

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 16 2023
Rough Draft

BREWER: Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Tom Brewer, representing the 43rd Legislative District in western Nebraska and I also serve as Chair of this committee. The committee will take up bills in the order that they were 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. Committee members might come and go during the hearing. It is just part of the process. They have bills to present in other committees. And I see Senator Hunt not only has a bill in here, but two in HHS. And Senator Conrad, you're up in Appropriations?

CONRAD: Yes. I think [INAUDIBLE].

BREWER: Don't panic when they come and go. That's just part of what they got to do. I ask you to abide by the following procedures to better facilitate today's meeting. Please silence your cell phones or any electronic devices. When the bill that you're going to be testifying on is up, we ask that you move up to the front row so we know who's next up. The introducing senator will make the initial statement followed by proponents, opponents and those in the neutral. Closing remarks are reserved for the introducing senator. If you're planning to testify today, we would ask that you pick up a green sheet, fill it out completely and legibly. Also, that if you are here and you want to record your presence but not testify, there's a white sheet that you can sign in the back of the room, also. If you have handouts, we ask that you provide 10 copies and give them to the page when you come forward. If you don't have enough copies, let us know and we will have the pages help you get more copies. When you come up to testify, please speak clearly into the microphone. Tell us your name. Then please spell both the first and last name so it is accurately recorded in the record. We'll be using the light system today. We will go with 5 minutes. So we will have 4 minutes of green, one minute of yellow and then the red light and the alarm. No displays of support or opposition to a bill, vocal or otherwise, will be allowed from the audience. Committee members here with us today will introduce themselves starting on my right, with Senator Conrad.

CONRAD: Good afternoon. Hi, I'm Danielle Conrad from north Lincoln.

RAYBOULD: Good afternoon, everyone. I'm Jane Raybould, Legislative District 28, it's the heart of Lincoln.

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

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

HALLORAN: Steve Halloran, District 33, which is the heart of central Nebraska, which is Adams, Kearney and Phelps County.

BREWER: Senator Sanders is the, the Vice Chair. Dick Clark is the legal counsel. Julie Condon is the committee clerk. And our pages today are Logan and Miles. With that, we will welcome Senator Vargas and LB742.

VARGAS: Thank you very much, Chairman Brewer. I wasn't sure if everybody has a gavel, if every, every chairperson has a gavel-- and members of the Government, Military and Veterans Affairs Committee committee. My name is Senator Vargas, Tony Vargas, T-o-n-y V-a-r-g-a-s, and I represent the districts of downtown and south Omaha, the heart of south Omaha. We should make updates and changes to the Election Act. LB742 would change the language currently on the driver's license application, as mandated by the National Voter Registration Act. I have a one pager. I'd love one of the pages, if they can help me out here. I'll give you a little bit more of a primer here. So this, this bill would change language currently on the driver's license application, as mandated by the National Voter Registration Act. Whereas the form currently reads, do you wish to register to vote as part of this application process, it would be changed to instead read, we will use your information to update your voter registration record or register you to vote. The applicant would then be able to indicate that they do not want the information entered on their driver's license application to be used to update their voter record or registration. LB742 would simply allow the applicant to opt out rather than opt in of registering to vote. This creates efficiencies for the registrant, it saves duplication of information already provided on their driver's license application or state identification card and it create efficiencies for the Secretary of State, by keeping voter rolls up to date. This means fewer provisional ballots at the polls. This person's interaction at the DMV would largely remain the same, as well. They would still provide their name, their birthdate, an address, as part of whatever the application they were completing. The individual would then be prompted to either affirmatively opt out of voter registration or to register, update or affirm the registration. If the person chooses not to opt out, they would then select their party registration, confirm they're at least

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18 years of age or will be so before the next election and that they are a U.S. citizen that's eligible to vote and provide their electronic signature. The DMV would then send the electronic files for individuals who have both self-identified as eligible and not opted out of voter registration to the county election official, for the sole purpose of voter registration. The county election official would then review the files to determine and verify eligibility prior to registration. If eligible, the individual's registration is then processed and the voter is sent a voter registration registration-- confirmation card, like it is right now. This form of voter registration, being more automatic, is a convenience that protects the rights of all Americans: Republicans, Democrats and Independents, to have their voices heard in our elections. It is a commonsense measure with bipartisan appeal. It is an important method of modernizing our elections, while also protecting the safety and security of our voting rolls by keeping them up to date with the most accurate list of eligible voters. Twenty-two states, including Washington, D.C., are also categorized, by NCSL, as having enacted or implemented some level of updating voter registration automatically in this, in this manner, not in the same manner because it is different for different states. But these states have seen record voter turnouts as a result of the increase in voter registration. I hope that LB742 will do the same for Nebraska. This bill also contains a provision that would allow the photos taken by the DMV for driver's licenses and state IDs to be shared with the Secretary of State's Office, for the purpose of verifying one's identification for voting purposes. It indicates that only those registered voters without a photograph in the electronic pollbook would be required to show photographic identification before casting a ballot. I'll note that there's a similar provision within Senator Slama's LB535. It's an interesting and efficient method of expediting the voter ID process that I think is worth exploring. There are experts behind me to help answer detailed questions of the bill. I'm happy to answer some questions as I can. Just a couple of notes. I brought a version of this bill probably four years ago. There have been some updates to it, based on the feedback and opposition. I think what you'll hear is opposition, not only from the Secretary of State, potentially the DMV. Some of it's technical, some of it is just what mechanism you take to update our voter files and ensure that there is some more accurate data. For me, there's a couple of top lines. The top line is I want to make sure that more people, more people are getting out to vote and getting registered. And the point of, of-- the point where people are most likely to interact with our system of updating their information is when they go to the DMV. And so, let's

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be efficient about the process and make sure that this information is carried over and is updated. I had a brief conversation with, with Wayne Bena from the Secretary of State. One thing I will say, although there are differences in the policy ways that we get around updating voter rules, there is a shared understanding that we have to improve the voter information and the voter files where we can because it will save our state money. And I also think, to the last point that was made about these electronic poll books, some people might remember, at least for our first year, I think Senator Lowe and Senator Brewer, there was some compromises on the electronic poll books and funding that I and I do think it's an interesting mechanism for figuring out if we have these electronic poll books, how can we utilize them so that we are following through with what the voters intended within voter ID, but also being really efficient and-- about this technology that we have, so that people are being ID'd and we're not creating redundancies for people. So with that, again, I appreciate the conversation we're, we're going to have and appreciate everything that we can do in the future. And this won't be something that solved just from the legislation, it's going to be something that's solved eventually. Every state, every state is updating their voter files, either through the secretary of state or through their-- through legislation and trying to create these efficiencies, w some more people get to vote. It's a matter of when we do it and what mechanism. And that's what this conversation is about. And I hope that something like this is something we can eventually move forward in some way, shape or form.

BREWER: OK. Thank you for that opening. Let's see if we got questions for Senator Vargas. Questions, questions. You're going to stick around for close?

VARGAS: That's the plan.

BREWER: OK. Thank you. All right. We're going to start with proponents to LB742. Oh. I'm supposed to read in my ADA testimony. [INAUDIBLE] No, that's just some regular testimony we got.

DICK CLARK: I'll find it.

BREWER: Right here? Well, we [INAUDIBLE].

DICK CLARK: No, we've got the person's name and description [INAUDIBLE].

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BREWER: OK. We've got two to read in. Two or one?

DICK CLARK: Just one for this one, sir.

BREWER: Oh, OK. Just one to read in. This is ADA testimony and it is Lacy Smith and she is a proponent. That's all we need for now. Welcome to the Government Committee.

HEIDI UHING: Thank you, Chairman Brewer and members of the Government Committee. My name is Heidi Uhing, U-h-i-n-g. I'm the public policy director for Civic Nebraska, and I'm here in support of LB742. The 1993 National Voter Registration Act created a process by which Nebraskans can register, update or affirm their registration while having an interaction with the DMV. Senator Vargas's bill proposes an addition to this provision that will benefit the state in two ways: it will make a current government function more efficient and it will improve the accuracy and thus, the security of our voter rolls. When you're applying for a new or replacement license at the DMV, the form provides the option to register to vote while you're already filling out your paperwork. A lot of people do, about one in five. When they say no, there's a tremendous opportunity cost for the state. I say that because updating or affirming a registration while already interacting with a government agency is the most cost effective and convenient way to keep these rules accurate. These interactions reduce the need for provisional ballots, reduce confusion on Election Day, and help our voter rolls keep up with voters who move, both into and within our state. All this bill does is change that interaction from an opt in to an opt out. There's ample evidence from other states that this simple change will increase the number of records processed. Moreover, it's a convenience to voters who would otherwise have to submit a separate application to vote by providing the same information. The current registration system can be needlessly difficult for many voters, such as families, members of the military and students who move frequently and end up registering in the wrong district, then find themselves unable to vote or needing to cast a provisional ballot at the polls. Automatic voter registration would allow vote-- voter registration to automatically move with the voter, while moving Nebraska closer to automated voter registration efforts that have been happening across the country. I will note that the bill provides for circumstances in which an applicant does not opt out of voter registration but is actually not eligible to vote. We understand that the application could-- the applicant could be unaware of this status. And so in this case, the registration application will not be considered valid. This would not be considered a violation, unless the

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applicant has willfully and knowingly taken affirmative steps to register, knowing that he or she is not eligible to do so. Likewise, if the applicant marks that they are not a citizen or indicates that they will not yet be 18 years of age before the election, then the registered request will not be considered valid. Our four major goals when it comes to elections are high turnout, security, efficiency and public confidence in the process. This is one of those rare bills that touches on all four of these components and it manages to do so without creating any new programs or burdensome regulations. It simply makes a small modification to a process that has been in place for 30 years. I've attached a handout outlining, outlining automatic voter registration practices in other states for your review. In short, automatic voter registration is a fair and impartial way to ensure that every eligible citizen has an opportunity to have their voice heard in our elections. Because it's also an easy way to improve the accuracy of our voter rolls and reduce government waste, I encourage the committee to advance this bill to General File.

BREWER: All right. Thank you for the testimony. Let's see if I have questions for you. Questions, questions. Senator Raybould.

RAYBOULD: Thank you, Ms. Uhing, for coming. And thanks for the handout.

HEIDI UHING: Yes.

RAYBOULD: States with automatic voter registration. I'm kind of curious because this legislative bill votes or I guess, encourages us to work and partner with DMV. But I just happened to notice that on a lot of these other states, like Colorado, they list the DMV in Department of Health. Delaware does that and New Jersey does, a few other ones. Maryland does local social services and mobility office. And so, do you envision probably expanding it to some of these other departments of health and Social Security and things like that or--

HEIDI UHING: That sounds like a great amendment, Senator. I would fully support that.

RAYBOULD: Oh OK.

HEIDI UHING: I think, you know, because the DMV is the most common way to approach this, we were approaching this from kind of an incremental stance. But I think the more access people have to vote, the better. And as you said, you know, in a lot of those other departments, people

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are filling out similar paperwork that would overlap with what would be required to register to vote. So that would provide voter conveniences there, as well.

RAYBOULD: OK. Thank you.

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

HEIDI UHING: Thanks.

BREWER: Next proponent. Welcome to the Government Committee.

ARLO HETTLE: Good afternoon, Chairman Brewer, members of the committee. My name is Arlo Hettle, A-r-l-o H-e-t-t-l-e, and I'm the grassroots advocacy coordinator at the Nebraska Civic Engagement Table. We are a member organization serving around 70 other nonpartisan, nonprofit organizations across the state and we work to increase voter turnout and build a more engaged Nebraska. In the last few election cycles alone, our organization has helped our network register tens of thousands of Nebraskans to vote. And what we've seen in that, is that there are many people who are open to being a voter, but for a variety of reasons, the current system has stopped them from taking the steps to register. Could be language barriers making it more difficult to find information and navigate government bureaucracies, working people having trouble finding time to learn the information needing to register, college students getting confused about the rules and registering in a new address. Those are just a few examples. And this is where, under the current system, it's helpful to have someone from an organization, like the Table, come and explain the rules and help that person get registered. And while we love training people to help register new voters, we also know that the way voter registration is done right now could be greatly improved. So right now in Nebraska, to register someone to vote in person, you need to be certified as a deputy registrar by a county election commission, which requires attending a training and relies on the county commission offering the training class, which many election commissions do not consistently do. And then from there, deputy registrars must work with incomplete data to locate unregistered voters and be trained on how to help them walk through the process and answer any questions. And this way of doing things would be completely transformed with LB742 and would allow potential voters to automatically register when they interact with commonly used government services, which is in line with 22 other states and

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Washington, D.C. People are still able to opt out, but it makes it far easier for people who would like to be voters but who are intimidated by the current process or feel like they don't know how to get their questions answered, to be able to get registered, you know, using forms of government that they're already comfortable with. And what we've seen in some AVR states is that there are steadier increases in registration over time instead of, kind of, a boom and bust cycle like we have right now, where you see big increases in registrations when organizations have the resources and time to do the difficult work of registering voters and then a dearth of new registrations the rest of the year, when there isn't that presence encouraging and educating. States have not seen disproportionate effects in the share of registered voters or turn out by party since implementing AVR. But automatic voter registration is a big improvement over the current system that would make it far easier for Nebraskans to be ready to cast their votes each election. The Nebraska Table strongly supports LB742 and encourages you to pass it out of committee. Thank you.

BREWER: All right. Thank you, Arlo. Let's see if we have questions. Questions, questions. All right. Thank you for your testimony. Next proponent. Welcome to the Government Committee.

ADELLE BURK: Hi. Chairman Brewer and members of the government, Military and Veterans Affairs Committee. My name is Adelle Burk, that's A-d-e-l-l-e B-u-r-k, and I'm a senior manager of public affairs for Planned Parenthood Advocates of Nebraska. As the advocacy and political arm of Planned Parenthood North Central States of Nebraska. Our 501(c)(4) organization mobilizes supporters of all parties to protect, promote and expand access to sexual and reproductive healthcare and fact-based, medically accurate sexuality education. We do our work in the community under the dome and at the ballot box. PPAN supports LB742 and thanks Senator Vargas for introducing this important bill. At PPAN, we know that without a voice in our government, we lack full freedom over our bodies and our futures. To that end, we must remove unnecessary barriers to civic participation and encourage voter registration for all eligible Nebraska voters. LB742 would increase voter participation by implementing automatic voter registration, which I'll refer to as AVR because I say it a lot, in our state. AVR programs have been well tested and studied throughout the country. In fact, 22 states and the District of Columbia have enacted AVR programs since 2015. A 2019 Brennan Center analysis found that every state that has implemented AVR has seen an increase in their registration rates. AVR would also improve overall civic health and education by making information about elections more

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readily available to Nebraskans. Anecdotally, we know that civic organizations like ours are better able to share voter information guides and education opportunities with registered voters than with those who are unregistered. Early evidence affirms that AVR programs do, in fact, increase statewide voter turnout among eligible voters. Finally, AVR improves voter registration rates among those who have been historically disenfranchised by the political process. A study of registered voters found that after the State of Oregon implemented AVR, their electorate became more representative of the state's eligible voting population: that is younger, more rural, lower-income and more ethnically diverse. If we want our government to be truly representative of Nebraskans, for the people and by the people, we must ensure that our electorate is also representative. We should all have an interest in ensuring that Nebraskans can have their voices heard at the ballot box. For this reason, PPAN urges the committee to support LB742 and advance the bill to General File. Any questions?

BREWER: All right. We're going to see if we have some questions for you. Questions. Questions. All right. Thank you for your testimony.

ADELLE BURK: Thank you.

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

CINDY MAXWELL-OSTDIEK: Thank you. Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Cindy Maxwell-Ostdiek, that's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k. And I do want to thank you for holding this hearing open today for all who come to testify. It's unfortunate that wasn't the case at all committee hearings this session. And I believe it's important to call attention to our privilege and responsibility as the second house. I'm a mom and a small business owner and a volunteer and co-founder of the Nebraska Legislative Study Group. And we're here today in support of LB742, to change provisions relating to registration to vote and voting under the Election Act. We're fans of automotive, automotive-- automatic voter registration. And beyond the efficiency and technical details, we believe it's a core principle that our government take action steps to help encourage all eligible voters to accomplish that responsibility. I was interested in Senator Raybould's earlier comments about updating the information when we interact with other offices with our government. And it made me think about something I saw this morning. My husband shared it with me. He is from Blue Hill, Nebraska, which is Webster County. And on Facebook page for the

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Webster County Courthouse, it's a Facebook page they have, they had an announcement this morning that they would be closed from March 16 through May 1, due to staffing issues. And that's where the DMV office is located for that county. I got curious and I looked up on-- because it said go to the government.dmv closings page on the Nebraska government website and there are six counties that are closed through May 1, due to staffing issues. And that was Franklin, Harlan, Furnace, Kearney, Webster and Phelps. And I was just considering how Senator Vargas's bill would be up today and I thought it would be important for the Government, Military and Veterans Affairs Committee to understand, when we're looking at voter ID and some of these other election access issues, that the people who live in some of these counties might have difficulty accessing it. So if we could do it through other offices and agencies, that would probably be really important. So please advance LB742 and encourage all Nebraskans to take up their responsibility to vote. Thank you.

BREWER: All right. Thank you, Cindy. Let's see if we have any questions. Questions. Questions. All right. Thank you for your testimony.

CINDY MAXWELL-OSTDIEK: Thank you.

BREWER: OK. Any additional proponents to LB742? Welcome to the Government Committee.

JANE SEU: Good afternoon. My name is Jane Seu, J-a-n-e S-e-u. I'm an attorney with the ACLU of Nebraska and we're testifying in support of LB742. Automatic voter registration is a commonsense way for states to expand voter rolls and increase voter participation. Twenty-two states and the District of Columbia have automatic voter registration processes in place already and these states have benefited from seeing increased voter registration so that every eligible voter can access the right to vote. For example, Georgia added more than 681-- 681,000 voters to their rolls, three years after implementing AVR. Eligible voters who are low-income, people of color and people with disabilities and folks in rural areas often face the highest barriers to voter registration. But automatic voter registration helps lower, lower one of those barriers and increase voter turnout overall. Generally, we support the efficiencies proposed in this bill, that allows these agencies to share information, makes it easier for the voter to get on the rolls and ultimately access the ballot. So we urge your support for LB742. I'm happy to answer any questions.

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BREWER: All right. Thank you. Let's see if we have questions. Questions, questions. All right. Thank you for your testimony.

JANE SEU: Thank you.

BREWER: All right. Any additional proponents to LB742? All right. We'll start with opponents. Welcome to the Government Committee.

ALLIE FRENCH: Thank you. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I'm representing Nebraskans Against Government Overreach. We, totally, are great with the DMV helping with the voter registration. That's great. Obviously, it's not the only tool for people to register to vote. Really today, I just mainly wanted to address one portion that was on page 15 and 16 of this bill. If you go down a little ways into the underlined section there, it actually states that even if the voter registration is only partially completed, that they're still going to send it on. We do take some concern in that area on what partial information may be used, whether or not it's ever given. You know, how is it going to be updated or completed? When is that going to happen? What, you know, method of communication are they going to have so that that can be taken care of? And I understand the concept of reducing work, but I also see the very real potential that you will have people who aren't eligible to vote filling out that portion, completely unaware, maybe even, that they're filling out a portion that isn't meant for them and may possibly create more work, for people who have to then go back and, and verify people who aren't eligible to do so, for just automatically signing people up. And people just go through and fill it out. You may very well catch a bunch of people who never intended or don't have the ability to actually register and be eligible to vote. So we just wanted to point those two things out today. Again, you know, no issue at all with the DMV registering people to vote, providing more access for more people to do so. Of course, again, you know, when it comes down to it, it is the responsibility of each individual who wishes to vote to take the appropriate steps to do so legally and, and provide the identification needed, which is what we're attempting to do here. So, thank you.

BREWER: All right. Thanks, Allie. Let's see if we got questions. Questions, questions. All right. Thank you for your testimony.

ALLIE FRENCH: Thank you.

BREWER: Next opponent. Welcome to the Government Committee.

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BETH BAZYN FERRELL: Thank you. Good afternoon. Chairman Brewer, members of the Committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing in opposition to LB742. Our opposition to this bill comes, sort of, after all of the things that have been talked about by the proponents. It's wonderful to engage more people and to get more voters registered. And, you know, opting in, that does get a lot more people with the registrations sent to the election commissioners. But what happens after it comes to the election office is all of those need to be verified. And if you look at the fiscal note that the Secretary of State did, it looks like there will be about 300,000 new applications that are submitted and all of those would need to be verified. Even though someone who is already a registered voter, if they don't check the box, don't register me, they may not use the same name or initials or process with DMV that they use when they filed their election or that registered for their voter registration. So all of those need to be checked with the election commissioners. They need to be verified. And that's a process that takes time. I'm not saying that election officials are whining because they have more work to do. I'm just saying we need to acknowledge that there's another part of the process, as well. And that includes incomplete registrations, all of those that may be out there. With respect to the electronic poll books, at this point, no counties use electronic poll books. To do a true electronic poll book, there needs to be Internet access and there are still areas of the state where there is not broadband. So we don't see that that would be a viable option for providing photo IDs at this point. So with that, I'd be happy to answer questions.

BREWER: All right. Thank you. Questions for Beth? Questions? Yes, Senator Raybould.

RAYBOULD: Thank you, Ms. Bazyn Ferrell, for coming in to talk about this. I'm, I'm really interested in this process and, and particularly, what the counties do. So forget the, the DMV side of it. So what do counties typically do when they get a voter registration in from a postcard or whatever source and you look at it like, this has missing data. How do you process those?

BETH BAZYN FERRELL: I will answer the question to the best of my abilities. But then, Mr. Bena will testify after me, with the Secretary of State. He is a former Sarpy County election commissioner and so, he can answer those details better than I could. But the election commissioner reaches out to the voters, whether it's a

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postcard or whatever, to verify that that is, in fact, who that individual is. If that postcard isn't returned timely and timely depends upon, you know, how close it is to the election and some of those factors, then they, they reach out, again, to try and verify that that's who that is. But I'll let Mr. Bena talk about that-- the details of that, specifically.

RAYBOULD: Well, I have another question, if I may.

BREWER: Go ahead.

RAYBOULD: So I-- you know, I love the handout from Civic Nebraska with the attachment of all the states that are doing this. And so, you know, I don't think we need to reinvent the wheel, certainly. But I wonder how they're able to do it effectively and efficiently, without a lot of wasted time and duplicative efforts at getting voter-- not only getting them processed at the DMV, but also getting their voter registration. So have-- I guess the question is, has the state of Nebraska looked into these other states? If it's 22, you, you know, that's-- obviously, it seems like it's a good trend, maybe. I don't know. But if they're able to do it, have we looked at what software they're using or other programs or how they do do it?

BETH BAZYN FERRELL: And that's a very good question. And I think that's another one I would throw back to Wayne. So.

RAYBOULD: I cannot wait.

BREWER: OK. Additional questions for Beth?

RAYBOULD: Thank you.

BREWER: All right. Thank you for your testimony. OK. The next opponent.

RAYBOULD: OK.

BREWER: Welcome back to the Government Committee.

WAYNE BENA: Hello, Senator Brewer and members of the committee. My name is Wayne Bena, W-a-y-n-e B-e-n-a. I serve as Deputy Secretary of State for Elections and formerly, the Sarpy County Election Commissioner, still living in the heart of Sarpy County. I just-- I couldn't help it.

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RAYBOULD: I think I started something.

WAYNE BENA: Here, testifying on behalf of Secretary of State Bob Evnen, in opposition to LB742. I first want to say is I think I've been consistent over my career, even when I was in Sarpy, that I tend to not testify in opposition or in support of the big ticket policy issues. I have always believed that policy is something for the Legislature and the executive branch to, to work together and it's my job to administer whatever the law is. However, sometimes, there are policy decisions that inadvertently affect the administration of elections and I think it is important to talk about those inadvertent implications of certain, certain public policy decisions. And so, in regards to what we-- known as automatic voter registration, that is a big policy decision. And some states have done that, some states have not. And every state does it different, in regards to even how they administer automatic voter registration. But our opposition to this from an administrative standpoint-- and, and many of our county officials, you never-- that normally come, couldn't come today and so, I'm kind of here on their behalf, as well-- is that this system will create a larger number of duplicate registrations that have to be processed manually by our election officials, more than they already do. And we pulled some statistics that we provide to the federal government after every election cycle, regarding voter registration and duplicates and I, I want to provide to you. The, the last few years, in 2022, our state election officials processed over 40,000 duplicate registrations; 23,000 of those were in Douglas County alone. In 2020, that was 65,000 duplicate registrations, 32,000 in Douglas County alone. So these are registrations that are going through the DMV or our online system that haven't changed a thing. But some people believe that they have to register every year or they don't-- what we're finding on, on online, they don't see it change-- I remember when the Democratic Party had their first caucus, in 2012. People were re-registering to vote as a Democrat, but they didn't see--.

RAYBOULD: 2008.

WAYNE BENA: --in '08, yeah. 2008. They were reregister-- they were registering as a Democrat to-- so they could go to their caucus, but they didn't see it processed on their file right away, because it was-- especially over a weekend, that file goes in the process the next day. So people were sending multiple [INAUDIBLE] to the same day. And so, I, I remember, just because we were trying to-- I was processing registrations in Sarpy. I was doing seven in a row of the same person, just because they thought that it didn't go through for

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whatever reason. So we actually added language, saying that it takes a day or two for it to be processed and you'll get a, get a postcard. So our analysis of this is that automatic voter registration would estimate at an extra 300,000 records going through DMV, based upon what we saw of, of DMV's yearly records. And a majority of those 300,000 will be duplicate records. So right now, the system-- our current system doesn't have a way to identify and maybe hold back duplicate registrations. But I'm sure-- I will hold off because I know, because I know you have the question and I'll talk about what the solution to that is. So at the current time, by doing this, it will cause a great strain on our infrastructure and our county election officials, to process duplicate voter registration applications. And so that's from the policy decision, you know, why this has an unintended consequences, right now. One thing that I-- that Senator Vargas brought up is-- and in regards to people that change their registration at the DMV, while maybe in the statute, the form-- the language isn't-- we actually do do that in practice. And Senator Conrad, can remember getting me in touch-- we were contacted by the national ACLU, regarding some issues that they realized the DMV wasn't providing this practice. And so, I actually met with national ACLU officials regarding this process. I remember leaving that meeting. I was in D.C. anyway and I went and talked with them. And they said you were the first election director that had ever met us in person in our offices. And I went, oh, I guess that's the Nebraska way. So we worked with them to fix the issue in which, now, when people go to the DMV and change their address, it automatically does go to our office and is, and is processed. And we use money that Senator Vargas appropriated two or three years ago from our Help America Vote Act funds to do that. And so, there has been a great-- there's been a decrease in provisional ballots. So I just wanted to clarify for the record, we actually do do this portion. So this would be automatically registering everyone unless they check the box. Again, that's where the duplication of records will come. This final part about this is-- and I'll stop there and have any questions.

BREWER: Go ahead.

WAYNE BENA: OK. The second part about this is the, the poll book portion. In regards to poll books, we currently do not use poll books in the state of Nebraska. That's a longer conversation for another day. However, if digital images are wanting to be used, I was a little surprised that there wasn't any fiscal impact from the DMV because I'm sure there is going to be. But in our analysis and our just knowledge of DMV data being fiercely protected under state and federal law,

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there's going to have to be some additional law changes to be able to accommodate that. And then, I think the DMV is-- probably will wonder how is this data going to be protected or secured in these poll books, whether or not they're connected to the Internet or not connected to the Internet. And if the purpose of this is for voter ID, then that's probably a better conversation to bring into the committee priority bill for voter identification, if, if that's one of the policy decisions or what have you, wanting to do with voter ID. With that, I'll end my testimony and answer any questions you may have.

BREWER: All right, Wayne. Let's see if we have questions. Questions for Wayne? Senator Raybould.

RAYBOULD: Yes, I have. Thank you so much for being here today. So one of the questions I had asked is, OK, so it's great that-- of your background of being involved at Sarpy County Election Commissioner. So what does the county typically do now, when they get in voter registration? And you know, there's all the postcards that go out from different, different sources. You get them to come in and I'm guessing there's probably duplicates there. But what do you-- how do-- tell us about the process.

WAYNE BENA: Yes. I mean, so I, I will say is, is that we have-- there's, there's different buckets, let's say. OK. So you have the bucket of: you go to the DMV; that's electronically transferred to our office. So more than likely, they have completed most of the information because it's required to finish the application. So-- online, as well. I mean, you know, the-- any online portal, if you don't do one that has the red star, it's not going to let you take it to the next page. So we're going to get you most of the information now. But last bucket is, yes, the, the-- and then in person, you're going to get all the in-person information when you come into the office. The ones that are coming in from the mail or dropped off. That's where the most likely, where you're going to have the most issues regarding incomplete information. So the benefit goes to the voter. So their stuff, as much information we can put into the system that we can be able to verify some, some things. We-- if we're not able to verify or they're missing things, they are put into the system. Sometimes it's under a suspended status, depending on how bad the information-- if we don't have good enough information. Some of it you're registered, but you're still sent a letter asking, can you clarify one of these things? One of the-- one of these things that I'll mention is sometimes, someone will register in a political party that doesn't exist, Vulcan being my favorite one when I was election

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commissioner. That will automatically make you nonpartisan because that's not a recognized political party yet. But after now I say this, I'll probably get a petition. But then, they would have the opportunity to change their political party to one that is recognized in the state of Nebraska. Something like not providing the last four of your social or your Social Security number, again, you'll get registered, but you'll get a request to provide that information, if we're not be able to verify it.

RAYBOULD: And may go on with my questions? OK.

BREWER: Um-hum.

RAYBOULD: The other question that I had asked was, you know, we saw 22 states and you said yourself, like every state is doing it a little bit different, because every state's a little bit different. So how does the Secretary of State's Office-- probably, you would be the person that would have to do it. Have you looked into other states that-- like, I like that model. I think it mirrors our current policies and practices we already have in place and it would be easy to adopt or.

WAYNE BENA: I, I have looked at it. I've actually brought this up at, at conferences. It started to make-- because I've asked questions in regards to this, because this bill, these bills [INAUDIBLE] in the past. And the one question I keep asking these states is how do you solve the duplicate problem? OK. And the duplicate problem is the-- is to me, the main issue. You know, like what-- and I'll get to the duplicate issue in a second. But Oregon was brought up. One thing in Oregon that kind of concerned me about their processes is that they automatically register you, but you don't pick a political party at that time. You're registered and then, the state then sends you another mailing, which political party do you want to be a part of? So that to me was a kind of a truncated process. I didn't necessarily like that process, if one example. But what I-- my biggest problem is the duplicate problem. And I'm going to tell you, that day I started at-- as, as-- in this position, Douglas County is like, how are you going to solve the duplicate problem? Because as I told you, they have the most duplicates of any county in the, in the state. And I have been working to work on that duplicate issue. Unfortunately, the last few years of my time has been spent with getting elections through COVID and the census being late for the first time in the history of our country. But finally, this year, come down just enough a little bit. We are working on a project to upgrade our online voter

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registration system. And as a part of the specifications for that online voter registration system is a way to interface with our voter registration system to hold duplicate registrations and nothing. So a registration that has no changes to the current registration does not go to the office. And based upon our work on that, we can see how that then can be applied to the, to the DMV. So I am working diligently. I take a call every month from Douglas County, So how are we doing? So how are we doing? So my hope is prior to 2024 elections, when we're going to see a very high increase in registrations, that this will be put into place. And that's the first step into solving the duplicate problem. So it's, it's something that I've-- that we're working to address, because it's going to be a better quality of life for our election officials, especially in Douglas County, that have to hire quite a number of people to process these registrations in the last two months of any election, before every election. So

RAYBOULD: That's great. I have one more question. I know that Ms. Maxwell-Ostdiek raised a really interesting notification where, where so many of these county offices are closed for almost two months. And can you tell me, does that impact voter registration? Because people can still register to vote online, right?

WAYNE BENA: Correct. And actually, you can, you can-- if you're allowed to renew your driver's license online, there is a way to-- you register to vote on that way, as well. So there is that-- those methods, if an actual, physical DMV is closed and if-- and you could renew it, you could do all that online, as well. But yeah, that, that-- first I had heard of DMVs not being open, but there are other options, possibly in the online or just going to your office or from sending one in the mail.

RAYBOULD: OK, wonderful. Thank you very much.

BREWER: OK. Additional questions for Wayne? Yes, Senator Conrad.

CONRAD: Thank you so much, Chair. Good to see you, Wayne. Thanks for sharing your expertise. I just wanted to-- and I kind of drilled down to a couple of the administrative pieces, kind of following up on Senator Raybould's question. So just trying to think through, of course, the administrative burdens and headaches that come with out-of-date or duplicate registrations for all stakeholders. Right. But help me understand, if you do have a duplicate registration for an individual, for whatever reason, is there a penalty for having a duplicative registration?

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WAYNE BENA: No.

CONRAD: OK.

WAYNE BENA: It just has to be-- it has to be touched. And every touch is a, a person and a, and a, and a, and a specific amount of time--

CONRAD: Right.

WAYNE BENA: --to be able to verify everything.

CONRAD: Right. But let's say, for example, Herbie Husker shows up in the rolls twice. He doesn't get to vote twice, right?

WAYNE BENA: No.

CONRAD: Like, tell me a little bit about-- you know, maybe that's a bad example because it's a fictional character and I know people are concerned about fictional people voting, but I, I didn't want to use anybody's real name. But, but--

WAYNE BENA: I'm not supposed to say this, but I've actually been inside the Herbie Husker costume. So you.

CONRAD: Oh, OK. Well, there you have it. Maybe I was-- you were channeling--

WAYNE BENA: Bucket list.

CONRAD: --that somehow. But help me understand, like, from a practical perspective, then if I have a duplicate registration because maybe, I forgot the last time I updated my driver's license. I, I did it that way or-- it, it doesn't in any way give me a, a license or an opportunity to get two ballots.

WAYNE BENA: No, because the information that you're providing is-- will be matched when-- you know, when it goes through the first step of the process, it is matched against the full system. Is this a duplicate registration, within your county or another, another county? So--.

CONRAD: Right.

WAYNE BENA: --now, does the possibility exist that you could have two records? Yes. But you would only be able to vote on one. And there-- and most likely, that second record is a removable record. And while

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there might be two, there's only one active record. [INAUDIBLE] practices that we say is if there are duplicate registrations, you can link those two together. And that's one of the things that they do is, OK, maybe someone accidentally didn't see that this person was from another county and, and-- or it was in their own county and they produced a new record, but they can figure out how to link those two records so that doesn't happen. But it is very un-- unlikely that that's going to happen. But what I'm saying is, in the process of that duplicate registration, you have to go through a manual, you know, a manual process to process that, whereas I'm trying to work at if you have a system in which it bounces and nothing's changed, I don't want the clerk to even have to see it. Because nothing's changed, you shouldn't have to process it. And that's the goal we're working towards.

CONRAD: OK, that's helpful. I could understand and appreciate say, for example, if, you know, somebody moves across state to go to school or for a job or they change their name because they get married or they change their name because they get divorced, that some inconsistencies for the same person might exist in the same voter--

WAYNE BENA: Birth dates.

CONRAD: --registration if I leave my middle initial out or something like that.

WAYNE BENA: Birthdate, your driver's license number, all those things can be matched up to determine if it's a duplicate registration.

CONRAD: OK. So there's some inherent accountability and integrity measures in the systems as they exist to make sure that we minimize duplicate set at all costs, without disenfranchising folks. OK. That's really helpful. And--

WAYNE BENA: And the worst case scenario of this--

CONRAD: --oh, that's all right.

WAYNE BENA: --and pardon my interruption.

CONRAD: Nope.

WAYNE BENA: It-- because we have and we'll always keep the-- even with the duplicate registrations, we are-- we're going-- we'll have access to those. And so, during the worst case scenario, you vote

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provisionally. And then, research is done and if it is determined that it was an administrative oversight that you did or-- do some, you know, what have you, then that can be used to then accept that provisional ballot. So I'm not saying that all of these records will be kept. It's just if it is a complete and utter match, then it's not going to have to be processed by the, the election office. I will say that we've also put in some other security measures. If someone accidentally mistypes your driver's license number and it goes into the record, it's going to say, hey, are you going to change the driver's license record or, or number. Are you sure? And that might be-- and that's a stop for [INAUDIBLE] OK, wait a minute. There's something wrong, because your driver's license number never changes or your birthdate should-- doesn't change. So we have ways to be able to, if there is a accidentally missed key in some part of the process, it stops them and makes them take an extra look.

CONRAD: That's helpful to know. That's really helpful. And then, I guess, the, the last question, it's just to get some big picture numbers on the record. I-- bless you. I think-- I read something fairly recently that maybe, it was part of our implementation of voter ID deliberations, but something like north of 90 percent of eligible Nebraskans are presently registered to vote. Is that kind of the ballpark that we are looking at?

WAYNE BENA: I think we're at the, the 90-- it's in the 97-98 percent range--

CONRAD: Oh. It's even higher. OK.

WAYNE BENA: --of eligible, of eligible that have a driver's-- of people that are registered to vote, that have driver's licenses.

CONRAD: That have driver's licenses. OK.

WAYNE BENA: There might be additional people that aren't registered and also, don't have a driver's license. But I don't have-- we don't know--

CONRAD: OK.

WAYNE BENA: --what that window is.

CONRAD: That's--

WAYNE BENA: We don't know-- have that universe.

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CONRAD: --right. That's helpful. Maybe that was the number that I was thinking about. But for some-- and maybe the League of Women Voters folks, who are here now, for some reason, I thought it was about 90% of Nebraskans who are eligible to vote were registered, but I'll--

WAYNE BENA: And that could be that they also don't have a driver's license, either.

CONRAD: OK.

WAYNE BENA: And they are not registered--

CONRAD: OK.

WAYNE BENA: --but they are eligible.

CONRAD: Right.

WAYNE BENA: But they just don't have either.

CONRAD: OK. That, that's helpful to think through. And I'm glad that you did have a chance just to kind of help the committee get a better understanding of how citizens touch points with different state agencies, whether it's HHS or DMV, kind of, already work in concert with federal law. This, to me, just seems to change, I guess, maybe the burden, in terms of the, the affirmative opt in from the voter versus just kind of the default position, being that they'll, they'll take that touch point as an opportunity to update registration, unless you say otherwise.

WAYNE BENA: Yeah.

CONRAD: OK. And then, the last piece I was hoping-- and it may be a bit beyond the scope of this bill, but since there is so much, I think, helpful information around the administrative, kind of, back end deficiencies in how we ensure voter integrity or integrity for the voter rolls and minimize duplication. So I know you go through a process on a regular schedule and again, governed by various aspects of federal law and Supreme Court decision. But tell-- can you just tell the committee, you know, how you remove ineligible or inactive voters and kind of, what that timetable looks like and kind of, what those numbers look like?

WAYNE BENA: Yeah. So, you know, there's various federal laws that we have to abide by. And, and unfortunately, some of those laws have

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unintended consequences of the voter when they think, why is this person registered at my house? And I'll, and I'll--

CONRAD: Yeah.

WAYNE BENA: --when I'm living there and I'll let you know. So there's many different ways that you can do list maintenance and the main way that we do list maintenance, one of the first tools is twice a year, our office balances the voter registration list off of the national change of address lists from the post office.

CONRAD: OK.

WAYNE BENA: OK. And so based upon this, we get a list of every one in every county that has changed their address, whether within the county or outside the county or maybe it's outside the state. That puts them what we call in, in-- it takes them into an inactive status. And all the inactive status means is, is that a postcard is sent out to that voter, to the address that is stated on the change of address. And it states one of three things: one, are you, have you, now wanting to register to vote at this new address? Are you-- this is just like a snowbird situation, as I call it. I mean, you still intend to be registered at that address or you've moved outside of the state and want to be removed. OK. And so, we hope that that postcard is returned to our office so that it can be processed appropriately and either you're removed from the list because you're gone or your address is changed, what have you. Unfortunately, what we find is a lot of people, maybe, not respond to that mailing, so they are on an inactive list. And after two federal elections at which they have not voted, they would be eligible to be removed from the rolls. So approximately every January, February, after a general election, we identify all the people that, at least four years ago, were put on the inactive status, have not voted and then they are removed from the rolls. So that's a-- four, you know, four years is a quite a bit at a time. And so that's why you hear those stories of, oh, wait a minute, why is this person registered at my house when I bought it? Well, they didn't tell us that they left or they won't do anything affirmative that they've left, so they have to stay on the books. So, you know, those-- the stories of people going door to door, finding out this person didn't live there, that's why. They're on the rolls. They have every-- they can go vote if they, if they come in and just verify their address, they sign a petition. You know, there's a lot of things that activate them back in again. But if there's no, if there's no interaction with them in the-- in a two federal election period, then they are eligible

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to be pulled from the rolls. Other states have a different method of what inactive is. And the Supreme Court took up a case--

CONRAD: Yeah.

WAYNE BENA: --in Ohio. You know, they started off on a person didn't vote model and then activated them. That's not what we do. It's the address first, not hearing anything from you and not voting, is that portion of it. Other things are, you know, people are coming in, telling us that they have moved, that-- or filling out a cancellation form. And the other method, which, God bless every person that does it, they read the obituaries every day and, and-- to find out who has passed away. And as we found, a lot of people, maybe, not put something in the paper, so they were-- they go to-- they were-- they are on the email list of funeral home sites to find out and to match people up. So our election officials do a great job of list maintenance as part of the everyday activities. But we are kind of handcuffed under federal law, in regards to that's quite a long period of time to-- and so, that causes some perception issues. But, you know, we're going to follow the law. So.

CONRAD: Yeah. Very good. Thank you so much. Appreciate it.

BREWER: OK, Additional questions? All right. Thank you, Wayne.

WAYNE BENA: OK.

BREWER: OK. We are still on opponents to LB742. Welcome to the Government Committee.

LINDA VERMOOTEN: Good afternoon, Senator Brewer, Senators. My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o--e-n. And I'm more concerned with some of the amendments that were added to the original bill. And some of that has already been discussed a little bit, but I wanted to just to express my opinion that I'm concerned about the revision, because it adds that they want to change the printed book that we have at the polling station for a digital version with a photo, As you know, that the more information that we have out of us and the more that is out there on Internet that's accessible to people, the greater danger there is for identity theft, so I think we might just be needing to consider that. I know we say, well, it's safe it's secure, it's locked. Well, I know that the Pentagon has been hacked more than one time. And I would say that they probably the most secure firewalled, firewalled and firewalled to protect their things. And so

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it just makes me concerned as a citizen, how is that going to impact us? And then also, if you ever get stopped by a police officer, you have to produce a valid ID. It has to be your driver's license. It can't be any piece of ID, it has to be the driver's license. And it has to be a valid address, your current address. You can't give them an old one and you can't give them an expired one. So I think when we were voting last election, we made it clear as a people that we want a, a valid ID. And I don't think-- I'm a little concerned if you're going to take that photo and put it into another electronic form. I would prefer that we just come with a photo ID with us, a driver's license or in some of our cases, a state ID because we're not driving, so that we can verify that. So that's really, a lot of the objection that I have. And then, I, also, had the same question about who's checking and verifying the information that the DMV is gathering. And I think the last testifier kind of addressed that, that that puts extra burden, actually. Where we think we're going to alleviate some of the work, we actually are putting more work on the, on the clerks in the election office, in order to have to verify that. So that's just really the main, the main thing that I was concerned about. Thank you, Senator.

BREWER: All right. Let's see if we have any questions for Linda. Questions. Questions. All right. Thank you for your testimony. OK. Any additional opponents?

LARRY STORER: Excuse me.

BREWER: Welcome to the Government Committee.

LARRY STORER: Thank you. Good afternoon. Larry Storer, S-t-o-r-e-r, 5015 Lafayette Avenue, Omaha, Nebraska. I'm opposed to this because I think we need more amendments. I do have a college degree, but I'm not a-- necessarily a professor. I do read a lot of history. I've been a voter for quite a few years. But one thing I do resent: the primary system and the caucus system. Where you have to-- in order to get to the general election, you have to probably vote in a primary or you have to go to the gymnasium and get herded to different areas of the place so you can help them decide who their candidates are. Well, I resent that because the party system, the faction system, as the founding fathers referred to it, they already have their mechanisms for deciding who their candidates are. And I can choose to go to their meetings in part-- take part of playing their games if I want to. If you don't want to play it their way, you're not going to be in their favor and you're probably out of the-- out of that particular faction.

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But that works in life in just about everything we do, even at the state house. But as a citizen, we should be able to have, quote, free and fair elections, which to me, simply means that just give us all the names of all the parties you-- people that you and your parties have selected and let me pick. The whole list. Let's don't spend extra money dividing ballots up bipartisan-- parties or whatever. And let's do away with primaries. Let's let the citizen, as the state constitution calls us, the electors, have a free and fair ballot to choose who we want out of that whole list. You guys can put the names on the list if you want to, but don't get me separate ballots or disallow me to pick at the last minute. When I go into the primary, I might change my mind. But because you had me-- forced me to register as one or the other, I can't get the other ballot. That's not free and fair election. So there-- some amendments that need to be made on that, for, for that viewpoint. But also, I'm a follower of Robert Borer. And we talk about training details, hiring people, training those people, even volunteers. There are national organizations. And I just read an article out of the World-Herald, where people go to these national organizations and get trained on how to conduct elections, how to audit elections, how to train the poll workers. And I resent the fact that somebody in D.C. that has a 501(c)(3) nonprofit organization is training, maybe, our people. Maybe the gentleman we heard before, maybe he went there for some of that training and then he trains people. And it's like everything else, I'm going to train you, so you do it my way or you're out of here. People like me wearing a hat like this, 175 million and more, are fed up with the deniers calling us the deniers. We have a Secretary of State that has just denied, denied lots of information, requested by Mr. Robert Borer, in regards to the last election. And I do resent the fact that he denied to count the write-in ballots for Mr. Borer, because he said there wasn't 5 percent. Excuse me. How does he know that? And I want my ballot to be counted. I don't think the Secretary of State should have that power and apparently, neither did Robert Borer or a lot of other people that support him. We want answers to our elections. And we're not the deniers. We have reasonable suspicions that there was lots of problems with the elections, if not theft. But the powers to be call us the deniers. That's not good enough if we are the electors. You answer to us, whether you're a state legislator or a state senator or a president, you answer to the citizens. Thank you.

BREWER: All right. Thank you, Larry. Questions for Larry? All right. Thank you, sir. OK. Any additional opponents to LB742? Anybody here in the neutral? All right, we will invite Senator Vargas back.

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LOWE: Any letters?

BREWER: We do have some letters to read in. We had 15 proponents, 56 opponents, and one in the neutral, on LB742. Stand by for a second while Senator Vargas gets back. Senator Vargas, welcome back.

VARGAS: Apologies.

BREWER: It's all right. We just-- I read the letters in: 15 proponents, 56 opponents, one in the neutral. Whenever you want to start your close.

VARGAS: Great. I want to thank people for testifying, both proponents and opponents. I think that's important for this type of legislation. But there's a really high level of set of things I want to make sure that you're leaving with this. The first is I think we can all agree, even from opposition testimony, there are some things that we need to solve in regards to our elections, in terms of the data that we're collecting and efficiencies. You know, what I heard from Deputy Secretary Bena is that this can create unintended consequences, not I'm against the policy. If we create more, more applications that need to be reviewed, this is going to be a burden. Right. That's what I heard. And I would agree with that sentiment, but there's a way to address burdens. There are some things that the Secretary of State Office is going to be doing to address burdens and have been doing that we've talked about. And they've requested funds from us and we have, we have supported the-- many of those funds, through the HAVA Act and, and through other initiatives. And I'll-- that's my commitment through the appropriations process. However, why don't we request the funds that are necessary to make these efficiencies addressed? Why don't we have enough staff members or funds, even, to counties, that can make sure that we're addressing these applications? It still concerns me that there's 40,000 applications, in general, in the state that had duplicates. All right. Like, that's, that's a lot of duplicates. That's a lot of duplicate information that's out there, that it could be affecting when somebody is coming out to vote. And we are about to embark on implementing voter ID, which is also a burdensome set of additional standards that the voters agreed with, but it's going to be placed upon counties and the Secretary of State, as well. The question shouldn't be whether or not it's burdensome. It's what are we doing within state government and policy and funding that make it less burdensome? Because I think we all agree this is about whether or not our elections are both more secure and whether or not the data that we have, in terms of the voter rolls, is most up to

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date. That's a lot, that's a lot of what I heard from opposition, is not we're against this policy. Because if other states, both from secretaries of state to DMVs to county officials, they've either identified that there's a risk to doing it and we're going to deal with it, even if we have 300,000 applications, at least this means we're addressing 300,000 pieces of data from people, where we are figuring out and the-- and addressing data that's on DMV, throughout-- or from other different, you know, potential sources of government, even from DHHS and what people have on their driver's license to what people have on their voter registration. It concerns me, as I think it should concern all of you, that there is that much data that is potentially duplicated or is wrong on different things. We have to figure out a way to address that. But not doing something or not doing more, which I think we've heard varying different levels-- I think we heard from the, from from the Secretary of State's perspective, we are doing something. Great. I support that, which is great. But if there's more that's needed, both in terms of funding and policy and process so that it's not cumbersome or over burdensome, let's do that. Because what I didn't hear is that they're against the policy of making sure more people-- or simply saying, I'm opting out of voting and educating them. The second point that I want to make is the system will actually address some of the duplicate registrations, because I want you to think about human behavior. Right now, if somebody is filling out a voter registration or going to the DMV and updating their information and then they see that they can register to vote, it's a choice on whether or not they choose to register to vote. Right. That information is a choice to them. But if we say they're opting out, we're now making them make a decision on whether or not-- and they have to think in that moment, do I-- am I going to-- am I registered to vote? When's the last time my information has been updated? Well, you know what? I am going to opt out because I choose this information not to then be updated with, with the DMV, sorry, with the Secretary of State. Or you know what, I am going to, I am going to update it. I'm not going to I'm not going to opt out. And then they are more judicious, judicious about the information that they're filling out with this. Otherwise, all we're doing is allowing this extra part that's been existing and they might just fill it out, not even thinking much about it. We can put information that says, before you fill this out and you opt out, if you've registered within the last, you know, a couple of years, you don't have to reregister. Right. So, address some of this misinformation about getting kicked off the voter rolls. We can put that information-- we do this in a lot of different instances where we use this information to educate the electorate. We

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can do that. It's just a matter if we put it in language. The problem we're trying to solve is the information addressing this-- these, these duplicates and the, the success of our data. The second piece I want to introduce-- I wanted to address is people can register to vote right now, by making them to opt out no, is going to make sure that it is an easier process for addressing the data. The third point I wanted to address was with-- when NACO said they were against and a couple of people, which I think is just, is just misunderstanding. If you look in the language and that's why I tried to address this, we put in some language in regards to the poll books back in 2019, 2018. Again, this was, this was not requiring us to use the poll books, it was enabling us to use the poll books. And if we did use the poll books, that there were certain parameters with which you would-- if you're using them, how would you go about using them? This language is meant to just update that information. So that if they were going to use poll books, that we wouldn't require somebody to, to go through a burdensome process and we can utilize those poll books effectively. It's not requiring any of the counties to use the poll books. So I, I know NACO mentioned, that's a, a barrier, but it's not being required of anybody right now. Hence, they don't all have poll books, right now, at the moment, as well. Colleagues, I appreciate your time. I won't be here. In the next year and a half, I'll be term limited out. My, my hope is the next time around, we won't have testimony that's saying, we have 30,000 or 40,000 duplicates. We have to address that. And I want to address making sure we get more people that are voting. Voter apathy is a big problem. I've said this before, I do not care whether or not that you're a Republican, Democrat, or Independent. I, I want everybody to be able to vote. And if one of the barriers is being educated and saying, I choose not to vote, that is your choice. But if we are educating them and saying, you know what, I don't want to opt out of registering to vote. I want to-- this is going to change the face of our democracy in the state and I think we can do a better job of that. So thank you very, very much. I, I will continue to work on amendment language. And obviously, this isn't prioritized, so this is a long-term endeavor. But this is also important for the public to know that, as an introducer, I care about both election security and I care about updating the data and, and I think this is important for our democracy in this state.

BREWER: OK. Thank you for your close. Let's see if we have any questions. Questions? All right. Thank you. OK. We'll reset for the next bill, LB604.

RAYBOULD: Can you take a picture of me? Thank you.

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LOWE: Granddaughter?

RAYBOULD: It's Little Octavia. She-- it came this morning with her preschool class. It's sort of like Flat Stanley. Do you remember Flat Stanley?

CONRAD: Yes. Yeah, I know that book.

RAYBOULD: So I'm going to send her pictures wherever I go. And it's Little Octavia that's coming with me.

CONRAD: OK. Whenever you're ready, start on LB604.

RAYBOULD: Yes. Thank you so much. Good afternoon, Chairman Brewer and my fellow members of the-- did I grab the wrong one? No, this is-- oh. It says Urban Affairs Committee. That's funny. Good afternoon, Chairman Brewer and my fellow members of the Government Affairs Committee. My name is Jane Raybould, and it's J-a-n-e, last name is R-a-y-b-o-u-l-d. I represent Legislative District 28 and appear before you today to introduce LB604. LB604 is a package of small customer-focused provisions that would modernize our voting-by-mail process. The first change is allowing a registered voter to request an early voting ballot on the Nebraska Secretary of State's website, just as they currently use it to register to vote online. At least 19 states now offer this electronic alternative. LB604 would also require that all counties keep track of which voters have previously requested early ballots and prompt them to request an early ballot online for the next election. If the voter's email or phone number is on file, this could be done by text or email. Six states do this currently: Alaska, Massachusetts, Michigan, Minnesota, Missouri and Pennsylvania. This change would also provide efficiencies for election offices, as they would be printing and paying postage for a lot fewer postcards currently being sent to all voters, inviting them to request an early ballot, which is today's practice. Four of our most populated counties keep these lists voluntarily, already. And I think that voters in all county deserve this consideration. Next, LB604 would require that return envelopes for early voting ballots be postage paid and pre-addressed to the appropriate election commissioner. We want our ballots to get back to the election office in time to be counted in the election and any delay, due to lack of addressee or correct postage is a threat to that timeliness. This is a convenience that we should be offering voters to ensure that they-- that they vote by mail, successfully. Nineteen states and Washington, D.C. currently offer this to their voters. Finally, if the election commissioner has

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a phone number or email address of a voter who returned an early voting ballot, they would send an email or text to the voter, confirming receipt of their ballot, the date of its receipt and whether the ballot was accepted or rejected and, if applicable, the reason for its rejection. This is a simple courtesy that would strengthen voter confidence in election security and provide peace of mind that their vote was counted. Voters can already look this information up themselves on the Secretary of State's website. But if the state has all that data on each ballot received, they might as well share it proactively with the voters. As technology evolves, it's important that our government processes keep up, and these are conveniences that people have come to expect. Being able to order things online, getting email confirmations, text reminders, auto renewals, subscriptions and the like, we can apply these commerce practices to our voting processes, so voters have a more convenient, customer-focused experience in their action-- interactions with their government. And so at this time, I just want to go a little bit off script. Because I can tell you, certainly, as a former county commissioner, when I saw the fiscal note, I just went, oh my gosh. I can imagine, you know, my fellow, you know, county commissioners or officials are going to come and really, really skewer this and rightly so. I would do it, too. And the one I-- one thing I want to say with full disclosure, when I read it, I was like, oh, that is going to be so costly. But then I said, wait a minute, wait a minute. I love cost-benefit analysis and maybe that's something I should have been more proactive on. I should have reached out to the Secretary of State's Office. But, you know, since I'm in this position and I can't ask all these questions that I would love to ask, as you-- as we know, Mr. Bena, who knows I'm going to ask him these questions, but I'm in this position, so I can't really ask him. But these are the things that came to my mind as I was going through this bill, once again. And I know, in the Secretary of State, the fiscal note was rather high. And so the question I have, did the fiscal note include the 11 counties that already vote by mail exclusively, that are already doing it and have done for a couple of decades? The question I have are those 11 counties using a pre-postage made, stamped envelope when they return their ballots? And then, the other thing I had, about the cost-benefit analysis, how much are we paying all those 82 other counties? Are they paying the poll workers to man the polling places? What is that, that cost? And then, how much are we paying now, to use churches, schools and other facilities, both government and, and private? Another question is how much are counties now spending on those mailing out of all those postcards each year and asking if the

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voters want to, once again, vote by mail, which they have been doing, probably, for the last 10 years. And then do the 11 counties that already do the vote by mail, do they have the prepaid postage? And then actually what states currently do vote by mail, only, only, that have done it. And I believe-- and I was hoping Gavin Geist would be here with Common Cause and he could answer all these questions. And how many, how many states actually out there only go vote by mail? I think maybe Utah might be one and maybe there's another one. But anyway, I want to just say there's really a lot of great experts. Certainly, Mr. Bena could answer a lot of these questions and answer some of the questions you might have, but I'm really happy to try to, to answer anything you might want to throw my way.

BREWER: OK. Thank you for that opening. Let's see if we got questions. All right. Thank you. Are you going to stick around for close?

RAYBOULD: Yes, I certainly will.

BREWER: All right. We'll start with proponents to LB604. Welcome back to the Government Committee.

HEIDI UHING: Hello, Chairman Brewer and members of the Government Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g, and I'm public policy director for Civic Nebraska. I'm here in support of LB604. As technology evolves, it's important that our government modernize its processes in order to keep up. This bill provides several voter conveniences to the process of voting by mail that people have come to expect in their retail interactions. We know that voters appreciate the convenience of voting by mail and the extra time it allows them to thoughtfully research candidates and ballot measures. Voting by mail also provides cost savings to counties who have difficulty finding enough polling places for voters, particularly ones that are ADA-compliant and also struggle to find enough staff to conduct in-person elections. The increased participation in our elections since voters have the convenience, convenience of voting by mail, especially in our rural all-vote-by-mail counties, has been particularly impressive and something we should all want to encourage. So I'll go through the four components of the bill. The first change would be the online ballot request. Just as in 2004, the Legislature passed a bill that allows the Secretary of State's website to host a portal for voters to register to vote online. This would expand the website to also incorporate an opportunity for people to request a vote-by-mail ballot. Again, we have 40 percent of our Nebraska voters choosing to vote by mail. This just makes sense that they could both

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register and request the, the absentee ballot at the same place. Nineteen states currently offer this option online. Currently, the application to vote must be either mailed or faxed. Regarding the permanent list of absentee voters, we've got four counties who are doing this voluntarily. That's Douglas, Lancaster, Hall and Buffalo. So these are counties who have chosen to keep permanent lists of voters who have previously voted by mail. And then they prompt these voters every election to see if they want to receive an absentee ballot again. This request is made by postcard. So we figure that if that request were made to voters by email or text, if they have their phone number or email address on file with the Secretary of State, that this could save on postage and printing for these postcards. It would also save the voter from having to stamp and mail their own postcard back. And so, in addition to providing the ability for this transaction to be done by email or text, it would expand the requirement for keeping these permanent lists to all counties, so all of Nebraska voters could have this convenience. Regarding prepaid postage, we've got 19 states plus Washington, Washington, D.C., that currently provide prepaid postage on ballots. While the U.S. Postal Service typically will deliver a ballot, even if it does not have significant postage, any delay in delivery could sacrifice the voter's opportunity to vote. So prepaid postage, would, would ensure that ballots are received in a timely delivery. And then regarding ballot receipts, we know that the Secretary of State's Office tracks all of this information about ballots, when they were received, whether they were counted, whether they qualify, the reasons why they wouldn't and we think that, given they're collecting all this great information that I think voters would be interested in hearing, they might as well share it proactively with our voters, as an opportunity for the state to increase voter confidence in our elections and in the fact that their vote was actually counted in the election. So, again, this is a package of four improvements to voting by mail processes that we feel are fairly minor in cost, would offset some other costs that are currently being expended by the state and would be noticed by our voters as conveniences to the voting by mail process.

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

HEIDI UHING: Thanks.

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

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JOANNA LINDBERG: Thank you. I'm glad to be here. Senator Tom Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Joanna Lindberg, J-o-a-n-n-a, Lindbergh is L-i-n-d-b-e-r-g. I am a volunteer and government co-chair with the League of Women Voters of Nebraska. The League of Women Voters promotes an open governmental system that's representative, accountable and responsive. We encourage electoral methods that provide the broadest voter representation possible and are expressive of voter choices. We commend Senator Raybould's bill, LB604, because it makes applying to vote by mail very accessible by means of, of these four initiatives. The vote by mail application, right now, requires printing a paper form from your county, Douglas County or whatever county you're in, website. And then just before the elections, they then provide it on a paper that you would have to print out at the state level and at many county websites. So having this streamlined makes it more accessible for disabled citizens to just go to that website. They don't have to have a printer to print it out and to complete it and they don't have to have an envelope to send it back to the election office. Yeah. And it certainly complements the, the excellent website that is on the Secretary of State's Office. Number two, in addition, that online form allows voters to request that their name be added to that permanent early voting request list, similar to the one used by Douglas and, and Lancaster. And once a voter's on that list, they receive a postcard application prior to each election. The ease of a permanent vote-by-mail list can reduce barriers, by eliminating that requirement to submit a request for every single election. Douglas County has provided this option since the COVID 19 pandemic, in 2020, and has the highest early voting-by-mail participation in the state, not including the 11 counties that are all vote by mail. Those are higher. Douglas and Lancaster Counties have a permanent early voting request form, year round, on the website. Sarpy County does not, but other counties that were mentioned do. The same rules should apply statewide to avoid voter confusion. Where do I find this and how come somebody has it somewhere and it's not available another place? The ballot return envelope-- being postage-paid will help a lot of low-income people. When we call and-- to say, hey, you know, we work with all the senior high rises and, you know, do you have that done? Oh, yeah, but some of them don't have postage. And so, it will definitely increase the return rate of ballots. And then, that phone calling or texting the, the voter that this is available. And it's really good, because, you know, it's real hard, you get these-- you're calling people to tell them, well, you're-- you know, you need to correct your ballot. There

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was a mistake. And people get very upset. And this way, they'll know, wow, if I didn't hear back, I got to call the election office, find out what happened. But it's a big deal to people. They just go on and on. OK. Like previous elections, Nebraska's 22-- 2022 election was safe, secure and certified by the Board of State Canvassers, Canvassers. In the 2022 midterm election, 33 percent of Nebraska voters cast their ballots early. And, and the 11 counties that I mentioned, that are all vote by mail, outpaced Nebraska, in terms of turnout, including Adams County. This data clearly supports the continuation of vote by mail in Nebraska. All these counties except Sarpy, in this chart that I made up, Sarpy show-- all of them show significant increase since 2018, except for Sarpy County, which has had an 18 percent decrease. All the changes included in LB604, we believe, the League of Women Voters believe, they really do reduce barriers to voting, probably make less work for the volunteers and we ask members of the committee to support and pass this bill out of the Judiciary Committee [SIC].

BREWER: All right. Thank you.

JOANNA LINDBERG: Um-hum.

BREWER: Questions? Yes, Senator Conrad.

CONRAD: Just one. Thank you so much, Chair Brewer. Thank you, Joanna. Good to see you. You know, I was-- in preparing for the hearing, I was thinking about how the time might be right to revisit this issue that Senator Raybould has brought forward. I know, just visiting with people in my community and across the state, when we had this kind of perfect storm of redistricting and then a congressional special election and I think it caused a lot of confusion for voters in a lot of ways, whether or not they were in the new districts, particularly the congressional race. You know, they had just voted in the primary and then there was a special right after that. So it was just very confusing, I think, to, to a lot of folks. The other thing that I think that was confusing that I picked up during that experience was how different the county is, even within the same congressional district, were approaching some of these issues. And I know that caused another layer of confusion for voters. So I just wanted to draw upon that very recent experience in kind of working through some of these issues. And I know that you volunteer with voters a lot to help them understand the deadlines and the process. So I don't know if you had any experience with that, that you'd like to, to share with the committee.

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JOANNA LINDBERG: We register all of the high school students, the seniors--

CONRAD: OK.

JOANNA LINDBERG: --in the Omaha Public Schools. And Bryan High happens to be, you know, Harrison Street divides it. So it was some are Sarpy kids, some are Douglas. And it was very confusing. Those Sarpy kids can't fill out a vote-by-mail form now, where in Douglas, they've got it there on, on the website, year round, for this permanent list. So just that confusion and our volunteers weren't sure what to do and kids got confused. And so it really would be great if it was a-- just a uniform process statewide.

CONRAD: Thank you. Appreciate it. Thanks.

BREWER: OK. Any additional questions? All right. Thank you for your testimony. OK. Any additional proponents? Welcome to the Government Committee.

ADELLE BURK: Hello. And Chairperson Brewer and members of the committee, once again, I'm Adelle Burk. That's A-d-e-l-l-e B-u-r-k, and I'm here to share that PPAN, Planned Parenthood Advocates of Nebraska supports LB604 and thanks Senator Raybould for introducing this important bill. LB604 would increase voter participation and accessibility by modernizing Nebraska's vote-by-mail system. LB604 recognizing-- recognizes that voting by mail has become an essential component of Nebraska's electoral process. Voters appreciate the flexibility, convenience and accessibility of the vote-by-mail system. Anecdotal, many voters have shared with our organization that they prefer to vote by mail, because they enjoy the opportunity to review and research their ballot more thoroughly. Voting by mail also offers an individual the peace of mind, knowing that they can submit their ballot easily, even if they face an illness or other unexpected barrier to accessing the ballot in person. Additionally, vote by mail improves accessibility for people who are already the most disenfranchised in our communities, including low-income people who may face logistical barriers to transportation or difficulty taking off work hours to vote in person. So with that in mind, LB604 makes it easier for Nebraskans to apply for vote by mail, by allowing voters to request their ballot online. That's a commonsense improvement that will allow voters to apply by mail-- for vote by mail with the same convenience and accessibility as registering to vote online. Additionally, LB604 creates a statewide permanent vote by mail list.

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Those of us who vote by mail regularly, in Lancaster County and the three other counties that were mentioned, appreciate the permanent vote by mail lists maintained by those county election commissions, because it makes it easy to ensure our vote by mail applications are received in a timely manner for each election. Anecdotally, I'll mention that a lot of conversations that we had with voters in Sarpy County, in the 2022 election, folks really expressed a desire to be able to access vote by mail more easily, especially in Sarpy County. Voters across Nebraska deserve the same level of accessibility and convenience in their vote by mail experience that those of us in those four counties enjoy. For these reasons, PPAN urges the committee to support LB604 and advance the bill to General File. Thank you.

BREWER: All right. Thank you. Let's see if we have questions. Questions?

CONRAD: Thank you.

BREWER: All right. Thank you for your testimony.

ADELLE BURK: Thank you.

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

JANE SEU: Thank you. My name is Jane Seu, J-a-n-e S-e-u, and I'm an attorney with ACLU Nebraska, testifying in support of LB604. Early voting helps to reduce long lines on Election Day that may otherwise discourage voters from exercising their right to vote or make it impossible if they must return to work. You can also reduce burdens on election officials and staff. We, as Nebraskans, are fortunate to have early voting in our state, but increasing access to early voting and implementing improved processes will increase voter participation. Two years ago, the ACLU mailed out nearly 300,000 early voting applications to voters in Omaha and Lincoln, who had not yet received an early voting application. That effort was, in part, to protect public health at the time, but just as important, overall, to increase and encourage voter participation. But certainly, if we had online processes that allowed applications received in that way, that would make that process even easier. LB604 would make our early voting process more robust and reduce barriers to early voting for all voters. And on a personal note, I used to live in Pennsylvania for several years, which is one of the states that does like, an email or text notification when your ballot is received. And I can tell you

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that did offer a lot of peace of mind and confidence that my vote was counted and I think a lot of my peers and friends in that state felt the same. So we urge your support of LB602 [SIC] and I'm happy to answer any questions.

BREWER: All right. Let's see if we have questions. Questions, questions.

CONRAD: Thanks, Jane.

BREWER: All right. Thank you for your testimony. OK. Any additional proponents? Welcome to the Government Committee.

CINDY MAXWELL-OSTDIEK: Thank you. Senator Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Cindy Maxwell-Ostdiek, that's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k. And I know that you have several bills that you're hearing today and I want to thank you for holding this hearing open for everybody that comes to testify. It has not happened in all committee hearings this session and that's been disappointing that we have not had all Nebraskans' voices heard. I am a mom and a small business owner and a volunteer. And I am co-founder of Nebraska's Legislative Study Group. And we are here today in support of LB604. I want to say that I did run as an Independent in Nebraska's 4th District this last election, for Legislature. That's West Omaha. And I'm proud that we had one-- actually the highest voter turnout for all legislative districts across the state. A majority of my neighbors take advantage of early voting. I do, as well. And I know that is something that we feel very strongly about. And this convenience shouldn't be determined by which zip code you live in. LB604 would implement several positive changes to early voting. And I want to thank Senator Raybould for bringing it. I had many of these on my list of ideas and I'm so excited about this bill. Number one would include the ability for a registered voter to request an early voting ballot on the Nebraska Secretary of State's website. The centralized process will be convenient for Nebraskans, but I think beyond convenience, it will be something that will encourage Nebraskans to take advantage of this process. It would also require election commissioners to establish a permanent list. And that is something that I ran into, these last few elections. I have friends who lived in CD 2 that were redistricted into CD 1 and had been in Douglas County. And after being-- having their Sarpy County differences with their redistricting, they were not able to get their early ballot because they thought it was coming, the request, I should say. I apologize. I, I didn't word that well. But the early ballot

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request didn't come normally like they expected it. How many people did that happen to, where we potentially missed out on their votes because it wasn't convenient for them and they weren't able to go to the polls? Requiring return envelopes to be preaddressed and postage paid is something that I believe would be taxpayer money well spent and something that would be for good government. And requiring the election commissioner to, you know, if there's a phone number that they could email or text about their ballot having been received and confirming it, I had volunteered with the Civic Nebraska group before we were calling Douglas County voters about their ballots. And like someone had mentioned earlier, people are confused. They don't understand exactly why volunteers are calling, that it's not the actual Douglas County Election Commission count calling. And I know that a lot of people just don't answer their phone. And so, anything that would be, you know, automated with a text or an email and coming from an official address like that, I think would be a real benefit. Again, I want to thank Senator Raybould for bringing this legislation. And I hope you advance it out of committee and get this passed so that we can facilitate all Nebraskans taking advantage of their voting rights. Thank you.

BREWER: All right. Thank you, Cindy. Let's see if we have any questions. Questions? All right. Thank you for your testimony.

CINDY MAXWELL-OSTDIEK: Thank you.

BREWER: Next proponent. Welcome to the Government Committee.

ARLO HETTLE: Thank you, Chairperson Brewer, members of the committee. My name is Arlo Hettle, A-r-l-o H-e-t-t-l-e, and I'm the grassroots advocacy coordinator with the Nebraska Civic Engagement Table. A lot of the things that I've said have already been said a few times, so I'll keep it brief and just say that the, the work that our members are doing to, to reach out to voters, these changes, I think, are tremendously needed. And we hear that and see that all the time. In my own experience, as you know, moving to Nebraska pretty recently, as a young person, without access to a printer or stamps or some of those kinds of things that young people just don't readily have around these days, I found the, the registration vote-by-mail process, not the easiest to manage and this bill would have helped a lot with that. I think, you know, being able to request an early ballot online is a really simple change. And downloading and printing a form is just, you know, not something that people without printers can easily do. You can already register to vote online. It just kind of makes sense and,

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you know, fits into people's ways of doing things. Permanent early voting lists would be a great change. It just, you know, being able to have that, that consistency is something that people enjoy and would definitely take advantage of. Prepaying postage, I think, is one of the, the biggest things in this. So many people don't own stamps these days. I know that, that my-- I kind of like, was scrambling around, trying to see if I had any anywhere, when I was trying to vote. And then I ended up, you know, just trying to find like, drop boxes or other alternatives, But just prepaying that postage would have made it a lot easier and would probably increase the return rate on vote by mails, as well. And then, email or text updates is, once again, kind of a commonsense thing that people expect when they send any kind of package or mail. In our voter education, we get so many questions about that. We're constantly directing people to that link on the Secretary of State's website, which is great, and it's great that that exists, but we just aren't able to reach everyone. And I know that there are lots of people out there that have those questions, every time, that don't know about that resource. So yeah, the Nebraska Table would strongly encourage this committee to support LB604 and make these commonsense updates to the early voting process. Thank you very much.

BREWER: All right. Thank you, Arlo. Let's see if we got questions. Questions? All right. Thank you for your testimony. OK. Any additional proponents? All right. We'll transition to opponents. Oh, you're coming? OK.

JUDY KING: You got one more. [INAUDIBLE].

BREWER: Welcome to the Government Committee.

JUDY KING: Hi. My name's Judy King, J-u-d-y K-i-n-g. And I want to thank Senator Raybould for bringing this bill forward. Anything you can do to make voting easier for people is great. I travel a lot. And, you know, being able to get my voting ballot in and or deal with it, is-- it makes it so much easier. I work with Civic Nebraska and their-- to watch the-- I'll skip that. Anyway, I just want to thank Senator Raybould for bringing this forward and I'm a proponent. So

BREWER: OK.

JUDY KING: Thank you.

BREWER: See if we have any questions.

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JUDY KING: No.

BREWER: All right. Thank you. OK. Any other proponents? All right. Then we'll transition to opponents.

ALLIE FRENCH: Of the chat room.

BREWER: Welcome back to the Government Committee.

ALLIE FRENCH: Thank you, Allie French, A-l-l-i-e F-r-e-n-c-h, representing Nebraskans Against Government Overreach. We, as well, oppose LB365 [SIC] for a couple of reasons. And I do want to actually start off by saying that if we had an appropriate verification of state ID for mail-in ballots, we may actually have a different position on this. Ultimately, however, we don't. So for that reason, first and foremost, we oppose this legislation. Secondly, in there, it states that you simply are going to go to the Secretary's website and request an early voting ballot. That's all it says. It doesn't say what information you're providing. It doesn't say how it's verifying that you are who you say you are, requesting said early voting ballot. I think those are extremely important things to have a good handle on before we were to support this legislation. If you go forward onto page-- let's see-- four of this legislation, she-- it did strike out an entire paragraph there. And I do want to note that I did recognize that in-- on page 3, it was noted there that the official title and postage will still be on there. However, what is now missing is that the election commissioner or county clerk shall include, with the ballot, an identification envelope, if somebody other than the person who requested it is dropping off said ballot. So I want to make sure that we're no longer losing that. If somebody else is returning somebody else's early voting ballot, that needs to be noted when they drop it off. So that-- I'm not sure that was meant to be excluded, but it was excluded there, when they did that. So for those reasons, we specifically LB365 [SIC]. Ultimately, you know what's the most convenient, guys? The most convenient thing you can do: show up in person on Election Day. Vote at the ballot in person. There's nothing less confusing than that. You don't have to get postage, you don't have to have a printer, you don't have to email anybody and wait for confirmation. I would note that it might be good, that if people are going to request early voting from the Secretary's website, that there be confirmation that they actually signed up and for that early voting. I know that there was confirmation after they submitted it. But again, it may be good for people to know that it actually went through. When we're dealing with online systems, I know sometimes we

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submit comments to the Legislature and the email verification doesn't always show up. We actually had an issue with that just a few weeks ago and people had to resubmit their comments. So it's not a perfect system. Obviously, access is great, but inconvenience is not the-- convenience is not the most important part of voting responsibility and knowing that the person who is intending to vote is the one doing so. Thank you.

BREWER: OK. Thank you, Allie. Let's see if we got questions. Questions? All right. Thank you for your testimony.

ALLIE FRENCH: Thank you.

BREWER: OK. We're now looking for additional opponents. Beth, welcome back to the Government Committee.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Brewer. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing in opposition to LB604. And Senator Raybould is right. I'm going to talk about money. We did a little analysis of what the costs might be for postage-paid return envelopes. We based it on the 2020 election. So the numbers are probably going to be higher than they would normally be because of the pandemic. At that election, there were about 488,000 early voting ballots cast. That does not separate out those 11 counties that did-- that do vote by mail normally. At that time, the cost of a first-class letter was \$0.55. The rate has now increased to \$0.63, so that would adjust our numbers a bit, too. But assuming that first-class postage at the time of the 2020 election was attached to all of those ballots, the cost would have been over \$268,000 for counties to send out those ballots postage paid. That assumes, too, that they didn't exceed one ounce in weight. There has been a suggestion that maybe we could look at doing some kind of a bulk mail permit statewide somehow, if there was a desire to do the postage paid return ballots. We haven't looked into that particularly, but we would need to make sure that that would allow the ballots to be returned in a timely fashion. The second note we're going to make on the bill is that the permanent early voting list, yes, many counties already do that. That decision was made based upon the needs of the county and the resources that are available in the county. And we think that decision should remain as a local one. I would be happy to answer questions.

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BREWER: All right. Thank you, Beth. Questions, questions. All right. Thank you for your testimony. All right. Welcome back.

LARRY STORER: Thank you, Larry Storer, 5015 Lafayette Avenue, Omaha. 68132. This afternoon, I hope to be a little humorous, I hope, rather than derogatory. But as I read this, I suggest that maybe this whole thing be from a humorous standpoint. As I read this without studying it and thinking seriously, it leads me to believe that, boy, here's a big opportunity for election fraud on a wide scale. I'll try to sum up my reasons a little bit here, but voting early, voting early is probably one of the biggest ways to-- if you want to mess with the elections.

BREWER: Larry, can we have you spell your name for the record?

LARRY STORER: I'm sorry?

BREWER: Spell your name for the record.

LARRY STORER: Oh, I'm sorry. S-t-o-r-e-r, Larry, L-a-r-r-y. But this is probably one of the easiest ways to do things, other than dropping ballots in the, in the drop box. But just-- my daughter has a famous saying when things don't seem quite right or let's say stupid, she'll say duh or Elmer Fudd. They say something like that. But as I read the various sentences in here, the Secretary of State, you can get early ballots there, go on their website, get early ballots. But a lot of these things say if it's not returned by the close of polls, close of the polls on Election Day, it does not say postmarked on that day. It doesn't say prior to, it just says at the close or prior to. That needs to definitely be changed, because gee whiz. That-- how would I drive down to put it into the election office coffers by the close of the polls? They're probably closed there, anyway. In an application-- register to vote application being delivered by the close of business day, on the day the polls-- of Election Day. That doesn't sound very reasonable either. No ID required on that. You don't have an opportunity to present an ID on that, do you? On this second, third page, there, it says, no later than the close of business on the second Friday, preceding the election. Well, with the mail service the way it is, that's probably not early enough. That's pushing it pretty close. And maintaining a permanent list of voters that requested ballots for early voting? Boy, if I wanted to cheat, if I was an employee, particularly, of the election commission or whatever, there's a great way to do some cheating. Mail some early ballots out to the, the list that's maintained as a permanent list. I think there

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should be a new request every year, every election. And their name should not be accessible to anybody. Privacy laws, you know-- another part of the problem for potential fraud. The commissioner or county clerk sent every voter on the list a may email, text or postcard subject to the subsequent election. That's another way to mess with the results, I think or the suggestions of how to do it. I didn't study this real well before I came down. But you get back to page 4 or 5, we talk about postmarks and postmarks by the close of Election Day, again not being counted. And then maybe they preserved those ballots. Why would they preserve them? They should have destroyed them, if they weren't valid, they didn't receive them on time. Could somebody maybe mess with those ballots? If you really wanted to do fraud, you'd probably find a way to do it. Stored in a sealed container designated for rejected early ballots. Why is a rejected early ballot of use to anybody? Why don't you destroy them? That would be another suggestion. OK. That's it for today, I guess. Thank you.

BREWER: All right. Thank you, Larry. Any questions? All right. Thank you for your testimony. OK. Any additional opponents? Welcome to the Government Committee.

FRANCIS KUHLMAN: Thank you. My name is Francis Kuhlman, F-r-a-n-c-i-s K-u-h-l-m-a-n. I live in Lincoln. Page, page, page 2, line 17, if you would take a look at that, if you don't mind. The election commissioner or county clerk shall include a registration app with the ballots if the person is not registered. Even before that, on line 15, a registered voter may use a fax machine or email for the submission of a request for a ballot. So I'm just going to fax in, email in, hey, send me a ballot to my Lincoln address, please. And they do. And then on line 17, they will even include a registration app with the ballots. OK. If the person is not registered-- so I'm not even registered to vote. I email it in and they send me a ballot and the registration forms, what this says.

BREWER: You understand, this is existing law?

FRANCIS KUHLMAN: Huh?

BREWER: This is the existing law now.

FRANCIS KUHLMAN: Well--

BREWER: The--

FRANCIS KUHLMAN: --I want you to--

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BREWER: --underlined is the new.

FRANCIS KUHLMAN: --yeah. So we can't really talk you into changing existing law in this hearing right now. That would be inappropriate.

BREWER: You can talk about anything you want, but.

FRANCIS KUHLMAN: Yeah. OK. Fraught, fraught with, with chances for abuse. My goodness. I mean, I would like the SOS person, if you don't mind, when he, when he gets up to testify, to respond to what if I request-- I create 50 fake names and email in 50 fake requests for a ballot and a registration. Is there software or any person sitting in a terminal going to get flagged, oh, this looks suspicious. How can 50 people live at 818 South 14th Street, Apartment 1 in Lincoln? I want to know if there's anything checking that, you know. I would appreciate if he'd give an answer to that. Let's see-- and then on page 4, line 25, that's probably existing law, too. Let's look at that and see. No-- well, it seems to get into it. OK. The underlined is, is what is going to be added, is that correct, sir?

BREWER: Correct or the line through or--

FRANCIS KUHLMAN: OK. No, that's not, that's not it either. OK. It's, it's-- my other complaint was existing law also, so. It just seems to me that we're, we're really erring on the side of convenience and inclusivity. Oh, my gosh, I wouldn't want one handicapped person to be able to-- not to be able to vote or one person that travels frequently. Such a crime, you know, and we're, we're opening the door wide open for lots of abuse here. I don't know-- how many of you have seen the movie "2000 Mules" by Dinesh D'Souza where they use cell phone metadata and they, you know, they track how many mules went to the same, the same drop box? This is really another issue other than mailing, but how many, how many people repeatedly went there, like, you know, 20 times and then they have video of them shoving 20 or 30 ballots into the drop box. I mean, I can't imagine that this did not happen in the state of Nebraska. In fact, I did personally park outside of the Lincoln drop box two nights before our election 2022 here and I saw a few vehicles come multiple times and I was too far away to see them, how many they were shoving in there. But anyway, I, I suspect this is going on in Nebraska, too. We're erring on the side of convenience and, and we're, we're, like, not caring at all about election security in my opinion. So I would rather see all mail-in ballots done away with, quite frankly. You know, how many votes, how many people truly in real life would we be offending if we did that?

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Make them come in person, make them show ID, make it a state holiday or a national holiday, give everybody the day off. You have nothing-- it's like the second most important thing in life you can do other than honoring God is to show up on Election Day and vote. So let's, let's not make it so convenient, so easy. Thank you. I guess I could take questions, but I don't think I really gave you anything substantive to ask me about.

BREWER: All right. Any questions? All right. Thank you, sir.

FRANCIS KUHLMAN: Thank you.

BREWER: OK. Next opponent to LB604. Wayne, welcome back.

WAYNE BENA: Chairman Brewer, members of the committee, for the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a, and I serve as Deputy Secretary of State for elections here on behalf of Secretary of State Robert Evnen to provide testimony in opposition to LB604. As I mentioned before, some legislation has-- can have unintended consequences to administration. And I think Beth talked a little bit about some of the county concerns. Some of our county election officials couldn't be here today. But, you know, just to reiterate, a permanent list is allowed. And even more than the four counties that Heidi mentioned have that, I believe, were roughly in the 10, 11 range that, that do have it. And it is a decision between the county election official on the board and the residents of whether or not they have the resources or if it's a service they want to provide. And so to force it upon it is a concern for many counties that may not have the resources for even to upgrade computers, let alone having to mail out these applications. So it is allowed, but it should be up to the county to determine if that's how they want to spend their property tax dollars. In regards to postage paid, again, that will be, you know, a significant cost for the counties, our by mail precincts, whether it be it's our 11 counties that are completely by mail or, or other counties that have individual precincts within their county. They do pay for the postage for the ballot to come back because there is no other method by which they can vote in the county like going to their polling sites. So that was the policy decision in regards to if you want to do this then you have to provide postage for those ballots coming back. We-- and I, and I like the advertising for our website that does have the ability to track your application and your ballot to whether or not the application is received when your ballot was sent, when your ballot was received and whether or not it's accepted and that is available by computer in the same method a text messaging

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system or an email system would do. Those systems would be in addition to what we already do. I was-- had a lot of great pride in the 2020 election seeing on Twitter people posting a picture of their accepted ballot and that became, like, the new "I Voted" sticker was the showing of, of our website. So we've seen the traffic to our website go exponentially after 2020 of people going to verifying their early voting ballot. But the main reason why I'm here today and why we're in opposition is in regarding to the online portal through our website to request an early ballot application and the unintended consequences that such a, a portal would have. And when bills like this have been brought before and I remember I was an election commissioner the last time this was brought around the time the bill was passed for online voter registration, and we wanted to get through the online voter registration system before we ever wanted to take a look at something like this. We got the-- I wasn't working for the state at the time, but we did get the online portal going and the state received a lot of great national attention for it because we were one of the few that had started that. And by doing so, you have to have a state ID or a driver's license to be able to verify. And then your signature is then met with the registration that goes into your record so we have your signature. To be able to do what this bill is asking we would have a similar system in which we would fill out the information, it would be verified by DMV, because that's how-- our one method of being able to verify who you are, then your signature would be then attached to it because it is required to have a signature when having the application. Here's the issue, when it comes to registration the signature and the quality of that signature is not as needed because we're already verifying your identity to be able to access that registration signature. However, your signature is very valuable when it comes to your early voting ballot application because we need the best looking signature to be able to compare to make sure it is you. And unfortunately, since the online voter registration system has been put into progress, an electronic transfer of electronic registrations from the DMV, the DMV has gone to a whole pen pad type of system for your signature. And if you or like anyone else going to the grocery store or what have you, that signature is terrible. And unfortunately, if we do have a portal like this and people are registering like this, we are going to continue to have the degrading of the signatures that we need to be able to accurately make sure that your ballot is being, your ballot is being-- can I continue on a few moments-- that your--their signature matches so we can make sure that it is you returning your ballot. And so that is why I've always found it to be very important that you request an early ballot application with a

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signature before every election because we have your best and latest signature on file on record to be able to compare that. And if we don't have a good signature anymore, then it's going to become harder and harder to verify those signatures. What's great about our system is even if we have the DMV signature as the one on file, we're scanning your early ballot application into the system so we're able to-- if we don't-- can't compare the signature we can go to a known exemplar, which is your last application to be able to do that. And that has been very helpful in this process and that's why having an updated signature that is updated is very important. We do have very-- lots-- we have expanded the ways of returning that application. It is not just by mail or fax anymore. We do allow for email transfer of that and that's something our office worked with the counties a few years back. And as the Douglas County Election Commissioner said in a press conference announcing that you can even do a ballot or a ballot application selfie, so you can take a photo of it and actually email it to your county election office. And so I understand that there is concerns about printers and printing it off, any election commissioner, if you give them a call will mail you an application. And that was what we did in my county and there's no county in the state that won't mail someone, mail someone an application. If they don't want it or you don't have to actually use the prescribed form, you can write down all the information on a piece of paper and get it to, to the office that way as long as it has all the information. I remember getting one on a piece of paper that included that day's cartoon from the newspaper every year. And it was, it was-- put a smile on all our faces to get that application. So again, it's, it's the unintended consequence of not having good signatures is why the online portal is, is not something that we would be supportive of at this time. With that, I will stop. I did write down the questions that Senator Raybould had and I've been-- I'll be happy to answer those questions if no one else has any other questions as well.

BREWER: Let's see if we have any other questions. Yeah, if you want to hit them--

WAYNE BENA: Yeah. OK.

BREWER: --since you know there are questions already out there.

WAYNE BENA: Yeah. So her first question was does the fiscal note include the 11 counties that already vote by mail now? Our fiscal note didn't include those counties. It was an estimation based upon what we think-- and, again, I can't put a fiscal note on it because of county

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cost. But there's a difference between a folded ballot and then a flat ballot so it could, it could-- the best numbers of around 200,000 does hit a little bit harder in regards to more counties have flat ballot envelopes than folded ballot envelopes so it just kind of depends on the county and what they do. But the 11 counties, that's not included because they already pay for the postage. How much are we paying poll workers to man the polling places? It's at least minimum wage and there's five per-- sometimes up to about five to six per polling sites times 13 hours plus set up and training. So I'll let the people with the calculators do that math for statewide. How much are we paying churches and other facilities, both government and private? Any government entity that-- or any entity that receives any tax dollars has to allow us into that facility for free. Other churches or private entities, it's, it can range anywhere from \$10, \$30 or, you know, sometimes people do it just out of the goodness of their heart. Some people just want enough to cover the electricity for the night. So it kind of varies, but it's not a very huge cost. How much are counties now spending to mail out the postcards each year? That, you know, I would have to defer to NACO and each individual county in, in regards to how much-- how many people are on their list. But I would say it's, it's a first-class postcard, at least 52 cents or 65 now. Do the 11 counties that do vote by mail pay the pre-postage to return the ballot? They do, that's in state law. So all those precincts do pay for the postage back. And what states currently do vote by mail only and do they provide prepaid return of envelopes? Oregon, Washington, and Utah, except for maybe the county of Salt Lake City, but that might have changed, I know are all vote by mail. Colorado sends everyone a vote-by-mail application but-- or excuse me, a vote-by-mail ballot, but then allows that election have a-- they have election centers throughout their state that people can go vote in person or drop off that ballot if, if they wish to so it's kind of a hybrid model. So those are the states that I'm aware of. And as a courtesy, since I did answer questions, and one other question was asked of me, yes, if a person isn't registered to vote, we do-- the election commissioner can provide an early ballot-- or excuse me a registration application with the early ballot and that has to be returned by the close of polls on Election Day. It's considered a provisional ballot. Research is done to make sure that everything has been followed properly before that ballot would count. So, yes, there would be a, a look at that and it would be noticed during the provisional verification period if 50 came back with the same signature or at the same address or same address different signatures or what have you, so that would raise a red flag, so. Any other questions?

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BREWER: All right. Any others? All right. Thank you for going through all those. OK. Any other opponents? Welcome back to the Government Committee.

LINDA VERMOOTEN: Thank you, Senator Brewer, Senators. My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n, and I stand opposed to this bill for a couple of reasons. We did some door-to-door canvassing down-- well, up I guess, I'm down in Lincoln now, up in Omaha and Bellevue area. These are just some of the things that we found in our team and I'm aware of a team that was doing the same thing down here in Lincoln. So one household, they received eight separate ballots that were mailed to their household, one received seven ballots that were mailed to their household and four of those people had not lived there for over ten years because these people had owned that house for ten years and they said none of those people lived there. One house had received 11 mail-in ballots to their home, and it's a one-bedroom house so we know there's not 11 people living in that one-bedroom house. And they confirmed that, they said, no, it's just me. That's what the individual said. So these are some of the, some of the issues that we're seeing. I mean, there's a number of other ones we can go through. I know my, my friend was sharing with me some of-- one of the incidences they found here was the same thing, that one person had received four separate ballots on four separate occasions at their house and so they had thrown away because they thought, well, it must be a mistake. And then they got another one so they threw that one and then they got another one and they were, like, but I always go in person why are they mailing me this? So those were just some of the issues and my personal concern with making a permanent list is in 2020, I was not able to go and vote in person, it's the only time I didn't vote in person is since I have become a citizen because I've had strokes and I did not have the ability to drive or see well enough at that point. Thank God in 2022 I was able to go in person because I have been able to rehabilitate and I am able to drive again. So that is huge. So I would have been placed on that permanent list and me getting a ballot, a mail-in ballot ever after, and I wouldn't want that. My other concern, again, is similar to the one that I expressed earlier. Whenever you're putting more information online, there is the ability for people to access it. And now I'm supposed to sign and also put my signature out there. So if they have my date of birth and part of my Social Security and my signature, that doesn't leave much left for them to have to obtain in order to steal an identity. I'm also concerned because voting is a sacred right. We have an Election Day for a reason. This means that we go to the polls in person and we vote

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in person on the day. Majority of people are perfectly able to go to the polling stations. Some have gone to the county commissioner beforehand for reasons that maybe they're out of town at that time. However, if you can go to the commissioner's office most often, then you show up at the polling station. With rights, also come responsibilities. Yes, it is our right to vote as a citizen, but there's also responsibilities that we have to show up on Election Day at our appropriate polling station and vote in person. Some are personal experience because I have had the privilege or the opportunity to vote in more than one country. I have lived on three continents and so I've had that opportunity and in those situations you show up on the day of election with the proper ID at the correct time. If you show up on any other day, you don't vote for whatever reason. I got sick. Sorry, you don't vote. I brought the wrong identity document. Sorry, you don't vote. There are very clear rules laid out and you have to follow those. It seems like over time we've become rather lackadaisical in the United States and we go more for convenience than we go for taking our responsibility as a citizen very seriously. Freedom is not free. People have paid a great price for us to have this freedom. And I think part of that respect is saying I need to go and I need to vote and I'm also saying my opposition to this is as a taxpayer whose backs are you going to lay all of this additional postage on? It's going to be on our backs, you've got get the money from somewhere. So that's normally coming from taxes on the citizens and so I object to, to this bill and do not believe that it is in the best interests of the citizens in our counties and in our state. So I would ask that you do not move this legislation out of committee. Thank you for your time, Senators.

BREWER: All right. Thank you. Is there any questions? All right. Thank you again for your testimony. Any additional opponents? Anybody here in the neutral? Oh. Welcome to the Government Committee.

AMBER PARKER: Hi. A-m-b-e-r P-a-r-k-e-r. I'm in opposition to LB604. I believe that there's a lot of covering of the problem of what's going on, and that is that our state is lacking in election integrity. Our own Secretary of State has not wanted to look into, even in the last general election, of Wi-Fi addresses and why they were showing up next to voting machines. He has not shown interest in these areas, but instead sticks to a narrative. And I just believe that in opposition to the bill here on LB604, I want to make sure I have that number right, is because it's not truly addressing what is going on. We're not addressing the chain of command. We are not addressing-- when we have early voting-- you know, for those that want to cheat in our

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elections it gives them an opportunity to cheat. We have found out that even with third parties and what's going on with those inquiries of those who want to have a ballot for mail-in that is not against current law in the state of Nebraska, which means the questions we should be asking why, why are out-of-state, why are third parties mailing this into our state and those measures taking place? Why wasn't that addressed even before the 2020 election? So these problems have not just came since the 2020 election. We are seeing again an area and a common denominator where is the chain of command? One person who testified has already addressed the cost. I encourage you on a fiscal note, look at the cost of the postage. Look at what that's going to be. And again, who do we know is taking in these envelopes? I myself, I have been a, a mail-in ballot voter, an absentee voter, and I have to tell you, I stopped. I quit doing so. I was one, I like to study all the candidates, all the judges. I like to study just every single person and, and know where their stance-- their stand was. I wanted to be an informed voter, but I realize that all I have to do to be an informed voter, I can do that same thing, but take that with me to the polling place. And I think it's really great to note that there are people that in their voting-- and I, I don't want to name the wrong country and I don't have facts in front of me so I want to be very careful, but they did away with the voting machines. They do hand-counting ballots. And I'm thinking, correct me if I'm wrong, but Nebraska did that, like, several years ago. Why can't we go back to that? Why can't we do something in these ways that ties this together and creates a foundation? That's what I encourage here in the committee. Let's not view from the side of all these areas that still lead the open door to mass confusion in our elections and a question if we've lost our constitutional republic because it's now what machines are connected to what Internet? And our Secretary of State tells us, hey, these voting machines aren't connected to the Internet, but that's not the case. They have the ability and, and we still don't understand, Secretary of State Evnen, if you're listening, why was there Wi-Fi addresses connected to that? So I'm just saying, I know you guys have a lot of election bills you're looking at, but let's go to the heart and the denominator that shuts out and makes it the Nebraska election, not perhaps open doors to other countries coming in, even with the third parties coming in and inquiring on who's bringing these mail-in ballots. It's greatly important that we address this because, you know, about last week it dawned on me that now President Trump is talking about ballot harvesting. And in the state of Nebraska, we know it's currently not against the law to drop off 100 ballots of other people. You can only do one ballot for yourself,

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as it should be. So I'm just saying, to me, it seems like a lot of song and dance and we need to really get to the brass tacks of things and what we truly can do to bring election integrity to the state. And I would encourage the Secretary of State to that conversation and with this and that's why I say I'm in opposition to LB604 because early voting, these measures, we need to do away with early voting because there's a lot of leeway and opportunity for those who want to cheat and steal our elections. That's everything I have to say.

BREWER: All right, Amber. Let's see if we have any questions? Questions? Questions? All right. Thank you for your testimony.

AMBER PARKER: Thank you.

BREWER: OK. Any additional opponents? Anybody here in the neutral? All right. Senator Raybould, come on up for the close. And I have, let's see, read-in letters: proponents, we have 19; opponents, 59; and neutral, one. Whenever you're ready.

RAYBOULD: OK. Wonderful. Well, thank, thank you all. Thank everyone for their comments. I found them highly constructive and, and very informative. The one thing I gleaned from a lot of the comments from the proponents is that they, they're asking for a more uniform policy, a more consistent policy, centralized online process of voter registration that doesn't allow for some different counties' inconsistencies in, in registration. And I thought that was really very important. What we also heard was that they want to reduce barriers for people because we want more people to vote. We want the convenience. Absolutely, because we want more people engaged in their civic duty rather than creating additional barriers for them. And I, I thought it was very interesting that Ms. Uhing talked about confidence in the voting process with the receipt. And I really want to commend the Secretary of State's Office and certainly Deputy Secretary, Mr. Bena, for his, his efforts at trying to, to make sure that there is that responsiveness so that people feel with full confidence that their vote was received and their vote has been counted. I think when I have been walking precincts for more than 12 years and certainly this last election cycle, I really had a lot of opportunity to spend more time talking to people and seniors, in particular, who were very engaged in, in my district and concerned about the voting process. And I-- anecdotally, I can say that probably about 65 to 75 percent of them love voting by mail. But I would ask them that question and I'd knock on their door and introduce myself and I'd say so are you an early voter or do you just love to go to the polls? And people would

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light up and talk with great deal of animation and excitement about doing whatever method made the most sense for themselves. And I had another opportunity after getting elected and meeting with OLLI. I think many of you probably know that Osher Lifelong Learning Institute through the University of Nebraska, certainly, it's pretty big and popular in Lincoln with different types of classes and conferences and seminars and programming that, that seniors can participate in. And we had the good fortune to have Senator Conrad there, Senator Dungan there, myself, and then Senator Clements. And one of the questions that was asked by a member in the audience, he said I just want to know how many people who are attending this event and I think there was probably about 40 to 60 people in attendance. He said just by a show of hands, can you tell me, like, how many of you vote by mail? And to me it was no surprise, but every single person in that room raised their hand and said that they vote by mail. So we know that that's important. We know that that's important to 11 counties who've been voting by mail for the last two decades, if not longer. It matters to them. We, we don't want to see people disenfranchised. We want to really encourage that. And I want to thank the comments, certainly by Deputy Secretary Bena for really telling about how, you know, we can make this better and that counties do have a permanent list. I think our goal in this discussion and the one before is how can we make voting more accessible to everyone and, and to make sure that we have those safeguards in, in place? And I just want to assure everyone that's listening out there, we should be very proud. The state of Nebraska has safe and secure and free and fair elections in our state. And I really want to give a lot of credit to our election commissioners and certainly with working with our Secretary of State and the hard-working people that are involved in our election process and the safeguards as well. So thank you all very much. I hope you will consider this. Obviously, we're going to be continuing to work with the Secretary of State and making sure that we get things right, certainly working with all the, the county election commissioners so that it is not a financial and fiscal burden on them because that's, that goes right to my heart. I would not want to do that to my, my former county commissioners. So thank you all very much. And if there's any questions, I'd be happy--

BREWER: All right. Do we have questions for Senator Raybould? All right.

RAYBOULD: All right. Thank you so much.

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BREWER: All right. We are going to stand down until ten minutes after to give everybody a break and reset for our last bill, which will be LB365.

[BREAK]

BREWER: [RECORDER MALFUNCTION] with us. Well, LB365, tell us about it.

HUNT: Thank you. Good afternoon, Chairman Brewer and my colleagues on the Government Committee. I'm Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8 in midtown Omaha. And today I'm here to present LB365. LB365 would lift the current population cap on which counties can use vote by mail, enabling all counties to opt for mail elections if they want to. This is my second time bringing this measure. In 2019, I introduced LB163 in partnership with the Nebraska Association of County Officials and Civic Nebraska, who brought the idea to me. Under current law, only counties with fewer than 10,000 residents can request to conduct all-mail elections with the Secretary of State. LB365 would strike that arbitrary county-size cutoff, enabling any county to implement vote by mail. To be clear, this bill is permissive. It doesn't require any cities or counties or individuals to change what they are currently doing. It simply allows every county to approach the Secretary of State about adopting vote by mail while preserving the Secretary of State's oversight of the process. I think one of our most important and challenging responsibilities as a Legislature is to find a balance between local control and state oversight. LB365 is a bill that strikes that balance very well. Here's how it works: In an election conducted with a vote-by-mail standard, every registered voter is mailed their ballot in a sealed, individually labeled envelope 20 days before Election Day. The voter can then choose to mail the ballot back, return it in a secure drop box, or return it in person to the county clerk or election commissioner's office. Each voter's ballot has a unique barcode and voters must sign an oath on their envelope and that signature must be verified by election officials before the vote is counted. The problem this bill seeks to solve is that under current statute, 26 counties are prevented from even considering this option for the simple reason they have more than 10,000 residents. This is mostly counties in the 15,000, 20,000, 30,000 like Gage, Holt, and Saline County. Seventeen counties currently utilize this tool in one or more precincts, and none have reported any issues with their systems. LB365 would extend the option to conduct all-mail elections to any county in Nebraska regardless of population. It would not require any county to conduct an all-mail election or for any voter to vote by mail if they would

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rather vote in person. It would increase flexibility and local control over elections for our counties, increasing accessibility for voters. Vote by mail is proven to increase voter engagement. Average voter turnout was nearly 20 points higher in Nebraska's counties that use vote by mail than in the state as a whole. The five counties that are not all mail that had the most voters voting by mail were Harlan, Gage, Wayne, Douglas, and Thayer. And the partisan ideological makeup of these counties and their precincts varies really widely. So there's no partisan advantage in one direction or another. Data gathered by our Legislative Research Office in a 2020 report found that no county that shifted to mail elections experienced any shift in partisan turnout. Mail voting especially benefits rural voters, the elderly, the disabled, residents of care facilities, and those that for any number of reasons would have difficulty accessing a polling place on Election Day. I can tell you that in working on this bill over the years, the most stories I've heard by far are stories from constituents about their 90-year-old grandma or neighbor who relies on a mail-in ballot in order to participate in an election. If some counties have this option, why not all of them? In the counties that have implemented it, there have been no documented problems with the mail-voting system. Partisan ballots did not change and voter turnout increased. Here is a commonsense, ideologically neutral way to fulfill the obligation of giving all of our counties the tools to make voting accessible to its residents, regardless of their physical ability, age, mobility, working hours, or proximity to a polling place. Thank you.

BREWER: Thank you. OK. Questions for Senator Hunt? All right. You'll stick around for close--

HUNT: Yes.

BREWER: --since we tortured you all day.

HUNT: Yep.

BREWER: OK.

HUNT: Thank you.

BREWER: We will start with proponents to be LB365. Welcome back one more time.

HEIDI UHING: Hello, Chairman Brewer, members of the Government Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g. I'm public

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policy director for Civic Nebraska and I'm here in support of LB365. Nebraska has allowed small counties to designate all vote-by-mail precincts since 2005. The initial population cap was 7,000. In 2009, the Legislature raised the population cap to 10,000. The first countywide vote-by-mail election was in Garden County in May 2018. We now have 11 counties who have applied for and been approved as all vote-by-mail counties. Counties seeking to make a precinct all vote by mail must submit an application with the Secretary of State to illustrate the need and advantage of switching to an all-mail precinct. Applications are required to discuss the average distance voters travel currently, the condition of the roads, and accessibility of the polling location, including compliance with the ADA. Counties applying also outline cost savings that would be realized by switching to all mail. As part of their application, the county is required to submit a written plan for how the election will be conducted and how the county will notify voters that the election will be conducted all by mail. Eight states currently conduct elections entirely by mail: California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont, and Washington. Only Nebraska and North Dakota allow counties to determine if an election will be held entirely by mail with many but not all counties choosing to do so. Voting by mail is actually more secure than voting in person. A ballot and return envelope is sent to the voter with instructions. The return envelope is an oath that must be completed and signed by the voter. The voter is then responsible for delivering the voted ballot in its completed return envelope, either by mail, drop box, or in person. After receiving the envelope, the county election official verifies the signature and the address of the voter by means of barcode on the return envelope. To maintain security of the ballot, county election officials take a number of steps. They code the ballot and return envelope, initial the bottom of the ballot, track the status of each ballot through the state's election management system, and they make sure that the signature on the ballot return envelope matches that of the correct voter. Voting by mail makes it easy to vote and hard to cheat. If someone duplicated a ballot and attempted to vote twice, the system would accept the first returned ballot, but flag an error when the second ballot was received. If someone intercepted another voter's ballot from their mailbox, they would have to steam it open, fill it out, reseal it, successfully forge a signature, return it, and all the while hope that the intended recipient doesn't notice that they never got a ballot or never shows up at the polls to vote in person. I have a couple of handouts here that I would like to draw your attention to. One is that report that Senator Hunt referenced from LRO that explains vote by

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mail throughout the state. And then there's a second handout that breaks down vote-by-mail ballots cast by party. We want to share this information with you to debunk some of the perceptions that voting by mail is more beneficial to one county than the other in our state. You can see from the percentages of returned ballots that they encompass statewide, 37 percent were from Democratic voters, 48 percent by Republican voters, and 14.9 percent by nonpartisan voters. And then our second chart here outlines participation in all vote-by-mail counties starting in 2014, which is prior to any of them using all vote-by-mail systems up to the most previous-- the most recent election. And you'll see the numbers in 2014 indicate the voter turnout prior to any of these being vote-by-mail counties. In 2018, you'll see the, the number in Garden County jumped significantly. That's the year that it became the first county to vote by mail. And then in 2020 and 2022, those are all elections conducted by mail. So we love to see these numbers, they are significant jumps in these more rural counties in participation from one year to the next. And of course, 2020 being an exceptional year due to the, the pandemic changes of procedure at that time. But that provided an opportunity for the state to really test voting by mail in a more prominent way. And all of those elections were conducted smoothly and many county clerks found them to be-- this to be a very smooth process. I think that's the entirety of my testimony. Thank you.

BREWER: OK. Thank you. All right. Questions? Questions? All right. Thank you for the testimony and thank you for the data.

HEIDI UHING: Thanks.

BREWER: OK. Additional proponents? Welcome to the Government Committee.

JOANNA LINDBERG: Thank you. Thank you, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Joanna Lindberg, J-o-a-n-n-a, Lindberg, L-i-n-d-b-e-r-g. I am a volunteer and government cochair on the League of Women Voters Nebraska Board. The League of Nebraska promotes an open governmental system that's representative, accountable, and responsive. We encourage electoral methods that provide the broadest voter representation possible and are expressive of voter choices. LB365 allows all counties in Nebraska, irrespective of population, to apply to the Secretary of State to conduct all-mail elections. LB365 contains all the elements recommended in the 2017 Nebraska Secretary of State Report to the Election System Advisory Task Force. I was a

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member of that task force and we spent a lot of time looking at the system and, and how it could be improved. Further evidence in support of LB365 can be found in the results of our 2022 midterm election in Nebraska, in which counties with all vote by mail had significantly higher voter participation rates than those counties where voters needed to request a vote by mail. According to the 2017 Secretary of State John Gale's report, these were some of the conclusions: The best long-term, county friendly, and least expensive choice for the state of Nebraska generally would be an all vote-by-mail voting model. In that model, every voter is assured of receiving a ballot. And according to the report's findings and conclusions the benefits of an all vote-by-mail voting model include: It eliminates the challenge of recruiting, training, and paying more than 8,000 poll workers; reduces the need to identify suitable ADA compliant polling sites in every precinct; removes certain inconveniences for the voter, such as transportation to voting sites on Election Day and needing to find an early voting application; recruiting enough younger men and women to replace aging poll workers like me with citizens 60 years of age or older, comprising about 75 percent of poll workers; it would significantly reduce the need for expensive equipment for disabled and visually impaired voters in each of Nebraska's roughly 1,400 precincts; and reduces the cost of storing, maintaining, and transporting equipment to precincts for each election. Other strong factors supporting LB365 include the growing acceptance and comfortable level of vote-by-mail voters. In the recent 2022 election, 35 percent-- 33 percent of voters statewide in Nebraska voted by mail, as well as 50 percent in Douglas County, 42 percent in Lancaster, and 37 percent in Adams County. In 2022, Nebraska counties with the all vote-by-mail model had significantly higher voter participation. For instance, in the 11 counties with all vote by mail, it was more than 62 percent in each county and 71 to 73 percent in Knox, Cherry, and Boone County. Nebraska would not be unique in this regard, as 34 states and the District of Columbia allow vote by mail for any reason, and eight states allow all elections to be conducted by mail. Moreover, there is no evidence that mailed ballots increase electoral fraud. Despite partisan concerns, research suggests that neither party gains an advantage. Please vote to move LB365 to General File and reduce the burden and expense in counties ready for this change.

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

JOANNA LINDBERG: You're welcome.

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BREWER: Before we go any further, I should have read in right after the opening, the ADA written testimonies we read in in the beginning and then the regular propo-- or the regular written proponents, opponents, and neutral read in at the end. So I need to read in on the ADA side, one proponent, and that's Lacy Smith. So with that, we'll take our next proponent. Welcome back to the Government Committee.

ARLO HETTLE: Thank you. Hi there, Chairman Brewer, members of the committee. My name is Arlo Hettle, A-r-l-o H-e-t-t-l-e, grassroots advocacy coordinator with Nebraska Civic Engagement Table. Once again, lots of things to like about this bill and I think most of them have been said, but I want to give this little visual handout that we made kind of addressing some of the misconceptions about vote by mail and addressing that vote by mail is popular with Nebraskans, it is a safe and reliable voting method, and it is used by voters, you know, of all ages across the state in all communities urban and rural. We're really excited about this bill and the flexibility and local control that it would provide to county election officials to be able to implement a proven voting system so the Nebraska Table strongly supports you moving LB365 out of committee and I'd be happy to answer any questions at this time.

BREWER: All right. Thank you. Let's see if we got any questions. Questions? Questions? All right. Thank you for your testimony and your handout. All right. Next proponent. Beth, welcome back.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Brewer, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing in support of LB365. NACO has supported the opportunity to vote by mail based on a precinct basis since 2005 when Senator Deb Fischer introduced the bill. We supported increasing the population amount from 7,000 to 10,000. As Senator Hunt said, we had asked her to carry a bill to do the same thing for us a couple of years ago. So we believe that this is a tool that would be available to all counties. It doesn't mean that every county would choose to apply to have every precinct be vote by mail, but it gives an opportunity to those counties that are larger than 10,000. I mean, maybe there's a precinct where the accessibility in a polling place isn't quite what the election commissioner would like it to be. This would give an opportunity to apply to the Secretary of State to say can we have vote by mail in this precinct? There are other examples, too. Maybe it's hard to recruit poll workers in a particular area, just some things like that that would give counties

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more flexibility in asking for this. And as I said, it doesn't guarantee that the Secretary of State would approve it. It just allows that conversation to start. So we support the bill and I'd be happy to answer questions.

BREWER: All right. Thank you, Beth. Questions for Beth?

CONRAD: Yes.

BREWER: Yes, Senator Conrad.

CONRAD: Thank you so much, Chair. Thank you, Beth, for being here. Appreciate it. You know, as we talk about the ways different counties vote and the ways different people, different citizens like to vote, you know, I know it's frequently lifted up as a model, a local model where we have the all mail-in counties in Greater Nebraska, which I think is a good model for us to, to look at and to learn from. But the other thing that sometimes gets missed from that conversation, I know that we conduct a lot of special elections that are all mail as well, I'm thinking of like school bond issues and things like that where everybody automatically gets a ballot and has a chance to weigh in. So I just wanted to see if you-- if your election commissioners or county clerks had, you know, any additional learnings from, from some of those experiences that might be relevant to the measure Senator Hunt has before us?

BETH BAZYN FERRELL: I think you give great examples of elections that are vote by mail that have been very successful. The turnout has been good, the response has been good. I know Douglas County had, I believe it was the Millard school bond election just yesterday, those have been very good experiences with vote by mail.

CONRAD: Very good. Thanks. Thanks so much.

BREWER: OK. Any other questions? All right. Thank you for your testimony. All right, looking for any other proponents for LB365? Welcome back to the Government Committee.

JUDY KING: Hello. My name is Judy King, J-u-d-y K-i-n-g, and I'm a proponent of this bill very much so. Trump lost his election, after he lost that election we all of a sudden have these legislators that are so worried about the legis-- you know, about fair elections. And I'm sorry, but I've worked with elections here and they are safe. They've always been safe in Nebraska. Otherwise, there are more Republicans in charge of our state than Democrats and I would think that we should be

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the ones that are saying elections aren't fair. You would lose your majority. Anyway, I'm living in a world of alternative reality. There's fake news listened to by the Republicans and put out by the Republicans about elections and I've worked for the Civic Nebraska as election protector, and I've watched these people work at the polls. They do a wonderful job. And to say anything different about any of these poll workers or that elections aren't fair is an insult to anybody that's worked in those polls. They are wonderful, they're-- and I think apparently we've got a bunch of scared legislatures because of the fake news that they listen to every night on Fox. So I'm just here to say that our state has fair elections and we've had fair elections vote by mail. One county I called a long time ago, several years ago, they just vote by mail because they have a rural-- rural people who can't get in to, to do it at the polls and they've been doing it for years. So if you want to lose some of your voters out there, heck yay, Democrats. So that's all I have to say.

BREWER: All right. Thank you. Any questions? All right. Additional proponents to LB365?

ALLIE FRENCH: Oh, proponents.

BREWER: Proponents.

ALLIE FRENCH: I'm ready to go home.

BREWER: Welcome to the Government Committee.

JANE SEU: Thank you. Good afternoon, my name is Jane Seu, J-a-n-e S-e-u. I'm attorney with the ACLU of Nebraska. I'm testifying in support of LB365. Allowing counties to choose to conduct their elections with vote by mail leads to more informed voters and increase voter participation. Voting by mail allows for more flexibility on timing with voters with limited schedules, they're now limited to polling hours if they're not able to otherwise request an early ballot or absentee ballot. Vote by mail makes it easier for voters to cast an informed vote. Voters are able to research their candidates and issues when they can vote by mail. And vote by mail has always been a secure way to vote, particularly as we saw throughout the pandemic voters were using the vote-by-mail option if it was available to them and with significantly increased use as we saw across the country. And I think it showed that we can't conduct large elections by mail securely. And with that said, you know, knowing that our elections are secure, cases of voter fraud are even rarer in the case of mail-in

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ballots. We're fortunate to see some of these benefits already in our state since we do allow-- since some of our counties do already conduct their elections exclusively by mail and these counties do have higher turnout rates as a result. Vote by mail increases access to the polls overall and increases participation in the democratic process so we urge the committee to advance the bill. I'm happy to answer any questions.

BREWER: All right. Thank you. Let's see if we have any questions.

CONRAD: Thanks, Jane.

BREWER: All right. Thank you for your testimony. Additional proponents to LB365? All right, transition to opponents to LB365? Welcome to the Government Committee.

ALLIE FRENCH: Thank you. All righty, guys, last time. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I'm representing Nebraskans Against Government Overreach. So, as we know, some counties already do this. Some counties already have all mail-in ballot voting, and it's up to the clerk currently but this bill would add it so that the county election commissioner could determine whether they do mail-in ballots. Now, several of the 26 counties that do mail-in ballots also have citizens that do not want mail-in voting. That wasn't to vote in-- oh, sorry, I missed my place-- that don't want it. OK? That wasn't to vote in person, but cannot due to a unilateral decision made by the county election clerk or commissioner if this were to be passed. So again, we're taking the people out. These people completely got their choice taken away from them. They now have to vote by mail, even though they'd like to vote in person. And we're giving that unilateral decision to somebody who currently is not an elected official. Furthermore, with the changes in this bill specifically, what if the clerk and the county commissioner don't agree? Who takes precedent? Who's in charge? Last week we wanted clarity on who could make these decisions and LB365 muddies those waters. All the places that already do this have major discrepancies or cheating issues. There are examples given of we should do it because they do it are the same examples that provide their very reasons not to do mail-in voting. Even in a few counties, few of the counties here in Nebraska that do mail-in voting have experienced issues. Buffalo County being a prime example, where they had to do a number of recounts or here in Douglas County, which I gave the example last week, but will again this week where we had 12,000 ballots dropped to one drop box in a 27-hour period of time before the boxes closed. That's approximately 444

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ballots an hour every hour all through the night. There were not 444 people at 2:00 in the morning or 5:00 in the morning or even 11:00 in the morning or 2 p.m. in the afternoon or 7 p.m. that day right before the ballots closed. It did not happen. And Evnen or Bena can correct me if I'm wrong, but every county that does allow for mail-in ballots all ended up having several elections requiring recounts. I would directly link that to the cause and effect. Popular isn't a good enough reason to support weak elections. Didn't your mom ever tell you that just because everyone is doing it doesn't make it right? Safer, yeah, for cheaters. So they may have a greater turnout. That isn't everything if you can't verify the voter. You may have a greater turnout, but you also have a greater reduction in security and increase in cheating potential. Thank you.

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

CONRAD: Thanks.

ALLIE FRENCH: Thanks, guys. Have a good day.

CONRAD: You too.

BREWER: Mr. Secretary, welcome to the Government Committee.

BOB EVNEN: Thank you, Mr. Chairman, members of the Government, Military and Veterans Affairs Committee. Good afternoon. My name is Bob Evnen, B-o-b E-v-n-e-n. I have the honor and privilege of serving as Nebraska's Secretary of State and in that capacity as Nebraska's Chief Elections Officer. I'm speaking today in, in opposition to LB365 and I'll, and I'll mention this a, a little later, but four years ago when Senator Hunt brought a similar bill, my position was neutral. I'm opposing it today at this time, and I'll explain that a little bit later. This bill would remove the 10,000 population threshold to allow a county to apply for any or all precincts to be designated as all mail, that is all by mail, m-a-i-l, when conducting the primary and general elections. Now, I understand that this is an issue that some county officials feel strongly about. I respect our local county election officials and the job that they do conducting our state and local elections. The elections that were conducted in November of 2022 were exemplary in our state and that is a result of the work that was done by our county election officials, for whom I have a great deal of respect. And I think that, that all of us in this state owe our county election officials a debt of gratitude and thanks for the work that

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they've done. They, they do a tremendous amount of work to keep our election processes running smoothly and efficiently. Their concerns stem from the challenges of maintaining polling places and poll workers and we plan to continue our work with election officials to assist them in providing adequate election equipment and funding for ADA accessible polling locations. And as we did in 2020, we will also support their efforts at recruiting poll workers. In 2020, this was the height of COVID, there was a lot of concern over election workers, poll workers, and we supported and, and assisted counties in recruiting poll workers and I am pleased to say that our, our work was quite successful. Our polls were fully staffed and our poll workers were kept safe. The age of poll workers reduced. We use this as an opportunity to, to make, if you want to call it this, a generational change. An earlier testifier mentioned that poll workers are age 60 or older. They're old. Who you calling old? But in any event, we will continue our, our work. We understand that these are real concerns and we will continue our work with county officials on these areas. I have concerns with adjusting the population threshold to allow all counties to conduct elections by mail. All Nebraskans, I would point out, currently have the option to cast their ballot by mail if they so choose by requesting an early ballot. The vast majority of voters, however, somewhere between 65 and 70 percent of our voters continue to cast their ballot at their local polling site. We had a change in that in the year of COVID in 2020. But the numbers of people who are returning to the polls is getting much closer to where we were in the pre-COVID time. It is clear that Nebraskans like going to the polls. They prefer casting their ballots at the polls, and I think that they ought to continue to be given the opportunity to do so. And I've received contacts from voters in some of these all by mail counties who wish to return to poll voting. Now counties with populations under the current statutory threshold have had the ability to apply for an all mail-- all by mail designation, m-a-i-l, for over a decade. But only a handful of those counties have chosen to do so. Currently, out of the 63 counties eligible to request all by mail voting, only 11 counties have designated all of their precincts and eight counties have a partial number that precincts has of voting by mail. In total, the vote-by-mail precincts in the state represent only 4.5 percent of the registered voters in the state. As I mentioned four years ago, I testified in the neutral capacity in connection with the, the bill that Senator Hunt brought at that time. I'm testifying today in opposition because at that time I flagged the necessity of focusing on further election security measures for all by mail voting and those measures just haven't been adopted by the legislatures yet. I don't

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think that all by mail voting is justified for our state to begin with for the reasons that I've just, just described, but certainly not in the absence of the additional measures that we've been discussing and that I'm hopeful for adoption as we continue to work in that direction. So for these reasons, I respectfully ask the committee not to advance this bill to the floor and thank you for your time this afternoon.

BREWER: Thank you, Mr. Secretary. Questions for the Secretary? Yes, Senator Raybould.

RAYBOULD: Thank you, Secretary of State, of being here today. So if, if other counties would apply and in the future would you be receptive to their application to be considered to go a vote-by-mail county and join the other 11 states-- or other 11 counties? Excuse me.

BOB EVNEN: Well, there's a population threshold of 10,000, and I believe in the rule of law. So if, if such applications were, were submitted, then we would evaluate them. And if they seem sound, then we would approve them. That's what the law requires us to do and we believe in following the law.

RAYBOULD: OK. Thank you.

BREWER: Yes, Senator Conrad.

CONRAD: Thank you so much, Chair. Thank you, Mr. Secretary, for being here and for your service to our state. I just wanted to just confirm one piece because it-- I'm still not quite sure, sure, sure I understand the sudden change of heart in your position but, nevertheless, under Senator Hunt's measure, that's before us today, not only is it optional for counties, but it still provides some discretion to your office. Is that right? So this is, in fact, a much more permissive bill that you're opposed to than the measure that you were neutral on that was perhaps more prescriptive a few years ago.

BOB EVNEN: I don't know whether it was more prescriptive.

CONRAD: OK.

BOB EVNEN: I don't, I don't recall those provisions of that bill.

CONRAD: OK. But you would still retain some discretion if a county decided to move to vote by mail under Senator Hunt's measure?

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BOB EVNEN: Yes.

CONRAD: So you don't think that that's sufficient, your discretion is not sufficient to address your concerns?

BOB EVNEN: You know, we had a Governor who thought that there was a lot of discretion he could exercise, and he refused to permit the issuance of a, of, of a license and it resulted in \$150 million court case against the state of Nebraska. And the reason I'm mentioning this, Senator Conrad, is because one's discretion as a public servant is not unfettered. In other words, you can't just say, well, I don't want to issue this because I don't like this. I don't like this idea and so I'm not going to issue the, the-- I'm not going to approve the applications. If you're operating reasonably in good faith, you can't do it that way. And I, I'm not asking for this discretion, I don't think that it's necessary, and I believe that we have these other issues out there that ought to be addressed.

CONRAD: OK. So I'm guessing your comments might be in relation to a nuclear waste issue that came before our state years past--

BOB EVNEN: Yes.

CONRAD: --in regards to Governor Nelson's discretion-- decision-making in that regard? I'm not--

BOB EVNEN: I'm not saying--

CONRAD: --quite sure I see it as analogous to this situation but I understand, I understand and appreciate that.

BOB EVNEN: I'm not, I'm not seeking to cast aspersions any further than what the record and the public record reflects. I'm not seeking to cast aspersions. I'm illustrating the point that public servants do not have unfettered discretion.

CONRAD: I, I-- no disagreement about that. But in this measure, there is discretion for your office if, if this measure were to be adopted in terms of whether or not we would allow additional mail-in counties.

BOB EVNEN: That's correct.

CONRAD: That's right. So I think it's a general point of view and, and you know this from your legal practice as well, like, there, there are some parameters in terms of discretionary decisions by public bodies,

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of course, right, like, that they couldn't be-- your discretion can't be utilized in a way that has-- that's discriminatory from on a protected class purpose, for example. Right?

BOB EVNEN: Correct.

CONRAD: Right. Right. Generally speaking, generally speaking. But then in the areas where you are afforded discretion, you can absolutely make your case as to why you're exercising or not based on legitimate state interests, a variety of different factors, etcetera, but you feel that that grant of discretion here is problematic to your office?

BOB EVNEN: Well, if, if, if the point is, why would you object to this when you have the discretion to approve it or not? The answer is, as the Secretary of State, I'm not seeking that discretion. And, and if that discretion were granted, it isn't unfettered or, or completely at the Secretary's whim and fancy. So the implication is you can do what you want even if the thing is passed would not be a correct implication. I'm not sure whether that's what you're implying or not, but I want to make clear that that's the case. The, the criteria for approval in more populous states is necessarily going to be different. The reason this was passed to begin with was so that sparsely populated counties that, that, you know, had problems with people traveling long distance over, over roads that were not great on Election Day wouldn't have to do so. That's an example of that. Well, it's, it's difficult to see in the more populous counties why that would be the case or how that rationale would, would apply in those counties. And so this is-- it, it, it fundamentally transforms the decision-making process, in my view, from a policy standpoint into something that is currently uncharted. And in my view, it's an exercise that's just not needed. Anyone who wants a, a, a mail-in ballot today can obtain one.

CONRAD: Yeah, we might have to agree to disagree on, on the discretionary kind of component of Senator Hunt's measure. I'm not sure I'm quite following your, your train of thinking there, but I appreciate your response and I appreciate your public service.

BOB EVNEN: Thank you.

BREWER: On the 11 that are all mail in, they're still required to have one in-person location in each county to vote. Is that right?

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BOB EVNEN: Well, they all have-- at the clerk's office, you can go into the clerk's office early.

BREWER: OK. All right. Any other questions for the Secretary? All right, sir. Thank you for your testimony.

BOB EVNEN: Thank you.

BREWER: All right, looking for opponents on LB365? Welcome to the Government Committee.

LARRY STORER: Thank you. Larry Storer, L-a-r-r-y S-t-o-r-e-r. Founding Fathers devised a unique system in which they referred to as a unique compound constitutional republic. Yes, during the debates they referred to a democratic republic, but by that time they had the constitution finished they had educated enough of the citizens about the transitions from democracies to tyrannies. So they dropped the discussion of democratic republic. If you look in the dictionary, the two words are opposite of each other. The first principles that they talk about, we are away from the first principles, very apparent with the last election and very apparent from this bill. Maybe it needs to be rewritten. I think you ought to just kill it completely. But it makes no sense to me and it, it just opens up that mind to a lot more possible fraud going on. But first of all, who came up with this idea? Did the county officials themselves come to you and ask you for this? I haven't heard my county officials talk about it. They don't want us to know about a lot of things, but they do have legislative agendas. But they don't explain it to us and they don't talk to us like you people do. But this is really-- sorry, I made it through college, this is really stupid. This opens up to a lot of mail fraud. Now you're going to permit counties? Excuse me. I don't think the federal government expected you to permit counties to do this. They're the electors. The citizens are the electors. Our state constitution says worthy electors. It will get it, but it says the election commissioner at the direction of the Secretary of State in any county with less than 10,000, etcetera, the county clerk, etcetera, and the Secretary of State mail ballots-- for all elections, every election-- that maybe needs to be defined better-- held after the approval of the application. Now the application, I think, means the application of the counties for a all mail-in election. The approval and application to registered voters is something different. It says all elections held after the approval of the application by, I suppose, the Secretary of State. It does need approval of the registered voters of any and all precincts. It shall include a written plan for the

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conduction of the election. The election, a different election, all elections, including the federal election, the general election? I don't know about that. And a timetable and a notice of election to be published for the application for the ballots for early voting. You're changing the entire election process it sounds like. We know by radio and television when the national election is going to be. Why do we need stuff like this? And you guys are going to go into night testimony in an extended session because you're dealing with things that are probably constitutional to start with. This needs to die in committee today. Thank you.

CONRAD: Thank you.

BREWER: Thank you, Larry. All right. Any additional opponents? Move up to the front row if you are an opponent. Last call. Welcome to the Government Committee.

LINDA VERMOOTEN: Thank you, Senator Brewer, Senators. My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n. Now if I listened to our Secretary of State's testimony, we actually have zero-- 100 percent mail-out ballots because he said that in those 11 counties the clerk's office is open, having time for people to come and vote up to the end of closing of polling if I was not mistaken. So I think that number needs to be looked at. I'm glad he clarified that. I'm a little confused because a lot of arguments I've heard in this committee and some other committees is we ought to do this because so many other states are doing that. There's 10, there's 15, there's 17, and yet there's 42 states who are not doing this and now we want to push towards doing this. I'm concerned with that because I think the most vulnerable part of our election is the mail-in ballots because of the chain of custody that goes in a box and somebody comes along and corrects-- collects it at some point and puts it in a box and transports it. And that's one person. So it makes it more vulnerable to know that the ballots that are actually cast by individuals are being counted and that no other additional ballots are coming into this chain of custody. There have been a lot of-- there has been a lot of research that's done in our state and other states across the nation that seems to indicate strongly that there was a lot of election fraud in the last one, the last major election '20. There's multiple documentaries that are out there. One of them is the "2000 Mules" that clearly shows ballots being stuffed into multiple boxes at multiple times throughout the day. And it's on camera, it's documented so you can't say it's fabricated. It's proved and it's shown how these people went from box to box to box. Now that was not in our state, but

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wonder what would happen if we purchased the data of that tracking for our state? We don't know. But it raises a question. When ballots are out of the chain of custody, who has chain of command? It's kind of free and it's open, it's-- there's not even a camera on these boxes where you can go and drop the ballots. So nobody's even watching. If there was at least a camera, we could say, OK, we could go look at the camera who's dropping off these. If it's important enough for people, they will find a way to get to an election place and vote. And the best way to make sure that our elections are secure is to require everyone to come in person on Election Day and vote, with the exception of people that are in the military or bedridden. I have listened to testimony by other disabled individuals like myself that have come and said this would be a hardship getting to a polling station and yet they've taken time to come to the Capitol to testify on other bills. So my thinking is if you can make it here, you can get to the polling station. You don't need a mail-in ballot. If it is important enough, people find a way to get where they want to be. There's also the commissioner's office that you can go and vote in, in person. They do not need to do these mail-in ballots. Someone who is overseas can also go to an embassy and vote, which I've had to do on one occasion on Election Day. You just have to watch the time change to make sure that you're within the appropriate time. I do not think that we need to have everybody do a mail-in ballot. And I'm a little concerned about that because I'm like, you know, if we say that this election was the safest and secure raises a big concern, then how did we have 4,001 more votes cast than people eligible to vote in our state in Nebraska? Just one question. If you begin to look at that and you begin to look at the facts, I know that Larry Ortega has testified in some other committees about the mathematical equations by county that shows a discrepancy and shows the same wave in every single county, which is a mathematic-- mathematical improbability, not every county can be identical because some have hundreds and some have thousands. So that just also proves that there is election and they somehow been tampering with our election and if we open it up to everybody being able to mail in just because they don't want to go to a polling station I think that leaves our elections open to fraud and I would like to be safer. Thank you for your time.

BREWER: Thank you. All right. Questions? Questions?

CONRAD: Thank you.

BREWER: All right. Thank you. OK. Opponents to LB365? Welcome to the Government Committee.

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AMBER PARKER: Thank you. A-m-b-e-r P-a-r-k-e-r. I just sit here and the veil has been taken off of my eyes. And I realize that if it comes down to fighting for a voting machine, fighting for ballot harvesting, fighting for mail-in ballots, then we have already lost our constitutional republic. And what it comes down to is that these elections are based upon negotiations and world powers and world leaders and what their agreements are in elite groups and that's the foundation of the Great Reset. And we already know that there are people that have a number of population of what they believe is a perfect population. And right now, how to push an agenda where there would be such a fight against it by people that have Second Amendment rights in a nation would be to condition them without shots fired, take over their schools, take over their media to get them in a way and then those that don't submit bring the narrative that they need to go to camps. And what has happened? The people that had supported Donald John Trump, the narratives even recently are coming back up that those types of people should go to camps. But the reality is this has nothing to do about the political candidate, Donald John Trump. This has to be about saving a constitutional republic. And I find it interesting that bills that have no accountability when we're talking chain of custody, there's no chain of custody. And I also question, is it written on the envelope are you Republican, are you Democrat? But there's all these distractions to keep us from seeing what's really going on, and that is the takeover of our constitutional republic. We now see the videos coming out on January 6. We now know according to what Tucker Carlson, and I don't want to speak for him, for him, but we can turn on the news of showing that there was a guard, that it was shared he, he was killed or died. But it shows him at the time frame that was shared, he was out walking around and still alive. It now tells us that we are political prisoners in a D.C. jail that were used to give a message to the Americans to say do not show up at your Capitol. Why am I tying this together? It just so happened that the COVID-19 and when it came up in all this mail-in ballot stuff was pushed forward. Now I'm going to go to present news, Sam Bankman-Fried, through FTX, the chief executive officer, the United States gave money to Ukraine, Ukraine gave it to who, Sam Bankman-Fried, FTX. That money, millions of dollars went into political candidate races and there were, I believe, at least six, including senator-- former Senator Ben Sasse that was a recipient of some of that, that money. So we can talk about let's do this-- and then I find it interesting Secretary of State voting as a proponent, it sounded like for a bill like this from Senator Hunt in the past, but now is in opposition. And I'm saying here and I'm crying out to

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you that have been in, in these positions to serve the people, you know, you have to look in the mirror and you have to know that what you're doing is going to affect your family and future generations. And the people that are pushing these mail-in ballots, it's no coincidence that Sam Bankman-Fried pushed a lot of money into, to think tanks. And in those think tanks and what he did, one of the biggest things that they had done was pushing in the, the ballot requests. Now, I'm going to bring this to the local level. We already know in counties through affidavits, through the Nebraska Voter Accuracy Project that has been shown that there were people that received multiple ballots. And the question is, where did these ballots come from? But that's not being investigated, but only push mail-in ballots, push an election, and do this or cut it by this amount of days. And I'm crying out because I realize we've, we've lost our constitutional republic because it's not our, our, our votes. It's the negotiations. And I-- and it's sad to say, but this is where we're at. There are other nations that go to war for these things. So many Americans are in the dark on this and so that's why I am an opposition to this LB365 because this only opens the door and gives further power for the Great Reset and a takeover of Nebraska and connecting because they hope our state turns over to then other states as well, flip over and to submit to the Great Reset and I say no to the submit. I will not submit to anything that is not going to support inalienable rights or rights given to us by God and the foundation of this nation.

BREWER: All right. Thank you.

AMBER PARKER: Thank you.

BREWER: Questions? All right.

CONRAD: Thank you.

BREWER: Any additional opponents? Anybody here in the neutral? All right, Senator Hunt, would you like to close? And I'll read in letters: one proponent, zero opponents, zero in the neutral.

HUNT: Thank you, Chairman Brewer. Thank you, colleagues. I was going to waive closing, but I wanted to make myself available on the record if you had any questions. But if not, I, I have nothing to add.

BREWER: All right. Let's see if we have some questions. Questions?

CONRAD: I have, I have one.

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BREWER: Senator Conrad.

CONRAD: Just one. Thank you so much, Chair. Thank you, Senator Hunt.
I'm sorry, I was--

HUNT: No, please.

CONRAD: --introducing another measure and so I didn't have an opportunity to hear your open and I apologize if this is redundant. But, you know, one thing that's always been intriguing to me about this measure or measures like these is just I think there's a lot of potential legal issues when we have a lack of uniformity in regards to how we vote. And I have just always been concerned about that in terms of what that means for the state of Nebraska and county officials. And so you may have heard me asking, well, I think you were out introducing bills--

HUNT: Yeah.

CONRAD: --so you weren't-- so you didn't hear it. But, you know, the other thing that I want to get on the record in regards to this issue that we talked about in Senator Vargas' bill a little bit, was that we had this kind of confluence of events in the last election cycle which illustrated how confusing it can be to have--

HUNT: Yes.

CONRAD: --multiple different ways to vote within the same congressional district or otherwise so I, I'm, I just think that's a disservice to our citizenry. I want to strike the right balance between maintaining local control, but also ensuring that we, you know, are thoughtful about due process and equal protection and those issues that we know are a big part of the, the voting rights case law as well. So if you'd like to respond, please do. But if not, it's, it's just something that has always kind of sprung to mind when I'm looking at these issues and the lack of uniformity.

HUNT: Thank you. I think that's well said. I've, I've always had this fantasy. I wish that Congress would pass a uniform national voting guidance act, basically. I think it would be great if everybody in the country voted the same way and it would put to bed a lot of these kind of overly unnecessarily politicized debates that we have at the state and local level. But the reason I like LB365 and I like the way this is crafted is because it is permissive and it is about local control. If we passed this bill, maybe no counties would request to do vote by

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mail. Maybe they would and the Secretary of State would refuse or, or decline their application. But at least if we had this policy in place, those local election officials could do what is best for their communities and they could have hearings on that. They could have a town hall, they could, you know, get feedback from, from the people that live there, of course. And I'm sure that's what would happen. But I think having it be more permissive and more focused control at the local level is always better.

CONRAD: No, that, that makes good sense. And, you know, from the other measure that you had this week, of course, that with the exception of a few of our largest counties, the county clerk or the county election commissioner is elected by the people, by the citizens in those counties. There's only a few that are appointed by the, by the Governor in our state, so.

HUNT: Right.

CONRAD: Yeah. OK. Very good. Thanks so much.

HUNT: Thank you.

BREWER: Senator Hunt, I owe you an apology here. When I gave the breakout on the proponent, opponent, neutral was actually-- that was the ADA and the regular one, it's 24 proponents, 70 opponents, and zero in the neutral. Had to make sure to read that in the record.

HUNT: Thank you. 70 or 17?

BREWER: It is 70; 24, 70, and zero.

HUNT: 70?

BREWER: 70.

HUNT: All right.

BREWER: Just trying to get it in the record right.

HUNT: It is what it is.

BREWER: I messed, I messed up on the original. I just wanted to make sure I got it right.

HUNT: All right.

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BREWER: OK. Any other questions? All right.

HUNT: Thank you.

BREWER: Thank you. And we'll clear the room and get ready for an Exec.