

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee January 31, 2024

BREWER: Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer. I represent the 43rd Legislative District and I serve as Chair of this committee. The committee will take up bills in the order that they're posted on our agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on a number of legislation-- on legislation before us. Now, before we go any farther, just so everybody is on the same sheet of music, our order today will be LB1070, Senator Bostar, then LB861, Senator Linehan. We'll take a short break and reset, because then after that we go into a dual hearing, which will include LB1068 and LB1152. Their content is basically very similar. They're both going to be Secretary of State bills addressing the same thing. So I'll do an introduction on those and then we'll roll over and kick into our dual. But I'll, I'll reset and explain some stuff specific to that dual hearing. Please note that, yeah, due to the fact we'll be addressing two bills today, the combined hearing will be after the first 2 bills that we hear. We're not going to worry about the overflow room today because it doesn't look like that's going to be an issue. Senators may come and go. As a matter of fact, I've got a note here, Senator Hunt's presenting 2 bills in Judiciary, Senator Sanders is in Natural Resources right now, and Senator Raybould is out so we've got people scattered all over, just part of the process here. I ask that you abide by the following rules. Please turn off any of your electronic devices or silence your phones. When it's time for either proponent or opponent or neutral, I would ask you to move forward accordingly on the bill that you plan to testify on. The front chairs are set aside for those next up to speak. Introducing Senator will make the initial remarks followed by proponents, opponents, and those testifying in the neutral. Closing remarks are reserved for the introducing senator. Individuals who are planning to testify, our plan right now is you'll have 3 minutes. We don't have enough to worry about having to go 1 hour proponent, 1 hour opponent, 1 hour neutral. So we're going to go ahead and we'll just feed up like we normally do. I'll ask for whichever group just comes forward. If we had a need, the Sergeant at Arms would help do the flow out of the excess. But we don't have a need for that. All right. In jumping back, we are going to, on this here, we're going to ask that if you plan to speak that you fill out a green sheet. Again, we have some issues where folks will read it out and it's-- fill it out and it will be illegible. So please work with us so that it can go in the official record. Fill these out. Have it done. When you come forward with your green sheet-- green sheet, either give it to the page or to the committee clerk so that you can speak and we have a record of it.

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If you're here and you want to have a record of it but do not plan to testify, there is a gold sheet on the table that you can fill out that will put it in the record that you were here today. Let's see. If you have handouts, we ask that you provide 12 copies of the handouts. If you don't have them, then we can have the pages help us get more copies. When you come up to testify, we ask that you speak into the microphone clearly, spell your first and last name so that also goes into the record. We'll be using the light system here today. So you'll have your green light for 2 minutes, your amber light for 1 minute, and your red light. The red light will be on for a little bit before the audible alarm goes off. If you hear the audible alarm go off, that's your cue you're done. If we have questions, we're going to hit those afterwards. No displays of support, opposition, or otherwise will be allowed from the audience. All right. Now we'll knock out some introductions. We'll start with the senators on my right.

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

LOWE: Not quite as far right as Steve, I'm John Lowe, District 37: Gibbons, Shelton, and Kearney.

AGUILAR: Ray Aguilar, District 35, Grand Island.

BREWER: All right. I got to reverse everything, so to my left is Dick Clark, the legal counsel for the Government Committee. On the right-end corner is Julie Condon, she's our committee clerk. The Vice Chair, Senator Sanders, she is presenting in Natural Resources and will be back here. Let's see, our pages, Cameron, where are you at-- oh, again, reversed the wrong way-- political science major, history, he's a UNL senior from Omaha; and Kristen, other side, there you are, political science, UNL senior from North Platte. With that, we will invite up our first testifier. Senator Bostar, welcome to the Government Committee.

BOSTAR: Thank you.

BREWER: Whenever you're ready.

BOSTAR: Thank you. Hopefully, this won't take too much time. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Eliot Bostar. That's E-l-i-o-t B-o-s-t-a-r, and I represent Legislative District 29, here today to present LB1070, a bill that synchronizes reporting time

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frames and related deadlines for ballot question campaigns. Currently, ballot question committees report contributions to the Nebraska Accountability and Disclosure Commission, the NADC, on a timeline separate from the timeline that organizational contributors are required to report expenditures exceeding \$250 in a calendar month. These different timelines create confusion and, and unnecessary administrative and accounting complexity between campaigns and organizational contributors. It also creates lags and transparency for the general public. LB1070 aligns all reporting time frames and deadlines across ballot campaign activity for all actors, committees, and, and contributors alike. By requiring the same time frame and on the same deadlines, LB1070 creates a more consistent, logical, and efficient process for all involved. It removes a 2-week to 1-month lag in transparency between contributors and committees and the public that exists under the current statutory requirements. Currently, the reporting time frame for a ballot campaign is the last 5 days of the preceding calendar month to the day before the last 5 days of the subsequent month. Activity in that time frame is to be reported to the NADC no later than the last day of the month. Meanwhile, contributors are governed by a reporting time frame of calendar months and report to the NADC no later than the 10th day of the subsequent month. To illustrate the problem, a ballot committee's campaign report to the NADC for February is due February 29, meaning the closing date for the campaign statement is February 24, 5 days before the end of the month. This report will include all camp-- all campaign contributions and expenditures from January 27 through February 24. It will not include any contributions or expenditures the ballot campaign committee receives between February 25 and 29. Contributors required to report B7 forms to the NADC for contributions in a month exceeding \$250, such as a labor union or corporation, may not make-- may not make their contribution to the ballot campaign until February 26. If that contributor donates above \$250, they will be required to report that contribution on their February B7, which they will report to the NADC by March 10. They are also required to report their contribution to the campaign committee. The campaign committee will not publicly report the contribution on their campaign statement until March 31. LB1070 shifts the ballot campaign committee reporting timeline to match that of B7 filings. Campaigns will operate on a calendar month with their reports being due on the 10th day of the subsequent month. 10 days following the close of the month is enough time for ballot campaign committees to ensure they have the information they need to report on this timeline. This will remove any gaps or confusion between different entities, reporting campaign activity during specific time frames, and makes the entire process more predictable. I

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believe a representative from the Nebraska Accountability and Disclosure Commission is here today in support of this effort and can speak to how to operationalize this change and the positive impacts it will have for their team's administrative work. I ask for your support of LB1070, and I'd be happy to answer any questions you may have.

BREWER: All right. Thank you, Senator Bostar. So let me get this straight, so the bill--

BOSTAR: I need to-- this is--

BREWER: --makes things simpler,--

BOSTAR: Yes.

BREWER: --lines things up so that it makes sense.

BOSTAR: And improves transparency so that we don't have things-- contributions falling through the gaps where there's been a, a 1-month-plus delay in seeing them report it.

BREWER: Making government more efficient.

BOSTAR: Trying.

BREWER: All right. Let's see if we got questions for you. Questions for Senator Bostar on LB1070? Questions? All right. You'll stick around for close?

BOSTAR: Assuming there aren't too many, yes, I will.

BREWER: OK. We'll see.

BOSTAR: Thank you, sir.

BREWER: All right. All right. So we will start with proponents to LB1070. Come on up. Sir, welcome to the Government Committee.

DAVID HUNTER: Thank you, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is David Hunter, D-a-v-i-d H-u-n-t-e-r. I serve as the executive director of the Nebraska Accountability and Disclosure Commission. I'm appearing on behalf of the Commission in support of LB1070. LB17-- LB1070 provides for better disclosure by ballot question committees involved in the statewide petition process. During the petition process, the ballot question committee files monthly campaign statements, which are currently due at the end of the calendar month, with the reporting

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period beginning the day after the last filing and ending 5 days before the end of the calendar month. Under the bill, the reporting period would be the full calendar month and the due date would be 10 days following the end of the calendar month. This simplifies reporting for ballot question committees during the petition process. Furthermore, the new filing schedule would align with the filing schedule of reports of political contributions by corporations, unions, and other entities which are required to disclose reportable activity for a calendar month. Those reports are due 10 days following the end of the calendar month. These types of filers often contribute to statewide petition committees and, therefore, the similar filing schedules would make it easier for our office to match up and reconcile contributions to ensure the ballot question committees are properly disclosing all contribution activity. Thank you for the opportunity to testify today. And thank you, Senator Bostar, for introducing LB1070.

BREWER: All right, a question for you. Since we're in an election year, if this was to pass through the Legislature, I understand how we would you get the effective date with the amount of time after we finish session, but as far as the functional part of that for your office so that there wasn't confusion, is there an idea on how you would kind of move forward with that so folks didn't get caught in a gap where they didn't know, you know, the, the, the right time to meet the timetable?

DAVID HUNTER: And are you talking about just implementing this in--

BREWER: Correct.

DAVID HUNTER: --before the election? I-- because I think it would take effect July 1.

BREWER: It would be close. Yes.

DAVID HUNTER: And then-- so that would be right around the time the, the signature deadline. So it may not have any effect on the election this year.

BREWER: OK. All right. Well, let's see if we got questions for you. Questions for financial disclosure? Yes, Senator Halloran.

HALLORAN: Thanks for being here and testifying. I don't expect you to know the history of how this got to be as it is now in--

DAVID HUNTER: I, I do not.

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HALLORAN: --total state of confusion.

DAVID HUNTER: Yes.

HALLORAN: But you, you-- it just is government at its best, I guess.

DAVID HUNTER: There may have been a good reason at the time.

HALLORAN: I don't expect a comment. That's fine.

DAVID HUNTER: OK.

HALLORAN: Yeah. Appreciate you being here. Thank you.

DAVID HUNTER: Thank you.

CONRAD: I--

BREWER: Yes, Senator Conrad.

CONRAD: Thank you so much, Chair. I just wanted to say welcome. I think perhaps the first time before the committee in your new role as director of the Commission and there was, I think, a, a great deal of consensus in regards to you taking over for Frank, which, of course, is big shoes for anyone to fill. But thank you for continuing to ride that kind of, you know, straightforward, nonpartisan approach to keeping everybody in line that we've always expected from our Accountability and Disclosure Commission without having it devolve into some sort of partini-- partisan weaponizing like we've seen happen in other states. So just want to say thanks for your long service to the Commission and, and welcome in your new role.

DAVID HUNTER: Thank you, Senator Conrad.

BREWER: Yes, I should have thrown that in, your, your first time here in front of us.

CONRAD: It takes a village.

SANDERS: Welcome.

BREWER: It's, it's, it's good to have you come in so everybody gets to know who you are. And we're going to see if we have more, more bills for you. But one more time around for questions. All right. Seeing none, thank you for your testimony.

DAVID HUNTER: Thank you.

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BREWER: All right. We're still working with proponents to LB1070. Proponents? All right. Seeing none, we will go to any opponents to LB1070? And we'll go to anybody here in the-- oh, you're a opponent?

S. WAYNE SMITH: Right.

BREWER: OK. Come on up. Welcome to the Government Committee.

S. WAYNE SMITH: Thank you. Good afternoon, committee members and Mr. Clark, so. My name is S. Wayne Smith. That's S., Wayne, W-a-y-n-e, S-m-i-t-h. I oppose LB1152. It doesn't do very much for election integrity. If you do--

CONRAD: Hey, I think we're on the wrong one.

BREWER: Yeah, you're, you're on the wrong bill. We're on LB1070.

S. WAYNE SMITH: Oh, I'm sorry.

CONRAD: That's OK.

S. WAYNE SMITH: OK.

CONRAD: Also takes a village.

S. WAYNE SMITH: Good eye. Good eye.

BREWER: All right. All right, so we're going to go back to LB1070. Any opponents? Anybody here in the neutral? All right. We will invite Senator Bostar to come back up.

BOSTAR: Thank you, Chair Brewer and members of the committee. I think similarly to the last time I appeared before you on the roadhouse statutory language that needs to be cleaned up. Similarly, this needs to be cleaned up as well. It's just about improving the functions of government, the efficiency, and we get the boost to transparency. I would appreciate your support for this very simple bill. I'd be happy to answer any final questions you might have.

BREWER: Just so it's clear, this bill has an E clause. It will go into effect immediately after the Governor signs it, correct, if it's passed through the 3 rounds? Just go like this.

BOSTAR: Yes.

BREWER: OK, good.

BOSTAR: You are correct.

BREWER: All right. Questions for--

HALLORAN: He says with confidence.

BREWER: --any questions? Questions for Senator Bostar on LB1070? Yes, Senator Halloran.

HALLORAN: I'm sorry. I'm not supposed to make comments but, unfortunately, I'm guilty of that from time to time. Most senators wouldn't have much of an issue with Accountability and Disclosure disclosing donations if they were as successful as I am at upsetting enough special interest groups. They don't donate to me. So mine is usually very simple and short and brief because there's not many donations. I'm trying to do that to help out the efficiency.

BOSTAR: Thank you for your service.

HALLORAN: Thank you.

BREWER: All right. Any other questions? All right. I need to read into the record, so LB1070: 1 proponent, 1 opponent, and zero in the neutral. With that, we will close on LB1070. Thank you, Senator Bostar.

BOSTAR: Thank you very much.

BREWER: All right. We'll take a second to reset here. Boy, that's, that's some good timing there, Senator Linehan.

CONRAD: Yeah, very good-- very good.

LINEHAN: Good staff.

BREWER: Good staff. That's the right answer. All right. Senator Linehan, welcome to the Government Committee.

LINEHAN: Good afternoon, Chairman Brewer and members of the Government Committee. I'm Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n, and I represent Legislative District 39, Elkhorn and Waterloo in Douglas County. Today, I am introducing LB861. LB861 would allow voters to remove their signature from a petition or ballot measure with a signed letter to the Secretary of State or a local election commissioner. This past summer, I received videos of petition circulators spreading lies about the Opportunity Scholarship Act. When voters realized that

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these statements were false, they attempted to remove their name from the petition. However, they were told that they needed to have a notarized affidavit in order to remove their name from a petition. For some people-- well, actually, I'd say most people who have limited time or have no easy access to a notary, this became a serious problem. So voters contacted me and asked me to create a solution. LB861 will amend the current law to allow voters to send a letter to the Secretary of State, rather than send a notarized affidavit. You should also have AM-- I hope, AM2194, which is currently on file. This amendment from the Secretary State's office clarifies the language. AM12-- excuse me, AM2194 will have the Secretary of State, the election commissioner or county clerk certify the signed voter letter with the signature that is on the voter registration records. If a person falsifies a signed letter, they will be guilty of a Class IV felony. Thank you and I'm happy to answer any questions.

BREWER: All right. Thank you for that opening. Well, let's see if we have some questions from the committee. Questions for Senator Linehan on LB861? All right. You'll stick around for close?

LINEHAN: I am.

BREWER: All right. So we will start with proponents to LB6-- LB861. Proponents? Come on up. Welcome to the Government Committee.

CLARICE JACKSON: Thank you. Good afternoon, Senators. How are you?

BREWER: Good.

CLARICE JACKSON: I'm Clarice Jackson, that's spelled C-l-a-r-i-c-e J-a-c-k-s-o-n, and I reside in Omaha, Nebraska. Do you need my address? I can't remember.

BREWER: No, no.

CLARICE JACKSON: OK.

BREWER: No address.

CLARICE JACKSON: And I'm testifying in support of this bill and I'm actually one of the citizens who was deceived even though I, I knew what the bill was about. I was frequenting a neighborhood or where my business is located, the Dollar General, where a lot of minority families get items. And as I got out of my car, I saw the petitioner standing at the front of the door. And because-- full disclaimer-- I am in support of school choice, I decided to pull my camera phone out

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and to just make sure that whatever transpired when I got up to that door was recorded so that we have a way of verifying what happened. And, sure enough, as I walked to the front door, I was met by a petitioner that was asking for my signature. And so I asked her, what was the-- what was the bill about? And she told me the bill was to support children and minority families in getting a scholarship under the tax scholarship bill that Senator Linehan introduced. However, that was not what that petition was for. The petition was against it. It strictly said that, you know, if you want-- if you don't want them taking the public schools' money then sign this petition. I knew that. So I asked her 4 or 5 times, it is all on video, are you sure this bill supports the tax scholarship bill? I mean, tax scholarships. She said yes. This is to help minority families to get more scholarships. All you need to do is sign this and this will get more money and, and have-- make sure that parents can support their children. And so then that's when I said this is not what this bill is and this is misleading and you should be ashamed of yourself that you are lying to the public. And you had many people, specifically minority families signing this because they were in support of getting scholarships for their children to be able to go to a school that they could not otherwise afford. And so then she became very agitated. She called her boss over there. He was in the parking lot. He came over and he said, well, she's new. She doesn't understand. I said, then she shouldn't be standing out here asking people for their signatures. And then people that were inside the Dollar Tree that had signed it, they were coming out, and I explained to them that what they were being told was a lie and they were very upset. So I support making sure that people can send in a letter instead of having to go through hoops to take their name off of something, especially when they've been lied to. I will answer any questions you have.

BREWER: All right. Thank you for your testimony. Let's go around quickly and see if we have questions. Senator Lowe.

LOWE: Thank you, Ms. Jackson, for being here.

CLARICE JACKSON: You're welcome.

LOWE: Can you give me an idea about how many during that time period that you were there, there at this Dollar Tree, which I might add it's not just for minorities, I shop there, too--

CLARICE JACKSON: Thank God. Yes.

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LOWE: --and about how many were in the store that had signed that petition?

CLARICE JACKSON: It was about 10 or 15 people in there.

LOWE: And, and they probably didn't disagree-- they probably disagreed with what the petition was--

CLARICE JACKSON: Yes, they did--

LOWE: --advocating?

CLARICE JACKSON: Yes. They were in support of the tax credit scholarships. I mean, it's a no-brainer for people that were there. They were like, yeah, we support that. We want to be able to offer our kids something that we could not otherwise afford, especially about education. So they were very upset that they had been misled. And so then to ask-- they were asking to get their name off and then they were told you got to have a notary and you have to do all that. But it didn't take all that to put their name on it. And so for access purposes, specifically for the minority families-- and there's-- we all know about the digital divide. It's, it's really hard to, to do those things that way. So this would simplify that process, especially when they've been misled.

LOWE: Thank you.

CLARICE JACKSON: You're welcome.

BREWER: All right. Additional questions? Seeing none, thank you for your testimony.

CLARICE JACKSON: All right. Thank you.

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

HERA VARMAH: Hello. Good afternoon, Chairman Brewer and members of the committee. Thank you so much for having me today. My name is Hera Varmah. That's H-e-r-a, last name V-a-r-m-a-h, and I work for the American Federation for Children. I'm here today on behalf of my colleague, Jayleesha Cooper, who is a resident of Omaha, who cannot be here today due to college classes in Chicago. We were in a group this summer to educate voters on why not to sign the ballot petition for LB153. The premise of this bill is that it ought to be as easy to remove your signature from a petition as it is to sign one in the

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first place. Obviously, a good reason to remove your name is if you've been misled or lied to with regards to the petition's intent. We urge you to support this bill because we witnessed firsthand the petitioners misleading, and in many cases, outright lying to the voters. While there, I listened to petitioners tell one of my colleagues, Miles [PHONETIC], that he would not be able to use the tax credit because he was black. Moreover, when Miles went over to talk to the signature gatherer, she reiterated that the scholarship would only go to rich white kids. Another colleague, Ashley [PHONETIC], was told that the scholarship wouldn't help children with disabilities and it was only for religious institutions. Jayleesha, who I'm representing, was also told that the scholarships would only go to rich kids. Jayleesha had read the law and knew it actually targeted lower-income students. Said another way that she knew this was statement was a lie. Those are direct, on-the-ground examples of why we think this bill is important. But honestly, this may not have been the only worse or the worst behavior that Save Our Schools has done this summer. Quite frankly, we were harassed for expressing what our basic constitutional rights were. We had law enforcement call on us for peacefully encouraging citizens to refrain from supporting the ballot petition campaign, colleagues who were followed home and personal information including identities and phone numbers broadcasted online. I realize that it's not the lying that I described earlier, but if you're a voter who has signed the petition and you later learn that the petition sponsors are lying to the voters and harassing young people in the process, you might not want to have public affiliation with the organization. That would be another good reason to make it easier to remove your signature. In closing, we hope you'll support this bill. I know you can't control when people have behaved badly as SOS did during this campaign, but at a minimum there ought to be a remedy for voters who are unknowingly tricked by these unethical practices. I wel-- I welcome any questions.

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

HERA VARMAH: Thank you.

BREWER: We are still on proponents to LB861. Any other proponents? All right. Then we'll go to opponents to LB861? Anybody here in neutral? Come on up.

ARLO HETTLE: Opponent.

BREWER: Oh, you're an opponent--

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ARLO HETTLE: Yes.

BREWER: --for LB861?

ARLO HETTLE: Yes.

BREWER: OK. Go ahead whenever you're ready.

ARLO HETTLE: All right. Hi, Chairman Brewer, members of the committee. My name is Arlo Hettle. That's A-r-l-o H-e-t-t-l-e. I'm the associate network policy manager with the Nebraska Civic Engagement Table. We work with nonprofit organizations across the state to increase civic and community engagement and we're here today in opposition to LB861. I just want to address a couple of the concerns that we have with this bill. We support the ability for voters to change their mind and make sure-- make that decision to remove their name from the petition. We just have some concerns about the process created by LB861. One of these is that when a voter has to sign the petition they are read the statutory language of the bill, which is supposed to be a check to make sure that the voter knows what they're signing. I think a concern with, you know, the current affidavit process requires the kind of in person-- it makes sure that the voter knows what the removal process would entail. I think a concern is that with letters sent out or other things like that, there's no requirement that the statutory language be included and a voter could be misled into removing their petition signature as well. I think just making sure that that statutory language is always involved, so that the voter knows exactly what the petition that they are signing or removing relates to is important. I think that the involvement of a notary public is a kind of equalizing factor right now in the signing and removal process. Petition signatures have to be notarized, just as an affidavit that has to be notarized or sworn in front of an elections official. And we're just concerned that removing the notary from the removal process kind of makes those two systems out of line with each other. And finally, we do appreciate Senator Linehan's amendment requiring the Secretary of State to verify signatures. Another step that we would like to see is voter, voter notification from the Secretary of State, just making sure that a voter is aware-- gets that confirmation that their signature has been removed. And if, for whatever reason, their signature was removed without them doing that fraudulently, then they would be notified and would know that would happen and would be able to contact the Secretary of State about it and get that investigated. I think, otherwise, it could just be difficult for a voter to find out that their signature had ever been removed. So-- yeah. With that, I'd be happy to take any questions. Thank you very much.

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BREWER: All right. Thank you for your testimony. Now, on your last issue there about them being notified that their name had been removed, is there a process to notify them if their name is on?

ARLO HETTLE: No, there is not. They, you know, sign it, the circulator gets it notarized. The campaign submits it. They could contact the Secretary of State and, you know, find out.

BREWER: All right. Questions? Senator Conrad.

CONRAD: Thank you so much, Chair. Thank you, Arlo. Good to see you. I, I guess I, I want to start with perhaps a more general question or concept in regards to this measure before we move into the technical aspects and in fairness you work full time for voting rights groups so you have a lot of experience with these issues. Right?

ARLO HETTLE: Yeah. Right.

CONRAD: I just want to make sure to qualify my witness here. But from your perspective or from the state table's perspective, who does-- who does the signature belong to on a petition? Does it belong to the campaign, does it belong to the circulator, or does it belong to the voter?

ARLO HETTLE: The voter.

CONRAD: OK. So the voter can put their name on a petition, a referendum, a recall as they see fit at any time and there's a host of safeguards in place, including reading the object statement. Right?

ARLO HETTLE: Yes.

CONRAD: So you think the current system, which makes it harder for a voter to remove their signature, is appropriate. You're defending the status quo. Is that your position?

ARLO HETTLE: I wouldn't say that it makes it harder to remove the signature, I guess. I, I push back on that a little bit.

CONRAD: OK. Do you think it's easy for an everyday voter to find a notary and to swear to an affidavit?

ARLO HETTLE: I think it's a cumbersome process,--

CONRAD: OK.

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ARLO HETTLE: --but I do think that signing a petition is also a bit of a cumbersome process.

CONRAD: It doesn't require notarization. It doesn't require an affidavit.

ARLO HETTLE: Notarization is required in the petition.

CONRAD: Not for the signer or the circulator. Right? That's an important distinction. Right? Maybe, we can agree on that. OK. So if a voter feels confused or misled for whatever reason, shouldn't we, if we agree that if this voter signature, shouldn't we make it as easy as possible for them to remove their signature prior to that being submitted and remove administrative burdens like finding a notary or swearing an affidavit?

ARLO HETTLE: I think as long as there are safeguards in place to make sure that the voter isn't being manipulated into removing their signature or that signatures are being removed fraudulently without notice, some of those technical details I pointed out, I think, you know, you would agree that the voter has the right to remove their name from the petition.

CONRAD: Right. I think we can all agree the signature is the voters' and nobody wants fraud to happen. And there's a host of criminal penalties out there already dealing with fraud. But let me walk back for a second. So you said something I think is really interesting, is that you're worried that voters will be easily misled into removing their names. Can you expound upon that?

ARLO HETTLE: I think that the statutory requirement when signing a petition is a really key safeguard in making-- ensuring that the voter is able to read and is legally required to hear--

CONRAD: Yep.

ARLO HETTLE: --exactly what it is that they're signing. I think there's concerns that, you know, a removal campaign or a removal effort, there wouldn't be that same requirement to present the voter with the statutory language of what they signed. You know, this, this can be a months' long process. A voter can sign a petition in October and then they get turned in in July. I think it's-- I think it's a reasonable step that the voter would need to be reminded of the statutory language, you know, in removal. I just worry that, otherwise, like I said, I, I don't think we can expect that voters

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will remember exactly what it is that they signed for. These are complicated issues. Yeah, I think that's the concern I'm getting at.

CONRAD: OK. Do you have a perspective as to whether or not you think Nebraska voters are well informed and well educated and equipped to make their own decisions?

ARLO HETTLE: I do think that, of course.

CONRAD: OK. We can agree on that. So I, I guess my, my last kind of question would be since-- have you been a petition circulator or election observer [INAUDIBLE]?

ARLO HETTLE: I have circulated petitions before.

CONRAD: OK. And I know your organization purports to have a lot of expertise in regards to ballot initiatives. Do you have any sense about how many folks typically try and remove their signatures each cycle?

ARLO HETTLE: I-- from my understanding, and I'd be happy--

CONRAD: Sure.

ARLO HETTLE: --to be corrected if I'm wrong, there have been-- it's, it's a pretty rare phenomenon.

CONRAD: I, I totally agree, because I've been working on initiative petitions for decades and it's usually in the maybe single-- definitely usually less than a thousand or a couple thousand, even with a concerted and well-funded campaign. So, ultimately, are you worried that removal is going to disqualify initiatives or-- I'm trying to understand what the real opposition is about because we agree it's the citizen's signature. We agree there's fraud protections in place. We agree that voters are well informed. So what, what, what exactly is the opposition in relation to?

ARLO HETTLE: It's to that piece about, just kind of, I think, concerns about how this could be used to mislead voters to-- that, you know. Yeah, I would say that's kind of at the heart of it, just that I feel like this petition process has these safeguards built into place, and we're concerned that this new removal process is taking out safeguards in a way that could be detrimental to voters.

CONRAD: OK. And without any sort of editorial judgment in regards to what circulators are saying or what campaigns are saying or they're

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not saying. And I'll tell you, having worked on a ton of campaigns and a ton of direct democracy campaigns, it's really the Wild West when you're, you're kind of out there gathering and in earnest. And I also think it's very cool because direct democracy is so engaging and, and pure and beyond the, the partisan piece. But in reality, and we have to grapple with this, I mean, people can lie. That is protected by the First Amendment. Right?

ARLO HETTLE: I'll defer to your expertise on that.

CONRAD: All right. Very good. Would it be common or uncommon from your political experience to see each campaign making passionate arguments tip towards their point of view?

ARLO HETTLE: Of course.

CONRAD: Yes. All right. Very good. Thank you. You-- thanks for being a good sport.

ARLO HETTLE: Thank you, Senator Conrad. I appreciate you engaging on this.

CONRAD: Yeah. Yeah.

BREWER: All right. Any additional questions? Senator Halloran.

HALLORAN: Thank you, Mr. Chairman. Thanks-- excuse me-- thanks for being here. So the purpose of the notary is what at the end of the day when the petition is filled?

ARLO HETTLE: It's to verify the circulator's identity and that the circulator-- it's that additional security to make sure that the circulator was following the procedures laid out in place.

HALLORAN: And that the circulator witnessed the signature.

ARLO HETTLE: Exactly.

HALLORAN: So Senator Conrad pointed out, and I think it's very, very important that it should be no more difficult to take one's name off than it is to put one's name on. So when, when I sign signatures-- when I sign an initiative referendum, typically the person that's presenting it to me either, either reads the initiative to me or shows me the language so I can read it myself. But at that moment when I sign it, there's, there's not a notary public there witnessing my signature. Right? So that's the entry onto a petition. So taking that

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entry off, if I felt like I was misled, shouldn't be any more difficult than it was for me to sign it. Do you agree with that?

ARLO HETTLE: I agree with the difficulty aspect of it. Yes.

HALLORAN: OK. Thank you.

BREWER: OK. Senator Lowe.

LOWE: Thank you, Chair. And thank you, Arlo, for being here answering these questions that we have and, Senator Conrad, thank you for your dialogue that you had. I've never signed a petition so I don't know. Do you request ID from every person that signs the petition?

ARLO HETTLE: You do not. No.

LOWE: So what check is there to make sure that that is actually the person?

ARLO HETTLE: The Secretary of State.

LOWE: The Secretary of State is standing there as the signature is put on?

ARLO HETTLE: No. The Secretary of State, you know, has their process for verifying signatures that I don't-- or to confirm addresses and verification. I'm not aware of all of the details of it but, yeah.

LOWE: Would-- and you've signed-- you've been part of these petition drives before. Do you think the emotion is also driven at this time when signatures are being asked that where your friends have signed it so, hey, why don't you sign too? And so you sign without actually reading what's on there and now it takes an effort, a true effort to get your name off that signature.

ARLO HETTLE: I will just say that there is a legal requirement that the circulator reads the object statement to each petition signer. Every voter needs to individually hear that, and that's part of the process as it stands right now.

LOWE: OK. Thank you.

ARLO HETTLE: Thank you.

BREWER: All right. Any additional--

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HALLORAN: If I may, another question. So does that happen every time? Is there assurance that that happens every time?

ARLO HETTLE: There's-- that's the legal requirement for a circulator. If a circulator was caught not doing that, I would hope that they would be reported and that the Secretary of State would, would handle that.

HALLORAN: I would hope so.

ARLO HETTLE: I hope so.

HALLORAN: Thank you.

BREWER: All right. One more time around. Any more questions? All right. Thank you for your testimony.

ARLO HETTLE: Thank you.

CONRAD: Thanks, Arlo.

BREWER: OK. We're still on opponents to LB861. Welcome to the Government Committee.

SHERI ST. CLAIR: Thank you, Senators. I'm Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r, here this afternoon on behalf of the League of Women Voters of Nebraska. We think that removal of a name should require more than a simple letter. The amount of time and effort that's required to initiate and conduct a petition drive is significant. Specifically, the person-to-person process of gathering the signatures. So the process to remove a name should be in parity with the process to add a name. The call-- the object clause of a petition is submitted to the Secretary of State and the Revisor of Statutes for review well before signature collection begins. The petition circulator reads aloud that object clause of the initiative to each and every signer. Each petition circulator is required to sign an affidavit before a notary swearing that they witnessed every act of signage and that, to their knowledge, the date and information provided by the signer is correct. So simplifying the signature process may raise the potential for well-funded opposition organizations to essentially use false media promotions, misleading advertisements, provide voters with stamped, self-addressed envelopes to simplify the process, thus, you know, opening the signatories to possible harassment as well. So, as we all know, our new voter identification laws were adopted to add security to the election process, and this proposal seems to kind of relax the security that

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exists currently in the petition process. And as such, the League does not feel that LB861 should advance.

BREWER: All right. Thank you. Let's see if we got any questions. Questions for Sheri? Yes, Senator Conrad.

CONRAD: Yeah. Thank you so much, Chair. Thank you, Sheri. Good to see you as always. I know that the League does an incredible amount of voter education from registration to vote by mail to Election Day procedures. In your experience, have you received a lot of feedback from voters that were confused about how to remove their name if they had changed their mind or signed a petition in error?

SHERI ST. CLAIR: No, I am-- I am not aware of that.

CONRAD: Yeah. I, I think-- Sheri, the other thing I would just ask you, and having talked to some other colleagues in preparation for this hearing, you know, I was talking to one colleague who said, you know, I had the experience where I was trying to shuffle a couple of kids out of the grocery store and was kind of unfocused and I ended up signing a petition just because I wasn't really thinking that didn't align with my political values. And then later, once I figured out what was going on, it was really hard for me to find a notary to, to get my signature off of it. So do you ever hear any stories like that or have you--

SHERI ST. CLAIR: I thinks it's--

CONRAD: --maybe can envision a scenario like that?

SHERI ST. CLAIR: It is difficult for us to ask people to say no, you know, when somebody is--

CONRAD: Yeah, exactly.

SHERI ST. CLAIR: --approaching you and asking for something and the kind of-- you know, the onus is on you as well to understand what it is that you're signing,--

CONRAD: That's true.

SHERI ST. CLAIR: --you know. And if you don't understand what it is, you can decline, you know, you don't have to sign just because somebody asks you to.

CONRAD: Right.

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SHERI ST. CLAIR: And I certainly have not signed petitions that, you know, people have approached me with.

CONRAD: Sure.

SHERI ST. CLAIR: Yes, I have signed petitions, but, again, you need to listen to the statement. You need to understand what the issue is before you put your name down.

CONRAD: Yeah.

SHERI ST. CLAIR: And it can go both ways, both in signing--

CONRAD: It sure does.

SHERI ST. CLAIR: --and in asking to be removed, you know, are you being-- what information are you being presented with that would make you want to remove your name?

CONRAD: Right. And you know and I know having been out there on the front lines with all different kinds of petitions, that there's some folks who, you know, only sign petitions that align with their political values. There's other folks who sign all petitions because they want a chance to vote on things. Right? And then there's folks like my friend Senator Lowe who stays out of the fray by not signing petitions. I'm learning about today. Which is another way to go, right, in terms of how you express yourself politically. So I-- I'm, I'm, I'm just trying to, to kind of grapple with we, we want to make it-- we want voters to understand the gravity of signing a petition. I, I, I don't disagree with that. But before that petition gets turned in, don't we, we want to remove barriers to people effectuating their political will, ultimately?

SHERI ST. CLAIR: Yes. And I think, again-- and you have to ask petition people this--

CONRAD: Yeah.

SHERI ST. CLAIR: --on why they over gather.

CONRAD: You got it. Yep. That's right.

SHERI ST. CLAIR: You know, every petition I've ever seen they've gathered thousands more signatures than are required by statute just in case if you know that somebody has inadvertently signed twice or, you know, submitted, you know, signed the wrong address--

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CONRAD: Yes.

SHERI ST. CLAIR: --or changed their mind after the fact.

CONRAD: Yes. No, that-- that's, that's exactly right or their registration isn't there or it can be for a, a whole host of reasons.

SHERI ST. CLAIR: Right.

CONRAD: And, you know, and I think our county election officers and Secretary of State do a great job verifying those signatures through the process and, and don't play a lot of games there either so--

SHERI ST. CLAIR: And for that reason, we certainly would support the statement that Arlo had made about Senator Linehan adding the need to verify that signature, the Secretary of State's office or the clerk's office, whoever the letter goes to--

CONRAD: Sure.

SHERI ST. CLAIR: --to remove their name, but the letter should also be very comprehensive on what there is they're asking to have their name removed from.

CONRAD: Sure, sure. And then this perhaps is more-- I'll leave it there.

SHERI ST. CLAIR: OK.

CONRAD: I'll leave it there. Thank you, Sheri. Thanks for being a good sport. Thanks for sharing your expertise from the League.

SHERI ST. CLAIR: Yeah.

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

SHERI ST. CLAIR: Thank you.

BREWER: OK. We are still on opponents to LB861. Welcome to the Government Committee.

HEIDI UHING: Hi, Chairman Brewer and members of the Government Committee. My name is Heidi Uhing, spelled H-e-i-d-i U-h-i-n-g. I'm the public policy director for Civic Nebraska and I am also here to testify in opposition to LB861. So voters who have signed a ballot initiative but then changed their mind, for whatever reason, have 3

current options in place. They can go to their election office and fill out the form to remove their name from the list, they can deliver a form that's notarized to this effect or, more simply, they can vote against the measure once it's placed on the ballot in November. So signing on to support a ballot initiative or referendum is not the final stage of this process. Voters have a chance to log their final opinion on the ballot in November if it is to make-- to be certified and qualified for that ballot. A voter signature on an initiative is not necessarily supporting the policy change, but rather the opportunity for all voters to consider this policy change later. There's plenty of opportunity for a voter to change their mind and then vote accordingly in the upcoming election if that issue is indeed on the ballot. We have concerns that removing security measures could make voters subject to harassment. This policy change could, for example, enable people to be hired by a campaign opposing a ballot measure to stake out signature gatherers and then approach voters who have just signed and encourage them to then remove their signature. Unlike the petition itself, as was previously said, there's no requirement that this letter, called for in this bill, would also provide the language of the ballot initiative, making it difficult for voters to then verify, confirm, or dispute claims made by the person asking for their signature removal. In other states, similar legislation has enabled door-to-door campaigns of initiative signers that can feel intimidating to voters. Nebraska has seen an increased use of ballot measures in recent years. We are asking more of our Secretary of State's office to verify all these signatures being submitted, and creating an opportunity for abuse of the initiative process could result in additional paperwork that takes our attention away from doing the work of the people. A process is already in place for this removal, and people who want to remove their names have successfully availed themselves of it. Because we are concerned this change could encourage harassment, dishonesty, or bad behavior, we oppose LB861.

BREWER: All right. Thank you, Heidi. All right. Questions for Heidi? Questions? Senator Conrad.

CONRAD: Thank you. Thank you so much, Chair. Heidi, and again, just to make sure we're clear on it, you appear frequently before the committee and we're grateful for the expertise that you share. But you work for one of the preeminent organizations regarding democracy and voting rights and direct democracy. Is that right?

HEIDI UHING: That's right.

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CONRAD: OK. So let me just ask a couple of questions here. So you lifted some concerns about, quote unquote, harassment or intimidation, and you gave an example of people at the point of signature kind of making their pitch to both sides of the voters. I mean, that, that literally happens now. They typically call it blockers or educators, dependent upon what side of the campaign you might be on at any given time. But that, that, that is core protected speech, that is First Amendment speech that both sides have a right to engage in. And, and the same holds true when people are canvassing their neighborhoods door to door to door to door. Is it your position that Civic Nebraska is calling that First Amendment activity harassment and intimidation?

HEIDI UHING: I'd say the concern is more a matter of where the process ends. So then, say, the person then does agree to remove their name, are they then going to be approached again by the opposing campaign and asked to reconsider based on misinformation? And it just-- it's hard to see where this ends, really. And so out of respect for the voter, I think that, you know, just as we take their answer on the ballot as to what policy they prefer or what candidate they prefer, that we assume that that is their answer unless they let us know that they are changing it and they have a way to do that currently.

CONRAD: But you want to maintain the status quo, which makes it harder for them to effectuate their expression and their will.

HEIDI UHING: Well, the harder part is what makes it secure. So as the-- as the bill is written, we have no way of assuring that the voter is the one who initiated that removal. And so out of protection for the voter, there needs to be some assurance that the person who's removing the name is actually the voter intending to do that.

CONRAD: And I know you're not a lawyer, but there-- this, this is making my head spin because Civic Nebraska has spent at least over a decade saying that there's no voter fraud in Nebraska or if there is there's very little and there's safeguards in place to check against that. But now you don't want us to pass this measure to make it easier for voters to express their will because you're concerned about potential voter fraud.

HEIDI UHING: So when, when a voter votes, their signature is verified by the Secretary of State's office. Currently, this bill does not call for that.

CONRAD: But that's how they verify signatures that are on a petition. They check the signatures, at least the voter file.

HEIDI UHING: Right. But if it were a letter asking to be removed, there's nothing in the bill initially that would call for that verification. I understand there's an amendment that would propose that. I think that does strengthen the bill to some degree.

CONRAD: But you would also agree that there's a host of criminal laws available for impersonation or for fraud that are beyond the scope of this bill.

HEIDI UHING: Right. But the concern with that is how does the voter know their name was removed then to pursue those charges?

CONRAD: OK. I'll, I'll play that out. I, I don't think I'm, I'm quite buying it, but, but I will play that out. And then since I know you are an expert and I appreciate you kind of walking us through and particularly on these hard questions, but I, I want to make sure just to establish a baseline of information amongst those with a lot of expertise to see how this kind of plays out for everyday voters. But, I mean, can you tell me the difference between an affidavit, something being notarized, a jurat? I mean, can you tell me those distinctions off the top of your head today?

HEIDI UHING: I would not be the person to do that for you. I'm sorry.

CONRAD: Yeah. So don't you think it would be asking a lot for people who don't work at a preeminent civil rights, pro-voting rights organization to know about these kind of technicalities in terms of how they manage their signature in direct democracy?

HEIDI UHING: Well, I, I don't know that they need to know all those details. I think what a voter would, would learn if they pursued removing their name from a signature or from a-- an, an initiative, is that their county election official would tell them to come to the office and they'll take care of the paperwork for them.

CONRAD: And that includes an affidavit and notarization presently at the Election Commissioner or otherwise.

HEIDI UHING: Correct.

CONRAD: OK. Final question. Your organization fought against ensuring a notary in vote by mail as we were implementing the voter ID measure that citizens passed last year, but you want to maintain a notary position for this civic activity. Can you help me square that up philosophically?

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HEIDI UHING: Right. So, so the, the reason for our objection to the notary when it was proposed on the voter ID bill is that it was modeled after states that are structured very differently from ours. Nebraska is a no excuse absentee voting state. And my understanding is that that idea was modeled after Missouri, which is not a no excuse. So that means that the number of people who would be needing to utilize a notary to-- for that voter ID process is much lower in the state of Missouri than it would be in Nebraska, because we have exponentially more people voting absentee here than, than in that state. And so we were concerned about the spread of notaries statewide and whether they could actually accommodate the need to have all of those notarizations complete in time for an election.

CONRAD: OK. I-- yeah, I think there-- there's definitely some consensus on the last part of that answer. I mean, I think there was widespread concern that, you know, requirement of a notary wouldn't be widely available. And so I-- I'm just kind of for consistency purposes trying to kind of carry that forward in terms of this application where we all kind of came to the conclusion, I think there was even some reporting by maybe Flatwater Free Press or, I think, maybe the Examiner--

HEIDI UHING: It was the Examiner.

CONRAD: --maybe Aaron Sanderford, actually, who kind of listed out the lack of access to notaries in Nebraska. And I know your organization and others really leaned into that in saying that we shouldn't have those requirements here because there's a lack of access to notaries. So I'm thinking in order to be consistent and in recognition of that data that we know from that debate, we should recognize that notaries aren't always available for people who want to remove their signatures. So thanks for-- thanks for hanging with me. Yeah.

HEIDI UHING: Fair point.

BREWER: I hope if I ever end up in a courtroom, she's on my side. All right. Thank you.

CONRAD: I'll always be on your side.

BREWER: Thank you. All right. Any additional questions on LB861 for Heidi? All right. Heidi, thank you for your testimony.

HEIDI UHING: Thanks.

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BREWER: OK. We're still on opponents to LB861. Then we will look at-- oh, come on up. OK. How many other testifiers are there on LB861? Move to the front of the room. OK. Go ahead whenever you're ready and begin.

JACOB CARMICHAEL: Awesome. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Jacob Carmichael, J-a-c-o-b C-a-r-m-i-c-h-a-e-l, and I am here in opposition to LB861 today. For the record and for clarification, I was a petition circulator for-- a volunteer circulator for the Support our Schools campaign. And one thing that I had to do is read a statement said by the-- like, written by the Secretary of State or I don't know if it was-- it was-- I don't remember if it was written by the Secretary of State. It was approved by the Secretary of State. We received those signature sheets from the Secretary of State that had to be written every time. And I had to sign every 20 signatures, like, every sheet had to be notarized. This bill makes it easier, like, to remove a signature from that than to gain one in the first place. And in terms of people being-- in terms of access to a notary, I had to have access to a notary to get the signatures collected. And, I mean, in terms of people feeling intimidated or anything, I will say I had a lot of people say no or just pass on signing it. So intimidation going by and just signing-- just in response to your point earlier about accidentally signing something on the way to the grocery store. I experienced a lot of people just keep walking or say no or something. And, I mean, there were blockers. And I did have once an individual, like, get in my face and get so aggressive that he had to be removed from the property. So the idea that it's this super easy process and people are doing it accidentally or aren't getting access to equal information, I really feel like it is not something that's necessarily going on. And just last point, this isn't the end step of the entire process. This is to get it on the ballot. It's a lower threshold and getting something on the ballot and making it available for voting, I think, is important and should be easier for everyone to be able to vote on the issue. I had quite a few people, especially when I was out in more rural counties, sign the petition and tell me they were going to vote no purely because they wanted it on the ballot for direct democracy to work and for people to be able to read the statement, have their ballot, be informed about it, and vote in their own voting booth with access to information on just the bill and the text of the bill. Aside from any campaign on it, delivering whatever information or misinformation is delivered, at that final state that matters is balanced. Yeah. I'm happy to take any questions.

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BREWER: All right. Let's see if we got any questions for you. Questions? Senator Lowe.

LOWE: Thanks. You stated it's easier to remove-- with this bill, it would be easier to remove the signature than to put your signature on the ballot.

JACOB CARMICHAEL: Yes.

LOWE: You're walking out of the grocery store, somebody asked you to sign, you sign. How was that difficult?

JACOB CARMICHAEL: I guess, in clarification on my point it-- to your point it isn't-- there's an additional process behind that. The signature goes on the ballot or on that itself. But for that to be actually registered with the campaign, it has to go through another process. I have to attest to a notary. I have to sign it, and then it has to go to the Secretary of State and be verified. And a lot of those aren't verified, which is why we over collect.

LOWE: That has nothing to do with the person who signed it.

JACOB CARMICHAEL: No.

LOWE: It only has to do with the person who's collecting the signatures.

JACOB CARMICHAEL: But I think that there should be an equal threshold for adding a signature to the actual database that the Secretary of State maintains, and an equal threshold for removing it.

LOWE: This would be equal.

JACOB CARMICHAEL: There's not a notary required to remove it. There is a notary required to add it.

LOWE: Not required to sign it either.

JACOB CARMICHAEL: There is a notary required.

LOWE: Not to the person signing.

JACOB CARMICHAEL: Not for the person signing, but for the signature to be added to it there is a notary required.

LOWE: All right. You proved my point. Thank you.

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BREWER: All right. Additional questions? All right. Thank you for--

CONRAD: Oh, can I ask--

BREWER: --oh, yes, Senator Conrad.

CONRAD: Thank, thank you so much, Chair. Hi, Jacob. Good to see you.

JACOB CARMICHAEL: Good to see you, too.

CONRAD: It's been a while. And I'm, I'm really glad that (a) you engaged on a campaign that you feel really passionate about. I think it's a great learning experience in democracy. It's a great way to connect with, with neighbors. But hang with me for a second while we work through this. Was, was that the first ballot initiative campaign that you've had a chance to be a part of as a volunteer or a circulator or have you worked on other ones?

JACOB CARMICHAEL: I've worked on other ones. I believe it actually was the first campaign I worked on in Nebraska.

CONRAD: OK.

JACOB CARMICHAEL: I did a few in New York.

CONRAD: Oh, OK. Cool. And you know from that experience, either as a signer or a volunteer or a circulator that, you know, ballot initiatives really run the gamut of the political spectrum. Sometimes they're championed by folks on the left, in the middle, or, or on the right. I mean, would you generally agree with that assessment?

JACOB CARMICHAEL: Um-hum.

CONRAD: Because one thing that I'm worried about in some of the testimony from a lot of my good friends that I'm hearing about in opposition today, is that they're, they're very, I think, focused on their experience in the recent school choice referendum. And the experiences that they had there and Senator Linehan as well responding to feedback from her supporters in that regard. But what I want to challenge us all to think about is that we, we need to center the voters in this process, not the ideological campaigns or the nonpartisan campaigns that are out there. But we-- the campaigns are, are really a vehicle to organize and effectuate the will of the voter. And so I-- I'm intrigued by Senator Linehan's measure because I, I feel like it appropriately centers that on the voter. If they can easily sign their name after listening to the object statement, and

then for whatever reason, they have buyer's remorse or feel misled or get more information, shouldn't, shouldn't we make it just as easy for them to, to remove that signature?

JACOB CARMICHAEL: I would argue because of the timing thresholds around campaigns and stuff and because it is not the final step in the process. I think centering the will of the voter is-- it is better to center the will of, like, all of the voters. And having it-- it's not-- the campaign itself no matter what, that does not effectuate any actual legal change. It merely gets it on the ballot and access to all voters. I'm typically in support of almost all ballot campaigns. I mean, I disagree with voter ID, but I signed a petition so it would be on the ballot.

CONRAD: Oh, interesting. OK.

JACOB CARMICHAEL: Like, I think that centering the will of the voters has to do with expanding access to voters as well. And I think that's why it's a low threshold of signatures required of the amount of voters for it to even be on the ballot in the first place.

CONRAD: Well, perhaps, that's subjective. I think it can-- you know, in a referendum or a suspension referendum you have to have what, like, 10% of the voters in, like, 90 days. That's a pretty hefty lift.

JACOB CARMICHAEL: It was-- it's-- yes, it's a lower threshold than requires for what signatures on the actual ballot. But--

CONRAD: Sure.

JACOB CARMICHAEL: --it, it is a high threshold to reach. It was not a super fun process to go through behind the scenes.

CONRAD: Yeah, I-- I'm also, you know, just trying to think through this in kind of practical terms and, I think, Sheri mentioned it and was right on whether you're a grassroots campaign or a well-funded ballot campaign, you're-- I, I think it would be political malpractice to under collect. Right? You know, some are going to fall off with problems with registration or potential duplicates or people decide on removal for whatever reason. So you're always, always trying at least to, to gather more, recognizing some of those, those signatures aren't going to hold in the verification process, so.

JACOB CARMICHAEL: If I'm remembering correctly, I think we shot for around-- whenever we collected around 80% of those would remain

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verified and actually go into the database. So we always over collected around 20% extra.

CONRAD: Yeah, that sounds right. And sometimes when they're doing the verification, you know, those petitions can get pretty [INAUDIBLE] and stuff when you're out in the rain and then you're turning them in later. And they can be hard to, to read and those kinds of things, too. But, I mean, the other question, though, is in regards to-- I, I get your argument about it's one point in the process and then ultimately the decision comes at the ballot box later on. But I think the flaw in that argument is you only get to the ballot box if you qualify with the threshold number of signatures that are then verified. So I-- you know, in reality there's a buffer. I'm not aware of anybody being kicked off for 1 or 2 signatures not making the ballot. I suppose that could happen. But those thresholds are, are there for a reason. They're not just a process. They-- a point in the process. They're, they're a critical piece to trigger the process. Right? So maybe-- I mean, I don't want to put too fine a point on it, but, but I do just want to push back on that argument a little bit from just kind of a, a direct democracy perspective. And if you'd like to respond.

JACOB CARMICHAEL: Yeah, I completely get your point that there is a threshold and there should be a threshold, because otherwise there would be way too many things on the ballot. But I think when issues prove contentious, I do prefer direct democracy and the ability of everyone to be able to vote yes or no on that. And I think even if you feel deceived or--

CONRAD: Sure.

JACOB CARMICHAEL: --whatever from the outcome that leaves you with the opportunity to say no. And, personally, if I felt deceived by a campaign, I would feel more of a stake to have a direct say on it at the ballot box.

CONRAD: OK. Thanks for hanging with me.

JACOB CARMICHAEL: Yeah.

CONRAD: Appreciate it.

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

JACOB CARMICHAEL: Thank you.

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BREWER: All right. Last call for opponents to LB861.

AMBER PARKER: Whoa.

BREWER: Welcome to the Government Committee.

AMBER PARKER: Thank you. Amber Parker, A-m-b-e-r, Parker, P-a-r-k-e-r. I have a really, really concerning issue that I've been seeing with this session on the State Legislature, and it just seems like there are areas, if we call provisions and bills to remove accountability and to establish a police state, that's LB1390. But today, the reason I'm in opposition to LB861 is because I think to make it very simple to just sign a letter and send them to the Secretary of State, it's very easy for people to abuse this. And, quite frankly, I think that there's really a misunderstanding of the part that government plays. You're not to rule over us and people, the reason I bring this up is because if I'm signing a petition of anything, they read you what the petition is, if it's pertaining, if it's going to add an amendment like the resolution and with voter ID and, sadly, the very thing that the people had on that, that wasn't the case. But what does LB861 do to take away from the people in the state of Nebraska? You could have someone removing someone's name who wants to be on that petition. Where's the accountability there? There's a lot of similarities right now with, with this bill and, and there are certain things you're pinpointing that you're ignoring on election integrity. And, you know, this is greatly important to understand. We don't want to have something that leaves a door open to allow people to pretend they're somebody they're not sending the Secretary of State signed letters. You can put it's a Class, what, IV was-- excuse me, is it felony? Is it felony on this one? I'm sorry. Because misdemeanors on LB1390 against people speaking out against elections. But this LB861 is a Class IV felony. You can put whatever you want, but if there's a lack of accountability. So there are some previous testifiers and there are points, and I see the yellow light here, that we're not going to get into. But this makes it easy for people to start taking other people's names off, Senator Linehan's bill does, LB861. That's why I'm in opposition. Thank you.

BREWER: Thank you. Let's see if we have questions. Questions? Questions? All right. Thank you for your testimony. OK. Opponents to LB861? Anybody here in the neutral? All right. We will invite Senator Linehan back to close on LB861. Senator Linehan, welcome back to the Government Committee.

LINEHAN: Thank you, Chairman, and thank you for all of you for being here today. And I want to thank the testifiers, both proponents and opponents. I'm-- part of the problem we have today that didn't exist 30 years ago is I was very close to this process all summer. I went to where people were collecting signatures. I went to where we had people who were trying to talk people out of collecting signatures. To my knowledge, and I might be wrong on this, and I'm not-- this isn't-- this isn't in any way criticizing them, but I never saw any press at any of these places. So I spent, I think, all day Saturday at the Czech Festival in Wilber, and they had a booth, and it was one person who was reading the language but there were others who were not. And it's difficult, right, because you get a group of people, we're out in front of a bar, 5 people walk up, 1 person signs. Now, they don't say, wait, hold on, I got to read you the language. And as far as one of the testifiers said that one of the Keep Kids First people had to be removed from the property. We had several tweets this summer during this battle, and it would be tweeted out a picture of a police car and they had to remove them and they had to call the police. None of that was true. No one ever got arrested. As Senator Conrad said, everybody has a First Amendment right to be in a public space. We did have one volunteer who was the police were called. It was a young policeman. He put our volunteer in the car for an hour, called for backup. A captain came from the police, asked what was going on, and then asked our volunteer if he wanted to charge-- file a complaint against the policeman that put him in the car for an hour. And our volunteer smartly said no. It, it was the Wild West, and it's going to be. There's no way you can control when you've got 100 volunteers who are very emotional on each side. So this isn't-- this-- I appreciate very much, Senator Conrad, your question. It, it should, I think, concern us all that you have organizations whose name is Civil-- Civil Engagement Table Nebraska, League of Women Voters, Civic Nebraska who are here arguing against letting somebody sign a letter to take their name off a petition. You can't-- I, I don't even-- I can't understand the argument. It's a felony if you-- just like if you went in to vote and they caught you trying to vote and pretending you were someone else. It's against the law. People aren't going to do that. So why should it be 10 times harder than when you're walking down the street at a parade and somebody pushes a petition in front of you and your friends are all like, let's sign it. As we've all-- I don't sign. I don't sign them anymore either, Senator Lowe, because you learn, right? You get old, you learn. It shouldn't be harder to take that name off. It just shouldn't be. So I'm happy to answer any questions.

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BREWER: All right. Thank you. Questions for Senator Linehan? Senator Lowe.

LOWE: Thank you. I think the term is you get older, not old.

LINEHAN: OK.

CONRAD: Wiser.

LOWE: Wiser. Yes.

LINEHAN: Thank you.

BREWER: Yes, Senator Conrad.

CONRAD: Thank you so much, Chair. And thank you, Senator Linehan, for bringing this forward. I mean, I'm kind of a purist when it comes to direct democracy so that's why I was proud to add my name to, to your legislation here because I think it, it centers what should be centered. And that's the voter. It's not about politicians. It's not about the issue campaigns. And, you know, the people-- the Nebraskans who bestowed our constitution upon us, which we took an oath to uphold and steward, reserved these robust powers for themselves through initiative and referendum. Yes, the, the campaigns facilitate or effectuate that but, but that the power should reside with the individuals who are acting as individuals and then later as the collective. And, you know, there are absolutely a host of safeguards in place in regards to fraud, in regards to misdeed. Particularly, for circulators, right, that are out there, which are different than on the individual citizen. But, you know, when I look at the constitution and I read, not all of the decisions I agree with necessarily, but when I, I see the consistent set of decisions from the Nebraska Supreme Court, they say, yeah, there's going to be some mistakes in the Wild West that is direct democracy. But we should-- we should err on the side-- we should err on the side of effectuating the will of the people and giving a liberal interpretation to initiative and referendum. So I, I, I think your bill is in line with our constitution in that court precedent and just wanted to give you a chance to respond if you wanted to.

LINEHAN: Thank you.

BREWER: All right. Any other questions for Senator Linehan? All right. I need to read some things in here. Let's see, LB861: 4 proponents, 6 opponents, 1 in the neutral. And with that, we'll close our hearing on LB861.

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LINEHAN: Thank you all very much.

BREWER: We will take a slight break. I'm going to read something to you now. If you're here for 1070-- LB1070 or LB861, your operation is complete for today. For those that are staying for LB1152 and LB1068, remember that'll be a dual hearing. They're both Secretary of State bills, they deal with the same subject. So what we're going in this combined the hearings is we'll do them both at the same time. So I'll go up and introduce them and then step away. We'll have a representative from the Secretary of State's office that will come up and give testimony. And then from there it will simply be as folks are called up. So you're going to come up and you're going to have actually 3 options possible. You can speak in favor of one and against the other, speak against both, or speak for both. That's up to you. But that's why we can't do an all opponents and, and proponents and neutral because you can be in any of those statuses as you come up to address those 2 bills. So that's how that's going to work. So we'll take a short break. Vice Chair Sanders will take over the gavel since I'll be presenting. With that, I will hand over the gavel.

SANDERS: Should we have them all move up to the front row?

BREWER: Yeah, you guys don't need to be--

[BREAK]

SANDERS: Good afternoon. We're going to begin with LB1068 and LB1152. Senator Brewer will testify on both LB1068 and LB1152. When he is done, then we will invite Wayne Bena, Secretary of State, to testify as well. Then we'll begin to take public testimony. I will begin on the left in the front row, we'll move along. So if you want to testify, please come to the front row and we will go right down from right to left. My right to my left. And then please state which bill, whether it's one or the other or both and proponent, opponent, or neutral. So we'll begin. Senator Brewer.

BREWER: Good afternoon, Vice Chair Sanders and members of the Government Committee. My name is Senator Tom Brewer, that's T-o-m B-r-e-w-e-r, and I am the Chair of the Government Committee. One of the, I guess we'll call it privileges of being the Chair of the Government Committee, is you get a lot of opportunities to work with the Secretary of State. And what you find out is that our election laws are very complicated with a lot of moving parts. So again, today, we're going to look at LB1068 and LB1152. Both of these bills were brought to me by the Secretary-- by Secretary Evnen's office as a plan

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to clean up our election laws. LB1068 changes some procedures of how we do presidential electorates meet and, and-- how the presidential electorates meet and their, their votes and how they're certified. LB1152 is a larger omnibus elections' cleanup bill. Now, so everybody understands that last year we had an election cleanup bill that had to be gutted in order to do the voter ID bill. So consequently, there was no opportunity last year because of the filibuster on voter ID to have an elections' cleanup bill. So what this bill and LB1152 does, it addresses many different topics within our election laws: voter registration, poll worker compensation, digital imageries-- images used during elections, special elections, precinct lists. It's, it's a fairly large document. And it's an attempt to, to tune-up components of our new voter ID law, along with some other cleanup issues that needed to be done. I will be followed by Deputy Secretary of State Wayne Bena. He will be able to get into more of the details on the bill. And I will standby and be ready to close and try and wrap up and answer any questions that folks have. Thank you, Madam Vice Chair, and I'll be here to answer any questions.

SANDERS: Thank you.

BREWER: All right.

SANDERS: Mr. Bena. Welcome.

WAYNE BENA: I'll wait for her to pass it around. Good afternoon, Vice Chair Sanders, members of the committee. My name is Wayne Bena, W-a-y-n-e B-e-n-a, and I have the privilege of serving as the Deputy Secretary of State for elections here on behalf of Secretary of State Bob Evnen, here in support of LB1152 and LB1068. One of the main reasons why this is a combined hearing is that all of the components in LB1068 are inside LB1152. This was done in order to find a path for LB1068 in the event that there may or may not be a consent calendar or a Speaker priority list that would be noncontroversial. But in the event that there isn't one, we wanted to put it also in this bill as, as a possibility as a path forward for that. So what I've passed before you is a summary of LB1152 into the 3 sections of which this bill applies. As you know, in election law, if you're trying to change 1 specific thing, you may need to change 5 different statutes in way numbers, beginning or the end. So sometimes when I'm saying I want to-- we are changing something, it's in 3 or 4 different sections. And this is a way to combine everything and also for you to be able to follow along in a 31-page bill. So in my comments today, this-- LB1152 is structured into 3 parts. First, changes regarding the need to change state law due to the federal Electoral Count Reform Act, our

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normal yearly election cleanup language, and, finally, some things that needed to be finished on the voter ID bill that didn't get a chance last year. And I will explain each section as we go. First-- and some of the most important parts of this bill are in regards to changes to our electoral college process. In 2022, the federal government passed the Electoral Count Reform Act, which changed a lot of things on the federal level of how the electoral college process happens. However, there are some things that happen in the state that we need to change portions of our election law. First, the date of the electoral college meeting has been changed from the first Monday after the second Wednesday in December to the first Tuesday after the second Wednesday. So that's-- we're changing it a day from Monday to Tuesday. The second, it requires the certification of ascertainment, is the paperwork that we send to the National Archives and to the Secretary of the Senate to have-- require a security feature that couldn't be asked about from the Governor's office in the event there is counterfeit certificates of ascertainment, which occurred in 2020. And, finally, while we were in these statutes, we saw that the requirement for the electoral college was in the Governor's office at the Capitol on that day. We ran into some problems in 2020 due to the tightness of the hearing room and COVID and we moved it to a hearing room, but we had to start the meeting there, adjourn it, and bring it here. And I'll stop there and, and continue if you wish.

SANDERS: Please, please do. Thank you.

WAYNE BENA: Thank you, Senator Sanders. We realized in 2024 the Governor's office is in the next-- this phase of the construction project. And so it allows the flexibility in the event that the Capitol or the Governor's office is not available for the Governor to, to find a different location for the electoral college, still knowing this is an open meetings and so there will still be that, that documentation. So our thought is it will happen in one of these hearing rooms here at the Capitol, but it allows that flexibility to happen especially this year. So that is the Electoral Count Reform Act changes. That's in LB1152, which is also the same changes are in LB1068. So wanted to make you aware of that. So the next section is in regards to our normal election cleanup. I've pared this down significantly from prior years just because I know that we have some of our things from last year that are on General File right now and so I wanted to pare this down a little bit, just down to the very basics that we need for this year. First, a few years ago, we allowed election workers to volunteer their time as a poll worker. Some federal employees are not allowed to take a payment and some people just like to do it without being paid. We allowed for that-- the poll

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worker to give that money back or not ask for it. We did it in one section and we needed to add it into another section in the law to, to make it comparable. Second, about 5 years ago, we changed the access to political party voter files, allowing political parties to have the file for free due to their need for that file. Unfortunately, we have heard from our county election officials that some county parties are abusing this privilege and asking for the file daily in some instances. So what this clarifies is while the file is still free, it will be available once a month to those parties that are requesting it. That is similar to what the Secretary of State does with the statewide file. We encourage our counties to run that file once a month anyway just to see their voter trends that happen month to month. And we think that's an efficient-- more efficient use of our county election officials' time. Next, we are codifying practices in regards to vacancy elections for special elections. Currently, there is no provisions in regards to holding a special election for vacancies that talk about what type of filing form is filled out, how long a filing period would be in regards to this. And, and we have just said, OK, allow a certain amount of time for people to file for that office and use the normal filing form. So what this does is codifies the current procedure, saying is you have to fill out a specific form to file for that office in that vacancy election. And it says-- and it gives a time period in which that filing period starts and begins so that ballots can be created and ballots can get out, because sometimes it's only a 50-day window for the election to occur. Next is, is the recall petition notification process. The clerks asked for parody in regards to how officials that are subject to a recall can be notified of that recall. There was some confusion of how that notification could occur. This makes it crystal clear the different ways a county official or someone being recalled is notified that the paperwork has been filed to be recalled. And finally, I'm taking a lot of questions in regards to this last section. There is no provision in state law that sets an early voting period for a special election at a polling site. And so what this bill does is set an early voting period in office for special elections at a polling site, which I will say are probably the rarer of the special elections that occur nowadays. To say that there is a 15-day window in which people can come in prior to the election to vote their ballot early. This is similar to the early voting period that happens in the Lincoln and Omaha municipal elections that happen in the off year. And that's where this time frame came from. So that's the election cleanup section of, of this. Finally, we get to voter ID cleanup. I want to be clear. I'm not here today to reopen the voter ID debate that happened last year. What this is, is to finish the job that was started that didn't-- wasn't allowed

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to get finished due to the time frames and the extent of debate that occurred regarding this bill. Everything that I'm about to say, you can check my work that the themes of this were all in AM1996 that was on file for LB514. And these were a part of negotiations on a lot of different organizations and government agencies. The things that they needed that happens in the normal course of negotiations for any bill that just didn't get to be debated. So first, the DMV had requested on Select File instead of the language to make state IDs free for voting purposes, it was their preference to have all state IDs free, period. So the language that's in this bill will allow state IDs, all state IDs, to be available to U.S. citizens-- excuse me-- for free. It also provides the funding mechanism for DMV to recover the costs of providing those state IDs for free for U.S. citizens moving forward. Second, it codifies language in reasonable impediment certifications asked by the Attorney General to better position ourselves in regards to how the Supreme Court deals with reasonable-- the reasonable impediment standard in the Crawford case. So it's mainly changing some words of present to obtain. And these were requested by the Attorney General to put us in a better footing in regards to how the Supreme Court feels reasonable impediment should go. It also adds language to the reasonable impediment certification in regards to, specifically that you cannot obtain a photo ID or cannot require access to necessary documents without significant difficulty or expense. The thought of this is that a person who is out of state and cannot afford to pay for their out-of-state birth certificate, which we cannot pay for with state taxpayer dollars. That would be the reason why a reasonable impediment certification would need to be filled out. It would also require the certification to be completed under penalty of perjury, and also that we check to make sure that a-- on an early ballot application, as well as in a reasonable impediment certification, that we check for a driver's-- a valid unexpired driver's license or state ID is not on file with the DMV. We don't want this form to be used for as a way to protest the voter ID bill, but it's only supposed to be used for people that cannot obtain a, a, a license due to reasonable impediment due to Supreme Court lawsuits regarding this issue. The next, there was talk on the floor in regards to the citizenship verification procedures that the Legislature requested that they wanted to make sure that no voter would be removed in violation of state or federal law. We believe that was implied. But folks wanted implicit so we added that language into here. No program would ever remove a voter without due process. Next, it would allow the Department of Motor Vehicles to provide digital images to be put into the voter registration system for a driver's license. This was talked about as another way to, to enhance the voter ID process during

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the early voting by mail and in-person process. And finally, for religious objectors, it requires county election officials to remove a religious objection notation upon the written notice from the voter that they no longer have a religious objection. Thus, a mechanism for them to remove that reasonable impediment certification. Again, I want to clarify. I'm trying not to reopen the voter ID debate. I'm just trying to finish the work that this body deliberately worked on and should take a, a, a great deal of pride in, in regards to the work that was done on a bipartisan basis to get this across the finish line. But we just wanted to finish the job that the AM1996 had to finish. So with that, I want to thank you for taking the time and giving me a little extra time to talk about a 31-page bill and open, willing, and always encourage your questions. Thank you.

SANDERS: Thank you, Mr. Bena. I'll see if there are any questions. See none, thank you. Will you stay in the room for the hearing?

WAYNE BENA: Yes. Yeah.

SANDERS: Thank you. So we're going to begin with our first testimony on my right, if you will state your position and which bill or bills?

ROBERTA ADAMS: Good afternoon. My name is Roberta Adams, R-o-b-e-r-t-a A-d-a-m-s from Papillion. I am sad to say I oppose LB1068 and LB1152. First, I submit these informal, informal petitions I collected from citizens in Sarpy and Douglas counties in just 3 weeks, totaling 102 citizens who say no to any electronic voting machine system and ask for paper ballot, hand-counted elections that protect the citizen's right to chain of custody protected voting with citizen oversight as follows: register to vote with photo ID and documentation of residents 30 days prior to any election; photo ID presented at the precinct to confirm eligibility to vote prior to the receipt of a ballot; in-person voting only with paper ballots with watermark only in designated precinct; ballot counting in teams of 2 or more persons verifying with public oversight of all ballot handling and counting, election day is a recognized holiday with 1 day for voting that closes at 8 p.m., no exceptions, and a few more requirements. I oppose LB1068 because I support winner-take-all electoral votes for Nebraska for the presidential and vice presidential positions. In the last presidential election of 2020, there was a proven level of fraud across the state with the worst fraudulent votes within 3 counties: Lancaster, Sarpy, and Douglas. The fraudulent votes in Sarpy alone accounted for over 9,000 votes according to the Election Fairness Institute, many of the residents of Sarpy and Douglas Counties have been screaming for these changes, admits the most-- the almost daily revelations of election

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and voter fraud in Nebraska and around the nation. I oppose LB1152 as written until the language about using the registration applicants, quote, digital image, quote unquote, is stricken from the bill, leaving only the signature from a driver's license for verification purposes. Digital facial images included in public records are an invasion of privacy and leading to a surveillance state that is frightening to imagine. In China, cameras are everywhere, tracking every citizen's every move and hunting them down for even their facial expressions. This tracking has led to the infamous social credit scores, which are excuses to deprive them of their human rights. God forbid we institute them here. I also ask that each registrant must verify their U.S. citizenship once by hand submitting a passport or certified birth certificate to the election commissioner's office for their registration to be complete in the state of Nebraska. I oppose any voter registration whereby an applicant simply attests to being a U.S. citizen without proof. I oppose the use of county electronic poll books as these can and are being hacked just like the NSA, CIA, DOJ, and FBI have been hacked. I urge you to end the era of electronic records and return to paper poll books and hand-counted paper ballots printed on currency level security paper so these records that are vital to free and fair elections can once again be secure as they were decades ago. Thank you.

SANDERS: Nicely done. Thank you. Are there any questions for Roberta Adams? See none, thank you for your testimony. Hold on just a second, we're going from right to left.

KENNETH LACKEY: She's still filling one out. Can I go?

SANDERS: OK. Yes, absolutely.

CONRAD: Oh, Larry, we--

LARRY STORER: Can't quite hear you and I think I was the first one to fill out forms. Is he a proponent or an opponent?

SANDERS: It's going to be for both bills--

LARRY STORER: OK.

SANDERS: --in opposition or proponent. And we're going from left to right so--

LARRY STORER: Then I'm going to move over left.

SANDERS: --he's next in line. Well, you--

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LARRY STORER: Please speak into the microphone so we can hear.

SANDERS: OK. Welcome.

KENNETH LACKEY: Yeah. Good afternoon, Vice Chairperson Sanders and members of the Government, Military and Veterans Affairs Committee. I'm Kenneth Lackey, K-e-n-n-e-t-h L-a-c-k-e-y, legal counsel for the Department of Motor Vehicles. I'm appearing before you today to offer testimony in support of LB1152. I would like to thank Senator Brewer for introducing the bill. The Department of Motor Vehicles has worked with the Secretary of State's office to include items of legislation in LB1152, which impact the DMV, which we worked on with the amendment to LB514 last session. Section 22 authorizes the secure transfer and protection of the digital image to the Secretary of State's office, and we consider that sensitive personal information, which is at the highest level. Nebraska Revised Statute 60-4,115 is amended to allow for free state identification cards to persons who are United States citizens. Also, Nebraska residents who do not possess a valid Nebraska driver's license, and that will help with voting purposes. To offset the revenue loss that the DMV has incurred from issuing the free state identification card, the distribution of the fee collected for the driver record fee has been changed to reallocate \$1 of each record from the General Fund to the Department of Motor Vehicles cash fund to, to, to see that offset. I thank you for your time today, and I encourage the advancement of LB1152 to General File. I'd be happy to answer any questions the committee may have.

SANDERS: Thank you. Let me check. Are there any questions? See none, thank you very much.

KENNETH LACKEY: Yeah. Thank you.

SANDERS: Well under your 3 minutes.

KENNETH LACKEY: Made it short.

SANDERS: Thank you. Amber, are you-- you're next, are you--

AMBER PARKER: That's OK. Go ahead. I'm sorry. I'm still filling one out. Thank you.

SANDERS: OK. I'll have-- gentleman. Yes.

LARRY STORER: Thank you.

SANDERS: Welcome.

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LARRY STORER: Larry Storer, 5015 Lafayette Avenue, Omaha, 68132. Appreciate the time. Apologize ahead of time for my tone of voice. I have had some pretty bad experiences with government people lately and I don't like it. And if you've noticed my shirt, I want to point out that the person on that shirt is not the government. That is "we the people" and we the people are pointing our fingers at you today because this election business is out of hand and it's illegal. It's unconstitutional. You are shutting us out of the process. You don't have that right. You work for us. We don't work for you. And to give that much power in the hands of a Secretary of State and his deputy is totally illegal. If you do not have the time to listen to citizens like us, millions of citizens that wore hats similar to this, but this does not say MAGA. But you all treat me like that. Even Douglas County Board, the city council. And I've been walked out of here, out of there for making comments like this. That's entirely my constitutional right. If you want to call me out of order and send me out of here right now with a deputy, I'm used to it. I can take it and I'll be home earlier. But you need to seriously consider the anger that is rising amongst this populace that you work for. Millions are being quiet and they're being quiet because government doesn't listen. And I might add that the Open Meetings Act is part of the process. When we can't hear people because they don't speak at the microphone or they're too far away from the microphone, that's sort of a violation of the Open Meetings Act. Therefore, this body today could be declared null and void if I wanted to take my time and money and taxpayers' dollars to sue you under the Open Meetings Act. But if you read that act, it doesn't say that I have-- actually have to do that. It's for us, not for you. Now, your reasonable rules are a lot more reasonable than they are at Douglas County and City Council of Omaha. They are totally out of whack, and so is Fremont because they think they could eliminate citizen comments. Do you want to eliminate citizen comments? Do you want to let them do that? Then make their actions null and void because they are violating the Open Meetings Act. But we're also violating the election act by concentrating too much power in the hands of Mr.-- Mr. Bena and his boss. Years ago, we said to hell with the king. The king had too much power and he has too much power. He's keeping everything secret. I'll be done in just a second. That's not what your republic gets-- and by the way, Ms. Conrad, I apologize, but it is not a democracy and I am very sick and tired of government people calling us a democracy. Stop it, please. Thank you.

SANDERS: Mr.-- Mr. Storer, so for the record, you were testifying on both LB1068--

LARRY STORER: Both bills.

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SANDERS: In opposition on both?

LARRY STORER: Opposition to both. Absolutely.

SANDERS: Thank you very much.

LARRY STORER: Thank you.

SANDERS: Amber, are you-- so, yep-- OK. Go ahead. Go ahead.

PENNY STEPHENS: My name is Penny Stephens, P-e-n-n-y S-t-e-p-h-e-n-s. I oppose both LB1068 and LB1152. I want to go through the timeline of our election laws. In 1993, 30 years ago, Bill Clinton introduced the National Voter Registration Act, which totally takes away our rights. It connects it to the Department of Motor Vehicles. Department of Motor Vehicles is completely handled by ES&S. That is how the registration is done. These unlawful immigrants coming over the border that just get a state ID through the DMV, it's automatically registered. Who's overseeing that? Please note in 1993, Chuck Hagel was CEO of the American Information Systems, today known as ES&S. Mr. Hagel has his connections to ES&S through 2002, when he was elected senator. During an ethics hearing, Senator Hagel still owned beneficial interests in ES&S. And during this time-- during that time, ES&S counted approximately 60% of all the ballots cast across our country and now our legislation has given power to ES&S. This is not right. Every law for the-- since 1993, over 24 major overhauls have been made in Nebraska on our laws, and every single one has given more power to the electronic voting systems. We're not giving power to the people. Why aren't you giving the power to the people? We want 1 day, 1 vote in person, photo ID, not voter ID. We want watermarked paper ballots. Count the vote where they're cast. Give us back our vote. Stop giving it to ES&S, also known as the Secretary of State's office.

SANDERS: Thank you for your testimony. Hold on just a moment. Let's make sure there aren't any questions. Are there any questions? All right. Thank you very much. So we'll, we'll be over on this side now. And, sir, you will be next. Good afternoon. Welcome.

BETH BAZYN FERRELL: Thank you. Good afternoon, Vice Chair Sanders, 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 LB1152. We'd like to thank Senator Brewer for introducing this bill. We'd also like to thank the Secretary of State Evnen and Deputy Bena for their work. They always include the issues that clerks and

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election commissioners have brought forward. They always consider those for part of the omnibus bill and we appreciate that. That is much more efficient than bringing a lot of little election bills all separately. So we do appreciate that. The issues, some of them that we brought forward this year are in Section 2 of the handout that you were provided. Just a couple of those were talking about the voter files and parody and recall notifications. So, again, we appreciate that. I'd be happy to answer questions.

SANDERS: Senator Lowe.

LOWE: Thank you, Vice Chair. So you're just testifying on LB1152, not on the other bill?

BETH BAZYN FERRELL: Right. We, we have no objections together when it's just the element in LB1152 is more focused on what the county election officials do, so.

LOWE: OK. Thank you.

BETH BAZYN FERRELL: Thank you.

SANDERS: Are there any other questions? Seeing none, thank you for your--

BETH BAZYN FERRELL: Thank you.

SANDERS: --testimony. Please.

S. WAYNE SMITH: Guess I gave you my handouts earlier, so. Sorry about that.

SANDERS: Welcome.

S. WAYNE SMITH: Thank you. I'm opposed to LB1152, and I'll not repeat some of the things that were said earlier. But one thing I want to point out is stat--

SANDERS: For the record, I need you to say and spell your name, please.

S. WAYNE SMITH: Oh, I'm sorry. S. Wayne Smith. That's Wayne, W-a-y-n-e, S-m-i-t-h.

SANDERS: Thank you.

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S. WAYNE SMITH: OK. I, I want to comment on statute 32-1027. It states that the election commissioner or county clerk shall appoint 2 or more registered voters from different parties to the counting board for early voting. The election law implies that it is the board that carries out each step of the election process. However, when it comes to signature matching, it is done by only 1 person, not 2 members of the board from 2 different parties. We have 2 affidavits from Douglas and Lancaster Counties indicating that signature matching is lax. I have attached a marked-up Section 17, which covers 32- 1027 of the bill that I think will take care of this problem and strengthen the signature matching step in the-- in processing ballots. It says that the counting board with the-- with at least 2 people from different parties shall determine if the name on the identification ballot is that of the registered voter on the identification ballot. Then the next item, the bill is concerned about removing someone from the voter rolls in violation of state and federal law. But the bill does not address improving the efficiency of removing a person from voter rolls. I have attached a chart showing the different methods for removing someone from the voter rolls and it takes a long time. And I found it to be almost impossible to get somebody off the rolls. To give you an example. There was somebody in our neighborhood who was on the voter rolls and he had been on-- he had not lived in Nebraska for 20 years. So I had the mother fill out an affidavit, had it notarized, and took it in to the election commissioner. And he said, well, I'll get the process started. He would not take the name off based on that affidavit. That didn't make any sense to me. I'm concerned also about third-party organizations recruiting election workers. Thank you very much. That's all I have.

SANDERS: Thank you. Let me check to see if there are any questions for you. See none, thank you for your testimony.

S. WAYNE SMITH: OK.

SANDERS: Welcome.

GERALD FICKE: Thank you. My name is Gerald Ficke. My last name is spelled F-i-c-k-e. I'm rising in opposition to LB152 [SIC]. I appreciate the opportunity to make a few comments. All of you are being asked to consider a number of proposed legislative bills related to election integrity. And as you consider the merits of these legislative bills, allow me to suggest the following short list of 6 brief questions to assist you in your decision-making on behalf of Nebraska voters who, of course, expect you to provide election processes that will not defeat their collective will. Number 1, does

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the bill ensure that only qualified voters are permitted to vote? Number 2, does the bill ensure that all votes are privately cast at the precinct level? Number 3, does the bill ensure that all votes are counted in full transparency to our state's citizens? Meaning are all votes manually counted where they are cast? Number 4, does the bill ensure that immediately following the transparent manual vote count that our state's citizens can easily reconcile the number of votes cast with the number of legitimate voters by way of a list of everyone who voted? Number 5, does the bill acknowledge that mail-in ballots can only be used in extraordinary situations, such as those for active military or shut-ins wishing to vote? And lastly, number 6, does the bill provide for 1 specific election day, during which qualified voters can exercise their right to vote? Thank you very much.

SANDERS: Thank you. Let me check to see if there are any questions. Are there any questions? And just LB1152?

GERALD FICKE: Yes, ma'am.

SANDERS: Opposition?

GERALD FICKE: Yes, ma'am.

SANDERS: Thank you very much.

GERALD FICKE: Thank you.

SANDERS: Welcome.

ROBERT BORER: Madam Chair. Robert Borer, R-o-b-e-r-t B-o-r-e-r. I'm speaking in opposition to LB1152. Our SOS office is doing everything they can to avoid accountability to the people in our elections, including lying. And I can be specific if you-- if you give me extra time. In-- after the 2020 election, I contacted Dave Shively, Lancaster County Election Commissioner, give me a list of everyone who voted in 2020. He couldn't do it. I ended up with him on the phone. His voice was quivering. I don't have that. I've never been told that I need to produce that. The Secretary's office doesn't even have it. How can I reconcile the election checkbook when I don't have a list of voters and the number of votes? He wants-- they want to charge you \$500 for 1 disc, and then they don't tell you that that \$500 actually stretches out over a year. Somebody else has to tell you that. But, yeah, we've spent \$1,000 or more for voter registration lists. Now they will tell you that this list is a living and breathing document. And indeed it is. They're constantly adding and taking away. Now if you go to states around the country who have much more access to the

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voter rolls, they have found since the 2020 election that those online digital voter rolls are being stuffed prior to the election and then unstuffed after the election, and that is so that they can send out fake ballots. Three ways to cheat: fake voters, fake ballots, fake counts. I think I've given you everything I had to say.

SANDERS: Thank you. Let me check to see if there are any questions for you. Are there any? See none. No. See none, thank you for coming in.

ROBERT BORER: We'd like more, more accountability out of our Secretary of State's office. Our ballots are counted in secret.

SANDERS: Thank you very much for your testimony. So we're going to go back over to this side. Welcome back.

SHERI ST. CLAIR: Thank you. Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r. Still on behalf of the Women Voters of Nebraska. On, on LB1068, we are opposed to this because we think people's business should be conducted in the people's house. LB1068 allows the certified presidential electors to conduct their business at a designated meeting location chosen by the Governor. We feel that this meeting should continue to be held at the Nebraska State Capitol, as currently specified in statute. And so for that reason, we oppose LB1068. Regarding LB1152, I think as this committee well knows, the League has consistently testified in opposition to showing photographic identification documentation in order to vote. We've always felt that such requirements could be onerous to people's-- provide an onerous barrier to the right to vote, but we respect that this requirement has been passed into law in the state. We appreciate the intent to implement fair photographic identification requirements, recognizing there might still be challenges to obtaining it for some Nebraskans. And so I think-- we think that LB1152 has done a really nice job of incorporating requirements as specified by law. But since LB1152 includes the same provision that the certified presidential electors conduct their business at a meeting location chosen by the Governor rather than specifying at the State Capitol, we are in opposition to LB1152.

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

SHERI ST. CLAIR: OK.

SANDERS: See none, thank you very much. And are there-- you ready?

AMBER PARKER: Yeah. Yes.

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SANDERS: All right. Welcome back.

AMBER PARKER: Hi. Thank you for the kind gesture getting those papers filled out. Amber Parker, A-m-b-e-r, Parker, P-a-r-k-e-r . I am in opposition to both bills, LB1068, both Brewer's bills. I find it greatly troubling that our voices as the people are being shut out. But the Secretary of State and Bena, who have failed to produce out source code, cast vote records. I want to bring your attention to the Constitution of the United States of America, which you all have taken an oath to abide under. This is Amendment 13, Section 1, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." It grieves my heart to say this, but we have lost a part of our constitutional republic in the state of Nebraska. It is the King George is the Secretary of State Bob Evnen, as well as Wayne Bena that is over the election process. We are paying over \$13 million, which was given to the election systems and software located in the same city that a few months ago it was reported by Marsha Blackburn that we had a police-- a Chinese-- a police Chinese station in that same city. What I want to bring your attention to, the solution is very simple. Secretary of State and Wayne Bena, all they need to do is ask you guys to release LB193. Then you just need to add the voter ID proof of Nebraska citizenship, proof of United States citizenship, watermark, and serial numbers. This is going to set and I would further say that really to-- the solution to get the constitutional republic back and the government back to the people, so the people are over the government and not serving them as the King George is very simple, and that is hand counting ballots at the precinct level under video surveillance. President Trump is for this. That's-- which is great. It's transparency. The machines-- our votes are owned by a private business located in Omaha, and you've already heard other information going forward. But get rid of the machines, the solution is simple. Digital only further leaves the door open for foreign interference in these areas, and we must shut all the doors, get the people back their votes-- their voices and their votes. These machines have taken it away. And furthermore, we are a slave to these machines. We have no accountability. We can't even recount by hand our elections. And not one of you, Senator Lowe, Senator Halloran-- I, I, I love the questions, Senator Sanders, but not one of you are asking this question, are elections have been taken from us?

SANDERS: Thank you for your testimony. Check there-- see if there are any questions. See none, thank you. Are there any others that would

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like to testify opponent, proponent, or in the neutral? Please come forward.

KENNETH ANDERSON: Put my notes on there.

CONRAD: You can get it back if you need.

SANDERS: Yeah, she just needs to check it in and then you can--

KENNETH ANDERSON: All right.

SANDERS: --get that back.

KENNETH ANDERSON: Kenneth Anderson, K-e-n-n-e-t-h A-n-d-e-r-s-o-n. Thank you. In as much as this is an omnibus bill, it really needs to address the most important election issue of the history of this republic which is counting ballot selections by dark software of ES&S. So, therefore, I'm going to have to oppose in its current form.

SANDERS: Both LB1068 and LB1152?

KENNETH ANDERSON: Yeah, they're both ignoring the, the fact that ballot selections are counted by dark software. So, yeah. Thank you.

SANDERS: Thank you. Are there any questions for Mr. Anderson? See none, thank you for your testimony. Are there any others that would like to testify? See none, I'll invite Senator Brewer back to close. I also have some online position comments for the hearing record. We have a summary of proponents, zero; opponents, 4; and in the neutral, 1 for LB1068. And for LB1152: proponents, 4; opponents, 13; and in the neutral, 4. Welcome back, Senator Brewer.

BREWER: Thank you, Vice Chair. All right, let's focus back on where we're at. LB1068, again, that has to do with the presidential electorates where they meet and count votes. Nothing, nothing crazy there. That's just trying to realign some things so that-- that's properly addressed. LB1152 is the elections' cleanup bill. Now, we all understand how the process works on legislation. We have figured out the things that we needed to correct with voter ID. Now, there are those who, who don't even agree with the fact we needed voter ID. When we went through the process, we went through lots of hard meetings to come up with what that should look like, and we went through 14 hours of filibuster. But we have voter ID now. This bill is not an end-all, be-all. What this bill was designed to do is to take the things that we can identify that we can improve and make better to make the process as efficient and effective as we can. Now, everyone's gonna

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have an opinion on what that perfect world looks like. And there may be things we can do better, but that process starts months and months ahead of us coming into session, and then we worked through to figure out how to turn it into law. But to do that, you have to come and sit down and work through to find solutions. And I think what we're trying to do with LB1152 is exactly what the bill does. It's a-- it's a cleanup bill of what we have now. So I would ask for your support in order to make sure that we line up all of our current law so that it matches with what we want to do with voter ID. And with that, I'll take any questions.

SANDERS: Let's see if there are any questions for you. I see none-- I see none, thank you very much, Senator Brewer. So at this time, we will close our hearing on both LB1068 and LB1152. Thank you.