

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee May 5, 2021
Rough Draft

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BREWER: I'm Tom Brewer, representing the 43rd Legislative District, and I am the Chairman of this committee. For the safety of our committee members, staff, pages, and the public, we'd ask those attending the hearing to abide by the following procedures. Due to social distancing requirements, we have people separated in the room, as you are. I understand the bills will be taken up in the order that they're posted outside. Now, here today, technically, we do just have AM1133. As soon as we're done, we'll index, empty the room, and I'll ask the Government Committee to stay because we have a bill to Exec on and as soon as we're done with that, then we'll get them out of here for lunch. Request that you wear face covers while in the hearing room. Testifiers may remove the face covering during their testimony. Committee members, it is your option on-- on face coverings because we have the separation and the plexiglass. Public hearings for which we reach the seating capacity, we'll have the Sergeant of Arms monitor. I don't think that should be a problem here today. The committee will take up the amendment posted on the agenda. On our hearing today, we're a public part in this hearing process. This is the opportunity for you to express your opinion on the issues before us here today. We ask that you abide by the following procedures. Please turn off or silence your cell phones. Move forward to the testifier chair when the time comes that is available. I will be the introducer of AM1133 today. I will be followed by Secretary of State and Mr. Bena, and then we'll start with testimony from the public or other. If you're planning to testify today, please fill out one of the green sheets at the back table and complete the form completely. Again, we're-- we'll go through the standard procedures of proponents, opponents and those in the neutral, assuming we will have majority of those as proponents. If you have copies we need to-- well, we normally have 12. Today, we may need the page to make a few more copies. When you come and testify, please speak clearly into the microphone. Spell your name, first and last so it can be entered in the record. I am going to trust you and not use the light system today. Obviously, the Secretary of State's Office will take the time needed to cover the subject. I will be doing a battle handover to Lieutenant Han-- Lieutenant Hansen-- Senator Hansen, and he will monitor that. But if you run long, we're on a compressed time here, he'll-- he'll stop you and we'll take whatever information you've given us at that point. No displays of support or opposition to the bill, vocal or otherwise, will be

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allowed. Today, I would like to welcome members of the Redistricting Committee. They will be joining us for a hearing on AM1133, which again is what will be attached to LB8-- 285. Both committee members are here today. And we're going to start by having Senator Lathrop start introductions on my right.

LATHROP: Steve Lathrop, District 12, which is Ralston and parts of southwest Omaha, and I'm on the Redistricting Committee, not the Government Committee.

LINEHAN: Good afternoon. Lou Ann Linehan, District 39, western Douglas County and I, too, am on Redistricting and not Government.

BLOOD: Good afternoon. Senator Carol Blood representing District 3, which is western Bellevue and southeastern Papillion, Nebraska. I am also on Government and on the Redistricting Committee.

McCOLLISTER: John McCollister, District 20, central Omaha, and I'm on the Government Committee.

M. HANSEN: Matt Hansen, District 26, in Lincoln, Government Committee.

LOWE: John Lowe, District 37, which is Kearney, Gibbon and Shelton and I am on both committees.

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

HUNT: I'm Megan Hunt, I represent District 8 in midtown Omaha, and I'm on the Government Committee.

BRIESE: Tom Briese, District 41, on the Redistricting Committee.

BREWER: All right, to my right is Dick Clark, the committee counsel, to my left, Julie Condon, our committee clerk, and our page is Jenna Ebbers, and she is from Cambridge, Nebraska, and she is a sophomore at UNL. OK. I'm trying to condense the Reader's Digest version of this so everybody don't have to sit through all of it. The letters, and we do have a few, will be read in at the end. Again, those need to be in by 12:00 standard-- Central Standard Time, the business day prior to the scheduled hearing. Unless you testify in person before the committee, your name will not be included in the committee statement. Again, we're going to ask that you do your best to remember to spell your

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name and say it clear enough so that it can be correctly entered into the record. If you don't, then we're going to interrupt briefly and make sure we get that done. With that said, I am going to do a battle handover to the last chair, and introduce the bill.

M. HANSEN: Thank you, Chairman Brewer, and welcome to your joint Committee on Government and Redistricting.

BREWER: All right, well, and I apologize. I'm not sure Lieutenant would have been the right grade for you, so Senator Hansen and members of the Government Committee, my name is Senator Tom Brewer, T-o-m B-r-e-w-e-r, and I'm here today to introduce AM1133 to LB285. Just as a reminder, LB285 was our annual elections update bill. It was based on recommendations from the Secretary of State's Office, and it is the Government priority bill. This year we also had the chore that only comes up once every decade and that is redistricting. As the year progressed, it become clear that the redistricting was going to be difficult and different. In previous decades, we generally had numbers that we could use for redistricting by April. This year, the census numbers have been seriously delayed. We are anticipating in the vicinity of mid-August that could move all the way into September. This makes it much harder for redistricting to get done in the time that elections need to be done for this year. So we're going to have to have a Special Session for the Legislature, that will be in the fall. And I've learned that the Legislature's redistricting is just the start of this process, not the end. The political subdivisions and local elected officials still have work to be done once we draw the maps with the Legislature. This amendment would make changes so that that can be done. Get redistricting done on a compressed timeline is the challenge we got to take a look at and allowing candidates time to fill out what district they live in is also a part of what we must get done. The Secretary of State's Office will follow me and they will explain these changes in detail and hopefully be able to answer any questions that you have. Thank you. And I will take any questions, and if not, I will pass on to the Secretary of State.

M. HANSEN: All right. Thank you. Are there any questions? Seeing none, thank you, Chairman Brewer. And with that we will invite up the Secretary. Welcome.

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BOB EVNEN: Senator Hansen, 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'm appearing before you this afternoon in strong support of LB285 as amended by AM1133. Under federal law, the U.S. Census Bureau was required to supply the states with a decennial census results no later than April 1st of this year. In early March, I learned that the Census Bureau had announced that they would not supply the data by the legally required deadline. Instead, the Census Bureau said that they expected to supply the data by September 30th of this year. Under Nebraska law there are many statutory deadlines related to redistricting that could not be met if the Census Bureau supplied the data on September 30th. This is both a statutory and a practical impossibility. If we didn't receive the data until September 30, it would be impossible to meet our own statutory and state constitutional obligations to use the 2020 decennial census for our 2022 elections. We are not the only state that would be adversely affected. The state statutory and constitutional breaches that would be caused by this unprecedented delay ranged far and wide. This was a moment of unity among the states. After considerable pushback from across the country, the Census Bureau has now announced and committed in a letter which will be circulated to you in a moment by Deputy Secretary Wayne Bena. The Census Bureau committed in a letter that it will produce the raw data no later than August 16. As a practical matter, we can live with that date. If the Unicameral can get us its redistricting results by the end of September, we can work with the counties and the political subdivisions to accomplish their redistricting in time to open the candidate filing window the first week in January and hold our 2022 primary and general elections using district lines drawn upon the 2020 decennial census. Under current Nebraska law, however, we would be unlawfully violating statutory deadlines to do so. AM1133 would amend our statutes for this year's redistricting only, to set statutory deadlines to accommodate the receipt of the data by August 16, and have all redistricting completed by the end of the year. This amendment and the deadlines that it sets forth have the support of all political subdivisions in our state. I thank you for your consideration. Deputy Secretary of State for Elections, Wayne Bena, will follow me and he has technical details for you. I will be happy to answer any questions.

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M. HANSEN: Thank you, Secretary Evnen. Are there questions from the committee? Seeing none, thank you for your time.

WAYNE BENA: I am fully vaccinated, but if anybody is uncomfortable with me removing my mask, I will-- I will have the mask on. Speak now or forever hold your peace. All right. Due to the acrylic shield, please speak loudly. I've never had that problem, as the committee knows. All right. Good morning. My name is Wayne Bena, W-a-y-n-e B-e-n-a, and I'm proud to serve as Deputy Secretary of State for Elections, here on behalf of Secretary of State Robert Evnen, here in support of AM1133 to LB285. We are here today because the census is late for the first time in the history of our country. Want you to let that sink in for a second, for the first time in the history of our country. Election officials do not have too much sympathy because our election dates did not get moved. Our poll workers stepped up and did their job, but we have to adapt. We have to react, and we have to have an election in 2022 and that's why we're here today. I chose the tie that I wore today for a reason. It's the tie that I wear to every election day. But for some, you see it as red and some angles you see it is blue and for some, there's no color at all, neither one. Today, this bill is bigger than us because we want to have the elections in 2022 with the boundaries that we're supposed to do after redistricting. Nebraskans adapt, Nebraskans persevere, Nebraskans are strong. And the amendment we have here before you today allows us to take those delays that we're getting from the Census, apply them and still have elections in 2022. I want to take you through the conversations that we have with the Census Bureau to get us where we had today, then take you through the timeline of where, based upon the release of the data, where we go from here and finally, specifics portions of this bill and then a slight change that we need to make since the-- since release of this bill. If you want to ask me any timeline questions from 2011, happy to do it. It does take me a little bit longer and I know some one on this committee does have conceal and carry and I want to make sure that I am actually speaking not too long today. But if you want to ask me any questions, I've been living this for two months and I want to be able to be helpful to compare this timeline to what it was in 2011. I was the election commissioner in Sarpy County in 2011, so I'm aware of this redistricting process as well. So first, let's talk to about the census and the conversations that we had. So originally, we were told in late 2020, early 2021 that

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the data would be released July-- by July 30th. Blood pressure was a little bit high, but it was not heart attack level. I thought we could be able to adapt and change to this. Then later in February, we got wind through Twitter, Facebook and all the fun social media that the Census announced that the data would then be released September 30th. That was heart attack level to me because I've been through this before and I knew what that was going to mean. You as a body might have gotten your work done. Counties may have gotten their precincts done, but a lot of the public service divisions behind me wouldn't have and it would have caused major problems for the 2022 elections. So we got to work. The Nebraska-- Secretary of State and I through our organizations, the National Association of Secretary of States and the National Association of State Election Directors communicated with the Census Bureau on numerous occasions that this was just not acceptable for all states. And as Secretary Evnen mentioned, this combined all states, because again, we didn't get to move the general election. So the excuse that was given is, was that because of a four-month delay in putting people out in the field, they needed a six-month delay in the release of the data. Now, I know, like Senator Hansen, I went to the University of Nebraska Law School, but I know four months and six months does not add up. So we asked them, what can you do to help us move up deadlines? Because this is not going to work. This is worse for other states than Nebraska. So the next week, they realized they had a problem on their hands. They worked with us and said, OK, we can get you legacy format data, and I'll talk about that in a second. We can get you that data between August 15th and August 31st. Great. You bought us 30 days, maybe 45 days. I can start to work with that. I can start to put a plan together. The next week, the next higher person up on the food chain met with the Secretary of State's Association and said, you know what, we, after that last meeting, we talked internally and we're going to get you this data August 15th, that day, no later. Wonderful. I can start a plan. Well, the week after, the first that we talked to the first time was on a call with officials from Nebraska, not only from our office, but congressional delegations just to brief Nebraska as a courtesy. This gentleman said, Wayne, I'm sorry, you probably heard this three times. And I'm thinking to myself, I've heard the deadline change three times, so I'm going to listen. And he said something very interesting. He said, we're going to get you this legacy format data the third week of August. I could not unmute my phone fast enough. I said, you said that it was August-- your boss

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said August 15th. Now you're saying third week of August, that's a week. What is it going to be? Well, August 15th is a Sunday, and we typically don't release on Sunday. OK, well, you said in the last call you're working seven days a week. And I'm going to tell you what, we'll bring everybody in on August 15th to start this work. So then the 16th. Well, the data we don't typically release on Fridays or Mondays. OK, the census is late for the first time in the history of our country, and we're taking four-day weekends now. Fantastic. When are you going to get us the data? August 17th. Great. We're going to need that in writing now. Well, we'll take it up the food chain. This is not a request. So we got off the phone. I called my Executive Director from the Election Directors Association, Secretary Evnen communicated with the Secretary of the State Association, and it was put formally by both organizations. And less than two weeks later, what you have in front of you is a letter to the Executive Director of the State Association of Election Directors saying in writing, August 16, today. Now they're waffling whether or not they can get it to us any earlier, but no later than August 16th. Great. We can start to plan now. So the plan that I've been working on for the last six weeks in conjunction with the great team that I have, Andrew Buller, Heather Doxson, Ben Larsen, and Jennifer Hammond, along with the Secretary of State, allowing me to work on this project. I put this plan together and with the stakeholders of everyone behind me, I hope today is going to be a love fest. So let's go through the memo that I have on the second page of how the laws need to be changed in order to make this work. So August 16th, legacy format data will be delivered to the state of Nebraska. And here's what legacy format data is. It's data that normally would come with the release of the data on September 30th, but they're getting us this information a little bit earlier. So what's the difference? I've been thinking about the best example that I could think of to have actually mention this, and this is what I came up with. Consider the book that you have read a hundred times, cover to cover, you know it like everything. For me, it's where the red fern grows, maybe for you it's something else. That's the book that's being released on September 30th. OK. What's being released on August 16th is that same book that you love but every page is in a different foreign language. Still the same book, just a little harder to read, but unless you have the right software, could speak ten languages or have someone could read it for you, we're able to use it. We've confirmed with the legislative GIS analyst, Tim Erickson, which

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you are very lucky to have. We have worked hand in hand in this process. He has the software to be able to read this data on August 16th to get started. So you're very lucky to have Tim and he is going to go to bat for you, and was also willing to come in on Sunday if we got it on August 15th because that's how important it was to me and that's how important it was to him. So you're going to begin that prework starting on August 16. There's going to take some time for that to get loaded into their software, and then I believe he'll become your best friend in regards to what maps you want to look at, you know, what have you. At some point during that free work, I know the committee may have hearings, may not have hearings. That's not up to me. That's your guy's work, but eventually you're going to be-- have to be brought into Special Session to be able to actually vote on all of the maps. I know there's a trip to Mount Kilimanjaro. Sorry, we may have the-- that's up to you guys when you want to schedule it and talk with Senator Brewer or Senator Wayne, Senator Wishart, and Senator Hansen. But at some point in August, September, regardless of when the data comes in, you're going to be coming in, doing a Special Session, doing your work. Of anything that we need is the state legislative lines. OK. You guys can debate everything else till the cows come home, but the state legislative lines is what we need to be able to work forward. So why that is important. There are two rules in redistricting. One, a precinct cannot be split by state legislative district. And how I can do the example and Senator Sanders isn't here, Senator Sanders and Senator Blood are right next to each other in Sarpy County. That's on purpose, so no precinct in either one of her, Senator Blood and Senator Sanders counties, you cannot go to that polling site and Senator Blood's race and Senator Sanders' race are in that precinct on that ballot because they-- it's the one rule that state Legislatures can have no way that the wrong ballot is going to be given at your polling site and you're going to vote in the wrong race. Why it's just that? I'll go back into the history books. I don't have it, but it's the number one rule. The second rule is you can't go over 1,750 voting voters in a precinct. And that means typical turnout, maybe highest 80 percent. You can chop off that 20. You can also chop off the people that are early vote, about 25 percent is the rule, not 2020 early vote because we know that expanded hugely. But that's about the typical rule because we also don't want long lines at your polling site on election night. OK. So when we have the state legislative boundaries, then it goes to the counties. And what this

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plan says is, is that they have until November 1st to draw their precinct lines on top of the state legislative lines to make sure that there's no splits and also they want to make sure the number of voters is appropriate. Now, this is mostly in ahead in Douglas, Lancaster, Sarpy and Hall and maybe a few others, that's up to you to decide what counties you're going to split. Have fun with that. But that's why the counties need to do it first. That's why we have to have the precinct lines. So by November 1st, the precinct lines will be done and delivered to the political subdivisions. The political subdivisions then will take those precinct lines and draw their district boundaries on top of them. Those district boundaries, the rule is, is that you want to follow precinct lines wherever possible, so don't-- thus no more than two city council districts in a given precinct. Three. You're probably in violation of the law, but you can also work with your county election office to adjust the precinct boundaries as long as it doesn't break rule number one or number two, state legislative lines and the number of voters who have voting precincts. All political subdivisions except public power districts, which I'll explain in a minute, will have until December 30th to provide those lines to their county election office so they can begin their work. And at that point, there is-- I have built in a six-day window in the event that the maps are given late to the political subdivisions, they can request six additional days from their county election commissioner or the Secretary of State's Office to get some extra time pushing it to January 5th. January 5th, coincidentally, is already the deadline by which political subdivisions have to certify their results to the election-- or certify their races to the election offices and also who the incumbents are, so we know what race is on the ballot. LB285 originally also had the start of the filing period moved from December 1st to January 5th anyway, because the feedback that we received in regards to NABC filings and actually in that December not knowing what districts people lived in, and actually having hard conversations that we can't accept your filing now, you don't live in the district by which you are filing in. So this is all coming together nicely and in a nice little bow on January 5th. So by January 5th, we will have all boundaries. We will know for the political subdivisions what elections are up for election and we're going to know the filing deadline will start. So this is all going to work. Public power, they have a little different onerous approval process and spoiler alert, probably going to work with them and you guys next

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year to change this, because if they have a charter amendment, which includes a boundary adjustment, they need to do three weeks of publication, followed by three weeks of a quiet period waiting for comment. And if there's any comments, then schedule a hearing in which they can say yes or no on the charter amendment, which would include a boundary adjustment. Rarely ever have a hearing, but it's in state law. Probably going to want to change that moving forward but that's a conversation for another day. What I work with them on is trying to live with their process by also trying to accommodate the deadlines. So for public power districts, they have until December 17th to provide their lines to the Public Power Review Board. And then at that point, the Public Power Review Board will review the charter amendment and recommend to the Power Review Board, yes or no on conditional approval. And by December 30th, the Power Review Board has to give conditional approval and then they can go through their three weeks-- three weeks of hearing if necessary, and they have until March 1st to say whether or not the conditional approval is legit and if it's not. If it's not, then the old boundaries are going to go into effect for those public power districts, 40 million and up. However, 40 million and down, they technically have until June 15th since they're a general election only race. So we've worked with them to have the spirit of their process while also hoping to accommodate the deadlines. So-- and then made attempt 2022, we have a statewide primary. Are you-- you kidding me? We're already start thinking about 2022 already, but we do have an amendment that we do after this was submitted, the League of Municipalities. I had a Zoom call with them and they said that they had also a different type for election boundaries, an issue and this is the proposed amendment. They in 2018, a bill was passed by then Senator Crawford because of an issue that happened in the City of Papillion, where I'm from actually, in which someone got redistricted not on purpose, but redistricted after they started to run and they didn't know about it. And so she wasn't allowed to run in the race unless she moved. So they passed a law that says you have to have three readings of the ordinance to change the boundaries. They ask because of the tight time frame and some city councils only meet every other week, can we just do one reading if three-fourths of the council says it's OK. And I will tell you that with this redistricting process, probably everybody's going to want input about this. So a one time only for the cities, and there's not too many of them that do by district that need this adjustment similar

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to public power districts. There's one other carveout in the bill, it's for NRDs. They actually have a six-month deadline to get districts back to the election commissioners versus five months with everybody else. So that's a little carveout for the NRDs as well. So that's the bill and I can go through each section line by line, I have it memorized. As you can tell, I have not looked at my notes this entire time. I've given this presentation to every political subdivision behind me. I hope that everybody is going to be for yes. If it's a no, I'm highly surprised. But I've done a lot of work with them because while I know 32, I don't know the chapters that they live in and they've helped me a great deal to learn about different aspects of their redistricting process. So the political subdivisions behind me have buy-in and when-- and will testify and I hope they are supportive of this plan. And with that, I'm going to take a break and answer any questions that you have. I am willing and able to answer all of your questions, I want to do this. I've lived this for two months. I never want to know more about the Census Bureau and know that there is a dartboard at the Census Bureau with my face on it, because Nebraska got this letter for the nation. Nebraska did this. Secretary Evnen did this. We got this in writing from the Census Bureau so they don't like us very much. So with that, what questions I have.

M. HANSEN: Thank you. Thank you for your testimony. Senator McCollister with a question.

McCOLLISTER: Yeah, thank you, Senator Hansen. What variation in population is allowed for legislative districts?

WAYNE BENA: So that'll be up to you. Typically, it's been 10 percent, 5 percent on every side. But that is actually-- that is up to you guys to decide. But that in 2011 was the differential, 5 percent on every-- on each side.

McCOLLISTER: But the other-- other political subdivisions, you decide that the population--

WAYNE BENA: It's typically they follow what you-- what your-- they follow your lead.

McCOLLISTER: Thank you, Mr. Bena.

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

LOWE: Thank you, Vice Chair, and thank you, Mr. Bena, for giving that testimony. What is the reasoning why the-- the Census Bureau delayed on this report?

WAYNE BENA: According to the Census Bureau, they were delayed four months of sending people in the field for people that don't answer the census or giving it on line, so they're going door to door. Because of COVID restrictions in various states, they were not allowed to get into the field. Four months later then they took it to the world. And so because of that, they need six months of delay. And I won't tell the joke again, but that's their excuse. And then they also say they're not going to compromise the integrity of the data, which-- which is a great line for when you're breaking federal law. So, you know, they're in violation of federal law right now, but it is the integrity and the accuracy of the data because of the four months of not being in the field to-- to go door to door.

LOWE: All right. Thank you.

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

HUNT: Thank you, Vice Chair Hansen. Wayne, you said that typically subdivisions follow the lead of the Legislature. Is that something that's statutorily mandated or is that more of a norm than a rule?

WAYNE BENA: That's a good question. I'm going to have to get back to you on that.

HUNT: OK, we can find that out.

WAYNE BENA: I just know that, um, my process when I was a county election official was just the precincts to make sure that they did theirs. So I did-- I do what the political subdivisions tell me to do. But I had to bring the City of La Vista back in an emergency session because they had three districts in one precinct and I had to say that that was too many. And so I need to get back to you on that. I just know the Legislature, but that has been typical standard that the-- it's 10 percent for legislative districts, but it's actually zero for congressional districts. So if you look at congressional districts in 2011, I think they were off by one voter on one side, because they

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couldn't find a way. At the last minute, they had to split Dixon instead of Sar-- Cedar in order to make it as close to zero as possible.

HUNT: Thank you.

WAYNE BENA: We could have longer conversations about splitting up Sarpy another time, so I have a lot of feelings about that.

M. HANSEN: Thank you. Senator Holloran.

HALLORAN: Thank you, Vice Chair Hansen. I want to just assure you-- thanks for your knowledge on the subject and I want to assure you that if the Census Bureau is as good at darts as they are with the census, you have no worry about your picture being hit.

WAYNE BENA: Thank you, Senator.

M. HANSEN: Thank you, Mr. Bena. For me, kind of two questions. One, what would be the absolute last day the Legislature could finish the maps before we start messing up the rest of this timeline?

WAYNE BENA: I'm not going to answer that question, Senator. Not because I-- I-- I have a-- I have a-- I have it in my head, but I would rather you guys do your work. And every political subdivision behind me will say that they'll live up to any, your end of the-- their end of the bargain, if you guys can work together and get it done.

M. HANSEN: OK.

WAYNE BENA: I have it in my head. And if it needs to break, break the glass in case of an emergency, we'll get there.

M. HANSEN: Gotcha.

WAYNE BENA: I'm not going to tell you what to do. I'm the executive branch, so you get to do what you do, so.

M. HANSEN: Well, fair enough and I appreciate that perspective. I guess, related to that, and I bring this up because I've been asked this, I didn't have a good answer. Is there any concern at this point

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that we'll need to change either the filing deadline or look at the change of the primary date?

WAYNE BENA: No.

M. HANSEN: OK.

WAYNE BENA: If this-- if you do this plan, we're good, because I was moving to start the filing periods to January 5th anyway, and everything will be done by then. It might not be in the voter registration system right away, but everyone will have the information that they can look it up. Because the last part about this is once they get the maps, we've got to then transfer all of this work into the voter registration system. But we'll have the data and I have probably one of the greatest training implementation coordinators in the state, Heather Doxon, who is already teaching our new clerks that had to do this 10 years ago, how to adjust the street, what we call a street file to do the adjustments of all the maps. So if you approve this amendment, or as close to it as possible and LB285 passes, which is on Select File 470. Proud of all of you. Univer-- every nonpartisan bill for elections, then everything else will work. Filing deadlines remain the same. Primary remains the same.

M. HANSEN: Thank you. Senator Lathrop.

LATHROP: I am a little surprised by your last answer and so I'm looking at the timeline, it says August to September 2021, Special Session of the Legislature can be held. What I'm hearing from your testimony is all of the other political subdivisions that need to have our work done before they can engage in their process. And Senator Hansen asked you, when do we need to be done by and you didn't answer it. You said you have it in your head. Here's-- here's the reason I ask, because I think it's a very serious question. What's our timeline for a Special Session? We have people that-- that are ag guys that are planting or perhaps not planting, but harvesting. There are people that have other obligations and we need to know when to schedule a Special Session, and I'd like to know what you think our drop dead date is, so that the rest of these folks that are sitting behind you that get the information in time to do their work.

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WAYNE BENA: And that's fair-- that's fair, Senator. And let me back up by saying is, Secretary Evnen said in his testimony the end of September. In regards to after that, I'd have to-- I don't know how much longer after that, and I would have to examine that based upon how long--

LATHROP: So your testimony would be as a body, as the Legislature, we should look at September 30th is the date by which we should have accomplished our Special Session and come up with redistricting.

WAYNE BENA: I'll back up the comments of Secretary Evnen, I was referring to. Beyond that, I-- I have ideas, but I'm not going to sit here and dictate a final deadline.

LATHROP: I'm not asking you to dictate it. And I don't-- I don't feel like you could. But what I do want to know is when do we need to be done with our work so that this all works. And if you're saying September 30th and if you went beyond that, maybe there's a gray area, I'd understand that, but we should look at September 30th as our drop dead date.

WAYNE BENA: I support what Secretary Evnen testified to.

LATHROP: Is that what he said?

WAYNE BENA: That was in September, was his testimony.

LATHROP: OK, thank you.

WAYNE BENA: And I apologize if I was--

LATHROP: No, I just-- I look at this Special Session, so we've just finished it or we'll be completing a 90-day session. We have some people whose livelihoods depend upon being busy during that period of time. I'm looking at Senator Briese and there are others that-- that are-- sometimes they're better and sometimes they're worse than others and I just need to know what's our-- what's the date that we need to get this done.

WAYNE BENA: And again, Senator Lathrop and Senator Hansen, no offense, I just-- I don't want-- I did not want to dictate a deadline to your body and just tell you when you get your work done, everybody behind

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me has agreed to get their work done that I work with on a daily basis.

M. HANSEN: All right, thank you, Senator Lathrop. So, Mr. Bena, just to kind of confirm this, so kind of the key first step after we're done is the drawing of the precinct maps, and this amendment would propose that deadline as November 1st.

WAYNE BENA: Correct.

M. HANSEN: So obviously, the more time we can give before November 1st for the-- for the precinct maps would be helpful and courteous. Reading some nods over your shoulder.

WAYNE BENA: And the one-- the one scenario that I don't have right now is, is the Census Bureau going to get it to us any earlier than August, so you know? I'm not-- I'm not hanging my hat on that. OK. I'm hearing by the 16th, but if it's earlier, you can start your work earlier, thus everyone else can start their work earlier. But I can't guarantee you that because it took a lot to get this. And if you actually read this, this has a lot of wedges in it, a lot of, well, if-- you know in regards to that. But I'm hoping at least, you know, they're going to keep their word here.

M. HANSEN: All right, thank you. Senator Lowe.

LOWE: Thank-- thank you, and I want to continue on with that thought. What happens if they don't keep their word and we don't get it until September 30th?

WAYNE BENA: We can cross that bridge when we get to it. I have ideas. But we can probably follow other states that are worse off than us right now. If this passes, we're good. There are other states right now that are scrambling. I have election directors, friends across this country that are more worried about this than they were about COVID. And-- and-- and I feel for them because they have constitutional deadlines. They have other statutory deadlines or longer periods of review that even August 16th is not good enough. And I'm sure you're going to see lawsuits all over this, I assume, because they already happened before. And so I have ideas and I can speak off the microphone, all of you, but I'm not a legal scholar. This has

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never happened before. OK. There are ideas out there, but just like anything else, we're Nebraskans. We adjust. We'll figure it out. Just like we figured this out, I want to have some faith in this. But-- but just like COVID, we had to adapt. And then for the general, we adapted again. You know-- I kind of joke. When I sat on my desk on September 1st, 2017, when I took this job, the Spanish flu of 1919 playbook sat on my desk. We figured it out and we had the most ballots cast in a primary in the history of our state, something which I'm very proud of and our county election commissioners did. And our reward was doing it all again in the general election. And our reward for that, the census is late for the first time in history of our country. So we'll get it done. We'll figure it out.

LOWE: Thank you.

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

BLOOD: Thank you, Chair Hansen, and it's nice to see you again, Mr. Bena. We miss you in Sarpy County, by the way. You did a good job while you were there.

WAYNE BENA: I follow you on the Interstate quite often.

BLOOD: Pardon.

WAYNE BENA: I follow you on the Interstate quite often. I'd never pass you though. I would never do that.

BLOOD: That might be hard--

WAYNE BENA: OK.

BLOOD: --on that note. So first, I want to start the sentence with, I had a lot of people come to me with proposals to change how we do redistricting here in Nebraska. And I actually opposed everything that was brought to me because unlike a lot of states, we don't have it in our Constitution as far as specific guidelines. What we have is flexibility and you're showing us that that flexibility can work. And so I just want you to know that that's where I'm coming from. But with that said, we have a limited time today for both this and in Executive Session, and I was curious how many people are you going to have talk on this bill today?

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WAYNE BENA: It's a love fest and everyone knows to say there are-- they are supportive of the plan. So they know that, so. But if you don't-- if you just want to do a raise of hands, we can do that as well and I understand. I try to be as--

BLOOD: I don't want to take away somebody's constitutional right to speak, but at the same token, if indeed it's a love fest and everybody's going to say the same thing, I question-- I question the need for that today since you brought forth such a lovely proposal.

WAYNE BENA: I hear you. And I just want to let you know why they're here is to say that if-- they are all-- they are all supportive of my work with all of them and they can speak with you off the mark if you'd like. But I wanted them here to let you know that this was a sign of all political subdivisions affected by this bill, and it's important for me to show that sign of respect to them and to take it.

BLOOD: And you are aware that they can write letters of support, then?

WAYNE BENA: Yes, but I like to talk.

BLOOD: And also the comments online. All right. So, I want to make sure that that's clear for the record.

WAYNE BENA: I think they-- they've gotten-- they get the message now.

BLOOD: Thank you.

WAYNE BENA: Thank you, Senator Blood.

M. HANSEN: All right, thank you, Senator Blood. Any further questions? Seeing none, thank you for all your work.

LATHROP: Can I ask one more, Senator Hansen?

M. HANSEN: Of course.

LATHROP: So this-- this amendment assumes that we will actually get the stuff and the data-- the legacy data by September 16th.

WAYNE BENA: August 16th.

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LATHROP: Pardon me, August 16th. Should this amendment reflect a contingency for what happens if we don't get it until September 30th? And here's the reason I ask. Let's say that they don't, somebody asked what happens if we don't get this data by the promised date? Then we would literally need to have a Special Session to move these dates and then a second Special Session to do the redistricting.

WAYNE BENA: I would say you may be able to do it in the same redistricting session to change the laws that are already there, but I do have contingency plans, if the counties get the maps from you late, they can request extra time and if the data of the maps are given to the political subdivisions late, they can ask for extra time.

LATHROP: We're putting new dates in this amendment, am I right?

WAYNE BENA: For-- for counties and political subdivisions, yes. For you, no.

LATHROP: If we get our-- if we don't get the data until Sep-- September 30th, which is what they told you officially and some respondents, are these dates still going to work? We'd hustle around and have a Special Session in September.

WAYNE BENA: That is a conversation for another day and other options may have to be available possibly to-- for that effect.

LATHROP: OK, well, I'm going to ask some more questions because I'm not sure I agree that we should put it off for another day. And so let me ask this really specifically. If we're here today, we're in session and we're doing an amendment to take into account that the data is being delayed, we have a letter in February from the Census Bureau that says, look for this information, September 30th. You have a letter to the executive directors of the election commissioner and like people that says we'll try to get it to you by September 16. And your testimony is, if this information comes in and we complete our session by September 30th, everything should be fine. Now, my question, and I appreciate you may have contingency plans in your head, but my concern is if the data doesn't come here until September 30th instead of August 16th, do we need to move deadlines again where we have blown through deadlines by then?

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WAYNE BENA: Yes.

LATHROP: So should this amendment reflect in the event we don't get information until September 30th, this is what's going to happen.

WAYNE BENA: And I think you could do that in the Special Session. We just adjust the deadlines in the Special Session or come up with another alternative. I don't think we have to do this, in this unless we have to. And I think you could do that, make a call of the Special Session that you are doing--

LATHROP: We get one subject for the call.

WAYNE BENA: Well, I think, and that will be up to--

LATHROP: Well, I'll let you and the Government Committee have that conversation, because I-- my concern is I don't want to have to have a September 1 Special Session to move dates that we could have moved in some sort of contingent way. And then hope that we can blow through deadlines and have a Special Session and deal with the deadlines and the redistricting at the same time.

WAYNE BENA: I'd love to have a longer conversation with you, Senator Lathrop. I could go an hour and a half on every scenario, but I know your time is valuable.

LATHROP: No, I didn't-- I'm just worried about two Special Sessions, that's what I'm telling you.

WAYNE BENA: Yeah, and I think that if we-- if that was the way you wanted to go, we would know much earlier when that Special Session would be. It wouldn't be right on top of one another. I-- hopefully I would know in July or August.

LATHROP: OK, now--

WAYNE BENA: I mean, my hope.

LATHROP: My first Special Session was kind of fun a long time ago. They aren't, they aren't. I've been around for them and if we can avoid a Special Session to deal with deadlines in this amendment

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before this comes out of the Government Committee, we should have that talk.

WAYNE BENA: OK.

LATHROP: Thank you.

M. HANSEN: Thank you, Senator Lathrop. Seeing no other questions, thank you, Deputy Bena.

WAYNE BENA: Sorry, two quick points. Just stand up if you like. Two things I ask of all of you. If AM1133 is adopted and LB285 pass into law, please go back to your districts and let your constituents and press know that if-- regardless of what they hear in the national media and other states, Nebraska is going to be OK. As I said, Nebraskans adapt, they persevere. Nebraskans are strong. The second thing I ask, if any of you could please do a floor amendment forcing me to go on vacation, I'd appreciate it. I'm tired. And so thank you for your work. Thank you for listening to me. Hopefully it'll be a short love fest behind me. Thank you very much.

M. HANSEN: Thank you. All right. With that, we will move into proponents. Could I get a show of hands just who is planning on testifying still? OK. Hi, welcome.

DEAN EDSON: Thank you, Vice Chair Hansen, members of the Government Committee and Redistricting Committee. My name is Dean Edson, D-e-a-n E-d-s-o-n. I'm executive director for the Nebraska Association of Resource Districts, presenting this testimony in support of the amendment to LB285. I want to preface my remarks by thanking the Government Committee for considering this amendment. I'd also like to thank Secretary of State's Office for helping. We've been working with them, the Legislative Research Office to figure out for the past several months how we're going to accomplish this task of redrawing subdistricts for Natural Resource Districts. I want to give you some brief history. In the past, the Nebraska Department of Natural Resources used to help the NRDs with the redistricting of the sub-bases. They informed us two years ago that they're no longer going to provide that service. So we've been trying to figure out how we're going to do this in working with the Legislature, the Secretary of State's Office, so we're moving forward here on this. With this delay

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in the census data, this is really going to put us in a bind, especially since we're entering new territory where we're doing it-- either doing it ourselves or we have to contract. The amendment provides us a little bit more room to finish the task at hand. Had the census data been provided in a timely fashion like it has in the past, we'd have a little bit more wiggle room and ability to get things done. We have reached out to consulting groups that have GIS or geographical information system technologies to assist us, assist the NRDs with the task. We've received a couple of bids for some consulting firms to help all 23 districts. Our price range on this is somewhere in the range of \$154,000 to \$205,000 just to do the NRD subdistricts. Some of the NRDs have GIS staff in the software and we can redraw those boundaries in-house with those districts that have that capability, but not all the 23 districts have that. And so we're looking at providing some kind-- or searching out contracts to help those other districts out. We will be continuing these discussions in June to figure out what districts can or can't do it. So with that, I will-- I will know more in June of where we're at with that, but I would assume we're going to find-- you're going to find a lot of other political subdivisions in the same bind. I would also throw this suggestion out since this census information delay has been related to the COVID-19 issue. I would also ask that you consider maybe tapping into some COVID funds that may be available to help not just the NRDs, but the other political subdivisions and get this work done in an expedited fashion. So, thus I encourage your support for AM1133 to LB285 and would be willing to answer any questions you may have.

M. HANSEN: Thank you for your testimony. Are there questions? Seeing none, thank you. Our next proponent.

JON CANNON: I got my second shot, so I feel fine.

M. HANSEN: Yes, I just-- if you feel OK, go ahead.

JON CANNON: Thank you. Senator Hansen, members of the Government, Military and Veterans Affairs Committee, as well as the Redistricting Committee, my name is Jon Cannon, J-o-n C-a-n-n-o-n. I'm the executive director of the Nebraska Association of County Officials, also known as NACO. I'm here to testify in support of AM1133. First, thanks to Senator Brewer for offering this amendment. We certainly appreciate it. We especially appreciate Secretary of State Evnen and Deputy

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Secretary for Elections, Wayne Bena, for their work on this amendment to make the best use of the short time that we have available to us. We appreciate their efforts to work with the counties. We're one of the players and one of the proponents as far as running the elections, as you know. Their outreach to keep election officials in the loop of the timing of the release of the census and its effect on county redistricting set deadlines. Calendars matter to the counties. There's a seasonality to our work, whether it's roads and bridges, whether it's the tax calendar that we have or any-- or elections, which is what we're here to talk about. We can take a certain amount of comfort in, but that calendar can be very easily upset by extraordinary circumstances. And so we have an extraordinary circumstance here because of the late release of the census. And so that is why we urge your support of AM1133. I know that our time is short. I don't want to take up too much of it, and so I would be happy to close there and answer any questions you may have. Thank you.

M. HANSEN: Thank you, Mr. Cannon. Are there questions from the committee? Senator Lathrop.

LATHROP: Just briefly, what's the drop dead date you need information from us? From your perspective, what's our drop dead date?

JON CANNON: There are two election commissioners behind me that are probably going to have a better grasp of that.

LATHROP: OK.

JON CANNON: I would say as soon as possible.

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

JON CANNON: Thank you very much.

M. HANSEN: Going to invite up our next proponent. Go ahead.

CHRISTY ABRAHAM: Senator Hansen, and members of the Government Committee and the Redistricting Committee. My name is Christy Abraham, C-h-r-i-s-t-y A-b-r-a-h-a-m. I'm here representing the League of Nebraska Municipalities. I don't want to waste your time either. We want to thank Senator Brewer, this committee and the Secretary of

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State for working with us on this. As Mr. Bena pointed out to you, we are asking for an amendment to AM1133. This is in regards to, again, as Mr. Bena mentioned, a few years ago, Senator Crawford had a bill that specifically prohibited municipalities from waiving the three reading rule when we're redistricting boundaries. Probably very good policy, so we supported that bill. Unfortunately, with our compressed time frame, we really need the ability to be able to waive those three regions with a super majority vote of our city council or village board. That amendment, I understand, has been drafted and I ask the Government Committee to take serious consideration of it. And I'm happy to answer any questions you may have.

M. HANSEN: Thank you very much. Are there questions? Seeing none, thank you.

CHRISTY ABRAHAM: Thank you so much.

M. HANSEN: Next proponent. Just want to take a moment to thank everyone for their patience and their work. We're also dealing with twice as many senators and half as many pages today, so we're getting it done. Welcome.

DAVID SHIVELY: Thank you, Senator Hansen, and members of the Government Committee and Redistricting Committee. My name is David Shively, D-a-v-i-d S-h-i-v-e-l-y. I'm the Lancaster County Election Commissioner and also co-chair of the Nebraska Association of Clerks, Register of Deeds and Election Commissioners, Election Law Committee. We are here today in support of AM1133. We believe that-- myself having been through two census and two redistricting efforts, both in 2001 and 2011, I'm certainly well-aware of the time necessary to get our precincts redrawn and for the political subdivisions and to use our precinct lines-- precinct lines and boundaries to draw their their-- their boundaries for their districts. So we were concerned when this first came up about the census being delayed where it was going to put us in a bind, and we're very appreciative of Senator Brewer and the Secretary of State's Office in developing and to help us meet our-- our needs to get that information as quickly as we can to the political subdivision. So we're supportive of this. We also know that there may be some costs associated with some of our smaller counties in redrawing precinct lines, whether they have GIS capabilities in their counties or not, so there may be some costs

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involved. And if there's anything that can be assisted to help those counties, that would be appreciated as well. With that, I'd be happy to answer any questions.

M. HANSEN: Thank you. Are there questions? I will ask the same line of questioning, Senator Lathrop and I, what-- from your perspective, is there a drop dead date for the Legislature finishing our maps?

DAVID SHIVELY: Well, I mean, I will follow the memorandum that the Secretary State's Office put together saying that we would draw our boundary lines, our precinct boundary lines in October of 2021, so we would probably appreciate them by October 1st if we could get them by that. So I guess that would put you at sometime per 30th as long as we get the information from you on September 30th.

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

DAVID SHIVELY: Thank you.

M. HANSEN: Welcome.

COLBY COASH: Thank you, Senator Hansen, and members of the Government Committee and the Redistricting Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h, and I represent the Nebraska Association of School Boards and we want to echo the thanks. Deputy Bena did bring us in during this process to make sure that this would work for the schools. There are 13 districts who across the state who elect their school board members by ward versus at-large. And it's those districts that would be affected by this bill. Based on the timelines that you've already heard about, if the Census Bureau meets their obligations, the Legislature meets their obligations, these districts can make them-- make those deadlines wor. It can be doable and we'll be helping those districts. Under normal circumstances they have no time to redraw those lines because the compressed timeline, those districts will be probably needing to acquire software and things like that that will be necessary to-- to redraw those lines per the law. And we're prepared to help them with that.

M. HANSEN: Thank you, Mr. Coash. Questions? Senator Blood.

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BLOOD: Thank you, Chair Hansen. Colby, thank you for your testimony. I have a quick question. I'm not sure I heard you right. Did you say that you have to purchase the software? You haven't done that yet?

COLBY COASH: Well, no. The districts will need to. Potentially there are some large districts within those 13 and there are some small. Some may be able to do it without it, some may not have to. There are vendors out there. We've already been working with the Secretary of State to help those districts identify them, and it will be plug and play once the numbers are done.

BLOOD: I mean, with all due respect, they've been aware that this has been coming for a while, yes?

COLBY COASH: They're prepared.

BLOOD: All right. Thank you.

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

JAMES THIBODEAU: Thank you, Senators, and members of the committee for having us. I'm James Thibodeau, J-a-m-e-s T-h-i-b-o-d-e-a-u. I'm associate vice president for compliance and general counsel at Metro Community College. I've been asked to communicate to the committee the full support of our Board of Governors and our college president who would normally be here today. He had something else come up that prevented him from here-- from coming here, so I'm here in his place. And I believe that the Community College Association and perhaps even some other colleges themselves have also conveyed their support for-- for the amendment and let the committee know that Metro Community College has already been working with Metro Area Planning Agency, MAPA, to get our process started, get as much done as we can in advance of receiving the numbers. And we anticipate that we'll be able to meet whatever deadline ultimately is imposed upon us. I'll take any questions if anyone has any.

M. HANSEN: Thank you. Are there questions? Seeing none, thank you for coming down.

JAMES THIBODEAU: Thank you.

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

TRACY OVERSTREET: Thank you, Senator Hansen, and committee. My name is Tracy Overstreet, T-r-a-c-y, Overstreet is O-v-e-r-s-t-r-e-e-t. I am the election commissioner in Hall County, Nebraska. We have about 35,000 registered voters. And I will tell you at this point in time, I-- we are five days and one year away from the next election in the state of Nebraska and I cannot tell our 35,000 voters where they would need to go to vote. We have had substantial growth in Grand Island and we actually had enough growth after the 2016 Presidential election that we had precincts that needed to be divided up with additional polling sites added. My predecessor, we got through that through 2016. I came in in 2018 and I had shown a plan to the state and to move the five precincts that are oversized, which Mr. Bena talked about the size limit, we would have had to change 19 of our 23 precincts and that was a substantial amount of change, and so I was advised from the state to wait until the census. We have been holding off in Hall County for four years to make changes. Now we're hamstrung until the Legislature does its work. The current deadlines in statute are untenable with the census data delay. This bill, this amendment, AM1133 to LB285 makes it a very undoable situation, a doable situation. It's still crunch time. But, Senator Lathrop, I guess the deadline for me really would have been May 30th, but the census decided that for us. So we are in line and following what the Secretary of State's Office has put together. September 30th will work for us. We have a team put together, but we are completely hamstrung to let our voters know where they will have to vote in 2022 until the Legislature does its work. Hall County has three different legislative districts, basically has a donut hole right out of the center of Grand Island, and I am not able to determine the new polling sites that I need to add in until the Legislature does its work. Thank you.

M. HANSEN: Thank you, Ms. Overstreet. Questions? Seeing none, thank you for your testimony. Any other proponents? Seeing none. Anybody opposed? Seeing none, anybody in the neutral capacity?

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, and here today on behalf of the ACLU of Nebraska. Well, there's a lot to unpack from this hearing and without going into a line by line rebuttal on some of this strange testimony and revisionist history that was presented to you to frame

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up this seemingly technical amendment, I wanted to lift up a couple of key points. One, ACLU polled Nebraska voters on what they want to see you do in terms of redistricting this year. And the results were clear across political party, across rural, urban versus rural, versus suburban geographies. They want the process to-- the process and the results to be guided by nonpartisanship, to be data driven, to be participatory, to be transparent and to protect the rights of voters of color. Those were clear, strong, fresh polling results that we've put in your inboxes. And we'd be happy to connect you with the pollsters if you have additional questions. Keeping that in mind, I think it's really important that we get this right and we can be liberated by the data when it comes out. It doesn't need to break down into partisan shenanigans and backroom deals and an acrimonious process. The data will provide clear results and answers to put forward a fair process. And redistricting matters not just because of partisan advantage, but it's critical to ensuring faith in our democracy. It's critical to ensuring fair elections. And fair elections are critical to ensuring good policy on everything that impacts Nebraska family and voters, from taxes to schools to natural resources to economic development, the list goes on and on and on. And we only get a chance to do it every 10 years. And there were some unique considerations this year due to an unprecedented pandemic and a host of other partisan shenanigans that were part of the past administration that delayed efforts as well. Nevertheless, we have to come together and do the best we can, but we also have to get it right and we shouldn't rush and we shouldn't be jammed by arbitrary deadlines. There are other states that are actually hosting off-year elections right now that are in a far more precarious position than Nebraska. So I think it's really important that you think about how redistricting is going to play out as well. In terms of participation, your processes require that you go out into the field in a more robust way than you do with any other matter that comes before this body. So having a very compressed schedule is going to make it very challenging for Nebraska voters to weigh in on this process, which they have a right to do. And I appreciate the technical concerns that our hard working election officials brought forward because their work is incredibly important and they do their job incredibly well, but we can't put the cart before the horse. We've got to get the data. We have to have a fair and participatory process that is transparent and that it's not rushed. I'd also ask you to think very carefully about

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the specifics in this amendment as Senator Lathrop mentioned. I think during our time together we had three or four Special Sessions, so we got a little extra service in in our time together. But think about who sets the call for that Special Session. Is the Legislature going to be calling itself in? Is the Governor going to be calling that? And the call itself will really set the parameters for what you're able to do. Now, of course, that-- that may be changed throughout the Special Session, but think very carefully about that before you commit yourself to some of these specifics which may hinder a thoughtful process. So thank you so much. Happy to answer any questions.

M. HANSEN: Thank you, Ms. Conrad. Senator Hunt.

HUNT: Thank you, Vice Chair Hansen. Hi, Danielle.

DANIELLE CONRAD: Hello. Hi.

HUNT: In your time as a state senator, were you here for redistricting?

DANIELLE CONRAD: I was and I served on the Redistricting Committee. So congratulations to our friends who have been selected for that. It's really special assignment.

HUNT: Well, you've gone through this, do you think it makes sense, in your opinion, for the Special Session to do the redistricting work to happen before we could even get the census data on September 30th?

DANIELLE CONRAD: Yeah, that--

HUNT: The timeline is very tight, but what's your opinion about that?

DANIELLE CONRAD: Yeah, that's a good question. I think, again, a lot of states are struggling with this, right, so there's pretty clear, I think, consensus that the Census Bureau will be able to provide what they call legacy data for states probably in August. Now, that's not readily available like the traditional data that we would get for redistricting, it will need to be worked a little bit through vendors or through software or through process. So it's unclear whether or not that really will give much of a head start to states or not, maybe a week or two at best. But it seems like what the Census Bureau has said is that by the end of September they will provide the official results

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to everybody. So it seems incredibly challenging to complete all of this work by the end of September when you won't even get the official data by the end of September. So, I-- I think it's-- it's better to be prudent and to be thoughtful about how this process plays out, because we need-- we need to really have a common set of data available to make and guide these decisions. The legacy data itself, I don't think is problematic by any means. And it may, like I said, give a little jumpstart to the process, but it's not going to be a huge jump start and it's not going to be dispositive.

HUNT: Thank you.

DANIELLE CONRAD: Yeah.

M. HANSEN: Thank you, Senator Hunt. Any other questions? All right, seeing-- oh, Senator McCollister.

McCOLLISTER: Yes, thank you, Senator Hansen. What software should the state purchase or interpret the legacy material?

DANIELLE CONRAD: Well, and to be clear, Senator McCollister, I am probably the least tech savvy person that's in this room today, but my understanding is that the state has already purchased the software and hardware available for redistricting. I think that purchase may have even predated when the Legislative Research director turned over. So I think that may have been made like in December or January. It seems to be a pretty standard purchase in line with-- with most-- with what most other states are using. So I don't think that there is any red flags in terms of the hardware or software that the states purchased this year.

McCOLLISTER: Will the Secretary of State use that same software?

DANIELLE CONRAD: I'm-- I can't answer that. I'm sorry, I just don't know what-- what software they use in their-- in their work. But I do know that there is portals available for you all and for the legislative branch. And then there's also a public portal available for any and all stakeholders that want to engage with that data and draw maps for consideration.

McCOLLISTER: Thank you.

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DANIELLE CONRAD: Um-hum.

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

DANIELLE CONRAD: Thank you so much.

M. HANSEN: Thank you for your testimony. Just to double-check, any other neutral testimony? All right, with that we'll invite Chairman Brewer up, and while he's coming up, we did have two position letters, both in support and we had one written testimony, a proponent from Greg Adams representing the Nebraska Community College Association. With that--

BREWER: OK, for the Government Committee, obviously, we're not going to Exec because we need to be up on the floor in about four minutes. So real quick, run through some issues so that we're all in the same chair of music. As far as the Kilimanjaro trip, just so that came in the conversation, that has been moved into mid-November. So there is not a conflict on anything we're doing here. I understand that the legacy data I'm being told is going to be this exact same data. So that's why we're trying to get a jumpstart. The mapping folks need two weeks. So we look at mid-August, that gets us to the last week of August. Then as soon as we can come together as a committee, we meet and work through to get an end product, then there will probably be a cooling off period of-- of a bit. And then we roll in the Special Session. So the Special Session will-- will be in September unless there are some other big change that comes or we don't get the data. And so hopefully if we can get an earlier-- earliest start as possible in September, we can have a solution from the Legislature before we run up against deadlines. But all of this is, you know, depend on a lot of things coming together. The questions that Senator Lathrop asked, I think, are exactly the ones we need to have clarification on so that we understand that we've done the right thing. We've done it in a way so we don't shoot ourselves in the foot, that we have a path ahead. So we'll try and get together with Secretary of State offline and get some answers and then get that to the committee so they see that also. And I'm open for any other questions before we lose all of our time.

M. HANSEN: Yeah, of course. Any other questions?

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BREWER: And I'll get a memo out to you when we reset to do the Exec Committee. It's just-- it's not fair to the Speaker if we stay.

M. HANSEN: Absolutely. All right. Thank you, Chairman Brewer, for your testimony. That will close our hearing for the day.

BREWER: Thank you.