

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**SANDERS:** We're going to go ahead and get started. I hate using the gavel so I think we can all hear each other. Welcome to the Government, Military and Veterans Affairs Committee. I am Rita Sanders. I represent District 45. I am the Vice Chair. Senator Brewer will hope to make it in later this afternoon. The committee will take up the 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. The committee members might come and go during the hearing. This is part of the process and we have bills to introduce in other hearing rooms and committees. I ask you to abide by the following procedures to better facilitate the proceed-- proceedings. Please turn off your cell phones or electronic devices. Please move to the reserved seats in the front when you want to testify so we can keep the order moving. And I think in the past, we've done these chairs right here. If you're sitting in one of these chairs, you're next up. So just keep moving forward if you would. Introduce-- introducers will make-- or the senators will make initial statements followed by proponents, opponents and neutral testimony and closing remarks are reserved for the introducing senator only. If you are planning to testify, please pick up one of the green sheets and be sure you fill that out at the-- and bring it to the table before you testify. Please print so we can read the form and complete the form is-- in its entirety. When it is your turn to testify, give the green sheet to the page or the clerk for public record. If you do not wish to testify today, but you would like to record that your name, your, your name as being present at the hearing, there is a separate white sheet on the tables in the back of the room that you can sign for that purpose. This will be part of the official record of the hearing today. If you have any handouts, make sure you have ten copies and give them to the page when you come up to testify and they will distribute to the committee, 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 then please spell your first and last name for the record. We will be using a light system for all the testifiers. It will be a five-minute available-- five-minute time will be available. When you get to four minutes, you'll see a yellow light so you'll have a minute to wrap up your statement. No displays of support or opposition to a bill, vocal or otherwise, are allowed in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 22, 2023

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

the public hearing. Now we introduce the committee members that will introduce themselves starting on my far right.

**CONRAD:** Hi. Good afternoon. Danielle Conrad, north Lincoln's Fighting 46th.

**RAYBOULD:** Good afternoon, everyone. I'm Jane Raybould, Legislative District 28, which is really the heart of the city of Lincoln.

**AGUILAR:** Hi. I'm Ray Aguilar, District 35, Grand Island.

**LOWE:** John Lowe, District 37: Shelton, Gibbon, and Kearney.

**HALLORAN:** Steve Halloran, District 33, which is Adams, Phelps and Kearney County. And we're known as the calm and collected 33.

**HUNT:** I'm Megan Hunt and I represent District 8 in the northern part of midtown Omaha.

**SANDERS:** Thank you. To my left is Dick Clark. He is our attorney and committee clerk, Julie Condon, on my far left. And we have pages. I believe there's two of them. If you could please stand and introduce yourselves.

**AUDREY FLAKUS:** Hi. I'm Audrey Flakus. I'm a junior studying political science and criminal justice at the University of Nebraska-Lincoln.

**LOGAN WALSH:** Hi. I'm Logan Walsh. I'm from Denver. I'm a freshman studying international business at UNL.

**SANDERS:** Thank you. And now we'll move on to our first item on the agenda, LB53. Welcome, Senator McKinney.

**McKINNEY:** Thank you. Good afternoon, members of the Government, Military and Veteran Affairs Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the Legislature, which is north Omaha, and I come today to discuss LB53, which, which acknowledges El-Hajj Malik El-Shabazz, also known as Malcolm X, as a human, human rights leader, advocate and pursuer of freedom, justice and equality and recognizes his sacrifices and contributions to society in observation of his birthday, May 19, as a holiday. And just kind of before I go further, just yesterday was the anniversary of his death. And I think it's really important to note

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

that, you know, that didn't happen too long ago and it's still real. His daughters are still alive and they still share that pain today and still try to celebrate with the community to try to honor their father's legacy and keep it going forward and his mother's contributions. When I look at all, all of the holidays and what constitutes a holiday, I am left pondering why there isn't a holiday in observance of Malcolm X's legacy and contribution to society, the most famous, most famous Nebraskan in the world. So what constitutes a holiday? From my understanding, they're about honor. They're about recognition, education. But overall, they're a way for people to celebrate or commemorate a tradition or event of cultural or religious significance. So with that being the case, why isn't Malcolm X's legacy celebrated? Malcolm X will always be a prominent figure in black and African American history and Muslim-American history. His teachings still resonate today and have inspired positive growth and inclusive change in the U.S. Many don't like to mention Malcolm or care to acknowledge him, but have no problem celebrating holidays for men that spread diseases and killed many of our native brothers and sisters. We still see the impact of those atrocities today. And although Dr. King's legacy has been whitewashed in many ways, it's important to note that MLK was an esteemed revolutionary just like Malcolm X, yet Malcolm is viewed through a prism that has led to misconceptions of him. Oppressed communities know all too well that we are typically only praised when we engage in activism that is palatable and doesn't critique the power structure or white supremacy. Malcolm X fought fearlessly against state-sanctioned violence, imperialism and white supremacy, but many misconceptions about him and his goals remain. To the general American public, he's seen as an opposing force to the peaceful, nonviolent philosophy of Dr. King in the struggle for civil rights against white supremacy. It is known that Malcolm rejected the peaceful methods Martin Luther King was fighting for were-- they differed in opinion and I try not to compare the two. I think both were needed for the time and we needed both of them and I'm-- and I don't like to compare both of them. You know, Dr. King was a nonviolent fighter and, and Malcolm just all he said was, if you hit me, I'm going to defend myself. It was more about self-defense. You won't find anything in history related to Malcolm that dealt with violence. Although he said, I will protect myself and my family and my community, it's been translated as he was a violent person and that's not the case. His approach to black empowerment was by any means necessary and that was objectionable to many. This

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

malicious perception of him and his uncompromising stances most likely aided in him not getting his due throughout history. What many fail to realize is that Malcolm's ideologies drew parallels with America's history in regards to revolution and what it takes to obtain it. Malcolm is one of the most fundamental-- fundamentally misunderstood people in American history. Perhaps the stigma surrounding him would be extinguished if his achievements and contributions were recognized and we were educated about them in totality. According to the New York Times in 1963, Malcolm was one of the most sought-after speakers in the U.S. He formed a Muslim Mosque, Inc. and the Organization of Afro-American Unity and led the 1963 unity rally in Harlem, which turned out to be one of the largest civil rights events in the U.S. history. His 1965 speech, "The Ballad of the Bullet," was ranked the seventh-best speech in America-- one of the seven best speeches in American history. Aside from the catchy title, this speech was an attempt to educate black Americans on the importance of political literacy, consciousness and a maturity so that African Americans could have the knowledge of who to cast their votes for and also to gain awareness of the power of their vote in influencing election results. Political independence was a central aim of his. His list of achievements, achievements are long, but he was a deeply passionate individual about fighting for change in our, in our country. He is a Nebraskan. He was recently placed into the Nebraska Hall of Fame. The bust will probably, I think, in 2024 be placed upstairs, which is something also to think about as well. And overall, I just think when we talk about history, we have to talk about history in its purest form and just be honest about it. The more we don't talk about history and educate our kids and our families about men like Malcolm, we miss an opportunity to change the world for the better going forward. I don't think we would have a lot of the conversations we are having this year and years prior if we intentionally taught history in its purest form. And it's not to demonize or make people feel guilty, it's just to be honest to make society a better place. And I think it's truly important that us, as Nebraskans, we honor a Nebraskan for his contributions and legacy to our country and to our state to make the world better. And I open up myself to any questions. Thank you.

**SANDERS:** Thank you, Senator McKinney. Any questions? Senator Hunt.

**HUNT:** Thank you, Vice Chair Sanders. Thank you, Senator McKinney, for introducing this bill. Have you introduced this bill in the past?

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**McKINNEY:** Yes. Yeah, I introduced it my first session.

**HUNT:** Yeah. Can you speak to the record-- so I agree that Malcolm X is probably the most world-famous Nebraskan ever. Can you speak to the record about why he left Nebraska?

**McKINNEY:** He left Nebraska as a child because his, his, his father and his mother were dealing with a lot of issues with the Klan and individuals that didn't like that his father-- what, what he was preaching and what he was saying and what he was standing for. So his family was forced out of, out of the state not because they wanted to move, but it was more forced. And he was a kid and that's why he left. And it's home, but it has a horrible history of it being home for him and his family. And the location of where their home is currently is where the Malcolm X Memorial Foundation is located.

**HUNT:** Right. I, I hope this bill comes to the floor for full debate because I do think that it's sort of righting an oversight on the part of leaders of our state who venerate all kinds of revolutionaries and fighters and heroes who have one thing different from Malcolm X, which is the color of their skin. And I think that if Malcolm X had been white, you know, he would probably be, be up there as, like, one of the revolutionary civil rights heroes. One-- I'd just say one more thing and then I'm finished. But one, one of my biggest, like, guiding quotes or mottos or something is something that he said about reparations and progress. And this is a famous quote so no one's going to be, like, learning something new here, but-- and I'm not going to say it verbatim, obviously, but it's the quote about when someone sticks a knife in your back nine inches and pulls it out six inches, that's not progress.

**McKINNEY:** Progress.

**HUNT:** Yeah, progress is healing the wound--

**McKINNEY:** Yeah.

**HUNT:** --and they won't even admit that there's a knife in your back in the first place.

**McKINNEY:** Exactly.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**HUNT:** And that's what I think about all the time in this work that we do is not just healing the wound, but recognizing the knife. And so I think this would be a substantive thing for us to do in this Legislature and I thank you for reintroducing this bill.

**McKINNEY:** Thank you.

**SANDERS:** Any other questions? Senator Raybould.

**RAYBOULD:** Thank you, Senator McKinney, for coming forward today and introducing this. You know, I served on the Lincoln City Council and we had to work really hard to get Indigenous Peoples Day recognized. And I don't know, has the city of Omaha made progress and have recognized Malcolm X for his contribution, or is this something else in the works or--

**McKINNEY:** I don't think nobody has properly honored Malcolm-- his legacy, whether it's the state or the city of Omaha. And that's a, that's a shame because I think, you know, we also-- when we have discussions about the prisons, you know, Malcolm's story is a, is a story for me of perseverance and no matter what, working to become a better person, no matter the circumstance. And I think him being who he is and where he started from is a great example for the men and women inside of our state prisons that-- and I think because we don't honor him, we miss an opportunity to provide that, that vision or that sense of hope that you can start here, but you can also end up here if you work for it and, and it's possible.

**RAYBOULD:** OK. Thank you.

**McKINNEY:** Thank you.

**SANDERS:** Thank you. Are there others? Senator Aguilar.

**AGUILAR:** Thank you. Senator McKinney, Malcolm X was from Omaha, correct?

**McKINNEY:** Yes.

**AGUILAR:** Does he still have family there?

**McKINNEY:** Not currently.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**AGUILAR:** Oh. I was just curious.

**McKINNEY:** Yep.

**AGUILAR:** Thank you.

**McKINNEY:** No problem.

**SANDERS:** Any other questions? Seeing none, thank you. You will stay for closing?

**McKINNEY:** Yes.

**SANDERS:** Thank you.

**McKINNEY:** Thanks.

**SANDERS:** OK. I do need to ask because there are-- there's bad weather out there. If anyone traveled a long distance, we give you the courtesy to be able to speak first. So are there any of you that would like to get home before the freezing rain? Are there any? Please come forward.

\_\_\_\_\_ : How far are you talking about?

**SANDERS:** Outside of Lincoln. Welcome to the Government, Military and Veterans Affairs.

**JOANNA LeFLORE-EJIKE:** Good afternoon and thank you for offering for me to go first. Greetings to the committee. My name is Joanna LeFlore-Ejike, J-o-a-n-n-a L-e-F-l-o-r-e-E-j-i-k-e. I'm the executive director of the Malcolm X Memorial Foundation, which was just mentioned by Senator Terrell McKinney. And we are based at the historical landmark of the birth site of Malcolm X, better known as and born as Malcolm Little. It's in Omaha, Nebraska, at 3448 Pinkney Street and he was assassinated yesterday, but he was born on May 19, 1925. Today, I'm urging you to advance LB53 into General File because its impact could be monumental in-- on the state of Nebraska and future generations. One of our main objectives at the Malcolm X Foundation is to ensure that the legacy of Malcolm X is recognized by citizens abroad. Our organization is also focused on preserving the human rights legacy of Malcolm X while prioritizing self-determination and self-reliance through radical movement building. It was founded by

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

Rowena Moore in 1971, who actually created space to celebrate Malcolm's life on a citywide scale. In 1989, the city of Omaha, Mayor Calinger at the time, proclaimed a Malcolm X week for Malcolm's birthday. Additionally, the state of Nebraska Legislature has previously recognized Malcolm X's birthday also with LR325, also presented by Senator McKinney. If it were not for the efforts of Rowena Moore and many other local leaders, I would not know who Malcolm X was. I came to know of him when I was 12 years old and being educated by community members who represent the organization that I now work for. I heard stories about how Malcolm was celebrated in the late '60s and early '70s in the city of Omaha. And as I, as I grew, it did not take long for me to understand the value of Malcolm's contribution, not only to my own culture, but the rest of the world. My mother also had a copy of The Autobiography of Malcolm X on her bookshelf, which I grabbed and I read fully in high school and my father spoke of him regularly, quoting his speeches and impact on his own life. I learned at an early age the value of true leadership, especially for the people whose voices often got ignored. I learned that he was willing to transform while constantly being under scrutinizing judgment of the media. But it is not his fame that causes me excitement. However, it was his willingness to be on the front lines, giving citizens the language and tools to articulate racial and economic inequities. So if more young people will learn about Malcolm sooner than I did, we could encourage future generations to become citizens who are stronger, more resilient and excited about their cultural origins. There would be more motivated youth willing to grow from their experiences, transform and be more insightful about their contributions to the world. Think about the impact not only at a statewide level, but on a national and international scale. In view of the recent Malcolm X induction into the Nebraska Hall of Fame, I believe that declaring his birthday an official holiday will continue to foster future such collaborative endeavors. I encourage you especially to consider not only the moral impacts of celebrating his legacy, but also the opportunity for attracting more international travelers to visit Nebraska. The holiday will provide the leverage for increased tourism and as it was mentioned earlier, the Malcolm X Foundation preserves 17 acres that surround the birth site of his home so the-- we could handle the traffic. But again, that is my testimony and I strongly encourage you to consider advancing LB out of committee and into General File. Thank you for your time.



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**SANDERS:** Thank you. Thank you for your testimony. Let me see if there's any questions. Seeing none--

**JOANNA LeFLORE-EJIKE:** Thank you.

**SANDERS:** --thank you and travel safe.

**JOANNA LeFLORE-EJIKE:** Thanks.

**SANDERS:** Welcome.

**SCHMEEKA SIMPSON:** Hi. Thank you. Hello. My name is Schmeeka Simpson. Do I need to, like, spell it out?

**SANDERS:** Um-hum, um-hum.

**SCHMEEKA SIMPSON:** Yeah. OK. S-c-h-m-e-e-k-a, last name is S-i-m-p-s-o-n. I am a resident of Omaha, Nebraska, and I am the director of tours for the Malcolm X Memorial Foundation. Locally in Omaha, we have celebrated Malcolm X since 1968 with the blessing of even local political leaders such as Omaha Mayor Gene Lahey in 1971 proclaiming Malcolm X week. Governor Kay Orr also publicly showed her support for the celebration of Malcolm X's birthday. But the significance of Malcolm X doesn't just impact Omaha or Nebraska. His birthplace here in Nebraska brings global, intranational and international tourism that generates revenue for not only the city, city of Omaha, but Nebraska, and also encourages interest in those to visit Nebraska. I actually don't know any other place in Nebraska that brings more international visitors than the Malcolm X Memorial Foundation. I've gotten-- I have given many tours to people from diverse places such as Ireland, Asia, Africa, Afghanistan, Pakistan, even the Ukraine. And many of those people expressed disbelief and disappointment in the lack of presence, celebration or any kind of honorariums on behalf of the global icon, Malcolm X, right here in his hometown. I really feel that Nebraska is missing out on many opportunities by not acknowledging Malcolm or establishing a day in his honor. In 1990, a corporate challenge was actually given to encourage nationwide pilgrimages to Omaha to honor Malcolm and those included businesses, including the city of Omaha, ConAgra, Lozier, Mutual of Omaha and several other companies. Imagine the kind of revenue that could have continued to be brought into the city if those kind of efforts had also continued. Not only bringing in the revenue

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

but also awareness to Nebraska benefits us as Nebraskans. If we actually band together and honor and celebrate Malcolm X as the rest of the world has done with many Malcolm X avenues, boulevards, school streets and holidays and if we invested and included Malcolm X instead of what our previous policy had been, which was running him out of Omaha under threat of death as a child or excluding him, as been our policy, I think we would benefit Nebraskans more. Many of those people that come from out of town and out of the country express disbelief and disappointment in the lack of presence and celebration here. That really has to change if we want Nebraska to be included in the 21st century of those that see each other and as equal. The irony, though, for me is that if Nebraska's state's-- state-sanctioned racism had not ran out the Little family, Malcolm X may have just grown up here as Malcolm Little. He may not have been the global icon that he grew to be. Nebraska started the string of tragedies that created Malcolm X. I really feel that it is our right, our duty and our responsibility to honor Malcolm, El-Hajj Malik El-Shabazz. But instead of viewing it or creating a day in his honor as a burden, we should joyfully apply justice, we should carefully educate and we should invite the world to come celebrate Malcolm with us, starting right here with Omaha, Nebraska. Not only celebrate Malcolm with us with their presence and their love for a man that impacted the world and still impacts many of us with his courage and capacity to grow and change, but also, of course, celebrate with the bottom line and that is their dollars. I encourage this Legislature to not only establish Malcolm X Day, but to partner with the Malcolm X Foundation as well as the Shabazz family to maximize the fact that a worldwide icon was born from the seeds of Nebraska soil. Thank you.

**SANDERS:** Thank you for your testimony. Wait, let me check to see if there are any questions for you.

**SCHMEEKA SIMPSON:** Oh, sorry about that.

**SANDERS:** Are there any questions?

**CONRAD:** I just--

**SANDERS:** Here we go.

**CONRAD:** Thank you--

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**SCHMEEKA SIMPSON:** Senator Conrad.

**CONRAD:** --Vice Chair Sanders. Good to see you, friend.

**SCHMEEKA SIMPSON:** Thank you, Senator.

**CONRAD:** Just really more of a comment. Just wanted to congratulate you and so many other leaders for your years-long campaign in the Hall of Fame effort and it's good to see that come to fruition finally. And I know it was a very long, arduous and difficult battle to ensure that recognition in that regard. And it just strikes me as perhaps the time is right to revisit this question in wake of that recent state recognition as well. So thank you for your hard work and congratulations on, on that milestone.

**SCHMEEKA SIMPSON:** Thank you, Senator Conrad.

**SANDERS:** Thank you. Thank you for your testimony.

**SCHMEEKA SIMPSON:** Thank you.

**SANDERS:** Welcome to the Government Committee.

**PRESTON LOVE JR.:** Thank you very much. My name is Preston Love Jr., P-r-e-s-t-o-n. How many of you don't know how to spell Love?

**SANDERS:** We still need it for the record.

**PRESTON LOVE JR.:** Yeah, L-o-v-e.

**SANDERS:** Thank you.

**PRESTON LOVE JR.:** I surely feel it's an honor to be able to testify on this piece of potential legislation. Many times, I'm for and against legislation, but not necessarily feeling that it's an honor. I surely want you to know that I and all I represent in north Omaha affirm everything that you've heard so far as testimony. I add my little short asterisk to the subject. I am a university professor in black studies. I am a historian, if you will. I, uniquely in this room, lived a life almost along the way with the evolution of what became Malcolm X. I have a historian's perspective. May I say that as a historian you will find that people of great statue at some point of time does not come while they are living and after their death. It

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

sometimes takes generations for the reflection to realize the greatness of an individual. May I remind you that the great Martin Luther King had enemies in and out of the white community and in and out of the black community. He was not honored as a great man until generations. The time has come for Malcolm, for your reflection on Malcolm X and that he take his proper place. Did you realize that as you sit here as a committee, that this is the only state in the United States that can honor its homeboy, Malcolm X, and honor him with a day? This is the only state in the United States. You have that awesome responsibility. And I ask that you let the reflection of his life drive your decision and the legislative decision on how you proceed. I would add that the process that brought him the honor of being part of the Nebraska Hall of Fame is a process that maybe this committee could learn from because lots was said, pro and con. But when that was all said and done, the Nebraska Hall of Fame felt that the time had come for Malcolm X to be recognized. And I think if I could say humbly as the old man in the room, the time has come for Malcolm to be recognized by his home state. And guess what? When we do that, you're going to be surprised that the honors that you will receive for having stepped up to the plate because he is renowned internationally, as been said, surely nationally. And guess what? As I travel the rural parts of this state, he's renowned by more than you think he is. Malcolm X has reached his point of history where his recognition is due. And this is one major piece that we can do together and I hope that you will have the wisdom to see it for what it is. Thank you so much.

**SANDERS:** Thank you. Let me check to see if there are any questions from senators.

**PRESTON LOVE JR.:** Absolutely. And by the way, I've traveled all the way here from Omaha, but I'm going to be here for three more hearings, so, you know, I can stay all day long, so. Yes, Senator.

**SANDERS:** We appreciate that. Senator Halloran.

**HALLORAN:** Thank you, Chairperson Sanders. We can put you up if you need.

**PRESTON LOVE JR.:** That's what you said the last time I was here. No--

**HALLORAN:** Would it be nice?

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**PRESTON LOVE JR.:** --no, I'm kidding.

**HALLORAN:** I know it's out of character for me but, but I try to be nice. So I'm going to ask you a question and it's a sincere question, OK? There's no doubt in my mind, no question in my mind that both Martin Luther King and Malcolm X played a prominent role in civil rights and making changes that needed to be changed. You would agree with that? Both of them did, right? So my question is-- well, let me phrase it a little further. We have certain days that we celebrate in this country that honors multiple people. Presidents' Day we just celebrated recently. Now, some of those presidents we liked, some of those presidents we didn't like, but we honor them for the role they played--

**PRESTON LOVE JR.:** Yes.

**HALLORAN:** --as being the leader of the country. And it honored many-- multiple people in that, in that respect of having a day named for Presidents' Day. So acknowledging that both of these men, Malcolm X and Martin Luther King, played a significant, prominent role in civil rights, what would you say to the suggestion of having a civil rights leader day?

**PRESTON LOVE JR.:** Well, you know, it's a little profound to respond to that. Actually, in reality, Malcolm espoused human rights as much as civil rights. It probably waters down the message that he tried to portray because his point was more that civil rights had its place and he was pro, but the human rights was the bigger issue. But I do think that maybe in another state that might be a smart approach for civil rights day. But in Nebraska, you have someone who was born here that played a pivotal part in that era, the era where-- after the reconstruction period and the onset of Jim Crow, there was the response of what was called and we call the civil rights era. And that era changed America and there were only a few that rise to the top as a national piece of that. Martin Luther King is one, but Malcolm is another. But only one of them was born and born in Nebraska. We, we have somewhat of a cosmic and divine responsibility to recognize him as a state and say, hey, we want to give him a day. Like we said, with the Hall of Fame, let's put him in the Hall of Fame.

**HALLORAN:** OK. Maybe I should rephrase the, the name of the day to civil and human rights leaders day.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**PRESTON LOVE JR.:** No, let's make it Malcolm X.

**HALLORAN:** Just throwing it out there.

**SANDERS:** Thank you, Senator Halloran. Senator Lowe.

**LOWE:** Thank you, Vice Chair, and thank you, Mr. Love, for being here today and bearing the weather outside. The-- I was just trying to look up on Google Maps, is there a street-- a Malcolm X Street in north Omaha?

**PRESTON LOVE JR.:** Yes. And I'm going to defer to Joanna if she's still here to the exact address. I believe it was 3448 Pinkney, but I might be wrong on the-- is it-- am I correct?

\_\_\_\_\_ : Yes.

**PRESTON LOVE JR.:** Oh, my God. I still got it. But yes and that, if you want to put that in context, is in the heart of north Omaha. That was not the heart of north Omaha at the point of his birth, but it has been memorialized by the Malcolm X Foundation and it all fits together nicely if this day will be bestowed on him because there now is a place that people can steady up, but also a foundation. And I-- may I put in a plug for the foundation? There is a vision to build a complex there under his name. And I would say someone mentioned about tourism and visitors that this-- if that were to happen, it would rival the King Center as it relates to a place of venue of choice for people to come in from all over the world to honor Malcolm. And when they get here, they will be honored that he is in the Hall of Fame and honored that he has a day named after him. Now, if you want to argue, I'm going to say let's make it a week. Yeah. OK, but never mind. Yeah.

**SANDERS:** Thank you, Senator Lowe. Senator Halloran.

**HALLORAN:** Thank you, Chairperson Sanders. Dr. Love, here's one more suggestion. In Washington State, they dedicated-- renamed the county in Washington state, his home county where he was initially born. It was-- it went from-- I don't know what the original county was. I don't have that here, but they renamed it to King County. So maybe we should talk to Douglas County, city council and talk about maybe renaming Douglas County Malcolm X County.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**PRESTON LOVE JR.:** Well, after we get this day named, I'm going to be back testifying on that.

**SANDERS:** Are there any other questions for Dr. Love? Senator Conrad.

**CONRAD:** Thank you. Good to see you again, Mr. Love. You know, as you were sharing some thoughts and ideas in your advocacy, it also occurred to me to maybe help try and connect the dots on some other issues before the Legislature this year. And I don't know if it caught your attention in the headlines recently, but Governor Pillen has included, I think it was a \$20 or \$25 million investment in marketing and tourism campaign to bring people to Nebraska and to talk about the, you know, many treasures we have in this great state. So perhaps I'm wondering if maybe we can work with Senator McKinney in regards to not only this issue, but perhaps some earmarks or dedication in regards to some of those investments to help bolster the tourism around Nebraska's contribution to black history, civil rights, human rights and, of course, the roads leading to the, the Malcolm X Center through those, those conversations as well.

**PRESTON LOVE JR.:** That's an excellent idea. May I mention that I came early today because I had a meeting with the Governor at 10 a.m. today and we had a grand meeting. I didn't think it was going to be grand. I think the Governor and I and Pastor Williams who's with me opened up a, a respectful and area of dialogue that we could talk about and propose things straightforwardly and trustworthy. And I-- so I think the door is open for just that and so it's a good idea.

**CONRAD:** Very good. Thank you.

**SANDERS:** Very good. Thank you, Senator Conrad. Are there any other questions? Seeing none, thank you for your testimony.

**PRESTON LOVE JR.:** Thank you. I'll be back.

**SANDERS:** OK, see you in a little bit. Are there other proponents on this bill? Welcome.

**GWEN EASTER:** My name is Gwen Easter, G-w-e-n E-a-s-t-e-r. You want my address?

**SANDERS:** Nope.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**GWEN EASTER:** Oh, OK. I'm one of the 14 commissioners of the African American Commission so I want to just read my statement. The Nebraska Commission on African American Affairs supports LB53 to recognize May 19 as a state holiday in honor of Malcolm-- the late Malcolm X. Nebraska should be proud to recognize a day to celebrate one of the few international icons from Omaha, Nebraska. Many cities around the United States already do so in many ways. It seems obvious that a world-renowned leader of the African American civil rights movement and an icon figure for, for, for, for black people seeking empowerment should be honored by his birth city and state. We must strive to get past the struggle to acknowledge our racism and challenge the notion that the, notion that the recognition of the accomplishments and contributions of black American-- Americans is critical race theory and there should be a place-- replaced and avoided. The notion cannot be further from the truth. I'm not in agreement with how critical race theory is being used to bring division, but that has nothing to do with people, black people who have done good things in our communities and they should be recognized. The Nebraska Commission on African American Affairs strongly supports LB53 and would, and would ask that the Nebraska Legislature would be-- also passed the bill to recognize such an important figure in our community, Nebraska-- and Nebraska's history. All history; the good, the bad and the ugly. We should recognize and teach so that we don't make the same mistakes.

**SANDERS:** Thank you. Wait, hold on. There might be some questions. Are there any questions? I see none. Thank you for your testimony. Good afternoon.

**MARY MULLEN:** Good afternoon. My name is Mary Mullen, M-a-r-y M-u-l-l-e-n, and I'm very excited to get to talk to you about my lifelong hero, Malcolm X. I think that more kids should have him as their personal hero. And if we have a day celebrating him and honoring him, then people from Omaha to Kearney to Scottsbluff will have an entry point to find out who he is and learn more about him. I first became aware of Malcolm X, I first became aware of Malcolm X my freshman year at Omaha Central High School. I came home after reading his autobiography over several lunch periods and told my parents that my life had changed and I was so proud that Malcolm X was born in my hometown and they didn't really understand at first why. Being young people when he died, they were only aware of the Malcolm X that they had read about in white media in the 1960s and hadn't thought about him much ever since. And my dad went so far as to wonder and ask me,



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

well, didn't he hate white people? And then he went so far as to ask me, well, wouldn't you hate me if he had met me because I'm white? And I was really confused by their questions. I told them that I had learned about a great man who kept evolving throughout his life, from a kid who had to flee racism in Nebraska to a young man who had to fend for himself in the inner city of Detroit to a man who found a connection to God in prison. To a civil rights activist, to a loving father, to a brilliant evangelist for love and mercy. So when I thought about Malcolm X, the word "hate" didn't ever cross my mind. His life story has something that anyone can identify with and learn from across the state of Nebraska: struggle, redemption, bravery, pride and wisdom. Yes, Malcolm X has been inducted into Nebraska's Hall of Fame and will soon have a bust that people can visit. But making Malcolm X's birthday a state holiday will allow more people to fully understand this hero of a man. This will allow for some people to release themselves from preconceived notions about him. This will allow others to embrace this champion of civil rights as their own, a fellow Nebraskan. And this will allow people from other states to see that Nebraskans recognize and celebrate this important historical figure and his legacy. I ask you to consider doing something bold and brave like Malcolm X himself. Create El-Hajj Malik El-Shabazz, Malcolm X Day and establish a holiday in the state of Nebraska and give us all something to celebrate collectively. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions? Seeing none, thank you. Are there any other proponents? Welcome.

**KIMARA SNIPES:** Thank you, Vice Chair Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Kimara Snipes, K-i-m-a-r-a S-n-i-p-e-s. You may remember, a couple of weeks ago like Wesley, only way cuter. And I am the director of equity and community partnerships for the Nebraska Civic Engagement Table. I have also served on Omaha Public Schools Board and I'm also the creator of Teen Talk About, a literacy-based program for young people focused on trauma. The Nebraska table is a member organization serving around 70 other nonpartisan, nonprofit organizations across the state. Our mission is to ensure every community across the state has the opportunity to have a seat at the table and be involved in the policy decisions that affect their lives. We come here today to encourage you to support LB53 and recognize the impact of El-Hajj Malik El-Shabazz, also known as Malcolm X, and what he represents to all who want to make their community a better place. By encouraging Nebraskans,

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

especially young people, to learn about Malcolm X and his contributions, we connect the lessons of history with our current reality. We should be taking every opportunity to show young people the impact that they can have if they work to better their communities. Malcolm X was not a perfect figure. I have not always been and neither are many of the historical figures that we honor with holidays and discuss in schools. Creating a Malcolm X holiday is a way for everyone to learn more about this important historical figure and the impact he had on our state and our nation. Malcolm X was recently inducted into the Nebraska Hall of Fame and he has been honored with buildings and schools in many other states. It is important that his home state of Nebraska does more to acknowledge his work and influence. Malcolm X is a figure who came from the same place and background as so many students in Nebraska and right now, there are so few opportunities for those students, particularly students who look like me, to celebrate and learn about someone that came from the same place and looks like them. Representation in political and history education is important to get kids to understand all that they can do and all the change that they can make. Making space in the school year to discuss Malcolm X will set up important conversations that can pave the way for future civic participation and I would know. I was a junior in high school when I learned Malcolm X was from Nebraska and the spark that was created when students of multiple colors including myself at Omaha Bryan organized a whole community of students to start the first African American club at that school. And I have been actively, civically engaged since. We encouraged you to pass LB53 and make Malcolm X Day a holiday. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions? Seeing none, thank you very much. Are there any other proponents? Welcome.

**T. MICHAEL WILLIAMS:** Thank you. Senator Sanders and to the committee, it's good to see you all again. My name is T. Michael, M-i-c-h-a-e-l, Williams, W-i-l-l-i-a-m-s, and I just want to say, in agreement with what you've heard, that creating a holiday for Malcolm X I think would be an awesome example for children and youth. I know in terms of the business year and the number of days that we need to have business, there are challenges, but I think it's worthwhile. I'm not from originally Nebraska. I'm from Albuquerque, New Mexico. I was a freshman at the University of New Mexico and was assigned the "Autobiography of Malcolm X" and required to write a paper, and that profoundly impacted my life. I am currently a pastor at Mt. Moriah

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

Baptist Church. I am the president of the Omaha NAACP. And one of the reasons I'm in leadership is because of the things I learned about Malcolm X and the things that he did, as I wrote that paper back when. When we think about youth and Malcolm X, we've heard a number of awesome words already, but I think about the words transformation, genius, resilience-- excuse me, trying to turn it off-- leadership, inspiration. You think about a person-- I guess I didn't turn it off.

**LOWE:** You are a wanted man.

**T. MICHAEL WILLIAMS:** I think I got it now. And I'll tell you what, may I give this to you? Thank you. When you think about transforming oneself, not just in terms of behavior, but the thinking that impacts behavior from being out on the street and maybe part of a problem too, part of the solution and major part of the solution. That's what we want children to learn to see. When you think about developing one's genius, Malcolm X had the capacity that so many other children today have but don't know that they have it. And when challenged and given the opportunity, that genius came forth. Again, you think about resilience, you think about leadership, the idea of leading that group of folks in New York and, and transforming that organization even more than its founder had. I just think it's important for us to establish for our youth and for our children those things that are going to propel them forward. And certainly learning about this man and having to engage with his life will be beneficial for them. Preston and I are blessed to be able to take teenagers, for the last six years or so, to sites-- civil rights sites around the country. We go to the King Center and there are buses all along the street letting folks off. All these different T-shirts and all these different groups coming to see and to learn about Dr. King. We need to see that on Pinkney Street and having a day in his honor will facilitate that, among other things. So I encourage you to pass this in committee and then to support it on the floor that May 19 would become Malcolm X Day. Thank you very much.

**SANDERS:** Thank you for your testimony. Are there any questions for Mr. Williams? Thank you very much.

**T. MICHAEL WILLIAMS:** Thank you.

**SANDERS:** Are there other proponents? Welcome.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**Y'SHALL DAVIS:** Thank you, ma'am. Hello. My name is Y'Shall Davis, Y'Shall is spelled Y'-S-h-a-l-l, Davis is spelled D-a-v-i-s. And I want to support LB53 and see Malcolm X, also known as El-Hajj Malik El-Shabazz, become a national holiday. I want to say this: if the presidents of the United States deserve a national holiday, Malcolm X, also known as El-Hajj Malik El-Shabazz, deserves a national holiday too. Because I read somewhere that our first president, George Washington, owned more enslaved people than any other enslaver in the history of physical slavery and I've never read anything like that about Malcolm X. I did read that he was a pimp and a hustler before being introduced to the teachings of Islam. After learning that there were errors in his thinking, he changed and he created the best version of himself possible. If any one of us have ever dared to change, we can speak to how complicated that process is. Too many men and women lack the courage and discipline to change and I can't think of anyone, on a historical note, who made such a change and stood on it. Like Malcolm X, I had to change my way of thinking. When the streets of north Omaha led me astray, I was blessed to receive a copy of Malcolm X autobiography and it gave me hope. It spoke to me. It said, Y'Shall, you are a Malcolm X. And I didn't have to go into a penitentiary to discover myself unlike Brother Malcolm did. I want us to establish Malcolm X as a national holiday so his teachings can save lives and keep millions out of prisons. His teachings kept me out of jail and challenged me to get familiar with the dictionary. You'd be amazed how many people need to get familiar with the dictionary. People speak to us all the time and don't know what you're talking about. So it encouraged me to get familiar with the dictionary. His teachings challenged me to be an upright woman. They challenged me to use my voice and to get activated by any means necessary. Now, what his teachings didn't do was teach me to hate. The instructions led me to greet everyone I met in peace without having to say As-Salaam-Alaikum. I don't believe Brother Malcolm X hated certain groups of people. I believe he hated bad behavior. Malcolm X now has a seat in Nebraska's Hall of Fame. Why? Because of folks-- because a lot of folks decided it was time for positive change, folks that look like you and folks that look like me. I think positive change is something worth celebrating. So I don't want to have to say too much more than national holidays, I think they should be big celebrations. And I think with him being granted a national holiday, a lot of, a lot of celebration would take place that day. You know, a lot of transformations would take place that day. There will be a lot of not

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

miseducation, but good education that can come forth that day. So I just wanted to indicate that I do support it fully and ask that you all consider it, support it and move it along so it becomes a reality. Thank you for your time.

**SANDERS:** Thank you.

**Y'SHALL DAVIS:** Yes, ma'am.

**SANDERS:** Thank you for your testimony. Are there any questions? I see none.

**Y'SHALL DAVIS:** All right, thank you.

**SANDERS:** Thank you for your testimony. Thank you. Are there others? Proponent? Welcome.

**MARILYN HOEGEMEYER:** Senator McKinney, members of this committee, I'm Marilyn Hoegemeyer, M-a-r-i-l-y-n H-o-e-g-e-m-e-y-e-r. I live in Omaha now, but I grew up on a farm northwest of Fremont. And while Malcolm X, then Matthew Little, took his first steps on Pinkney at 34th in Omaha, I took my first steps two decades later on this farm in northwest Nebraska. And I really didn't learn anything about Malcolm X until I was at the university in the early 1960s, the University of Nebraska-Lincoln. And his words meant a lot to me. I listened to Martin Luther King Jr. too and, you know, Malcolm X was always considered maybe too radical or too out there or something. But in my view, he was less conciliatory, but maybe more honest and realistic about what really was going on and what needed to change and how people needed to change their hearts in this effort. So I just want to end with some quotes from him that I treasure that I think speak to who he really was and what he really believed. So here are some of the things I love that Malcolm X said. Quote, There is no better teacher than adversity. Every defeat, every heartbreak, every loss contains its own seed, its own lesson on how to improve your performance the next time. Wow, that sounds like my dad, a farmer in northwest Nebraska. He said, I believe in human beings and all-- that all human beings should be respected as such, regardless of their color. Malcolm X said, You're not supposed to be so blind with patriotism that you can't face reality. Wrong is wrong no matter who says it. That sounds like my dad. We need more light about each other, he said. Light creates understanding. Understanding creates love. Love creates

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

patience. And patience creates unity. And couldn't we all use some unity these days? Those are the words of a man who spoke truth, who believed in justice, who took his first steps in Nebraska, but whose abilities, whose footsteps, whose voice continues to speak to this now 78-year-old white Nebraska woman. Thank you.

**SANDERS:** Thank you. Thank you for your testimony. Hold on, let me see if there are any questions. Seeing none, thank you. Are there any other proponents? Welcome.

**DAWAUNE LAMONT HAYES:** Hello. I'm Dawaune Lamont Hayes, D-a-w-a-u-n-e L-a-m-o-n-t H-a-y-e-s. I am from Omaha. I'm born and raised here in Omaha-- in Nebraska and I'll be 29 this year. And it wasn't until after I graduated Creighton University and Central High School and left the state and came back to come to learn that Malcolm X was born in Omaha. I had to go into the world to discover that someone who had changed the world had come from where I had. The fact that we now have a-- there's a memorial center now that we now are in this-- now that he's in the Hall of Fame is indicative that the world is changing and begin to recognize the goodness that is present in all of us. This isn't just about a holiday to get a day off of work. It's about us taking the time to recognize that the future generations that are sitting right here in front of you are no longer going to tolerate the harm and hatred and bigotry and ignorance any longer. And we want to be rec-- and we want to continue to proliferate that liberation of mind and thought and care and compassion that Malcolm X had professed. I have nephews that are six and eight years old and whenever I look at them, I want them to know that Omaha is just-- that they can be just as powerful as Malcolm, as all of us can be. I'm so grateful for all of the testimonies today and I-- originally, I didn't have anything planned. I was just going to be here to photograph this momentous day. But it made sense for me to say something because as a journalist, as a writer, as an artist, as a proud Nebraskan with Nebraska tattooed on my side, I say that we are a beautiful state, that we are capable of so much more than limiting other people's ability to choose and to be who they are. And Malcolm X was not only an advocate for civil rights, but for human rights. And not just, and not just humans, other people as well: animals, our nature, our ecology, our relationship. He had a profound relationship to nature. And it's important that, as a mostly agriculture state, we also take time to recognize our relationship to our land. And what better way to do that than to uplift and to recognize someone who across the world changed and transformed lives

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

and continues to do so to this day? Last night, I got to-- we got to watch the commemoration of his, of his death, the day of his assassination. And Angela Davis spoke and to sit there and to see her and to be in the room with everyone-- and we all took the time to recognize we are on the dawn of a new day, of a whole new way of life and Nebraska can be on that horizon if we so choose. So I ask you to support LB53 and the creation of Malcolm X Day in the state of Nebraska so that we can continue to lead into the future and no longer be left behind. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions? I see none. Thank you. Are there any other proponents? Welcome.

**DEWAYNE MAYS:** Thank you, Senator Sanders and to the Government, Military and Veterans Affairs Committee. My name is Dewayne Mays, D-e-w-a-y-n-e M-a-y-s, and I'm here to support LB53. I was debating about whether or not I would, would, would testify, even though I wanted to be here to support. But after hearing all of the, the comments in support of Malcolm X and as well as understanding who he, who he is and what he meant to the civil rights and social justice within this country and being the figure that he is, I felt that I needed to at least speak. And also I am also speaking on behalf of the Lincoln branch NAACP, which is an organization-- the largest civil rights organization in this country. But to also recognize the fact that Malcolm X is a Nebraskan and we have an opportunity to make a difference by educating not only the people here in Nebraska, but those persons from around the world that might come to Nebraska in which we are recruiting to come to leave their dollars. So therefore, I suggest or we are in favor of this bill and the fact that you are just-- we are setting aside May 19, which would assure a positive opportunity for the state and the educational system to celebrate one of Nebraska's outstanding heroes. Such, such a celebration would assure the inclusiveness of all cultures in our Nebraska history. Malcolm X contributed to the civil rights and equal justice and is not only recognized locally, but also national and international. Streets and other places, other historical sites have been named after him, in honor of him, this out-of-Nebraska hero. Thank you in advance for what you've done and what you will do and in your position as senators in Nebraska. Also thank you for supporting LB53.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**SANDERS:** Thank you, Mr. Mays, for your testimony. Let me check if there are any questions. Seeing none, thank you. Are there any other proponents? It's like Brewer's watch. Good afternoon and welcome.

**JADEN PERKINS:** Good afternoon. All right. Good afternoon, Vice Chair Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Jaden Perkins, J-a-d-e-n P-e-r-k-i-n-s, and I am the north Omaha community organizer for the Heartland Worker Center. I'm here today in support of LB53 because it's long past time that the state of Nebraska establishes a holiday for Malcolm X. A north Omaha native himself, Malcolm X was a revolutionary outside-of-the-box type of leader who had an unwavering commitment for the liberation of black people by any means necessary. Growing up, I wish I had learned more about Malcolm. It wasn't until I got involved in political activism that I got a real sense of his life's mission of fighting for equity, standing against systemic racism and challenging the political establishment. Following this message has transformed my life's work and has made me a better organizer today. By establishing a state holiday, this will encourage current and future generations to learn more accurately about Malcolm X and his impeccable civil rights record. I hope you all will advance this bill to General File to establish El-Hajj Malik El-Shabazz Day once and for all. Thank you.

**SANDERS:** Thank you. Let me check if there are any questions. Seeing none, thank you for your testimony.

**JADEN PERKINS:** Thank you.

**SANDERS:** Are there any other proponents on LB53? Any opponents? Any in the neutral? Oh, we have one. Welcome.

**KATHY WILMOT:** And I did travel a long ways, but my name is Kathy, K-a-t-h-y, Wilmot, W-i-l-m-o-t, and I'm thankful for this opportunity to address the committee and I'm here to speak on my own behalf. As we've been hearing, Malcolm was born in Omaha, Nebraska, touted as a Muslim minister, civil rights activist, served time in prison for breaking, entering, larceny and other crimes. While in prison, he was a follower of the Nation of Islam, believing that God is black, that black people are superior and all white people are "insuperior." And following a pilgrimage for a Hajj to Mecca, he then turned to mainstream Islam. A major difference, I believe, exists between Martin Luther King, who we currently honor and also someone that I've had the



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

opportunity several times to have some personal interactions with his family, and Malcolm X. And to me, there's a little difference. King did advocate always for nonviolent civil disobedience. Malcolm did encourage everyone to do what was necessary by any means. And as you consider LB53, I believe it's also incumbent on each of you to consider whether we're talking about a hero that we want to emphasize some of those things. And if recognition is proper, perhaps-- and that kind of comes down to what Senator Halloran said-- perhaps at that point, we should be looking at changing it to perhaps King/Malcolm X Day or a Black History Day. There's only 365 days in the year. And I know it just seems like over and over we hear requests for holidays to be determined. Currently, we don't have any holidays nationally specific to a president who, you know, has served this entire nation. We have President Ford, who was actually born in Omaha. And so, I mean, I feel like sometimes some of this is starting some kind of a-- you know, like if a person comes up with an idea and you don't make it a holiday, somehow you're really against that person. And I think we, we need to save those for, you know, really unique things. Or perhaps, as they did with Presidents' Day when it used to be Lincoln and Washington, they combined those and that may be what we're having to look at. States can observe and honor an individual or individuals who had much to do with the direction of a particular state. In this state, we could have J. Sterling Morton Day. We could have Willa Cather Day, Johnny Cash Day, Sally Bayne Day, which was the first African American lady to actually settle in Omaha area. We could have Dr. Matthew Ricketts Day, General John O'Neill Day and the list could go on and on. So I think it's fair to say that each of us, we have a wide array of heritages that we can point to an outstanding individual who's done much either for our country or for a state. I don't think we can continually add new holidays. And so I think we need to think about that. You know, it's fine if you want to do this honoring, but I think there's going to have to be some combining done or we're going to kind of be in a fix probably with everybody that comes with an individual they want to honor.

**SANDERS:** Thank you for your testimony. Are there any questions? Seeing none, thank you for your testimony.

**KATHY WILMOT:** Thank you.

**SANDERS:** Are there any others opponent? In the neutral? I see none. Senator McKinney, would you like to close?

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**McKINNEY:** Thank you. If we have too many holidays, maybe we should eliminate the ones with the racists. But I'm going to read a excerpt from his eulogy that was done by Ossie Davis. Many will ask what Harlem finds to honor in this stormy, controversial and bold young captain. And we will smile. Many, many will say turn away, away from this man for he is not a man, but a demon, a monster, a subverter, an enemy of the black man. And we will smile. They will say that he is of hate, a fanatic, a racist who can only bring evil to the cause for which you struggle. And we will answer and say to them, Did you ever talk to Brother Malcolm? Did you ever touch him or have a-- or have him smile at you? Did you ever really listen to him? Did he ever do a mean thing? Was he ever himself associated with, associated with violence or any public disturbance? For if you did, you would know. And if you knew him, you would know why we must honor him. Malcolm was our manhood, our living black manhood. This was his meaning to his people. And in honoring him, we honor the best in ourselves. And I'll also leave with a quote from him. I am not a racist. I am against every form of racism and segregation, every form of discrimination. I believe in human beings and that all human beings should be respected as such, regardless of their color. Thank you.

**SANDERS:** Thank you, Senator McKinney. I need to also let you know for the record, we have letters. We have 19 proponents, six opponents, and none in the neutral. Are there any other-- any questions for Senator McKinney? Seeing none, thank you.

**McKINNEY:** Thank you.

**SANDERS:** This ends our hearing for LB53 and we will now change over for LB791. Is Senator-- yep, he's here. Welcome, Senator Wayne to the Military Government Committee.

**WAYNE:** Good afternoon-- Chairman Brewer is not here-- Vice Chair Sanders and other-- and the other members of the Government Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha in northeast Douglas County. Anyway, LB791 will create a pilot program that fosters, fost-- for fostering cultural and economic partnerships between Nebraska and the African American communities and African countries. Thank you. So what I'm proposing here is a pilot program. I will tell you kind of where this started from. This started from-- there's an individual by the name of Kofi [PHONETIC] who started having conversations with me

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

and other folks in north Omaha. And then a group of people from north Omaha went over to Ghana last summer and started having just conversations about their economies and things that they're doing. And we were trying to figure out where could we actually house in our government a relationship to, to build upon but also further innovate? And here's what I mean by innovate. If you look at Nebraska and our agricultural businesses and you look at some of the key businesses we have, like Valmont and, and Lindsay Corporation for, like, irrigation, that's one of the big deals that are going on with Ghana. The other thing that's going on with Ghana right now is their chicken industry and we just so happen to have a pretty big chicken farming industry here around Lincoln Poultry and conversations just started happening. And so as those conversations started happening, I thought to myself, we have a newly formed African American Commission that I appreciate this committee for kicking out and supporting on the floor. And maybe this is a way that we can start building a coalition around African Americans and, and Africa itself. I won't go in and belabor the point of, of me being on a mountain with Senator Brewer. But one of the things I learned there that was different from my, my journey from everybody else is being African American in, in Nebraska, you have a lost history. It was interesting listening to Senator Brewer and Senator Wishart talk about their history and how they could go back hundreds and hundreds of years. And listening to Senator Wishart talk about England and Great Britain and the connection there. And that's just not something I was able to ever have a conversation about. Not only that, it showed the gap and that was the first time ever that I felt the gap. I always hear about this gap of slavery and those kind of things, but I never actually felt it till I was climbing that mountain and dealing with people who were from Africa and trying to search, in a sense, for this sense of culture that they had that I felt like I was missing out on. So you combine that with last year, with Senator McKinney and-- who went to Ghana and other people from north Omaha who went to Ghana, it just became this idea that kind of kept fostering through the interim. And so the more and more I thought about this concept and the more and more I look at the agricultural industry and the businesses related in north Omaha that could be formed in Ghana and how Nebraska's industry can help serve those-- and it's not just north Omaha. I mean, we're talking to seed manufacturers from western Nebraska. We're talking to a lot of other people of just trying to build a connection. So there's a cultural piece, then there's a business piece and there's an innovative piece. And I

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

thought, what better way for our African American Commission to start having a conversation around this concept? So it's a concept, it's a pilot program, It's just about culture, it's about business and it's about what I think-- building a bridge that has long been lost for many people in north Omaha. So that's the background of it. The reason why I picked Ghana, because there is already a tie there. If you-- any of you guys know Senator Schilz when he was here, Schilz, he actually had the Ghana agricultural director or chairman over there when he was here come here to start building their relationship. So this relationship has tons and deep roots in Nebraska. We're just trying to formalize it to maybe get something going in a positive way. It's really that simple. I'll answer any questions.

**SANDERS:** Thank you, Senator McKinney [SIC]. Are there any questions? I think the fiscal note is \$500,000.

**WAYNE:** Yes.

**SANDERS:** What's the use of those--

**WAYNE:** So the idea would be the commission would be in charge of it. I met with the commission. I think there is somebody here from the-- we were talking about probably doing an RFP or a grant process to get ideas from the community on not just a community, anywhere in Nebraska around agricultural business. So I am open to an amendment to-- if we want to limit it to agro business as far as agricultural businesses. Energy sector is also big over there. It's trying to grow, but it's just to set up some kind of pilot program. I left it discretionary, but we can tighten that up with any kind of language to where we would start building these partnerships. I think there's a huge opportunity internationally, especially around the chicken industry. With Lincoln Poultry being in Fremont, there's a huge opportunity to help that industry grow. And that is their, their biggest struggling industry in Ghana is their chicken industry. So I just thought of a natural partnership because we have those industries here that are growing. So I'm OK with tightening the language as tight as you want it to be.

**SANDERS:** Thank you, Senator Wayne. Are there any questions for Senator Wayne? Senator Conrad.

**CONRAD:** Thank you, Senator Wayne. Welcome to the--

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**WAYNE:** I've never been on this, this end.

**CONRAD:** I know.

**WAYNE:** I don't know how this is going to go.

**CONRAD:** That's what I was thinking. It's kind of a tables are turned kind of-- and sorry if I missed the part of this in your, in your opening. I had to step out for a moment. But I think it's pretty well established, for example, how Nebraska leaders have utilized resources within their purview to develop and strengthen trade relationships with foreign entities and governments to promote Nebraska products, ideas, open up economic pipelines. I was just wondering, you know, if there were some models from-- you know, I know Governor Ricketts did a lot of traveling in regards to trade missions, for example-- that there might be some models that we could draw upon there in partnership with the executive branch to accomplish some of the-- some similar goals maybe, as evidenced in your legislation.

**WAYNE:** Yes. So one of the biggest needs-- and I'm just talking the chicken industry-- is the need for food, food to feed. What you find out is that the food that is feed-- to feed chickens is also a food that primaries ate by, by individuals over there. So there's not enough food industry. So, like, taking that ability and looking at seed and actually, there's been conversations with companies in western Nebraska about seeds going over to Ghana. The problem is there's just so many loose conversations. And so I'm trying to house it somewhere where we can actually build a partnership.

**CONRAD:** Right.

**WAYNE:** So what Sen-- what Governor Ricketts did is he had that not only in his office, but he also helped with the Secretary of State--

**CONRAD:** Yes.

**WAYNE:** --to, to have somewhere to house that. And so what I'm saying is we can house it in the African American Commission and house those partnerships and then this committee can ask for a report annually like we do on Urban-- like we did-- I'm not on Urban Affairs no more, but there's certain things you can always do to add to the accountability measure of what we're actually doing. But when it comes to Ghana and other relationship-- relationships, there's just not a

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

place to house it and nobody has really took the lead. So this is an attempt to take a lead on that.

**CONRAD:** Very good. Thank you. Thank you.

**SANDERS:** Are there any other questions? Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Sanders. This isn't necessarily directly ag related, but it's natural resource related. Does Ghana have any lithium mining?

**WAYNE:** There's a joke somewhere in there that I-- went over my head right there.

**HALLORAN:** No, there's no joke.

**WAYNE:** Oh, well, everybody kind of laughed, so I don't know. I'm just--

**HALLORAN:** Well, you don't have to laugh with them.

**WAYNE:** OK. Well, I don't know that--

**HALLORAN:** That's a legitimate--

**WAYNE:** --for sure.

**HALLORAN:** --question because I--

**WAYNE:** No, no.

**HALLORAN:** --because lithium is used, obviously, for batteries for electric cars. And some of the countries that produce or mine lithium produce it in a very adverse way, using children for mining purposes, right?

**WAYNE:** No, so I, I don't know of that, but here to your, to your point of why I think this partnership is so, so important is that when the war started with Ukraine, there were many farmers who were concerned about fertilizer. And then the fact that due to our regulations, we can't open up a new fertilizer plant. Well, the conversation that diffused quickly was there were some Nebraska farmers who had reached out to Ghana and were having a conversation about could they do a fertilizing plant there as an alternative? And the conversation just

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

kind of died because there was nobody really at the government level helping that conversation along. So that's why I think it's important. But now I don't know about lithium, sorry. I'll have to defer. I'll get back to you on that.

**HALLORAN:** OK.

**SANDERS:** Any other questions? Seeing none, will go ahead and open for testimony.

**WAYNE:** I'm going to pop over to HHS and close there and then come back for my other one, so.

**SANDERS:** We'll talk slow.

**WAYNE:** Thank you.

**SANDERS:** Are there any proponents on LB791? Welcome.

**LASHAWN YOUNG:** Thank you. I'm sorry. My voice doesn't go much louder--

**SANDERS:** That's OK.

**LASHAWN YOUNG:** --so I'll do the best I can. Good afternoon, Senate-- Chair-- Vice Chair Sanders and committee. My name is LaShawn, L-a-s-h-a-w-n, Young, Y-o-u-n-g. I'm from Omaha, Nebraska. I am the chair of the Nebraska Commission on African American Affairs and I'm here on behalf of the commission today in support of LB791. In 2020, LB918 created the commission. Our inaugural meeting was in July of 2021. We believe LB791 provides the commission the opportunity to fulfill some of our statutory obligations pursuant to Nebraska Revised Statute 81-2604(2) by allowing for the coordination of programs relating to African American communities in the area of economic development and employment. The opportunity to create a program to partner African American businesses, whether established or startups with African nations, will impact the economic power of our community, which will bleed into the overall Nebraska economy. Agriculture is well established-- is a well-established industry in Ghana and considering Nebraska is an agricultural state, this is an opportunity to bridge our economies. An example of such an established business in Nebraska is Zemua Baptista, a 25-year-old African American farmer in Butler County, Nebraska. His early success starting a poultry operation goes against some of the national and state trends for both

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

youth and minority farmers. Out of 77,097 primary producers in Nebraska for the 2017 ag census, just 1,199 were listed under the age of 25. LB791 will also impact, impact 80-- Nebraska Revised Statute 81-2604(7) in allowing for the development of programs that will benefit the Nebraska African American community. Establishing this pilot program will bridge the gap and greatly foster relationships between developing an atmosphere of learning and training for our young people to learn from and work with other-- with, with other cultures in African states. The potential impact of LB791 to support the goals and visions of the commission is an opportunity to positively enhance the, the advancement of our African American community. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions? I see none. Thank you--

**LASHAWN YOUNG:** Thank you.

**SANDERS:** --very much. Are there any proponents? Welcome back.

**PRESTON LOVE JR.:** Yeah, do I-- you need me to repeat?

**SANDERS:** Say that again.

**PRESTON LOVE JR.:** Yeah. OK. Preston Love, P-r-e-s-t-o-n L-o-v-e Jr. I speak as a proponent for this commission. Just a little reflection is I do a black or African American history tour, cultural and history tour of north Omaha. It is rich with history and rich with culture. This commission would have some value, but I also would tell you that I recently-- I'm looking to see Mr. Mays is going to be my witness here. But I recently completed writing a 40,000-word manuscript on the history of African Americans in Nebraska, 40,000 words. I had to cut it short. And I will tell you that in every one of your counties, there is a unbelievable, in some cases, unknown great history of African Americans in your counties. It is rich. Jean Baptiste went on to found Chicago, but he lived in Nebraska. And so many other stories of communities that were predominantly black in the state. I could go on and on. As a matter of fact, I could recite you 40,000 words if I had the time. My point is, there is a need to bring all of this under an umbrella, like a commission, to educate and nourish, quite frankly, the African American history through a commission is a great idea. And so enough said. I just think it's a good idea. But not only that,



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

there is a lot that we all can learn. I tell you, I started writing the 40,000 words thinking that I would need only 10,000. It-- the, the-- it's a rich history that we all should know. And I use this as one slice of the bigger pie of where the commission could really have great value.

**SANDERS:** Thank you for your testimony. Are there any questions for Dr. Love? Seeing none, thank you. Are there any other proponents on LB791? Are there any opponents on LB791? Anyone in the neutral? He's not back to close. I'll go ahead and read into the record there are letters: proponents, two; opponents, four; and neutral, four. OK. We will take-- we will stand at ease or take a break. There's some of us that maybe could use a restroom because Senator Wayne also has the next bill--

**CONRAD:** Oh.

**SANDERS:** --that's up. Yes.

**PRESTON LOVE JR.:** Oh, you're going-- we, we are lobby--

**SANDERS:** I don't like to use the gavel unless I have to. Throw it. So, Senator Wayne, you waived closing on LB791, is that correct?

**WAYNE:** Correct.

**SANDERS:** All right. So we have closed on LB791 and we are now opening for LB20. Senator Wayne, welcome back.

**WAYNE:** How are, how are you all doing? Good afternoon, Vice Chair Sanders and fellow members of the Government Affairs Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha in northeast Douglas County. Well, for some of you who have been on this committee for a while-- I think Senator Lowe has been here the whole time-- this is kind of Groundhog Day since our first year. For those who remember my first year, I actually went down to the Legislative Research Office and pulled the actual transcripts and brought them here in books that stacked about this high, that was actually read on the floor, of why this particular part of our constitution was implemented. And I'll-- not bore Senator Lore-- Lowe, but I will kind of go through the history of how we got here today and why this actually means so much. But one of the things we are talking about is this issue is so

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

important that we were actually vetoed not once but twice over this issue when we became a state. And my freshman year, we were here and we actually had a hearing early because the Governor was coming to speak about our 150th anniversary. And the Governor even referenced the pocket veto and the veto because President Andrew Johnson disagreed with a fundamental condition of our Nebraska statehood that a African American should be allowed to vote. And in March 1, 1867, Congress actually overrode and made Nebraska a state. But that's the core of the issue of what we're going to discuss today. So LB20 simply restores voting rights to ex-felons at the end-- the completion of their sentence. As the law currently stands, there is a two-year ban on a voting period. This two-year ban does not start until their completion of their probation. And I want to talk a little bit more about probation and post-supervised release. I think we haven't had a long enough conversation about that. This issue addressed in the bill should neither be partisan nor controversial. On one hand, we're talking about a fundamental right, the right to vote. On the other hand, we're talking about American citizens who, despite their mistakes, have served their time. A two-year waiting period is arbitrary and it was created arbitrarily by this body. And, and numerous people in the past have come to testify. One of those people who have passed since then, former state senator of my district, Lowen Kruse. And if you'll recall, he talked about how this two-year vision-- two-year even happened and it was under the balcony negotiation on the floor. And the issue was if we allow people to vote right now in this next election, it can affect the election of our current senators. So they pushed it out for two years arbitrarily just to make sure that their elections weren't affected. But the issue runs deeper than that and the reason this-- let me start with the partisan, then I'll talk to the history and then I'll wrap up. Texas. Oklahoma, Arkansas, Missouri, Kansas, Montana, Tennessee, Georgia, the Carolinas and even the Dakotas all have provisions where they say once you finish your time, you should have the right to vote. If you look at what I just named there, that's blue, red, purple and all in between. We don't need to be the last state in the union to make this right. Studies and studies have shown that if you allow people to engage in their community upon being released, the recidivism rate drops. We spend on average \$42,000 a year on prisoners, of which we have around a 30 percent recidivism rate. If we can cut that number in half, if we can cut that number by 5 percent, we are saving millions. One year I brought in a little chart that says if we just cut it by 10 percent,

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

we're saving around \$5 million a year. That's significant dollars, particularly as we're talking about spending another \$397 million on a prison this year. So this bill actually catches up with the times. And what I mean by that-- and I'm going to harp on this before I give you the historical context because when this bill was passed-- since this bill was passed to allow for two years, this body, in LB605, right, wrong or indifferent, said that most felonies, if not all felonies except for two classes, I believe-- and one of them we got rid of, but one classes-- two classes that say if you do time, you are automatically placed on a post-supervised release. And I didn't talk about this before because I didn't really think about it. But actually a very conservative individual came up to me and said, You forgot to talk about post-supervised release and what that means. So you get out of prison and you do 18 months on post-supervised release. That means you are out in society under the watch of Parole or Probation, typically probation, for 18 months. And then after that 18 months is when the two years start. So most of these individuals are already out for four years before they can vote. Now, what does that do? Think about it. You've missed two election cycles because Congress is every two years. You can't go to your local school board meeting and have to listen to a debate and stand up and ask a question about how your town, your village, or even in Omaha, how your school board members are going to govern themselves because you feel you don't have a right to vote because you are caught in this arbitrary period. We need our-- we need to say to our ex-felons that you have a role in our society and we want you to be productive. This is not going to have some huge electoral impact. The fact of the matter is, is nationwide, about only 10 percent-- 7 to 10 percent felons are going to come out and vote the first two years they come out. So it's not going to have this nationwide impact that people think. But for those 7 to 10 percent, I guarantee you those are the 7 to 10 percent that aren't committing crimes again and going back into the system because they're engaged. But I would be remiss if I didn't talk about Omaha-- I mean about Nebraska and the history of this type of bill. So in 1870s, after the 13th, 14th and 15th Amendment was passed by Congress, states feared that not only African Americans, but "Pacifigers," Asians, Chinese who were coming over working on the railroad. And four years-- six years ago when I brought the stack of books and I read from it, they said, If the Chinese and the black man gets to vote, the white man has no more authority. That was-- that's in literally our transcripts on the floor that we-- not us now because it's a new building-- that we are

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

in though. Our senators were speaking about this when we were trying to become a state. And what they did is an individual by the name of Carter Glass, a young man who was a U.S. senator and our nation's 47th Treasurer-- Secretary, helped draft these laws to go around through the South and say, if a person is convicted of a felony, they can't vote. And what, what happened is as these laws were being passed and constitutions were being passed, it was by no mistake that after the 13th, 14th and 15th Amendment was passed, the jails of Alabama had 90 percent African Americans in there pending felony charges so they couldn't vote. It was no mistake that during that same time when Nebraska was becoming a state, that we passed bills that say if you steal a horse, it's a felony, which is still on our books today. That's valued more than most cars, believe it or not, until today and that somehow people who were just taking care of horses who are African American were being charged with these crimes. The fear of vote has been and is deeply rooted into our fabric as a history. The effort to disenfranchise felons had, although a racial neutral tone, the fact of the matter is the implementations of these type laws had huge effects. One out of every 13 African American had lost their right to vote and 38 percent of African Americans were disenfranchised in 1900. That is the basis of where this came from during the Reconstruction era. So we can't ignore that when we have this conversation. But to me, while the disenfranchised may have a history of-- a deeply rooted history of racism, to me, this is just about fundamental fairness. To me, this is about we have a system that says once you have done your time, you should be able to reengage in your community. You pay taxes in this community, you should be able to have a say what goes on in your community. And I just want to point out this history where Carter Glass said, and I quote, Felony disenfranchisement does not necessarily deprive a single white man of the ballot, but will inevitably cut off from the existing electoral four-fifths of the Negro voters. Will it not be done by fraud or discrimination? By fraud? No. By discrimination? Yes. But it will be the discrimination within the letter of the law, not the violation of the law. He was the champion of these laws being passed. Why does that matter to Nebraska? Because when Nebraska became a state, our first was-- our first constitution in 1873 said only white people could vote. Congress and the President rejected that. The second one said only everybody but African Americans and Native Americans. That was pocket vetoed. The third one, which successfully passed, was everyone can vote except those convicted of a felony. The meaning was all the

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

same. So the idea when this got vetoed six years ago that we should have this two-year waiting period to make sure they do okay, to make sure that they are living the life we want them is false. They can still be charged with multiple misdemeanors. They can even be charged with a felony and get to vote while they're pending their charge as long as they're not convicted. There's no conditions on this two-year period. It was completely arbitrary. So I'm asking this body to do what we did our freshman year, Senator Lowe. Let's send this to the floor. Let's pass this and let's put this on the Governor's desk simply because it's the right thing to do. I worked with Senator Lowe to help pass a bill to allow licensures to be reduced for-- I believe it was car dealers, that when people are done with their crime and convictions and come back to society, their felony should not be able to hang over them when they are applying for a license. That same thing applies to a fundamental right to vote. With that, I'll answer any questions.

**SANDERS:** Thank you, Senator Wayne. Are there any questions for Senator Wayne? Seeing none at this time, thank you very much. You're going to be here for closing?

**WAYNE:** Yes, .

**SANDERS:** Thank you. Before, before we go on to the proponents, if there's anyone here that's traveled far distance-- Omaha counts-- that would like to go first, I give them the courtesy to do that. Also, we do have one ADA written testimony for the record: proponent, Tanya Encalada Cruz from Lincoln, Nebraska, could not be here and so that is read into the record as an ADA testimony. Welcome back.

**PRESTON LOVE JR.:** Welcome. I want to know if there's frequent flier points for testifiers? Anyway, my name is Preston Love Jr., P-r-e-s-t-o-n L-o-v-e Jr. I was hoping that Senator Wayne was going to remain. I wanted to put a couple addendums to his testimony. As a historian, one of the things that I find interesting is in 1870, on the 15th Amendment, it gave, may I say, black and people of color, males only. It took 50 more years before and the 19th Amendment in 1920 before women. Now, was that fair? I don't think so. So if we start talking about fairness, let's roll right over to LB20. And let me just say, as I listened to Senator's testimony, I affirm the things he was saying. But I really come to testify on another level as a community person who receives the people who are coming out of prison

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

and observe them in their different ways. As they come, I haven't done a study on it, but there are a large-- I would say a large enough percentage to say how many come out of prison who are ready to start anew. They've made mistakes, intentionally or otherwise, but their time in prison has given them a thought that they want to get back. They want to start families. They want to be responsible. They want to, you know, be part of the society. Believe me, I'm looking at it and receiving and interacting with the-- who want to be welcomed back to the community and all of its pieces, all of its ways. And then, because they become more responsible, they get jobs, they do start families or finish families, if you will and then they want to be-- have a say-so in their community. And part of that say-so is to have a chance to vote and make their voice heard. And not only that, in talking with many of, of the returnees, they feel good about the idea that they can vote and do the things that other people have done. And they feel bad that they were not able to vote on key things that went down while they were in prison. But now, they have that opportunity and then they're faced with-- Senator Justin says up to, maybe, four years after they've paid their "debt to society" before they can participate. That's not reasonable. Not talking about fair. I'm talking about reasonable. Let's do the right thing by providing the opportunity for those-- do you-- do know that of all the people that can vote, only 50 percent of them even registered. I'm talking about people, not, not people out of prison. And of the 50 percent of those who could register, register and then, only 50 to 60 percent of those vote in municipal elections in my county. Only 20 or 25 percent of those vote. And so, we're talking about a group that probably was going to vote at a higher rate because they're so pleased with voting. Some of us have taken voting for granted and forget to do so, not those coming out of prison trying to get their life. Let's don't overlook that part. So I say all of that to say that I surely think it's the right thing to do. Again, the time, maybe, has come. Appreciate it.

**SANDERS:** Thank you for your testimony. Are there any questions? I see none. Thank you very much.

**PRESTON LOVE JR.:** Thank you. And may I say, this would be a pleasure not to see you again. [LAUGHTER].

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**SANDERS:** Safe, safe travels home. Is there anyone that would like to test proponent that traveled a long distance that needs-- please come all the way to the front and-- yeah. Thank you. Welcome.

**T.J. KING:** Good afternoon.

**SANDERS:** Good afternoon

**T.J. KING:** Vice Chair, members of the board, Government Committee. My name is T.J. King, that's T-J K-i-n-g, and I am a representative of Nebraska AIDS Project and I am a formerly incarcerated person. Nebraska AIDS Project is a nonprofit organization leading the community to overcome HIV and its stigma through supportive services, advocacy, as well as education. I am here today to request you to support LB20. At Nebraska AIDS Project, we provide medical case management services to over 1,000 individuals living with HIV throughout the entire state of Nebraska, as well as providing free HIV testing, education and outreach services. According to the U.S. Department of Justice, 1.2 percent of the incarcerated population is HIV positive, compared to 0.3 percent of the general U.S. population. At NAP, we are in the business of giving people a voice who sometimes do not have a voice. Not only do we encourage our community to be proactive with their sexual health, but we also dream of a proactive community, invested in the legislative process, as well. LB20 would restore voting rights to ex-felons upon completion of their sentence. I'm here to set the record straight that we, meaning formerly incarcerated individuals, do care about what happens in our community, as well as we are invested in profession-- we are invested professionals and community members who want to have a voice in Nebraska. I completed my sentence on January 28 of 2021, and will be able to vote for the first time in the upcoming election. I take this responsibility very seriously, very, very seriously and look forward to my voice finally being able to be heard again. I completed my sentence and I am now ready to rejoin every facet of the community. Thank you for your consideration. I'll be happy to answer any questions you folks might have.

**SANDERS:** Thank you for your testimony. Are there any questions?  
Senator Conrad.

**CONRAD:** Thank you so much. So good to see you again.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**T.J. KING:** You, as well.

**CONRAD:** And just to be clear, for the record, I, I think that your testimony speaks for itself. But I just want to remind the committee and kind of forecast some of these deliberation points to our friends on the floor, hopefully, when this measure is advanced. But since your return to the community, have, have you been working at the Nebraska AIDS project or--

**T.J. KING:** I have.

**CONRAD:** --in other endeavors?

**T.J. KING:** I have other, other endeavors, as well. I am also the director for diversity and inclusion for Star City Pride, as well.

**CONRAD:** Yes.

**T.J. KING:** So I've been fortunate enough to be able to transition back into the community in a way that I feel contributes to that, as well as a way that makes me feel that I'm getting my footing back again.

**CONRAD:** Yes, absolutely. And through that work, I, I think, again, it's probably clear, but just to make the point, have you been paying taxes in the state of Nebraska?

**T.J. KING:** You know, I was sitting back there listening to a lot of what everybody was saying and I'm like, you know what? I forgot to put that thing in there about my taxes. If I'm paying taxes, I should be able to vote.

**CONRAD:** See? We lift each other up when--

**T.J. KING:** There we go.

**CONRAD:** --we fall short.

**T.J. KING:** There we go.

**CONRAD:** Yes. Yes.

**T.J. KING:** Most definitely. So I definitely think that that's something that-- and I just look forward to this bill being something that gets to the floor and that we're all able to see eye to eye on.



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**CONRAD:** Yeah, well, your enthusiasm and passion for the issue is clear. Thank you.

**T.J. KING:** Thank you so much, Senator Conrad.

**SANDERS:** Are there any other questions? Seeing none, thank you for your testimony.

**T.J. KING:** Thank you.

**SANDERS:** Any other proponents who have traveled, will you-- giving you the courtesy. I hear it's icy out there, so be careful. Welcome.

**JASMINE HARRIS:** Thank you. Good afternoon, Vice Chair Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I am the director of public policy and Advocacy at RISE. And I'm here to ask that our testimony be included as part of the public committee record that shows RISE is in support of LB20. RISE is the largest nonprofit organization in Nebraska focused solely on habilitative programming in prisons and reentry support and our mission is to break generational cycles of incarceration. We're here today as a member of the Voting Rights Restoration Coalition, which I have included some information about the 28 organizations across the state in our one-pager, for facts about the voting rights restoration and that policy here. We want to thank Senator Wayne for reintroducing legislation-- third time is a charm, hopefully, and to the many senators who have co-sponsored, a lot who are on this committee, as well. According to the Sentencing Project's most recent report on felony disenfranchisement, Locked Out 2022, Nebraska is one of 11 states that still has post-incarceration restrictions on voting. An estimate of 17,960 individuals are impacted by the current law and it is estimated that 68 percent of Nebraskans who are disenfranchised live in the community. I have included the Sentencing Project's national sign-on letter, which shows organizations across the country who support efforts in Nebraska. And in that information, they talk about the disproportionate impact on communities of color. In Nebraska, we know that African-Americans make up 5 percent of the population, 28 percent of the Department of Corrections. And so, when we're talking about this disenfranchisement, we have a very high disproportionate outcome on our individuals in our communities of color. We talked about how, in 2005, Senator Schimek and Senator Kruse got this two-year waiting period under the balcony,

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

wheeling and dealing, basically. Right. There is no science or evidence behind this number, no research that backs it up. It is a punitive and arbitrary constraint on those that have already fulfilled their obligations to society. Being highly involved in civic engagement is one of the strings I bring to this position that I have at RISE. In previous years as a volunteer and in a recent run for office, I engaged in voter outreach and registration efforts. To this day, many people do not know their rights are restored after two years. They still believe it is a lifetime ban. For someone being released from the Department of Corrections, this waiting period can be 7 years down the road, if they have a parole requirement of 5 years, which can feel like a lifetime when they have no say in what's going on around them. Whether they're incarcerated, on parole, probation or during the two-year waiting period, people with felony convictions are counted in the census and taxed like any other citizen of Nebraska. This is taxation without representation. In 2017, when the debate to override the governor's veto of LB75 occurred, there was an argument by a former senator that they would like to see people coming out of incarceration use this time to become acquainted with civic processes and candidates. I will tell you, when I stepped into this policy role with RISE, many of our program participants began to send me policy suggestions on what they believe would help the criminal justice system in Nebraska. They sent me policy briefs, model language from other states, stats on how the policy would impact the Department of Corrections and I know these individuals can handle their right to vote as soon as they are released from corrections. One other point I'd like to address is the question whether restoring the right to vote decreases recidivism. One of the keys of reentry well-being is positive social engagement. This includes community participation. Will restoring the right to vote decrease recidivism? There has been documented research that shows a correlation between civic participation and reducing recidivism. It has been shown that civic engagement offers an increased sense of community engagement and civic responsibility. So this, coupled with evidence-based strategies and policy reforms, will reduce recidivism. Giving people the immediate right to vote after they complete their felony sentence or probation can help them feel like a part of the community, therefore reinforcing the positive changes they have made in their lives, which leads them to being productive and their chances of recidivating decrease. There are many barriers that people face when returning to the community after incarceration. Eliminating the two-year waiting

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

period to restore voting rights is one step closer to removing the invisible handcuffs that people must wear once they are released. For these reasons, RISE supports LB20 and asks that committee members advance this bill out of committee to General File. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions?

**CONRAD:** I have several.

**SANDERS:** Senator Conrad.

**CONRAD:** Thank you, Senator Sanders. Good to see you again, Ms. Harris. I saw you yesterday. Was it just yesterday in Education? But thank you for your work at RISE and in so many important community endeavors. And I know you and I have had a chance to work together on this legislation when I was wearing a different hat over the years. But, you know, one thing that I think is so exciting about this legislation is that it just, it, it hits so many different areas of public policy: strengthening voting rights, addressing racial justice, a smart justice alternative to mass incarceration. And, you know, there-- there's just so many different angles and, and so many different intersections in, in this legislation. I think that's why it's received a favorable reception over the years, from senators across the political spectrum, to advance from committee into the floor and just came a bit short, unfortunately, on, on the veto overrides over the years. But I was hoping that, perhaps, you could also-- and I know that it's in lengthy inventory, if you could just help the committee get a better understanding about, you know, I think sometimes there's a misperception that once people complete their, their time of incarceration, that that's, that's kind of it. But in fact, we've established this web of collateral consequences in employment, in education, in voting. And the list goes on and on, which is-- it makes it so much harder for people to successfully return to community and I know you see that in your work. And could you just talk a little bit about how this measure, perhaps, intersects with second-chance employment or education or, or other measures?

**JASMINE HARRIS:** Most definitely. And I know there are people behind me who actually have lived experience--

**CONRAD:** OK

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**JASMINE HARRIS:** --and can talk to it a little more. But when you're looking at barrier after barrier being put up in front of people, after you're telling them to go complete your sentence and then come back and be a productive member of society, when you're told no so many times, when you are blocked from doing things that only makes sense to be able to reintegrate back into the community, it then becomes, I think you start losing hope as a person, right? And then, that then puts you in those positions of what am I going to do? How do I continue to move forward when everyone keeps pushing me three steps back? When you're over here trying to figure out housing, when you're trying to figure out a job that's actually going to pay your bills, and then people say, well, then why throw voting on that? Because it matters to feel like a whole person, having all of your basic rights and that includes voting, I think, really intersects with all that.

**CONRAD:** Yeah. Thank you very much.

**JASMINE HARRIS:** You're welcome.

**SANDERS:** Thank you. Are there any other-- Senator Hunt.

**HUNT:** I had forgotten that quote from debate from the person who said that they would prefer, you know, they thought that the two years served a function of like, allowing formerly incarcerated people to acquaint themselves with the civic process and candidates and things like that. I think that incarcerated people are some of the most civically engaged people that reach out to my office.

**JASMINE HARRIS:** Yes

**HUNT:** I receive correspondence, as do many of us, regularly, from incarcerated people. And not people who want anything or are asking for help or who are appealing to me for anything but, really, commentary about the Legislature--

**JASMINE HARRIS:** Yes.

**HUNT:** --commentary about our floor debate. And these people are watching us and listening to us all the time.

**JASMINE HARRIS:** All the time.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**HUNT:** And it's very insulting to insinuate that they wouldn't understand the process or, or know it or something like that.

**JASMINE HARRIS:** Most definitely.

**HUNT:** I just wanted to share that comment.

**JASMINE HARRIS:** Thank you.

**HUNT:** Thanks.

**SANDERS:** Thank you. Any other questions? Thank you very much for your testimony.

**JASMINE HARRIS:** Thank you.

**SANDERS:** Any other proponents? Welcome.

**DEMETRIUS GATSON:** Thank you. Good afternoon. My name is Demetrius Gatson, that's D-e-m-e-t-r-i-u-s, Gatson is G-a-t-s-o-n. Good afternoon, Government, Military and Veterans Committee and Vice Chair. As I mentioned, my name is Demetrius Gatson. I'm here in a personal capacity. However, I'll get to tell you more about what I really do. I want to let you know that there are close to 20,000 Nebraskans, as Jasmine mentioned, today, that-- who do not have the right to vote, qualify for a jury or hold public office. Why? This is because of a felony conviction. As it stands, someone with a felony conviction is not allowed to vote until two years after a mandatory discharge or two years after parole or probation is complete. I stand here today, speaking to you as someone who is facing this barrier right now. Now, we all know that these are-- these waiting periods are very arbitrary, but also delay one's full engagement in the public life and as well as their civic responsibilities. I was released in 2018 from the Nebraska Department of Corrections. Now, as it stands, I cannot vote till 2030. I don't know how many elections I'm going to miss, how many times I cannot go to my school board to speak on what happens in my community with the children, my nieces and nephews. My son is grown. However, I have nieces, nephews and godchildren, as well as grandchildren, that I will not be able to go to advocate for. Since I've been released, I've started my own nonprofit. I work at RISE, currently, as a reentry specialist. I also work with the ACLU as a court-watching supervisor. I've worked with the Center for People in Need as a welding instructor. I give back to my community and I would like to be able to

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

vote. Now, of course, this session we're going to see many, many, many bills that have barriers to the ballot. However, what we need is legislatures-- legislators, such as yourself, to support bills that aim to increase this access to our elections, not turn voters away with these arbitrary timelines, as I mentioned before, like this two-year waiting period. Now, Nebraskans with felony convictions who have completed their sentence are individuals like me who work, pay taxes, not to mention, I bought a home and I pay taxes on it. I'm also a UNO student, aspiring to get my master's degree, a dual master's degree, in social work, as well as criminology. These individuals are also involved in issues that affect their community, yet they are denied a political voice. Now, I want you all to think to yourself, how fair is that? How just is that? As Jasmine mentioned, that's taxation without representation, right. You're charging someone a tax, but they're not allowed to vote. They're not allowed to give their electoral voice to their community. Studies demonstrate that the voting is a pro-social behavior, is linked to reducing crime, increasing public safety, but it also allows our citizens to engage in a civic responsibility. This is a responsibility they have to help them feel vested in their community. It also fosters a foundational, restorative approach, based on principles, responsibility, repair, reintegration, as well as healthy relationships. We know that voter disenfranchisement, like laws of this two year waiting period, disproportionately impacts people of color. That is why I am in support of LB20. And if passed, LB20 would eliminate this unnecessary and cruel two-year waiting period, this period that many Nebraskans like me face. I want to thank Senator Wayne for even bringing it forward and for recognizing that individuals like myself, we have a voice and they feel like our voice is valid. I'm just almost absolutely in love with this, because even though I can't rise-- as it stands right now, can't vote till 2030, this'll push my-- mark me up some years and I'll actually be able to say something. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions? I see none. Thank you.

**CONRAD:** Thank you.

**DEMETRIUS GATSON:** Thank you.

**SANDERS:** Are there any other proponents? Welcome.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**OLIVIA LARSON:** Thank you. Good afternoon, Vice Chair Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Olivia Larson, O-l-i-v-i-a L-a-r-s-o-n. I am a representative of the Voting Rights Restoration Coalition and would like my testimony to be included in the official record; we are in support of LB20. As part of my position as a policy fellow, I work with people involved in the justice system. I've met many people with whom LB20 would positively impact. One specific group I'd like to focus my testimony on is veterans who have felony convictions. The Department of Justice reported in 2018, the majority of veterans who were incarcerated in the U.S. were combat veterans. Seventy-four percent of those incarcerated received an honorable discharge or dishonorable [SIC] discharge under honorable conditions, while only 6 percent of incarcerated veterans were dishonorably discharged. Among male veterans, the average sentence length is about seven years longer than their noncivilian counter-- than their civilian counterparts. Through my work, I have met with several veterans with felony convictions, one of whom is Carla Walker, who could not be here today and allowed me to share some of her story. I have attached her statement, but to summarize: she is a proud Navy veteran. While serving our country, she survived MST, or military sexual trauma. This resulted in a mental wound and rage she carried with her until her arrest and conviction of a felony, for which she served 7.5 years. For-- while incarcerated and since, she has remained an active participant in the positive policy changes to the penal system and encouraged others to do the same. Since being released in 2021, she chose to seek therapy and anger management through the VA. She is practicing mindfulness and getting her certification to be a yoga instructor. As she completed her sentence in July, 2022, she has been in the midst of the two-year waiting period to vote and will continue to be ineligible for 18 more months. Despite being a taxpayer and engaged community member for two years, she has missed the opportunity to vote in the 2022 midterm elections and will be unable to vote for the Lincoln city elections this May. If LB20 is passed, as soon as it is enacted, she looks forward to registering to vote, so as not to miss another election again. A concern heard very often among justice-impacted people is the inability to have a say in issues that still impact them. Many of these individuals believe that once incarcerated, they are unable to vote ever again. While incorrect, this two-year waiting period prolongs this misunderstanding. People with felony convictions have positive ideas for policy and want to take action. They, too, have

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

children in school and seek to attend school board meetings. They own businesses, pay taxes, they believe in candidates, candidates and want to canvass for them. But when it comes to casting a vote, they must wait an additional two years from finishing their sentence to make their voices heard. For these reasons, I ask you to remember Carla Walker and the thousands of Nebraskans who have fought for this country's freedoms and yet, still do not have one of the most fundamental rights: the right to vote. I ask you to vote yes and advance LB20 out of committee. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions?  
Senator Conrad.

**CONRAD:** Thank you, Ms. Larson. Good to see you. Just a quick question. I was looking on your letterhead. Could you help the committee understand who is a part of the Voting Rights Coalition?

**OLIVIA LARSON:** Yeah, the Voting Rights Restoration Coalition.

**CONRAD:** Restoration Coalition. I'm sorry.

**OLIVIA LARSON:** Yeah. Um-hum. No worries. We're comprised of 28 nonprofits across Nebraska. I believe, Jasmine Harris, in her packet--

**CONRAD:** OK.

**OLIVIA LARSON:** --included a list of members of the coalition, as well as a little bit of information about who we are and what we support. And just to be clear, as a coalition, we do support this legislation, but if passed, we hope it is passed, our goal is much further than this. We'd like to educate people, help get people vote-- registered to vote, so it does not just stop and end with this legislation.

**CONRAD:** Very good. No, I appreciate that. Thank you. And I'll definitely take a closer look at the list there. Because one thing that I was curious about and maybe it will pop up in the letters for the record or in other testifiers behind you here today, but I know that similar legislation, in the past, has enjoyed very broad support from faith leaders, from even law enforcement leadership in Nebraska. And I'm hoping that, that they are a part of this year's effort as well. So thank you.

**OLIVIA LARSON:** Absolutely. Thank you.



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**SANDERS:** Are there any other questions? I see none. Thank you for your testimony.

**OLIVIA LARSON:** Thank you.

**SANDERS:** Proponent? Welcome.

**STEVEN SCOTT:** Thank you. Thank you for having me and giving me this privilege to speak. My name's Steven Scott, S-t-e-v-e-n S-c-o-t-t. I'm a voter in District 20. And having been previously incarcerated myself, I'm very aware of what the criminal justice research community calls collateral consequences. Senator Conrad just remarked on those. Collateral consequences are the legal and civil repercussions of being incarcerated that go beyond the original sentence, which is time in prison, probation, a fine. These can be limitations to housing, employment, professional licensure and in this case, of this bill, voting. Because of these systemic societal barriers, once previously incarcerated individuals are released, it is more difficult for them, compared to the general populace, to successfully function in society. Often treated as sub citizens, these individuals are punished for their crimes well beyond their original sentence. How can this disenfranchisement not lead to recidivism? If you want to protect communities, research tells us that blocking people from opportunities is less effective than providing them and that those active in their civic responsibilities are more likely to adopt the values associated with them. Underlying the many collateral consequences of a conviction, is an implicit assumption that total rehabilitation is impossible. It is reasonable to believe, then, that these sanctions only serve to increase crime. If one feels if-- as if they have no stake in their community, then one has little incentive to abide by it. In fact, research shows a positive correlation between collateral consequences and recidivism. And many individuals who are subject to disenfranchisement laws speak of it as a symbol that they are outsiders in their own community. While these collateral consequences are often premised on the need to protect the public and some may be justifiable, many have a tenuous relationship with public safety. I believe the ability to vote is a good example of this. In 2010, nearly 5.2 million Americans were not able to vote because of a felony conviction. This political disenfranchisement is not due to federal law, but is instead administered at the discretion of state legislators. And it can disproportionately affect minority populations, as someone who is black is statistically five times more

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

likely to be arrested than someone who is white. When examining voting rights, this can be a significant disparity in political voice. These laws are also contradicted by research, as studies show that states with greater voting restrictions for previously incarcerated individuals have higher recidivism rates than those with less restrictive policies. Yet many states still choose an arbitrary number of years to limit the voting rights of those recently released from prison. Therefore, today I ask you to support the removal of one of these barriers. LB20 would be a great step towards decreasing the alienation of the formerly incarcerated and improving the chances of their successful reentry. I hope this perspective will sway you to support LB20 and I appreciate your time and this privilege to speak to you. Thank you.

**SANDERS:** Thank you. Are there any questions? I see none. Thank you for your testimony. Proponent? Welcome.

**MICHELLE LaVAUGHNE FEILING:** Welcome. I'm nervous.

**SANDERS:** Take a deep breath.

**MICHELLE LaVAUGHNE FEILING:** All right. My name is Michelle LaVaughne Feiling, M-i-c-h-e-l-l-e, last name is two last names, L-a-V-a-u-g-h-n-e F-e-i-l-i-n-g. I ask that my testimony be included as part of the official record as a proponent of LB20. I am 36 years old. I'm an openly trans woman on my journey to affirm my gender. I'm also a proud veteran of the U.S. Army. I'm currently on federal felony probation in Nebraska and I have spent 9.5 years incarcerated, recently getting out in August of 2020. I'm 17 years away from being able to register to vote. Since being released in 2020, I have built a successful life for myself. I receive therapy for mental health trauma from the Department of Veterans Affairs and the University of Nebraska Medical Center. I work full time at Amazon, the new fulfillment center, out in Sarpy County. I'm at a-- I am in a position of leadership among the staff, as I am a learning ambassador. And in this role, I help train, retrain and coach new hires for the company. After facing issues with substance abuse and addiction, I have been happily sober for, now, 182 days, but it's actually 184 today, by the way. I maintain compliance on my probation and follow all the rules of society. As I'm interested in and affected by many issues facing Nebraska, including a better minimum wage and in racial injustice and poverty and not having, not having the ability to vote keeps me from

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

voicing my concerns at the ballot box. I ask you to support LB20, advance it out of committee, to restore my right to vote and restore the right to vote for many others in my position. While I have been able to build a life I am proud of, it has not been easy. Regaining the right to vote, a fundamental part of participating in a democracy, would give me and others with stories similar mine additional motivation to stay on the right track. A vote in elections is a voice in local, state and federal matters. To have the simple power to cast a vote allows me to exercise my voice and how I want the state and country to move forward. I've truly rebuilt my life since being incarcerated. I cannot express what it would mean to regain my vote and therefore, my voice in civic issues. LB20 would change that. And for those reasons, I ask you to vote yes and advance LB20 out of the committee. Thank you for your time.

**SANDERS:** Thank you. Are there-- let me check to see if there are any questions for you. I see none. Thank you--

**MICHELLE LaVAUGHNE FEILING:** Yep.

**SANDERS:** --for your testimony. Are there other proponents on LB20? Welcome.

**DANIEL GUTMAN:** Thank you. Good afternoon. My name is Daniel Gutman, D-a-n-i-e-l G-u-t-m-a-n. I'm here on behalf of the ACLU of Nebraska, which supports LB20. Voting is the cornerstone of our democracy and the fundamental right upon which our civil liberties rest. The ACLU of Nebraska works to protect and expand Nebraskans' freedom to vote and for this reason, the ACLU supports LB20. As this committee is aware, for, for a long time, Nebraska had a lifetime ban on voting for people with felony convictions. That policy, as was already discussed, traces its roots to Jim Crow era. In 2005, that ban was lifted and replaced with a new one that required a two-year waiting period. In 2016, 10 years after that law change, the ACLU of Nebraska studied the effect of the law change with local election facility-- officials. As part of this study, the ACLU called all election commissioners and asked the following question: can a former felon register to vote? The result of the study uncovered three common misperceptions regarding the fundamental right to vote. First, several election officials incorrectly believe that the right to vote was restored for people with felony convictions after five years. Second, several election officials incorrectly believe that the right to vote was only restored

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

if the person had paperwork from the court or had been officially pardoned. Third, at least three county election officials incorrectly stated that re-enfranchisement depended on the person's charge or sentence. It is clear from these results that there is misinformation among well-meaning election officials who are trying to comply with the nuances of the current law, but even one mistake by an election official in this process is de facto disenfranchisement. We also know that the same problems exist now. Recently, the ACLU sent a, a public records request to the Secretary of State. A large number of potential errors were uncovered, including some people who had received disqualification notices, who had completed their sentences well beyond the two-year limitation. We believe a simpler state law that would make it easier for the public and county officials to understand is favorable. If eligibility began immediately upon completion of one's sentence, members of the public and election officials would have a clear and easy to understand rule to follow. We encourage the committee to pass LB20.

**SANDERS:** Thank you for your testimony. Are there any questions?

**CONRAD:** I have one.

**SANDERS:** Senator Conrad.

**CONRAD:** Thank you, Mr. Gutman. Good to see you. I remember some of that research and worked-- during my time when we worked together at ACLU and before that. But do you happen to know-- and if not, we can follow up off the record. I, I was glad that previous testifiers noted that there's just so much confusion in the public surrounding the two-year arbitrary waiting period and how it's applied, that people kind of self-select out of registering to vote or participate in the process because they're just confused about what that means for their case. But I, I wanted to follow up on, on the other point that you noted, which I think is, is equally concerning. So knowing what we know about the data and the admissions from the Secretary of State's Office and local election officials, who work very hard to administer our elections and do a, a great job, but of course, there are errors in, in, in their work, along the way. And this has been identified that the, the databases or systems aren't really talking to each other in a cogent way, from corrections, in courts, to the voting rolls kind of things. Do you have any sense or recent updates from the Secretary of State's Office about where they are in remedying any of those

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

errors? I think it was hundreds of errors, if memory, memory serves, that, that, that initial open records request kind of identified.

**DANIEL GUTMAN:** Yes, The, the initial open records request identified hundreds of errors. There was, there was about a little over 50 people who the Secretary of State specifically responded to and corrected those errors for them. Not all errors could be tracked to a specific person. So, you know, we commended the, the Secretary of State's Office for acknowledging those errors and fixing them. But we traced it to, I think, a little, a little bit over 50 people, who specifically were identified as there being an error and re-enfranchised. But that's correct. The error is twofold, both on people who withdraw because they can't-- it's hard to figure out when this, this two-year period starts and ends, but also from the institutional perspective of errors within our systems.

**CONRAD:** Yeah. And I know another aspect of this issue that we encountered a lot doing public education and engagement was-- because, of course, for a variety of important policy reasons, there's, there's very serious penalties when it comes to voter fraud or registering if you're not otherwise eligible. And that, you know, people take that really seriously. And so they're very reluctant, if they're anywhere near those deadlines, to try and register to vote or participate. And many times they're seeking guidance, saying, am I eligible? Am I not? I'm not quite sure what to do. And it puts our election officials in kind of a weird spot, because they can't give legal advice to individuals in that regard. Of course, they can give general information, but individuals can't necessarily afford a lawyer, either, to help them sort through all of those different issues. So we're having, even under current law, we're disenfranchising far more people in practice than even the two-year arbitrary waiting period would in-- just on the, the face of the language in the law itself. So I'm, I'm very concerned about those issues that surround this policy, as well and think that, that a clearer, kind of, you know, once you've completed the terms of your sentence, that that could provide clarity for citizens, for election officials, for-- in the state office or across the, the county offices.

**DANIEL GUTMAN:** Absolutely.

**CONRAD:** Thanks.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**SANDERS:** Senator, Senator Raybould.

**RAYBOULD:** Yes. Thank you, Mr. Gutman. Do you know, does the Secretary of State's website have a link that says, you know, for convicted felons recently released, these are some guidelines? Or do any of the 92 counties and the election commissioners have anything on their website to give a little bit of guidance? And how someone can-- you know, should there be someone at the Secretary of State who can respond to questions and inquiries that has a legal background and, and-- to be able to give them the concise advice that they're looking for?

**DANIEL GUTMAN:** I believe that the Secretary of State's website does have information and we, we certainly are not suggesting that the Secretary of State's Office or an election officials intentionally--

**CONRAD:** Yes.

**RAYBOULD:** Right.

**DANIEL GUTMAN:** --but it's, it's, it's confusing even for people who are election law experts. And, you know, when does the sentence start? When does it end? When does the two-year period kick in? So you can go on the website and I think that you can find some information, but when you-- when the rubber hits the road on actually figuring out when that date is, there is just, kind of, collective confusion about that. And so there is information, but the actual application of that information is difficult.

**RAYBOULD:** OK. Thank you.

**SANDERS:** Thank you. Are there any other questions? I see none. Thank you for your testimony.

**DANIEL GUTMAN:** Thank you.

**SANDERS:** Are there any other proponents? Welcome.

**HEIDI UHING:** Hello, Vice Chair Sanders, members of the Government Committee. My name's Heidi Uhing, H-e-i-d-i U-h-i-n-g. I'm the public policy director at Civic Nebraska, here to testify in strong support of LB20. Our organization has called Nebraska voters to conduct a poll about their thoughts on voting rights restoration, starting last

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

summer in June, up to today. And so far, we've reached 665 voters. Forty-one percent of those reported that, no, they were not aware of this required two-year wait and 81 percent reported that they would support a bill to remove that wait and restore voting rights to all free citizens. So despite the best efforts of the state's nonprofits to inform people about their voting rights, confusion about this issue persists. I'm sure you all have stories from the campaign trail of Nebraskans telling you that they're unable to vote, due to their record. We have heard these stories, too, some of them shared here today. When the state knows that there is a persistent confusion that results in Nebraskans not enjoying all their civil rights, we have a duty to act. There is a misperception that voter disenfranchisement affects urban areas more than rural. But if crime were only an urban issue, rural areas would save a lot of money by sending their law enforcement home. Our state has a well-documented mass incarceration problem that impacts people statewide and those incarceration rates make this policy an even more glaring problem for Nebraska, in particular. We are keeping 18,000 Nebraskans from voting by perpetuating this policy year after year. Meanwhile, most other states that had similar policies have prioritized fairness and acknowledged that former felons have civil rights that should not be obstructed. Nebraska is the last state to disenfranchise all felonies for a period of time beyond their sentence. The few remaining states with disenfranchisement policies are quickly changing their tune. In 2018, Florida decided, by statewide ballot initiative, to restore voting rights after the completion of the sentence. And Iowa Governor Kim Reynolds recently restored voting rights to most Iowans who have completed their sentences. Iowa's recent change leaves Nebraska as the only state in the Midwest with a policy of blanket disenfranchisement for a period beyond someone's sentence. Senator Aguilar will remember the work this committee did to remove full voting restriction in 2005. The two-year wait was presented then as a compromise to advance the initial bill out of committee. I was working at the Legislature at that time covering this committee and I think anyone in that room, then, would be surprised to see that two-year compromise still on the books 18 years later. The two-year ban affects thousands of taxpaying Nebraskans and this creates a secondary class of citizen, one who must pay taxes and follow the law, but not otherwise participate in our democracy. This policy has been decried by lawmakers, civil rights groups, law enforcement and religious leaders alike. If I am convicted of a felony and, and sentenced to ten years in prison plus parole, my

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

punishment is ten years in prison plus parole. When I have served my debt to society, all my rights must be restored. It's not a privilege to be earned. It's a constitutional right to be furiously protected. States must be consistent in how we treat constitutional rights. We show great concern about protecting people's First Amendment and Second Amendment rights. We must be equally careful about protecting our voting rights, which are enshrined in four different constitutional amendments. This deserves the same protection. Finally, we'd like to thank Senator Wayne for continuing to champion voting rights over his many years of service. His approach to this issue here has been very moderate, reasonable and is long overdue. We encourage the committee to support LB20. And I've included in the handouts a white copy summary of, kind of, the history of this issue up to about January 2021.

**SANDERS:** Thank you. Are there any questions? I see none. Thank you for your testimony. Any other proponents? Welcome.

**JOANNA LINDBERG:** Thank you. Thank you, Senator Sanders and members of the Government Committee. It's good to be here. I'm a member of the League of Women Voters and we feel real strongly about voting. I mean, that is our, our, our strongest activity in the, in the nation and that is why we're here today. Our position on corrections--

**SANDERS:** Excuse me.

**JOANNA LINDBERG:** --focuses on reint-- integrating the offender into the community and upholding their basic--

**CONRAD:** Joanna.

**SANDERS:** Excuse me.

**JOANNA LINDBERG:** Oh, I didn't spell my name.

**SANDERS:** Yes, state it and spell, please.

**JOANNA LINDBERG:** Joanna Lindbergh. And it's J-o-a-n-n-a, Lindberg is L-i-n-d-b-e-r-g.

**SANDERS:** Thank you.



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**JOANNA LINDBERG:** Thanks. So we're concerned about upholding basic human rights of sent-- sentence offenders. As we are a, a, a group of states that withhold voting, just a handful of states, another justification of the two-year wait sentence in the past has been the idea that individuals were being jammed out, going out early, their sentence, sentences being reduced and not getting the services they needed. And that current practice has been reduced and so, that's not a concern for the state at this time. It's imperative that the state engage and as they reenter the communities, there's better civic participation and less recidivism, which has already been, been stated. Formerly convicted individuals do get counted in our census, they hold jobs, they raise families and contribute to their community. Why shouldn't they have a voice in representative government? We learn about voting practices from our families, from the people in our lives. And so, banning these parents affects the friends and community members from wanting to vote and feeling that that's something that I need to participate in. It affects democracy and, and, you know, has a reach on our country for generations. So the League has previously supported this bill in the past and we feel it's time for the Government, Military and Veterans Affairs Committee to vote yes on this bill and move LB20 to General File. Thank you.

**SANDERS:** Thank you for your support. Are there any questions? I see none. Thank you for your testimony.

**JOANNA LINDBERG:** Yes.

**SANDERS:** Any other proponents? Welcome back.

**DEWAYNE MAYS:** Thank you. I hope I allowed the persons who are-- have to travel a ways to, to come, so I could stay and go across town.

**SANDERS:** Thank you.

**DEWAYNE MAYS:** Senator Sanders and members of the Government, Military and Veteran Affairs Committee, I'm Dewayne Mays, D-e-w-a-y-n-e M-a-y-s. I am president of the Lincoln branch, NAACP and we are in support of LB20, which eliminates the two-year waiting period for voting rights for felons who have been-- completed their sentence. The NAACP is the largest civil rights organization in this country and has advocated for the rights, including voting rights, for all citizens. It is our mission to advocate, encourage and support fair and

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

equitable treatment for all people. Through our collaborative efforts with community partners, we have determined that there is a need for more efforts toward restorative justice for felons in Nebraska. Of the approximately 5,900 incarcerated persons in Nebraska, about 38 percent are, are black, despite comprising only 5.3 percent of the population. Research has shown that the disenfranchisement rate is 10.6 percent for blacks and-- as opposed to 5.3 percent for the general population in Nebraska. The recidivism rate for Nebraska in my-- our statistics show 25.5 percent. An important part of the restorative justice of a felon, in addition to training, is getting the offender involved in the community and adding value to their lives. Restoring, restoring voter rights upon completion of the court-ordered sentence, does that. An addition of a two-year voter disenfranchisement places upon an additional punishment upon the felon who has paid their debt to society for their crime already. This additional punishment further exasperates the rehab-- rehabilitation that needs to take place. LB20 is a step toward rectifying the rehabilitation process. Our state has successfully made these changes for the betterment of their population. Other states have done that, except Nebraska has not. We are asking you to vote yes on LB20. Thank you for all that you do and for the service that you offer to Nebraskans.

**CONRAD:** Thank you.

**SANDERS:** Thank you for your testimony. Let me check if there are any questions for you.

**CONRAD:** I just have [INAUDIBLE].

**SANDERS:** Senator Conrad has one.

**CONRAD:** Thank you. Good to see you again, Mr. Hays [SIC]. Quick question. And I, I know that you have-- you and your family have dedicated countless years to voter engagement and-- in our community, in Nebraska, in Lincoln. And I, I was just wondering if you could just confirm or share some additional experiences. When you're doing voter outreach and education, are people confused about the two-year waiting period?

**DEWAYNE MAYS:** Yes. Yes, they are. And some of the questions that they are asking are, are beyond what information that's out there. And so,

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

what we've had to do was to refer them to the legal counsel to answer their questions, in many cases.

**CONRAD:** No. I, I appreciate that. And thank you for all that you do. Good to see you.

**DEWAYNE MAYS:** Thank you.

**SANDERS:** Thank you for your testimony. Proponent? Thank you. Welcome.

**GAVIN GEIS:** Vice Chair Sanders, members of the committee, my name is Gavin Geis. That is spelled G-a-v-i-n G-e-i-s, and I'm the executive director for Common Cause Nebraska. You have been given my comments, but most of what I was planning to say has already been covered well by others. And so, I will just skip ahead to a few points that were not covered and a big question that, for me, is the lingering question. For me, the lingering question here is what is the point of the two-year waiting period? What purpose does it serve? We can look at it from a lot of different angles. Is it a punishment? If it were a punishment, we would include it in court proceedings. It would be doled out by a judge. It would be given in proportion to the crime, to the underlying crime, that we're discussing. It really just does not fit the measurement of a punish by any-- punishment by legal standards. So if it's not a punishment, is it a deterrent? Does it stop someone from committing a crime? And I would argue that, no, it is likely not a very good deterrent. We already dole out a variety of punishments, right, whether it's imprisonment, fine probation or even death, those are all, certainly, preceding larger deterrents than taking away voting rights ever will be, as detrimental as it is. But it is probably no more than an additional negative consequence, as many have already said here today, there are many negative consequences of committing a crime and being caught. But voting rights, I don't think taking [INAUDIBLE] is a deterrent. So is it this element of the person needs to be educated, they need to know more before they can vote; we just don't think they know enough yet. And I can say from my own experience working with advocates on a variety of issues, my experience mirrors many of the senators here. These are some of the most engaged, intelligent, compassionate individuals I have had the pleasure of working with. Some of the advocates here today, I do find truly inspiring because they've gone from what is the lowest point of their life, what is-- could be life-changing in a very negative way and they've turned it into advocacy, into caring about

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

and speaking out on behalf of their communities. I do not think the purpose of this two-year waiting period solves or serves-- is to create more engaged, more knowledgeable people. From what I've seen, these people are engaged. They want to be involved. They want to vote. And so for those, those are the three reasons I can think of why we have this policy and none of them seem to fit. None of them seem to serve the purpose. And so from that standard, there's no reason to keep this around. There's no reason to keep holding back people's constitutional civil rights when we don't really have a good reason for doing it, when it's not uplifting a state purpose, when it's not making us a better state. I think it's time to do away with it. It's been time to do away with it for 18 years and you have the power today to do it. Common Cause would encourage you to do so. Thank you. That, that is all I have. Thank you all.

**SANDERS:** Thank you for your testimony. Are there any questions? I see none. Thank you.

**GAVIN GEIS:** Thank you.

**\*TANYA ENCALADA CRUZ:** I am support of this bill. I don't believe this right should ever be taken away. Taking away someone's right to vote by locking them up or convicting them of a felony gives the elected people in office, whatever party they belong to, incentive to lock up people up who speak out against them and who they believe will not vote for them. Thank you for your consideration on this matter.

**SANDERS:** Are there other proponents? Any opponents? Any-- welcome back.

**KATHY WILMOT:** Thank you. Kathy Wilmot, K-a-t-h-y, W-i-l-m-o-t, and here on my behalf. And I come with a background of having worked in a prison system for-- worked in, catch that, for over 20 years. I think last time, I made a mistake and made it sound like I might have been in prison 20 years, but this provides for an automatic restoration of the voting acts. And felony convictions have some lasting legal ramifications, which we've heard of, but those also include the right to vote, holding public office and also owning a firearm. And they're restricted in their ability to obtain some occupational professional licenses. And I guess, one thing that's kind of caught my interest in all the discussion is no one's worried about the restoration of firearms rights, just the voting rights. And I was here to testify, I

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

think, on this way back when, at that time, you had to go before the board and ask for your rights back at a, at a certain period of time and didn't seem like we had much confusion then. So maybe when we went to the two-year limitation or the time period, that may be when the confusion has come in. And we know that individuals do place value on things that they work to obtain. We, we take that approach with our teenagers and things. And I do think that, hopefully, the two-year waiting period reinforces the fact that voting is something very special and hopefully, that would be part of the things that an individual would consider if they're tempted to break the law again. The fact that, you know, I lose things, they're important things and I don't want to lose those things. In, in my 20-plus years in the prison system, I honestly never heard from an inmate that this was one of their concerns. I worked in a medium-minimum or excuse me, medium-maximum situation. Minimum situation. And there were 750 inmates in one of the facilities I was working with and 100 in another, never heard that being something they were concerned about. There was a lot of other things. That wasn't one of them. And I've also heard a lot today about, hey, we pay taxes, you know, while we're sitting there our two years or whatever. Why do we have to pay the taxes? And what I would say is, you know, the incarceration costs us taxpayers about \$40,000 a year and we do not try to recoup that cost from anyone that's serving time. And I'm not recommending that. But, you know, I guess the taxing thing doesn't really carry a lot of weight for me, knowing what's involved with incarceration, how much it costs and how much we're paying for that. And we're doing it because we are hoping that that's a way of helping those individuals be successful in society. That's, that's the whole thing it exists for. So those would be my comments and I would oppose passing LB20.

**SANDERS:** Thank you for your testimony. Are there any questions?  
Senator Hunt.

**HUNT:** Thank you, Vice Chair Sanders. Thank you, Ms. Wilmot, for being here. Would you support extending the waiting period to three years?

**KATHY WILMOT:** I guess the time period isn't, perhaps, what I was concerned with, as I think there needs to be a waiting period. And again, I think, when I come back to how we raise our teens and how I know I treat things when I work hard for it or when I have to wait to acquire that, it's so much more valuable to me. And I guess that's the

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

thing and if you think that three years would add to that value, that's something you all could consider.

**HUNT:** Yeah, that'd be my question for you. But is the time spent incarcerated not enough time spent to think about privileges you've lost and privileges you're working to regain?

**KATHY WILMOT:** It is time spent that way, but I think it's different, different things they're focusing on at that point. When, when you're incarcerated, it's more the movement, the freedom and some of those things that you're focusing and concentrating on. And I think once that you're out and, and you have some of those rights or abilities, then you start focusing on, wow, what else am I missing? What do I need to do to correct that? How can I better myself? How can I improve?

**HUNT:** So it's not voting they think about until they're released.

**KATHY WILMOT:** I don't know when they think about it. I'm just telling you, in over 20 years in the prison system, that was never one thing I heard from, from inmates.

**HUNT:** OK. Well, we just heard from a lot of proponents who had been incarcerated that they did think about it.

**KATHY WILMOT:** Yeah. And they're out.

**HUNT:** How did that make you feel?

**KATHY WILMOT:** Yeah. Well, they're out now. And I-- it made me wonder if that had something to do with it.

**HUNT:** Do you think maybe it didn't occur to them until they were released?

**KATHY WILMOT:** That I can't tell you, how-- what they were thinking.

**HUNT:** OK.

**KATHY WILMOT:** I know it was something that, that was interesting to me as I was listening.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**HUNT:** Did you hear anybody-- I heard people saying that they do pay taxes as a way of demonstrating contribution to society, in addition to other things. I heard proponents say things like, I work at this nonprofit, I've been employed at Amazon, I'm, I'm doing this kind of community outreach, this and that. I pay taxes. Did you hear anybody complaining about paying taxes?

**KATHY WILMOT:** I don't know from what-- you know, where their thoughts were. I just know that that's something I was hearing and, and I guess, to me, that wasn't the important piece at that point in time.

**HUNT:** Would you support a bill or a new policy where we just add two years onto everybody's felony sentence to encompass the time--

**KATHY WILMOT:** How I--

**HUNT:** --that they can't spend voting?

**KATHY WILMOT:** I don't think that would be fair to them.

**HUNT:** And then, maybe that last two years could just be spent thinking about voting, as you kind of mentioned?

**KATHY WILMOT:** It's nothing I-- that's nothing I'm bringing forward.

**HUNT:** OK. Thank you, Ms. Wilmot.

**SANDERS:** Thank you. Are there any-- one more question. Senator Conrad.

**CONRAD:** Thank you, Ms. Wilmot. And I know you're here today in your individual capacity, but I also know that you've been actively involved in political circles and thank you for your service. I know everybody who serves at every level of government makes a sacrifice to, to do that. I, I was just wondering, in your recent campaign experience, did you come across any voters who were prohibited from, from voting in recent elections because of, because of this law?

**KATHY WILMOT:** I did have one individual that--

**CONRAD:** OK.

**KATHY WILMOT:** --that approached me with that. Yes.

**CONRAD:** OK.

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

**KATHY WILMOT:** And that was out of a 45-county area.

**CONRAD:** Sure. Sure. And I, I do think it does bubble up because people are just kind of confused about it. And sometimes we get to hear about it when we're out interacting with people on the campaign trail. And then, I'm just-- apologize. I'm not familiar with your background. What type of work did you do when you were working in corrections?

**KATHY WILMOT:** My first position there was as the training officer. I was responsible for all training at the facility.

**CONRAD:** OK.

**KATHY WILMOT:** And my second was in compliance with state and federal regulations--

**CONRAD:** OK.

**KATHY WILMOT:** --and so part of my job was actually out interacting with the inmate population--

**CONRAD:** OK.

**KATHY WILMOT:** --checking to see how they felt they were being treated, what they were needing, you know, what they were running into, as far as interaction with staff, etcetera. So I had a very global view of the facilities.

**CONRAD:** Did you open up any conversations during the course of that work with Nebraskans who were incarcerated about reentry plans or concerns or issues or ideas that were on their mind?

**KATHY WILMOT:** Those were things that was quite the focus and I worked in the state of Kansas, not Nebraska.

**CONRAD:** Oh, OK. All right. So maybe--

**KATHY WILMOT:** That was a, that was a--

**CONRAD:** --and I don't know what their landscape is. OK.

**KATHY WILMOT:** --yeah. That was a huge focus in the Kansas system during that time was every way that we could think of to help them with their integration back into society so that they would be



\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

successful in, in all kinds of ways and even making sure that they, you know, had things lined up as far as where they would be able to live, what kind of a support system they had. Were they going to be able to find employment? Helping them find employment, also, you know, focusing on things like what did they need to do to make sure they could get a valid driver's license, those types of things.

**CONRAD:** Yes, absolutely. And I don't know off the top of my head what the legal landscape looks like for voting rights restoration in Kansas, so maybe that's why it didn't pop up. I, I don't know, but that's very helpful. Good to know. And it wouldn't be a surprise to me, I think everybody working in corrections usually has pretty robust conversations about reentry planning, hopefully all along the way, to try and ensure success for, for returning citizens, which, you know, I really see as a, a piece of this puzzle. And I think, maybe, you know, we share some of the same values there, but you're looking perhaps at different solutions, it sounds like. What-- does it trouble you, Ms. Wilmot, to know and maybe-- I think you were here for Senator Wayne's opening and then, to hear some of the proponent testimony in regards to a very dark undercurrent of racial injustice in regard to these policies, from when they were first adopted and as a part of our, our constitutional provisions and then, you know, to see the impact today, where we see that really stark racial injustice in regards to, to the impacts of our criminal justice system. Do you have any thoughts on that or want to untangle that?

**KATHY WILMOT:** No, I don't.

**CONRAD:** OK.

**KATHY WILMOT:** I don't really have any thoughts on it. I did hear that and I have read some on that. But I guess for me, I'm looking more at what, what do we need to do today? What, you know, what's right today? I can't go back and fix yesterday.

**CONRAD:** Sure.

**KATHY WILMOT:** You know, from today forward, what's the best thing that we can do?

**CONRAD:** Sure. Absolutely. And, and I, I agree. None of us can go back and, and we don't have a time machine to, to change the past. But I

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

think we do have opportunities to try and set ourselves and our state on a better trajectory for, for tomorrow, as well. So thank, thank you very much for your time. And, and I see a colleague passed along a note that, in Kansas, they do automatic restoration of voting rights on completion of sentence. So maybe that's why it didn't pop up in Kansas, but--

**KATHY WILMOT:** Well, they-- and they weren't--

**CONRAD:** --yeah.

**KATHY WILMOT:** --concerned. I mean, I don't know.

**CONRAD:** Sure.

**KATHY WILMOT:** They-- it just seemed as though that whole piece was not their focus. Things like getting employment--

**CONRAD:** Yes.

**KATHY WILMOT:** --where I'm going to live those-- it was more the immediate, I guess, types of things that they focused on.

**CONRAD:** Yeah. That, that definitely makes sense to me, too. And, and I think I was, maybe, you know, based upon some of the conversations I've had with people who've specialized in reentry or who've worked in corrections, I think that it's fair to say that there's kind of a, a level of priority, in terms of human needs for returning citizens: housing, employment, family connection. So that wouldn't surprise me at all, but it also wouldn't surprise me if pro-social, pro-democracy activities, you know, bubbled up in, in terms of that, that post-incarceration planning. Maybe it just didn't pop up in those conversations. But I, I appreciate your time. Thank you.

**SANDERS:** Thank you. Are there any other questions? I see none. Thank you for your testimony. Are there any other in opposition? In the neutral? Welcome back.

**KIMARA SNIPES:** Thank you again, Senator Sanders, and members of the Government, Military and Veterans Affairs Committee. My name is Kimara Snipes, K-i-m-a-r-a S-n-i-p-e-s, and I am director of Equity and Community Partnerships at the Nebraska Civic Engagement Table. We are a membership organization serving around 70 other nonpartisan,

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

nonprofit organizations across the state. Our mission is to help our members increase voting and year-round civic participation in their communities. I was glad to hear Joanna talk about family. Mentioning family, I'm the very proud offspring of Shelly Spivey [PHONETIC] out of Farmerville, Louisiana, who made sure that our entire family, as long as you were 18, started voting in 1981 and we have done so every other year since, regardless of your background. We are testifying, the Table, in the neutral capacity because while we fully support removing the two-year waiting period for voting, the Nebraska Table believes this effort should return all of the important civic rights suspended while a person serves their sentence. You have heard today from previous supporters about the ways that voting can increase the feeling of belonging in a community and be a gateway to other forms of civic participation. This is why we would support reinstating the right to vote immediately upon release, rather than after the probationary period. We want to show people encouragement and make them feel a sense of belonging in their community when they reenter and immediately getting their right to vote back is one step in that process. Furthermore, the bill, as it stands now, takes away voting rights from additional groups than just people serving time for felony sentences. We would like to see those convicted of a felony but serving a probat-- probationary sentence, maintain their voting rights. These individuals are our neighbors and community members supporting our local economy and paying those taxes. And yet, they do not have a vote. Regardless of their environment in the criminal justice system, the people this bill impacts are affected by and interested in the issues on the ballot. They have children in schools, own businesses and volunteer with community organizations, but they do not get a vote. Finally, we would like this bill to allow those who have served felony sentences to run for office and serve on juries. When we think about civic engagement, voted-- voting is often the first thing that comes to mind, but it is really the tip of the iceberg when it comes to all the ways someone can get involved. Who better to understand the impact of the criminal justice system than those who have been involved in it? There is no reason to keep people who have served their time from ever being able to participate as elected officials or as jury members in the legal process. Denying people the right to these activities sends the message that they are lesser citizens and continues to isolate people from their communities. The Nebraska Table is always considering how we improve the civic health of our communities. This starts with ensuring that

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

everyone in our communities has an equal right to make their voice heard. Eliminating the artificial and unnecessary two-year waiting period is an important step to doing that. But there is more than this bill-- there is more that this bill can do to promote reintegration into civic life and ensure that fewer Nebraskans are denied their right to vote. We encourage you to pass LB20 out of committee and consider these proposed changes as amendments to a final version of this bill. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions?  
Senator Conrad.

**CONRAD:** It's fine. Hello. Good to see you again.

**KIMARA SNIPES:** Thank you.

**CONRAD:** Quick question. At a previous-- I don't think previous testifiers had a chance to cover this or, or maybe I, I just missed it in all the good information that was provided today. But in your work at the Civic Engagement Table, are you aware of, kind of, voter engagement or voter rights kind of educational programming for Nebraskans that are incarcerated, say, for example, in our county jails on misdemeanors or with felony charges pending, but who have not yet been convicted? I mean, I think sometimes that's also surprising to Nebraskans to know that you actually can vote when you're serving a period of incarceration in other contexts.

**KIMARA SNIPES:** That is something actually that I'm looking for, are civic--

**CONRAD:** OK.

**KIMARA SNIPES:** --engagement strategies back there. Those are conversations we've been having.

**CONRAD:** Very good.

**KIMARA SNIPES:** We are also in contact with other states who are also working on voter rights and one of the-- one of our partners in Georgia, actually, I was just in D.C. a few weeks ago and she was talking about the work that they are doing in jails and in places like that. So Y'Shall and I have been having these conversations. Specific programs off the top of my head, none that I can think of like that. I

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

know that there are other organizations that go into jails and prisons and they'd have these conversations, though. Y'Shall and I are talking how to be very strategic and a lot more intentional with those conversations.

**CONRAD:** Very good. Thank you.

**SANDERS:** Thank you. Any other questions? I see none. Thank you for your testimony.

**KIMARA SNIPES:** Thank you.

**SANDERS:** Safe travels. Are there any other in the neutral? Welcome back.

**Y'SHALL DAVIS:** Thank you. Hello, everyone. Once again, my name is Y'Shall Davis. Y--S-h-a-l-l D-a-v-i-s, and I support removing the two-year waiting period for many reasons. I am here in a neutral capacity today. I'm representing myself in a personal capacity and I want to see this bill do more for those on parole or probation. I support removing the two-year waiting period. A lot of reasons. One is that it serves no purpose outside of voter suppression. I think citizenship is a right that should remain intact. Either keep it entirely or lose it altogether. There's no such thing as second-class citizenship. Many eligible voters get registered to vote, but they don't cast their vote. So removing this two-year waiting period would serve to increase voter participation. You know, when something don't have the-- when someone doesn't have the right to do something, they actually can't wait to get it done. So I think we should be encouraging the vote and not disallowing it. In Michelle Alexander's book, *The New Jim Crow*, she speaks of the Cotton family. She tells the story of several generations of black men born in the United States, but were denied the most basic freedom that democracy promises, the freedom to vote for those who will make the rules and laws that governs one's life. Justice-impacted individuals find themselves going from inmates to outmates, inmates to outmates. Can you honestly sit here and say you support prison reform but not the removal of the two-year waiting period? Let prison reform work. If it works, it works. I've had conversation with folks and I've asked, do you support removing the two-year waiting period? And to my surprise, most individuals say they do support it. I make the phone calls. Those that say they didn't support it were because of the age old adage, if you

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony

do the crime, you do the time. But this leads me to wonder if you've been released, then doesn't that mean your time is finished? Do the crime, do the time. I'm out. I'm free. It's over. OK. I agree with those who say this is a moral and a political issue. And I want to repeat that. I agree with those who say this is a moral and political issue. And as Jawanza Kunjufu has written, politics is the distribution system for economics. It determines who gets what, when, where, why, how much and for how long. And in my opinion, you'd have to be mentally challenged or living in an extremely poverty-stricken condition to run the risk of becoming a felon, knowing that you're going to lose your freedom, the right to vote, the right to protect yourself and your family by bearing arms, the right to become a politician, the right to jury duty, fair housing and equal employment opportunities. People on probation or parole have done their time. They have returned to their communities and they should be able to vote. I hope this bill can be expanded to restore voting rights for these individuals. And thanks for hearing me out.

**SANDERS:** Thank you for your testimony.

**Y'SHALL DAVIS:** Yes.

**SANDERS:** If there's any questions for you, I see none. Thank you for your testimony.

**Y'SHALL DAVIS:** Thank you.

**SANDERS:** Are there any others in the neutral? I see none. Senator Wayne waives closing. But for the record, position for letters, we have, on LB20, we have proponents, 78, opponents, five, and neutral, zero. So thank you and everyone drive safely. And this closes the hearing on LB20.