

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

SANDERS: Welcome to the Government, Military and Veterans Affairs Committee. I am Senator Rita Sanders, Bellevue-- from Bellevue, representing District 45, and I serve as chair of this committee. The committee will take up bills in the order posted. This public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out the green form-- testifier sheet that are on the table in the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify, but would like to indicate your position on a bill, there are also yellow sheets in the back of the room. These sheets will be, be included as the exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer-- introduce-- introducer's opening statement, followed by the proponents of the bill, then the opponents, and finally anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We will be using a 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have 1 minute remaining, and the red light will indicate your time has ended. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is part of the process as senators have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have any handouts or copies of your testimony, please bring up at least 12 copies and give them to the page. If you do not have enough copies, the page will make sufficient copies for you. Please silence your cell phones. You may see committee members using their electronic devices to access information. Verbal outbursts or applause are not permitted in the hearing room, such behavior may be a cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at nebraskalegislature.gov. Written positions will be included in the official hearing record, but only those testifying in person before the committee will be included on

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Rough Draft

the committee statement. I will now have committee members introduce themselves, starting with my far right.

HUNT: Hi, everyone. I'm Megan Hunt and I represent the northern part of midtown Omaha.

GUERECA: Dunixi Guereca. I represent downtown and south Omaha.

McKEON: Dan McKeon, District 41, eight counties in central Nebraska.

SANDERS: Senator Bob Andersen, who's testifying first up is also vice chair of the committee. Also assisting the committee today to my right is legal counsel Dick Clark, and to my far left committee clerk Julie Condon. We have two pages with us today, and I'll ask them to please stand and introduce themselves.

RUBY KINZIE: Hello, I'm Ruby Kinzie. I'm a third-year political science major at UNL.

ARNAV RISHI: Hi, I'm Arnav. I'm also a junior political science student studying at UNL.

SANDERS: Would you like to introduce yourself?

LONOWSKI: Hi, I'm Dan Lonowski. A little bit late. Sorry. District 33, which is Adams County, Kearney County, and rural Phelps County.

SANDERS: Thank you. With that, we will begin today's hearing on LB659. Welcome, Senator Andersen.

ANDERSEN: Thank you. Thank you, Chairwoman Sanders and my fellow members of the Government, Military and Veterans Affairs Committee. For the record, my name is Senator Bob Andersen, B-o-b A-n-d-e-r-s-e-n, and I represent District 49, which includes the northwest Sarpy County part of Omaha. Today, I'm introducing LB659, legislation that aims to strengthen the certification and oversight of Nebraska's vote counting devices to ensure transparency and to ensure public confidence in our election process. Recent discussions nationwide have placed a heightened focus on election integrity, and Nebraska is not immune to these conversations. My constituents have shared their concerns about perceived vulnerabilities in our state's election process. They have asked about the certification process of our voting machines. While Nebraska has a strong track record of fair and secure elections, the absence of a transparent certification process for vote counting devices has, has caused some voters'

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

confidence to erode. By codifying a rigorous, verifiable, and publicly accessible testing procedure, LB659 seeks to reassure Nebraskans that every vote is accurately counted. LB659 strengthens election security and transparency by requiring three independent tests of vote counting devices before ballot processing begins. These tests must be observed by three key officials: the election commissioner or county clerk, the chief deputy election commissioner or a registered voter of a different political party, and the person who installed or operates the vote counting device. To ensure, ensure full transparency, eight political parties are entitled to appoint a watcher to observe the testing process. And if the physical access is restricted, an unobstructed view must be provided via closed circuit television. Additionally, LB659 enhances publicly accountabil-- public accountability by requiring election officials to certify the completion of these tests and submit the results to the Secretary of State, who will post them on their website. These measures will, will increase transparency to the vote counting certification process. Every Nebraskan voter should be-- have full confidence in the accuracy and security of the election results. I want to assure the committee that LB659 has been thoroughly developed, with careful consideration of all operational details. The language in this legislation was crafted in close consultation with the Secretary of State's Office, ensuring that it compliments and does not interfere with the essential duties of the county election officials. There are no amendments attached at this time, as this version of the bill reflects a well-considered and balanced approach designed toward seamlessly with existing procedures. In closing, LB659 is a necessary measure to reinforce the integrity and transparency of our election process. By formalizing stringent testing procedures and ensuring public accountability, this legislation will strengthen voter trust in our election process. As Supreme Court Justice Louis Brandeis said wisely, sunlight is the best disinfectant. With LB659, we ensure transparency with Nebraskans. I respectfully urge you to advance this bill out of committee so the entire Legislature may consider it for adoption. Thank you for your time and consideration, and I welcome any questions.

SANDERS: Thank you for your testimony. See if there are any questions from the committee. Senator Gureca.

GUERECA: Thank you for introducing this bill, Senator, and for being here today. So I think that the, the, the big thing you're adding is the observers from the political parties.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

ANDERSEN: Two features. One is the, the observers from opposing political parties, but also the mandating the three tests of the accuracy of the vote counting devices, and the fact that the results of those tests will be posted to the Secretary of State's website. That way, everybody can see the results prior to the vote counting beginning.

GUERECA: Gotcha. Well, there's a-- currently in statute, it does include three independent tests.

ANDERSEN: What's that?

GUERECA: It says currently in statute-- so looking at the part stricken, page 3, line 18: at least three independent tests to be conducted before counting begins to verify the accuracy of the counting process.

ANDERSEN: Oh, OK. Right.

GUERECA: So, so, so it-- so it'll be political parties and then posting the results. So--

ANDERSEN: Yes.

GUERECA: OK. My big question is, what happens if, if we're in a county with-- where there isn't a political party?

ANDERSEN: That's a great question, and I defer to the Secretary of State's Office. They-- there is a testifier here--

GUERECA: OK.

ANDERSEN: --that can get into the procedures at the, at the other counties.

GUERECA: Yeah, because I know in some of the, you know, more rural counties, at least, I'm not aware of, I don't know if there is both Democratic and Republican Party in every single county, so kind of what would happen in that situation?

ANDERSEN: Right.

GUERECA: Yeah.

ANDERSEN: The Secretary of State's subject-matter expert on the execution of elections is here, will be testifying also.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

GUERECA: OK. Perfect. Thank you, sir.

ANDERSEN: Absolutely.

SANDERS: Are there any other questions for Senator Andersen? See none. Thank you. And you will be here to close unless you've got to run off to another one.

ANDERSEN: Yes, ma'am.

SANDERS: OK. Thank you. At this point, we'll take our first proponent on LB659. Good afternoon. Welcome.

WAYNE BENA: Good afternoon, Chair Sanders and members of the committee. For the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a. I serve as Deputy Secretary of State for Elections here on behalf of Secretary of State Bob Evnen in support of LB659. It's my first time this year preparing-- appearing before the committee. So for our returning members, welcome back. And for your-- the new members, haven't had much interaction beyond helping sign your oaths or I was that guy that carried the weird box-- cardboard box on the second day of election results. That one was a new one, new one for me. I have been the Deputy for Elections for a little over 7 years now. Prior, I was the Sarpy County Election Commissioner for just about 8. So I've spent 15 years of my life running elections on the county and state level. Always available for your questions and help navigating election law. It's something that I enjoy doing. And more than willing to help anyone that comes to us with a good faith effort to strengthen our election laws. We met with Senator Andersen on his first day, after being sworn in, regarding things that he saw in his election, and things that he thought could help strengthen the process. And we worked with the senator in regards to what you see before you in LB659. As you eloquently said it, we-- actually, we do, do three independent tests of all of our machines before every election. It's a test stack of every ballot that would be put into that machine by the, the election head, election official, a second deck by someone else in that office, normally a chief deputy, but could be someone else. And then we also get a test deck from our elections vendor, election system and software that they pre-populate that we also check into our machine. So that already occurs in statute. As we wanted to amend that, we had struck it from that section and created an entirely new section. What this would allow is that-- allow for the observation of the testing of the machines. Similarly, that we allow for the viewing of the counting on Election Day. We did this because there are some

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

counties that do this now and welcome to have people in. But there are some counties that believed that unless it's specifically in statute, then they're not, not going to do it because they don't want to-- they, they don't-- that was their decision. So allow it, so allow it to be uniform throughout the state, putting this in there that it is and it allows the political parties to bring in an observer. And your question in regards to if a county doesn't have a political party, in those instances, that, that has happened, we could coordinate with a state party to-- they could bring out representatives on behalf of that county to be able to do that. And that would be the kind of compromise in regards to that situation that you brought forward. The other thing is, is that, you know, as, as talking with the senator, I thought it was a great idea to have the county certify to our office that they actually did do the testing. And so it would be just a form that we would have the counties fill out after their testing to make sure that they did it, we have that on record, and happy to put it on our website for people to look at so they know that this testing that's in statute actually has been done. So I'm supportive of these efforts and I'm going to talk-- I'm going to stop there because you're going to be hearing a lot more from me later on today, so.

SANDERS: Let me check to see if there are any more [SIC] questions from the committee. Senator Guereca.

GUERECA: Yeah, I think just the, the, the, the one thing I just want to make sure that in the instance where there isn't a county central committee, so is there a mechanism for the election commissioner to allow someone coordinating with the state party to come and observe?

WAYNE BENA: Yes.

GUERECA: OK.

WAYNE BENA: That, that would be the compromise in that situation, because we're never not going to know in any given situation. If we want to put that explicitly, happy, happy to, to, to, to take that into consideration, ultimately, with the senator--

GUERECA: Yeah. OK.

WAYNE BENA: --on, on that. But that's what we would do now if a, a counting observer wanted to observe if there wasn't a, a county party with the, with the state party in regards to that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

GUERECA: OK. Yeah, that's, that's just my-- the [INAUDIBLE], especially states, county central committee, just want to make sure that if there isn't a, a, a central-- a, a formal central committee that [INAUDIBLE] a state party or a designee.

WAYNE BENA: And, actually, one other thing I, I would like to mention in regards to this, the only difference-- there is a difference between who can watch this testing and who watches counting. In counting of the ballots, they do not allow a person associated or a, or a candidate that's on the ballot. In this case, since these are test ballots and not live ballots, if a county party wanted to allow a candidate to watch the process, they would be allowed to do so.

GUERECA: Gotcha. Thank you, sir.

SANDERS: Are there any other questions from the committee? See none.

WAYNE BENA: Thank you.

SANDERS: Thank you, Mr. Bena. Are there any proponents? Please come forward. Welcome.

DAVID CYGAN: Welcome. Good afternoon, Madam Chairman, members of the committee. My name is David Cygan, D-a-v-i-d, last name is spelled C-y-g-a-n. And during the last election I was given the opportunity to be an observer at the Lancaster County tabulation center on behalf of the Republican Party. I thought I'd come today to describe briefly my experience with that. It was myself and two other observers. There was a, a representative there from the Democratic Party and a representative from the Marijuana Party. And, and get this, we were also joined by two individuals from Central America, one individual from, I believe she was from Mexico City, the other was from Chile, who were also there involved observing the process as part of a nationwide effort to observe elections across the country. It was kind of unique. My experience, Commissioner Wiltgen could not have been nicer. Very nice guy to deal with, very accommodating with us. We sat behind a glass wall and watched five to six tabulation machines operate. If you're not familiar with the tabulation machine, it looks like a giant high-speed copier with a collator, and it makes a sound like a galloping horse: "cadunca", "cadunca", "cadunca", "cadunca". We listened to that for 6 hours. So, obviously, we had a little bit of a chance to talk amongst ourselves. It was myself again, a member from the Democratic Party, and a member from the Marijuana Party, plus the two observers. Part of the conversation sort of went to what could be

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

done to sort of improve this process, making it a little bit more meaningful, making it a bit more transparent for our respective parties. And one of the questions that came up was, how do we know that these machines, which look like giant copiers, how do we know that they're accurate? And our response is, well, they're, they're tested and they're tested three times. And so I don't know if it was the woman from Mexico or if it was the gentleman from Chile goes, and what were the results? And it just sort of hung there. So we didn't have an answer. I think-- I see my yellow light is on. I see that-- I think this LB659 would be-- go a long way to ensuring, sort of, the transparency and confidence in the system. It gives us, as observers, the opportunity to go back and report to our parties that the testing was done, the testing was done in compliance with the statute, and that the results are going to be posted. I'll take any questions.

SANDERS: Thank you very much for your testimony. Cygan?

DAVID CYGAN: Cygan. Yes, ma'am.

SANDERS: Cygan. Thank you very much. And we'll see if there are any questions from the committee. Senator Lonowski.

LONOWSKI: Thank you, Chair. Thank you, Mr. Cygan, for taking our questions and for testifying. The process that you used during this last election, how-- is that what you've been using for several years or--

DAVID CYGAN: The process of observing it?

LONOWSKI: Well, as far as-- yeah, the way you observed it and the way you counted, was it-- have we been doing that for several years?

DAVID CYGAN: Well, I'm, I'm just the observer, so I'm not actually involved in the actual counting. So-- and this was my first time participating in the process.

LONOWSKI: OK.

DAVID CYGAN: So I, I can't tell you if it's been done that way for, for several years. But I had the opportunity to speak with some of the other observers who had done this before. And then, yes, this was the way it's gone on, basically, historically.

LONOWSKI: OK. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

DAVID CYGAN: And as, as it was mentioned, you know, some of the, some of the commissioners follow the letter to the law, the law to the letter, and some of them permit observation. I think this would just give us a little bit more consistency. We did not have that opportunity here in Lancaster County.

LONOWSKI: Thank you very much.

SANDERS: Any other questions for Mr. Cygan? See none. Thank you very much for your--

DAVID CYGAN: Thank you.

SANDERS: --testimony. Any other proponents? Welcome.

GAVIN GEIS: Chairwoman Sanders, members of the Government Committee, my name is Gavin Geis. That is spelled Gavin Geis. I'm the Executive Director for Common Cause Nebraska. I will be brief. Common Cause is definitely in support of LB659. For all of the reasons stated before, we think it would improve transparency. We think that it would just be an overall good process to involve more people in the testing. The one thing that I wanted to come and, and mention today, and what I've handed out to you, are a list of states that allow the public to attend these testing processes. There are 35 states that allow for the public to also. Anybody, any member of the public to come and watch the testing. We think that that should be added to this bill. Frankly, we think there should be access to the public and public notice of when this is going to happen should be added to the bill. We think that's important, not only because it will improve people's trust in the system, right, that's one of the goals of this bill is to improve trust. But what we've seen is that people who are unsure, wary of our elections right now, they need to see it for themselves. They need to understand and watch the system for themselves. Simply seeing a test afterward is not going to be enough. So bringing them into it is the best thing we can do. It's not me. I was worried that was me. The second thing I'll say is, just bringing more people into this will ensure that the most eyes are on it, and will help catch things that maybe the people who are trained in this doing it day in, day out, don't see. So we fully support LB659. We would just add the public to it and not take it out of the realm of the insiders, right? Political parties, people in the elections process, they're the insiders and, unfortunately, they're not trusted by the people who are doubting our elections right now. We need to bring those people in so they can see

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

it for their own eyes and, and develop their own trust. That, that is all I have. Thank you very much for the time to voice our support.

SANDERS: Thank you for your speedy testimony, Mr. Geis. Appreciate it. Are there any questions? See none. Thank you.

GAVIN GEIS: Thank you.

SANDERS: Any other proponents on LB659? Welcome.

CONNIE REINKE: Welcome. I'm sorry.

SANDERS: Cell phone's off?

CONNIE REINKE: Hi. My name is Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. I'm a proponent of this bill. The hundreds of thousands of Nebraskans that voted for Trump talked about one-day voting and wanted our elections corrected. In Florida, Chris Jurski has been tracking registrations coming in and going out of the state of Florida daily in the 2024 election, and has found a half a million votes with no confirmed identification. Doctor Frank has shown 1,000 voters put on and taken off in Cass and other Nebraska counties. The problem is in the statewide-connected Nebraska voter registration database and the fake mail-in ballots printed and delivered to our election offices. These voter records did not show state ID numbers or in their state, the last four of the Social Security numbers. This mainly occurred in two of the Florida count-- counties. The point of determining a valid vote in Nebraska begins two Fridays before the election. When the election workers start verifying if ballots are valid and signatures closely match. Counting doesn't occur until Election Day and 4 days after. This year, we were ready to watch this process, but we were denied by most election officials. Yet, in Florida, a half a million IDs were unverified. The harm caused by these inaccuracies, I and many experts believe, caused down ballot races in error and wrong individuals to be elected, causing wrong policies to be enacted. A major part of our elections are Internet or cellularly connected. And you can look at my flow-- flowchart. Trump recently fired the illegal disinformation board under the Department of Homeland Security, along with 130 CIS Internet security-related employees. You can look at our graph and see the use of Knowink, BPro, and Total Vote connected to the Internet, as well as barcode scanners that check in ballots. Chairman Sanders, you heard Shawn Smith describe this 3 years ago. Please bring LB228, LB230, and Halloran's LB193 out of committee and get our elections corrected. On the following page I have-- everything

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

above this dotted line is connected to the Internet, including the voter registration database. And that's where the major concern is. The tabulators--

SANDERS: Please finish.

CONNIE REINKE: OK. The tabulators is what we talk about the most, but it's those Internet-connected parts, and you can see there's many of those in our state. Through research, we have, we have seen in other states the voter registration database, the intrusions into that should not be happening, but they are as evidenced in the-- in, in Florida. So I hope you'll take a look at this as well as the FBI, CIA, and Department of Defense, their stance on elections was we have seen no evidence of election fraud. And that's been a, a very big problem why people haven't understood what's going on across the country.

SANDERS: Thank you for your testimony, Ms. Reinke.

CONNIE REINKE: Sure.

SANDERS: I wanted to go back to the three bills that you asked to get out of committee.

CONNIE REINKE: Sure.

SANDERS: LB230, LB193, and--

CONNIE REINKE: And LB228.

SANDERS: --LB228. And just for your reference, those no longer exist. Those are no longer in committee to come out of committee. We start all over again. So--

CONNIE REINKE: OK.

SANDERS: --something to think about.

CONNIE REINKE: With the statements that, that Trump, as he's gone into office, have been that he's going to be looking at one-day voting. That eliminates a lot of the mail-in ballots. It eliminates a lot of the problems. And I'd like to see our state take the lead and do that because he'll be handling things on the, on the national level. But we need to take care of things at the state level.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

SANDERS: Let's check to see if there's any questions from the committee. I see none. Thank you for your testimony.

CONNIE REINKE: You're welcome.

SANDERS: Are there any other proponents on LB659? Any opponents on LB659? Any in the neutral on LB659? Then that takes us to our closing, Senator Andersen. While you're coming up, the position comments for the hearing record is proponents, 28; opponents, 8; and 1 in the neutral. Welcome back.

ANDERSEN: Thank you. Thank you, Chairwoman Sanders and fellow members of the, of the committee. I want to thank the testifiers for being here today. I truly appreciate their time. LB659 is legislation that aims to strengthen the certification and oversight of Nebraska's vote counting devices. The goal is to increase transparency and to ensure public confidence in our election process. LB659 strengthens election security and transparency by requiring the three independent tests of the vote counting devices before ballot processing begins. These tests must be observed by three key officials, and the results will be posted on the Secretary of State's website. LB659 is a necessary measure to reinforce to the voting public that Nebraska's election process is accurate and secure. This is an integrity and transparency issue. I look forward to working with this committee and respectfully urge you to advance this bill out of committee so that the entire legislator-- Legislature may consider it for adoption. I thank you for your time, and I'll answer any final questions.

SANDERS: Are there any questions for Senator Andersen? See, see none. Thank you for your testimony. This closes our hearing on--

ANDERSEN: Thank you.

SANDERS: --LB659. We'll now move to LB604. Senator Storm, if you'd like to come forward.

STORM: All right.

SANDERS: Good afternoon. Welcome.

STORM: Thank you. All right. Good afternoon, Chairwoman Sanders and members of the Government, Military and Veterans Affairs Committee. I'm Senator Jared Storm, J-a-r-e-d S-t-o-r-m. I represent District 23: Colfax, Saunders, and most of Butler County. I'm here today to present LB604, the bill which intends to promote greater access for Nebraskans

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

in the initiative and referendum process. Nebraska is one of only 26 states that allow for some form of direct democracy for voters, through either the initiative or referendum process. The Nebraska Constitution lays the foundation for the initiatives and referendums, and specific procedures are outlined in the Nebraska statute. LB604 seeks to amend Nebraska statutes regarding Nebraska residents' option to make a legal challenge to initiative or referendum petition. From the outset, I want to be clear that these proposed reforms encompass challenges both to the measures a resident feels may be placed on the ballot by the Secretary of State's improperly-- as well as when a resident feels the Secretary of State has improperly denied a measure from the ballot. This is not a partisan issue, nor response to any specific legal challenges to any particular measure. Rather, it attempts to give all Nebraskans greater access to the courts, as well as to allow the courts more time to hear, reflect, and rule on legal challenges brought before them. Furthermore, LB604 does not amend the procedures for challenging the validity of signatures collected during the petition process. Fundamental-- fundamentally, this legislation seeks to provide more time for legal sufficiency challenges by removing compressed time frames imposed by the current process. The last several elections have highlighted the challenges presented by the current system. In the 7 elections between 2020-- or 2000 and 2012, 3 had no citizen-initiated petitions, with a total of 10 petitions among the other 4 elections. In contrast, in the 6 most recent elections, a total of 15 citizen-initiated matters were on the ballot, with at least 1 each time and 6 alone in 2024. That count does not include several measures that were not permitted on the ballot by the courts due to legal insufficiency. How does the increase in the number of citizen-initiated petitions created create the need for LB604? While statute dictates that petition signatures must be turned into the Secretary of State at least 4 months prior to the election, a greater number of petitions create more workload for counties to verify signatures, delays the time Secretary places a measure on the ballot, and compresses the time frame available for courts to resolve challenges about the legal sufficiency of a ballot measure. From a Nebraskan-- for a Nebraskan to challenge a decision by the Secretary of State and the current system, they may only have days to hire a legal counsel, develop their case, and file with the court. Similarly, the court may have only days to schedule, hear, research, and rule on matters before they are placed in the ballot. LB604 rectifies this barrier for voter engagement by creating a process that provides months, not days, for Nebraskans in the courts to weigh in on legal sufficiency of ballot petitions. Here is what the bill does, and I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

have this sheet here if you want to look at that. I did a flowchart because to understand what-- it gets kind of complicated. First, the bill requires publication of a petition on the Secretary of State's website when a sample copy of the petition is received. This is currently done, but as a courtesy, not as a requirement. This establishes the timelines detailed in further sections of the bill. Next, LB604 requires the Secretary of State to announce a refusal to place a measure on the ballot due to legal insufficiency, other than due to insufficient signatures at the time the petition is published on the Secretary of State's website. This change allows time for citizens to challenge the Secretary of State's refusal to allow a measure on the ballot due to legal insufficiencies, before the expense of signature collection has been incurred, and with adequate time for courts to consider the legal sufficiency arguments. This section also requires the Secretary of State a reason for the refusal to place items on the ballot. The Secretary of State waives, the Secretary of State waives a defense, any reason not stated at the time of the refusal. In the event a court finds a measure legally insufficient after the ballot is certified or printed, it is legally removed, even if physical-- even if physically unable to be removed from the ballot. This codifies current case law on the subject. Any legal challenge to the proposed ballot initiative on the grounds of legal insufficiency must be commenced within 60 days after the publication of petition language on the Secretary of State's website. Furthermore, the legislation allows Nebraskans to challenge an item the Secretary of State has allowed on the ballot, with ample time to engage legal counsel and prepare their case. Because LB604 requires the Secretary of State to declare a legal-- an issue legally insufficient at the time of publication on their website, this avoids the compression of time under current statute to legally challenge a ballot petition. Currently, Nebraskans may have only days between when the Secretary of State announces a measure has qualified for the ballot, and before the ballot is certified to initiate a legal challenge. Of equal importance, this change allows an adequate window for the courts to resolve the legal questions. The final changes to the bill outline the role of the courts, facilitating the ability to challenge a ballot measure. First, LB604 encourages the Supreme Court to hear legal sufficiency challenges directly. Second, the bill allows a resident to raise the issue of substant-- substantive facial insufficiency of measure prior to the enactment. Under the, under the doctrine of rightness, the Supreme Court will not decide whether an initiative or referendum petition is legally valid under federal law or the Nebraska Constitution until after the measure has been voted on. This section

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

conserves government and citizen resources by allowing the courts to keep measures with blatant facial issues, such constitutionality from proceeding forward, and certification into the ballot. This allows the question to be raised of whether the Secretary of State is violating the law by placing an unconstitutional measure on the ballot, or alternately preventing a constitutional measure from being presented to the voters. Finally, the late-- language clarifies the challenges brought against the measure that was passed via initiative pursuant to some other legitimate means are not subject to this section's timeline and process merely because the law they are challenging was passed via initiative. It would appear that the trend towards more citizen initiatives and referendums will continue in Nebraska. Given the time, effort, and expense undertaken by Nebraskans to place items on the ballot, it is only common sense that we would increase access to Nebraskans to the court process, as well as facilitate the best possible time frame for judicial process to resolve. Experts with practical experience in these matters will follow and can provide more insight into the process. I ask for the committee's support and I'm happy to answer any questions you may have.

SANDERS: Thank you, Senator Storm. Check from the--

STORM: Yep.

SANDERS: --committee, see if there are any questions?

HUNT: Excuse me.

SANDERS: Senator Hunt.

HUNT: Thank you, Madam Chair. One question I have about the bill is-- let me see-- on page 4(5), so, like, at the very bottom of the page, how it talks about the bill giving the ability for: any resident asserting the legal insufficiency of an initiative referendum petition to bring suit. My reading of this, it, it would allow them to bring a suit before the signatures are collected. Is that your intention?

STORM: You know, I think that if there's an issue out there that, that needs to be addressed, they can look at that, and this gives them legal time to do it. But following me is going to be somebody that's way more qualified on this to testify.

HUNT: OK. Well, one thing I'll raise then during this time--

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

STORM: I do know that in the comments, that was one of the issues that was brought up, this section, so.

HUNT: Sure. So I'll bring up at this time that's a concern for me. And then also another problematic thing about this provision is it allows someone who brings a suit before signatures are collected to bring one after again, so it doesn't bar them for bringing another suit later on. Just something to think about.

STORM: Yeah, I would think it's, it's this goes in front of the Supreme Court, and if they rule on, on one issue, they're not going to allow it to continue to come back again and again. So I would, would assume that if someone has an issue with a suit, it gives, it gives adequate time for the Supreme Court to look at this. And if they have an issue with that and they rule on that, they're not going to let the, the party bring that back again. But like I said, there's another testifier that's way more qualified that probably will be going into deep dive this, but I'm also open to, if we have to, amendments on this to get this across the finish line, so.

HUNT: Thank you.

STORM: Yeah.

SANDERS: Thank you. Any-- Senator Andersen.

ANDERSEN: Thank you, Chairwoman. And thank you, Senator, for being here. And in looking at the, the bill, it kind of looks like it's really just extenuating the time-- extending the timeline to provide sufficient amount of time for the different actions required, as you have on the left side of here. You know, only 10 days for filing for legal challenges,--

STORM: Yeah.

ANDERSEN: --hardly enough time. I know smart lawyers are very smart and they work quickly like Senator Cavanaugh here, but 10 days is not much time.

STORM: Yeah. Yeah. Thank you for the question. That's-- the, the real crux of this, is to give everybody more time. And like I said, we had ballot initiatives several in the last election, and there's legal challenges to several of them. And it's very little time to work for the Supreme Court to understand what's going on or for the, the, the different parties that are bringing the case to-- or to, to defend it,

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

it's just very little time to work on. The Supreme Court is-- would like to have more time to, to understand all this, which is understandable. So that, to me, the easiest way to understand this is this just gives people more time in this process to understand what's-- what, what challenges there are-- legal challenges there are.

ANDERSEN: Correct.

STORM: We have to do something as a state because right now it's pretty compressed, so.

ANDERSEN: OK. Thank you.

STORM: Yeah.

SANDERS: Thank you. Are there any other questions from the committee members? Senator Hunt.

HUNT: Thank you. I'll just raise one more question.

STORM: Yeah.

HUNT: Maybe, maybe it's for someone behind you. But I'm curious about the definition of the term "legally insufficient." That's not defined in the bill or anywhere else in statute. And so I'm wondering if your intention for that phrase is that it means an insufficient number of signatures. What would make something--

STORM: The way I--

HUNT: --legally insufficient?

STORM: Yeah, the way I read this was it had-- this bill has nothing to do with signatures. It's other insufficiencies that would come with the, with the, with the petition. And that would be a good question for a lawyer behind me.

HUNT: Insufficiencies that would come with the petition.

STORM: Yeah, not with the signatures--

HUNT: OK.

STORM: --is way I understand that, but I'm-- said we-- not a lawyer, so.

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

HUNT: Thank you.

SANDERS: Thank you. Any other questions from the committee? Thank you for your testimony. We'll now listen to the experts.

STORM: There you go. Thank you.

SANDERS: Thank you very much. Good afternoon and welcome.

ANDREW La GRONE: Chairwoman Sanders and members of the committee, my name is Andrew La Grone, A-n-d-r-e-w, La Grone, L-a G-r-o-n-e. Just testifying on my own behalf today. Really, as Senator Storm put it, this bill is about time. Currently, during this process, you can end up with an incredibly compressed time frame to file these suits to have them adjudicated. And that's not good for anyone. When we're talking about days and weeks, generally, lawsuits can take months and years. So, obviously, compressing it in that manner is problematic. And a lot of times what we've seen in, in recent history is that courts have to legally remove something from the ballot when they can no longer actually remove something from the ballot, which leads to citizens having to vote on something that, that isn't actually being voted on. And so for the sake of clarity and for the sake of, of timeliness and, and simply efficiency, that's really what the goal of this is. Senator Hunt, to answer two of your questions-- and, actually, I'm blanking on the second one now, so remind me of that. But, yes, it would allow for challenges to be brought before the signatures were collected. That's the concept of the bill. Essentially, what it does is it moves up non-signature-related challenges to the front end so that those can be adjudicated before the signature collection period. The reason it does that is because if you wait until the signatures are collected, that's when you end up with that time crunch. I will say it does nothing in terms of preventing signature collection. Let's say, for example, under the bill, the Secretary said they weren't going to put something on the ballot. The bill still has them post that it's in circulation. So if you are someone who's circulating that measure, you can still circulate and get the signatures that would then be submitted for the constitutional requirements for that signature provision. And pardon me, I'm blanking on the second question you asked. And if you are too, that's fine. But, yes, that's-- I'd leave it at that, be happy to answer any questions.

SANDERS: Thank you. We'll check to see if there are any other questions from the committee. Senator Hunt.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

HUNT: Thank you, Madam Chair. It was about the definition of legally insufficient.

ANDREW La GRONE: So legal insufficiency can refer to any issue with a given ballot initiative. And it's this-- what it does, it sets up the process for all of those challenges. Now this, obviously, as the bill says, wouldn't affect signature-based legal insufficiencies. And so it's dealing with everything other than those. But the term legal insufficiency is one that refers to any legal issue that would prevent a ballot measure from being constitutionally valid.

HUNT: OK. Thanks.

SANDERS: Are there any other questions? Senator Guereca.

GUERECA: Doesn't the Secretary of State already have that power? If I remember correctly, this last go around, the, the Secretary was going to rule that the voucher bill was unconsti-- the voucher petition was unconstitutional, but ended up not because it was already going to go before the Supreme Court.

ANDREW La GRONE: That's correct. This doesn't substantively seek to do anything really new. What it does is it alters the timeline that those happen under. And the reason that timeline would need to be altered is for the judicial doctrines of rightness. And so it moves that up. So you have more time to deal with those issues rather than compressing them until waiting until the signatures are collected. And, really, what you're looking at is with the increase of ballot measures, you have a lot more signatures the Secretary of State has to verify. And by the time that the county election officials are able to go through those and figure out what is or isn't going to be on the ballot. Under current law, that's when you can bring a challenge. And so, realistically, you're talking about, you know, maybe 2 weeks in a best case scenario for lawsuits that normally take months. There was one in the '90s that took, I think it was, 3 years. So, obviously, 2 weeks is enough time to do that, figure out what's going to be on the ballot. So it seeks to give more time. It's not going to resolve every issue. I think as we've seen with most of the challenges that were brought recently, it's going to resolve the vast majority of them.

GUERECA: Because, I mean, the Supreme Court has been pretty efficient in hearing the cases and already-- and making determinations.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

ANDREW La GRONE: I mean, they, they deal with it as best they can. At the same time, you see a lot of these go directly to the Supreme Court.

GUERECA: Right.

ANDREW La GRONE: That's not the normal process. Ideally, you'd have it work through the trial courts and make it up to the Supreme Court on appeals. They already have a record to go from. So, yes, they've done a good job with what they've had. But a compressed timeline that they're currently dealing with isn't ideal.

GUERECA: OK. Thank you.

SANDERS: Thank you. Any other questions from the committee members? See none. Thank you, Senator La Grone, for being here and your testimony.

ANDREW La GRONE: Thank you.

SANDERS: Thank you. Are there any other proponents on LB604? Proponents? Any opponents on LB6104-- LB604? Good afternoon. Welcome.

JO GILES: Thank you. Good afternoon, Chairperson Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Jo Giles. That's J-o G-i-l-e-s. I'm the Executive Director of the Women's Fund of Omaha. For 35 years, our organization has worked on issues impacting economic security, which are foundational to achieving gender equity. Our organization has been part of coalitions who have engaged in ballot initiative work over the last few election cycles. Our unique Unicameral system, as you all know, allows for the second house to weigh in on policy issues through the ballot initiative process. It is an important and significant power reserve for the people of our state. We would like to ensure that any changes to the current process or timeline would not diminish this power or make it more difficult. We believe that the changes proposed in LB604 would do that, and that is why our organization opposes it. Specifically, the delay for legal challenges at the beginning of the process. Shifting that timeline of when legal challenges occur, would limit the ability of coalitions to begin signature gathering processes upon petition language turn in. Given the significant volume of signature requirements and the county requirement of 38 out of 93 counties, coalition members and particularly grassroots organizations must dedicate considerable time to organizing, to doorknocking, to

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

talking to Nebraskans across our state to gather enough signatures to ideally meet and hopefully exceed those threshold requirements. So a 60-day delay for potential litigation reduces the time needed for grassroots organizations and individuals to do that due diligence so that Nebraskans have the opportunity to vote on issues that impact them. If the priority is truly to protect voter interests, the emphasis should remain on supporting that grassroots engagement rather than prolonging legal disputes. Multiple rounds of lawsuits and appeals only serve to disrupt the process and create additional obstacles for citizen-led initiatives. For these reasons, we respectfully ask the committee not to advance LB604. Thank you.

SANDERS: Thank you for your testimony.

JO GILES: I will try to answer any questions.

SANDERS: OK. Any questions for Jo Giles from the committee? See, see none.

JO GILES: OK. Thank you.

SANDERS: Thank you for your testimony. Are there any other opponents on LB604?

SPIKE EICKHOLT: Good afternoon.

SANDERS: Welcome back.

SPIKE EICKHOLT: Thank you. Good afternoon, Chair Sanders and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska in opposition to LB604. I did visit with Senator Storm earlier this week and explained some of the points, the reason that we're opposed. I understand the intent of the bill is to provide for an opportunity to resolve legal disputes regarding petition referendum the second house initiates. But, ultimately and respectfully, the second house has a right to write the laws and referendum the laws that are passed by the Legislature. Their right should not be accommodated or hindered for convenience of courts or for lawyers. What this bill does, actually, is it contravenes the power of the people to, to be heard, the power of second house. I understand the intent of the bill is to somehow streamline litigation, but it's going to simply invite litigation. The way that this bill would work if it was passed into law is that when somebody gets a petition language and it's certified and published by the Secretary of State, anybody can file a lawsuit then. You can file

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

it in the district court right away. You can request a trial. You can slow walk it at the trial level. You can appeal "interlocutorily" any kind of adverse ruling when you're at the trial level. And, ultimately, you can always appeal to the Supreme Court. What does that do to the campaign of people who are trying to collect signatures? They can't pay for signature collection because they're paying lawyers to fight the lawsuit. And Senator Storm's right, this is not partisan. For instance, you can see the EPIC people getting something on the ballot. There's opposition to what Senator Erdman and the EPIC people were trying to do for years. They could easily fund a litigation strategy to thwart their efforts. After the legal insufficiency argument is made, the same people who sued the first time have an opportunity to sue again after the signatures are collected and certified by the Secretary of State, and they can argue, secondly, admittedly, on the second go around only in the signature argument. But that's a whole nother opportunity to do. With respect to the directing the Supreme Court to have original jurisdiction and essentially telling the courts to make an advisory decision, I understand that's the intent of the Legislature, but respectfully, the courts always have the, the ability to determine whether they have an actual case or controversy before them. In other words, I can see the courts disregarding the statute and say, we're not going to give an advisory opinion about whether this is a single subject thing until you get the signatures that's actually going to be on the ballot. Then we'll consider your legal challenge. So I don't think the bill even does what it's stated to do. And if anything, it's just going to invite a lot of litigation that's going to frustrate the voice of the people, put something on the ballot. I know that's not Senator Storm's intent, but I think that's simply the consequence of it. And for that and other reasons, we are opposed to the bill. I'll answer any questions if anyone has any.

SANDERS: Thank you for your testimony. Are there any questions for Mr. Eickholt? Senator Guereca.

GUERECA: Thank you for being here, for your testimony. So twice in recent history laws have been repealed. Laws the legislator wrote, and have been repealed by, by the people. That was the repeal of the death penalty [INAUDIBLE] and then the school voucher bill this last November.

SPIKE EICKHOLT: That's right.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

GUERECA: So there's-- trying to remember correctly-- from sine die, these campaigns have a certain amount of time to collect signatures. Correct?

SPIKE EICKHOLT: That's right.

GUERECA: So what-- the 60 days, that would be kind of burdensome to not be able to begin those signature collections, right, if we have to wait 60 days to allow for any legal challenges, essentially burning up the entire summer?

SPIKE EICKHOLT: I think so, too. But the way I think the bill works, it doesn't-- and Senator or Mr. La Grone said earlier, the person, the campaign can still technically collect signatures while they're concurrently fighting it in the courts. The point I was trying to make is that the same organization that's funding the death penalty repeal or funding the school choice bill, they're going to be paying, instead of signature collections and having their sort of efforts and time getting their message out to the people to sign these, sign these petitions and have a vote on this issue this fall, they're going to be in court. They're going to be in depositions. They're going to be having trials. They're going to be arguing over interrogatories. They're going to be arguing over production of documents. And I understand that the desire is to somehow not to have that compressed time, but, you know, sometimes democracy is inconvenient, sometimes it's messy. And if the only justification for this is to make it easier for courts to decide these things, I'd respectfully say that's not a valid reason to, to silence the second house.

GUERECA: Thank you.

SANDERS: Senator Hunt.

HUNT: Thank you, Madam Chair. So you're saying if this was the law-- I mean, I can conceive that any time there was any ballot initiative or any referendum effort, the opposition to that would just file a suit.

SPIKE EICKHOLT: You'd have to, you'd be encouraged to do that.

HUNT: Yeah.

SPIKE EICKHOLT: That's exactly right. And because you don't want to waive it, you don't want to waive it later on. And if I, if I see the EPIC thing, right, and I say, you know, that's got more than one

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

subject, that's got, whether we should replace the super EPIC sales tax.

HUNT: But you don't even know what the language is going to be that's actually on the ballot either.

SPIKE EICKHOLT: You will, because the bill requires that it be published by the Supreme Court, and that triggers the 60 days.

HUNT: OK.

SPIKE EICKHOLT: So when I see it, then I can sue. Courts, now won't even hear that kind of claim because they'll say it's advisory, I'm not going to give you-- the court is not going to rule either at trial or appellate level and give an advisory opinion. If you got the signatures and if the Secretary of State certifies this should be on the ballot, this is what we think this means, they won't do that. And I don't think, respectfully, that the Legislature can tell them to do that. I think that's within the court's separate branch of government prerogative to decide actual cases before them. Same thing with the Supreme Court taking-- the Supreme Court determines original jurisdiction themselves. I think that they'll-- for instance, there was a case that Senator or that Attorney General Hilgers filed in the Supreme Court originally. The court said, no, go downstairs to the district court and start there. And that's what they did. So I don't think the Legislature can make them do that. But what I think this does, if it's passed, it allows for lawyers to get into court and have sponsors of petitions, have people who are organizing things, the people's voice tangled up in litigation.

HUNT: OK. Yeah. So I can imagine it just becoming a part of the whole strategy. I mean, I've been involved in a couple ballot initiatives over the last 20 years, and, you know, you're budgeting out marketing and support for volunteers and all these things. And now, you know, legal defense or, like, litigation costs would be a part of that, too. I kind of agree with it. I just think everybody would sue. I would.

SPIKE EICKHOLT: You got nothing to lose.

HUNT: Definitely. Yeah.

SPIKE EICKHOLT: Maybe you might get dinged for attorney's fees, but if you've got the funds to launch the suit, you know, then you're OK.

HUNT: OK. Thank you.

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

SANDERS: Any other questions from the committee? Senator Lonowski.

LONOWSKI: Thank you, Chair. So I want to know, sir-- thank you for testifying-- but I want to know if I see, if I see the petition 60 days earlier, wouldn't I still be inclined to, to do the same lawsuit, to bring the same lawsuit if I think it's bad language? But this is just helping out the courts. I-- I'm struggling to see how it would encourage more lawsuits, unless there's just nefarious people out there that say we want to stop this as soon as we can.

SPIKE EICKHOLT: Right. Right now, a party can't bring a lawsuit until the Secretary of State is going to place the issue on the ballot.

LONOWSKI: Correct.

SPIKE EICKHOLT: And this would allow, at least, a statutory opportunity to get there before that. You know, it may not even be on the ballot because this-- the, the campaign may not even get the requisite number of signatures. They may not get the diversity of county requirement that they have to have, or they may not-- or the Secretary of State may, because they still have the opportunity, may determine the signatures aren't sufficient and not even place it on the ballot themselves. And that's the current state. Now you have to wait until the Secretary of State certifies it. And that's admittedly what Senator Strom--Storm is trying to do. He's trying to somehow prevent those last-minute lawsuits from being launched, because it is litigation compressed. I don't respectfully know how to avoid that. I think what this is going to do is just confound that problem for the reasons I said earlier, is that when the Secretary of State gets language, it's, it's clearly got more than one subject. Right? It's got something about taxation and then something about state park should be free for every citizen. Completely independent things. I'm going to sue right away. I'm going to say, Judge, and if I can't get into the Supreme Court right away, I'm gonna go to the district court or a trial court somewhere. I'm going to argue this is, this is a violation of single subject. I want you to find that it shouldn't even be placed on the ballot, even if they get enough signatures. And I think that you can do that right away. And the other side is going to say, no, it's not, it's not, it's not two subjects, it's only one. And here's why. And you can argue and appeal that stuff. And you can, you can-- if you're-- if I don't want the thing on the ballot and I'm suing or somebody paying me to sue for them, I'm in no hurry to resolve this lawsuit. Right? The longer I keep the proponents of this proposal in court tangled up, the less they're going to be able to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

focus on the messaging, hiring people, getting signatures out there.
So that's what we see.

LONOWSKI: OK. And--

SPIKE EICKHOLT: And there has been a lot of litigation on these things. So it's not-- you can't-- that's exactly why the bill is here, because there's a lot of people suing to keep things off the ballot.

LONOWSKI: I understand that. I guess I'm thinking back to, like, the, the marijuana deal and, and once we voted on it, then there's still a lawsuit saying this may not even be legal or, or be acceptable. And, to me, that seems like a, a, a larger problem. And so I'm just trying to get--

SPIKE EICKHOLT: Right.

LONOWSKI: --get my hands around this. Thank you.

SANDERS: Senator Guereca.

GUERECA: So just trying to wrap my head around the, the slow rolling. So-- and I, I think I'm particularly concerned with the citizens' right to repeal [INAUDIBLE] of the legislator. So let's say I sue in district court, they're slow rolling it, there is a drop that they in August where ballots have to be certified.

SPIKE EICKHOLT: Right.

GUERECA: Right. Under kind of how it exists now, the Supreme Court takes it upon themselves and is deliberate on making a determination before that point. Does the, does the district court, do they have to rule on something before that, that deadline?

SPIKE EICKHOLT: Well, they should, but they always don't, and Mr. La Grone mentioned that. And sometimes you'll have, you'll have that scenario where the court will rule and argue this should not be on the ballot. But as a practical matter, the ballots have been printed and they're already out, and some people may have already early voted for them. You had that-- I think if I remember the time, though, right, you had that on the medical marijuana question where in October, I think, of 2020, our Supreme Court said it shouldn't be on the ballot. But I think as a practical matter it was already, maybe years-- maybe I don't remember so I shouldn't speculate, but I think that's when it was. And that's what Mr. La Grone talked about. And that's an argument

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

maybe for something like this, because then what you've got is you've got people voting on something. They think that they're doing something. But a court has already determined that it's not going to have any legal consequence, even though they are technically exercising their right to vote for or against something.

GUERECA: So let's say we pass something making the state color blue and the citizens say, well, I don't know. I like red. They can, you know, start collecting signatures, right?

SPIKE EICKHOLT: Right.

GUERECA: Those signatures can be collected. But if the court doesn't resolve the matter by that federally mandated deadline, what happens then?

SPIKE EICKHOLT: As far as whether that question will be on the ballot, you mean?

GUERECA: Well, obviously, it won't be on the ballot because it wasn't-- the, the ballot-- the, the signatures weren't counted and it wasn't certified by the Secretary of State before that federally mandated deadline.

SPIKE EICKHOLT: Yeah, I see what you're saying, that you could somehow intervene between the 90 days or whatever they got to get that submitted. And that could be-- I mean, that could be something that this law-- this bill provides for. It could have that. I haven't thought that point through exactly, but.

GUERECA: OK.

SPIKE EICKHOLT: That's right.

GUERECA: All right. Thanks.

SANDERS: Any other questions? See none. Thank you for your testimony. Are there any other opponents on LB604? Any in the neutral? Oh, opponent? Please come forward. Good afternoon.

SHIRLEY NIEMEYER: Good afternoon. Hello, Honorable Senators. I'm Shirley Niemeyer, S-h-i-r-l-e-y N-e-i-m-e-y-e-r, and I oppose LB604. Because we have a one-house Legislature, we need the second house, the people, and we need to have the opportunity to speak with petitions and other ways. I think-- is it possible perhaps putting a deadline

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

when the lawsuits could be filed right, right after collection, maybe they have to be filed right away, and then not at the last minute? And I'm not familiar with your timeline, but I think maybe upping that a little bit might help. I think the bill opens the door to preemptive legal challenges to initiative topic and content, rather than the procedural concerns and signature validity. I think the system was debating the legal issues before the people have gotten an opportunity to, to sign petitions or move forward with the petitions. I think one of the things that's possible is if you know a petition is coming out and part of the legal system, you know it's coming out. You don't know whether they're going to have enough signatures or not, but why not start right away and you say, well, your work may not be fruitful because it may not get enough signatures, but why not review it ahead of time before the signatures are ever collected as, as a legal, as a lawyer or as a legal system so you know ahead of time so your ruling begins to be formatted? You understand it more. And, yes, sometimes it won't be passed and you don't have it, but you worked on it for the people. And I think that's important. Oh, already. OK. And I think it's OK to vote on items that have been taken off. I'm OK with that as long I know afterwards or before, oh, that wasn't legal. That was taken off. That's OK with me. You know, I don't care. I cared about the issue, I voted, but it's been taken off. If I didn't know it, let me know later. That's all. Thank you very much.

SANDERS: Thank you for your testimony, Ms. Niemeyer. See if there's any questions from the committee? See none. Thank you very much.

SHIRLEY NIEMEYER: You're welcome.

SANDERS: Are there any opponents? Welcome.

KEN SMITH: Good afternoon, Chairperson Sanders, members of the committee. My name is Ken Smith, K-e-n S-m-i-t-h. I'm the Director of the Economic Justice Program at Nebraska Appleseed. And just-- I'm just going to make a very quick statement in opposition to LB604 that focuses on one point that I think has been alluded to, but I just want to make sure we zero in on, which is to this point, if you're going to raise a preelection challenge to an initiative through that legal sufficiency kind of clause in the initiative statutes, it, it is limited to a procedural challenge, and purposefully so. The courts have said that they're not going to rule on substantive challenges because doing so would be premature. The issues are not ripe because the proposal very simply is not-- has not been enacted. It is not the law. And so the issue-- the court, if ruling on a substantive issue

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

preelection, would be issuing an advisory opinion, basically a ruling that's contingent on some future event that may or may not happen. In this context, that's-- people might approve the measure and they may not. And so, just as a matter of course, the Supreme Court of Nebraska has said we're not going to rule on sub-- substantive issues preelection. We will rule on any manner of procedural issue preelection. But substantive issues simply are not ripe, and that's the court's prerogative. I think there's a lot of good reasons that courts decide that things are not ripe for their review. And our-- on our reading of LB604 is it would kind of interfere with, with that, as a previous testifier said. I'm not sure the courts would. I'm not sure how they would react. They may, they may refrain from ruling on it anyway. But I just want to make sure it's clear that what this bill is doing is opening the door to substantive legal challenges preelection, which is something that currently is not, is not done. With that, I'd, I'd be happy to answer any questions.

SANDERS: Thank you, Mr. Smith. See if there's any questions from the committee? See none. Thank you for your testimony.

KEN SMITH: Thank you.

SANDERS: Any other opponents on LB604? Any neutral testimony on LB604? Welcome back.

WAYNE BENA: Good afternoon. Two of four. Again, for the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a, Deputy Secretary of State for Elections, here on behalf of Secretary of State Bob Evnen, and testifying in a neutral capacity in regards to LB604. Secretary Evnen shares many of the concerns that are brought today in regards to the compressed timeline regarding legal sufficiency. We've had a lot of complaints and have been involved in many lawsuits over the last 4 years in regards to this, and we have worked to look to ways that we can make this process better. Ultimately, my first responsibility is to give the clerks enough time to process the signatures, and we're going to have some more substantive conversations about that in the next two bills, how we can go about doing that. In our look at this process after this last election, we looked at things of this nature, what we could do at the beginning. And the good news is, when looking at this bill, we do publish all this on the website. If they want to mandate this, fantastic, we'll put it on the website. The other things in regards to the pre-signature verification review have some pitfalls that we'd like to discuss. I passed out to you two Attorney General's Opinions, one from 1999 and one from 2000, that touch upon these two

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

issues right at the heart. This is not the first time that this has been brought up. It was brought up there in '99 and 2000, in 2021 after the marijuana initiatives were removed from the ballot by the Supreme Court, similar legislation was brought forward. As you've heard from other testifiers, the, the sticky wicket in all of this is what is preelection review allowable? Is there a case in controversy? Is the court going to be allowed to do this? And what we've determined in looking at these Attorney General's Opinions in case law, it would probably take a, a constitutional amendment to be able to do something like this. We did not have enough time to get all of that synthesized and try to find something that we could introduce this session. However, we provided, and which we will talk about next, a, a different alternative in regards to the deadline for initiatives, petitions, that we'll talk about later that will help in regards to the signature verification, but also allow for plenty of time for these lawsuits to be able to occur. Outside of the constitutional issues, there is some unintentional practical issues in regards to the timelines in regards to the Secretary of State's review of this. In regards to the process of how initiative petition begins-- after the language of an initiative petition is given to our office, we give it to the Office of the Revisors, and they have X amount of days to provide language-- their review of this. Based upon that review, then they provide our office final language. And when we get final language, we have 5 business days to prepare sample petitions to give back to the sponsors of the petition. At that point, once we give sample petitions, at any given point, at that point, they can turn them right back as soon as we give it the to them, turn in the samples and they're circulated. So under this bill, at that point, when they have turned in those samples, I have to put it on the website and start all the clocks for the lawsuits. That gives the Secretary of State's Office, at best, 5 business days to determine legal sufficiency of a, a initiative petition. And that's just of one. As you can remember, casinos were three at the same time, marijuana has been two at the same time, and there-- doesn't mean that multiple petitions can come in at the same time. So what you're trying to save in the court's time at the end, you're asking for a decision from our office in 5 days, and we believe that to be very difficult internally. And in doing so, we may have to hire outside counsel to be able to help us in that effort. And that's why you see a fiscal note, so. We share-- there is, there is problems with the current initiative process and we think they need to be solved, whether it be LB604 or the constitutional amendment we're about to talk about next, ultimately, from our office's standpoint, we're trying to make sure

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

the clerks have enough time to do this. But we also see that people should have the right to be able to sue, not sue, as, as they see fit. In marijuana in 2020 and the casinos in 2020, we got a-- we had a ruling from the Supreme Court on the day I certified, so I had to read the rulings, get everyone in my office to draw the numbers, and then be able to certify that ballot that day and-- or it was the day before. And it was actually-- this year, it was the day of certification that we found out that we could certify the ballot. So it's come right up against deadlines and it's kind of too close for comfort. So we share that concern. But there's-- there are some pitfalls with this. And even with the CA coming forward that we'd like to flush out to how to make this process better, because I don't think we're going to see initiatives go away. It's only been increasing. So thank you and welcome to take any questions.

SANDERS: Thank you, Mr. Bena. I'll see if any questions? No. Thank you very much for your testimony. Any other in the neutral? See none. We'll go ahead and call Senator Storm back up. In the meantime, position comments for hearing record: proponents, 1; opponents, 68; in the neutral, zero.

STORM: All right. All right. Thank you. I tried to take notes as we talked about this. The first thing I want to talk about is signatures can be gathered throughout this whole process. So just because someone starts-- stops-- starts a court case against this, you can still collect all the signatures you want. It has nothing to do with signatures so I wanted to throw that out there. And then I would, I would say, you know, we can all understand this, as a legislative body, our process is when we go through to look-- see if a bill is going to be appropriate, be accurate, you know, we have a process, committee hearings, floor debate. We have a period of time to really look at this. On ballot initiatives, it's the courts. That's it. The courts are the ones that are going to look to see if this ballot initiative is good or not. And that's how we-- that's the process we have to use is the courts. So we need more time. Everybody needs more time. And I would say if, if your ballot measure is, is solid and constitutional, no worries. If you do it right, nothing to worry about. If you don't have a good ballot measure and you have some issues, then, yeah, you're going to have-- people are going to challenge that. And as we're seeing, we have more and more petitions out there and ballot initiatives coming on the horizon. And I would say most of them are always going to be challenged in the court. We, we know that, what confirmed, especially the really contentious issues, they're going to be challenged. So do we want to have more

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

time to challenge that, 60 days, and really look and see what-- and give the courts time to look through that or do we want it compressed in 10 days, like the Secretary of State said? And he's having to decide the day to put it on the ballot whether or not, they don't have time. And so I appreciate the Secretary of State coming here testifying in neutral. So he, he recognizes that there's a-- this is an issue. Everybody does. We all know this is an issue. Something has to be done. And I, I would say let's amend this bill, LB604 is a good bill. We had quite a bit of support from the left and from the right. At the end, we had quite a few opponents come out because the ACLU, ACLU opposed it and had people write letters that truly didn't even know what the bill meant. They just wrote letters to oppose it. That's why you have 60 people against it, couple proponents. They don't understand the bill. And I think it was kind of interesting to hear the ACLU up here, testifying that people shouldn't be able to use the court. They don't-- you know, the ACLU is always for people wanting to use the court, except in this case, they're not for it. So also I would say that-- let's see what else I wrote here. I was writing quite a bit of stuff. I, I would encourage the Secretary of State to work with us to do amendments. I would encourage Senator Hunt and Guereca, if you have issues with this, let's see some amendments. I would rather get the ball rolling and give it-- help, help this process out than have nothing come out of this legislative session. And we'd be more than happy to sit down with the Secretary of State and say we will work with you on this. We will work with you on that. Let's get something out of committee onto the floor, debate it, try to help them out with the timeline, so. Is there any questions from anybody? I guess not.

SANDERS: Check to see if there's any questions from the committee?
Senator Lonowski.

LONOWSKI: Thank you, Chair. Senator Storm, and I should have asked this to, to the Secretary of State, do you know of other states that have expanded their time?

STORM: I don't. I can-- we can look into that, we can find out.

LONOWSKI: OK. Yeah, if you get back to me, I appreciate it.

STORM: We'll, we'll see on that. I do know-- like I said earlier, there's only, I think, 26 states that allow ballot initiatives. And I'm not against ballot initiatives. That's the, that's the-- you know, we're democracy in this, in this state as far as the people should

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

have the right to. If we can't get our act together as a Unicameral, and a lot of times we can't, there has to be another, there has to be another avenue. But we have to have some guardrails on that as far as they have to be-- legally, they have to be, you know, brought in the right fashion. And if there's any insufficiencies, you know, we have to--

LONOWSKI: OK. Thank you.

STORM: --we have to have a way to do that, so.

SANDERS: Are there any other questions for Senator Storm? See none. Thank you very much for your closing. This now closes the hearing on LB604.

ANDERSEN: So we'll now move on to LR23CA. Chairwoman, welcome to the committee.

SANDERS: Thank you, Vice Chair Andersen, members of the committee. My name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s, and I'm here to introduce LR23CA, a proposed constitutional amendment. And I'm introducing this at the request of the Nebraska State Secretary of State. In 2024 general election, there was a number of ballot questions posed to the Nebraska voters. If you recall, the run-up to the general election involved a number of high-profile lawsuits. Those lawsuits were about legal challenges made to the, made to the content of the ballot questions, and to the validity of the petition signatures. The short timeline of the initiative and referendum process made it difficult for the Secretary of State and the courts to evaluate these legal concerns before the general election. This proposed constitutional amendment is a-- one idea of how to settle more of these issues before Nebraska voters receive their ballots and cast their votes. I think the Secretary of State is trying to determine what sort of process changes would uphold the will of the voters, and also make sure the people are following the rules. If some version of this LR is approved by the Legislature, it would still have to be approved by the voters next year on the 2026 general election ballot. Deputy Secretary of State Wayne Bena will follow me to discuss and answer any questions that you might have. Thank you.

ANDERSEN: Thank you, Chairwoman. Are there any questions? You'll be staying for closing?

SANDERS: Right there.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

ANDERSEN: Thank you. Mr. Bena.

WAYNE BENA: Thank you, Mr. Vice Chairman, members of the committee. Again, for the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a. I serve as Deputy Secretary of State for Elections, here on behalf of Secretary of State Bob Evnen, in support of LR23CA. As you're going to see, this is petition day in the Legislature. This is our good faith attempt to help our county election officials get the work done. And it has some benefits as well for sponsors and/or residents, residents and, and campaigns. I first want to say what this bill doesn't do. It does not touch the referendum process at all. I was-- come to my attention today, and I just realized that today that the title of this bill infers that it talks about the referendum process. We did not create the title. That's the Revisors. The deadlines for referendums is a separate section of the constitution. So this will not change anything in regards to referendums, because those deadlines are subject to sine die of a particular Legislature, short session, long session, special session. So this process does not change anything in regards to referendums. What it will do for initiatives, whether to pass a law or to pass a constitutional amendment, would move back the current deadline of 4 months prior to a general election, to a year before in July of the odd-numbered year prior to the general election. In 2024, our election officials across the state were pushed to the absolute brink. I passed out a, a sheet that talked about, not only did we have one referendum, two initiative constitutional amendments, three initiatives, we had four candidate petitions as well in regards to-- for President of the United States and U.S. Senate. This was the most signatures we've ever passed through in the summer of a, of a, of an election year in the history of our state, 110,275 pages were-- had page numbers placed on them and sent out to, to the counties and 850,000 signatures were, were reviewed by county and state election officials. There are a lot more that could have been, but as many of ours hit the 110% threshold that we already have in statute, we didn't have to go that far. And that's the reason why we have that 110% so we can stop in the event someone decided to turn in two million signatures. We would never get done if we had to do them all. So we were pushed to the limit. I, I, I anticipated this in 2022, after '20, that we were hitting a trajectory of I'm trying to figure out where our max is and we hit it. We certified the ballot. We certified the last two petitions the day I certified the election. And that was a little too close for comfort for us. I would prefer to be done at the end of August for most of these petitions, but it was mid-September, the day we certified the ballot when we were done. And based upon what

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

statute says, some of these counties could have had, actually, more time. The last petitions, they had less than 40 days to get them done. Just by a matter of the physically getting them out to them. So I want to give credit to our hardworking county election officials that worked their tails off the entire summer to get this done. We're going to talk a little bit about, in the next bill, some administrative things that I want-- that I, I would like you to consider to help me speed up this process a little bit administratively, but this is a good faith attempt in regard-- also, as, as Senator Storm's bill, to better the process, but this is to help our clerks. The goal of this is to say is this would not take effect until any-- because it would have to be voted on by the people, it would be 2030 that this would go into effect for any ballot measures that would want to go on in 2030, they would have to be turned in by July 7 of 2029. So this will not affect the 2026 petitions. It will not affect 2028 because if this passes, this would give a 6-month time frame for those petitions to be done. The goal here is to still have that full 2 years that you could have to get those petitions, check, check them out, get them-- get your signatures, turn them in. So you'll still have 2 full years. What this will do is we'll pull, pull the deadline back a year. Allow during a, a time when we don't have elections here in the state for our county election officials to certify those-- or to get-- verify those. We could even come in the next year and give them more than 40 days and say 50 days or 60 days to get-- space it out a little bit more. So we would be done in the September time frame of two-- of an odd-- odd-numbered year. At that point, lawsuits can start. And if people want to sue, they can sue. They can go to the district court level and they can appeal up. And depending upon how long that takes, it'll probably go into the election year. But the hope is, is that all of those-- all of that litigation is done early in the election year, a lot earlier than it is right now. And the sponsors and/or people that are opposed have a much longer time to campaign versus not knowing now until September whether or not they're going to be on the ballot or not. We understand that this-- people will be opposed to this. I, I, I fully understand that. It's our good faith effort. I'm trying to get more time for our county election officials to get this done. If it helps the lawyers, great. If it helps the voters get more time, great as well. My priority is to give-- to be the cheerleader for my county election officials, and we need to figure out how to give them more time. And so if it's not Senator Storm's bill, if it's not this legislative constitutional amendment, I would really hope this committee can work together to how we can fix this process. But in the meantime, we'll talk here in a little bit about some

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

administrative things in the next bill of how I can help speed things up a little bit. So with that, happy to take any questions.

ANDERSEN: Thank you for your testimony, Mr. Bena. Are there any questions? Senator Guereca.

GUERECA: So the-- just to get it clear in my head, this only touches citizen-initiated initiatives, not-- doesn't check the second house-- doesn't check the second house's ability to repeal a, a, a law legislator?

WAYNE BENA: Correct. Even though the title says otherwise.

GUERECA: OK.

WAYNE BENA: So, yeah, the, the deadlines for referendums are in a separate section of the constitution. This section that I'm touching-- or this section that I'm touching is only handling laws and constitutional amendments by the people.

GUERECA: So this is, basically, just staggering it back 2 years, correct?

WAYNE BENA: One year.

GUERECA: One year?

WAYNE BENA: Well, a, a, a 2-year cycle. Yeah. So you could start checking out-- so if this goes into effect in-- on July 8 of 2028, you can check out petitions-- start checking out peti-- sorry, July of 2027, you can start checking out petitions, but they would be due by July 7 of 2029 to be able to be included in the November 2030.

GUERECA: So they'd be gathering signatures through the '28 election--

WAYNE BENA: They could.

GUERECA: --for something-- OK.

WAYNE BENA: It all, all depends on when you file. Theoretically, you could-- theoretically, they're, they're-- yes.

GUERECA: So [INAUDIBLE]-- let me get-- just so for my reference. So what, what-- the process now is they have 2 years to get the signatures?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

WAYNE BENA: Yeah. So the day after the deadline, currently, you can start checking out-- or you can start filing for signatures for the next election.

GUERECA: And what's that deadline, currently?

WAYNE BENA: 4 months prior to the election.

GUERECA: OK.

WAYNE BENA: So early July,--

GUERECA: OK.

WAYNE BENA: --so. I-- we picked a date-- so 4 months is very easy in regards to when the election date is,--

GUERECA: Sure.

WAYNE BENA: --the November election date and then if that 4 months before lands on a Saturday, Sunday, or a holiday. We purposely, when we did this, picked July 7, because the number one thing that we get is every year that July 4th is not within the deadline, everybody gets mad that they don't get July 4th for that. One last push for signatures. So we, we gave everybody July 4th, so.

GUERECA: OK. Thank you.

ANDERSEN: Any other questions? I have one question. I mean, it's a leading question to the, to the next bill. Is there any automation that can help to increase the speed with which to process the, the signatures?

WAYNE BENA: Yes. Leading questions are supposed to be yes or no. So do you-- would you like me to expound?

ANDERSEN: No.

WAYNE BENA: No.

ANDERSEN: Yes, of course.

WAYNE BENA: Oh, OK. Yeah, in the next bill, and there are different things that, that we are asking for your consideration to do to speed up the process. Right now, I'm required to send them by certified mail or courier, and I have to put page numbers on it. There is software

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

out there that I'm currently-- I'm-- I've, I've looked at that would me-- allow me to scan every petition page, have the number put on the page as it's getting scanned. And then I have it electronically to digitally get it to the clerk's office versus me having to send it by certified mail. So it will save me days on the front, it'll save me days on the front end to get the first ones out to the counties. And that's-- my hope, is to help stream-- streamline this. Other things in, in regards to the verification process, there may be ways to speed up the actual verifying of the data entry of it. The one thing the-- and I want to be absolutely clear, the Secretary is opposed to any type of movement to any type of signature verification that's automated at this time. The current process of the clerk matching the signature is what we want to do and we're not comfortable at this time with any automation of that actual verification of the actual signature. But there are some things we can do on the front end that can save me days, weeks even, to, to get this done.

ANDERSEN: Is that going to be discussed in LB521?

WAYNE BENA: Correct.

ANDERSEN: OK. Yes, Senator Hunt.

HUNT: Thank you, Mr. Vice Chair. Hi, Mr. Bena, good to see you. In your testimony, it just made me curious. I just have a question, hypothetically. So if this bill doesn't pass and we have another round of elections, and we have more ballot initiatives and more petitions and more of all that, and you say you're already kind of up against the limit of what your office can even process and handle in terms of signatures, right? So, hypothetically, if this doesn't pass, what would your office need to have the capacity to process those? Do you need more employees or is it-- what, what would be needed?

WAYNE BENA: Well, so it's done at the county level and counties would need, you know, more employees, more computers, you know, and, and all of that. I will say is the, the other portion of the bill that we'll talk about next is we at the Secretary of State's Office, while we have the ability to help our counties with new party petitions, with candidate nonpartisan statewide petitions, presidential candidate, a nonperson, we did not have-- it was determined that we did not have the ability to help our counties process initiative and referendums. Had I have that ability, the last two petitions on marijuana could have been faster--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

HUNT: OK.

WAYNE BENA: --based upon-- because they didn't hit the 110% threshold, we had to go through every pending signature and finish every signature versus being able to stop. And that is a very painstaking process. And so if we-- we had to actually have-- I found a workaround. But if we were able to handle those pendings, we could have, could have been done sooner.

HUNT: Why can't the state help the counties with the-- with that? Is it the law?

WAYNE BENA: The language is, is different and we'll talk about that in LB521--

HUNT: OK.

WAYNE BENA: --and, and about the ability going forward for your consideration is allowing us that ability to be that pressure release valve and help.

HUNT: OK. Thank you.

ANDERSEN: Thank you. Any other questions? Mr. Bena, thank you for your time. I look forward to seeing you in the next bill.

WAYNE BENA: All right. OK.

ANDERSEN: Are there any other proponents? Seeing none, are there any opponents? Welcome to the Government, Military and Veterans Affairs Committee.

KEN SMITH: Thank you. And good afternoon, Senator Andersen, other members of the committee. My name is Ken Smith. That's spelled K-e-n S-m-i-t-h. I'm the Director of the Economic Justice Program at Nebraska Appleseed. And we're here today in opposition to LR23CA for one simple reason. And that is because it would dramatically shorten the window of time that people have to collect signatures to support a, a ballot initiative. And I have to say, I would be the first to admit the, the timelines around this can get confusing quickly. And I want to talk to Mr. Bena, maybe, about the time frame that he laid out. But the time frame, as I understand it, would be, if this is, if this is passed and enacted for the 2030 election, the earliest a group or a, a person who wants to file an initiative could initiate that process with the Secretary of State would be in July of 2028, and then

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

signatures would have to be turned in by July of 2029. So whereas now there is a much longer period of time in which people have to gather signatures and, and just as a, as a reminder, like the signature requirements are, I think, purposefully quite extensive. You have to gather a lot of signatures. You have to go across the state to do that. You can't just do it in one area. All of that is on purpose, but that does create a very significant lift and dramatically shortening the window of time that people have in order to do that would hinder access to this initiative process, would hinder the people's ability to exercise what, I think, we can all agree, is a, a fundamental constitutional right that our state constitution guarantees. I do want to make sure to acknowledge the work that, that I know local election offices do, that I know that the Secretary of State does on this. I mean, it is an, it is an incredible amount of work. I think, I think that the conversation should be about balancing what is-- what are the solutions that we can come to that allow for that work to be done, but, but that don't undermine access to this initiative process. Maybe it's something we can talk about over the interim, but we would certainly be interested in having that conversation. Very quickly also just to-- I think we'd be concerned with voter confusion, potentially, you would be signing a petition, say, in September of 2028, and then the rest of 2028 would go by and then all of '29 and then most of '30. And perhaps then you're voting on an issue you may or may not recall. Also, the Legislature would convene between the time where initiatives are qualified and when they are placed on the ballot, which would potentially open up the process to the Legislature, changing pieces of underlying law that could essentially derail initiative processes that have already been duly qualified. So for those reasons, we would-- we are certainly open to further discussion, but at this time, because it really curtails people's ability to collect signatures and engage in the process, we'd be opposed. I'd be happy to answer any, any questions.

ANDERSEN: Thank you for your testimony, Mr. Smith. Are there any questions? Thank you very much for your time. Oh, I'm sorry. Senator Guereca.

GUERECA: Yeah. Yeah, Mr. Smith, thank you for your testimony and for being here today. Yeah, if you could clarify that with the Deputy Secretary of State about the timeline, making sure that, at least, that first one, they'd still have a year.

KEN SMITH: Yes, and I, and I-- yes, I, I, I certainly will. And I'd be happy to get back to you and, and other members of committee.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

GUERECA: Appreciate it. Thanks.

ANDERSEN: Any other questions? Seeing none, thank you very much for your time.

KEN SMITH: Thank you.

ANDERSEN: Any others in opposing view to this bill? Mr. Eickholt, welcome back.

SPIKE EICKHOLT: Thank you. Good afternoon, Vice Chair Andersen and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska in opposition to the proposed constitutional amendment. I don't want to repeat the things that Mr. Smith said. I was distracted because I was looking up something that Mr. Bena mentioned before regarding if this constitutional amendment was adopted, sort of the timeline how it would impact for initiatives that would be on the 2030 general election ballot. But I wanted to kind of make one point, and I respect Mr. Bena, I've known him for years and I've worked with him, and I, I respect the work that he does, his office does, and local election officials. But he did mention one thing that just kind of rang a bell in my, in my ear, and that is his first priority is for local election officials. Respectfully, his first priority, I would submit, ought to be the people of the state and their right to vote. And I would respectfully suggest that ought to be a priority for you as well, because what this does do, and I understand the motivation for it to compress time, to sort of certify signatures or to confirm signatures and to place something on the ballot is difficult for government to accommodate. But the proposal inhibits the ability of the second house to be heard and to use the right of petition and referendum, because it does shorten by about a year their opportunity to collect signatures. Mr. Smith talked about something I hadn't thought about before, and that is you've got-- the voters can pass laws themselves. That's what they did with medical marijuana. That's what they did with minimum wage. And they did that, in my opinion, because of the frustration of the Legislature not carrying out what they wanted the Legislature to do. So they finally just put the statute together, wrote it, got signatures, put it on the ballot, and the voters approved it. And this would allow for an opportunity for the Legislature to sort of intervene when they see something going to be placed on the ballot in the following year to do something to contravene that, to dilute that, to thwart that. And that's-- I don't think that the Legislature would do that nefariously necessarily, but

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

sometimes the Legislature says, OK, we better be responsive, the voters are going to do this themselves, we got to do something. But, ultimately, that would be at the expense of the people. Also, if you're going to put something on the ballot and you're collecting signatures, it's difficult, as a practical matter, to sort of get citizen interest in something that's a year or two down the road. Would you like to sign a petition for medical marijuana? Sure, when is that going to happen? Well, maybe in 2030, 2 years from now. And that just as a practical matter is going to happen. You're going to have a lot of disinterest. You're going to have other sort of political things come up in between the time a signature collection and the time when the voter is going to be voting on the issue. And that's something that this proposal would encourage. So for those reasons, and the reasons you heard before, we'd encourage the committee to not act on the proposed constitutional amendment.

ANDERSEN: Thank you, Mr. Eickholt. Any questions? Seeing none, thank you very much for your time. Are there any others in opposition to this bill? Anybody in the neutral position? Oh, I'm sorry, opposition.

SHIRLEY NIEMEYER: Yeah.

ANDERSEN: OK. Sorry.

SHIRLEY NIEMEYER: Honorable Senators, Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r, and I represent myself. I oppose LR23CA. The proposed amendment requires petitions-- petitioners to submit signatures 16 months before the general election. This is very early in the process before an issue may arise. The topic of the petition may result from the current legislation's year. And the public cannot know the result of the legislation way ahead to address an issue that might be a legislative issue. This means the petitions-- petitioners may have to wait a year or two before they can address an issue. I believe the 16-month requirement will impact the voice of the people, it may result in constituents feeling they are not heard. Addressing constituents' concerns closer to the time the Legislature has addressed or is addressing an issue is keeping with a more democratic process. As a parallel, suppose senators had to work on and, and submit a bill 16 months before the Legislature met, and you don't know the issues that's happening at the federal level, or the state level, or climate change or that need to be addressed. So it's too long of a time and I think it curbs the initiative and referendum processes. It dilutes any referendum of its responsiveness and diminishes it as a function of a tool of timely policy change. It's so important to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

people to be involved, to feel their ideas are heard as part of a true democracy, and it's the voice of the people. And so I do not support LR23CA. The people need more time. Why not work on the, the legal side of it and expand their time by a week, maybe, if you can do that. Give them a week more. Maybe that would help. Thank you very much. I appreciate the opportunity.

LONOWSKI: Thank you, Mrs. Niemeyer. Are there any questions? Thank you for your testimony.

SHIRLEY NIEMEYER: Thank you.

LONOWSKI: Are there any other opponents? Any people testifying in the neutral? OK. Thank you. Senator Sanders, you're welcome to close. You waive your close? OK. Thank you. So that takes care of LR23CA. There were 6 proponents and 55 opponents and zero in the neutral. Welcome, Senator Sanders. We now move on to LB521. And, Senator Sanders, welcome to the, to the Government, Military and Veterans Affairs Committee, and thank you for this.

SANDERS: Thank you for acting Vice Chair, Senator Lonowski. Members of the committee, my name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s. I am here to introduce LB521, a bill that I am introducing at the request of the Nebraska Secretary of State. When you become the chair of Government Committee, one of the things that comes with the job is the regular task of updating and cleaning up the Election Act. LB521 is the annual election cleanup bill brought to me by the officials who operate our Nebraska elections. It is a fairly long bill, 62 pages. It opens up over 50 sections of state statute. We filed a detailed statement of intent that explains these changes. I would encourage members of the public to reference the document as they are examining the bill. For our committee members, this material is also in the memo you have received from the legal counsel. The bill addresses many different topics relating to the elections. These include clarifying voter ID requirements for those receiving hospice or disability, disability support services, updating how election officials respond to a person asking to remove their name from the voter rolls, the timing of the special elections that fall close to a state holiday, how candidate names appear on the ballot when two candidates have the same name, giving flexibility to our state board of canvassers on their meeting place, improving signature verification and voter ID verification process, updating how recounts are conducted in close races. The bill also includes a number of changes to how petitions are circulated, submitted, and validated by election officials. Following

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

my opening, Director Secretary-- Wayne Bena, our Deputy Secretary of State for Elections, as well as some of our county officials, who actually run the election, will be here to answer any questions you have. Thank you.

LONOWSKI: Thank you, Senator Sanders. Are there any questions? I see no questions. Thank you. Any proponents? Welcome back, Mr. Bena.

WAYNE BENA: Had to be back. Four of four. All right, here we go. For the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a. I am Deputy Secretary of State for Elections, here on behalf of Secretary of State Bob Evnen, in support of LB521. For our new committee members, this is a yearly bill that we bring up in coordination with our county election officials across the state to help improve election administration. And this is not the sexiest bill you're going to be put, put up against and the transcript will-- reading back the transcript will help you sleep at night after this is all done. However, this is some of the more impactful legislation that you will be able to see that will help your county election officials in your district be able to conduct elections. As we see when bills are passed and different situations come up, that we have to change and amend laws to be able to handle things that were not anticipated. I first started this job under Secretary of State John Gale, and he liked to say that when I was an election commissioner, and in my first year as deputy secretary, more things that never happened in elections happened while I've been at the watch, and you must have a black cloud over you. And so the elections omnibus bill, as we call it every year, has been a method to be able to change election law for the better and to help us adapt to situations that we did not anticipate. For many years, this bill was two separate, one from the counties, one from the Secretary of State's Office. When I came on board as a former county election official, I said, hey, why don't we just work together and do one bill? So one less hearing. The hearing is a little bit longer so-- because it is 60 pages. It's light this year compared to some other years. So thank you for your indulgence as I go through each one of these topics. I passed onto you an index, index of all the various topics that this bill covers, as well as a more detailed one that tells you what section number. Happy to take any questions during this hearing and after, some of these sections have become a little more controversial than I thought, and that's not the intent of the omnibus bill. And so happy to work with anyone in regards to language changes in regards to this, so I will get right into it. It's very good for me to read these into the record, because the future me in 50 years will look back at this ago what was he thinking? And so it's good to have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

what we were thinking, because I actually look at the transcripts to find out why a law was passed and to figure out what the intent was. So this past election was the first under our new voter ID law. And if you liked voter ID or didn't like voter ID, what I've heard from vast majority of citizens and voter advocacy groups is it was implemented in a very effective manner. And I will say we probably have the, the best of limitation of this law in the country. It was bipartitely passed and we didn't get sued. And when I say that at my election director conferences, what are-- what's happening in your state? And I said, well, we worked well together and, and had-- and was given the resources by this Legislature to be able to educate the public. So we only have, after a very successful implementation, we had a couple of tweaks that we saw that we wanted to have put into effect. Our ability to use face sheets in regards to retirement homes and nursing skilled-care facilities was a really good alternative for people that didn't have a driver's license. We did, under the definitions, we found out that certain organizations that provide hospice care and community-based development disability services did not fall under the definitions. And so we're adding those so they can be able to use those same face sheets as well. An unintended consequence of a curing period after the election so people that did not have an ID, in the primary election, we had a very close race in a county for county commissioner. It went down to three votes. There were seven provisional ballots for people that did not have voter ID. People got ahold of those names, and each side were calling their people relentlessly to get them to come in during that 7-day period, hoping that they had voted for them and it would affect the result. While this was the only case that I saw, I did not want to-- I did not want this to be where voters were being harassed in a close race to, to turn in their ballot one way or the other, or only certain people are called. Every voter, by law, is contacted by the county election office to let them know that, or at their polling site, given information that they have 7 days after the election. We didn't want any undue influence, so we were protecting those names going forward of people that have provisional ballots in these cases. Next, every office is required to provide an election plan to our office before every election. And we are adding some things to that report that they have to identify in their processes. Running a report before counting begins to verify that there's no test data within the machines, there's been cases in the past where a county election official has forgotten to zero out their machine after the tests and we can realize that really quickly during the canvass process where there's more votes than voters, we know that it's test data. So we want to ensure

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

that in their processes, they're remembering to do a zero report. Their processes for verifying signatures on early voting ballots and the timelines for those, how they verify provisional ballots after the election, and how they can be in the county board to verify early ballots before the election. Again, this is just their processes in their election plans that they already have to provide to us. Candidate and delegate filing clarifies the procedures for differentiating candidates is unlikely [INAUDIBLE] the same name filed for the same office. We had-- and, again, it's not so much what happens in Nebraska, we saw in Washington State two people with the same name as the current governor run against-- well, decided they were going to run against the governor. They had an interesting law that allowed a judge to remove them from the ballot because it was their belief that it wasn't a serious candidate. Didn't want to necessarily go that far here in Nebraska, however, the only thing that we could do is put their-- your address on the ballot to differentiate you, too. Didn't think in this day and age people wanted to have their address placed onto the ballot, so it has the procedures of what we can do in regards to middle names, or what have you, if we just so happen to find people with the same name. And a shout-out to my election specialist, Ben Larsen, who found out this actually could have happened to George Norris back in the day because he, he found a news story of a grocer in Omaha by the name of George Norris that was thinking about running against him. Since we didn't find his name in the canvas book after, we figured he didn't file. So even George Norris had to worry about this at one point. We are-- we're asking this body to remove county election officials from the county political party delegate filing process. Over the course of the last 30 years or so, we have-- slowly have been moving ourselves out of the delegate for county convention process. It used to be something that was on the ballot to be a county delegate. We've removed that, except the current process would allow the political parties to use the county election offices for political parties to turn in registration forms, not filing forms, but registration forms. Only one political party currently does this, and in the last two cycles, it's the county election office has been subject to public records requests and a lot of back and forth, and something that's a registration form and not a, necessarily, duty of their office. So the counties have requested to take themselves out of the county conventions, and the county parties can handle the registration processes on their own. Again, these things that you never think are going to happen are going to happen. We had a candidate for President of the United States on a non-- from a nonpartisan asked to be removed from the ballot. We didn't

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

necessarily have a formal process to do that, but we determined that if someone is asking us to remove themselves from the ballot, we should. So the Secretary did decide in that instance to remove-- to-- at the request of the candidate, to remove them from the ballot. This would allow a process and an alignment which-- that would have to happen going forward. Right now, if someone wants to object to your candidate filing form in a primary election or a general election, for a general election only race, they have a certain time frame. That time frame doesn't involve special elections that may occur for candidates, we're providing a time frame in a special election if someone needs to challenge a candidate filing. We also didn't have a withdraw deadline for write-in candidates. Sometimes we have on the first day of filing, someone in January decide they want to run as a write-in for a office in next November, but there wasn't a mechanism to remove them if they didn't want to be on the ballot anymore. This provides that removal process. And one-- and if we don't have write-ins, we don't have to worry about having to count write-ins, which is a, a big burden on our counties if someone doesn't want to be on the ballot. We are providing a avenue for if a person chooses to cancel their voter registration, they get notification that it has been canceled. So that way, if that mistake has been made, they know that their voter registration has been canceled and they contact their local election official to, to fix that mistake. Next is in regards to automatic recount thresholds, this is getting down in the weeds, and I'll, I'll best to explain this, this is probably one of the more popular provisions of-- from our county election officials. Current standard says if a, a recount occurs, if your count is within 1% of, of the top vote-getters, and that makes the most sense in a two-person race. However, it does not make sense when you're voting for more than one. So for the example for school board, usually we will have six people on the ballot and you vote for three. And so what happens is, is that there will be a-- it'll be between third place and fourth place, whoever has the third place. But it's based upon the 1% of the first place person's vote total to determine what the vote total should be between three and four. What you see in a lot of these, vote for three or vote for more races is the top guy is probably the most popular guy in the county or woman in the county, and they get a huge amount of votes. So 1% of a person that gets 10,000 votes is 100 votes, versus, versus you're never going to find 100 votes in a recount. Most recounts that I've ever been a part of, maybe it's a difference of one or two votes. So what this is saying is, instead of the, the threshold between three and four to be 1% of the first place person's, the fourth place person has to be within 1% of the third

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

place person's. And that is a better representation of what a recount should be. So it doesn't change your, your one-on-one races. It's still 1% of the top vote-getter. This is only for if it's a vote for more than one person. Next, we have-- as we've been looking at all security protocols in regards to meetings, we 2 years ago, had, had the ability to move the Electoral College meeting, mainly because this building was under construction. And we didn't know at various times what would be open, what would be closed. In the event that this building is not available or the Legislature can't provide us one of these lovely hearing rooms that we've used in the past, it would allow the Secretary of State to provide an alternate location other than the State Capitol. Next, counting watchers and observers. I think you had some questions about counting watchers. It has been in statute for quite some time. I will say, the use of those statutes has grown in the last two election cycles, and so we kind of have to adapt to more counties are getting those requests to having people in. We didn't have necessarily in our counting observers where they had to be or where they-- or how many feet away they needed to be. At a polling site, you have to be 8 feet away from the actual-- where voting is taking place. We wanted to provide that same, that same 8 feet away so county election officials can do their jobs. But understanding the fact that there are some places where you can't get 8 feet or you can't get that good space, we do allow for a closed-circuit television that people can watch from a room at the election office. And that's something, currently, Douglas County does now, because there just isn't the room and the configuration to be able to watch. So they have all sorts of closed captioned or TVs, closed-circuit TVs that they can watch from a separate room so observers can watch that. So if one of your local election offices doesn't have a whole lot of room, that's an alternative to make sure that we're getting everything done that we need to. If you don't know, if you tie for your race, you get an automatic recount. And if the recount stays the same, it's determined by round lot whether or not you win or lose. And that can be drawing straws, picking a high card, what have you. And this happened in a few instances in this past general election. And for the first time, we had a candidate not show up for the tiebreaker. And so there was not a provision of what to happen in the tiebreaker. So luckily, before we had to make a decision, they called and said, I believe, their tire got flat or they forgot, and so they were able to make it. So they just said go ahead and pick for me. This would allow if they don't show up that the county election office can serve as the picking of that round lot in, in that scenario. We are extending the blackout dates for special elections in an even-numbered year for March and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

August. The number of elections, special elections that have happened in March when they can be put on in a primary or in August for a November election has grown and our county election officials need to be able to have the ability to get their work done for the elections that are previously scheduled, and especially as we've seen with petitions, the August special elections are specifically harder on our election officials because they're at the same time verifying petition signatures. This would not change the elections that may have to happen in September, like levy overrides or what have you, those are already exempt from regards to our current blackout dates for having elections. Right now, if you look at the calendar in November, Veteran's Day is on a date in which special elections can be held. And so there's not really a provision in law of what happens when a holiday happens on a special election date, so it allows the county election official to move that date to the next Tuesday in the calendar. The next section, the Revisors, you can probably see on most election bills stick this language on there because they've been wanting to get rid of this obsolete language for quite some time. So there's multiple election bills that have this language. We transferred to the DMV electronically giving us their registrations versus having them on paper quite a while ago, back in 2016. So it's removing some obsolete language from the DMV, happy to help the Revisors clean up our statutes. Some of our counties would like to publish their sample ballots earlier. Right now, it's 15 days before the election. Some would like the ability to do it up to 30 days, especially those counties that see more early voting that's occurring. So they want those sample ballots out earlier. Next, we get to petitions, which we say this was the year of petitions this past year. And so the majority of things that I'm going to talk about are the harmonization of the process by which candidates, nonpartisan for-- and nonpartisan offices do petitions, new political party petitions and nonpartisan presidential candidates. We saw a big spike in all of those this year, and we realized there wasn't a-- it didn't follow the normal processes other types of petitions do. So we're harmonizing those. And then later we'll talk a little bit about initiatives and how our office identified some ways to be able to help improve that process so we can help our county election officials get, get done faster. So candidate presidential and party petitions: In these type of petitions, there are two different standards by which your eligibility to sign a petition is. In some petitions, it is the date by which-- you have to be a registered voter the date you sign it. And some, it's the date that they are turned down. We are harmonizing everything that you have to be a registered voter by the time that the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

petitions are turned in to be able to be eligible. So if you sign something and you're not registered, you can get to your election office and get yourself registered before they get turned in and it will count. Changes the deadline by which individuals can remove their name from a candidate or presidential candidate petition from the statutory deadline for petition submission to the actual date the petition is submitted for verification. So that way, those candidates that turned it in early, we're not taking people off after the fact after we've already done it. So if you want to remove your name, it's by the time they turn it in. Requires candidate, presidential candidate and political party petitions to contain the county oath already printed on most petitions. This was something we didn't realize is that for most of the nonpartisan presidential candidates that were on the ballot this time, such as Robert Kennedy, Jill Stein, they had petitions that had every voter from any different county on the-- on there. So we couldn't give them to Douglas County to just do Douglas because they had Sarpy, Lancaster, what have you. This will separate this out like any other petition. Sarpy voters have to be on one page. That way we, we can help get this done a little bit faster. We had to handle a lot of the petitions internally, the Secretary of State's Office, which we were happy to do. But I also had some counties that could have had-- that had some bandwidth that could have done them for us had we had just their counties, so. And then also clarifies that presidential candidate petitions not submitted by the filing deadline become invalid. This was something that we brought a bill. I think I remember questioning from Senator Hunt, we stopped new party. We had a deadline by which if you didn't turn it on by the deadline, you had to stop because we had, we had our last political party we put on the ballot collecting signatures for over 8 years to get on the ballot. And it was a bear to get those signatures verified because-- and so we now-- like new party-- if you're-- you, you can't just not get on the ballot for one presidential year and just keep going to try to get on the next one, you have-- there's a stopping point and you need to restart, so. Signature verification: It's going to allow us the ability to stop verification for candidate petitions at 110% for candidate nominating petitions. We were not able to stop counting President. And in this cycle, Osborn for U.S. Senate. So if they were to turn in 50,000 signatures, I would have to go 50,000 signatures. And we don't want to do that, so much like other signatures we're stopping at 110%. Also for candidate, we are moving the deadline from-- for nonpartisan candidates for partisan offices, we're moving the deadline from September 1 to August 1. As, as I said earlier, we have to certify the ballot 50 days before the election. So

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

if we get a lot of candidate petitions on September 1, we're not going to be able to get them all verified in less than a 2-week span to be able to get that done, so August 1 is the deadline for any general election candidate. So it's the right fit. What doesn't change if there's a vacancy on the ballot, people can petition still on until September 1. We had a, we had a new political party that submitted everything, became recognized, and we never got their constitution and bylaws as required by statute. And we had no mechanism to remove them, and we had no mechanism to enforce the constitution and bylaws. So what we say is we will not certify you in the state until we have your constitution and bylaws. Fortunately, that party decided to withdraw after this past election, so we didn't have to worry about that, so. But, again, if we realize something happens for the first time, we want to be able to correct it. So we make sure everyone can follow the law. Home stretch, promise. All right. Political party petition signature verification, again for political parties, allows us to stop at 110%. Something that was missed in a prior election bill is that we're going to prohibit petition circulation within 200 feet of a drop box, much like at polling sites. We want the drop boxes to be a safe space, and not as people are trying to turn in their ballots get asked to sign petition signatures. Electioneering is not allowed within 200 feet of a drop box, but petitioning is not electioneering so there needs to be a specific putting in of, of petitions. Clarifies in all petitions that you could turn them in once and then none can be submitted after you turn them in. That's been the practice of, of doing that. That is-- the next two sections that I will end on have to do with initiatives and referendums. And as we've talked about here today in regards to this process, if we do nothing, and that's body's prerogative, I have to figure out a way to be able to adapt to an ever-changing initiative petition process. I'm in 2025, I already have one in circulation and could have another four more any time now when they turn in final language to our office and that's early. I'm sure we'll have more as, as the weeks and months go on. I know what my number is and of how many signatures we can do, and I'm trying to figure out ways to be able to help that. So some of the ideas that we came up with is that there are-- allows my-- the Secretary of State's Office to enter into an agreement for petition processing software to streamline the process and allows the Secretary to retain the pages in our office and send copies of the petitions for verification. Right now, when a petition comes in, we put page numbers on it and we send it by certified mail. As the sheet that I gave you out there, we spent \$11,000 in this past election cycle sending out certified mail and mail is not as fast as it used to be. So it's 2, 3, 4 days for these

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

petitions to get out to the offices. And as well as it takes us a great number of time to put the page numbers on the petitions. There is software out there, as I discussed earlier with Senator Andersen, that would allow me to scan the pages, put the numbers on them and electronically submit them to the counties, would save me thousands in postage, would save me a lot of time and temporary employees that put the actual page numbers on, and it would get them out to the counties faster. It's one idea that we had to get these-- gets-- everybody gets started fast-- faster in this process. The next-- so those are two things that we can do in regards to this. There are other software programs that may allow me to be able to help with the data entry go a lot faster. That could be a part of this process as well that can shave some time. We're looking at, looking at those things as well, but we need the authority to be able to do so, because my only way of being able to get this is by courier or by, or by certified mail. So this opens up-- it's a may not a shall. So if we decide that we find something that is going to work well, we're going to, we're going to explore that to save some time off. Next, it clarifies-- there-- before we had our voter registration system, clerks would literally, like, cross off a name if it was a duplicate signature. We don't have to necessarily do that process now, because our system after the first signature is accepted, won't allow any other signatures from that voter because you could accidentally sign a petition, you know, what have you. So we're just taking out some obsolete language because our system already allows for-- not the, the first signature that's verified, which may not be the first one that they sign, because wherever the page lands. So it's leaving that language out. Update some methods by which counties can deliver position pages and report to the Secretary of State to reflect current procedures. A lot of these were done before the Internet and email, and so we're required to have actual physical certifications. And before we can certify this would allow for electronic submission of those which we get anyway so we can start the work while we're waiting for the mail to catch up and get the actual certifications. Almost done. Swear. Last thing, and this is I think that has caused the most phone calls to my office and I, I understand and in this process I can't-- I won't be able to come back and reply to any people that may object, but willing to take any questions and meet with anyone. But I'm trying to make a good faith effort to help. Our office is allowed to help process petitions of new party candidate, presidential. And we did do that in this past election cycle. And I thank my team for their work on top of their-- all their other work to get this done so we'd have to give it to the counties. I do not have that ability under current law to help our

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

county election officials in initiatives and referendums. And as I said in previous testimony, this could have helped. If I was able to have this, I could have gotten-- I could have shaved some days off of this last cycle, because I could have helped with the pendings in the last two marijuana petitions, but I didn't have the ability to do so. So I-- we want the ability to help my counties to be that pressure release valve if I'm starting to see that there's going to be a-- more than 850,000 signatures, because I've, I've, I've figured out what the baseline is. I don't know what that looks like. It could be that I just open up my-- I may have to hire temporary employees and get computers, but I'm, but I'm going to be able to do that a lot faster than my county election officials are I think. And when I identify this, I may be able to help. And so I want to be able to have that ability. I do not have the capacity to take over this entire process for all of the state. Don't want to. This is just another tool in the toolbox to help my counties. I did not think this was going to be controversial, but it's, but it's come to my attention that, that it does, that it is. And I welcome the, the, the opponent testimony and listen to them and figure out a way to make this work. But I would just ask the question, what is your alternative? And what if it's your petition that's turned in last that I can't verify? How am I going to get it done? And so I need solutions. And this is a, a way that I can help my counties. Thank you for your time and attention on this. It's once a year that you have to listen to me do the omnibus bill. But thank you for allowing me to get on the record and happy to answer any questions.

LONOWSKI: Thank you, Mr. Bena. Are there any questions? Yes. Yes, Senator Cavanaugh.

J. CAVANAUGH: Thank you, Senator Lonowski. Thanks for being here, Mr. Bena. Always a pleasure to see you. Sorry, I was introducing bills in other committees, so I was here a little late, missed the beginning of your testimony. Well, so just start. I'll start where you left off about the Secretary of State's Office having the ability to take over some element of petition verification for, I guess, verification of signatures for petitions. So I guess-- I'm assuming the concern is that you guys will take it over entirely. You're saying that's not a realistic concern because it's a logistical problem, but does the law prevent you from doing that?

WAYNE BENA: Well, the current law says with the assistance of the county. So I'm assisting the county-- counties. I, I-- there was a great debate in my-- in our office of whether or not I already had

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

that-- the ability, because the statute already says with the assistance of the county. So if I'm assisting the counties, shouldn't I have the-- but it was determined, especially when we knew that there was going to be litigation around the last ones that were coming, that it was determined that it was probably not a good idea for my office to get involved in the signature verification for these specific ones, because we didn't have the specific authority. I will say is-- and, and you missed some of the testimony earlier, we've been talking a lot about petitions today. This came up is that when-- because the medical marijuana petitions did not reach 110%, we had to go through every signature including pendings. Pendings are the, are the hardest signatures to get through because they are a signature of a person in another county on the wrong page, but they still allow it to count, but it has to be verified by the other county, because Douglas County doesn't have access to the signature of the Sarpy County voter and can't press the button to do that. So that was troublesome towards the end. I found a workaround, but it would have been a lot easier if I-- my-- if our division could have done-- helped do the pendings for the counties. If we hit 110%, I don't have to do the pendings because they've hit their 110% number. It is when you're between 100-110% where the pendings become clear and those just become harder. Marijuana was the last of them all and so-- along with the referendum. So it was first in, first out. So if you were first in, you know, Payday Lending was the first one in and the only one that didn't get sued on. So they got done early but then didn't-- there was no lawsuit for that. Everyone had some type of lawsuit associated with it that came-- as they come in, come out. It's not our intention to take over this process, it's a pressure release valve. I don't see a scenario by which-- the number of temps that I would have to hire to be able to do this statewide so the counties don't do anything, the fiscal note would be astronomical, and I don't think you'd give me that money, so.

J. CAVANAUGH: Not currently.

WAYNE BENA: Yeah.

J. CAVANAUGH: Yeah. Well, I, I mean, I think-- I would imagine some of the consternation that people are experiencing over that thought is just what you hit on was the-- there was a, a lawsuit where the, the Secretary of State, your boss, who we all, of course, love, but changed his position on whether that was-- should have been on the ballot. Right? So there was some-- there's some-- a little bit of concern about how the office might--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

WAYNE BENA: I, I-- we-- I, I think, and this has been brought up, I think we're talking about the referendum and we certified that for the ballot. But after we certified, people brought challenges and, and brought issues to the Secretary of State. And I think what he said in the pleading is, is that the Supreme Court doesn't make--if they-- if the Supreme Court refuses to make a ruling on the merits, this is what he intends to do. Supreme Court necessarily, in their opinion, didn't like that. But that was the Secretary's ability under current law that he could make that decision prior to certification, but subject to any litigation. So he didn't change his position officially. He just said-- he, he said that he, he thought that it had merit, but he wanted the court to rule on, on the merits because he's been reversed more often than not, so.

J. CAVANAUGH: Does anything in the-- this bill clean up that authority to make it clearer when it's out of his hands?

WAYNE BENA: No.

J. CAVANAUGH: OK.

WAYNE BENA: No, that-- those are the few other bills that we had earlier that I was trying to talk about that process of when and when not lawsuits can occur.

J. CAVANAUGH: Yeah. I--

WAYNE BENA: Enjoy those transcripts, you'll, you'll sleep well at night as well.

J. CAVANAUGH: Yeah, I'm sure they're a real barn burner. So Section 32 is kind of where we're at, and there's one part that you hit on which is the leasing purchase, lease purchase, rent, contract for software.

WAYNE BENA: Yeah.

J. CAVANAUGH: And you mentioned it was just sort of like a tracking software. Does it make-- is that clear or is it-- is there a concern? My immediate reaction when I read that was thinking of the medical marijuana trial, where there was some AI and some software that was brought in, in an attempt to use AI to validate or invalidate signatures.

WAYNE BENA: I actually had said this and there's been so many bills, but, yeah, I did bring this up earlier. The Secretary has no desire to

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Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

have AI technology in the actual signature verification whatsoever. This is just for the delivery and the data-- the initial data entry. But it is our intention if we need to explicitly put that, right now the signatures will be verified by an election official.

J. CAVANAUGH: OK. And then-- well, to go on to signatures, I have one other question. I know everybody was so happy I wasn't here. Section 47: The election commission-- commissioner or county clerk shall verify the signature of each identification envelope received in his or her office with the signature of the voter registration records. Can you tell me what that means?

WAYNE BENA: Can you give me the page number?

J. CAVANAUGH: It's page 49, if that's the only version. It's the version I have, top of page 49.

WAYNE BENA: Yeah. So, yeah, you missed that fun part of, of, of that. We identified the implementation of voter ID. It went very well. And we've identified a, a couple of issues that we wanted to address. We had a primary election in a county in which a county commissioner that went down to three votes. There were seven provisional votes in that race. And so people found out the names of the people that had provisional votes in that race and contacted them on both sides to try to get their people to come in that who they think that voted for them to try to do that. And I do not want voters to be put in that uncomfortable position. So we are shielding the identities of people with a provisional ballot from being able to be contacted because they are already being contacted by the election office to let them know about the curing deadline.

J. CAVANAUGH: So I don't understand how that paragraph says-- answers that question.

WAYNE BENA: That's one portion. It talks about it in another section. But that's-- this is in a section that says that it's not, it's not publicly viewable like a roster of a-- or a list of voters would be, so.

J. CAVANAUGH: I guess my concern reading that is saying-- so I generally have voted by mail, and reminds me I haven't turned in my city of Omaha vote-by-mail ballot. But what I--

WAYNE BENA: I've got a guy back here that can take it for you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

J. CAVANAUGH: Well, I didn't bring it with me. Sorry. Oh, well, it's-- I'm, I'm told you were talking about Section 48, not Section 47.

WAYNE BENA: Oh, sorry. Oh, this is what the current process now that we're putting into this section. Sorry, this is an early voting-- right now, an early voting ballot. My apologies, I was looking down here.

J. CAVANAUGH: You're all right.

WAYNE BENA: An early voting ballot, your signature is verified against your voter registration signature or something else that's in your record, like an early ballot application or what have you. We're, specifically, putting, putting that in statute that that can occur at the time of the ballot comes in versus the counting board. It's the process right now that when the ballot comes in, we're verifying that signature at the time before the ballot is, is, is opened. And so it's, it's to memorialize that process [INAUDIBLE].

J. CAVANAUGH: And who is-- so I guess what I was going to say is when I sign my ballot, I maybe don't do the best job.

WAYNE BENA: Correct.

J. CAVANAUGH: I maybe do more of like a grocery store checkout job as opposed to, like, my register--

WAYNE BENA: Don't do that.

J. CAVANAUGH: --to vote. But--

WAYNE BENA: That's why they look at your voter registration signature. And if that isn't good, they can look at any signature that you have on file. Most likely, it's going to be your last application for a voter registration form-- or for an early ballot application. And then if that doesn't match, then the voter is contacted to be able to do a new signature card. And that can be found out that in that rare instance, when the voter actually didn't sign that ballot, it was the spouse's ballot by accident, and they signed each other or what have you, that can be corrected.

J. CAVANAUGH: So who is capable of comparing signatures?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

WAYNE BENA: Any election official-- I mean, an election clerk, county election commissioner or their, their employees that have access to the voter registration system.

J. CAVANAUGH: Maybe I'm out of date, but I remember there was a Supreme Court case, basically, on this point that you had to have a signature verification, like, expert to be able to verify signatures.

WAYNE BENA: Not in this instance for, for this process. But we do provide signature verification training to our election officials to help with this. But, I mean, it is, you know, a human process, so.

J. CAVANAUGH: But they actually check the signature, they don't just check to make sure that it's same registration, same address, other points of contact?

WAYNE BENA: Yeah, they do, because they, they pull up the voter that asks for the ballot. And then on the screen that has all of their information, their signature pops up to be able to the comparison.

J. CAVANAUGH: Right. But I'm saying if, if I-- it's my ballot and I signed it like I sign at the grocery checkout, you're going to call me and say come in and--

WAYNE BENA: You're-- well, most counties will call, but they're also required to send something in the mail to let you know that, and fill out a new signature card.

J. CAVANAUGH: And if I drop it in the drop box on Election Day, what happens?

WAYNE BENA: Most likely that ballot is not going to count.

J. CAVANAUGH: OK. And so would, would this make that more or less likely?

WAYNE BENA: The same. This is just memorializing the current process of the signature verification process as is, so.

J. CAVANAUGH: OK. All right. I'm going to think on that one. Thanks.

WAYNE BENA: Yeah, not changing anything. We're just being specific on how this process works.

ANDERSEN: Any other questions? Senator Wordekemper.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

WORDEKEMPER: Thank you for being here. Just clarity. I believe you stated first off, in the past the counties would have changes in a bill, then your office. Was this-- these revisions a collaboration of both? OK. Thank you.

WAYNE BENA: Yep. Since I became the Deputy coming from the-- actually, I was-- when I was election commissioner, I was the one that wrote the county's election bill. And so I'm like, well, what should we do two, let's work together on one. And we've had a good collaboration and if we get a call or an email in, in my office, it's put it on the list. So we have a running list throughout the year what the omnibus bill is going to look like for the next year.

WORDEKEMPER: Thank you.

WAYNE BENA: Yeah.

ANDERSEN: Any other questions? Senator Guereca.

GUERECA: Going back to Section 32, I believe, and I think the heartache isn't necessarily with you or with Secretary Evnen, it's looking down the line, ensuring that there will be guardrails. And I know you talked about just the fiscal and feasibility of fully taking over that process, but I think that's where folks-- is giving folks heartburn. It's not, necessarily, now. It's down the line. Right? We are changing our state's laws. So I think maybe some sort of guardrail to prevent the Secretary of State coming in and completely taking over that process.

WAYNE BENA: I, I, I hear those concerns. I, I, I would say is, I've heard that they don't want a central-- the centralized location being our office. I understand that. I will say is under our current system, if, if, if the thought is the future secretary or deputy secretary with her thumb on it, under the current system, one county clerk could take down an entire petition, depending upon if they're the last county that needs 5%, or they're a large county that, that has the bulk of, of the signatures needed to get over the overall threshold. What prevents that is oversight and transparency and the reports and everything that we do, and the ability that once a decision is made that people can come in and challenge that and, and be able to, to sue on that. Again, I'm trying to make a good faith effort to-- for a pressure release valve. And if people are opposed to this specific language, I am open to some type of, of guardrails that would allow me to, to still be able to do this. But, again, I've-- I, I-- I've think

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

I've shown with the documentation we are-- I don't think this is the-- I don't think initiative petitions are going away anymore. It is a new reality that we have to deal with. I've hit a limit and I'm trying to figure out-- give me some solutions instead of taking away a tool in my tool box that I'm asking.

GUERECA: Yep, and I appreciate the work that you've done, the work that our folks at the county level have done. And, yeah, certainly I think-- I'm taking this as a, as a good faith effort from you. But just speaking about and I'm just pointing out certain heartaches from certain folks. That's it.

WAYNE BENA: Anything can have unintended consequences. You know, I-- even in my LRCA that I-- that, that we wrote, some of the opponent testimony was things that I never thought about. But, again, that's why you bring it out there to flush things out. And, and while normally our omnibus bill is not something that's going to be opposed, I know it's going to happen this time, but I, I am, I am not closed-minded to, to being able to figure out a way to do it, but I just need something. We need other things to help.

GUERECA: I appreciate that. Thank you.

ANDERSEN: Any other questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Vice Chair. I apologize, I had another question I forgot about. Thank you, Mr. Bena. Just on that topic, you mentioned about putting into statute the part about that once you turn in the petitions, that's it. Is there any-- I mean, I, I get the reason why you don't want to count petitions that aren't going to be counted, but is there some-- like, if you-- somebody qualifies in county, they could turn in that whole county or something to alleviate this time constraint part because you might qualify, you know, I don't know, what's one of these little counties? We'll say Adams County. You're Adams County, right? There we go, Adams County. You know, finish-- get enough for qualifying Adams County, couldn't we allow somebody to turn in and then no more in Adams County or something like that?

WAYNE BENA: Well, that's great if you believe-- what happens-- I guess what I'm saying is what happens when it doesn't make it and you could have had more time? I mean, I-- the, the, the reason why I put in-- there was an instance in 2016 in which petitions were turned in. It was for casinos in which the bare minimum of signatures weren't turned

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

in and the sponsors didn't know. And there's-- there was litigation between the vendor and the, and the sponsor of whether or not who knew what and when. But, ultimately, there was-- in one of the three petitions, there was not enough bare minimum. And so a sponsor that may not be aware that they didn't have enough in the county, and they turned in that one county, and they need that county later. And, you know, so we don't you don't know until you know, so. I will say is, this, this language is for-- is in practice. But it is specific in every other statute except-- every other type of petition, except for initiative and referendums. But everyone has followed guidance from our office to do it all at once. I will say is, most every petition that I have ever been involved with has turned them in on deadline day, except for the paid sick leave, which I said the first one in is the first one out. And they knew they were done early, and I think they wanted to be done and they knew how many were coming in, so. They were the only ones in my 15-year history that turned in their petitions early, so.

J. CAVANAUGH: Everybody procrastinates.

WAYNE BENA: Yeah. So-- and everyone that picked last, I said, well, you're going to be last and let's hope we get it done. And we did get it done. So even though, even after the windstorm that happened in July that Douglas County lost power, we worked hard to get them back online in order to-- they can continue on with the petition signatures, so. They were down for an entire day, a few more days, and it would have been-- it would have taken a lot to catch back up, so.

J. CAVANAUGH: Thank you.

WAYNE BENA: Yeah.

ANDERSEN: Any other questions? I have one question for you, sir. You said a couple times that Secretary Evnen is adamantly against using any kind of automation for signature verification.

WAYNE BENA: At the-- I would say not adamantly. I'm saying he's against it at the current time. That's not our-- that's not what we want to do. Always looking to look at it in, but the technology is, is very-- I think AI is something that-- it's, it's a slow approach. I don't believe there's any state in the country that's using AI to verify petition signatures. We don't tend to be first in certain things like that. So I, I, I, I would take a measured approach on things like that before we would jump that far.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

ANDERSEN: So it-- right, so it has a different beast. But there, but there is automation technology that could assist in doing something that is very low level, just a manual function over that.

WAYNE BENA: Yeah, the administrative aspect of-- and the other thing is, because of all the lawsuits lately, I didn't have scanned copies of these until after they all came back in. So I, I will have scanned copies of these at the beginning of [INAUDIBLE] software, that if I get a public records request, I can provide those scans where I couldn't until I got them back in. So I can have them scanned, I can have them paged, I can have them electronically versus certified mail. Those are small things I can do to shave off time in the process.

ANDERSEN: Thank you. And thank you for your testimony.

WAYNE BENA: Thank you.

ANDERSEN: Thank you. Is there anybody else as a proponent to this bill?

BRIAN W. KRUSE: Good afternoon. Good afternoon, I'm Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e, Douglas County Election Commissioner. And so there's no reason to rehash everything Mr. Bena just said. I think he did a pretty good job. But on behalf of myself as Douglas County and the cochairman of our election law committee for NACO, we did collaborate on the bill, many of the ideas in here do come from our election commissioners and clerks across the state during the year at conferences. We all find different nuances that maybe need to be cleaned up or ideas, things of that nature. So we are here to support the bill in its current form. I would just say that it, it does sound-- well, the petition issues we've talked about today are a work in progress. I don't think there's any question about that. But we, we definitely do need to look at this. I would say we are-- we were at our capacity in Douglas County with the six petitions. In Douglas County last year, we had to hire 60 temps to get this done in the 40 days. We literally worked 7 days a week, 14-hour days. We had night shifts, weekend shifts, and day shifts. We, in Douglas County, we did about 40% of all the signatures, which was over 350,000 signatures. So we were doing, on average, about 10,000 a day. As Mr. Bena said, we lost power during the windstorm. We had lost power one time in the 2020 election. Since then, we worked with the county. This is kind of a side note, but we now have the ability to have a generator come from Nebraska Machinery. During, during the presidential election, we had it on site for about a week and now we can have it there within, you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

know, 4 hours if we need to. But we were able to get back and up and running in a day, but it was becoming critical for us. If we'd have been down 2 or 3 or 4 days, I mean, I don't want to say we'd be sunk because we always get the work done when we're called to do it, but it would have been very long days. So I, I think we, we do need to start to have the discussion on the petitions. The other thing is currently, you know, we get the petitions in the even-numbered years. So we could have a special election in January or February of an even-numbered year. Then we have the primary, then we go right into petitions, and then when we're done with petitions, we move right into the presidential. In fact, we actually start the presidential before we're done with petitions because of the sheer volume of early voting requests we get. In Douglas County, we have to start processing those before we're done with petitions. So we have, you know, two different groups. So, you know, currently we have folks sitting at our customer service stations doing petitions because we don't have early voting going on, but we also have temp work stations in our lobby and things of that nature. If we were to have more petitions, we, we would have had to rent additional space. I mean, we're just at capacity because we just don't have the physical workstations or the additional man hours to do that, because we also have to have permanent staff there, you know, managing this and overseeing this. When we hire our temps, there's a binder, a 2-inch binder, and training is anywhere from 3 to 5 days on petition processing, just because we want to be extremely thorough and treat everybody, every signature in the same manner. And then, of course, there's different levels. There's employees and management review and etcetera, etcetera. Eventually, they'll come up to my deputy and I if we need to, so. We did also spend about \$400,000 on petitions in Douglas County alone, just on petitions this last year. I did work with the board in advance. We did budget for about \$200,000, I believe. But then more petitions came in and so it, it, it did cost us that. There'd still be a cost if it wasn't in the even-numbered years, but it was in odd-numbered years, you, you wouldn't have that time constraint necessarily of the 40 days, so you could spread that out where you wouldn't have so much overtime. We try and hire our temps on our own, but the reality is we also have to use temp agencies at times. And now you're paying time and a half or, you know, one and a half times plus overtime, you could see where this begins to add up. So anyhow, much like Mr. Bena, you know, we're, we're very willing, us and our organization, to sit down and, and talk through things. I would say, I, I understand moving forward, but on a practical level, you know, it takes us 60 employees in Douglas County to do this. So if you extrapolate that out, if the, if the Secretary

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

of State's Office were going to take over, like, you know, something like this, I mean, you might be talking 150, couple hundred employees plus the budget, plus the space. So, you know, just some of the things there. But the bottom line is we do support the bill as it is. We collaborated with them on it. And we have a great working relationship with the Secretary of State's Office. And our association appreciates that. So thank you. I probably talked longer-- I talked longer than I planned to, but not to keep you here any longer than we need to be.

ANDERSEN: Mr. Kruse, thank you for your testimony. Are there any questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Vice Chair. Thanks for being here Mr. Kruse.

BRIAN W. KRUSE: Of course.

J. CAVANAUGH: Best election commissioner in the state.

BRIAN W. KRUSE: Oh, well, thank you. Thank you. I have some great colleagues.

J. CAVANAUGH: And-- well-- and, and, you know, I, I do love your website. And-- but I would say that the Sarpy County Election Commissioner has a very nice website with some--

BRIAN W. KRUSE: OK.

J. CAVANAUGH: --granularity in their precinct level, you know, maps and things like that, so just something to look at, you know, not to, to build up Vice Chair [INAUDIBLE] commissioner. But the thing I wanted to ask you about was you were talking about the petitions in the odd years, and I know we had some earlier bills about that. That's not in this bill, though.

BRIAN W. KRUSE: No, no, it's not. And I think that might have-- I'm not-- I think that was in the constitutional amendment. I think Mr. Bena explained the timeline there. I'm, I'm not an expert on that. I didn't write, write the bill. I'm not a lawyer. I kind of understand it, but, but, yes, that was in the constitutional amendment, I believe. And, again, we're open to suggestions, of course.

J. CAVANAUGH: And the part you kind of really hit on was the ability to or the necessity to hire all these folks. And I was just-- I guess my question is if we had to hire temp folks, the Secretary of State is going to hire temp folks, is it-- I mean, I guess I don't understand

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

the argument to shift it just to have them in the Secretary of State's Office versus your office.

BRIAN W. KRUSE: Oh, no, no, that's what I'm, that's what I'm saying. There was-- I think there was some concern that the Secretary of State's Office may try to take this process over. I, I guess what-- maybe I wasn't clear what I was trying to point out is if the Secretary of State's Office were to attempt to totally manage this without the counties, that the sheer number of temps they'd have to have, the monetary, and the space would be extremely large, even, even larger, you know, because you're moving 93 counties into one location. So I'm, I'm saying nothing's impractical. But from an-- from a practicability standpoint, it doesn't seem very practical that the Secretary of State--

J. CAVANAUGH: Would do that.

BRIAN W. KRUSE: --would, would do that, would want to do that. I mean, hey, we'd love to have him do it. No, only kidding, only kidding, only kidding.

J. CAVANAUGH: You don't look forward to that \$400,000 request to the county board, I'm sure.

BRIAN W. KRUSE: Really, really. Exactly.

J. CAVANAUGH: But I guess my question is if we're going to hire six temporary employees, does it matter if they're in Douglas County or in the Secretary of State's Office?

BRIAN W. KRUSE: No, but I think when you do it-- no. But I think when you do it at the county level, that spreads the work out, that spreads, spreads out the ability for transparency. And you might say there's some protection there. I mean, you know, you, you, you-- you've got it spread out and there's-- each county's doing their own. You know what I'm saying?

J. CAVANAUGH: Yeah.

BRIAN W. KRUSE: From, from, from a purely statistical standpoint, it takes the same number of people in the state and the same amount of money to do it, whether you do it centralized or you do it decentralized.

BRIAN W. KRUSE: OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

J. CAVANAUGH: Correct. I mean, I, I mean, those are the facts.

J. CAVANAUGH: Yeah.

BRIAN W. KRUSE: I'm just saying when you do it decentralized like we do it. You know, if we could do it in the odd-numbered year, it spreads out. We'd have more time. We wouldn't have a 40-day time constraint, maybe we have 60 days. You know.

J. CAVANAUGH: Yeah. All right. Thank you.

BRIAN W. KRUSE: Yes.

ANDERSEN: Thank you. Any other questions for Mr. Kruse? Senator Guereca.

GUERECA: Not necessarily a question, but I just wanted to compliment your efforts and your office's efforts with the-- with how you handled the implementation of the voter ID laws. Tremendous work getting out there educating the community on what the regulations were. And I just wanted to convey my gratitude to how you and your staff handled everything. You did a tremendous job.

BRIAN W. KRUSE: Well, thank you. I, I appreciate that.

ANDERSEN: Any other questions? Mr. Kruse, thank you for your time. I appreciate your testimony.

BRIAN W. KRUSE: OK. Thank you, sir.

ANDERSEN: Are there any other proponents? Welcome to the Government, Military and Veterans Affairs Committee. Welcome.

BETH BAZYN FERRELL: Thank you, Vice Chair Andersen, 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 testifying in support of LB521. First of all, we'd like to thank Senator Sanders for introducing the bill. Deputy Secretary Bena did a great job explaining all the details of the bill so I don't think there's anything I can do that would contribute to that. So I'd just like to say that we do support the bill and we'd like to express our appreciation for all the work that Deputy Bena and Secretary Evnen do to help keep our election processes getting better. So I'd be happy to answer questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

ANDERSEN: Thank you very much for your testimony. Any questions?
Senator Cavanaugh?

J. CAVANAUGH: I'm good. Thank you.

BETH BAZYN FERRELL: Thank you very much for your time. Any other
proponents?

WORDEKEMPER: Can you put that on the record?

ANDERSEN: Seeing none, are there any opponents to this bill? Welcome
to the Government, Military and Veterans Affairs Committee.

BRAD CHRISTIAN-SALLIS: How's it going? Good afternoon, members of the
Government, Military and Veterans Affairs Committee. My name is Brad
Christian-Sallis. That's B-r-a-d C-h-r-i-s-t-i-a-n-Sallis,
S-a-l-l-i-s. I'm Director of Power Building at the Nebraska Civic
Engagement Table. We're a statewide, nonpartisan, nonprofit working to
ensure communities are connected and engaged with key civic engagement
issues year round. I'm here today testifying in opposition to LB521
because of the proposed changes to the ballot initiative signature
process-- signature verification process that we've kind of discussed.
Although the Nebraska table is supportive of many of the provisions of
LB521 aimed at streamlining processes and cleaning up statute, Section
32, starting on page 32, would shift or could shift the process,
power, and responsibility of signature verification from our county
officials to the Secretary of State. The Nebraska Civic Engagement
Table is fundamentally opposed to actions that consolidate power and
responsibility, and that move them further away from the people and
the voters of Nebraska. Our clerks and our election commissioners, our
individuals trusted by members of our community to safeguard the
political process and ensure that our elections yield fair results, I
was so happy to see our Douglas County Election Commissioner here.
I've been in spaces with Brian. I feel like it's got to be 10, 15
times a year. And, for me, that's a big piece of it is everyone gets
that time with their local election official in a way you don't
necessarily get that time with the Secretary of State. And so, for me,
a big thing is that people need to feel like they have a local leader
they can go to with something, especially on whether or not their
signatures are verified. And when we move it away from our local
leadership, we really do undermine trust in the community. And it
would also create additional work for the Secretary of State. The
amount of work that's being done isn't going anywhere. It's just
shifting. And that kind of, I, I would think, would slow down the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

process. So I think the big thing I want to really touch on is that if we want to improve the signature verification process, I look forward to finding ways that we can do that. But these proposed changes we don't really see as doing that. We see them as just kind of eroding trust and taking them away from our local leaders and our local communities, and we want to avoid that. So we would ask the committee to not advance LB521, as currently written, and encourage the committee to strike Section 32. Thank you for your time.

ANDERSEN: Thank you, Mr. Christian-Sallis. Is that right?

BRAD CHRISTIAN-SALLIS: Yeah. Yeah.

ANDERSEN: Thank you for coming and testifying. Are there any questions? Senator Guereca.

GUERECA: Are there any other sections of the bill that give your organization any heartache or is it just 32?

BRAD CHRISTIAN-SALLIS: I think this was the biggest one. There's, there's-- again, pieces where I, I would like to see-- I think has been mentioned before-- just some guardrails put into place somewhere to Section 32, but this really stood out to us because it really does feel like it's moving it away from someone-- people in the community really know, have relationships with, and moves it further away from the people in that direct way. So that's why we felt the need to specifically focus on this section.

GUERECA: Thank you.

ANDERSEN: Any other questions? Seeing none,--

BRAD CHRISTIAN-SALLIS: Cool.

ANDERSEN: --sir, thank you very much for your time.

BRAD CHRISTIAN-SALLIS: Thank you.

ANDERSEN: Are there any other opponents for this bill? Welcome to the Government, Military and Veterans Affairs Committee.

HEIDI UHING: Hello, Vice Chair Andersen and other members of the Government, Military and Veterans Affairs Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g. I'm Public Policy Director for Civic Nebraska. Our organization advocates for a more modern and robust

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

democracy. As stated, this bill makes several really good updates to election law, including resolving a question that arose after the voter ID legislation this committee advanced and was passed a couple years ago regarding the use of face sheets for voting purposes at hospice facilities. That's just one example of a really good kind of tweak, tightening up of, of current statute that is contained in this bill. And so I hate to be testifying in opposition to LB21 [SIC] because I know there's a lot, a lot of good stuff in there that, that allows our election officials to do their work even better. But we do have concerns about Section 32. That section could affect the ballot initiative process, which Nebraskans have benefited from, from over a century. These new provisions would expand the role of the Secretary of State in counting and verifying signatures gathered for each ballot initiative. Currently, county election officials are responsible for counting and verifying these signatures. The bill would enable the Secretary of State to take a much more active role in the process and the way that the bill is drafted, it could be interpreted under a future secretary to authorize his or her office to take over the role completely. So that's our primary concern. The role of the signature verification was always intended to be dispersed statewide among county officials, and we would prefer that it remain that way. Keeping this process decentralized protects its integrity and avoids the undue influence of a single person or this process. If additional temporary staff are needed at the county level to complete this important task, we would hope this committee and others would support that expense. So given this concern, Civic Nebraska must oppose LB21 [SIC] as written. Were Section 32 to be removed from the bill, we would be in support of its advancement and passage. We encourage you to consider, perhaps, an interim study that would allow some time to identify other ways that could underpin the signature verification process to ensure that deadlines continue to be met, and we'd love to be part of that conversation. Thanks.

ANDERSEN: Ms. Uhing, thank you very much for your testimony. Are there any questions?

HEIDI UHING: All right. Thanks.

ANDERSEN: Thank you for your time. Any other opponents? Seeing none-- are you an opponent, ma'am?

SHIRLEY NIEMEYER: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

ANDERSEN: OK. Welcome to the Government, Military and Veterans Affairs. Welcome back.

SHIRLEY NIEMEYER: Thank you, Honorable Senators. This has been a real education for me to know all the things that this-- that the Secretary of State does in relationship to voting.

ANDERSEN: Ma'am, could you please give us your name and spell it please.

SHIRLEY NIEMEYER: Oh, I'm sorry. Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r.

ANDERSEN: Thank you.

SHIRLEY NIEMEYER: I oppose LB521, to expand the Secretary of State's role in counting and verifying petition signature unless, unless it's done in cooperation with the counties, so that we still have that ability at the county level. The Secretary of State has many other demanding roles. I think the discussion about software is really something I think needs to be explored because, you know, software to help verify signatures would be a wonderful thing, but you have to make sure you have the right software and need to have a backup system for that. You know, my signature has changed. I have arthritis. If somebody breaks their arm or something or finger, they're going to have a different signature. So I noticed some counties call, somebody said that, that's a wonderful thing. If, if you don't just take it off but have a backup to verify, this is really the person's signature if the software says it is not, because signatures change over time. And I do think, at the university they used to buy a licensed software, so everybody at the university could use the same program. And I don't know if that's possible to do it for the state, but I can think of the larger populated counties, if they could just buy or the state could help them buy software to verify signatures, how much that might help them. You know, maybe the 10 largest counties in verifying signatures. And that would probably help. OK, they threw these out, so the state then goes ahead and verifies whether or not they were legitimate toss outs. So I think there's a way-- this has got a lot of good stuff in it, but there are some things that I think could be changed a little bit. So I thank you very much for your time and for your service.

ANDERSEN: Ms. Niemeyer, thank you very much for your testimony. Are there any questions? Seeing none,--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

SHIRLEY NIEMEYER: Thank you.

ANDERSEN: --thank you very much for your time. Are there any others that want to testify in opposition to this bill? Seeing none, any in a neutral capacity? Welcome back to your Military, Veterans Affairs Committee [SIC].

CONNIE REINKE: Thank you. My name is Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. I have a situation where someone came forward and they signed a PO waiver for their father on the mail-In ballot and it was returned, of course, they couldn't do that. But the, the [INAUDIBLE] collection clerk said that all that older individual would have needed to do is put an X on the signature line. That is very concerning to me. And if you've heard my testimony before, we have a couple affidavits from the 2020 election where election workers said that they witnessed signatures not matching. And when they asked a supervisor, the supervisor said send it through, send it through. We're not the signature police. So the signature problem is, I believe, needs to be addressed in this bill. And so I've included some of the changes that I would suggest to this bill, especially related to signature matching. Also, in the handout that I, I, I did in the first hearing, there was a section that talks about observers, because in our statutes there is a counting board which is selected by the, the county election official, commissioner or clerk. There is, there is supposed to be oversight of that board by observers. In the, in the statute, it says: the county election officer may have observers. I believe this is very important that the people of the county are able to witness and watch that counting board activity. And the counting actually starts when that ballot is, is, is verified; signature matched and also verified that that's a voter. That's a critical point that happens two Fridays before the election. And at that point, I believe observers need to be present and be able to watch if those signatures are, are being matched. Also, I wanted to make a point on page 49. I crossed through and, and would like to amend and add the cast vote record. And then the provisional ballots are extremely important because all of the ballots are counted on Election Day, then 4 days after, that's when they count all the provisional ballots. And during that time, that's a very critical point. And we need to be able to know who those provisional voters are. And we need to be sure that that's accurate with observers present. So please take this into consideration. I also attached or included this letter that was written by Paul Gosar about the Disinformation Governance Board. And this Board is-- was, was stated as being bizarre. And it, it actually was involved in censoring COVID and election fraud. And if you wonder

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 20, 2025
Rough Draft

why you haven't heard a lot of the things that have happened related to voter fraud, it's because of this Board, which was considered illegal. And President Trump has removed 130-- fired 130 people from this CIS cybersecurity watchdog, so.

ANDERSEN: Thank you, Mrs. Reinke

CONNIE REINKE: Thank you.

ANDERSEN: Any last comments that you have for the committee? That was [INAUDIBLE] questions.

CONNIE REINKE: Oh, OK.

ANDERSEN: Any questions for Mrs. Reinke? Thank you very much for your time.

CONNIE REINKE: You're welcome.

ANDERSEN: Thank you for coming today. Are there anybody else in the neutral position? Seeing none, Senator Sanders, do you care to close? Online, we have 7 proponents, 57 opponents, and 1 in the neutral position. And Senator Sanders waives closing. So that will conclude this hearing for LB521 and the committee for the day.