportunity to have their voices heard on voter ID. Thank you.

M. HANSEN: Thank you, Ms. Gumm. Questions from the committee? Seeing none, thank you for your testimony.

SUSAN GUMM: Thank you.

M. HANSEN: All right. Are there any other proponents of the bill? Last call? All right. And show of hands after this gentleman, any other proponents? All right. Thank you. Welcome.

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MARK BONKIEWICZ: Thank you. Good afternoon, members of the Government, Military and Veterans Affairs 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. I am testifying in support of LR3CA, the constitutional amendment to require verification of identity prior to voting. Here are my reasons for supporting this legislative resolution. Our founding fathers sacrificed their homes, land, fortunes, limbs, and lives to fight against the tyranny of Great Britain to start our country. The sacrifice of any adult today to travel to a county courthouse or election office to register to vote or acquire a photo ID is minimal compared to the sacrifices paid by our founding fathers and mothers. We teach our children in our public and private schools to live their lives with solid character, honesty, and integrity. We should then ensure that each election that provides for a peaceful transition to the next political leaders should operate with honesty and integrity. Today, every large city in Nebraska has affordable public transportation, including physically handicapped-- handicapped access for citizens to shop, attend recreation events, or participate in religious services. In small town Nebraska, everyone virtually knows all other citizens, so they can ask a relative or a friend for a ride to the county election office to apply for a photo ID. This decision about requiring a photo ID to vote should be made by the majority of citizens of Nebraska and not blocked by a minority number of liberal senators in our Unicameral. Therefore, this constitutional amendment should be on the November 2022 general ballot. There are only 17 states that do not require a photo ID or nonphoto ID to vote. Nebraska is one of them, and they should become the 20th state that does require a photo ID. For the past 20 years, it has been my practice to show my driver's license when I vote at my appointed polling place. Many of the volunteer poll workers have stated that they agree with me that the simple act of proving my identity with a photo ID would be an ideal solution. I urge you to vote LR3CA out of committee for floor debate, where it receives the scrutiny of questions and answers that rigorous floor debate can provide. Thank you for this opportunity to provide my second house inputs.

M. HANSEN: So then, we can thank you for your testimony. Questions from the committee? Senator Lowe.

LOWE: Thank you, Chair. And thank you, Mr. Bonkiewisc, for being here. I-- do you agree that the right to vote is the Second Amendment-- or is an amendment to the Constitution? And the Second Amendment was also

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in our Constitution, to keep and bear arms. At any one time, I probably have three permits in my back pocket-- for the Second Amendment. So if I have to have a permit, a state issued permit, for the Second Amendment, isn't it not fair to have it for the right to vote?

MARK BONKIEWICZ: You know, I believe that the right to vote is the most precious right that we have. OK? It's not something that should be taken lightly. It should be something that we just absolutely, you know, value to the bottom of our toes. And it should be something that I would thirst for, just like I'm underwater and I got to get to the surface to get that next breath of air. I should want it that bad. So I-- I just think that this is a logical solution and it will help people recognize how important it is to be educated and know who the people are that are running for office, and to vote. It's a huge responsibility, [INAUDIBLE]. It's just a huge privilege.

LOWE: Thank you.

M. HANSEN: Thank you, Senator. Any other questions? All right. Seeing none, thank you for your testimony.

MARK BONKIEWICZ: Thank you.

M. HANSEN: All right. We've got the all clear from the sergeant at arms. I don't think there's any other proponents in the hallways. So we will switch over to opponents.

PRESTON LOVE JR.: I'm a veteran of testimony, my third today. My name is Preston Love, Jr. I'm head of and CEO of the group called Black Votes Matter. I had a very profound and articulate testimony for you today on voter ID. I choose not to give it to you because I am caught up in the discussion and the dialogue of those who have come before you, including the author and-- and the real author, and many folks on-- who are proponents. I am an opponent of voter ID. I am not an expert on building a house or even buying wine with my ID, but I am an expert on minorities and African-Americans. And minorities and African-Americans, in spite of the territory, are against voter ID. I don't know where that data come from, but it's not true. And I'd ask that you walk with me mentally through my community, and you'll find some seniors who have never had ID, because they're so old and they come from communities that didn't have the resources to even give ID.

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And let us not forget that the mechanics, the bureaucracies, as you eloquently stated, are more important than we may realize. Walk with me through my community, and you have elders who vote every election. And it will be difficult, if not impossible, for them to get ID, and, if they finally do, it will have been a burden. And someone said that it's only a vote-- I think we said something to the degree that some elections are decided by a vote or two. Well, if we suppress a vote or two, we're doing the same thing that we're trying to prevent. And somewhere along my illustrious education, someone said to me, when I was 14, if you-- if it's not broke, don't fix it. It's not broke. And by the way, on this discussion of confidence, don't you remember? Voting in this country, and in this state, and in my county was at an all-time high. The voters have confidence. And when they-- if we keep persisting and implement an amendment for voter ID, some of the voters will lose their confidence. And so I say to you, think about-- and trust me, minorities and elderly people will be affected negatively, and the voting turnout will be affected negatively if we do voter ID. We don't have a reason to do it other than some stretch in logic. Walk with me through my community, and you'll know that there's no need. And by the way, I know that if, in my polling place, if somebody goes to the polls and says: I'm Preston Love, they'll say: No, you're not. And so who-- and the other thing is, don't forget, there can be fraud in the ID process. I rest my case. Thank you so very much for your time.

M. HANSEN: Thank you for your testimony. Questions from the committee? Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. I have the same concerns you have about elderly being-- maybe being difficult for them, maybe, to get an ID. And I've been to a lot of nursing homes, too.

PRESTON LOVE JR.: Yes, sir.

HALLORAN: I've been through several campaigns myself. I under-- and in between campaigns, I've been to nursing homes. My mom was in a nursing home. And for almost anybody in a nursing home or assisted living, they have some form of an ID, or they would have difficulty with their hospital visits, their Medicare or their Medicaid. So my question is, why is it such an issue if most of them already have an ID for those purposes?

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PRESTON LOVE JR.: That's a very good question, because most of them do. But we're talking about those who do not. And somebody said-- I wrote it down-- just a small group of people don't have them. That's the one that I'm talking about, that small group. And somebody else said that a small group can change an election, so that small group becomes that small group.

HALLORAN: May I ask you another question?

PRESTON LOVE JR.: Yes, sir..

HALLORAN: I think Mr. Evnen pointed out that we-- we need to find those people in that small group, and that's possible to do.

PRESTON LOVE JR.: Yes, sir.

HALLORAN: I think that's very possible to do. And we need to remedy that for them. And that's what this CA will do. It will afford them the opportunity to have a permit with no cost to them. The state will pick it up. And I'm not worried about the fiscal note.

PRESTON LOVE JR.: Yeah.

HALLORAN: I'm not worried about the fiscal note. You have watched this body long enough. Well, have you-- have you watched this body close enough to ask--

PRESTON LOVE JR.: I've been here watching voter ID come up every year that-- yes, for a long time.

HALLORAN: Well, in between time, we spent a lot of money.

PRESTON LOVE JR.: Yeah.

HALLORAN: In between time, we spent a lot of money. Right?

PRESTON LOVE JR.: Yes, yes. Yes.

HALLORAN: And there's arguments on every bill, whether it's the right thing to spend money or not. This is something worthwhile to spend a little bit of money on, to take care of those people that don't have an ID, but could have an ID if we afforded them the opportunity. Don't you agree?

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PRESTON LOVE JR.: I do agree. And I just want to say that's the "A." The "B" part is getting the mechanism. The bureaucracy part is the other part. In some cases, because we make the argument that this is poll tax-- and-- and so now that's been dealt with a little bit, with exactly what you said. But there's so many other elements that come into play with that senior who doesn't have enough money, but she doesn't have a way to go about it. If the Secretary of State promised us that he would visit the people in my community, like he jokingly said he could, then maybe we could get this done. But it's going to be me that's going to have to go out and get [INAUDIBLE].

HALLORAN: And-- and I'm comfortable you could help do that. My point is, I have-- I have helped people. I have helped people go get a-- you can get, from the Department of Motor Vehicles, a nondriver's license-- a license.

PRESTON LOVE JR.: Yes.

HALLORAN: Right. It's a photo ID for all kinds of uses that you might need a photo ID for. I have taken several people down to the courthouse to do that. They couldn't afford to do that. We all have friends who have relatives, don't you agree, that could help with that?

PRESTON LOVE JR.: Yes, of course. All of the measures that we're talking about is a move forward. I'm saying we don't even have to move. We don't have to spend \$150,000. We don't have to do the things that we have to do, because it's not wrong. It's-- it is-- voter ID had its highest increase after the 2008 election, when minorities voted like crazy. And so the idea that this is about fraud doesn't hold with most of the minority communities because we see this as a reaction to African-Americans and people of color voting, voting, voting. We talked about-- someone mentioned Alabama has the highest turnout in 2018, as a result of the voter ID. No, it didn't. It had the highest turnout because they had a racist sheriff who ran against Mr. Jones. And black women came out and got people voting like crazy. It wasn't a residual of the voter ID. My point is this, is that the logic is sound for voter ID, but it is-- it-- it will be an impediment. And that's why we come to testify. I think a lot of it's gotten better, quite frankly.

HALLORAN: Can I ask you just one final question? Have you ever been picked up for speeding?

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PRESTON LOVE JR.: Let's see-- [LAUGHTER]. Yes, sir, I have.

HALLORAN: I have, too. I have, too, and the only reason that I got picked up-- well, two reasons. I was speeding. All right. The second reason was they had a-- a piece of equipment called a radar that detected my speeding.

PRESTON LOVE JR.: Yes.

HALLORAN: If that-- if that piece of equipment wouldn't have been there, it's like the tree falling in the forest.

PRESTON LOVE JR.: Yeah.

HALLORAN: No one would have heard it; I wouldn't have been speeding.

PRESTON LOVE JR.: But the evidence against your logic is that-- let's use one year, the general election in 2020-- one of the highest turnouts you've ever had across the state. We didn't have a problem. There were no speakers.

HALLORAN: Well, there's no radar. There was no radar to-- that's my point, sir. And I'm not trying to be disrespectful, but--

PRESTON LOVE JR.: Are you saying a tree has fallen in the forest and nobody heard it?

HALLORAN: No. What I'm saying is, is that this is an instrument that will allow for a radar to detect if someone comes in and says: I'm Steve Halloran and I want to vote, and it's not Steve Halloran. And some precincts don't have enough people that know enough people-- that know enough people to know that I'm not Steve Helloran that walks in there. All right? It's a simple-- it's a simple request for people to have some [INAUDIBLE].

PRESTON LOVE JR.: But see, I'll accept that so well. I mean, I accept that from where your head is and where your heart is. Accept my heart only on this. And that is, I know that it's going to be so many of these, just the few voters in my community who this is going to affect to the point that they won't vote. It doesn't negate that logic. It's just that the bottom line is, it will impede.

HALLORAN: I wish radar impeded my speeding [INAUDIBLE]..

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PRESTON LOVE JR.: Yes.

M. HANSEN: Thank you, Senator Halloran. Senator Hunt.

HUNT: Thank you, Senator Hansen. Thank you for being here today and for being with us all day.

PRESTON LOVE JR.: Thank you.

HUNT: I have no doubt that, you know, you-- you have done so much to help your community in North Omaha and Omaha, Nebraska, as the whole. Would-- would you think I'm correct in saying a lot of that help was not out of a passion for assisting the government, it was in spite of the government. So I'm sure if you, Preston Love, had to go and take everybody to-- to get their photo ID so they could vote, you would do that.

PRESTON LOVE JR.: Yes.

HUNT: But that isn't something that you should have to do.

PRESTON LOVE JR.: I agree with that. And you know what? If we had to have done it this year with COVID, we probably would not have been able to do it. Hadn't thought about that till you just said that. But in these very complex times, we need to remove any complexity. Yeah.

HUNT: I agree. I think that the work we do in our communities is so often to overcome the hurdles that have been put there by institutions, whether that's in education or in our carceral system or by the Legislature, what have you. And when-- when senators and lawmakers say: Oh, the system is working fine, it's not working fine. It looks like it's working OK, because there are community leaders who are working so hard to help people over those hurdles that-- that need not be there in the first place. I had a constituent contact me who is Black, and her grandmother does not have a birth certificate.

PRESTON LOVE JR.: Yeah.

HUNT: Is this--

PRESTON LOVE JR.: I was alluding to that. There are more than you think. But go right ahead.

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HUNT: You know, I didn't know there were very many at all. And your point about it's just a few people-- well, if we have just a few cases of voter fraud, which we have no reported cases of voter fraud, what we're talking about, the other side of the coin here today, which is a few cases of voter suppression.

PRESTON LOVE JR.: Yes.

HUNT: And we know that we have so many-- so much voter suppression, and it's measurable. And we know it because of research. But we also know anecdotally, from stories like this woman who reached out to me in my district. I've heard of, you know, Black elders not having birth certificates-- more-- more Black than White, certainly. And of course, that can affect anybody. And then, also, their names being spelled wrong on certificates and Social Security cards. So maybe-- maybe their name is spelled one way on Social Security card and one way on birth certificate, but the government won't accept those things and-- are these things resolvable in a bureaucratic system? Yes, but-- but when people are eligible to vote, why should we be putting these hurdles and the path for them when it's not broke?

PRESTON LOVE JR.: Well--

HUNT: But do you want to speak to the-- that issue that I brought up?

PRESTON LOVE JR.: Well, maybe people might not understand. I'll be brief. But many of our-- our community, all communities, people are living longer today. So in our African-American community, we have so many elderly who have lived and were born and raised in the South, where they didn't have birth certificates, and really, quite frankly, did not recognize the personhood of African-Americans. And so they migrated to the North with grandma. And some of the grandmas are still living. And those grandmas, they're so struck by the fact that they can vote because, when they grew up, they could not. And so they vote, and they don't have ID.

HUNT: Thank you.

PRESTON LOVE JR.: And they, on any given election, can change the results. In other words, do this for the grandmothers. No-- but-- but it's just that simple.

M. HANSEN: Thank you, Senator Hunt.

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PRESTON LOVE JR.: Yes, sir.

M. HANSEN: Senator McCollister.

McCOLLISTER: Yeah.

M. HANSEN: And then we'll go to Senator Blood next.

McCOLLISTER: It's been good to be with you all day, Mr. Love.

PRESTON LOVE JR.: Yes.

McCOLLISTER: And thank you, Senator Hansen.

PRESTON LOVE JR.: I feel as if I should get a check [LAUGHTER].

HUNT: It's about that ID.

PRESTON LOVE JR.: Yeah.

McCOLLISTER: Can we quantify how many people in your community lack any ID? And-- 10, 20 percent, perhaps, were Black?

PRESTON LOVE JR.: Oh, who do not have ID, just period? I would guess that it's a lot smaller than that. I would say that probably 5 percent or so. Say 5 to 10 percent of my community, not all communities, do not have them. And-- and when I say my community, let us not forget, in North Omaha today, when you-- when you say my community, there is an automatic calculation you do-- African-Americans. But as I mentioned earlier, what do I really have in my community? I've got South Sudanese, Somalians. Got Canadians, Asians of all sorts, Koreans, Latinx, and so when you do that, then you're up to 20 percent.

McCOLLISTER: Thank you. When we say are the-- are we necessarily talking about a driver's license?

PRESTON LOVE JR.: Oh, no, because people have figured out ways. I don't know how they do it, but, you know, now that we do direct deposit on checks-- Social Security-- now, less people have checked the ID than they used to have because they had to have it to cash their checks. Nowadays, you can get it direct-deposited or whatever. So that's-- that's-- that's kind of a side issue. But it surely can--

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but, no, if you-- if you say driver's license, then you're-- now your topping 25 percent, you know, just saying that because oh, I'm talking about a lot of people, in my community, who don't have a driver's license or a car or any of that, and don't know how to spell Hooper, by the way.

McCOLLISTER: Thank you.

M. HANSEN: Thank you, Senator McCollister. Senator Blood, did you have a question?

BLOOD: Yes, I did. Thank you, Vice Chair Hansen. And thank you again, Preston. So I have a couple of quick questions. So one of the things I've been doing, because this keeps coming up since I've been in the Legislature-- voter ID. So I started tracking what different states were doing.

PRESTON LOVE JR.: Yeah.

BLOOD: So I'm laying this out so the question makes more sense, not to pontificate. So first it's voter ID, then shortened-early voting periods, then limits on same-day voter registration, then polling places with not enough voting machines or poll workers, then removing drop boxes for early voting. I mean, it seems to be like bing, bing, bing, bing in the states that do this. So I'm obviously not Black, so I'm going to ask you a question because-- because obviously you are. When you hear this, when you hear that once you open up this can of worms, that it tends to be kind of an avalanche of things happening, does your community believe that this is a racial microaggression?

PRESTON LOVE JR.: I believe it is, yes, to answer your question.

BLOOD: OK, so--

PRESTON LOVE JR.: And--

BLOOD: --does it eliminate-- I don't mean to cut you off-- does this illuminate a deeper problem?

PRESTON LOVE JR.: I'm sorry.

BLOOD: Does this illuminate a deeper problem?

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PRESTON LOVE JR.: Yes. The deeper problem-- I alluded to it earlier. I will be brief, but I mentioned the historical significance of poll tax, literacy tests.

BLOOD: And we have a mutual friend--

PRESTON LOVE JR.: That--

BLOOD: --whose mama took it to the Supreme Court, right?

PRESTON LOVE JR.: Yes.

BLOOD: Evelyn Butts.

PRESTON LOVE JR.: So there's a list of historical impediments. We didn't call it suppression; we called it impediment, but that list is now getting longer. Now it's things related to vote by mail. Let's squeeze the time in which you can be eligible. Let's squeeze the time with the polling where the election offices is-- are open. Let's remove the drop boxes and make those more difficult. And all those things add up to longer lines, and longer lines mean less people voting because they can't stand in line. And then there is-- the Postal Service even came up this year--

BLOOD: Oh, yeah.

PRESTON LOVE JR.: --and all of that. And the-- the periods and the-- how do we interact with the vote by mail? Do we send it out to everybody or do we send it out only to-- all of these things are the new impediments now under that category. The African-American sees voter ID as one more nail.

BLOOD: A racial microaggression?

PRESTON LOVE JR.: Yes, ma'am.

BLOOD: And so I go back to Virginia where they would put out a notepad. And there are no directions on that notepad, but you had to know that you had to have your name, your address, your birthday-- it was a long list of things. And if you didn't know that, to put your name, your address, and whatever on that-- that notepad, you wouldn't be allowed to vote.

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PRESTON LOVE JR.: OK.

BLOOD: Right?

PRESTON LOVE JR.: Yeah.

BLOOD: And then we know that there were-- was the poll tax that not only was discriminatory against people of color, but also people in poverty.

PRESTON LOVE JR.: Yeah.

BLOOD: Right? So it was the Black community that took it to the Supreme Court and won. Knowing all of the hurdles that you've had to jump through, from what's happened in Ohio, what's happened in Florida, Maryland, South Carolina, when is it going to be too much?

PRESTON LOVE JR.: Exactly.

BLOOD: When is it going to be too much? How many times? How many times does--

PRESTON LOVE JR.: Well, I asked the question, even respectfully, on voter ID. I've been here four or five times testifying again, and nothing's changed-- that it's still not broke. So I don't know when it's going to be enough. I think I wrote an article, and I shared with you, that Nebraska needs to stop and reflect on: Are you assaulting democracy with these measures? In all respect to the Secretary of State, why did you sign on to that lawsuit that was going to disenfranchise the electoral votes in five states? That's an assault on democracy. That's the same state that now is talking, and the same people that are now talking about voter ID. It makes us suspicious because I think you are a wonderful person. So I want to strip the wonderful and find out what's your intent, because it's not broke. And with your wonderfulness, you could be doing some other things, other than voter ID, because it's not broke.

BLOOD: Thank you.

PRESTON LOVE JR.: Thank you so much tonight, and I'm sorry to--

M. HANSEN: Senator Lowe.

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PRESTON LOVE JR.: Yeah.

LOWE: Thank you. Vice Chair, and once again, good to speak with you, Mr. Love, and enjoy hearing your sermon today-- all day.

PRESTON LOVE JR.: Yes, sir, all day-- three hearings.

LOWE: Yeah. I have attended Citizenship Days, where people become U.S. citizens.

PRESTON LOVE JR.: Yeah. Oh, I have, too-- naturalization.

LOWE: Isn't that a wonderful,--

PRESTON LOVE JR.: Yeah.

LOWE: --wonderful thing? And for some reason they've asked me to have their picture with them following that-- I think because they think maybe I might be doing something good. But they're so proud that they have become a citizen.

PRESTON LOVE JR.: Yes.

LOWE: And not many of them are my color.

PRESTON LOVE JR.: Yes.

LOWE: Many of them are minorities and-- but still all wonderful, wonderful people. But now they're U.S. citizens, and the one thing they say is: Now I can vote. Now I can go vote because I'm a U.S. citizen. You know, I see the people in your community that don't have an ID.

PRESTON LOVE JR.: Yeah.

LOWE: I think if they were able to have an ID at very little or no cost to them, that they may take that and be so proud that they can go vote because that is their-- I don't want to say badge, but that is something that they have earned by being a U.S. citizen. And to go vote, what do you think about that? Would that also encourage them by having this ID?

PRESTON LOVE JR.: Encourage them?

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LOWE: To go vote.

PRESTON LOVE JR.: Well, let's not make a mistake, because we've talked about so many things. My community does not have ID. They are vote-- they are voting already. They are voting already,

LOWE: But might it encourage one more to go vote?

PRESTON LOVE JR.: Well, it's possible. If-- now think about what you're asking is that I go to the voter and say: If I give you an ID, would you have more propensity to vote? No. The answer is: Get me a better candidate, give me a better issue. That's what's going to get me out to vote. And help me get a ride to the polling place or get me a-- that's what-- the fact that they may or may not have an ID, I don't think that would be a factor. I mean--

LOWE: And you've been here all day and you've turned to the crowd and you said, I think I deserve a check. Do you-- do you realize you would need an ID to cash that check?

PRESTON LOVE JR.: I got my ID already, but thank you very much.

LOWE: Thank you.

PRESTON LOVE JR.: Yeah, I appreciate you all taking the time. Sorry to take so much time.

M. HANSEN: Thank you, and I see no other questions. Thank you for your testimony.

KAREN BELL-DANCY: Good afternoon, Vice Chair, committee members of the Government, Military and Veterans Affairs Committee. My name is Karen Bell-Dancy, K-a-r-e-n B-e-l-l-'-D-a-n-c-y, and I am the executive director of the YWCA Lincoln. I am here to testify in opposition of LR3CA. The YWCA of Lincoln works toward empowerment of our citizens, focusing on women specifically. Our mission further asks us to work toward eliminating racism and strengthening communities. Strong communities depend on actively engaged citizens who register and vote in local, state, and national elections. A functioning democracy depends on the unencumbered right to vote for all of our citizens. Help our agency, the YWCA-Lincoln, and other agencies work toward enhancing voter participation, not restrict voting by adding more layers and conditions that discourage our citizens from exercising

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their basic right to vote. Proponents of voter ID laws routinely argue that these measures are necessary to prevent voter fraud, but they fail to produce any evidence of widespread identity fraud. This proposal is nothing more than a solution in search of a problem. In 2018, the YWCA-Lincoln testified-- it was myself-- against LB1066, which attempted to enact a voter ID law. At the time, the cost to implement such a law was estimated at \$3 million. Similar proposals have been defeated in the Legislature nine times in the last ten years. Yet another attempt is being made to repeal and crush voting rights of the economically disadvantaged people of color, people of rural populations, Native American people, and immigrants. But the attempt to do so this legislative session is even more disruptive. The passing of LR3CA places the question on the ballot, allowing senators to brush off and circumvent the responsibility of putting such an obstruction to-- of the right to vote to bed. Requiring all Nebraskans to have voter-- a voter ID card is expensive, is not equitable, and is racist and elitist. It begs the question: Who is prevented from voting or, more importantly, whose voting rights are not infringed upon? Picture the confusion of fear or an insult such a law would create for those who don't have a driver's license with a photo ID, don't drive because of a disability, or elderly and do not drive, cannot afford to purchase a car, live in remote or rural areas where there is no public transportation, or homeless and have no address and or in fluid situations that are unpredictable day to day and week to week, or are and often need to change addresses due to school attendance or jobs. We only need to consider who the people are who currently-- that don't have voter IDs. They are not white, affluent, mostly urban, middle and upper class citizens. They are people of color, the elderly, immigrants, Native Americans and others in remote locations, people who live below the poverty line without stable employment or employment that doesn't allow them to have adequate housing or dependable transportation. In addition to the racial inequality to holding and obtaining identification, the implementation of such a policy would almost certain to be discriminatory. Elections are conducted by a volunteer work force that, just a few days per year, and only have minimal training. This proposal would not be implemented with sufficient oversight to ensure nondiscriminatory application. Let's be sincere when we urge Nebraskans to get out and vote. Allow us, in all honesty, to say: Our state will do its best to remove any and all barriers to voting. I urge you not to advance this legislation

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resolution from this committee. And I thank you for your time, and I will respond to any questions.

M. HANSEN: Thank you, Ms. Bell-Dancy. Questions?

KAREN BELL-DANCY: Thank you.

M. HANSEN: Seeing none, thank you for your testimony.

KAREN BELL-DANCY: Thank you.

M. HANSEN: Hi, welcome back.

JADEN PERKINS: Good afternoon, senators. My name is Jaden Perkins, J-a-d-e-n P-e-r-k-i-n-s, and I am here representing Black Votes Matter, and speaking in opposition to constitutional amendment LR3CA. Over the last decade, half the states in the nation have placed new and direct burdens on people's right to vote, abetted by a 2013 Supreme Court decision that struck down a key provision in the Voting Rights Act. And the racial cause and effect of the seemingly race-neutral laws are hard to escape. Take strict voter ID. These laws require voters to present a government-issued photo ID in order-- in order to vote, and they offer no meaningful fallback options for people who do not possess one of those IDs. Like their Jim Crow predecessors, strict voter-- or voter ID laws have often defended, by reference, to a racially-neutral need to defend the integrity of elections. Specifically, defenders claim that voter ID laws are needed to combat voter impersonation fraud. But study after study has shown that voter impersonation fraud is vanishingly rare. By the way, we didn't hear all this talk about voter fraud and impersonation until we elected a Black man with the Muslim name to the White House. Look at North Dakota. A federal district court found that when a state-- or when the state enacted its current ID law in 2017, 19 percent of Native Americans lacked qualifying ID compared to less than the 12 percent of other potential voters. Likewise, Tex-- Texas permits voters to use a handgun license to vote, but not a student ID from a state university. More more than 80 percent of handgun licenses issued to Texans in 2018 went to White Texans, while more than half of the students in the University of Texas system are racial or ethnic minorities. Or take a look at our own state. When I registered to vote in 2018, I had to put down my driver's license number on my state ID to be able to register to vote in the first place. This allows the

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state to verify who you are, right then and there. This amendment would just add another unnecessary burden on the voting populace. Strict voter ID is just one of a number of racially charged voting restrictions that states have adopted in the last decade. For example, following the election and reelection of President Obama and the concomitant surge in turnout by Black voters, states like North Carolina imposed new restrictions on early voting, which was disproportionately used by people of color. Many also claimed that these laws impose little burden because everyone has the requisite ID. But the reality is that millions of Americans don't, and they are disproportionately people of color. Unsurprisingly, in the last decade, federal courts have repeatedly found that voting restrictions and other voting measures were passed with a racially discriminatory purpose. As these examples make clear, race continues to play a key role in the voting process. The racial components of new voting restrictions are still here, but they are more subtle. Commenting on this change, civil rights activist Reverend William Barber II has said, "Jim Crow did not retire; he went to law school and launched a second career. Meet James Crow, Esquire." We should be established-- establishing more voter confidence by creating measures to make voter resources more accessible. As voter suppression continues to involve, with communities of color still bearing the blunt-- or bearing the brunt-- protecting the fundamental right to vote remains as important today as it has ever been. We cannot afford to have voter ID in Nebraska. I urge you all to strike down this arbitrary and unnecessary amendment. Thank you.

M. HANSEN: Thank you, Mr. Perkins. Questions from the committee? Seeing none, thank you for your testimony.

JADEN PERKINS: Thank you.

M. HANSEN: Welcome back.

AL DAVIS: Senator Hansen and members of the Government Committee, it's a hard act to follow when you're following Preston Love, who really is a passionate and dedicated speaker. So my name is Al Davis, A-l D-a-v-i-s, testifying here today as the registered lobbyist for the 3,000 members of the Nebraska Chapter of the Sierra Club, in opposition to LR3CA. This is an example of a solution looking for a problem, which also panders to the myth of voter fraud. Nebraska has had only two cases of voter fraud in decades, both taking place during

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the 2016 election. This protest is not an excuse for that action, but simply demonstrates the vast discrepancy between myth and fact. Why is a law needed when the incidence of voter fraud is in the tens of thousands of a percent? Former Secretary of State John Gale stated multiple times that Nebraska did not have a voter fraud problem. He did so when he testified on similar bills in 2013 and 2015. A review of news releases by Senator Gale, which you can find on any Google, demonstrates just how vigilant he and his staff were about weeding out voters who had moved or who had failed to vote for some time. No voter has arrived at the polls in Nebraska to find that someone has impersonated them and voted in their stead. Why is that? Doesn't that indicate to you that there's no problem? The bill will be a significant burden for the thousands of voters who now vote in all-mail precincts like I do out in western Nebraska, which dominate portions of that part of the state. In all-mail precincts, ballots are mailed to the voters, who return them in designated envelopes to the county clerk's office. There are no poll workers in Mother Lake precinct anymore, which is where I live, largely to do the reforms arising after the 2000 fiasco with the Florida recount. So in my cases, I would need to drive 240 miles round-trip to cast a ballot; probably not going to do that. The language in the bill indicates the desire is to combat nonexistent voter fraud, modernize a system which is already secure and modern, build confidence in the system and preserve its integrity. We already have these things, thanks to the good leadership of the Secretary of State's Office. Additional regulatory burdens will not solve a problem which does not exist. Let's leave it alone, and thank you. I want to make a few other comments that I think are pertinent to the discussion. Senator Hunt had asked about the fiscal note. If you go back to my time in the Legislature when Senator-- I believe it was Larson-- proposed a bill-- Senator Hansen may remember that-- I think the fiscal note was around \$1 million. So I think it's significantly more than what Secretary Evnen thought, no-- no-- no, you know, inference that he doesn't know what he's talking about. The other thing that I think is really a quite interesting point is, you know, this last election, we had all these accusations of voter fraud from the President of the United States. And those states that were in question-- Arizona, Georgia, Wisconsin, Michigan, Pennsylvania and Nevada-- four of those states have voter ID. So the argument that we've got all this fraud is not based, in fact. This is just something we don't need. And, you know, the Republican Party has always traditionally said we-- we need the

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least amount of regulation that we can have. This is a perfect example of overregulating. So that's all I have to say, and I appreciate your time.

M. HANSEN: Thank you, Mr. Davis. Questions from the committee? Senator Hunt.

HUNT: Thank you, Senator Hansen. Good to see you, Mr. Davis. Just to clarify, on constitutional amendments, we don't do fiscal notes, but that's also why--

AL DAVIS: Right.

HUNT: --it's so hard to know the real cost of this.

AL DAVIS: Right. And when Senator Larson brought that bill, it was a bill,--

HUNT: Um-hum.

AL DAVIS: --so it would-- did have a fiscal note. Now I believe it was-- was that '15? 2015 or '16, I believe.

HUNT: Thank you.

M. HANSEN: Any other questions? Seeing none, thank you, Mr. Davis.

AL DAVIS: Thank you.

M. HANSEN: And just for the record, I know I'm breaking my rule, but yeah, I remember my first week of-- was-- 2015 would have been the first year I was on this committee. Hi, welcome.

KRISTEN DuPREE: Hello. Good afternoon, Vice Chair Hansen and members of the committee. My name is Kristen DuPree; that's K-r-i-s-t-e-n D-u-P-r-e-e. And I'm here in opposition of LR3CA. I'm here today because the events from last summer made it impossible for me to ignore the injustices experienced by people of color. I felt motivated to learn about how policies over the years have contributed to the racial disparities across basically any standard-of-living measure. This led me to the book titled "One Person, No Vote" by Carol Anderson. As I was reading the chapter on voter ID laws, I was disappointed to find out that 35 states have voter ID, and relieved to

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see that Nebraska was not one of them. As you are likely aware, and as other testifiers have-- have stated, that there is no evidence of statistically significant voter fraud in general, nor the type of impersonation fraud that would be prevented by voter ID. The rationale for this resolution is even framed as prevention rather than remediation, which serves to recognize the lack of evidence of voter impersonation fraud. Why should we spend taxpayer dollars on policy that claims to prevent something that isn't happening in the first place? This serves no purpose other than to introduce barriers on certain groups of people who tend to vote a certain way. People of color are approximately 2.5 times more likely than White people to not have a photo ID. Nebraska's Secretary of State reported that there are 25,000 registered voters, or 2 percent of the state's electorate, who do not have a photo ID. I was interested and unable to find the data on the racial breakdown of the 25,000 voters. So in absence of actual data, I've provided an illustration of what that may look like, in figure 1. When you look at the percentage of registered voters by racial group, you see that 1 percent of White voters will have a new barrier to voting access versus 12 percent of minority voters. By this estimate, this resolution could disenfranchise approximately 12 percent of voters in our minority communities. Studies confirm a decrease in minority voter turnout after voter ID laws are passed. In addition, regardless of race, it is likely that of the 25,000 registered voters, many are elderly, disabled, or live in a rural area without easy access to a DMV. Voter ID laws are innocuous sounding, and that is no accident. That allows for plausible deniability. I will remind you of a quote from Paul Weyrich, the founder of the American Legislative Exchange Council, that crafted an array of voter suppression laws paving the way for voter ID. He said: I don't want everybody to vote. Our leverage, quite candidly, goes up as the voting populace goes down. In closing, I urge the members of this committee to preserve equal access to the polls for voters of all races, ages, and abilities in Nebraska, as this resolution would undoubtedly hinder that. And I would take any questions, if anyone has any.

M. HANSEN: Thank you, Ms. DuPree. Questions? Seeing none, thank you for your testimony.

KRISTEN DuPREE: Thank you.

M. HANSEN: Welcome.

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MARK METCALF: Good afternoon, Vice Chair Hansen and members of the committee. This is only my third time here testifying in opposition to voter ID in the state of Nebraska. My name is Mark Metcalf, M-a-r-k M-e-t-c-a-l-f. I live near Sutton in rural Fillmore County, Nebraska, where I've worked as a poll worker. Here are some indisputable facts. Republicans do awfully well in this state. Most Nebraskans voted twice for Donald Trump, the leader of the Republican Party. Our two U.S. senators, our three U.S. congressmen, and our Governor are all Republicans. Our Legislature is dominated by Republicans. Now do these facts suggest that something is wrong with elections in Nebraska? I think they certainly do. But is it voter impersonation fraud that is causing the problem? If it only were that simple. I'll spare you my diagnosis of that problem. But let's talk voter impersonation fraud. As you know, election falsification is, quote, a Class IV felony under Section 32-1502 of the statutes of Nebraska. The penalty for election falsification is imprisonment for up to 2 years, and 12 months post-release supervision or a fine not to exceed \$10,000, or both, unquote. That is a lot to risk for the sake of a single vote. Voter impersonation fraud is not rampant. It is stupid. But if we have proof that voter impersonation fraud is being committed in Nebraska, then we should have the wherewithal to identify and arrest the perpetrators. We can't go soft on this crime. We must prosecute the bad actors. But in the process, we should not risk the suppression of votes with a voter ID requirement. Alas, any voter sup-- any suppression of votes resulting from a voter ID requirement would merely be the frosting on the cupcake for those who call for voter ID. What really irks me about this push is the symbolism, the message of this push for voter ID. At this point, after the attempted coup on January 6 of this year, the real push for voter ID is to cry in a relatively polite way, "Stop the steal," and to feed the big lie that votes for Joe Biden, particularly those cast by Omaha mavericks in Nebraska's 2nd District, were not legitimate. It's about advancing the un-American and essentially totalitarian idea that red votes matter, blue votes of consequence should not. And don't expect support for this LR from the Black community. This proposal is, in effect, if not intent, a Cornhusker State echo of the Jim Crow era, a detestable expression of White power meant to certify loyalty to the party of Donald Trump and Marjorie Taylor Greene. It is not possible to denounce LR3CA too strongly. Please, put all of your fellow Nebraskans ahead of Trump Party interests, and see to it that LR3CA dies in this committee. I'll be happy to address any questions, especially any questions you have

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about voter impersonation fraud in Fillmore County, specifically Fairmont, where I work. I wouldn't think there are any questions about that.

M. HANSEN: All right, I'll take it; I'll take the bait. Have you had any experiences with voter ID?

MARK METCALF: I can go in detail on that. None.

M. HANSEN: Thank you. All right. Any other questions? Seeing none, thank you, Mr. Metcalf.

MARK METCALF: You bet.

LAZARO SPINDOLA: May I remove my mask?

M. HANSEN: Yes, if you'd like.

LAZARO SPINDOLA: Thank you. Oh, there goes the hearing aid. Good afternoon, Vice Chairman Hansen and members of the committee. Thank you for receiving me today. For the record, my name is Lazaro Spindola, L-a-z-a-r-o S-p-i-n-d-o-l-a. I am the executive director of the Latino-American Commission, and I am here in opposition of LR3CA. I've been dealing with this issue since 2013. Six times already I have testified against it. It never advanced, and I thought about using one of my previous testimonies for this one, too. Nevertheless, for this particular hearing, I have noticed some things in this resolution that really brought my attention. I want to point out the fact that I am the only person in this room who ever had to show an ID when voting. This was in Venezuela. Now Senator Slama mentioned several countries that have voter ID laws. She forgot to mention Venezuela, Cuba, Russia, China, Myanmar, the Philippines, and Iran. I don't think we want to belong to that club. Of course, all these countries that have voter ID have something else. They have a national ID card which is used to track you boarding trains, which I had. Now, talking about the resolution, in line 10, it says "in order to combat voter fraud," but significant voter fraud, like other testifiers have mentioned, exists only in the imagination of some individuals. It also serves-- says, "preserve the relative power of each eligible citizen's right to vote." Well, I wasn't aware that this power was being taken away. It continues, "modernize the election infrastructure of the state." How are we going to accomplish this, by using voting machines? Oh-- well,

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wait a minute. They were a problem in Venezuela. Right? So finally, "ensure the integrity of the elections of the state so as to preserve the public confidence in the legitimacy of the elected government." Well, I believe that the public confidence in the legitimacy of the elected government was shaken by the endless allegations of voter fraud that took place in the last couple of months. These allegations were all based on manipulations of the ballot, not on the ID of the voters. So six states, as the previous testifier mentioned, had voter ID laws in place, the six states where the elections were contested. Four of them had the strict voter ID laws in place, and yet voter ID was never an argument in-- to allege voter fraud. This is a solution looking for a problem, like another testifier said. It is based not on facts, reasons, or logic. It is based on the speculation, fear, and anger. If you do not wish to keep spreading those negative feelings, I urge you to not advance LR3CA. It doesn't prevent anything. I have a master's in public health and a doctorate in medicine. I know about prevention. You cannot prevent things that come out of the figment of your imagination. You prevent things that are becoming a problem, which is the reason why we never prevented COVID-19. There was no COVID-19 in the world. Once it came into the world, we designed the best prevention measures possible, which were taken more seriously or less by some countries. And now we have an effective prevention tool, which is a vaccine. But why? Because we already had the pandemic. So if we do not have voter ID fraud, exactly what are we preventing from happening? Thank you, and I'll be happy to take any questions.

M. HANSEN: Thank you, Dr. Spindola. Are there questions? Seeing none, thank you for your testimony.

LAZARO SPINDOLA: Thank you.

M. HANSEN: Welcome.

SHERI ST. CLAIR: Afternoon. I just appreciate the opportunity to stand up for a minute. I'm Sheri St. Clair, S-h-e-r-i S-t C-I-a-i-r, and I'm speaking this afternoon on behalf of the League of Women Voters of Nebraska, and the league is opposed to LR3CA. We feel that adoption of this would only serve to further promote the myth of voter fraud and make voting harder. This is at least the ninth time that such a proposal has been brought before the Legislature, yet we still have not had a conviction on voter impersonation fraud in this state or even tangible proof of voter fraud. In fact, in the last election, the

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Secretary of State said there were no allegations of fraud. The proposal goes on to state that a poll worker should review a photograph or digital image to verify the identity. But it doesn't say what kinds of identification documents are acceptable, and it doesn't say what's going to happen if the poll worker mistakenly identifies the voter. So this proposal puts the onus on the Legislature creating the means of identifying-- of-- means of identity verification without providing any kind of guidelines or requirements. And it's very difficult to see how this would modernize the election infrastructure of the state, one of the stated goals. It's going to increase the polling time spent-- or the time spent at the polling location, which is a discouragement to voters. The league works to remove barriers to voting, and we are very much opposed to implementation of voter-- voter photo identification, and opposes further action on this proposed legislation. On a personal note, since we've talked about the elderly, my mother is in her 90s. She has no photo ID, she hasn't vote-- or hasn't driven for years, which, you know, as you know, for somebody in their 90s, is probably a good thing. She is, however, in a wheelchair, and having to take her someplace to get a piece of identification is going to cause her an undue level of anxiety, as well as a significant amount of time, on probably me, to take her someplace and deal with this. It's not likely to make her feel any more confident in the voting process than she does now, as she has had in the, you know, 70-some years that she's been a voter. So--

M. HANSEN: Is that it? All right. Thank you for your testimony. Questions from the committee? Seeing none, thank you.

SHERI ST. CLAIR: Thank you.

TIFFANY HOBBS-BANKS: Hello. My name is Tiffany Hobbs-Banks, and I am here on behalf of myself and People First of Nebraska, Chapter 2.

M. HANSEN: Before you go any farther, will you spell your name for us? Can you spell your name for the record?

TIFFANY HOBBS-BANKS: Sure. Tiffany, T-i-f-f-a-n-y, last name is Hobbs-Banks, H-o-b-b-s-- hyphenated-- B-a-n-k-s. And I am a little nervous; it's my first time ever. So again, I am with Project 2, Omaha Chapter-- Omaha Chapter of People First of Nebraska. And People First of Nebraska is the only statewide agency organization in Nebraska run for people with disabilities. Our mission is to empower, train, and

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advocate for all people with disabilities. Our motto is "nothing about us without us," and it means that people with disabilities must be involved in all aspects of our life, including policy development, implementation, and evaluation. And we speak for people who don't have a voice or who-- excuse me-- or who have a voice but are afraid to use it. So I am here on behalf of people with disabilities. And I was going to speak to the voter fraud issue that was stated in this bill, but that has been spoken to. And we really look at that as maybe a phantom factor as there is really no voter fraud issue. Right? That has been proven. It was front and center in the last election in more than over-- or over 60 cases, and those cases were either dismissed, denied, or withdrawn, or not even heard, as we've seen in the two cases of the Supreme Court. So I really don't even have to litigate that. Right? So what I will speak to is the people who I'm here to represent today. And those are Nebraskans with disabilities, ethnic and indigenous minorities, because I am a person with disabilities, I'm a woman, and I'm Black. So I'm here to speak for ethnic and indigenous minorities, low-income, and voters who are elderly or in nursing homes. And they're just some of the vulnerable groups who, if LR3CA is passed, these are some of the voting groups who this bill will affect the most. These voters in these groups will have difficult times. A lot of times they have difficult times obtaining the documents that are needed to obtain a voter ID, such as birth certificates, which was already spoken about, either because they can't afford it or they have issues such as gathering those documents to obtain the ID. Costs for these documents can go from anywhere from \$75 to \$100-- to \$75. For example, if there is a Nebraskan needing to obtain a birth certificate, and they needed to obtain it from a different state, they would have to pay that state's vital records costs and shipping, and not to mention what it would take for those vital records to get to this state. And if it's in a voting year, I'll just give an example. I ordered my daughter's birth certificate from this state and it took over three weeks for that birth certificate to get to me. So we're not talking about just for regular use, but if we're talking about their-- that undue burden on them to get a photo ID just to vote, then that's a problem. Right? That's an undue burden put on them to get that information in time for them to vote. And then their voting would be restricted because of what it would take for them to get that information. So these factors would disproportionately burden those most vulnerable Nebraskans, ultimately causing a reduced voter turnout. A GA [SIC] study, done in 2014, found

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that voter bills like LR3CA reduce voter turnout by two to three percentage points. That was tens of thousands of people in those states who didn't participate in a democratic process due to the added unnecessary burden by obtaining-- or having to obtain those voter IDs. Now in 2020, we-- we've heard from other people, we saw an increase of voter turnout of 76 percent versus that 63 percent we saw in 2016. And there was no voter fraud. And we heard that from Commissioner Jim Cavanaugh. I see the yellow light, so I will end this here. So in times like these, I would question why anyone would want to see us go backwards. We're moving forward and we need to go forward with that. So we need to remember the words of Representative John Lewis at this time: The vote is precious; it's almost sacred. It's the most powerful, nonviolent tool we have in a democratic society, and we've got to use it. So I would say not to impede the vote of our Nebraskan voters, and not to be found on the wrong side of history, participating in voter suppression, but advocating for unfounded voter fraud, but to continue to let our voters use their vote. And that's all. And I will answer any questions.

M. HANSEN: Perfect, right at the buzzer. Any questions from the committee? Seeing none, thank you. And you did very well for your first testimony.

TIFFANY HOBBS-BANKS: Thank you.

M. HANSEN: All right.

KAREN SCHAPER: Good afternoon again. My name is Karen Schaper, K-a-r-e-n S-c-h-a-p-e-r, and I'm here to oppose LR3CA because it's unnecessary, could be expensive, and creates undue voter suppression. So there's clearly a disagreement about how much this would cost. However, I would just say, as a teacher, that that money could be better spent feeding my kids that only eat meals at school and don't actually eat at home or giving them the mental health assistance they need for problems that were caused, no fault of their own. So that-- my first point is the cost is unnecessary, and that money could really be used. There-- there's definite need for that money elsewhere. Second of all, I'm going to speak for my students now, in terms of voter ID, and I think, truly, most of my students have an ID. Actually, most of them have more than one ID. And because they're between the ages, a lot of them, 18 and 21, and I know that sounds silly, but they have fake IDs. And when they hand that to the grocery

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store person, then they don't know if it's them or not and they get away with buying whatever they want. And I think that just goes to the point of that, like just because you have an ID, doesn't make it a valid ID, because I know there are tons of kids-- almost every kid between 18 and 21 has more than one ID, and one of them isn't theirs. Also, what is required to get the-- this ID? I know you said it would be easy to get an ID and that we'll pay for it, but the logistics is what gets in the way of young people voting. I'm also a poll worker, and I can't tell you the number of people that came in, young people that thought they were going to vote and didn't have the right address on there-- or when they-- when they stated their address, it with the wrong address, it didn't match. And all they needed to do was get a utility bill or a cell phone bill, and it'll be so easy, and then you'll be able to vote real, not provisionally. However, they don't have that. They don't have their utility bill. They don't have their cell phone bill. So just because it's possible doesn't mean that they have that. The logistics get in the way. So I think that's something important to remember is that, just because they can get an ID doesn't mean they'll have everything they need to have that ID. And it also doesn't mean they won't lose that ID, which sounds silly, but for a lot of young people, it's real. Secondly, as a poll worker, I can tell you, you know-- they tell you their address and I write it down, but I don't know if their ID is a legit ID or not. I'm not trained in-- as a poll worker-- in whether IDs are real. So I just think that is a very difficult thing to put on poll workers who are just there to help with the situation. So overall, if you're saying that voting is our sacred duty, then we should let people vote and not-- not suppress it for a perceived threat. Thank you. Questions?

M. HANSEN: Thank you for your testimony, Ms. Shaper. Questions?
Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. So as a poll worker, how do you know them, that they're a legitimate voter? I mean, you say-- how-- how would you quantify that?

KAREN SCHAPER: Well, they ask you-- you ask them what their address is and they tell you, and then you look them up in the book and you sign that they were there. They sign; they sign their name, and--

HALLORAN: So all they have to do is know their add-- an address and give it to you, and--

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KAREN SCHAPER: Yeah. Have you ever been a poll worker?

HALLORAN: No, but I've-- I've voted many times.

KAREN SCHAPER: Yeah. So yeah, they give you their address, and you write it down, and they sign.

HALLORAN: OK. Thank you.

M. HANSEN: Thank you, Senator Halloran. Other questions? Seeing none, thank you very much.

DANIELLE CONRAD: Hello, good afternoon. My name is Danielle Conrad, D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today on behalf of the ACLU of Nebraska. The ACLU of Nebraska has long been opposed to voter ID measures, including LR3CA this year. And that's because, as the preeminent voting rights group and defender of democracy, we work to facilitate, and protect, and advance voting rights, not in support of erecting additional unnecessary barriers to the exercise of a fundamental right. Let's be really, really crystal clear about that. And we see this, and efforts like it, as an attack on all voters, but particularly with disproportionate impacts on voters of color, Black voters, the elderly, voters in rural areas, and those that are differently abled. So it's important to be really clear about that, as well. The other thing that I think is strange-- and I haven't had an opportunity to review the proposed amendment that we heard a little bit about earlier today, and I was in the hallway so I couldn't quite catch it all on the live feed, but-- and perhaps this seeks to cure it-- but I think that the green copy itself does raise questions under the Nebraska constitutional provisions regarding fair and free elections, which perhaps is even at a higher standard than we see under the U.S. Constitution, but has yet to be really teased out in that regard. Additionally, this provision is not self-executing, which I think is problematic, in terms of its impact, if it were to be advanced to the ballot and then, later, adopted into the Constitution. Additionally, if you look at Senator Slama's statement of intent, it actually states that there-- that her intent is to utilize this provision, this vehicle really to solicit an advisory opinion from Nebraska voters rather than to initiate or implement voter ID. That is not an appropriate use of-- of how we amend a state constitution. I definitely want to flag that because that's very out of the ordinary, in terms of what you would normally see for constitutional amendments

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being proposed for a referral. Additionally, I just want to lift up the fact that there doesn't appear to be any religious exemption at play. And if you look, there is still good law on the books from the 8th Circuit in a Nebraska case. It's called Jensen v. Quaring, 1985, where there was a farmer who believed sincerely about the Second Commandment's prohibition on graven images. And the-- and she didn't want to get her picture on her driver's license. And actually, the federal courts upheld that. And it went all the way up to the-- to the United States Supreme Court. That case emanated out of Nebraska and it's still good law. So that would be something that you would need to think about in terms of religious freedom when it comes to voter ID, as well. Additionally, I think that this is problematic when you think about facilitating the voting rights for folks whose expression may not match their-- their-- their-- their image on their identity documents. So think of--I think about our work to facilitate voting rights for trans voters and gender-nonconforming voters. And that's something that I wanted to lift up. I also think that, you know, as we continue to see additional exercise of fundamental rights through vote by mail, for example, and as we saw, particularly in this last pandemic, it's obvious that this doesn't apply in the same way to vote by mail as it does to in-person voting. I definitely-- perplexed to hear about the supreme-- the Secretary of State's ideas in regards to running around the state and issuing special IDs. That is a brand new one that's going to take a little bit of time to unpack. But let me be very clear. At the heart of this measure, and previous efforts like it, and in the opening statement by our Secretary of State and Senator Slama, it is wrong to perpetuate myths about voter fraud. It undermines our democracy. It does not exist and it does not exist to the extent of a burden on a fundamental right; period. So with that, I'm happy to answer any questions, but I do find much of the argument specious and circular.

M. HANSEN: Thank you, Ms. Conrad. Are there questions? Yes, Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. Good to have you back.

DANIELLE CONRAD: Yes. This is the last you'll see me, I think, this session.

HALLORAN: Oh, come back; come back as often as you like. The Constitution protects voting rights in a number of amendments--

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DANIELLE CONRAD: That's right.

HALLORAN: Fourteenth, Fifteenth, and Nineteenth Amendment. And it says nothing in the Constitution about voter identification.

DANIELLE CONRAD: That's right.

HALLORAN: All right. Second Amendment is also--

DANIELLE CONRAD: Um-hum.

HALLORAN: --part of the Constitution, and at some level, many of us feel like we're disenfranchised--

DANIELLE CONRAD: Um-hum.

HALLORAN: --that we have to present some form of identification, in a permit fashion or whatever, to purchase a firearm, and feel-- we feel disenfranchised that we aren't allowed to practice our-- our Second Amendment rights without giving some kind of identification. So the question is why they're not there.

DANIELLE CONRAD: Um-hum, sure. Well, a couple of ideas. So first of all, when Justice Scalia issued the Heller Opinion, which established the Second-- Second Amendment as an individual right, for the first time in our jurisprudence, he was very clear that there could be reasonable restrictions on that right, as there are on other fundamental rights. None of them are absolute, including freedom of speech. Right? So he, for example, named a few different potential restrictions on the Second Amendment that he thought would pass constitutional muster, things like perhaps registration or I'm thinking about limitations on-- on folks, maybe, who were mentally ill in how they exercise that right. I think those were some of the laundry list of potential restrictions that he trotted out there. But I think what's really important to remember in this instance is that what voter ID seeks to cure is voter impersonation. Right? And we-- we don't have that happening in Nebraska or beyond. And so when you infringe upon or restrict a fundamental right, the courts are going to want to see a higher level of need to do that. You can't just run out and do it if it restricts a fundamental right. There has to be not just a legitimate state interest, but a compelling state interest to do that. So when we look at it in the Second Amendment context, there's a-- courts have found-- and I think it's common sense-- that

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there's a more compelling interest to ensure that folks who are possessing firearms don't do harm to other folks. Right? Because we-- we know that that does happen. But in this context, it's distinguishable because we know voter fraud is not a compelling, frequently occurring kind of-- kind of matter. So there's no reason to restrict the fundamental right in the same way.

HALLORAN: Well, I've used-- I used an example before, and it's probably a very poor example, but the old expression is, you don't respect what's not inspected. Right? So in the example I would use-- I've used earlier today, was-- is that there would probably be not many people caught for speeding if there wasn't radar. Right?

DANIELLE CONRAD: Right.

HALLORAN: There wasn't some instrument or some means of detecting speed above the speed limit. I mean, I've been pulled over many times and tried to convince the officer his radar was faulty.

DANIELLE CONRAD: Sure.

HALLORAN: And it didn't work.

DANIELLE CONRAD: Sure.

HALLORAN: But-- but we know people speed because we have a means of measuring breaking that law, breaking the speed limit. And how-- how does-- how would this differ from that? I mean, it's a means of measuring whether or not-- how can we measure what we can't measure right? We have no means of measuring it. Well, we have some means, but we--

DANIELLE CONRAD: Right.

HALLORAN: --we don't have, I believe, sufficient means of measuring whether or not people fraudulently register to vote and then act upon that faulty registration to vote.

DANIELLE CONRAD: Um-hum. Well, a couple of things to unpack there, Senator Halloran. And it's always so fun to have a dialogue.

HALLORAN: You're always unpacking, you're always unpacking something.

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DANIELLE CONRAD: I know, I know. So first of all, I mean, my dad is a deputy sheriff for 34 years, so I hear what you're saying about this speeding piece, too. And you're right, a lot of folks don't self-report when they get over the speed limit. Right? But let's think about a couple of things. Number one, it-- it's-- it's not a fundamental right to-- to drive a car. Right? So that, right off the bat, is-- is a distinguishable situation. Number two, you can't divorce this issue from the broader framework. And some testifiers already talked about this. Where we have very high penalties in place for people who seek to do harm and to abuse our voting system, we also have a significant amount of protections in place through paper ballots, through other means, to ensure integrity and to prevent fraud. Those already exist, both to prevent fraud and ensure integrity, and significant penalties for people who seek to do wrong and abuse the process and system. And when that does happen, they are held to account. That's exact; the system has worked, just like it does with that radar gun, when you-- when you go in front of the wrong person with it on that day.

HALLORAN: There-- there are other activities that are protected by the Constitution. One is assembly, for example.

DANIELLE CONRAD: Um-hum, that's right.

HALLORAN: Right? And assembly-- almost anywhere you go in this country, you have to have a permit for a, you know, any kind of assembly-- a parade, a protest, whatever it might be. And you have-- someone has to-- someone has to file for that permit and they have to identify themselves to do that so that they're covered for some form of liability, I assume. But doesn't that infringe on assembly, to do that?

DANIELLE CONRAD: Right. So in many instances, yes. And we-- I think typically all stakeholders want to have that advance warning to keep everybody safe and-- and to make sure that they can deal with traffic issues or police or insurance or those kinds of things. But again, the First Amendment-- and the courts have found that, in response to breaking news, that you don't need to sometimes adhere to an otherwise existing permit requirement, because it would stifle that free expression and association and assembly unlawfully. So it's a lawyer's answer, but it depends. Right? And-- and so whether it's the First Amendment, the Second Amendment or voting rights protected under a

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host of provisions in our Constitution, state and federal, it depends. But I think that the bottom line is, unless you've got evidence that there is a compelling state interest to restrict the fundamental right, that it's-- it's a-- it's a suspect solution.

HALLORAN: And I guess it gets back to my earlier question. How are-- how are we sure? Some people are confident, some people aren't confident that there's enough means and measure of measuring whether or not we've had any-- any form of abuse with a vote-- voter identification. Right?

DANIELLE CONRAD: Sure. And like I said, I didn't get to hear all of the testimony that the Secretary of State brought forward, but I mean, he's been very candid, even very recently, that there's-- according to his perspective, there is no voter fraud, in this regard, in Nebraska. He talked about that just in the last election. So I don't know exactly what all data points he's looking at, but I think that's a pretty authoritative statement from our chief election officer.

HALLORAN: Well, I think he used the phrase "an ounce of prevention is worth a pound of cure." Right? So-- and I know some people don't like preemptive legal measures, in spite of the fact that all of us, at some point in time, try to do something preemptively; and it's not all bad. Right? OK.

DANIELLE CONRAD: That's right.

HALLORAN: Thank you.

DANIELLE CONRAD: Thank you so much. Good to see you,

M. HANSEN: Thank you, Senator. Any other questions?

DANIELLE CONRAD: OK, thank you so much.

M. HANSEN: Thank you.

DANIELLE CONRAD: Bye bye.

M. HANSEN: All right. Next-- next testifier?

ERIN POOR: Good afternoon, everyone. I hope you're all hanging in there. I thank you again for hearing this testimony. My name is Erin

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Poor, spelled E-r-i-n P-o-o-r, and I'm here to oppose LR3CA. I'm sorry-- this.

M. HANSEN: You got it right.

ERIN POOR: L-- yeah. Is that right?

M. HANSEN: Um-hum.

ERIN POOR: Got it. First day on the Capitol, as well, so thanks, everyone. I do ask you to oppose this, as well. We've now heard from many people how this constitutional amendment will specifically disenfranchise Black, Latinx, indigenous, Asian, immigrant, trans, disabled, elderly, geographically isolated, and low-income people. Qualitative and quantitative research demonstrates that. If you legitimize policy that disenfranchises people along the lines of race, ability, age, gender, economic class, and geographic location, then you are legitimizing racism, ableism, transphobia, classism, and ageism. Today we've listened to Senator Slama, with the support of the Nebraska GOP, introduce a bill and a constitutional amendment that will specifically disenfranchise Black, Brown, low-income, elderly people with precision. And about these bills, they say this is common sense. So using deductive reasoning, we can conclude that Senator Slama and the Nebraska GOP feel that it is common sense to enact racist, classist, ableist, and transphobic policies. This is what we hear when we hear all of this. Here's something that I learned a number of years ago. When a person of color tells you something is racist, you as a White person don't get to say, no, it's not, because the institution of racism and its systemic effects for generations will never give you an equivalent experience. So we've sat here and listened to several members of our Black community say this is racist policy. You don't get to say, no, it's not; you get to listen. And if you honor the words "equality before the law," you will oppose this constitutional amendment. Now today I'm wearing a special tee shirt. It says, "Voting is Sacred," and it was designed by an Absaloka woman. You may know her tribe as a Crow Nation. This shirt showed up on my doorstep two days before the Election Day in November. And it was-- it basically represents an unprecedented effort by Native Americans to get out the vote. And we got out the vote in historic numbers for many, many reasons this year, but one of them was because our relatives were egregiously denied the opportunity to vote in 2016 and 2018, because of voter ID laws. Jaden earlier spoke to you about the

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number of indigenous people living on reservations whose tribal IDs were not recognized and not eligible for the ID law in North Dakota. Can I just say that we've already fought battles in your court systems and in these buildings to determine our humanity and our citizenship and our right to vote? That right is undermined by voter ID. I have another story about IDs. A few years ago, I asked my friend if I could take him out for his birthday. He is Black. He declined an outing to a bar because his state ID had expired. He didn't have a car, so I offered to take him to get a new one. I said: Hey, no problem, I'll just take you to the DMV. He said: OK, it's actually not that easy for me. I actually never use this ID. I walk everywhere; I don't have a car. He's not a drinker, really, so he doesn't really go to bars. He's-- I don't know, he's not using it. Anyway, so he let his ID expire. It was over a year. And to get a new ID, he now needed a birth certificate. He was born in Texas. So having to get a birth certificate from Texas, he now had to involve his dad. Well, he and his dad, they don't always get along, but he did ask him finally. It was kind of an inconvenience, and his dad just kind of took forever. It took three years for my friend to get a new ID-- three years because of all of the bureaucracies we've been talking about. It's not that easy, and it's not as simple as: We'll just take care of it for you. It's not that simple. So all of these White, middle class people saying IDs are common, this won't be a problem-- they're erasing experiences of people that they clearly don't know. So-- and I just want to echo the words of our educator who is just sitting here, that the money for this unnecessary and racist policy should absolutely be spent on the critical, lifesaving things like affordable, safe housing, mental healthcare, and equitable educational institutions. Please do not advance this constitutional amendment. Thank you.

M. HANSEN: Thank you, Ms. Poor. Questions from the committee? Seeing none, thank you for your testimony. All right. Any other opponents?

HEATHER ENGDAHL: Good afternoon, everyone. Thank you for your time today. My name is Heather Engdahl. I'll spell that H-e-a-t-h-e-r; my last name is E-n-g-d-a-h-l. I am strongly opposed to LR3CA. I do want to pause, though, and just acknowledge the strength in all of these testimonies in opposition to this and, also, honestly, the ridiculousness in the testimonies in support of this. So to get on with it, time after time this is introduced, and there's never any new burst of voter fraud. There's absolutely no evidence, as been discussed, so I'll skip over that. But ultimately, there's no reason

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to-- to add barriers to our elections. So that's what this is. It's a barrier, a hindrance which our state constitution declares shall not exist. There shall be no impediment to the right of a qualified voter to exercise the elective franchise. So if I registered to vote and I was deemed a qualified voter-- under our already suppressive guidelines, honestly-- then I should not need additional barriers to the ballot box. And just to emphasize the story we just heard, there are so many situations where this is a barrier. For example, in North Omaha, the DMV that was on North 30th, I believe, closed. So all of these examples you've heard; I just want to echo. From-- from the top when we're sitting in offices, sometimes it might seem as the logic is there, so this is simple, but I want to echo, on the ground there are so many situations. And talking about populations as a few percentages of people, that's a lot of people. We're not talking about one or two people, 1 or 2 percent, that's thousands of folks. And so I really just want to bring it back down to earth because I think we get so far from that sometimes. So, again, I want to repeat that we do not have an issue with voter fraud here. We have an issue with these ridiculous attempts to silence our communities, honestly. It's extremely obvious that-- that this proposal must be voted down. The introducer wasn't elected in the first place, so this is not the will of the people. And this is a blatant attempt to bring party-affiliated, follow-the-leader behavior to our Unicam. And if that doesn't bother you, then you might be part of that problem. I just want to acknowledge the attack we saw on our-- our-- our nation's Capitol by white supremacists, that was fueled by voter fraud. That was fueled by the same myth, the same fear that the folks are trying to instill here. So to wrap it up, I just hope that we can stop these attacks on our democracy, stop these attacks on our right to vote, oppose LR3CA and oppose spending possibly a million dollars-- is what we heard another say. It could cost millions of dollars in taxpayer money. They would suppress the votes of Black, Brown, differently-abled, and rural voters. So again, there should not be voter ID in Nebraska. This is unnecessary. It's ridiculous, and it needs to be struck down. So thank you for your time.

M. HANSEN: Thank you. Questions from committee members? Seeing none, thank you very much.

HEATHER ENGDAHL: Thank you.

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M. HANSEN: And I guess I will just note, for the record, that Senator Slama was, in fact, elected last fall.

JUDY KING: Hi. My name is Judy King, J-u-d-y K-i-n-g, and I am in opposition to LR3CA. And it's very appropriate that Senator Slama would introduce this bill, just some of the same year after year, just as another feeble attempt to pass a bill about voter ID. President Trump-- former President Trump lost the election and there are men that are in this room right now that were up on the stand at his rallies, listening to his lies about the election, and I'm just kind of concerned that, you know, I'm wondering if they've changed their minds, that maybe there wasn't election fraud after all, and that Biden did win a fair election. You know, I-- if you're going to send this out to the voters, Republican voters, formerly the GOP party-- Trumpster party, I should say, are you-- you going to tell them the truth about what happened? Looks like there's three bills now coming up with winner-- like the winner-take-all bill, taking away the single vote that Omaha had. And now you're even trying to hide your vote even. It seems obvious that the party of Trump, formerly the GOP, has chosen a path that champions White. And I added QAnon because I forgot that in my earlier comments. White supremacy-- Proud Boys, Oath Keepers, militias, Tactical 88, and-- nationally is doing everything it can-- can do to limit minority representation. With Trump's comments about mail-in voting being catastrophic for his party, with the Nebraska GOP trying to take away the one vote in Omaha, we already knew what they were-- excuse me-- we already knew what they were trying to do. And we will not let it happen in Nebraska. You will not take the votes away. This is nothing more than a wolf in sheep's clothing. In case you're not familiar with what that means, that someone who uses the pretense of being-- of kindness to disguise their evil intent. For example, the party of Trump pretends to care about America, but they are against democracy and voting, and they don't value law and order as proven by the attempt of the party to take over the Capitol in D.C. Also, by doing nothing to save the Capitol or the people inside, including the police officers or Trump's own Vice President-- also telling inner-- insurrectionists that they love-- that he loved them, are you something [INAUDIBLE] me? Trump lost the election and there's no fraud, according to 60 court cases. He started his lies about fraudulent elections months before the election. He became-- became, and he started to get worried that he was going to lose. And he filled the Trumpers with lies and incited

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them enough to take over the Capitol. Trumpers here in Nebraska-- I have seen men, like I said, at his rallies, and want to know if you are going to tell them, your voters, the truth about the election. Otherwise we're not putting this on the bill to go out to the voters, if that's-- if they're still believing in a lie. So I'd like to have someone have the guts to stand up and tell their--

M. HANSEN: Ms. King, we're-- we're-- I appreciate you can ask rhetorically, but we're not going to put individual senators on the spot.

JUDY KING: No, I'm not.

M. HANSEN: OK.

JUDY KING: I'm just saying, generally, there are GOP Trumpers that need to tell their voters the truth. And maybe when that happens, then I could accept these big bills that are coming by. And that's all I have to say.

M. HANSEN: Thank you for your testimony, Ms. King. Welcome.

GAVIN GEIS: Hello. Senators, committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I'm the executive director for Common Cause Nebraska. I almost didn't testify today because there's been so many great advocates that covered basically everything I was going to say, and I didn't want to bore you. But I decided instead to just come and share, again, my personal experience with obtaining ID, with having a disability, because I've found that it's relevant, it's relevant to people and it matters. So I, as an individual, lost about half my vision five years back. I haven't been able to drive since then; it's not safe. And yeah, I do have family who can help me get around to get an ID, I do have friends. But what the experience has taught me is that you really don't know the experience of people with disabilities who don't have family until you've walked in those shoes. I took it-- for most of my life, I took it for granted that I could drive wherever I wanted, that I could be wherever I wanted, when I wanted to be there. But once that was gone, I realized it's not as simple as hopping in a car and driving. It's instead arranging to do that. It's instead taking valuable time out of my day to do that. And that matters. And there's a lot of Nebraskans that don't have, honestly, all the access I do and the privileges I do. So if-- if the other

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advocates haven't convinced you today, all I want to say is that there are Nebraskans who struggle, who will not find this easy, and that's-- that's no fault, that's no shame of theirs. It's just the reality of life. We don't share the same experiences. We don't live the exact same struggle. We should be trying to bolster those Nebraskans. We should be making sure they're included in the process and not cut out. That is-- I just wanted to share my personal experience once again. I'm sure my name-- a few of you have heard it before, but thank you for taking the time and letting me share.

M. HANSEN: Thank you for your testimony. Questions? Seeing none, thank you.

GAVIN GEIS: Thank you.

BRAD CHRISTIAN-SALLIS: How's it going? I'm Brad Christian-Sallis; that's B-r-a-d C-h-r-i-s-t-i-a-n-- hyphen-- S-a-I-l-i-s. We've had a lot of great advocates, just like Gavin said, come up here and tell you all the reasons this bill is terrible, all the reasons it's racist. And so there's no point in me going into that. If those arguments were going to convince people, they would have done it years ago, not today. But one thing that I do want to bring up, because it's always something I think about with ID, is how much power, using photo ID in the way we're talking about using it, we'll put in the hands of individual poll workers to just be able to decide whether or not they wanted that individual to vote in any given election. They really would have that choice to say: Nah, you don't look like this, you know, this big picture of yourself. That's how we would decide it. Just-- it's just a small little square. That's what's deciding whether or not. And it's up to that individual. You don't look like it-- gone. What's the reason? Oh, in actuality, you know, you cut me off on the way here, now you're not voting. It could really come down to that. We-- we're talking about all, you know, this voter fraud that may come up and all this, but that seems a lot more likely to come out of a voter ID bill than discovering any fraud that, you know, the secretaries of states and our country haven't been able to find. So I just want to add that. It just-- it's something that seems like it would just be a real commonsense thing, is that putting it, based on a really small picture that could be up to 10 years old, and giving it to an individual to decide whether you look like yourself enough to be able to vote, could raise some concerns and could open things up to, you know, even like poll workers trying to be: Oh, man, can I be a

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poll worker this year, see who I can decide to let vote? It just doesn't make sense.

M. HANSEN: All right.

BRAD CHRISTIAN-SALLIS: That's all I got.

M. HANSEN: Thank you. Thank you. Any questions? Seeing none, thank you for your testimony.

BRAD CHRISTIAN-SALLIS: You're welcome.

M. HANSEN: Welcome back.

WESTIN MILLER: Thank you, Vice Chairman Hansen. Members of the committee, thank you for your perseverance today. 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. I had some prepared remarks. I was basically going to repeat the five questions I asked you to ask about last year's proposal, 'cause the white copy was the same. Just to get them on the record again, those five questions are: 1) Is there a real problem? 2) Is there evidence your policy solves the problem? Number 3) Are you spending money? Number 4) If so, is this the best use of taxpayer dollars right now? And 5) Is your bill written in the most effective and responsible form? I think those questions are really important to answer, but I want to use my short time to cover a lot of content that's been said, mostly by proponents today. I want to talk about a conversation that's been very absent from today, and one that's been, I think, excessively present in today's conversation. So first, absence-- one issue that has not been addressed by a single person on either side is that there is no evidence that exists anywhere, that voter IDs stop voter fraud. It feels intuitive. It is absolutely not based on evidence. Senator Halloran, I am extremely intrigued by the radar metaphor. I think it's a really important question to ask, because you're right, in terms of Nebraska, we don't have a radar gun set up. So how do we know people are speeding? The answer is, we then look to other states and what they've been doing. There are, what, 35, 36 states that have invested millions of dollars in very well thought out, very complex-- we'll call them speed traps in this case. And they have found nothing. There is no evidence from states that have had voter ID laws for decades that there is any voter fraud to be addressed. They've spent millions of dollars. They've

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caused a lot of logistical problems. Some are better thought out than others. They have produced no evidence of voter fraud. If there was evidence that voter fraud was rampant or, more importantly for this discussion, if there was evidence that voter ID laws stopped voter fraud, the evidence would be conclusive and indisputable at this point. We've had voter ID laws for decades. It doesn't exist. I also want to address something you're hearing in support for this bill 'cause, as you can see from today, a lot of this discussion is always about disenfranchisement and groups that are, or aren't, disproportionately affected by voter ID laws. This discussion is so consistent and so prominent in voter ID debates, that supporters, including today, have started using this bill won't disenfranchise people as a reason to pass the bill. So since I think I'm the last person, I just want to pretend, for a second, that we just know that to be true. OK, poof-- we know for sure voter ID laws won't disenfranchise people. I'm also extremely confident that voter ID laws will not spread coronavirus. I'm extremely confident voter ID laws will not threaten the Second Amendment. I'm extremely confident voter ID laws will not increase the price of gas. None of those things make this a good bill. They just make it not terrible for those very specific reasons. And you as a committee, you as a body, don't pass laws because they're not awful. You pass laws 'cause they're good laws, and good laws have concrete, definitive answers to questions like: Does your solution solve the problem that you've laid out? And LR3CA doesn't do any of those things. I chose those five questions because I'm lucky enough to get paid to, in part, watch this committee constantly, and so I take note of the questions you all ask of other policies. And so these are questions I've gotten from you. These are the five most common questions you ask of other policies that come through this committee. Is there a problem? Are you solving it? Are you responsibly spending money? And I think, for some reason, voter ID has become exempt from the level of scrutiny that you normally give other legislation in this committee. So I just want to encourage you to ask these questions today. There's been a lot of talk about money. There's been a lot of talk about how this bill is written. And I think I'm the last person, so I'd be just delighted to answer any-- any lingering questions that you have.

M. HANSEN: Thank you, Mr. Miller. Senator Hunt.

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HUNT: Thank you, Senator Hansen. Thanks, Westin, for being here. So the radar metaphor, to me-- you know, that's about traffic safety, so the analog is election security--

WESTIN MILLER: Sure.

HUNT: --you know, election safety is election security. Can you tell us about the election security measures we already have in place in Nebraska?

WESTIN MILLER: Sure, yeah. So I guess that is a detail that's, I think, worth mentioning for the-- 'cause I do like the radar metaphor. But I think that-- that something worth pointing out is that it's not quite as simple as we have it or we don't. We certainly have plenty of precautions in place, and those are precautions that work. This-- I'm really glad you asked that, because one of the most frustrating things that was said was right at the beginning, when two men were identified-- and some not great terms-- who had been charged with voter fraud in Nebraska. There are two men in 2016, who were charged with voter fraud. They were fined, and it got sorted out. Those men had in their possession valid photo IDs. Those IDs had absolutely nothing to do with their commission of fraud or the fact that they were caught. They were charged with double voting because they were new citizens, it was their first time voting. They voted early. They got another reminder from campaigns. They got confused. They went in person and they vote-- tried to vote again. One of those precautions we have in place is that list that the poll worker has. So they came in, they gave them their names. They did not need to show their ID. They said: What's your name? Great. What's your address? And just to clarify earlier, you don't just write down your own address. It's in the book. And if your name and your address don't match, then-- not going to happen. If you voted early, that is indicated in that poll book. And in this particular case, the poll worker said: We've got a star here that says you voted early; this is a problem. They're like, no, we're here to vote. I don't think so. So that's how that whole conversation started. Voter registration is another form of protection. We don't just-- I mean, poll books exist as a security measure. We didn't have them when the country was founded, but we're quite a bit bigger than we used to be. So we found that that's a prudent thing to do, although-- fun fact-- North Dakota doesn't have voter registration still, I don't think, which is kind of wild.

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HUNT: And you have to prove your identity when you register to vote.

WESTIN MILLER: Yeah, I mean, you have to prove that you live where you live and that you are who you say you are. We-- I do want to clarify, someone mentioned earlier the notion of a driver's license number. You are asked to give your driver's license number. You don't actually have to give it. So I just want to make sure we're clear on that. Election commissioners and their employees are instructed to ask, but if you don't have it, there are other ways of verifying your address.

HUNT: So I love having you here on election bills because you're the expert and--

WESTIN MILLER: That's kind of you.

HUNT: --you know, we all have, like, gut feelings and philosophical ideas about voting. And a lot of them are partisan ideas and a lot of them aren't. But, you know, this is your business and this is your-- your job. What do you-- what do you think or know about how voter ID affects turnout in other states--

WESTIN MILLER: Yeah, that's a great question.

HUNT: --'cause we can measure that?

WESTIN MILLER: We can. Yeah, that is not subject to opinion. That is-- that is--

HUNT: Right.

WESTIN MILLER: --just-- those are just some numbers. Senator Slama was right-- I think Senator Slama-- maybe both her and Secretary Evnen identified that there's a lot of evidence to indicate that voter ID does not depress turnout. In a vacuum, that is true. But as we know, facts don't exist in a vacuum. Every study that has ever been published about the relation between voter ID and turnout has a caveat. And I can't quote, 'cause I don't have it in front of me, but they all say something similar, which is: We have found that there is either no difference or just a marginal difference, sometimes up, sometimes down, based on voter ID. But then they say something to the effect of: This very well could have been due to counter-organizing, based on the implementation of a voter ID law. What I mean by counter-organizing is-- and this was talked about a lot, I think, at

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the beginning of the opposition testimony-- is, as you can tell, people care about this a lot. This is-- these are not laws that get passed under the radar anymore. And when voter ID laws are passed, groups like mine, groups like Black Votes Matter, groups like Common Cause and ACLU spend a lot of time and a lot of money to make sure that people get registered and that they vote, regardless of party, regardless of geography. It's just our job. It's to try to increase turnout and have good elections in the state. If a voter ID law were passed, we would go berserk and we would absolutely triple all of our efforts to make sure that that impact was mitigated. So all--

HUNT: That's the government hurdle, and that's all the organizations helping people over the hurdles. And then the government goes: Oh, look, there was no problem.

WESTIN MILLER: That's exactly right. What has-- what has not at all been proven is that-- is the---- the I call it the vacuous-- I don't have a better word-- the vacuous impact of a voter ID law, because those voter ID laws are never passed without some sort of strong community response. And it would be extremely hard to figure out, in a vacuum, what happened, which is why we have to then fall back on the stories and the experiences of the people who are here today, 'cause I can only talk about the numbers. I can't talk about the impact of-- I mean, the impact of a voter ID law on me would be negligible because I am young, and White, and mobile, and I have a driver's license. There are a whole bunch of people who don't fit one, two, three, or four of those categories, and we just-- that's all the evidence we have left at this point because the numbers do not at all provide comfort to say: This is going to be fine, don't worry about it. Thanks for that question.

HUNT: Thanks. And then my-- my last question is, I think, is: Can you talk a little bit about the cost of voter ID?

WESTIN MILLER: Sure, yeah. This is-- this is also kind of a--

HUNT: And I know we have an amendment that-- that you didn't have, but do you kind of get it?

WESTIN MILLER: Yeah, no. And I-- I-- my understanding, unless I'm missing something huge, is this amendment doesn't actually change at all the content of LR3CA; it just kind of makes it a little more

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specific, perhaps. I say that because there is no universe in which this law could be passed without the state having to pay for IDs already. Justice John Paul Stevens, in that Crawford v. Marion County case, that kind of first OK'd voter ID laws, Justice John Paul Stevens was extremely clear, this is only OK because the state is paying for IDs. Otherwise it's absolutely a poll tax; he even used that phrase. So that was already going to have to happen. Otherwise, as Secretary Evnen identified, there would just be lots and lots of expensive litigation. I'm intrigued by the numbers that the financial conversation has taken a-- a sharp turn downwards, I guess, in terms of the projected cost for voter ID. In 2018, LB1066, introduced by Senator Murante, was the last legislative bill, therefore the last proposal with a fiscal note that was about a voter ID. The Secretary of State's Office estimated that would cost about \$2.9 million to implement in the first year, with an annual recurring cost of \$750,000. So it's not cheap. Senator Slama has estimated that there are 25,000 Nebraskans without-- or 25,000 Nebraska voters without an ID currently. I have no problem with that number. I would note that today Secretary Evnen doubled that to \$50,000, in his estimation. I'm concerned by what the-- what the math is at the end of this, though, because there was some speculation today that we can provide those IDs for like \$2 or \$3 a pop. The cost that the state puts on driver's licenses and state IDs is \$26.50. And I'm, by no means, a math guy, but 25,000 at \$26.50 a pop is \$662,500. Obviously, at 50,000 people, that would be \$1.3 million. So it's-- it's expensive. I-- broad legislative resolutions are Civic Nebraska's least favorite version of voter ID proposals, not that there's a kind that we like, but it's our least favorite because the details are so important, and the details of this law will make it either-- can make it range from mediocre to like incredibly terrible and destructive. The details are so important. What IDs are going to be included? What is the procedure to get people these IDs? Is it Secretary Evnen with a photograph or with a camera? Or do we actually have a better system than that? This is the reason why I would just give an extra level of caution to doing this as a legislative resolution, as a constitutional amendment, because you are being asked to commit to a proposal without knowing any of the details of the proposal. And in this case, it matters hugely. This is not like marijuana, where you're like, it's in the Constitution and now it's legal, and that was the end of your duty. You're going to, next year, be required to pass a piece of legislation

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that has a ton of moving pieces, and those moving pieces are so, so important. Yeah.

M. HANSEN: Thank you, Senator Hunt. Senator Blood-- have a question?

BLOOD: Thank you, Vice Chair. Sorry, I'm tired. I can't even remember your name anymore-- Vice Chair Hansen. So you talked a little bit about voting turnout and the data that you looked at. But didn't a lot-- some of that same data, when you went a little bit deeper, it showed the states with strict ID laws, that the gap grows substantially when it comes to turnout from Caucasians and then turning out-- turnout between Asian-Americans, African-Americans-- that was the data that I saw actually-- that-- that their turnout does start to-- to be visibly more-- it--it's end of the day, and I can't even get my brain and mouth to connect-- that there is documented research that shows that certain minority groups in the stricter ID states don't show up?

WESTIN MILLER: Absolutely, yes.

BLOOD: Right.

WESTIN MILLER: That's a great point. The comments I made earlier about kind of the net turnout, just--

BLOOD: Right.

WESTIN MILLER: -- everybody [INAUDIBLE]--

BLOOD: I just wanted to make sure there was good clarification.

WESTIN MILLER: Yes, that's a great point.

BLOOD: Sorry it took me so long to get to that question.

WESTIN MILLER: No, that's fine.

BLOOD: It's been a long day.

WESTIN MILLER: That's totally fine. I'm just thankful you are all still here. There were a couple of comments from a testifier, I think very soon before me, who talked about just some demographic details that will just affect your experience, getting that idea in the first

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place: how your name is spelled. Is your name a common spelling? Has your appearance changed dramatically in the last five or ten years? There are a lot of details that impact your ability to get that ID in the first place.

BLOOD: Right.

WESTIN MILLER: It's another huge kind of looming question over this discussion is the-- I think in the amendment it said something about the Legislature can provide for exceptions or exemptions. I got a ton of questions about what those are and how we're going to determine who is and isn't exempt. And those are just all things we really ought to discuss before you commit to them, which is just not possible with a broad legislative resolution like this.

M. HANSEN: Thank you. Senator Hunt.

HUNT: Yeah. What would prevent me from introducing a bill that says everyone is exempt from the photo ID requirement?

WESTIN MILLER: Yeah.

HUNT: And does this conscript poll workers then, as-- as gender identity detectives and people who have to make the yes-or-no decision about if this is the person who's supposed to be voting?

WESTIN MILLER: Yeah, I want to give a shout-out to Senator McCollister, actually, who on the floor a couple of years ago gave my favorite quote about this, which is, he doesn't want poll workers to become TSA agents. I think about that every time we have this discussion, and I think it's really important. I think our poll workers are incredible. But I think that Brad's warning is really prudent, which is that this is going to change their job description significantly. I think you all should be interested in seeing the details of those changes before you say: Yes, let's do it, it's going to be fine.

M. HANSEN: Thank you, Senator Hunt. Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. So specific to Nebraska, you're not opposed to having constitutional amendments put to the public for approval or rejection, are you?

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WESTIN MILLER: In general, no. Uh-uh.

HALLORAN: OK. Another quick question. You're a registered voter.

WESTIN MILLER: Yes.

HALLORAN: I could probably find your address. Right?

WESTIN MILLER: Probably.

HALLORAN: First, a caveat-- I'm not going to do that.

WESTIN MILLER: I understand. I'm not worried.

HALLORAN: And-- and so I could find your precinct, I could find out where your precinct is, and I could vote early.

WESTIN MILLER: Yeah.

HALLORAN: And I could say: I am Western Miller. And thank God, they wouldn't ask me for a photo 'cause I'm not as good looking as you are.

WESTIN MILLER: That's flattering, [INAUDIBLE].

HALLORAN: So-- so--

WESTIN MILLER: Disagreement.

HALLORAN: So I could vote early. I could give you-- I could give them your address.

WESTIN MILLER: Um-hum.

HALLORAN: And as far as they know, I'm Westin Miller.

WESTIN MILLER: Right. That's an excellent example of the basic radar that we do already have in place, because I'm absolutely going to vote in whatever election this is. If I try to vote early, which would require a whole other level of sneakiness on your part to have get it out of my envelope-- steam it open, steam it shut-- forge my signature. But let's say I vote in person and there's that flag that says: Oh, it looks like we've already got your ballot. I'm not just going to go: Oh golly, I wish I could have voted. I'm going to cause a

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huge scene about that. Actually, I have to cause a very small scene, which is just talk to the poll worker and-- go ahead.

HALLORAN: What if I request a ballot in your name?

WESTIN MILLER: Oh, that's fine. I mean, yeah, you'd have to. Either way, when I go to vote in person, we're going to realize there's a problem.

HALLORAN: It's a provisional vote-- or it becomes a provisional vote.

WESTIN MILLER: Yeah, I would have to cast a provisional ballot, and there would absolutely be an investigation. And you'd go to jail. I don't know better what to say to that. They'd find out that you did it, and you'd go to jail.

HALLORAN: How would they find?

WESTIN MILLER: I'm sorry?

HALLORAN: How will they locate me?

WESTIN MILLER: I mean, I don't want to speak for the-- for the police officers, but I'm pretty confident they could.

HALLORAN: OK. All right, thanks.

M. HANSEN: Thank you, Senator.

WESTIN MILLER: I mean, Senator, I-- and I don't-- I don't say that to be dismissive. I mean-- I mean, truly, this is like-- this is no different than what if you hacked my bank account, you know, like took my money. I couldn't explain to you how they're going to get you. But I-- I sleep pretty well at night knowing that I'm fairly well protected against all of these types of crimes.

HALLORAN: But if they're [INAUDIBLE] with your bank account, there'd be a trail,--

WESTIN MILLER: Sure.

HALLORAN: --to me.

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WESTIN MILLER: And there would be, too, for you requesting a ballot in my name. There's absolutely a paper trail for all of that. And you couldn't request my ballot on-line without a whole bunch of other information beyond my-- my name and my address.

HALLORAN: OK. Thanks.

M. HANSEN: Thank you. Any further questions? Seeing none, thank you.

WESTIN MILLER: Thank you.

M. HANSEN: I think I know the answer, but any other opponents? All right. Anybody in neutral capacity? All right. With that, we'll invite Senator Slama up to close. As she's coming up, we had a number of position letters. We had 70 from proponents, and we had 66 from opponents, and one neutral letter. We had a fair amount of written testimony submitted this morning, as well. These are all opponents: Robb McEntarffer, self, from Lincoln; Abbi Swatsworth from OutNebraska; Jina Ragland from AARP Nebraska; Schuyler-- Schuyler Geery-Zink from Nebraska Appleseed; Alisha Shelton, self, from Omaha; Commissioner Sean Flowerday from the Lancaster County Board of Commissioners; Meg Mikolajczyk from Planned Parenthood, Advocates for Nebraska; and Edison McDonald from The Arc of Nebraska. With that, welcome, Senator Slama.

SLAMA: Thank you, Mr. Vice Chairman, and thank you to all the committee members, the testifiers, [INAUDIBLE], committee staff, and especially you, Vice Chair Hansen, for being here all day. It's been a long one, but I appreciate you all being here, agree or disagree with the two bills I brought today. Just in closing, I wanted to very quickly point out a couple of things that came up during testimony. Senator Hunt is correct with constitutional amendments. We don't get A bills that have fiscal notes with them because it's up to the voters. As to former Senator Conrad's concerns, the statement of intent is still the same as the last few times this bill has been introduced. It hits on all the points that you're supposed to, so that was kind of an empty complaint. Religious freedom is covered by the white copy amendment. The constitutional concerns have been discussed in sessions past. I won't go too far into them, but I am more than happy to discuss them, off the mike, with anyone. Voter fraud does happen. There have been literal convictions, two of them in 2017, as Westin referenced and as I referenced in my opening. And at the core of this,

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35 other states have implemented some form of voter ID. I am more than willing to work with members of this committee to find a compromise so we can add this layer of security to our elections that the overwhelming majority of states already have. And oh, sorry. I just had a note in this corner here. LB1066-- that just gets to the debate as to whether or not this needs to be a bill or a constitutional amendment. Opponents of LB1066, at the time, argued that it shouldn't be a bill, it was better presented as a constitutional amendment. That's why we chose that route this year. So with that, I'll take any last questions you may have. And again, more than happy to talk with anybody off the mike, too.

M. HANSEN: All right. Thank you. Are there any questions? No? OK. Well, thank you for your-- for your closing. And thank you, committee members, for being here and well wishes to Senator Brewer. And with that, we will close the hearing on LR3CA, and close our hearings for the day.