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BREWER: Good afternoon and welcome to the Government Committee. I'm Senator Tom Brewer, representing the 40-- 43rd Legislative District. And I am the Chair for this committee. The committee is going to be holding a combined hearing today on three proposed bills that are on the agenda. This is to ensure that everyone has an opportunity to testify today. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us. Committee members may come and go during the hearing. It's just part of the process here. They have other committees. In fact I have a note here. Senator Hunt is in Judiciary, and Senator Conrad is in Revenue. I ask that you abide by the following procedures to better facilitate today's meeting. Please silence or turn off your cell phones or any electronic devices. All right. Today, we'll have a little different order on how we're going to do this, and I need you to listen up so that we get this right. If you're in the back of the room, I suggest you move forward, because what I'm going to do is we're going to start over here on the right side, the second row, and that will be the first-- well, actually, the young lady in the green shirt will be our first testifier, then we'll jump back to the back row or the next row and just go from my right to left. And then we'll just simply go to the next row and we'll just keep moving back. So if you're all the way in the back, there probably isn't much benefit to that for you. I'd say get a seat closer and then your chance to testify will be a little, a little quicker that way. We may have a need for an overflow room. We're waiting to see on that, but for now if we can just fill chairs and rows so that we can officially go through things, that would be helpful. If we do need to use the overflow room, that's 1023. That is through the construction here. If you were here before, it's the same, same overflow room that we were using before. We'll have the introducing senators make their opening comments on all three bills. So Senator Holdcroft will go first. When he's done, Senator Halloran will come up and do his two bills. I'll give us the introduction on all three bills. Then we'll start going through testifiers, and we'll continue. We'll continue till 4:30, then we'll take a 15 minute break, come back and then we'll go to we're done, whatever time that is. All right. Sound like a plan? The Red Jackets are going to try and manage this and keep everybody straight. And if you get out of control, we've got state troopers, so behave yourselves. All right. Let's see. Trying to expedite some of

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this. When you come forward, we're going to ask that you speak clearly into the microphone, state your first and your-- first name and last name and spell them. Be sure that you have a green sheet filled out for each of the bills that you want to go on the record, either in support or opposition to or neutral. So if you're planning to have a record on all three bills, then you should have three green slips when you come forward, ask that you-- you do that. Be sure when you write on the green slip, people are notorious for taking the darn things and it looks like you stamp a chicken's foot and put it all over the place. So write legibly so that it goes in the record with your correct name, with the correct spelling, with your corrected record. As far as any information that you write down, we ask that of you. OK. When you come forward with green slips, you can give that to the pages or the committee clerk. If you don't want to testify, but you want to have it go into the record, there are white sheets on the table that you can fill out and record. If you have handouts, we ask that you provide ten copies. If you don't, let us know, we can put the pages to work on getting some copies made. All right. Today, you'll have 3 minutes. You'll have a warning at one minute, when it goes amber. There'll be a red light come on, and there will be an audible alarm. If you go all the way to the alarm, that's your notification that you're-- you're done. No displays of support or opposition. I want to stress that. I don't care if you like what the guy or gal is saying. No uproar from the crowd or I'd simply have you leave the room. OK? This is their chance to share with us what they want to share about the bill. And you need to respect their-- their opportunity here. All right. With that said, we're going to introduce the committee today. [INAUDIBLE] Boy, I'm all messed up. We're going to start on my left. Senator Raybould.

RAYBOULD: All right. Good afternoon, everyone. My name is Jane Raybould. I'm from Legislative District 28, which is the heart of Lincoln, Nebraska.

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

LOWE: John Lowe, District 37, which is Gibbon, Shelton, and Kearney in the direct center of the United States.

RAYBOULD: Stole your thunder.

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BREWER: Go ahead, top that.

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

HUNT: Hi, everybody. I'm Senator Megan Hunt. I represent District 8 in the northern part of midtown Omaha, which is the godless liberal part. Thank you.

BREWER: OK. All right. On my left is the committee counsel, Dick Clark. On my right, running backwards here, is the committee clerk, Julie Condon. The Vice Chair of the committee is Senator Sanders. And our pages today are Logan and Audrey, I think. Yeah going the wrong way. When we switch rooms, it's always some adjusting there. All right. With that, we will have our first bill opening. Senator Holdcroft, welcome to the Government Committee.

HOLDCROFT: Thank you. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Senator Rick Holdcroft, spelled R-i-c-k H-o-l-d-c-r-o-f-t. I represent Legislative District 36, which includes western and southern Sarpy County. Today I'd like to introduce LB457. This bill outlines currency grade fraud countermeasures to secure ballot integrity. It also requires the use of video surveillance at polling locations. It requires a minimum of three safeguard features for ballots and bans ballot scanning and vote tabulation equipment from reading or executing any embedded code or triggers on scanned ballots. Regarding ballots, citizens need to be able to verify that their vote was counted as it was cast, and an effective way to do that is to add serial numbers to the ballots. These serial numbers would be unique to each voter and allow the voter to verify their own individual ballot and vote. Ballot serial numbers can only be readable by humans. In order to ensure the privacy of each and every voter, there is to be no embedded coding or triggers used in ballots being scanned. The paper they are printed on should be just as secure as that used for currency. And the-- and this bill requires that of our elections. The second area of this bill is in regard to video surveillance. To ensure that all eligible voters' ballot choices are counted, and only eligible voters' ballot choices are counted accurately and in full transparency to the public, all public

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officials, and especially election officials, must have the best tools at their disposal to offer that transparency. Critical to ensuring safe and secure elections is uninterrupted, publicly available video surveillance of every ballot from when it is received by the voter at the polling place until it is counted and preserved. Free and fair elections are an essential foundation of democracy. I believe Nebraska has more secure elections than most other states. But we still have to ensure public faith in the integrity of the voting process, as well as the democratic legitimacy of our elected representatives. LB457 will help to accomplish these goals, and I ask for your full support in moving this bill forward. Chairman Brewer and members of the Government, Military and Veterans Affairs Committee, thank you for the opportunity to present LB457. I would appreciate timely consideration of this bill, and a vote to forward it to the full Legislature. I would be happy to answer any questions you might have. However, there are some experts coming after me that may better be able to answer any questions you may have. Thank you.

BREWER: Thank you. Questions? Senator Raybould.

RAYBOULD: Yes. Thank you, Senator Holdcroft, for introducing this. I do have a number of questions because I wasn't clear on what you were thinking on this piece of legislation. So are you envisioning hand counts of the ballots?

HOLDCROFT: No. The hand counts are not part of this bill.

RAYBOULD: And so are you envisioning like a special type of paper that--

HOLDCROFT: Yes.

RAYBOULD: --is going to be scanned? Can the current equipment that many of the counties have--

HOLDCROFT: Well, they would have to be certified that they don't scan for any embedded codes or anything in the-- in the ballot. The ballot itself, it says-- as it says in the bill, requires three-- at least three counter-- counter-counterfeit features. And I'm sure that folks that follow after me can expand on, on those features.

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RAYBOULD: OK. And then another question. You had mentioned video surveillance, and this would be at all the precincts?

HOLDCROFT: Yes.

RAYBOULD: All the voting places?

HOLDCROFT: All the voting places. And essentially we're looking for surveillance of the voting sites, essentially to encompass, you know, when the-- when the ballot is issued, them walking to the, to a booth filling it out and then issuing it and putting it in the box. So that that would be video surveilled and recorded.

RAYBOULD: And I really apologize. I left my laptop in my office. But could you share with us what is the fiscal note for this?

HOLDCROFT: It's big.

RAYBOULD: I'm guessing it's big.

HOLDCROFT: Because we didn't want to do an unfunded mandate to the counties for this. So it is \$6 million-- \$6.0925 million.

RAYBOULD: So \$6 million. And that would include all the video equipment and the servers, and, and I guess I-- are you anticipating using the existing scanning equipment? Is that compatible with the special paper?

HOLDCROFT: It may be compatible, but it would have to be certified that it is-- it does not have any electronics in it that would be-- that would allow execution of a-- of a code or something that's in the ballot.

RAYBOULD: OK. And I'm actually thinking this amount is low based on I don't know if the new equipment would be compatible with the special ballot paper required to have all the appropriate watermarks to make sure that there can be no duplication or things like that. So, I'm guessing, did-- does that \$6 million fiscal note assume that we are going to be able to use all the same scanning equipment in all 92 counties?

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HOLDCROFT: I'd have to go back and look. The Secretary of State came up with the figure and had the bill, so--

RAYBOULD: OK.

HOLDCROFT: --I'd have to go back and see. And you know, someone after me might be able to comment on that one. I'll see what we can find out.

RAYBOULD: Thank you very much.

BREWER: This is just a guess. We'll see as, as others talk about it. I think it was over \$20 million that we spent on the machines. So I would guess this is a software tweak to the existing machines rather than resetting with new stuff, but we'll have to see. OK. Additional questions for Senator Holdcroft? All right. Thank you, Senator Soc-- Senator Lowe.

LOWE: Thank you, Senator Holdcroft, for bringing this. Would you say the cost to the county and to the state is probably high because we accept ballots for a month or a month and a half instead of one or two days?

HOLDCROFT: I guess I would say that's probably true. Although this really is focused on Election Day security. I mean, the-- certainly the cameras would only operate from when the polls opened until when they close. So it's really not so much focused on mail-in ballots, or ballots that are received outside the time of ba-- of polling ballots.

LOWE: So you're, you're not thinking about the drop boxes or anything like that.

HOLDCROFT: No, no. This would just be polling places.

LOWE: Polling places. All right. Thank you.

BREWER: All right. Any additional questions? All right. Thank you, Senator Holdcroft. You'll stick around to close.

HOLDCROFT: I will.

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BREWER: OK. Could be a while. OK. We will now welcome our next senator up [INAUDIBLE]. Senator Halloran, welcome to your Government Committee.

HALLORAN: I hate to correct the Chair to begin with, but it's your Government Committee. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Steve Halloran. S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd Legislative District. I introduced LB193, which shall be known as the "Made in the USA Act." This bill works to secure our state's election infrastructure and prevents foreign supply chain exploitations by requiring all parts of a voting system to be made in the USA using trusted processes accredited by the DOD's Defensive Microelectronics Activity (DMEA) guidelines. Excuse me. I will facilitate the committee by handing out the testimony, so they can read along. A study conducted by the security firm Interos, a third party risk software company, found that one-fifth, 20 percent, of the hardware and software components and election devices used in the U.S. come from suppliers in China. While systems may be assembled in the U.S., they contain components designed, manufactured and integrated from foreign countries. When we allow our voting systems to remain open in this way to foreign adversaries, they are potentially vulnerable to exploitation. LB193 was inspired by presidential Executive Orders 13971, 13873 and 13848, as well as Department of Defense directives under President Obama and President Trump, which state that voting systems be designated as critical infrastructure by the Department of Homeland Security and should therefore be subject to strict regulation regarding component sourcing, manufacturing, and production. The United States Secretary for Homeland Security from 2013 to 2017, Secretary Jeh Charles Johnson, all-- at, at the conclusion of his service in 2000 stated-- 2017 stated, and I quote, Now more than ever, it is important that we offer our assistance to state and local election officials in the cybersecurity of their systems. Election infrastructure is vital to our national interest and cyber attacks on this country are becoming more sophisticated, and bad cyber actors ranging from nation states, cyber criminals and hacktivists are becoming more sophisticated and dangerous, end of quote. The National Counterintelligence and Security Center states, and I quote, The increased reliance on foreign-owned or controlled hardware, software and or services, as well as the proliferation of

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networking technologies, creates vulnerabilities in our nation's supply chain, end of quote. This "Made in the USA Act," LB193, mandates that Nebraska not use voting machines that contain any part or material sourced outside of the United States. They must be designed, manufactured, integrated, and assembled in the United States of America. This will ensure better security standards for Nebraska and help restore public trust in elections. I provided the committee another handout, which I'm about to provide. I'm ahead of myself. I'm providing the committee with another handout of an NBC News story from December of 2019, which raises concern about foreign parts being utilized in elections in our country. My concerns are not about the tabulation of vote counts of the election machines manufactured by Election Systems & Software, ES&S, in Omaha, Nebraska. Those machines will be competent in their accuracy as tabulating, and tabulating is not the problem. My concern is that those machines may have a chip, hardware, or software that allows them to be accessible through the Internet and be able to have someone manipulate or alter the election results after they have tabulated the votes. The NBC News story noted an examination of the shipping records for ES&S from 2-- 2015 to 2019, five years, found many parts were made in China and the Philippines, which raises-- raised concern about technology theft and sabotage. From the NBC News story, I quote, Chinese manufacturers can be forced to cooperate with requests from Chinese intelligence officials to share any information about the technology and therefore pose a risk for U.S. companies. NBC News analyst Frank Figliuzzi, a former assistant director of the FBI for counterintelligence, said that could include intellectual property such as source code materials or blueprints. There's also the concern of machines shipped with undetected vulnerabilities or backdoors that could allow tampering, end of quote. The reason I introduced LB193 is because we must recreate a level of trust and ensure the election results are not changed or altered by anyone, anywhere, and in any way over the Internet or online by someone. Utilizing software made in the USA for our elections will help recreate the level of trust in election results for Nebraska voters. Thank you, Chairman Brewer and committee members. I would be happy to answer any of your questions.

BREWER: OK. Thank you for that opening and just so everyone understands, Senator Halloran has opened on LB193. We'll see if

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there's questions. If not, then he'll transition to LB808. All right. Questions. Senator Raybould.

RAYBOULD: Yes. Thank you, Chair. Thank you, Senator Halloran. I do have a couple of questions. Do you know if our current optical scanners would be in compliance so that we wouldn't have to get new equipment?

HALLORAN: I do not know the answer to that. I would suspect that they need to be-- they obviously need to be checked to see if they would be in compliance. But I don't have a definitive yes or no on that.

RAYBOULD: Because I know they're optical scanners, so they're not currently connected to any Internet.

HALLORAN: Anything could be connected to the Internet that has a, has a hardware or software embedded in the machine. I don't know if the optical scanners have that, I suspect that they may.

RAYBOULD: And then again, I apologize. I didn't bring my laptop. Could you share with us what is the fiscal note of this bill?

HALLORAN: Well, I did not purposely try to beat Senator Holdcroft but it looks-- we're looking at \$10 million.

RAYBOULD: \$10 million. Thank you very much.

HALLORAN: Um-hum.

BREWER: All right. Additional questions for Senator Halloran on LB193?

HALLORAN: I would add to that, the cost of this can be one-- I think one should look at what is the cost of creating or recreating more trust in the system. I don't know what the price of that is, but there used to be a commercial that ended with it could be priceless because we have to have confidence in our voting system.

BREWER: OK, one more time for questions. All right. Let's transition to LB808.

HALLORAN: Thank you. Once again, good afternoon, Chairman Brewer and members of the Government, Military, and Veterans Affairs Committee.

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Thank you for this hearing. For the record, my name is Senator Steve Halloran. S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd Legislative District, the heart of south central Nebraska. I introduced LB808 to give counties the authority to choose-- to choose to hand count and recount elections should they desire. It is permissive and not mandatory. LB808 also allows candidates the opportunity to require a hand count of ballots of the election results if they fall within the margin authorizing the candidate to request an official recount of the election results. The U.S. Constitution Article I, Section 4 states, quote, the times, places and manner of holding elections for senators and representatives shall not-- shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except-- except as to the places of choosing senators, end quote. Nothing in the federal Constitution gives the federal government any authority over state and county office elections. That is the business of the state and county. And as such, the power to determine the conduct of elections should be determined there. Our Nebraska State Constitution in Article III, Section 18 states, quote, The Legislature shall not pass local or special laws in any of the following cases. That is to say, the opening and conducting of any election or designating the place of voting, end of quote. This clearly prohibits the Legislature, or the office of Secretary of State, from removing control at the local county level over the conducting of elections, which includes the method of counting votes. We are not allowed to write laws repugnant to the Constitution. The foundation of self-governance is liberty, and at the core of liberty is the ability to cast one's vote in a fair-- free and fair election. When vast numbers of citizens no longer believe those elections to be free and fair, this foundation is shaken. Many Nebraskans rightful-- rightfully believe that the ability to hand count ballots to ensure accuracy in the voting process is the key to returning to an electoral process that they can trust because they can verify it. Transparency makes elections accountable to the people. For decades, our ballots were counted by hand and by the citizens to whom their election belonged. Hand counts are used to verify the accuracy of the tabulators. So why would this verification be removed from the official process of counting votes? The intent of our Founding Fathers was to retain power with the people at the local level and not the centralization of power in government offices. The goal of this bill is to return liberty and

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control to the people where it belongs. As legislators, it is our duty to ensure an electoral system where citizens are confident in their vote to elect people to represent their interests and concerns is transparent and trustworthy. If our government truly belongs to the people, the control of their elections needs to return to the counties. Thank you for your consideration of LB808. With that, thank you, Senator-- Chairman Brewer and committee members, I would be happy to answer any of your questions.

BREWER: All right. Thank you for that opening. Let's see if we have questions. Senator Raybould.

RAYBOULD: Thank you again, Chair. Thank you. Senator Halloran. So-- so the way you're saying this, that LB808 is optional, if you want to do a hand count in each of the counties.

HALLORAN: That's correct.

RAYBOULD: OK. And then is it also optional to do a hand count if someone challenges the election results, so the county can say, no, we're-- we're just going to scan it like we have always done it?

HALLORAN: And that as well, it's optional.

RAYBOULD: OK. Oh, and--

HALLORAN: Fiscal note?

RAYBOULD: Probably zero? No?

HALLORAN: OK. If that's what you like. No, it's \$30,000.

RAYBOULD: \$30,000. And can you tell us what that is based on?

HALLORAN: I did not do the fiscal note, so I-- I, you know, as always, I trust the, the folks that do these.

RAYBOULD: OK.

HALLORAN: So, I mean, that was Secretary of State primarily.

RAYBOULD: OK. Thank you very much.

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BREWER: OK. Additional questions for Senator Halloran on LB808. All right. Thank you. We have-- we have one invited testifier that will be up first. Melissa, come on up. Welcome to the Government Committee.

MELISSA SAUDER: Thank you. Good afternoon. My name is Melissa Sauder, M-e-l-i-s-s-a S-a-u-d-e-r. I am here in support of all three of these election bills. I have been investigating, working to understand Nebraska's elections for over two years now. What we have found is really shocking and absurd. These three bills begin to address the severe issues we have as a state. We have a Secretary of State and county election officials telling us to trust them because they say so, in spite of all the issues we continue to bring before them. LB457 requires that we treat our ballots as if they're at least as valuable as a dollar bill. Sadly, those in charge of our elections in Nebraska have completely neglected their duties in this area. In several counties, they mail out ballots to every name on the voter rolls, regardless of whether the rolls are accurate. By working with the cause of America, you can see in the first handout I shared with you, we ran our 2022 voter rolls against the NCOA. In this report, you will find over 8,000-- 18,000 people have permanently moved out of the state of Nebraska and are still able to vote. Douglas County has almost 7,000. Lancaster 3,500. This data only accounts for people that have moved in the last four years. So that means my sister, who moved out of Nebraska 14 years ago, is still on my county rolls. Also, in my county, I knocked on some doors to ask my neighbors some questions. I quickly found 12 people in my small, rural-- rural county that have received ballots that they never requested. My clerk has no record of them requesting it. Where did they come from? I found two people voting from a closed business in my county. They no longer live there, but they're still voting. One voter was told on Election Day when she showed up that she already voted. By now, you're concerned about the cost of, of ballots. In your handout, I reached out to a company in Texas that specializes in printing these kinds of ballots. Some counties pay \$0.09 a ballot, some counties pay \$0.29 a ballot. This quote is for \$0.30 a ballot. There's over \$2 billion sitting here in Lincoln. I can't think of a better way to spend that money than to secure our elections with ballots that cannot be counterfeited. LB808 stops our Secretary of State from abusing his power by dictating to counties that he believes they have no right to hand count their ballots, and that somehow, after decades of hand counting ballots,

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it's a new method. With this bill it makes it clear that his office can no longer threaten county workers with lawsuits, fines, and removal from office. It also addresses the idiocracy of recounting ballots in only one way, the same way done initially. How on earth do you reconcile this inept practice? Think about a banking experience. It wouldn't work. LB193 bans election equipment that have components and systems created out of the United States. And yes, ES&S has plenty of parts coming from China. You can see in one of the handouts that some of the motherboards for our DS200s, the motherboards, come from the People's Republic of China. We're being told to trust election officials, even though they trust a private corporation with undisclosed ownership, but with parts from foreign adversaries. ES&S has a long history of misrepresenting the truth. They violated their certification, which also basically means nothing. If you look at their-- the EAC certification that I shared with you, it says that an EAC certification is not a determination that the system is ready for use in any election. We have a lot of problems. We're asking county clerks to be bank tellers responsible for securing entire-- entire digital banking systems with the current system that we have. Sorry. Three minutes isn't enou--

BREWER: It's all right. You've covered a lot of ground here.

MELISSA SAUDER: I did.

BREWER: Before we let you go, because we've got a lot of stuff here, we want to make sure that we got it in the record exactly what we have. So let's start with the one with the Nebraska flag on it, says, we talked.

MELISSA SAUDER: Nebraska NCOA.

BREWER: NCOA report. OK. So this report is from who?

MELISSA SAUDER: It is-- we worked with Cause of America and purchased the voter rolls. Nebraskans purchased the voter rolls. Cause of America helped run the report through the NCOA. So it's an official report from there.

BREWER: If I shift to the back and you got this sheet that has the bars going across and all.

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MELISSA SAUDER: Yes.

BREWER: What exactly is the bar showing?

MELISSA SAUDER: They are showing the counties with the percentage of unresolved moves so people who--

BREWER: And that's the red indicating on the outside.

MELISSA SAUDER: Yeah. So the top counties would be the worst counties, the most unresolved voters who've moved outside of the state of Nebraska within the last four years, not beyond.

BREWER: All right. Let's shift gears to the rest of your file here.

MELISSA SAUDER: OK.

BREWER: This sheet here. This is--

MELISSA SAUDER: That is the email from Authentix out of Texas, and it shows you their ballpark quote. They won't give me any more details because I am not part of the government. So they-- they said based on the bill that I sent to them, because I sent the specific bill language so they knew exactly what the requirements would be, they said it would cost about \$0.30 per paper.

BREWER: OK. All right, now we go to the election system. The software that ES&S, this letter here.

MELISSA SAUDER: Yes.

BREWER: This is--

MELISSA SAUDER: That is--

BREWER: --indicating components?

MELISSA SAUDER: So that is-- those are two letters from the EAC to ES&S, calling them out for mislabeling. They put stickers on their tabulators saying that they do not connect to the Internet, cannot connect to the Internet. They were discovered to actually do so. And the EAC was calling them out for being dishonest about that. They-- they said, oh, we didn't know that. And then the EAC had to go back

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and tell them to remove those stickers because they didn't voluntarily remove the stickers with the false information.

BREWER: OK. And that. All right, now. The others here. What does E-- ES&S say about their machines being connected to Internet or Internet-capable?

MELISSA SAUDER: So this includes the handout that Senator Halloran shared with you about the NBC News article. They had over 14,000 DS200 tabulators with online modems, but they were not honest about that. They claimed they had none. Then this next page, it talks about in Antrim, Michigan, someone opened up the ES-- the DS200 and found a Telit modem chip installed on the motherboard and there is a picture of that as well.

BREWER: All right, the last one here, this sheet here.

MELISSA SAUDER: So that one is the EAC certification that talks about the VSTL that certifies it is Pro V&V. They--their director, the person in charge of Pro V&V was someone with no specialized expertise in cybersecurity testing or analysis or risk analysis whatsoever. So that's who's authorizing this certification. But even when you flip to the next page and you see the highlighted areas, it tells you what the certification is not. It is not an endorsement from the-- of the manufacturer. It's not a warranty, it is not a substitute for state and local certification and testing, and it is not a determination that the system is ready for use in an election.

BREWER: All right. We got one more here, the one that has the highlighting to the center part.

MELISSA SAUDER: Yes. So that came from Colonel Shawn Smith. He had-- it was 75 pages. I didn't give you the whole thing. I plan to email that to you, so you have access to the full 75 pages. It is his sworn testimony in a-- in a lawsuit in Alabama. So I pulled out some of the most important pieces of that, as well as, there should be this one in there as well. He outlines the source location for pieces. ES&S, you can see, is highlighted. Our DS200s come from Viatech and the motherboard is manufactured in the People's Republic of China. Not just small pieces. It's the entire motherboard.

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BREWER: OK, let's see if we have questions here for you. Questions? Senator Raybould.

RAYBOULD: Thank you, Ms. Sauder. Can you tell me-- so, you're saying that the type of scanners that we have in Nebraska are the DS200 model?

MELISSA SAUDER: That's one of them. We have DS450s and DS850s. I was trying to find the specific information on those and Shawn was working out, but he didn't quite get that to me yet.

RAYBOULD: And then I also noticed you had highlighted on the first page the EMS--

MELISSA SAUDER: Um-hum.

RAYBOULD: --network server: PowerEdge

MELISSA SAUDER: Those are some pieces that ES&S has as well. I'm not-- I don't know exactly which ones those are. Shawn had highlighted those as part of our system. So our-- our Dell laptops are also part of the problem. They have-- they have components coming from China as well.

RAYBOULD: So I guess the question is, are those components also inside the DS200 scanning machines that we use?

MELISSA SAUDER: Well, they would be-- they would probably be different components. But yes, the DS200s have-- the motherboard is from China.

RAYBOULD: OK. Thank you very much.

MELISSA SAUDER: Yes.

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

MELISSA SAUDER: Thank you.

BREWER: All right. Just a quick refresher here. No, you're doing great. You're-- you're, you're the one up. Come on up here. We want to make sure we got the, the, the sequence down so I'm starting on-- on my right over here, your left. And we're going to come across that row

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all the way across, and we just drop back to the next row, all the way across. So there's no doubt about where or what order we're going in here. All right. With that, welcome to the Government Committee. You can begin whenever you're ready.

ROBBIE ADAMS: Thank you. My name is Robbie Adams, R-o-b-b-i-e A-d-a-m-s. I'm from Papillion. I support LB457, LB193, and LB808 because the 2020 election had provable fraud in numerous ways documented by sworn affidavits, national election experts, videos, photographs, audios and document-- documentary movies using the most sophisticated cell phone tracking available to prove ballot harvesting mules changed the election. I have attended numerous election integrity forums and have seen for myself the evidence, the algorithm-- algorithms used to falsify voter participation by age group; following the U.S. Census numbers from 2010; and photographs of boxes of Dominion ballots with shipping labels that said made in China. I know of the evidence of ballots sent-- ballots sent to people who were dead, or had moved, or had not requested them. I know about the database latency of registration rules that enables bad actors in election offices to change voter zip codes before mailing ballots out without detection in the ba-- database, mail ballots with wrong zip codes, get them returned to post offices and or election officials, and then change the zip code on the registration database back without detection. This trick enables mis-addressed ballots to be collected and voted by criminal elements and mailed in. I know about phantom voters, dead voters, moved voters, voters who vote in more than one state. I know about machine connections to the internet and how easy it is for bad actors to hack anything on the Internet, including hacking our own NSA, CIA, DOJ, DHS, and FBI. I know ES&S admitted publicly that their machines are vulnerable to hacking. I watched an online election fraud investigation and saw live hacking of election voter registration rolls performed by election expert Jovan Hutton Pulitzer as it happened. I have heard national experts such as physicist Dr. Douglas Frank and election bellwether expert Seth Keshel explain the impossible statistics of the 2020 election. I've seen the famous drop and roll video that explains the impossible erratic charts that documented election night, negative votes, and then huge, impossible drops of millions of votes at once that made the charts shoot straight up in the air, to switch who is leading, followed by impossible ratios of votes hour by hour throughout precincts that

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follow these exact ratios-- ratios for the rest of the night, all manipulated by what has come-- what has to be computerized programs, not American voters. How does a voter accomplish a negative vote? Nebraska Secretary of State Evnen posted on our Nebraska Vote results website four times that Trump got negative votes. How do you rationalize a security video of vote counters dismissing poll watchers for the night, pulling out suitcases of ballots from under draped tables, and then running those ballots through tabulators multiple times per handful of ballots? All of this is to say the evidence of election fraud is myriad and available to anyone who takes the time to look at it, listen to it, and investigate it for themselves. We need these bills much more to return our elections, even in Nebraska, to ones where there is no overvote, no phantom vote, no dead vote, no moved voter vote, and all votes come from locations verified not to be vacant lots, retail stores or empty lots by crossmatching them with our tax rolls. We need these bills to bring freedom, fairness, and election integrity back to Nebraska's elections. Thank you so much.

BREWER: OK. Thank you. All right. Let's see if we don't have some questions for you. Questions. All right. Thank you for condensing your five minute speech into my three minutes. All right, I need to--need to go ahead and read in. I should have before I started there, reading. The ADA testimonies, you do at the beginning. At the end, we'll-- we'll read those that have written in as proponents, opponents or neutral. But the, the ADA testimony, and it is a Mary August from Omaha and she is an opponent on 457. So, anyway we got that read in. All right. Next testifier up, please.

RICHARD JOST: Tough act to follow.

BREWER: Yeah. OK. Whenever you're ready.

RICHARD JOST: Yeah. Good afternoon. My name is Richard Jost, R-i-c-h-a-r-d J-o-s-t. I'm from Bellevue. I support LB457, LB193, LB808. Hey, honey. What happened in 2020 comes down to this: number of votes counted. 2020 had 155,508,985 votes counted. 2016 had approximately 128 million. 2012 had approximately 121 million. 2008 had about 125 million. So other than 2020, that's an average of 125 million. Yet 2020 had 155 million, a 24 percent increase. It's not like the previous elections weren't critical to the nation. They were. Voters came out in record numbers for the first black president, 69

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million votes; and the presumptive first woman president, 65 million votes. And then for the most cognitively impaired candidate, 81 million votes. Open your hearts and minds to help us take back what has been stolen from us. So enough about numbers. You've heard Larry Ortega for years now. He was a test pilot in the Air Force, which is a favorite spot for NASA to snag their astronauts. And he is currently working in the energy sector with projects that will astound you. You've heard Connie Reinke behind us one of the most competent, dedicated, soft spoken, honest Americans I know. And you also heard from Melissa today. You've met Dr. Linda Vermooten, a naturalized citizen, with her unique South African perspective, telling you elections are questionable. And me, a 25 year Air Force veteran with 6000 hours flying reconnaissance from 18 overseas locations against 38 nations. I mission planned all these flights and commanded made this deployment. I know numbers. We've come here week after week and poured our hearts out to you. And what do we get? Three weakly, poorly written bills that don't do enough, although I support them as they are. I mean, I support them because it's better than nothing. These are along the same lines as bill-- as the bill Evnen did, when he wrote, three years ago, a couple of years ago for Senator Clements that Senator Clements introduced. It was horrible. Securing dropboxes by-- to the ground with the bolt. The bill missed the point completely, which was really that these corporate boxes should have been removed completely. There was no more need for them. Then LB457 doesn't seem to mention the most important location for video surveillance, and that's at the drop boxes. And it scares me to think about the post office, the post office boxes, and they're not video surveilled. LB193 still includes tabulators, and no matter where the computer chips are sourced, it's the code where the crime is committed. And then there's LB808. It's woeful as it has-- it has this way of trying to tie our hands during-- about hand counts. Hand counts with common sense scrutiny of each ballot is the closest way to getting this thing done properly. And yet what Evnen it did to Russ, to Russ Barger, is absolutely reprehensible, saying that if you did get a hand count, it would be by machine only. Lastly, letting 2020 go as if there was nothing to see has absolute consequences. I believe it's the sheer enormity of these consequences that prevent us from looking at ourselves in the mirror. I firmly believe Evnen, and many, many others know the truth. These people are scared to the bone of the truth coming out.

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BREWER: OK.

RICHARD JOST: Thank you.

BREWER: Thank you. I would be remiss if I don't, and I do that at risk here, offer this up to you. Understand, as we're getting ready to come into session, you have everything across the state from building bridges or roads to, you name it, it comes as an issue. The way you get legislation written right is to have someone or someones who are experts come in and sit down, and line by line, help write it so that it is done right. My question, and it will be to others in this room, is how many of you came in, sat down with a senator, and went line by line through, and helped them write it so it was done right?

RICHARD JOST: Yeah. My-- my apologies for that. It's my ignorance for not knowing how to do that. I didn't know that I could even be welcome to do such.

BREWER: Well, the problem is there's a handful of folks who really understand in enough detail to where you could write it and do it justice. What happens if you're not, you know, you, you do your best. You try and hit the target. But, you know, part of the process is figuring out what right looks like. And we have good days and bad days trying to do that. So I guess what I would stress to you is that I think to, to figure out the problem and figure out the fix, you know, you're going to need to help us figure out what that looks like so that we don't write bills that, you know, you, you feel like are not doing justice to this.

RICHARD JOST: I know. I feel horrible complaining about this stuff. I mean, I know you guys are well overworked and well underpaid. I mean, I get all that. But it just-- each of these are just a little shy. And I don't know why. You know, is it-- what, what are you afraid of to, to, to really saying what needs to be done, instead of just saying what kind of halfway needs to be done? Is it Bob Evnen that's convincing you guys to not quite go all the way. I don't know.

BREWER: No, while I will, I will rest assured that, trust me, I have, I have not talked to Bob Evnen. I don't-- I would be surprised anyone here does. I mean, we're kind of-- we're, we're in separate pieces of the world here. We, we obviously have lines that cross. We will have

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lines that cross on voter ID and things like that. But I think a lot of it is just having the ability to have someone who can, can slow you, walk you through when it comes to writing legislation, so you get it as close as you can.

RICHARD JOST: Right.

BREWER: All right. Sorry for the lecturing here.

RICHARD JOST: No.

BREWER: Yes, Senator Raybould.

RAYBOULD: Yes. Thank you, Chair. Thank you, Mr. Yost-- Jost.

RICHARD JOST: Either one's fine.

RAYBOULD: Sorry about that. I know you had raised a concern about Russell Barger and the recount in that, but are you still OK with LB808, in support of LB808? Because that gives the counties an option on a recount to either scan it again or do a hand count. So it gives--

RICHARD JOST: I have no choice but to support LB808. But what I don't like about it is it's too-- like, like, for instance, you know, he lost, Barger lost, whatever his name is-- I'm so sorry for, for being ignorant again. He lost by 224 votes. And because of that, it's not enough to, to do the recount. It's not enough to trigger an automatic recount. But, but-- and then for, for Evnen to say, if we do a recount at all, if he wins the lawsuit or whatever, it's going to be by machine. Wrong answer. I mean, there's why-- why count the same stuff over again, the same way? You're going to get the same answer. You-- you've got to get eyes on these things. And that's where, I mean, LB808 kind of fails a little bit because it's a little bit too restrictive on what qualifies for a hand-- a hand recount. I mean, it's close. There's a lot of things about it that are great, but it's just, it's too restrictive. You know, and if, if I want to pay-- if I want to pay somebody 2,500 bucks to get a recount done, I'll pay it, get it done and do it by hand. You know, people will pay for these things. And then I'm satisfied if I, if I know I, I can get eyes on these things, and I'll pay for that. And but, but to say that, you know, the state doesn't have enough money to go ahead and do that kind

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of stuff. No, don't make it so restrictive. 224 votes is close enough in my mind to get this-- to get this looked at by eyes.

RAYBOULD: Then I think we'd have to change another part of our statutes to, to actually do that [INAUDIBLE].

RICHARD JOST: Yes, I know there's so much to this. I know.

RAYBOULD: But thank you so much for your comments.

RICHARD JOST: Sure.

BREWER: OK. Senator Lowe.

LOWE: Thanks. I just want to kind of continue on with this line of thought. And I don't mean to pick on you, but we always seem to get a good group of people in here to discuss voting and how maybe a lot of us feel that the vote count wasn't done right. Maybe a group of you can get together after, you know, we may not get this bill right in the end. It may need some tweaking. I know we're doing it with the gambling bill in, in General Affairs that we're continually to tweak it. But if a group of you could get together and look at the statutes, that know the statutes, maybe an attorney or two, and come together and help us redraft a new bill, maybe for next year, the following year.

RICHARD JOST: We'd rather help this year.

LOWE: Well, I'd much rather help this year. Yes. And that's what you're doing here today.

RICHARD JOST: Yeah. So, so I'll, I'll contact your office in some way, shape or form. And I guarantee you that some of us in this audience will form a committee ASAP and we'll try to do better.

LOWE: We don't have much time left for this year.

RICHARD JOST: Roger that, sir.

BREWER: All right, since we're picking on you.

RICHARD JOST: All right.

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BREWER: You're still there. Understand, too, that it's not necessarily what you hear before this committee or any committee, but in the case here with elections, that's going to ultimately be the legislation. Let me give you an example. Voter ID. We've heard a number of voter I.D. bills. What we did is we-- we took those to the Attorney General, and we said, help us understand. We have to have something that's constitutionally sound so that--

RICHARD JOST: I was here that day.

BREWER: That we can defend.

RICHARD JOST: Right.

BREWER: And so a combination of his thoughts, thoughts from the Secretary of State too on that one, he-- he's been helpful in helping us to try and make sure because we're going to get one shot at getting this right. We don't want to mess that up. We want to follow the will of the people. And that's a pretty narrow guidance. So what you're going to see, and I think you were kind of referring to that, is not going to be anything that you've seen. There will be this committee will meet, I think, next week by a sure warning order, probably over lunch. I'll buy lunch, we'll meet and the committee will come up with what will be the committee amendment. And the committee amendment will become the bill. Now, one of the bills obviously will have the number, but that's immaterial. It's the content of that. And what that content does is what's critical. So sometimes you get the false impression that whatever you see in here will be the gospel from here down the road. In reality, it's a starting point and we-- we shape it, we twist it, we -- we do what we can to try and make it become law, because ultimately we're wasting our time if that isn't our goal for whatever we do in here. So be patient with us in that sense. We're working toward that end. I wish I could tell you that whatever is presented to us in committee becomes a law and it's just a real direct shot. But it's not. It's, it's kind of a work in progress to get there.

RICHARD JOST: I know. I know.

BREWER: All right.

RICHARD JOST: I feel for you.

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BREWER: Thank you.

RICHARD JOST: Thank you.

BREWER: For being that, that one that we got to beat up on, appreciate it.

RICHARD JOST: No, please.

BREWER: OK. Next testifier. Connie, welcome back to the Government Committee.

CONNIE REINKE: Hi. I'm back again. Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. And I want to fully volunteer to help with any bills from now to whenever. I'll be here every day if you want me to. I want to thank the senators for introducing these bills. I am-- I am so thankful. We have got a very big problem on our hands. And these people are so concerned. And I have been all across Nebraska, and people are mad. Their elections are being stolen, their votes are being stolen. And we have to get legislation in place to stop this. Some of the things I brought I wanted to share with you. There's a person, he's-- he's one of the most knowledgeable, election equip-- equipment experts in the country and has had significant experience with investigations of election fraud going back to the 1990s. Mr. Lenberg was involved in the in-depth examination of election equipment in Antrim County, Michigan, Maricopa, Arizona. They haven't had any election problems, in case you haven't noticed. And then in Arturo County, New Mexico. Last week or the week before I gave you the information about source code. And source code is the programming. It's the-- it's an election file that, that tells the computers how to count the election-- the, the vote. This gentleman, this expert, he believes that this can be subverted. The election file can be subverted and no one in the state would even know it. This could be a bad actor that gets into our system. And the Secretary of State would not know, the candidates, no one, our election clerks, no one would know. And he actually showed on his-- during the audit that he did how he could flip votes, just the presidential votes, and then just a, a candidate like a senatorial or a local official. He swapped the votes. We are using thousands of dollars to service ES&S machines, and this money can be transferred and used in other ways. I support all three bills, but even this isn't enough. When an election is fraudulent,

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wrong people get elected, and we must correct this. This bill, LB193, was passed in Arizona with additional transparency items that the NEGOP just passed that resolution. And I-- I ask that that be-- that that would be done.

BREWER: All right, Connie. Let me let me go through the paperwork you give us here, because, again, I'm trying to keep this straight because this...

CONNIE REINKE: OK.

BREWER: Will end up in the record. All right. The single pager that you give with the quote from Jeff -- is it Lenberg?

CONNIE REINKE: Yes. He's the election expert that has been involved in the audits in all of those-- those three areas.

BREWER: OK.

CONNIE REINKE: It was court ordered audits that were done, and he was the expert.

BREWER: OK. You got one at the very top, it says Garden County clerk. And it's got numbers from, I guess, this past election-- 2020.

CONNIE REINKE: Right?

BREWER: Yeah.

CONNIE REINKE: Right. When we have asked for the cast vote record, you request that from the election clerk per county. The cast vote record is the whole election file that says who voted for what candidate? Line by line. Voter by voter. These election clerks, many of them didn't know what that record was. It's-- it's something that's shown in the ES&S manual. It's a record that can be-- can be used. Instead, they would send us just the total votes of candidates. And this is what they are-- what's returned from Bob Evnen that says, here's what your votes were and this is what's posted on each county's website. This is not what we were wanting. We were wanting the record of the whole election without names on it. And this is one of the safeguards that was added to the NEGOP resolution that was just passed this past weekend. These security things that are needed, like the cast vote

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record to require that ballot images are kept. We were told by our clerks ballot images were not even kept. That's a record. When you scan the ballot, that scan of the ballot is what's counted. And they're not keeping that. How can we ever double check, check the real ballot, check with the ballot image to compare anything. So that would be important. And log files.

BREWER: OK. So what you're saying--

CONNIE REINKE: Sure.

BREWER: --is you want to you want the cast vote record. What you got is this. You need the real deal.

CONNIE REINKE: Yeah.

BREWER: OK.

CONNIE REINKE: Imagine if your bank account, they just gave you the total vote, or the total balance in your account. And you want to see what checks were written, what -- what were-- what the amounts are.

BREWER: OK. Now you've got one that on the very top it talks about it has cast votes record, CVR. This is--

CONNIE REINKE: Yes. One of the things, if you audited the votes, you know all the records for Nebraska, you'd want to know that the number of votes that were shown match the number of people that voted. You want to have a list. We've talked about that. This is another-- it would be an auditing feature if we could see this cast vote record and if we could see machine logs, like if we could see if there were any breaches of Internet connectivity, if there were errors that kept happening in the voting machines, if there were people, administrators coming in and modifying things. So if we had the cast vote record, the, the logs, and we could check the source code. These are things and I'm not saying that they would be open to everyone, but that certain individuals could check like an auditor, that our system is safe. I mean, what-- what would be wrong with that? That's what we want, transparency. So this is an example of someone comparing the logs in, in the voting system to the cast vote record to see if they match. And he's-- this was done in another state and it shows that the records and the votes don't match each other. So we have all of these

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things that are not matching, the totals aren't matching, and we just trust this. We can't-- we can't have it. We need-- any business would require things to be balanced and reconciled.

BREWER: OK. We've got one--

CONNIE REINKE: OK.

BREWER: --here from James Thomas Penrose, IV. This is--

CONNIE REINKE: Yes. Yes. This was a high level report that was done in Michigan. And Melissa already talked about some of this. The DS200s in the second paragraph was found to have internal wireless card that has a private network address that was designed to communicate with the ES&S primary host server. So we have voting machines, and I have a graph of the state of Nebraska, and which counties used DS200s. This is very concerning that these DS200s have, and there's a picture of the chip, it's the Telit chip. And as Melissa said, this chip is like a chip that goes in your cell phone. It's a wireless internet connectivity. And the man that-- the man that has the largest share of this company is-- it's from China. So there's Chinese control along with the Internet connectivity and influence through that.

BREWER: All right. Thank you. All right. Questions for Connie? All right. Thank you for everything.

CONNIE REINKE: The last thing.

BREWER: Oh, yeah.

CONNIE REINKE: Did you did you get this--

BREWER: I did, I'm sorry.

CONNIE REINKE: --as well? OK?

BREWER: I just, because it had a title on it, I--

CONNIE REINKE: Sure.

BREWER: --was so [INAUDIBLE]

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CONNIE REINKE: Sure. So just-- this is something Nebraska Voter Accuracy Project put together that tells how and why we want to go to hand counting in the counties and how it can be done easily. And there's also a full illustration of how hand counting can be done that Missouri has put together. And so we strongly urge you to consider the hand counting. It is an emergency situation with these machines. We must stop using the current machines that we have and going away, more away from the machines and allowing hand counting in counties that want to do this. This will save a lot of money because each time they-- they have to come in, ES&S has to come in, it's \$3,000 to \$8,000 for, for them, just re-- re-- redoing the machines for the next election.

BREWER: OK. Yes, Senator Lowe.

LOWE: Thank you. Thank you, Connie, for--

CONNIE REINKE: Sure.

LOWE: --coming and testifying today. I was just struggling, looking for this. It's a letter that we received from the Secretary of State And in the bottom paragraph in it, it says citizens can be confident in the high degree of accuracy and integrity of Nebraska's current ballot counting process. Following the 2022 general election, a manual audit was conducted of 10 percent of all the precincts of the 48,292 ballots counted. There are 11 discrepancies between the hand and machine counts, and five of the apparent discrepancies were due to voter having placed two light of marks on the ballot, and the remaining six were not machine related. They did a-- a test, a-- a manual audit just to make sure the machines were counting right. And they basically found that it was doing OK. There were a few discrepancies. I mean, there are eleven discrepancies, but the machine just didn't catch those because they were too, too light of, five of them anyway. And the other discrepancies were not machine related.

CONNIE REINKE: Yes.

LOWE: They're testing the machines with, with this sample. If they continue to do this, will that ease some fears or do we need to recount all the ballots?

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CONNIE REINKE: It's the input coming into the system. You can recount things, or you can, you can do that type of thing. What about the thousands of duplicates-- duplicate registrations that were coming in? I have an affidavit on it. They were getting duplicate registrations and they took the first one. Who is the other one, or did the right one get their ballot? Secretary of State in the 2020 election stated in a press conference afterwards, there were twenty--, either 20,000 or 25,000 requested ballots that were never used. These are huge numbers and huge red flags. I mean, all the multiple ballots that I-- you've heard from me over and over again that there were multiple ballots. Why aren't we questioning why is there mishandling of our ballots? These are all red flags. We're not professional investigators. We've gone to the sheriff. We've gone to the Governor, we've gone to the Secretary-- tried to go to the Secretary of State to bring forth all of this. In the end, someone needs to investigate and not just rerun things in the machines. It's a big, broader-- they're hitting from many different options. These third party organizations, the ballot trafficking that's going on, that's still legal in Nebraska. It's happening all across the nation. And so we believe that our system is just working properly and completely, and we're just redoing and recounting. It's a big --it's a bigger issue from multiple areas. So, thank you for answering that.

LOWE: I still like going in and voting in my precinct and voting where I'm supposed to. So--

CONNIE REINKE: Yes.

BREWER: Any other questions? All right. Thank you. Connie.

CONNIE REINKE: Thank you for additional time to explain.

BREWER: OK. We needed extra time to understand. OK. Next testifier, please. Welcome to the Government Committee.

LINDA VERMOOTEN: Yes. Good afternoon, Senator Brewer and senators.

BREWER: Good afternoon.

LINDA VERMOOTEN: My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n. When you grow up in a system that is totally controlling all of your thinking, all of your thoughts, where you can

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go, what you can do, when you have to be out of a place, where you can live, you know what tyranny looks like. That in a brief summary is what I grew up in in South Africa. I was not allowed to go wherever I wanted, even though I was white. I had a lot more freedom than the people of color in my country. When you hear a lie, and you hear it often enough, and you hear it frequently enough, and you hear it from every source you turn to, what do you begin to believe? You begin to believe. We had the best, the safest, the best outcome and the most secure election. If that were the case, why do we have so many questions? Why do we still come back to these machines? For hundreds of years, we counted by hand. Why can we not go back to counting by hand? It's less than 30 million. It's less than 20 million. It doesn't cost you a whole lot because we, the people, will volunteer our time. We have to do something. We have to do something now. Because if we don't-- if we don't get the elections right, everything else doesn't matter. It's all over. I don't know if you can see what's on the tip of my finger here. That's a lot larger than a chip that is in this machine. You cannot see that. If you cannot see that with the naked eye, how can you guarantee that China hasn't planted multiple of these little chips inside these machines that we use? Which country in their right mind says, here, let me open up my elections to an enemy of our state? This is not a friend. This is an enemy, a sworn enemy that says, I want to kill you. I want to destroy you. I want to wipe you off the planet. Why would we ever say, OK, it's fine. Not just the chips are coming from there. We've heard testimony today, the motherboards are coming from there. And the source code is programmed into these machines. If you don't have control of the source code, you have no idea, really, what's happening in those machines. Even if you were to open them, even if you had experts that could look for these little chips and find those little chips, because source code is written to determine which keystrokes count and which ones don't. So I could say, OK, switch off. Don't-- don't mark when it's connecting to the Internet. Only mark when these counters are running. If we cannot see what's going on in the machines because the company themselves say you cannot open the machines, then how can we trust them? You only need to cover up when there's something to cover up. If it's true and if it's accurate, and we can believe everything that's happening, why is it that we, the people, get closed out every time we ask? I myself went down and I asked for the voter record, for the cast voter record, and I was told by my clerk, we do not have that. Well, what do you

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mean you don't have that? You're supposed to have that as a part of a permanent record that's meant to be kept for at least 22 months. So if we the people are asking, the only thing that we know is that as long as we have machines in use in any form, we cannot be guaranteed 100 percent that we have accurate, total, truthful elections. And we cannot just sweep away the last elections as if they didn't happen because they happened. If we don't fix that now, we have another major election. You say to us this, this morning, you've said to us, this afternoon, sorry, well, maybe we'll get it right next year. Well, there's a problem with that, because next year is a major election. What if we don't fix it? And I have one question for you, Senator Brewer and senators, why is it that we, the public, did not know that we could come and help you draft these bills? I guarantee you would have had multiple people driving down here from Omaha as we have driven multiple days, multiple hours to come and testify before you. We would have volunteered our time to come and help if we knew that was a possibility. So if it is, let us know. We will help.

BREWER: OK. OK. We'll wrap it up here. Well, I think I speak for everyone when I tell you that the especially the individuals that are part of your district, you welcome them in any capacity, whether it be helping to write bills, or working on projects, or what have you. So hopefully no one would somehow feel that they weren't welcome to help with a particular topic because you're always going to have more expertise in the field than you have with the senators. I mean, we-- we live lives. We have a narrow amount of knowledge on a particular subject. But when it comes down to this huge spectrum of things that we have to pass legislation on, if you don't, you know, hand pick folks that have that knowledge you need, you're never going to be able to stand on the floor of that legislature and debate a topic and have any credibility. So, you know, I guess, you're always going to be welcome. I mean, you're obviously you got to figure out who your senator is. And then if-- if that senator isn't interested in helping with your topic, then you've got to find someone you know who is interested, who is wanting to write legislation, and then kind of help them to, to understand what that legislation should look like with the understanding that he's going, or she's going to have to have that judgment call that you can write whatever you want. But if it doesn't get to the floor because, you know, it's written in a way that you're not going to find 25 or 33 votes, then you're doing it all for naught.

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So some of that has to be thought through, because you can yell and scream at the sun all you want. In reality, what, what changes the world and gets laws made, are those who can figure out how to weave that through all of the obstacles and get to the end state. And then hopefully whatever you, you get through the Legislature will be signed by the Governor. And the things we're dealing with here, you know, we have to have enough detail and knowledge to write a bill that is accurate and truthful. And this gets into the weeds a long ways. You've got to really understand. I mean, just look at the stuff we've got and just a few minutes that we've been here. I mean, we're going to kill some trees today, and taking that and, and turning that into something useful in the way of a bill is not as easy as it sounds because there's a lot of, of, you know, challenges in how this can be written. But again, we will have a chance if we don't get through it this year, we're in a biennium. I understand there's a election coming, but one thing you don't want to do is rush legislation that is as critical as what we're talking about here, because it's going to change the way everyone in Nebraska who is voting is going to be able to vote and have their vote counted. And so we want to get it right. And so thank you for what you're doing. You put a lot of work into this. You come in here every time with passion and you come with, with a life experience that I doubt anyone else in this room will be able to bring to us. And that's, that's invaluable. I mean, that's why you can endure hours in front of folks here, because you're going to have paid guns that come in here, and that's where they get paid to do, sit in that chair and tell us something. I'll probably be able to read their testimony for them before they ever do it, because that's what they get paid to come in here and do. And, and then you have some who actually come in here with an open heart, that want to, want to change things, and tell a story, and help us to better be able to find good legislation, and, and that's what you've done here today. So please, don't be discouraged if you come in here and there we're, for one, for one, we're a little slow, so it takes a couple times for it to sink in. But you're doing exactly what the, the second house was designed for when they built the unicameral, and, and it does my heart good that you're here in America after going through what you went through in South Africa, and you went through it during some pretty hard times.

LINDA VERMOOTEN: Yeah.

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BREWER: So we don't want us to ever be like that. And it's, and it's folks who care that will prevent that from happening. So thank you for your testimony.

LINDA VERMOOTEN: Thank you, Senator. I'm passionate because I see us hitting very slippery towards the end.

BREWER: Well, stay passionate. We appreciate it. Thank you for your testimony. All right, now everybody is like, is that guy going to lecture everybody? No, I won't. We'll pick it up here. Welcome to the Government Committee.

RICK HILL: Thank you. Do you mind if I stand?

BREWER: As long as you can lean over and get to the microphones so we can hear you-- because I will put it in right here.

RICK HILL: Rick Hill, H-i-l-l, Lincoln, Nebraska. To back up to Connie with Senator Lowe, I believe when the First National Bank does an audit, they hire outside firm to conduct that audit. They're not going to audit their own audit because you could make those books smoke them any way you want to. So that's what we're looking at here. We want honesty and coming before you today, I'm just appalled at the level of misunderstanding, I guess, our government officials have about this wonderful election that we've had because our elections have results and consequences. Right now, we're looking at a third nuclear war, nuclear, because of a stolen election. Do you think somebody was behind that stolen election to get that man in office? Biden, that I don't think anybody in their right mind really voted for it. And then we got this here. See, I don't care about the U.S. elections. All I want is my state back. OK? And I know the current Governor did get in there. He got selected. OK? Now, I, I, all I need, have two lawsuits pending right now in Lancaster District Court, against the Governor, against the AG. Because the AG-- there's no justice in our justice system. You know, it's a criminal enterprise when they're looking at arresting me because I campaigned out on the front of the Capitol steps. I went to January six. You know how many people are still in prison? We don't have a republic anymore. OK. It's the bad guys against the bad guys. It's a uni-party. You know, these Republicans versus Democrats. Forget it. He-- the reason you don't get 33 votes is because of selection. That's it. They want to control the narrative.

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Did you ever think of that one? I mean, this state voted properly. From its inception 1867 to the early 1990s. And then that little outfit developed up in Omaha. I have two lawsuits, one for 49 billion against these people, Election Systems Software. The second one is for 25 billion. OK? And when you divide that amongst the Nebraskans, it doesn't come out to very much money, because I remember COVID and they said I can't work anymore. You stay home. You know how much that cost me? I don't even think you'll cover the cost of the 49 billion when you spread across 2 million Nebraskans. So I want my elections back, OK? Thank you.

BREWER: OK, Let me pass something to the rest of you when you come up. I need you, after you state and spell your name, to give your position on the three bills. That way you're in the record showing that you're a proponent, an opponent, a neutral. That helps it so that the official record has your position. All right, next testifier, please. Welcome to the Government Committee.

ROY ZACH: Thank you, Senator. My name is Roy Zach, R-o-y Z-a-c-h. Dear senators, I come before you today in favor of LB193, LB475, and LB808. All of these proposed bills would, in one way or another, help strengthen the integrity of our elections. I am hoping that you can mesh all of these bills together along with the ten step process I list below in one strong comprehensive voting bill. However, if I had to limit my suggestion to only one change, it would be this: eliminate all electronics from the voting process on Election Day, inclusive of all computer hardware and software, scanners, flash drives, and all digital communications. This move will remove any ability of both foreign and domestic actors in influencing our elections. It will also prevent the potential influence of artificial intelligence systems in our elections. At the current time, it is conceivable that rogue actors, whether foreign or domestic, could develop A.I. systems to corrupt any and all elections that utilize modern digital technologies. Possible entities that would develop A.I. systems to alter elections may include any or all of the following: governments, militaries, transnational corporations, terrorists, elitists that favor a one world government, and or rogue individuals. Conceivably, it would be nearly impossible to detect and or trace A.I. interventions and influences in our elections. The only way to prevent this is to require the hand counting of paper ballots at the precinct level of our elections. I go on in this letter to outline a ten step

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process that could be potentially used. But just as a simple demonstration, we all have one of these in the modern day. I remember watching newscasts 15, 20 years ago when we went into Afghanistan looking for terrorists. And in that newscast, they stated the terrorists decided to give up their smartphones or their cell phones. Reason being is the United States military had the capacity at that time to lock a Hellfire missile from a drone onto a cell signal. If militaries have that capacity, ability to do that, what do other capacities are there for influencing elections? Thank you.

BREWER: OK. Thank you, Roy. I appreciate the fact that you don't just present a problem, but you give solutions. Thank you. That's very helpful. If we talk about the digital piece of this, the electronic piece, how do we take-- say, we hand count. And I've got Valentine, Chadron, Kimball, all these locations way out in the middle of nowhere. How do you take those counts if you don't transfer them electronically so that they're consolidated and you have a count that truly consolidates all the precincts?

ROY ZACH: So what we could do, essentially we would in that proposal, have one person from three different political parties, have the three of them count ballots at the precinct level.

BREWER: Right.

ROY ZACH: That way we have that information at the precinct level. Send it off to county. We can do it both in handwritten paper form and digital form. Conceivably, we could still post the unofficial results on election night. But the official results we could post three or four weeks later, however long it took for the county to scan or hand count the ballots. So essentially, just by introducing the hand counting at the precinct level where the precincts are small enough that you can actually hand count them in a night, you would have that layer of security added into our election system.

BREWER: Then I suppose we have to go find someone who's a longer in the tooth than I am. But back in the day it was probably a hand count, and then they just simply picked up their rotary dial phone and they probably called it in as the primary, and then keep the hard written count as a backup. Is that probably-- again, I'm assuming, but that would seem like it makes sense because that would be the only way to

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efficiently transfer data before that, the period where we had the ability to actually do that electronic transfer.

ROY ZACH: Yes, essentially, we've just become too impatient with our electric system or elect-- election system. We don't have to have the results that night. I mean, what we need is quality, not, not-- how should I say?

BREWER: Instantaneous result?

ROY ZACH: Yes.

BREWER: All right. Well, let's see if we've got some questions for you. Questions? Yes Senator Lowe

LOWE: Thank you. I'm going to address my question to you, but it's really to the previous testifier, Rick Hill. He didn't stick around, and-- but I like the outside audit. I think that's a good thing. We're talking about doing it for the state eventually, maybe doing an outside audit of how to get our state costs down. I'm not sure what that would cost, but I think that might be something we could look into. So thank you very much.

BREWER: All right. Additional questions? All right. Thank you, Roy.

ROY ZACH: Thank you.

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

ARLO HETTLE: Good afternoon, Chairman, members of the committee. My name is Arlo Hettle, A-r-l-o H-e-t-t-l-e, and I'm the grassroots advocacy coordinator for the Nebraska Civic Engagement Table. We work with 70 nonprofit members across the state to increase voter turnout and build a more engaged Nebraska. We come in here today in opposition to LB193, LB457 and LB808. These bills are proposed solutions that would make our election system more expensive and less accurate. LB193 would place unnecessary and impossible to meet requirements on voting equipment that Nebraska does not need. The current manufacturer of Nebraska's voting equipment, ES&S, is based out of Omaha, and its equipment goes through rigorous testing to meet the federal standards set out by the U.S. Election Assistance Commission's Testing and

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Certification Program. The current voting system requirements are sufficient to continue the-- to ensure the security of our elections. We should listen to the Secretary of State and other trustable election officials on when these requirements need to be changed and not implement new requirements without evidence. LB457's video surveillance requirement is another overreaching solution to a problem that does not exist. There is no evidence of fraudulent voting, and we do not need to spend millions of taxpayer dollars on surveillance cameras to catch nonexistent criminals. Finally, LB808's hand counting requirements are yet another way to add cost and inefficiency to our election system under the guise of solving a problem. Hand counting is slower and less accurate. The current system of well-regulated voting machines and software with strict security requirements is keeping our elections secure. I want to address a little bit of what was discussed earlier with the fixed fiscal notes for some of these bills. For one, the \$10 million fiscal note on LB193. Yes, thank you. Is kind of a low estimate from the Secretary of State there. They clarify that they're not aware of a supply chain that would allow for every source material used in voting systems to be manufactured in the United States. I'm not an expert on supply chains by any means, but I just want to kind of put that out there for the record, if you were able to see that. And then for the fiscal note for LB808, well, the \$25,000, \$30,000 is based on the cost of setting up an implementation system and doing some training, that cost for doing the hand counting for poll workers. All of that training, those procedures, that would all be on the counties. So that was a mandate in some ways. This total cost of implementing these bills, there are a variety of proposals that we've already heard this session that would be a far better use of these funds and would still leave money in the bank. We could audit our polling places for ADA compliance and make changes to better increase voters-- access for voters with disabilities. We could fund a robust public education campaign on voter I.D. and pay for mobile units to get IDs to more voters. We could pay for the cost of setting up texting email notifications when voters return early ballots. Any of those changes would address real needs that voters have. The Nebraska Table opposes these three measures and urges the committee not to advance them to General File.

BREWER: All right. Thank you, Arlo. Let's see we have any questions. Question, Senator Lowe.

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LOWE: Thank you. Thank you, Arlo, for coming in, for coming in and testifying today. You're not too concerned about the cost of things to get the ballots to and from the people. But you are about election integrity?

ARLO HETTLE: Sorry, could you clarify that question?

LOWE: Yeah. You've come and testified before us, and you're not too concerned about the cost of getting people to the ballot place for-- or to-- the ballots to the people and then getting them back again. But you are about keeping our elections safe?

ARLO HETTLE: I would say I care deeply, and my organization cares deeply, about making sure our elections are safe. I just don't think that these three bills provide the right solutions. I really liked your suggestion of an audit. I think that would kind of get us to the heart of where the security problems are. I think hand counting, if anything, would make our elections less accurate, for instance, versus potential ways to kind of compare records to machine counting and, you know, kind of confirming the results that way versus having every ballot be hand-counted, which would kind of lead to more human error along the way.

LOWE: But if, if we had a say, a Republican, a Democrat, and a marijuana party person there counting the ballots and signifying that, yes, this person did vote for first nay. And in this ballot, this person voted for that person and everybody agreed on it and then they would go through with that. You don't think that's accurate?

ARLO HETTLE: No, I think that would be an accurate system. But I also think that it would be slower and more expensive. And I know that, you know, those can bring up concerns as well. I would say that I think kind of continuing to make sure that our machines are as best as possible, that they can be working with, you know, as many experts on those as possible would be kind of the solution that we would advocate for rather than hand counting. But we're not necessarily opposed to hand counting. I just would say that I think the costs associated with that could be better used to update and enhance other parts of our election system.

LOWE: All right. Thank you.

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

ARLO HETTLE: Thank you.

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

SETH PAULSON: Yes, Good to be here. I am Seth Paulson, S-e-t-h P-a-u-l-s-o-n, Legislative District 15. I'm in favor of all three of these bills. I'm going to speak specifically about LB193. LB193 is partially a revision of Nebraska statute 32-1041(3), which contains wording passed in 1997. It is contended here as partially unconstitutional to the Nebraska Constitution. It reads, the procedure shall be designed to preserve the safety and confidentially-- confidentiality of each vote cast and the secrecy and security of the counting process, to establish security provisions for the preservation [SIC] of fraud, and to ensure that the election is conducted in a fair manner. The emphasized words, secrecy of the counting process, are the concern. The intent of the voting process is for a secret ballot. Yet the statute does not say secret ballot. Instead, it says secret voting process. The counting process, normatively speaking, should not be secret, but should be an objective known process. One legal vote, one legal ballot counted. With the 2020 implemented-- implementation of the ES&S voting contract, where electronics are the process for counting the vote, there are unintended consequences created by the statute. Now the ballot is processed by a CPU, a computer, which employs software. Software is the computer instruction sheet that tells the CPU what to do. Extending the logic, the statute states that we must have a secret software counting the ballot. The ES&S contract specifies that proprietary software is contained in the vote counting hardware, and that third party proprietary software from other providers may be used with the system. All proprietary software is secret by definition. The statute requires secret software, and the current ES&S contract fulfills that requirement. The voting process is now electronic and done by software. Since the contract has been in effect, there is end to end electronic control of Nebraska's voting system. Voter registration registers are electronic, and they tie into the system CPU, which contains the ballot, ballot scanning tabulating software. The paper ballot is not counted. It is scanned in as digitized data,

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and computer software interprets it as a counted vote. Secrecy through the proprietary software is a-- in a voting system allows anything to be done with the vote without anyone knowing what is being done, including county and state election officials. They may claim plausible deniability. Thus, it is imperative that the vote counting process would not-- must not be secret. Currently, there are no statutes citing what can or cannot be done within a voting system. Nebraska Constitution reads All elections must be free, fair, and there shall be no hindrance or impediment to the right of the qualified voter to exercise the elective franchise. It is contended herein that the secret and proprietary nature of the voting system precludes a free and fair election by hindering and impeding our voting franchise guaranteed by our Nebraska Constitution. Our proposed actions make the necessary amendments to LB193 to delete the word secret from 32-1041(3) as pertains to the voting process; require by statute that all CPU's and ballot scanners employ open source software. As long as secret software is required by statute, there is no hope for fair, unhindered and unimpeded elections.

BREWER: All right. Thank you for your testimony.

SETH PAULSON: Yes, sir.

BREWER: I'm trying to think through my question here, so I don't get this wrong. All right. The point that Senator Lowe made with the audit, where you would have an impartial group, company, whatever we decide is the right answer there that would come in and do a review. Do you think that has merit?

SETH PAULSON: Oh, certainly.

BREWER: All right. So following along those lines, the reason you think that is because right now, if you need or want information, you're not going to get what you need from the Secretary of State, where if someone was actually doing a review, he would have the authority to, or he or she would have the authority to then say, hey, I need to see the following in order to validate that the process is working correctly.

SETH PAULSON: Correct.

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BREWER: Now, good points here. Using the term secret ballot probably is not needed in what we do because that--

SETH PAULSON: Yes, in fact we might, I said deleting the secret, the word secret, we might actually insert open into there.

BREWER: OK.

SETH PAULSON: So that it's an open voting process. That may or may not be appropriate because for other reasons. But go ahead.

BREWER: Well, I-- Senator, Lowe does not have moments of clarity often, and he may have had one in here, so I'm just checking. OK.

SETH PAULSON: I think that's--

LOWE: It wasn't me.

SETH PAULSON: Excuse me?

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

SETH PAULSON: All righty.

BREWER: OK. Keep moving down the line. You guys-- you guys are getting this lineup thing figured out pretty well. I'm impressed. Now, I need to remind folks that it's one green sheet per bill that you want to give a position on. You don't have to do three. But if you want it to go on the record for one, two or three, then that's the green sheets that correspond to that. Sir, please. Whenever you're ready.

GREG EPP: Yeah. My name is Greg Epp, G-r-e-g E-p-p, and I submitted in favor of all three bills. LB457, I'd like to comment that I am in favor of the continuous video surveillance. Our elections lack transparency, in my opinion, and election integrity, I believe, is the most important issue that will come before this Legislature. And that's a pretty big comment. But this bill, LB457, also allows for verifying certified voting systems, and I struggle with that because left in ES&S's hands, there has not been transparency and they have not allowed any information out from their systems. In, in regard to LB193, the Made In the USA Act, that also allows for optical scanners. Now, this bill sets out the parameters in which those devices must be

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manufactured using processes accredited by the U.S. Department of Defense. It's, it's a good pro-- it's a good process. I like that. I just don't like that we're-- you're still using-- proposing to use optical scanners. I am in favor of 100 percent hand counting at the precinct level under continuous video surveillance, which this-- that bill actually does not promote. Now in LB808, I like the definition that Halloran has for hand counting. It is a great definition. There is a-- I have a struggle with one thing though. The person who loses the election can, under that bill, he can ask for a hand recount, but it says that's only for a Legislature seat races. That's a little problem for me, because that's only your races that are allowed to, to request that. And, and so a strict reading of that bill would only-- would not apply to all the other races. All right. So, since that bill says that the person who's requesting that must pay for it, why not open it up? That would be an amendment I would recommend, is that that be opened up to all races, so that anybody who-- anybody who lost that's willing to pay, that only makes sense, would have the ability to request a recount. All right. Again, I'm in favor of, of hand counting, and that is my, my testimony.

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

RAYBOULD: Thank you, Mr. Epp, for testifying. I think, just a clarification, I believe since I've run in quite a few races, some of the races on the county level as well as the city, they have requirements that are subject to a recount if it's within--

GREG EPP: Within a 1 percent.

RAYBOULD: Yeah.

GREG EPP: So that bill does address that also.

RAYBOULD: Yeah.

GREG EPP: And under 500, it has a 2 percent--

RAYBOULD: Yeah.

GREG EPP: --on that. But it doesn't allow-- it did not allow for if you have-- if, if you lost by a greater percentage.

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RAYBOULD: That is correct.

GREG EPP: Yeah.

RAYBOULD: So, but thank you so much for your comments.

GREG EPP: OK.

RAYBOULD: And coming here today.

SANDERS: Seeing no other questions. Thank you for your testimony.

GREG EPP: Thank you.

SANDERS: Are there any others that would like to speak? Where are we in the chain of-- Think that's you. Welcome.

SARA FREEOUF: Thank you for having me. I am Sara, S-a-r-a, Freeouf, F-r-e-e-o-u-f. I live in District 32, Crete, Nebraska. I support all three. I'm going to read quickly. This country is under assault like nothing we've ever seen before. Primarily because the most important part of being a citizen, voting, is under a horrendous assault. You Senators, and we the people, must do whatever it takes to secure our elections in Nebraska. Totaling votes in all 93 counties in Nebraska, there were 4,001 phantom votes-- voters in the 2020 Nebraska election. Every county in this state had more votes than possible voters. This is unacceptable. Countless affidavits collected by concerned citizens show that all kinds of voting irregularities and craziness happened in the 2020 election. If you've watched-- I hope you watched the movies 2000 Mules and The Selection Code. As it stands right now, Nebraskans have no access to their vote counts. There is no transparency in the counting process and no verifiability available to us Nebraskans to whom elections belong. We cannot trust what we cannot verify. The machines cannot be trusted, and we are not legally obligated to trust them. The salvation of the state is not trust. It is watchfulness. Who has done this to us? The Nebraska Legislature and the Secretary of State have usurped power from the governed and used it to take away our rights to watchfulness in our vote counting. You have unconstitutionally and unlawfully delegated that power to a private corporation that counts our votes in secret with secret software, away from the watchful eyes of the people to whom our elections belong. There is only one reason for such secrecy: fraud. Our elections now

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amount to nothing more than a corporation controlled charade. And we, the people, are very upset about it. The five points I am listing below need to become law a.s.a.p in the best possible written way so that our elections can be honest, accurate, transparent, and verifiable. Number one, show legal ID each time you vote. Number two, all voting will happen on one day except for stationed away from home military, and people verifiably unable to get to the polls. Three, only paper ballots will be used. Four, there will be hand counting of all paper ballots at the precinct level with video surveillance. Number five, there will be no electronic machines, nor tabulators with foreign made parts ever used again in Nebraska for people to, quote, vote on or for officials to, quote, count with. We cannot trust what we cannot verify. As I stated when I testified against LB390, anything you do to fix Nebraska's elections without doing all of these five things is merely putting lipstick on a pig. During the 2022 general election, our county clerk ran out of ballots midday, so many people were unhappily forced to vote on a voting machine. One upset man in Saline County had to vote provisional because somehow his registration was changed from Republican to Independent. Our county clerk was asked numerous times through public records request for the cast vote record for our county. She refused. We even obtained the ES&S DS200 manual to help her. On election night in November of 2022, we were reprimanded for taking a photo of the ES&S machine, a DS450. She made sure she kept that number a secret. Wake up senators. From the top on down the election leadership people in this state are as crooked and wrong as the vote counts their ES&S machines come up with. A county clerk like ours who lives outside our county but votes using a proper county address while she jerry-rigged the district to alter an election, and she becomes untouchable? What's wrong with this picture? The pride I always felt when I headed to the polls is gone. You Senators have a huge cleanup job to do with our Nebraska elections. We, the people, we the watchful citizens, are behind you. This country is a republic, which means rule by law. We come here today to demand that you senators stop the cheat, put some good laws in place, and secure our votes. Sorry, I went over.

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

WILLIAM DAVENPORT: Whoa. Stage fright. It's OK. Good afternoon. My name is William Davenport. W-i-l-l-i-a-m D-a-v-e-n-p-o-r-t. I live in

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Lincoln, and unlike so many others I'm speaking in opposition to LB457 this afternoon. I've served as an election judge here in Lancaster County for a number of years. But I want to make it clear that I'm testifying solely on my own behalf. I'm alarmed by the tone of LB457. The language requiring video monitoring of polling places and requiring ballots to have numerous anti-counting-- anti-counterfeiting techniques implies that we have issues with election security in Nebraska. It also appears to place in doubt the honesty of election workers. To my knowledge, there's never been a documented case of an attempt to substitute false ballots for real ones, or an attempt to stuffed the ballot box here in Nebraska. The very process by which we give the ballot to the voter and receive it after they have voted, would make it almost impossible to substitute a fake ballot for a true one cast by the voter. After the polling place closes, the number of completed ballots cast by registered voters, plus the number of provisional ballots and express vote ballots are tallied. This total must match the number of voters who signed the sign-in register. The very idea that each polling place be equipped with video surveillance equipment to monitor, quote, the time from the ballot is handed to the voter until it is sealed in the appropriate storage box by the receiving board, end quote, is both unreasonable and, likely, very costly, but appears to be an unfunded mandate placed upon the counties. And Senator Holdcroft, I apologize. This is before I saw that there was an A bill. It seems to imply that election workers are somehow manipulating the outcome of voting, so they must be monitored to catch them at cheating. I personally find this idea to be insulting. It was apparently based on a false narrative which has been promoted over the last six to seven years. Election workers work at polling places for some 13 and a half to 14 hours on Election Day, working at minimum wage. We do this because democracy is important to us and we believe in the right of voters to have their voices heard. We certainly don't do it to get wealthy or to somehow change the outcome. In closing, a personal experience from a past election. I was working at a polling place with the polls about to close in about a half hour when a young woman, apparently an immigrant and a newly naturalized citizen, proudly informed us that this was her first experience in voting. After finishing her ballot, she asked for an I Voted Today sticker. By that time, we'd run out of stickers. But fortunately, the other precinct, which was co-located with us, still had some remaining. I walked over and took several stickers so that

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she, and any other voter, would not miss out. She proudly placed the sticker on her jacket and a friend took her photo, with her smiling broadly. I'll never forget this, as it illustrates how meaningful the right and privilege of voting is to our fellow Americans. We need to make it easier, not more difficult, for our citizens to vote. Thanks for the opportunity to testify.

SANDERS: Thank you for your testimony. Check to see if there are any questions. Senator Raybould

WILLIAM DAVENPORT: Yes, sir.

RAYBOULD: Thank you, Mr. Davenport, for coming. So, I'm not familiar. What does an election judge do?

WILLIAM DAVENPORT: OK. At the precinct level, the staff is one inspector who sort of supervises the whole operation; two clerks who greet the voter when they come in, have them sign the register. That's checked against the list of registered voters for that precinct. It also indicates, if they were sent a mail ballot, well, they can't vote in person. They have to submit the mail ballot by the time the polls close that evening. Then, after all the information about the voter has been written by the clerk, they're passed down to the judges such as myself, where they are given the ballot, which all fits on one side or both sides. We tell them if they make a mistake, they can request another ballot, tell them to darken the ovals completely. We give them the ballot and an opaque slipcase that the ballot is put in after they've completed it. They go to the booth, complete their ballot, put it in the slipcase, bring it back to me and it's put, boom, into the ballot box. There's never any possibility for me to view how that voter voted. That's basically the procedure. After the polls close, that's when we have to do that tally. We don't look at who voted for what, who was approved-- who was voted for on one ballot versus another. We count the raw number of ballots in that box and it has to exactly match the number of people who signed in on the register.

RAYBOULD: And then what happens with the ballots?

WILLIAM DAVENPORT: The ballots are taken by the inspector to the election commission office. That's where they are tallied. We do not do it at the precinct level. Now, I'm speaking for Lancaster County. I

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cannot speak-- for how we do it here. I can't speak for any other place in the state.

RAYBOULD: So we have a request us to do a hand count at the precinct. How many more hours? You don't have equipment at the precinct.

WILLIAM DAVENPORT: No, we're not equipped to do a hand count unless you give us a pad of paper and a pencil and we make scratch marks and we cross out every five. That would extend our 13 and a half to 14 hours by I have no idea how long. And by 9:00 or so after we've folded everything up, headed for the door, we're pretty tired.

RAYBOULD: Yeah. And then do you know that when it goes to the election commissioner, are they required to have a representative from both parties, or all the parties, as they scan them?

WILLIAM DAVENPORT: Senator, I can't speak to that. That's above my pay grade.

RAYBOULD: OK. All right. Well, thank you very much. Appreciate your being here.

WILLIAM DAVENPORT: Sure.

SANDERS: Want another question, Senator Lowe?

LOWE: Thank you. And thank you, Mr. Davenport--

WILLIAM DAVENPORT: Sure.

LOWE: --for speaking here today. As far as the video surveillance--.

WILLIAM DAVENPORT: Yeah.

LOWE: --you have a problem with that?

WILLIAM DAVENPORT: Well, I have a problem, Senator, because-- I'll just talk about my own precinct that I work in.

LOWE: That's what you're--

WILLIAM DAVENPORT: Right. That's my experience. We work-- our polling place is in a church basement. We set up four booths and we put two

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temporary partitions on tables for people to vote on if we-- all four booths are occupied. So that would mean we'd have to have six cameras, one overlooking each booth. We'd have to have a camera, at least one camera overlooking the clerks and us judges there at the table where we sit. And mind you, that's a church. It's not county property, it's not city property. It's not government property. Would that church even want to be wired for video surveillance? I can't speak to that. I just know that it seems like, you know, Big Brother looking over your shoulder, quite honestly, sir.

LOWE: We have cameras in here.

WILLIAM DAVENPORT: Yes, I understand that.

LOWE: It doesn't seem to be bothering anybody in here.

WILLIAM DAVENPORT: No.

LOWE: And as far as security on the ballots.

WILLIAM DAVENPORT: Yeah.

LOWE: You have a problem with that, too?

WILLIAM DAVENPORT: I, I just don't see that it's necessary. I don't believe we have ever had an instance in Nebraska where we've had fake ballots inserted in lieu of true ballots. I suppose I'm assuming there's probably a cost to that too, over and above what's currently utilized. But that to me just kind of smacks of overreach. But that's my own personal opinion.

LOWE: Well I-- you know, I've, I've enjoyed spending \$20 bills. I rarely get 100, but enjoy spending \$20 bills. And I know there's security measures--

WILLIAM DAVENPORT: Oh, yeah.

LOWE: --in those.

WILLIAM DAVENPORT: Yeah.

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LOWE: But I've never received a counterfeit bill as far as I know. [MICROPHONE MALFUNCTION] --federal government money to put those security measures in each one of those [INAUDIBLE]--

WILLIAM DAVENPORT: Yep.

LOWE: --so it may be worth it just for our security purposes.

WILLIAM DAVENPORT: Perhaps.

LOWE: OK. Thank you.

WILLIAM DAVENPORT: Yep.

SANDERS: Thank you for your testimony.

WILLIAM DAVENPORT: You're welcome. And, Senator Raybould, you're my senator.

RAYBOULD: Thank you.

SANDERS: OK, we're going down the line. Welcome.

DANNA SEEVERS: Hi. My name is Danna Seevers, D-a-n-n-a, last name Seevers, S-e-e-v-e-r-s. I'm the Seward County Republican chairwoman and I am here to support all three of these bills. Senator Lowe, I just want to quickly address what you were talking about earlier with regard to the audit that Evnen conducted, the 10 percent audit across the state. I took part in that audit. And I want to tell you guys real quickly a little bit about what happened with that audit. They select the smallest precinct in our county, they had us hand count three races, smallest precinct. Evnen contacts the clerk the day after the election. He says we're going to count this precinct and we're going to count these three races. So she knew, she knows what we're going to count the day after the election. She scheduled that hand count for that little, that little sample for a week later. A week later, I was one of the people because I'm a Republican chair. I was one of the people that comes in to hand count 350 whole ballots for this tiny little sample. She's known for a week what we're going to count and the mail-in early ballots she has sorted through, she's opened the box, pulled them out, and pulled all of the precinct ballots out of that pile, because that pile is all precincts mixed together for early

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voting. Right? So she pulls all that out, which was very kind of her to have that all ready for us to count by the time we got there a week later. Now I'm not telling you for one minute that I don't trust my clerk, OK, because I do trust her. I think she's a good person. But I don't know the other 92 clerks across the state. And if they know and they have a week and the boxes are opened when you arrive, how is that an audit? How is that an audit? That's-- I, I just ask you that. Is that an audit? So I wanted you to know that. The other thing that I want you to know is that the state of Florida has set up-- the Florida Department of State Office of Election Crimes and Security reports-- or I'm sorry, the Office of Election Crimes and Security, they put out a 295-page report printed on January 15 of 2023. I'd like to get, get it to all of you because there's 94 pages of reports of crime because they are allowing people a place to turn those reports in and a, a, a way for those to be followed up on. You've heard so much information back and forth, these, these, over these, all of these bills and you don't know what's true, what isn't true, because we don't look, we don't go after any of these. All these people that come up here and say, well, this happened and that happened and this happened, how do we know? Because we don't go after it and we don't prosecute and we don't get to the bottom of it. I'm here to tell you this is a nonpartisan issue. This is bipartisan. When the Republicans are back in control of the presidency, are you going to join me? Is she going to join me? Are you guys going to get on board then to get to the bottom of all this stuff? I know I'm red. I've sent out my petition to you guys. Just real quick, I just want to point out the fact this is a small sample across Nebraska. I inserted a new page, 87.3 percent of the people who want this are hardworking citizens of Nebraska. They're not elected officials, they're not party officials, they're just hardworking citizens of Nebraska. So if this goes to initiative-- I have one final thing to say-- if this goes to an initiative, how do I take an initiative to the Secretary of State about the Secretary of State? Is he going to approve my initiative to go to a hand count to get rid of machines? Is he going to let me put this on the ballot? I, I truly want an answer. I need help because I'm-- this is going nowhere in this session. We know that. It's going to have to go to initiative. And I will tell you, we're not going anywhere. The movement is growing by the day and we're not going anywhere and I'm not a paid lobbyist.

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SANDERS: Thank you for your testimony. Let me check if there are any questions. Senator Lowe. Oh, no. Thank you for your testimony.

LARRY STORER: Good afternoon.

SANDERS: Good afternoon and welcome.

LARRY STORER: I'm Larry Storer, S-t-o-r-e-r, Douglas County, Omaha, Nebraska. Late in the afternoon and not many of you here today. We the people are losing our voice anyway and there's, you know, we have a second house here. I like to refer to it as a one-horse Legislature. And you can make a horse-- lead them to water, but you can't make them drink. Anyway. I'm against all three of these bills, opposition to all three of these bills. Number LB457, I'm more in favor of than against but I don't think you can separate these three bills. Words do matter, the Founding Fathers told us that. Factions matter, Founding Fathers told us that. But here we are in Nebraska, that's just not for everybody. We have parties and we have a ballot that makes you decide on, on some kind of a party or a partisan relationship before you can vote in a primary. Excuse me. That's certainly against the Founding Fathers, I think. But the word "shall" and "may" throughout these documents, pretty dangerous words, as is the Secretary of State. Way too much power for a Secretary of State. Had he not had so much power, we might have had a different Governor, we might have had a different Secretary of State, and we might have had more votes counted for the write-in candidate for Governor. My goodness. So, yeah, there is something to election security. Now you can't separate voting rules, methods and systems, they all go together. But these are written to more or less restrict the most important part of the election, and that is the free vote of the citizens. You people are busy, you don't see the whole picture, the big picture. You're busy listening to nonprofit organizations that have mailed you or come down here and given you suggested legislation. It's not your job to listen to them. It's your job to listen to us. Too much power in the hands of the Secretary of State. But there's nothing in here about restricting mail-in ballots, there's no mail-in ballots, there's hand counting and paper ballots, however, some restrictions on that too. Nothing about citizens that are not party connected, being able to monitor and oh, my gosh, audit, the word audit comes up again. It's all done by parties. Parties are into everything here and in regards to that it just doesn't work very well, so. I got two quick-- oh, here's some

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things that you don't need to make copies of, probably, but one is by a nonprofit national organization called EPIC. It has links to the website. You can find out how many states listen to them about how to conduct their election. Bob Borer submitted to you something that I'll have you reiterate for me about that and this resolution by the Nebraska Republican GOP Party. I'm sorry, absolutely ridiculous. And then there was one sample of, of a ballot that you can't take that ballot home. I brought a copy from the Douglas County Courthouse. Again, says right on there you can't do this or do that unless you declare a party or a partisanship, etcetera, etcetera, etcetera.

BREWER: OK.

LARRY STORER: So the whole thing needs to be relooked at. Thank you.

BREWER: Thank you. So those documents you gave the page we can put in the official record?

LARRY STORER: Yes.

BREWER: OK. Thank you. Questions for Larry? All right. Thank you, sir. All right.

_____ : My turn?

SANDERS: No, we're at this end.

BREWER: We've gone to-- hold up, we're going-- yeah, we should be back down to the end here and back. OK, so that row is complete, right? All right. Welcome to the Government Committee.

S. WAYNE SMITH: Oh, good afternoon. My name is S. Wayne Smith. That's S. Wayne, W-a-y-n-e, Smith, S-m-i-t-h, and I'm convinced that the-- well, first of all, I'm for all three of the bills, and I'm convinced that the election machines are a major source of election fraud. And they're-- I've listened to several experts. I'll quote one of them, Colonel Shawn Smith, and this is from his testimony last year: We are using systems that can't be secured. Election machine parts are sourced overseas with chain of custody problems. You would have to start with a design of the circuits, monitor the fabrication of the electronic components and circuits going into the machines, including controlling access to the components. So that's just one. I won't read

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the next one from Dr. Douglas Frank. But I have a couple of areas of concern that I do want to talk to you about. And one has to do with the accuracy of the registration rolls that they're not clean. And I base this on door-to-door canvassing after the 2020 election and we found many people who did not live at the addresses listed. And the laws need to be changed to, to allow updates to be made on a timely basis and, and I will follow up with somebody, Senator Brewer, on these issues. For example, 32-329 addresses the national change of address system. And when the NCOA notifies the election commissioner, that's only two times a year so that needs to be done more than two times a year, that there has been a change of address, a conformation notice is mailed to the voter. If there is no response to the notice and the person did not vote for two federal elections, only then is the registration canceled. So I have a chart attached which outlines-- this is my interpretation of the law-- of how you remove people from the voter registration rolls. So that second column defines how the NCOA system works, and that needs to be streamlined. We can't wait two federal elections to purge somebody from the election rolls. The second item I have there is signature verification, that's lax and that needs to be, that needs to be firmed up. There needs to be two persons from different parties that are verifying those signatures. And my last item there has to do with this audit, this 10 percent audit. Well, the 10 percent figure is not in statute, but it is a policy of the Secretary of State. Lancaster County has 198 precincts, but for the November 8, 2022 election there were only three precincts audited, which is 1.5 percent. The county audited three races: the Governor, the federal congressional race, and the sheriff. With the selection of the races audited, there is zero probability of a state senate race being included in the audit. Now I know this because I, I was a poll watcher this year and I watched that audit. So that's all I have.

BREWER: All right. Well, again, you-- I, I changed around your amount of time so I appreciate you staying to the three minutes. As, as we look at 32-1027 and was it 32-329--

S. WAYNE SMITH: Um-hum.

BREWER: --if you're going to change, if you're going to change it and you want it the way you think it should be how, how are you going to verbalize that? How, how, how do you think that should be?

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S. WAYNE SMITH: Well, based on your suggestion, I will go to my senator and if he doesn't want to participate then I-- my next stop will be to Dick Clark and he will point me in the right direction.

BREWER: OK. But, but I know you're educated on how,--

S. WAYNE SMITH: Oh, how, how will I--

BREWER: --what will it say?

S. WAYNE SMITH: Oh, what will it say? Well, it will, it will eliminate that two federal elections before the vote can-- the voter can be canceled from the registration. That's too long.

BREWER: All right. So you're just saying that we've got our books so gummed up right now with folks that have moved multiple times probably and it's not keeping up so we have all these phantom folks and addresses because of their moves,--

S. WAYNE SMITH: Right.

BREWER: --basically? All right, that, that makes sense. And then on--

S. WAYNE SMITH: But let me give you, let me give you an example.

BREWER: OK.

S. WAYNE SMITH: In my neighborhood, we had a guy who hadn't lived in Nebraska for 20 years. So I went to his mother and I had her fill out an affidavit. I notarized it, took it into Dave Shively's office, and he said, OK, I'll start the process. So he started the process. Now, this was in April of 2022. So that's a year ago. I checked on it for the November election, he's still on the voter registration rolls. I checked on it yesterday, he's been taken off. So I had a success. It took almost a whole year to do that but he was on there for over 20 years.

BREWER: So the issue is all the folks that nobody's watching out for are like what you, you did in this case.

S. WAYNE SMITH: Um-hum. Right.

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BREWER: Because they're probably just still in the tumbler, they're still coming up--

S. WAYNE SMITH: Right.

BREWER: --and, and they're somehow perceived to still be a voter at that address when in reality they probably have long since been gone and--

S. WAYNE SMITH: Right.

BREWER: --maybe other places.

S. WAYNE SMITH: Yeah, when we did canvassing after the 2020 election, the biggest issue that I found in my group was the inaccuracy of people who lived there. There were many people who were on the rolls that didn't live at that address.

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

S. WAYNE SMITH: I'll probably be seeing you, Dick.

BREWER: That's all right. That's what he gets the big bucks for. OK. Next testifier moving down the line. Who do we have? All right, we're going to need someone. There we go. Welcome to the Government Committee.

GEORGE MEIERS: Hi. Thank you very much, Government Committee. Committee, thank you for your work. I'm George Meiers, G-e-o-r-g-e M-e-i-e-r-s, coming to you from Omaha, Nebraska. So I am in information technology, specifically a database manager for several years, 30 years, some years. I'm a photographer. I work with digital images regularly. So recall that we're going to talk about how the ballots currently are scanned. Oh, I'm sorry. I, I am speaking in favor of, of LB808 and LB457. So I, I balance or scan my program. The image is interpreted by a program, and then you have the results. We, we all know about that. We talk about that. I can tell you from personal experience that as a database administrator, it's very easy to change the database and nobody knows. Maybe I've done it a time or two. I don't work in election systems so it's good, which is good. They're very easy to manipulate. It's easy to do without a record.

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I've work with Oracle Postgres databases for a very long time. Digital images are very easy to, to manipulate and nobody knows. It's a program that creates a digital image of the ballot. The ballot is, is put in-- and, and the, the image is what's counted. So the people, elections should reflect the intention of the voters. Voters record their selections on a ballot, yet the ballots are not counted. The, the ballot is scanned and the image is interpreted. So basically, nobody will know if our elections really reflect the will of the voters until we can do a hand count, touch these ballots, look at them, make sure they match what the reported are. And I guarantee you, anybody that is not in favor of election integrity, who wants it secret, that's exactly what they want. They resist any opportunity to find out what's really going on. There's obviously a lot of people that don't think things were quite right in this last election. China wants to take over a country without a shot. I guarantee you with stuff like this, it's, it's easy to do. Hand counting, easy, cheap to do. Remember the GEICO commercials, I bet a caveman can do it. Some of them, if there's a dot here, you put a mark on the table and I bet you it's very inexpensive. So we might find out Omaha is not as liberal as some people think. I don't know. So if we allow someone besides the Secretary of State's Office to select a county for an audit, the audit thing is kind of suspect, too. I mean, what if, what if we were to say we need to audit this race you know? The Secretary of State-- I asked Brian Kruse, he said Bob tells us who we're going to audit. You know, it's kind of like giving the answers to the test, you know. So I, I don't know that there's a lot that I feel comfortable about this election ever since we went to these machines. So that's, that's all my testimony.

BREWER: All right. Since we got somebody who kind of fits in that category of an expert when it comes to the ability to digitally scan something, you take your, your ballot and feed it into the machine, the machine then uses barcodes and marks that you put on to determine how you voted and who you are and all that, is that in a Reader's Digest form kind of what's going on there?

GEORGE MEIERS: You, you would think. I mean, it, it creates a scanned image. You know, I can create a program that will audit and change every scanned image on my folder to a certain way if I want to.

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BREWER: OK, if, if it scans it, it uses it for the count. Does it hold that image? Because that's been some of the discussion that we've had here. Is that image available to ever go and reference again? Obviously, you have the paper one at some point if you keep the paper one, but that scanned image, does that fit into anything or is it just simply used for a count?

GEORGE MEIERS: I am not familiar with the-- I'm not privy to talk about the internals of the election system.

BREWER: OK. Well, sooner or later we're going to have to find--

GEORGE MEIERS: I wish I knew how, how they do things.

BREWER: --we're going to have to find that person who is somewhere. All right. Let's see if we got any questions.

GEORGE MEIERS: Well, I, I guarantee you they're not talking because they sign a nondisclosure agreement.

BREWER: Well, we'll waterboard them or something. Senator Lowe.

LOWE: Thank you, Chairman Brewer, and thank you, Mr. Meiers. The scanned image, 1.5 megabytes, 2 megabytes, how big do you think an image would be?

GEORGE MEIERS: Could, could be. I mean, it depends on the resolution--

LOWE: Smaller or larger?

GEORGE MEIERS: These are probably pretty good resolution. I mean, like my digital images from a photographer for my, my camera are 25 meg, but--

LOWE: Yeah, I, I just pulled up an image that I had scanned earlier today and, and it was 1.48 megabytes--

GEORGE MEIERS: Yeah, probably not that big.

LOWE: --so I'm, I'm-- it, it wasn't legal size so I'm guessing be a little larger. And I'm just wondering for storage size what that would

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take but I, you know, you get a terabyte hard drive and it would probably take care of most everything.

GEORGE MEIERS: This be-- this is cheap these days. When I started in computers, we didn't have more than two or three gig we could work with, you know, get it on my phone now.

LOWE: One of my first scanning computer had one gigabyte on it, so it's, it's been, it's improving, so.

GEORGE MEIERS: Yep, came a long ways.

LOWE: Thank you.

BREWER: All right. Any other questions? All right, sir, thank you for your testimony.

GEORGE BOLL: Good afternoon.

BREWER: Welcome to the Government Committee.

GEORGE BOLL: My name is George Boll, G-e-o-r-g-e B-o-l-l. Yesterday, I was contemplating just sending in some information, submitting my online comments, and I got to looking at being here involved for the last 15 months, I know that you guys like to look at your fiscal, fiscal reports and I got to seeing something where maybe I could save \$10 million. And first off, LB808, I absolutely believe that we need to open the door to hand counting so I'm 100 percent for that. LB457 has a \$6 million cost on the, the voting-- on the video part but so I'm not necessarily thrilled about that. I've been, I've been a poll worker and I don't know that the video part is that important. But the paper, yeah, we need dollar bills for our voting, for our voting paper, no doubt about it. So three times the cost of, two or three times the cost of what we're paying out for that is well, well worth it. But it came to LB193, I, and I put this together yesterday, didn't quite have time to get it to, to Senator Halloran so I think that if we change his language and, and, and put it as of November 19, 2027, we'll actually wind up saving \$10 million because that's when the contract we have with ES&S expires. I've looked over-- within the last three days, I saw some information from the Nebraska GOP SCC about a resolution and to me it's rather amazing that this would have never come out of the Nebraska GOP SCC two years ago before Donald Trump

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got-- election got stolen, but now we've seen a little bit of a parade going there. I like to think the CC is a choo choo train. I've also got a copy of the contract of what we have with the state of Nebraska has with ES&S here and there's a few points that if I have time I'll point out to you. But I've looked at this part of our contract numerous times in the past 15 months, so I became aware that we can save \$10 million by just delaying the made in America part to November 19, 2027. But there's some real dynamite language we can add that actually comes-- is parallel to this, this, this resolution and it says this: Beginning immediately, (a) we can-- the source code used in any computerized voting machine for federal, state, and local election shall be made available to the public-- we can do that for free; (b) the ballot images and system log files from each tabulator shall be recorded on secure write once, read-many media with clear chain of custody and posted on the Secretary of State's website free of charge to the public within 24 hours after the close of the polls. We could probably do that for free. All ballot images and system log files from each tabulator from prior elections currently held in custody of the state of, the state of election software systems shall be posted on the Secretary of State's website free of charge to the public. We can do that for free, too. Per current contract, contract negotiations with Election Systems and Software shall be amended within 60 days or terminated. We can do that if you read their contract. These negotiations will also thoroughly and publicly evaluate the contractors' responsibilities in fulfilling their security requirements. You know, Melissa pointed out that--

BREWER: OK, I got to hold you up here, I've been letting folks go long and--

GEORGE BOLL: OK.

BREWER: --every time I do that it goes longer and longer and it's defeating the purpose of it. So all right, let's see if we got some questions. This paragraph here that you just read,--

GEORGE BOLL: Yes, sir.

BREWER: --you wrote this?

GEORGE BOLL: I did. Yesterday. Last night.

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BREWER: Oh, OK. Thank you. And if I whip back through here--

GEORGE BOLL: I might, I might say that part of that is actually parallel with what's in the, this resolution that was the NEGOP resolution. If you look on page 3, you'll see a lot of, most of that wording right there.

BREWER: Back here where it says State of Utah,--

GEORGE BOLL: Yeah.

BREWER: --what exactly--

GEORGE BOLL: It does say State of Utah, doesn't it?

BREWER: Yeah. So why, why do we have the State of Utah-- Administered by the State of Utah, Department of Purchasing and General Services?

GEORGE BOLL: The-- right here I have State of Nebraska is the first part of the contract and we actually do piggyback onto the state of Utah's--

BREWER: OK.

GEORGE BOLL: --contract.

BREWER: OK. OK, that, that--

GEORGE BOLL: So that's, that's what they do, they-- you might say piggyback on it. But there's, there's an example on the first page of \$14 million was our expense that we contracted for, although I do know that there's probably been another \$6 million that have been, been spent and it's, it's close to \$20 million is the figure.

BREWER: No, that sounds right. If I remember right from years ago when we actually made the decision on those machines, that sticks in my mind that it was maybe a little long at \$20 million. OK. Let's see if we've got some questions. Questions? Questions? All right. Thank you for your testimony. Thanks for the documents here. OK. Next testifier. Welcome to the Government Committee.

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PENG XIAO: Yeah. Dear Senators, my name is Peng Xiao, P-e-n-g X-i-a-o, from Douglas County. I strongly support the three bills as a university assistant professor and operational director with Ph.D. of bioinformatics and biostatistics. I've published more than 60 papers and perform data analysis daily by coding, therefore, I can understand the election data and voting machine. I was also a poll watcher for 2022 midterm election in my precinct. During my poll watching training, the official clearly mentioned that there is no custody or watching for voting machines, mailing, and early voting. I printed two figures from Nebraska Voter Accuracy, a project for you as solid evidence to prove that 2020 election fraud happened in Nebraska in both voter roll and, and voting ballot data through the voting machine. It is indispensable that the LB193 requires that all voting machine parts should be from the U.S.A. Many ES&S machine parts are from China. Since I originally came from China, I know the Chinese Communist Party is good at monitoring people through soft and hardware. In 2019 I went back to my parents' house in China and used the Chinese app in my U.S. cell phone and text message, it was a sensitive word, Christian, and the entire Internet access was instantly cut off. And I called the Internet provider controlled by CCP, they immediately knew the reason and the location of my parents' house and reactivated the Internet remotely. This is really scary. How can I-- how can we trust the U.S. voting machine with most parts made in China? If that can reprogram individual accounts so easily, I expect that they can change, preset ratios and their tabulation algorithm remotely also. And particularly, there are no masters or designated experts in Nebraska to detect and prevent Internet access for voting machines. This is no-- there is no source code release from the ES&S company, which makes the machine custody a mission impossible. When I was a poll watcher, I found many opportunities to tamper with the voters in the polling place and ballot transfer process. Therefore, the video surveillance and the hand count introduced by LB457 and LB808 are important to prevent election fraud. In history, Jewish people faced the crisis of facing annihilation from their enemy Haman. When Esther was the queen of Persia, her cousin challenged her with the following words recorded in the Bible: For if you remain completely silent at this time, relief and deliverance will arise for the Jews from another place, but you and your father's house will perish. Yet who knows whether you have come to your royal position for such a time as this? Senators, today, America is also

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facing a similar, similar situation. The stolen election is treason, yet who knows whether you have come to your legislative position today for such a time as this? Thank you for voting for yes for the three bills.

BREWER: You have won the award for the fastest talking person that's come up here. All right. Now that you're not on the clock, want you to just take a deep breath, relax for a second, and slowly spell your name again, please.

PENG XIAO: Yeah, P-e-n-g X-i-a-o. Peng Xiao.

BREWER: All right. Now, did you hand out this?

PENG XIAO: Yes.

BREWER: OK, let's, let's talk about what we're looking at here. Let's start with the sheet that has the green circles on it. What am I looking at here?

PENG XIAO: Yes, you can see that's the, the voting, the, the access is the time, the time, follow the time span. You can see the, the candidate Trump, at the time there were four drops in his votes. How could a, a, a, a votes kept dropping? Because that's negative votes. Because following the time going in the time span, the, the votes for a person should be increased or stay in the same, particularly for that, the first drop from 50-- 580,000 dropped to 550,000. That's 30,000 votes drop, and active votes, where were the active votes came from? That came from the machine that the software just manipulated and changed the votes because there's, there's no vote. How can you vote a negative vote [INAUDIBLE]?

BREWER: OK, so if you're talking about 580,000 votes, you're talking about this is a national [INAUDIBLE]?

PENG XIAO: No, that's a, that's Nebraska data.

BREWER: This is known Nebraska data?

PENG XIAO: That's pure Nebraska data. Yeah.

BREWER: OK.

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PENG XIAO: From Nebraska Voter Accuracy Project.

BREWER: All right, so--

PENG XIAO: All Nebraska data. Yeah.

BREWER: --when we flip pages, the other side then--

PENG XIAO: Yeah, the second figure is talk about the Washington County in Nebraska. And you can see they just using the voter-- actual voter number over the, the voter roll register voter number and then distribute them into different age groups. And then they draw the, the, the, the, the curves and then later-- I mean the, the zigzag-- I mean the spots, and then later they can retrieve and then to draw a perfect, the, the, the regression line, the regression line just showed that the equation underneath. So that's a-- and then the, the all square is .85, that's very highly [INAUDIBLE]. So and then the, the-- another important data is if you just do the same thing for each county that lie exactly the same, the correlation coefficient-- coefficient, the number, that means the similarity between the two regression line in each county that, that, that, that coefficient-- correlation coefficient number was a .99, so that means almost 100 percent similar. How could each county, you know, the person, voting person, you know, in different ages are exactly the same? That's, that's, that's incredible. That's, that's definitely, that's a, that's manipulating data from, from my expertise. Yeah.

BREWER: OK. I was going to ask you about the math problem underneath there but it would take all afternoon so we won't do that. Any questions? Senator Lowe.

LOWE: Thank you, Chairman. And, and thank you-- I'm going to butcher your name-- Peng Xiao?

PENG XIAO: Yeah, Xiao.

LOWE: Xiao. Thank you for testifying. What-- you're a professor or a doctor in education?

PENG XIAO: Yeah, I'm assistant professor.

LOWE: Assistant professor?

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PENG XIAO: Um-hum.

LOWE: What, what field?

PENG XIAO: Yeah, bioinformatics and biostatistics.

LOWE: Mathematics and statistics.

PENG XIAO: Bio, bio.

LOWE: Bio.

PENG XIAO: Yeah.

LOWE: So you kind of understand this?

PENG XIAO: Yeah.

LOWE: OK. Thank you.

PENG XIAO: Yep.

BREWER: It's a very, very profound statement. Thank you there, Senator Lowe. All right.

LOWE: I come up with those.

BREWER: OK, Amber, I think you're next. OK, what we'll do, ma'am, as, as soon as Amber is done we'll throw you in the link here where we're going row by row and if, if somebody gets out of sync then that's a little more of a challenge but we'll, we'll make it right with you here. All right, Amber, welcome to the Government Committee.

AMBER PARKER: A-m-b-e-r P-a-r-k-e-r, Amber Parker. Good day and thank you, Lord Jesus, that we are not in chains and became another country of slaves. My heart is greatly-- I've been awake since about 3:00 this morning and what really struck me is the condition that the United States of America is in. We really don't understand how close we are to becoming like Venezuela. I question with coming forward with these bills and hearing about President Donald John Trump being arrested. I, I looked at it and I, I realized in my heart, I'm like, I could go in there and whoever is part of the Great Reset and the power that's over our state, because it's not Republican-Democrat, it's the Great Reset.

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It's the one-world government, it's pushed through. It's the abortion of children. It's the mutilation of children that even our state senators are negotiating when we have a majority of Republican senators within a committee that could get and protect out a sports bill. And I don't know where that is now to protect restrooms and locker rooms from assaults happening from opposite sex going into each other. And I'm going to get here to the elections, but what I just want to pinpoint is tyranny, tyranny, anticonstitutional senators coming forward and bringing lawlessness, Senator Hunt. OK, so here on in front of you, I want to go forward and I want to focus on what is taking place in the state of Nebraska. You will notice there is an affidavit, I believe there's three of them. It's the same testimony. In Cedar County, it was reported that there was a-- I'm, I'm going to skip through this here, our time's running out here. It says: As a resident of Cedar County, Nebraska, and being of the opinion that our 2020 election was fraudulent and being of the opinion that the vote tabulating machines played a significant role in the fraud did attend a county commissioners meeting to request a return to hand counting of paper ballots on Election Day for future elections. The second of the two meetings where citizens requested to return to hand count the ballots occurred the 13th of September 2022. At this meeting, I did witness our county clerk, Dave Dowling, state that he had previously reached out to the Nebraska Secretary of State for permission to hand count an upcoming small school bond election, as it would be easier, quicker, cheaper to do so. Dave Dowling stated that the Secretary of State's Office responded by saying if you hand count that election, Cedar County will potentially be sued and the county clerk and the county commissioners will be removed from office and the state will appoint replacements. And due to the concern of time, I can't go into all of this, but what I want to say, Secretary of State Evnen, you need to be held accountable. Attorney General Hilgers, you need to be looking into this. We are in a dire and emergency situation and there is the Great Reset and they're trying to hold this and hold off to the next election. Right now, there's no coincidence of what happened with January 6. There was not an insurrection and we got American political prisoners being held in a D.C. jail. People be-- better be livid, we want peace on the streets but you need to hear our voices we are crying out. We are about to lose our country. We already have and we are just not hearing the shots fired right now.

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BREWER: All right. Thank you. Questions for Amber? Questions? All right. Thank you for your testimony and the handouts. OK. Next testifier. Sorry about getting you out of sequence there.

CHERYL MORTON: Thank you. I'll be short. My name is Cheryl, C-h-e-r-y-l, Morton, M-o-r-t-o-n, and I'm here in support of, of these bills, although I do agree that they probably are going to need some tweaking. There's so much input coming in today and I'm glad that you all are open to seeking private sources of counsel and, and help with these bills because the election process is, is complex. And I got involved in the elections by doing Voter Accuracy with Wayne two years ago. I agree, voter rolls are dirty. The whole process is complicated and it could be simplified a whole lot. And I think that we just need to get together and work together on these things. I did want to share in one of my visits with a neighbor. I was taken aback when I asked him what he did for a living and this was in '20. I came up and knocked on his door. He said I work for one of the computer companies that works with the election and we're working to change this red state blue. And we wrote an affidavit on this individual. It's on the record. After I heard that, I thought, well, we knew that there was problems with these computers and this software. I think you all have seen proof and evidence that there's massive fraud. I think that what happened in 2020 with the insurrection was just the total uproar of people like me going I can't believe what just happened. So I, I'm a retired nurse. I see our country as a bleeding patient. I think we've got a tourniquet on it, but I think it's leaking. And I think we need a whole new surgical team to come in and repair the damage that's been done. And I truly feel that if we don't do it very soon, we're gone. And I, I do agree with some of the other people that have spoken. I have a quote that was made by Bob Evnen, our Secretary of State, after we went to him numerous times with the Nebraska Voter Accuracy Project information, he walked out of a session in Ord, Nebraska, did not want to hear what Larry Ortega had to say. And his comment was if fraud works, you don't know about it. So that pretty much says what I think his feelings are about the election. They're a sealed, they're done. Well, we need to expose evil to the light and we need to do something to repair this patient. I also want to just conclude my points here with another statement, another quote, and it is from, I'll just read it: I consider it completely unimportant who in the party will vote but what is extraordinarily important is who will count the votes and

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how. That was from Joseph Stalin. We're headed in that direction, folks. If you don't see it, you need to wake up. Our, our mainstream media is not going to talk about it. Our President continues to talk that the elections were fair. And it's a very sad state of affairs that we don't have the whole story. So I trust that you will all be open and willing to do your part as representing us, the people of Nebraska. Thank you.

BREWER: All right. Thank you, Cheryl. OK. Questions? Questions? Seeing none, thank you for your testimony. Oh, I'm sorry. Jane-- Senator Raybould.

RAYBOULD: Thank you. Thank you, Ms. Morton, for being here. You know, as I've been listening to a lot of the testimony, I think Senator Lowe had a really good idea about before we invest, you know, you know, \$25-plus million in this, what, what are your thoughts briefly, because we have more people to testify. Would you be agreeable to have a third party do audits? But you have a third party outside, not the, not the county clerk or whatever and nobody affiliated with the Secretary of State do an audit. But they would have, of course, a representative from the Republican Party, Democrat Party, and Libertarian Party, if that's the appropriate parties to be there going through, like audits, like taking different counties, not just the smallest counties do it, like a few precincts and one of the, like, Omaha and other things. I mean, would that provide some assurances if they did the spot checks and audit, appropriate audit in that fashion?

CHERYL MORTON: Right. I think--

RAYBOULD: What are, what are your thoughts really quickly?

CHERYL MORTON: I just think we need collaboration between parties. I think we're, we're very divided even in this Unicameral. I see it. I think that it would bring people together if they knew that we were cooperating and that we were all given a chance to give feedback and discussion. And I think there's plenty of people in this room and people that we've also followed: Seth Keshel, Larry Ortega, Dr. Frank, they're experts in this field. Why don't we use their expertise in helping to, you know, make these new laws work for the people?

RAYBOULD: Wonderful. Thank you so much.

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BREWER: All right. Thank you for your testimony. OK, we got our sequence back down. There we go. Welcome to the Government Committee.

ROSE KOHL: Thank you very much, Senator Brewer and honorable senators. My name is Rose Kohl, R-o-s-e K-o-h-l. I have a degree in computer science from Dakota State University. I got straight A's in that degree and I was offered a full-ride scholarship and employment with the NSA. I did not accept because I prefer to live in Omaha. I live in midtown Omaha. King Jesus reigns in midtown Omaha. There's a lot of amazing [INAUDIBLE] believers there and churches get planted all across the world, multiple every year out of many churches in midtown. I support these three bills even though I'm opposed to using computers of any kind for elections because there's so very many ways that results could be compromised. Every single step of the process is an opportunity to do it right or do it wrong and could be tampered in any part. A single programmer like me with access to the source code could put a backdoor in for vote flipping. And often companies have rules that require, like, a second person to look at your code. But where I work, there's plenty of time when I put in a request for someone to look at it and it's approved within seconds. If they don't read my stuff. And even if there is review, like, I might be able to disguise it, use some red checks, like, make it look like something else. I bet I could hide stuff and they wouldn't see it if they tried. Absolutely, machines should not be allowed to connect to the Internet. Connecting to the world means that any hacker, teenager in a third-world country, professional state-sponsored hacker has something they could touch. And most, most businesses out there have policies that you don't allow your mission critical to connect to the Internet. But also you should be aware that USB ports are a huge vulnerability for reprogramming. The handouts I'm giving you, including this one, tell the story of the Stuxnet worm that targeted the uranium enrichment facilities in Iran. This worm would copy itself to all new machines in the network whenever a USB was plugged into the computer. I believe they spread it by taking the infected machine to coffee shops all around Iran and all the computers that touch the same coffee shop would get the virus and eventually it got to the USB got to their machines. Their machines were not connected to the Internet but they got the virus and that shut down their uranium for a few years. And then there's wireless. You probably all know what Bluetooth wireless is, maybe you've used Airdrop to transfer pictures from your phone. But there's also-- like,

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here's a wireless chip here. When I connect this device to any computer, including like one of yours, then in seconds software would install and I could use my mouse to control your computer. Most of this device is the USB adaptor. The actual receiver is real small. Anyone that's manufacturing motherboards or chips could embed this in there, put it under other stuff that's important, and I don't think that people would do a teardown and find it. And with a wireless device, you wouldn't need to use the Internet. You wouldn't be leaving a trace in other places. Like, I could, if I had a big enough battery, I could be sending signals, you know, sitting in a parking lot across the street, send signals and reprogram a computer and tell it to flip votes. I could write a code that would-- I could write up a vote-flipping thing that would take an input of two bytes and that would be the code of, like, which, which row, which item needs to be changed. In conclusion, we should not trust foreign entities to build or program our machines, we should get away from machines. When justice is done it's a joy to the righteous, but a terror to evildoers. Thank you.

BREWER: Thank you, Rose. All right. I guess I had in my mind that if you could crack open one of these ESS machines, that then you could figure out whether or not it could hook into the Internet or not, but what you're telling me is--

ROSE KOHL: They could hide it better than they have.

BREWER: So that really doesn't prove anything cracking open one of those machines.

ROSE KOHL: Well, some, some of the earlier testifiers had pictures of things that had been found. And perhaps if we gave the permission, they'd try harder. Absolutely I believe we should be doing a teardown to crack open the machines to see what we find. But just finding nothing doesn't mean it's clean, it just means we didn't find it. But absolutely, we should be opening things up and getting access to the source code.

BREWER: OK. Thank you for your testimony. Let's see if we got questions. Senator Lowe.

LOWE: Thank you. Thank you. I watch way too many cop shows.

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ROSE KOHL: Um-hum.

LOWE: So it always, they always talk about code writers writing backdoor into a--

ROSE KOHL: Um-hum.

LOWE: --system. Does that happen most of the time so that you're able to get back in to help people?

ROSE KOHL: So I'm not writing backdoors into my stuff and, and with it, like, political boundaries are a big deal. Like, if I was putting backdoors into the stuff I did, I could lose my job and possibly get prosecuted. But, hey, if I was sitting in China, you know, writing the ESS software, knowing that if I, you know, if they found the backdoor, I've got a political border to protect me. That's a different story, so, and it depends on the state. It's like where I work, I think we all have the, like, same aligned values. Like, I don't have a reason to play dirty against my employer. But so, so I don't know how often it happens, but especially if you have a foreign code coming in here they might be doing something.

LOWE: And I, I know sometimes you, they put a machine in a room or in an area where you can't use your cell phones, it blocks--

ROSE KOHL: So what, there's calls, you know, like, I could be outside, you know, like a concrete wall doesn't block a wireless signal. And if you have a big enough battery, like, you know, this phone is talking to a tower, you know, across the street somewhere. If you don't have, like, full-metal Faraday cage around it, signals could be sent through walls.

LOWE: All right. Thanks.

BREWER: That's what we have SCIFs--

ROSE KOHL: SCIFs?

BREWER: --in the military to block a signal so you can communicate. OK. Any other questions? All right. Thank you for your testimony.

ROSE KOHL: Thank you.

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BREWER: Now as a reminder at 4:45, we'll take a break until 5:00 so everyone can have a restroom break. So the key thing is you're going to have to come back to the same seat you're in if you're in order to speak if we're going to pick up where we left off in our sequence of, of testifiers. So don't lose your place. All right. Before we start, how many more testifiers do we have here? All right. We may, we may push through, skip the break, push through and just "git 'er, git 'er done" for the day because that's, that's a help to everybody. All right. Sorry for the delay. Whenever you're ready, please start.

PENNY STEPHENS: No worries. My name is Penny Stephens, P-e-n-n-y S-t-e-p-h-e-n-s, and I am thrilled to be here, Senators. For the last 27 months I've been trying to voice my opinion, I've been county commissioners. I've called the, you know, the State-- the Secretary of State, and just, we just keep getting transferred phone calls. I mean, it's been a bit-- I actually retired last May to devote full time to investigating what the heck is going on. I've worked at the university for several years. I worked in the Office of Equity and Compliance. I worked in data and file management. My husband is a computer programmer for the largest employer here in the state of Nebraska so I know lots about programming. And any machine, as everybody says, any machine, any software can be hacked. If you think they cannot, you are sadly mistaken. On this front page here, I have briefly put down the history of our voting machines which happened back in 1892. And each one of these years there were upgrades and software made on each of those so I'll let you look at that. Throughout our voting history, our machines as well as our software have evolved. Upgrades, rebuilds, tweaks, and twists have been made to always build a better, safer, more accurate voting machine. Voting systems, as you can hear here are a million-- excuse me, a multibillion dollar business. These systems are most often prioritized and do not give transparency to the Secretary of State or to the Nebraska voter. Voting machine manufacturers are bought and sold. They're just rebranded under another name to make us think it's a newer, better, faster machine. Back in 1934, Joseph P. Harris published a landmark book "Election Administration in the United States." It applies even today. The advent of what we call secret ballots that it is a trick, they are not secret ballots. Somebody mentioned that before, so I'll just move on for there. I want to mention too the phone modems, my husband has a breathing machine and it puts back the information and lets them know

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how much he slept back to the people. And I'm, like, it's not hooked up to the Internet how can it do this? It has a phone modem in it, and any person on that other end can write the code to pull the information that they need without the person even knowing about it. So that's one way it's done. Back in 2000 was the first time many Americans realized there was an election fraud in Florida between Bush and Gore. At that time, there was a computer programmer named Clinton Curtis, and he testified before the House of Representatives back in 2004. My Democrat friends, he was a Democrat. He testified, and their links are here, his transcription is there. And then in 2004 Bush and Kerry, there was also a question and it's been debated across the aisles ever since about election fraud. So it's just not about a 2020 thing. And speaking of 20--

BREWER: OK, we got to, we got to hold it up there, we're, we're within a line. Now--

PENNY STEPHENS: OK.

BREWER: --the sheet you handed out, again, this is just kind of a conglomeration of--

PENNY STEPHENS: That's just my notes.

BREWER: OK.

PENNY STEPHENS: So and for the last 27-- this is just different things I've come across, videos--

BREWER: So this is, this is just information so that we--

PENNY STEPHENS: Right, a lot of that information came from this book.

BREWER: Whose book?

PENNY STEPHENS: It is "Broken Ballots" and it is written by two individuals that took over ten years. It was written ten years ago and still very applicable today.

BREWER: OK.

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PENNY STEPHENS: Some of the information also came from "Fooled Again" written by Democrats. So this has been happen-- this is-- this isn't just a 2020 thing. It's not a 2016 thing. It's been going on for a very long time.

BREWER: All right. Let's see we have some questions for you.

PENNY STEPHENS: Oh.

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

PENNY STEPHENS: Oh, I wanted to say one short thing.

BREWER: OK, one short thing.

PENNY STEPHENS: Please. Please. OK. On November 4 of 2020, I just wanted to bring up this one thing.

BREWER: This is what you're talking about?

PENNY STEPHENS: Yes. Secretary of State was interviewed by the Omaha and he said that 25,000 mail-in ballots were missing, 25,000 ballot-- mail-in ballots were missing. It was never investigated, 25,000 ballots, that's about how many people that are in Hastings, Nebraska. There you go. Thank you.

BREWER: All right. No other questions. Thank you for your testimony.

PENNY STEPHENS: Thank you.

BREWER: Very informative.

PENNY STEPHENS: And you'll see on there a list of things that I--

BREWER: I saw that.

PENNY STEPHENS: --that would be helpful and I'm--

BREWER: Recommendations.

PENNY STEPHENS: --available. I'm available.

BREWER: OK. Did we exchange a green sheet here?

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PATRICK PETERSON: I'll-- can I fill one out after? I wasn't planning on testifying or I'm happy to do it right now. I can do it as I testify, doesn't matter.

BREWER: Why don't you fill it out.

PATRICK PETERSON: Certainly.

BREWER: I'm a stickler for rules. It's the old colonel in me, can't help it.

PATRICK PETERSON: OK. Patrick Peterson, P-a-t-r-i-c-k P-e-t-e-r-s-o-n. I apologize for holding up other people's testimony for not filling out a green sheet, but I wasn't planning on testifying today. My testimony is going to be a little bit different than everyone else's. I've just been taking notes today as other people have been testifying. There's a lot of people here who have some very legitimate and time-sensitive concerns. The line of commentary earlier on how to get involved was pretty frustrating and pretty disheartening to a lot of folks in this room and in different channels that people who are associated with this effort. It was, it was pretty upsetting to hear that because I know for a fact, and, and, Senator, I have the utmost respect for you, but I hope I can be candid with you here. I know that your office has been working directly with folks for months since last year on this issue alone and that's just for this legislative session. These people have been showing up for a long time. They have been here. They have been testifying. They have been trying to work on this legislation. And I think an important note of interest as well is senators who are elected are elected to represent their constituents. They aren't elected to represent lobbyists and the people who are paid to show up here and testify. And every single person in this room here today is just a normal citizen and not a lobbyist that's showing up here out of their day, whatever they've had to do on a Wednesday to make it, to make sure that they can come here. So it was really disheartening to hear that earlier on. Obviously, people are invested in this. There's a plethora of astute individuals who can work on this and are willing to help with the legislation, but it's not their job to write the legislation. It's your guys's and your offices' job to write that legislation. So I just had to voice that frustration. The second component is we're literally no further along on any of this that we, than we have been in months or years for that matter. We're

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in the same place and we haven't gotten any movement on this whatsoever. We just keep hearing things like, well, maybe we'll get it right next year, or maybe we'll get it-- we'll tackle it next session. For your situational awareness, early voting for the elections in Lincoln, Nebraska, has already started and this is for any race throughout the state. Voter ID was passed last year. There's been no, no vote on that at all which-- and you might want to confer with your legal counsel, I think would make those elections unconstitutional. We're running an election right now. Early voting has already started and you haven't even addressed the voter ID that was passed last fall. I mean, it's just ridiculous. The last thing I want to say that I hope is on the record is that Secretary of State Bob Evnen is one of the most feckless and incompetent leaders in Nebraska. I just-- it's, it's a dereliction of duty what you guys are doing. And to say that people aren't here and aren't invested and aren't showing up and aren't willing to work together on this issue is patently false.

BREWER: I'm not going to ask for questions because I usually sit here and I'm pretty easy to get along with but you've managed to piss me off, so we're going to have a discussion before you go anywhere. All right, here's the deal. OK? My office has been open and I've invited folks in and we've had long discussions and we worked on a lot of issues. Now I didn't have to do that to the entire state, and I've opened it up to everyone so we have made progress on issues. If you want to talk about voter ID, we've been working on voter ID for a long time, but we're only going to get one shot at this. So if we just fling something out there and it's unconstitutional, all the work to get it on the ballot is gone and we lose that opportunity. So it's my job to make sure we get it right. Now, I understand you don't like it. Quite frankly, I don't care. I'm going to get it right. And you're going to not be happy with me, you all are going to live with that. OK? But when you come in here and you unload on us and you don't understand all the pain we go through to try and get what we write-- what we get right, right, it's ingen-- not very-- it's disingenuous on your part to do that, OK? Because there's no way to just make legislation overnight, it's a long, hard process and you got to get two sides to agree with this and we're trying hard to get there. Now if there's been someone in here that we've been less than kind or helpful to, but when it comes to writing the legislation, you need someone to actually help do that. And I understand you can come in

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here and have all the testimony you want, but when the time comes to write laws, you can put it all on us, but we're not going to get it right. And if you remember right when we first started, that was a complaint like, well, I like LB808, but it's just written wrong. If it was written right, I'd support it. Well, how do we get it right if someone doesn't come in and help us understand what right looks like?

PATRICK PETERSON: Well, Senator, again, with all due respect, and I 100 percent appreciate you, Senator, I just have to say you're working with the wrong people on this. You're working with folks like Bob Evnen, you're working with folks like Julie Slama to work on this. She puts forth LB575 and things-- and totally screws up this whole process and you know that's true. You're playing-- it's-- politics is being played. You're getting pressure from one side, from folks at the top, and then you're getting pressure from the second house. And you have good bills here, you have good bills here. The language is written correctly from your colleagues, but not from the top, from the other side that you're getting the pressure from. And so you're stuck in the middle and then you're left to play politics which has happened now for, what, 47, 48 days, and it's a disservice to the rest of Nebraska. And so it's a, it's a disservice on this issue specifically as well.

BREWER: All right. Enough of this. Yes, Senator Lowe.

LOWE: Thank you, Senator Brewer. And thank you, Mr. Peterson, for coming to testify and all of a sudden deciding to testify, that's, that's your right and I appreciate you doing it and I'm glad I pissed you off enough to do that by inviting people to come and help us out. So we have not heard from some of these people to come and help us out so I'm just inviting people. If you want something in this, please come and tell us. And that's kind of what the second house is doing because I do believe in the second house. I strongly believe in the second house. And we have to find 33 senators out of 49 to get this passed. How do we do that if they don't agree with what is in the bill that is coming? If, if somebody-- if, if we find 32, it doesn't work. It doesn't get passed. So and, you know, we started on-- in January on this, it takes time for this process to work. So if we don't get it done right off the bat, I'm sorry, but it does take process. We're not playing politics, but we're working with the system. And this is a system we have, we have to work within the rules that we have so-- but I do appreciate you coming.

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PATRICK PETERSON: With all due respect, Senator, for the record, I want to say that you personally haven't pissed me off--

LOWE: OK.

PATRICK PETERSON: --and two, two--

LOWE: I'm really glad about that.

PATRICK PETERSON: --two, I would like to say that the system is broken.

BREWER: OK. Additional questions?

CONRAD: I have one.

BREWER: Senator-- geez, you've been, been gone so long I forgot your name.

CONRAD: I know, it's the last day of hearings so [INAUDIBLE]--

BREWER: No, you had, you had two briefings today, did you? Yes.

CONRAD: Yes. Thank you so much. Thanks for being here, Mr. Peterson. And I know it's always fun to, to dunk on registered lobbyists, but we have registered lobbyists for all different kind of ideologies and interests all across the state that have a right to associate and petition their government. I just wanted to clarify, are, are you a registered lobbyist?

PATRICK PETERSON: I'm not.

CONRAD: Are you paid on behalf of your organization to be here?

PATRICK PETERSON: I'm not.

CONRAD: OK. Thanks very much.

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

GRANT FRIEDMAN: Thank you, Senator Brewer. My name is Grant Friedman, G-r-a-n-t F-r-i-e-d-m-a-n, and I'm here on behalf of the ACLU of

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Nebraska in opposition to LB457. Voting is the cornerstone of our democracy and the fundamental right upon which all of our civil liberties rest. The ACLU works to protect and expand Americans' freedom to vote. Nebraska, as a state, has a safe and secure election through existing state and federal laws that can be used to satisfy the majority, if not all, of the concerns expressed today. The Secretary of State ensures with complete confidence of security in our elections and reports that there is no evidence of voter fraud in our state. This bill adds unnecessary requirements that infringe on the right to vote, cost the state millions of unnecessary dollars, and hinders the ability of our election officials to be able to run our elections efficiently. By requiring video surveillance at all polling places, you are infringing on the rights of citizens to cast a secret ballot, a right that is protected in the United States by the First Amendment as the Supreme Court stated in *Burson v. Freeman* in 1992. The First Circuit most recently expanded on *Burson* to conclude that the First Amendment protects the right to cast a secret ballot from both prohibitions on and mandatory recordings of vote, vote casting. In addition to infringing on voters' freedom of speech, this bill will cost the Nebraskan taxpayers over \$5 million across the state, and additionally, each county will have its own expenses, with Lancaster County alone estimating over \$1 million. This bill would force money away from more pressing matters by attempting to fix a problem that simply does not exist. Finally, this bill hinders our ability for election officials to run elections well. By removing from Nebraska Revised Statute 32-806 for the ability of the Secretary of State with the consent of the election commissioners to authorize additional polling places during the 20 days preceding the election, you are hindering the ability to-- for Nebraskans to be able to vote where they live. As we near nearly two million residents and become an even more mobile society, our elections must be able to adapt so that people can vote and participate in the democratic process. For these reasons, we ask that LB475-- LB457, excuse me, be indefinitely postponed and I'm available for any questions that this committee may have.

BREWER: All right. Thank you, Grant. So you're weighing in on LB457. As far as LB193 and LB808, are you taking a position on them, too?

GRANT FRIEDMAN: No.

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BREWER: OK. All right. Any questions for Grant? All right. Thanks for your testimony.

GRANT FRIEDMAN: Thank you, Senator Brewer.

BREWER: OK. Next testifier, please. Welcome to the Government Committee.

JOANNA LINDBEG: Thank you, Senator Brewer and members of the Government and Military Affairs and Veterans Affairs. My name is Joanna Lindberg, J-o-a-n-n-a, Lindberg, L-i-n-d-b-e-r-g, and I'm going to talk about two bills. So I will-- my first testimony will be to oppose LB457, and then second testimony will be neutral on LB808. So League of Women Voters of Nebraska work to protect voting rights and we believe this bill, LB457, would infringe on the privacy to cast ballots, could-- probably not technically feasible, and costly to the counties and state. We have 93 counties in Nebraska, each with their own particular situations. For example, Douglas County, the largest in the state with 230 precincts, population of over 510,000 people and more than 350,000 registered voters with polling locations in schools, churches, businesses, nonprofit organization, and the election office, Douglas County prints its own paper ballots with time tracking around the ballot edge to deter counterfeiting. Douglas County estimates a savings of \$250,000 per year by ballot scanning and printing its own ballots. Although the state of Nebraska purchased voting-- vote-scanning devices and maintains them annually before each primary, Douglas County also checks the scanners before the general election. All Douglas County vote tabulation is done at the election commission office, where there is video surveillance cameras throughout the building and counting room. In addition, there's like a picture window where you can view the counting of the ballots. Issues that would need to be addressed before video surveillance cameras could be installed in those 230 polling places in Douglas would be the voting privacy, the permission from the polling places to place a video camera at their site, the cost and maintenance of the video cameras over time, and where the videos would be screened and who would be the, the staff that would screen them. Similar questions will need to be addressed in all Nebraska counties. The Secretary of State has assured Nebraska voters that our elections are secure. These changes are unnecessary and financially untenable. The League asks that the Government Committee oppose-- indefinitely postpone LB457. And then regarding the

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neutral position the League has on LB808. For the record, the League supports voting systems that include the ability to verify totals by an independent hand count of the paper ballot record. However, the League recognizes that such methods are not accurate-- as, as accurate as optical scanners. Therefore, hand counting should be only part of ballot counting and not replace the optical scanners, which is what is, is designed-- LB808 is designed to do. The League has, has information about two studies done, one in Wisconsin--

BREWER: Go ahead and finish your sentence, Ms. Lindberg.

JOANNA LINDBEG: OK. And the error rate was much higher than the scanners. There is-- and I've got the, the bibliography at the bottom of the testimony, but.

BREWER: On the testimony you handed out.

JOANNA LINDBEG: Yeah.

BREWER: OK.

JOANNA LINDBEG: Right. So paper ballots aren't-- hand counting paper ballots aren't as accurate as scanners.

BREWER: OK, on, on the idea that was thrown on earlier of a post election audit to run through and kind of check to see if, if there are issues that need further investigation, I know you can't speak now on behalf of the League of Women Voters, but is that something you, you see as a, a reasonable thing to do?

JOANNA LINDBEG: It sure seems like it.

BREWER: Yeah. All right. Let's see if we got questions. Yes, Senator Raybould.

RAYBOULD: Thank you, Ms. Lindberg. Were you once a poll worker as well?

JOANNA LINDBEG: I have--

RAYBOULD: You have.

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JOANNA LINDBEG: --been a poll worker, yes.

RAYBOULD: And so we heard from Mr. Davenport, who was a, a judge and talked a lot about the process. So I guess we've heard lots of testimony from so many people and so where do you think this big distrust is coming from of the accuracy? You know, Mr. Davenport really detailed what the poll workers, their responsibility, and the pride that they take in making sure that the votes that they count are the votes that people signed in for. There can't be a discrepancy, if so, then, you know, they have to alert the appropriate authorities. Why do you think there is so much distrust? And I know the League of Women Voters has been involved in, you know, voter registration, getting more people to get out and vote, that's your mission, that's the passion, and so what do you think is causing this distrust?

JOANNA LINDBEG: Wow. I don't know that I can answer it. I've been a League of Women Voters member for 42 years. It takes a long time to educate yourself on the intricacies of elections and voter guides. And so it's, it's a complex, very complex situation. And some of it has to be trust in who we-- we've elected our Secretary of State. We've elected you all. For me, it's a matter of trust.

RAYBOULD: And just to follow up, have you worked with some of the, the clerks in the different counties as you've traveled around the state of Nebraska? And have they expressed any concern about the processes that are currently in place? Do they feel that they have all the tools they need to make sure that the elections are safe and fair, free and accurate?

JOANNA LINDBEG: Yeah, I've certainly had that discussion with our local election commissioners, Sarpy and Douglas. Yeah, it's true. I, you know, I, I, I think, I think it's too bad that they're fearful of their safety because there's such an anger about this that doesn't seem, seem justified.

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

JOANNA LINDBEG: Thank you.

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BREWER: OK, a quick check. How many, how many testifiers do we have left? You guys keep reproducing on me. All right, where, where we on our sequence? Are we over here? Just trying to follow the rows here. Welcome to the Government Committee.

TERRI JECK: Thank you so much. Are we going? Oh--

BREWER: You're, you're good.

TERRI JECK: Yes. Terri Jeck, T-e-r-r-i, J-e-c-k is the last name. I'm here from Bellevue, Nebraska. Mr. Chairman, ladies and gentlemen of the committee, I, I want to say something about last year's testimonies. And that was one of the senators asked me about is there any difference in counting votes early versus counting on the day? And I just hadn't had enough time to really think through my response on that. And technically, there is not if there is no human intervention, but the whole reason we're here having these discussions is because the level of human intervention in our elections. Now you might think I'm going towards pro machine, I am not. I am saying nefarious human intervention is what we are here discussing. Now I am not here to prove to you, to provide you data, to inundate you with paperwork, to prove that there's been election fraud. I think there's enough suspicion out there, and I am really appreciative of your words today to understand that you want to get it right and you realize you've got one chance to do it. And I'm here and I'm on board to give you detailed solutions and suggestions based on my experience as a poll worker, my experience at working in an election commission, and my experience following this cabal for two years. Now I can tell you that we have, we have an occupied federal government. I have a 20 percent confidence level that we can ever get anything to the federal level to correct anything that's been misused or abused. Having said that, my goal is to work with you here on this committee at a state level and at a local, local level in my county and in my local jurisdiction to make change at that level. And that's what we all should be doing across the country. We cannot go through the federal government. We have, we have bioweapons being administered through our medical community. We have censorship, we have propaganda. We have the dropping of highly sensitive military equipment into foreign hands. We have abandoned 2,500 American citizens in a foreign territory. We have done all sorts of things, including removing the Patriot missiles from Saudi Arabia to undermine a petrodollar. I'm telling you, it's going

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down. It's crashing. Now that I have established what my background is and I have ideas, I hope that you can just ask me the questions and we will have the appropriate amount of time to go through these things. I'm yellow and I guess I could say something more, but I'm going to say LB457 cannot pass as it's written. This is, this is dangerous if it passes as it is, and that's the only thing that passes, it's got machine use in it. We know that we will never have secure machines. We have heard from cyber experts that say it's a race, it's a continuous reiteration of a race. It's a regenerative industry that's been invented. OK? And they've applied that to our election system. It's going to be prohibitive to taxpayers because we're going to have to secure them. And the hackers will come in with better hacks and then we'll have a security patch, it will cost more money and we will upgrade machines and it's perpetual. And I could go on to LB193, but I'm in support of all of them, but with different language.

BREWER: OK. Just, just so we get it right on the record here because--

TERRI JECK: Yes.

BREWER: --you talked about on LB475 [SIC--LB457], you're opposed to it because it has machines.

TERRI JECK: Machine use.

BREWER: Right, but if we go down to LB193 and LB808, you're, you're a proponent of those or an opponent?

TERRI JECK: I'm, I'm, I'm a proponent with changes. They cannot go forward the way they are. OK? LB193 is dangerous because it talks about establishing an emergency without any parameters around the emergency. What? OK? And we're, we're talking about a new voting system, circuits, firmware made in the U.S.A. It doesn't-- I'm going to tell you, it doesn't matter where it's made. We're already working in cahoots with China on many things. There are many people nefarious here who are working in cahoots with China, period. It doesn't matter where the machine is made, it will never be secure.

BREWER: OK. On LB808 where it, it provides for the counting and recounting of ballots under the Election Act, that one because you

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said both of them needed to be rewritten, on LB808 what needs to be written on LB808?

TERRI JECK: OK. It says hand counting to conduct a count or recount. I like that. It says without assistance of electronic device, blah, blah, blah, not limited to scanners. OK, I'm worried about the interpretation of that. We want to make sure that there are no scanners. We've already heard from a database administrator, so on, that says he can, he can hack images. He can write a program to hack that scanner information. OK? I think everybody knows that now. OK. Physically marked-- hang on a second. I had a summary here that I have notes on. OK. We're allowing for a recount to be done by hand in the event of a certain percentage of a victory, so on and so forth. Well, that's all well and good, but if it's, it's difficult to estimate if hand counting would be utilized by many counties. We ought to require hand counting by-- at the precinct level on the day of, no early voting, mail-in ballots only for military and the disabled. And you have to prove it and you have to prove citizenship. I know that the voter ID bill has gone forward and there's a lot of discussion on that and I cannot responsibly comment on that right now because I am not up to date on where that stands. I apologize.

BREWER: That's all right.

TERRI JECK: If we can count, it's not difficult. We've heard a lot of rhetoric about how complicated the election process is. I'm telling you, it is not. When you have-- I'm speaking from a large county perspective, you have seven or eight workers, the most ballots they get in there are going to be, on average, 300. How long do you think it takes eight people to count 300 ballots? They're getting paid nine bucks an hour a head. If you-- I don't know the number of total precincts across the state, but if you add one hour to their workday, you just simply take the total number of precincts times nine. And that's a good-- as good an estimate as any that the Secretary of State has provided. These, these numbers in this fiscal language sounds like rubber stamping. Forgive me. I, I see it and I get a, a nasty smell off of it. It's not in detail. It doesn't provide the source. It talks about a source that knows about hand counting, but doesn't divulge what the source is. Where are we getting that information and how that should be done? And I want to tell you about your comment earlier, and you can stop me any time I know I'm blabbering on, but I'm going to

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tell you your comment earlier where you said how do we transmit it? How do we roll it up from the county level and from the precinct level? You used to pick up a rotary phone and call it in, etcetera. I'm saying it doesn't matter how you transmit it. Yeah, they could try to do something with it, but the whole security of it is going to be in the verification of the posted results that happens post-election. Now I'm saying send that precinct worker out of the, out of the voting day with a form. They have to take the form home and they're going to certify that the summary of the voting results that they counted that night match what is posted as a final result in their county. And they sign it and they send it back in. That's, in essence, sort of what our canvassing team does. They're certifying stuff. You're going to have your, your poll workers certifying that the posted final results have not changed from what they saw that night. And all they have to do is take a picture of the summary page with their phone and they've got a record of it. And we don't, we don't-- I'm serious, we don't need to complicate this. Now the posted results come out in a spreadsheet and there's multiple tabs and it gives the detail by party. It gives, you know, by office, by-- it's all broken down. This is not a difficult spreadsheet. This is not rocket science. Now the Secretary of State will come in and talk to you about a 900-space matrices and how it's so complicated to develop the ballots and stuff. Don't change that. Print the ballots as, as you've been doing. We, we at least have that. We have paper ballots. That's a good thing. I agree with the security added to the ballots. Fine. Let's do it. Let's find a way to not do it in such a cost prohibitive method. I should have brought my water. But you-- to add a surveillance, two things, on top of machine use is, is--

BREWER: I got it. I got it. All right. Thank you.

TERRI JECK: --barking down the wrong path.

BREWER: OK.

TERRI JECK: Absolutely.

BREWER: Any questions?

TERRI JECK: Please.

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BREWER: Questions? All right. Thank you.

TERRI JECK: OK. I have so much more to share. I have worked in process improvement in my companies. This is a huge process improvement project. That's all.

BREWER: Thanks.

TERRI JECK: I have emailed your office but I've never gotten responses. That's disappointing. Thank you.

BREWER: Thank you. All right. Next testifier. Welcome to the Government Committee.

SUSAN KESS: I'm here to help.

BREWER: Good.

SUSAN KESS: Hello, my name is Dr. Susan Kess, S-u-s-a-n K-e-s-s. I have a mathematics and statistics degree, and I'm a medical doctor and worked for the Center for Disease Control for a number of years and Homeland Security. And, yes, I do have a security clearance. I've spent a lot of time with a lot of these people reviewing a lot of the information about the elections and even got involved and decided if there was this much evidence of red flags in our election process, I went with some of these individuals door to door and talked to a number of individuals in Lincoln, Nebraska, to find out and verify that, yes, there are a lot of people that reported difficulties in their voting and in their registration rolls, etcetera. I am in agreement with all three bills, except I don't believe we should be using electronic machines. I want to thank the Senators Holdcroft and Halloran for writing these bills. I'm in agreement with most of the things that have been said by our coll-- my colleagues today so I have rewritten my notes and I just want to add a few additional comments. We have a legal ballot harvesting system in Nebraska, which opens us up to another level of fraud. And when we did all this investigating of the systems, when we went door to door, we found that there was a problem with the voter registrations and those definitely need to be cleaned, cleaned up. They were replete with errors and multiple individuals registered at an address that no longer live there. We also found that voter IDs need to be verified with state-- according

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to the state and federal statutes to include, include birthdates, because that is another level of identity that distinguishes an individual from their address and their name that needs to be added. And also I agree with the voter signature verification needs to be maintained with the ballot and not separated. Many of us also requested a cast vote record, which in the last two elections and many of us were denied and this is unacceptable. I recommend hand counting of ballots at the precinct level and at the main office with ballots remaining with the signature, as I said, for later verification. We need verifiable and redundant chain of custody, this is not happening in the election system as it states, with an overview from all parties. There are currently no registrate-- there are currently no verification of the result-- individual voters or individual votes and there's no verification of the precinct results even with the poll workers after the, after the ballots have left the precinct. If your home title is stolen or your bankrupt [SIC] is cleaned out through identity theft, the only appropriate documentation that will help you return-- possibly recover your possessions is a written documentation and I think it's the same for our elections. Finally, I would remove all election machines throughout the entire election process. United States Congress held days of hearing on the vulnerability of our election systems and unanimous-- unanimously concluded that all aspects of electronic election process was found to be vulnerable to fraud and cannot be secured. Thank you for your attention.

BREWER: Well, thank you for your testimony. Let's go back. We seem to have something that we keep cycling back to and this is the, the cast voting record. If you go to other states and ask for it, can you get it? Is this a unique Nebraska thing where we're not making that available?

SUSAN KESS: No, this is a federal law that all states are supposed to be keeping their cast vote records and it's also in our state law.

BREWER: So we're just not doing what--

SUSAN KESS: The law states.

BREWER: --we should be doing.

SUSAN KESS: That's correct.

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BREWER: Hmm. And if-- because you've got kind of unique knowledge here. If, if I was looking at this cast vote record, what would it look like? Is it going to be difficult to read and understand or is it something that's pretty obvious and how big would it be because didn't earlier testimony, didn't they say there would be a line per voter?

SUSAN KESS: If, if the legal counsel wants to look up, it's actually an entire list of information. It includes emails, notes, testimonies, ballots. It's a, it's a litany of information that is supposed to have been kept for each election. And it's pretty extensive list of, of electron-- I'm sorry, of paper material that has been kept. And it would also include electronic materials that would be made available to the, the public. I don't have that in front of me.

BREWER: And, and what this-- the cast vote record would give you is, is the ability to see what that's different than what you see now.

SUSAN KESS: Well, I, I made that statement because we, we were not afforded our legal right as a citizen. But a cast vote record is now even not sufficient. I need-- I think we need paper copies on everything.

BREWER: OK, when you say paper copy, paper copies of?

SUSAN KESS: Of the ballots, of emails, of text, of any information that comes in because we've already been-- it's been proven over and over in the U.S. Congress that all aspects electronically are subject to vulnerability and cannot be protected so why would we use that system? So even like this, she just gave you, cast vote record, we can't even assume that this is correct and it's not verifiable if we don't have all of the public-- all the paper copies.

BREWER: OK. But when you say paper copies, you're talking copies of hundreds of thousands of ballots?

SUSAN KESS: Yes.

BREWER: OK. Just making sure I, I understand what you're saying.

SUSAN KESS: Well, Senator, if you lost your-- which I've had identity theft, if you've lost all of your money or lost all of your title to

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your home and you don't have paper backup, you don't have a very, you don't do very well in court trying to retrieve your possessions.

BREWER: Well, I guess I'm trying to visualize what this would look like because obviously if--

SUSAN KESS: Well, everyone has--

BREWER: --hundreds of people ask for this and it was hundreds of thousands of pages of data, whether it be paper or digits, it's still a pretty major undertaking.

SUSAN KESS: Right now, the law states that we can ask for the cast vote record which has a-- which, which includes a summary of all of the votes, but we haven't even been afforded any of that to be able to do any investigative work--

BREWER: OK. All right.

SUSAN KESS: --in Nebraska.

BREWER: Let's see if we got any questions. Yes, Senator Raybould.

SUSAN KESS: Yes.

RAYBOULD: Thank you. Thank you, Dr. Kess, for being here. So you've heard testimony and I think we've heard testimony from the ACLU, League of Women Voters and, you know, in earlier hearings we have heard from county clerks, election commissioners, and when they do their spot check with the paper ballots in the counties they're saying that scanning is more accurate than a hand count. Do you have any thoughts as a mathematician on that?

SUSAN KESS: That, that, that electronic is more--

RAYBOULD: The scanning of, the scanning of-- the scanners, optical scanners that they use are more accurate than an actual hand count.

SUSAN KESS: Well, the problem with that is, is they all-- even the scanning machines have electronic parts.

RAYBOULD: But they're saying that when they do the--

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SUSAN KESS: Well, they might be more accurate, but then the vulnerability lies within the electronic equipment.

RAYBOULD: But they're doing actual spot checking and, and the, the scanners are more reliable than the hand counts. That's what they're saying.

SUSAN KESS: OK, well, let's do both.

RAYBOULD: And, and I think that they are doing both in, in certain cases in recounts. The other thing that I wanted to ask you, I know Senator Lowe had mentioned some information that was provided by the Secretary of State when they, they looked at one of the, one of the precincts and did a spot check and they noticed that out of-- I think, Senator, did you say 48,000--

LOWE: No, some-- 44,000 maybe.

RAYBOULD: --44,000, we found 11, 11 ballots, four of which had light marks. And I don't know what happened to the other seven ballots out of the 11, but that statistically as a mathematician, that's like .00002.

SUSAN KESS: Well, absolutely not, that's only 11 percent, yeah, that's only 11 ballots in a small pool.

RAYBOULD: Out of 44,000.

SUSAN KESS: Well, they took 11 samples out of 44,000.

RAYBOULD: No, they, they did--

LOWE: It was 48,000. You were right.

RAYBOULD: They had 48,000 ballots that they checked, and out of the 48,000, only 11 had some discrepancy, four of which had light marks, two light marks, than the other seven I don't know, there, there may have been some imperfection on those, but if you look at, if you use the whole number of 11 out of 48,000, that's a .0002 of error.

SUSAN KESS: And it's irrelevant because we already know that, that, that the last, the last election was mail-in ballots, ballot

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harvesting, etcetera, and we already went door to door and found there to be extensive errors in the, in the ballot process itself. And so that's why I recommend that we have a very high level of scrutiny of the voter ID registration and even their, their signature all needs to be verified. People are trying to corrupt the system and we have to be as strict as possible to verify every single step of the way and that's, that's our duty.

RAYBOULD: OK. Thank you very much.

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

SUSAN KESS: Thank you. Thank you for all your time.

BREWER: You bet. All right. We should be getting down to end of the line here. Got another testifier? Welcome to the Government Committee.

SHERYL BAKER: Hi. Thanks. Hi, Chairman Brewer and committee. Thank you for listening to us. I'm Sheryl Baker, S-h-e-r-y-l, from Antelope County-- S-h-e-r-y-l B-a-k-e-r, from Antelope County representing myself. I stand in support of LB193, LB457, and LB808. I think I'm going to scrap some of what I wrote, maybe I'll read a couple of paragraphs, but I want to make a couple of comments. Right after the, I think, it was the November election, I got in touch with somebody just by chance over at Nebraska Voter Advocacy telegram and she was in Georgia or something, she already had 40 CVRs within the first week. And then I talked to her, I don't know, it was a few weeks later and she had accumulated 150. So there's no reason why we shouldn't have to [INAUDIBLE]. And anyway, I asked her how she did it all and she wrote down all the steps and it's exactly what we did for Antelope County, but we didn't get anywhere with that. And then I wanted to address this, Senator Lowe, you had some good questions about the audit and we were talking about the 11 votes or whatever, our county clerk told us that they do hand count a couple of the races, you know, in some precincts. But the Secretary of State tells them which races to count, and those are the races that they count. So the source code is going to be designed such that it's going to leave those races alone so that they're going to come out true when they, when they hand count them, you know, when they canvas, do their canvassing there. OK, I'll read a couple of paragraphs. Antelope County hand counted paper ballots until

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2006, which is when the machines invaded our elections. I spoke with several poll workers who actually did the hand counting at the precinct level and, and they told me that they finished with results usually around 10 p.m. While the voting was taking place in the main room, they were placed in another room or in the kitchen of that same location or they were behind the curtain so as to protect the anonymity of the voter. They were, they started to count the ballots after the first 25 were cast. So they were done in, you know, by 10:00 with results. And, and for the places with bigger precincts, make them smaller, divide those up, you know, so it's easier to hand count. Our county clerk told us that she has a very difficult time finding poll workers. And another concern of hers was that it would take all night long and everyone would be totally exhausted so the possibility of making mistakes would be high. To acquire poll workers we offered solutions of implementing a type of draft, much like what's done with the jury duty or place a help wanted ad in the local newspapers or online. And since the long hours were a problem for her, we suggested having an early and a late shift. You know, and who are we to "wah wah" about these elections when we have servicemen and women that have literally given their lives for us? You know, they've literally went to war for us. And, you know, so, I mean, so what if we're tired. Anyway, and I just, I feel like so much time is being wasted with research and discussion as to whether or not we should use these machines. Let's just get rid of the machines, return to the tried and true method of hand count, hand counting paper ballots. Anyway. Thank you.

BREWER: OK. Thank you for your testimony.

SHERYL BAKER: Thank you.

BREWER: I need you-- all right, just before you go anywhere, you, you were explaining the, the process when they, when they say that they've done a check, hand count against machine.

SHERYL BAKER: Yes.

BREWER: Your, your point again with that because I'm trying to line that up and make sure I fully understand it?

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SHERYL BAKER: Well, and I think I understand what you were saying about the audit or the, the, the 11 ballots or, you know, our county clerk told us that she is told from the Secretary of State which races to count.

BREWER: OK. So we've got, say, two or three races, and those are the ones the Secretary of State says to count them.

SHERYL BAKER: Yes.

BREWER: OK. So when they do that, though, it would still be the machine count and then you have the physical count and then you check the two to see if they match.

SHERYL BAKER: And they match.

BREWER: OK.

SHERYL BAKER: But before the, before the election happens with that source code that is sent to the tabulators and the-- sent to the tabulators, the, the source code will leave. They won't program the source code to interject or any, any interference to make those numbers. They want the numbers to match so they're going to leave those races alone so whoever programs the source code.

BREWER: OK. All right. Questions? Yes, Senator Lowe.

LOWE: Thank you. But wouldn't that mean that the Secretary of State would have to contact the, the machine--

SHERYL BAKER: Probably.

LOWE: --and--

SHERYL BAKER: I'm not--

LOWE: --but, but my guess is he wouldn't do that--

SHERYL BAKER: I would hope not.

LOWE: --with them. OK.

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SHERYL BAKER: But, but our clerk says every precinct that or every race that they count in those, those two or three races always comes up, always matches. She's totally trusting the machines, but it's because those two or three trials, the two or three results match up. So can I just say one more thing?

BREWER: Yeah, go ahead.

SHERYL BAKER: I really appreciate you guys. All of you. I know you're under a lot of pressure, you're under a lot of stress and thanks for being here and listening to us and thanks for asking for help. I mean, I really, I feel like we could be a team. You know, I'm willing to help any way I can. So anyway, thank you.

BREWER: Thank you. OK. Who do we have left? Come on up.

CONNIE BAKER: I can't complain, you've been sitting longer.

BREWER: Welcome to the Government Committee.

CONNIE BAKER: Well, thank you. Oh, you need those things. Yeah. Sorry. My name is Connie Baker, C-o-n-n-i-e B-a-k-e-r. We're from Antelope County. And when she was talking about the cast vote record and really what that is, well, the United States, across the United States, we've gotten over 1,200 of those. It's just in Nebraska that we haven't been able to get one. And the cast vote record is like a bank account, like you get your bank statement and here you get in a few checks and a few deposits and the check on a deposit over here. So it shows how the checks come in, in order how they come in and are cashed. We all understand that. But if you get the cast vote record, what you, what they're looking for is like, oh, we have ten checks here and then 50 deposits. See, it wouldn't be, they're looking for as the votes came in. And so that cast vote record would show a ballot drop. You see what I mean, if there was an immediate ballot drop that would go way up, like we've seen those that jump on election night.

BREWER: The, the graft.

CONNIE BAKER: The graft. Yeah, that's, that's kind of what a cast vote record is. Other states have gotten it. And if you count the votes and then you recount it again, well, it doesn't matter if it's counterfeit money it will still come out the same. So I was coming here to tell

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you what happened in our county, and we've been to the county commissioners five times this year. And since our inquiries, how our election has been run, our clerk has reduced the number of election workers by 75 percent, stating, oh, it's hard to get people to come work. Well, we've had volunteers sign up, we'll volunteer. We had people call the courthouse. But then after that, she even called election workers that had been on the election board for years and said, oh, I'm sorry, we don't need you this year. It was greatly reduced. And in our canvassing board in November, down in the basement of the courthouse, they only had two external workers working and then they had the clerk and another person who was a county employee. So she took that down to four people and for some reason she doesn't want any eyes on what's going on down there on our, our canvassing board. She did-- last year she said to the canvassing board, she said to them, oh, good morning, girls, why don't you come over here. I haven't checked my email yet. Do you want to come over here and help me check it? Now, who does that? Oh, my, here's an email from Bob Evnen that says we want you to do hand counts on these three elections. So we've also had several FOIA requests, a copy of the USB, all that. Then we sent a FOIA request with no help from our clerk to our county attorney so then we went to the next meeting of the commissioners and when the meeting come into a thing they promptly went into executive session, not for employee or, you know, administrate, you know, what they're supposed to do for executive session but to speak to the attorney. Do you want me to finish?

BREWER: Yeah, finish, looks like you're getting to the end of this.

CONNIE BAKER: When they came out, they presented us with the copy and information that we had asked for, our information. Then they stated that per their county attorney's request, they would not vote on our resolution. And I said, well, isn't he your county attorney, too? So then I asked the county attorney, well, what was the basis for your advice to the commissioners and he said attorney-client privilege. So these, these clerks and commissioners are running circles around us and we're here to help you. I mean, we need help from you. But on the same token, if you write us some good legislation and you need 33 we will get our team together and we will start doing calls and emails and try to help get the legislation passed and we'll be here to support you to try to get it over the finish line.

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BREWER: OK. Are you a little concerned that the issue might be the county to a degree and not just the-- I mean, I mean, we have problems at this level, too, but it sounds like the county really doesn't want to listen to what you have to say even though that's why they're there, I mean, is to--

CONNIE BAKER: You're exactly right, but we need good laws. It's in the statutes already. I had all the statutes out there that they could go to hand count if they wanted, but they don't want to. They don't want to listen to it. So they won't even vote on the resolution and they won't tell us why because there is no good reason that prohibits it in the laws as they are written now. So we need better laws written that are more clear. We-- remember the pink postcard, the truth in taxation?

BREWER: Yeah.

CONNIE BAKER: OK. You were supposed to have the hearing first, and then they were supposed to vote on it. OK? So we had the, they, we had the hearing on a Friday night, the room was packed and everybody got up and the clerk was saying, oh, everybody, you all get your chance to speak. And the county assessor was there and one of the commissioners was there. And after the meeting somebody sent me a text and showed me that they had voted on it, they approved it three days before the hearing.

BREWER: OK.

CONNIE BAKER: So they stood in front of us and lied to our faces. Now how are we ever to trust what they're going to try and tell us again? I have also have property in Antelope County and in Holt County. The Holt County property, the pink postcard came the day after they-- the hearing. So we need penalties or they'll just keep doing this. What do you suggest?

BREWER: Well, I didn't, didn't realize it was that bad. I mean, we, we hear on occasion about counties seeing things a little bit different but, I mean, what you're saying is the county just blatantly disregarding the will of the people.

CONNIE BAKER: Blatantly.

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BREWER: OK.

CONNIE BAKER: I'm kind of a nice person but, boy, when I walk in the courthouse now I get dirty looks. Thank you very much.

BREWER: You bet. Thank you. OK. Next testifier. All right. Welcome, welcome to the Government Committee.

JANET FRANK: Thank you. I didn't practice so I hope I can read fast.

BREWER: Well, you're, you're, you're fine.

JANET FRANK: I kept it to one page. OK. My name is Janet Frank, J-a-n-e-t. F-r-a-n-k. I support all three bills. I live in Knox County, which has 5,200-plus registered voters. In the late '70s and the early '80s, I served on the election, the election board for my precinct. There were five of us. And after the polls closed, we hand counted votes and called the totals in. I'm not even sure if that's exactly correct. I'm pretty sure we drove those over to our county seat probably 30 miles and because we had to deliver the ballots anyway. And so we deliver them to the county courthouse where further tabulation was done. We were always done around midnight or just after. So that's about around four hours. We-- this was not only enjoyable to do, but it gave us a sense of patriotism and civic duty. Since computers have overtaken our lives, people think that nothing can be done without them. If little Knox County can do it, any county can do it. And, in fact, every county used to do it. Regarding LB193, I agree with it but I still believe that any election machines you can't audit, can't look inside for modems, can't review the source code of the election software, the scanning software, the tallying software, can't get cast vote record reports, and can't get ballot images, is a machine that could very likely be corrupting our elections and should not be trusted. Regarding LB457, I believe that counting votes needs to be done manually at the precinct level for all counties, not just designated counties. And I believe that verbiage was actually in LB808. Regarding LB808, I agree with most of it, but not all of it. I believe that an audit should be conducted at the county any time an audit is requested for all counties, not just designated counties. I don't even know what designated counties means. The county clerk for Knox County did not review the election software source code in 2020 and 2022, she didn't know what source code was.

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She trusts ES&S solely on promises, no proof that the machines are counting correctly. She says there's no modems in the election machines simply because that's what she was told. She believes that the Secretary of State has authority over the county, and the county has no authority despite showing the Nebraska law that states the county has the authority. She said she couldn't provide a cast vote record because one was never done for the Secretary of State, even though we provided her with an ES&S software manual with simple instructions on how to create a cast vote record. She even said she never kept the ballot images, which is illegal. Last summer, the Knox County Patriots went to four board of supervisor meetings, hoping to get resolutions passed to do hand counting only, no machines, and allow election audits. The board wanted nothing to do with us and told us to go to the state. We distributed a petition that read: We the undersigned, believe our election system is flawed. We have no confidence in voting machines, electronic ballot tabulators, transferring vote tallies by USB devices, mail-in ballots, or drop boxes. And, again, 250 signatures right here with me, they're with me in signature and they agree with everything that I, I do. So that's, that's all I got.

BREWER: OK. And your three points at the end, go ahead and make them.

JANET FRANK: What's that?

BREWER: You got three points at the end of the page here.

JANET FRANK: That's just reiterating what I've already told you.

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

JANET FRANK: You're welcome. Thank you.

BREWER: OK.

JANET FRANK: And I appreciate you as well.

LOWE: Thank you.

***Mary Angus:** At the very least, I would be concerned about having a secret ballot if there were video surveillance. I have a right to

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privacy in the voting process. To have cameras all over the place would be an invasion of that privacy! I oppose LB457!

BREWER: Thank you for appreciating us. Any additional testifiers? All right. I guess we'll invite the first presenter up.

HOLDCROFT: And I'll try to be quick because I think most of the testifiers were more critical than Senator Halloran [INAUDIBLE].

BREWER: They were, much more critical.

HOLDCROFT: But let me first address some of Senator Raybould's, the questions on the fiscal note if I could. So they did include-- so first, I need to correct that, you know, my intent was no unfunded mandate to the, to the county. But the way the system is laid out, the counties are responsible for the ballots. So the cost of the ballots will be passed down to the county. The state, again, \$6 million. That's broken down into \$5.3 million for the surveillance equipment. OK. And then \$742,000 to, to do the certification on the, on the, on the equip-- on the ballot equipment. But I noticed a statement in here which kind of set up a red flag. It said the Secretary of State notes that the certification process would likely void the warranty on all voting machines. So if we do the certification, apparently that would void our warranty on the voting machines. That, to me, raises a red flag. We can't even open up our own machines to validate them without voiding some warranty. As I mentioned, the cost of printing the ballots is borne by the counties. And so they did, the Secretary of State did go out to a couple of counties and ask them how much it would cost them? And that was an interesting response because Douglas County came back and said it would cost them \$696,000 to implement this plan. Douglas County, \$1.2 million, so there's quite a discrepancy there between the two. But, you know, that's, obviously, that's, that's an additional cost. It's not cheap. To the surveillance piece, a couple of things. I did not intend that the surveillance would be permanent so there, there was a question about, you know, church basements permanently wiring, all that kind of stuff. I, I had envisioned a couple of cameras, you know, set up and then set up the voting area to be able to have, you know, total surveillance from the time. Then there was also a question raised by ACLU about, you know, privacy. And I think you can set up your voting area to where you can go into a booth and make your vote and then, and then submit the, the

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ballot without-- it's still preserving the secret ballot piece of that. In full disclosure, this bill came to me from the NEGOP. So all the folks that came up and said they didn't have an opportunity, my understanding was that NEGOP formed a committee last year and worked through the fall, came up with a bunch of, of changes they wanted, put it into three, three bills. Mine is one of them. I'm not sure where the other ones were, but there was definitely an opportunity for folks to have an input on, on this bill and we didn't make any changes to the bill from the NEGOP. We did consider adding surveillance on the drop boxes. When you think about that, drop boxes go out 30 days ahead of time, you're talking 24/7 surveillance, it just, it was just too cost prohibitive to, to add that to the bill. And then I just wanted to discuss no one has any questions about the, the, the non-machine readable serial number on it which is called for in the bill and what's the reasoning behind that. And I think in the grand scheme of what we'd like to see is to capture the images of the ballots and then post them to a website. So an individual comes in and fills out his ballot, there's a little serial number on there, they write down the serial number, they take that home with them and then they can go to the website and pull up their ballot to confirm that it was counted and then that it was as they filled it out. To me that, it seems feasible to me to be able to do something like that for not a lot of additional cost as long as the machines are designed to be able to capture the image of the ballot and storing, which I think it does. So that's just a-- it didn't come up in the testimony, I thought it might, but that is another consideration and that's why we have the non-machine readable serial numbers in the bill. With that, I'm open to your questions, but I'm sure you'd like to get to Senator Halloran.

RAYBOULD: Or not.

BREWER: All right.

HOLDCROFT: Yes.

RAYBOULD: Thank you, Chair. Thank you, Senator Holdcroft. The question I have, going back to surveillance, would the, the images be recorded in some capacity?

HOLDCROFT: The-- are you talking about the surveillance during? Yes, it would be recorded.

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RAYBOULD: In all the voting places.

HOLDCROFT: And then as the bill says, they would be stored for three years.

RAYBOULD: Three years?

HOLDCROFT: Three years.

RAYBOULD: OK.

HOLDCROFT: So-- and again, we're only talking from, you know, 8:00, 8:00 to 8:00. So we're talking, you know, 12 hours, is that 12 hours, yeah, 8:00 to 8:00, so 12 hours worth of recording that would be stored then for three years.

RAYBOULD: What did, what did you think of some of the comments made by Mr. Davenport who was, I think, his title was polling judge, something to that effect, where he felt that you don't trust the poll workers and the service and, and how seriously they take their responsibility and the pride that they take in doing that [INAUDIBLE]?

HOLDCROFT: You know, and I said it in my opening statement. I think that, I think that elections in Nebraska are, are, are pretty safe. I, I do. I mean, that's just-- and I had an election, as you might remember back in 2020, that there was a difference of 164 votes that I lost by. So if anyone had an, an issue with the validity of the election process, it would probably be me. But I have, I had faith in the election commissioner at the time to carry out the election in a, in a, in a, you know, correct manner. So I, I believe that-- yes, I believe that the, the process in place will keep it pretty safe. Does the current-- I think the consensus-- I'm sorry, the concerns of most of the people here are really with the machines and how they can be manipulated after the ballot is scanned. So, I mean, I don't think we have a problem with the overall check-in process. Now if we have voter ID, the, the process of filling out the ballot and putting the ballot into the secure boxes, I think we're OK with that, particularly if we had some surveillance. But it's, I think most of the people's concern is, you know, what happens once it, once it gets scanned into the electronics, what can be manipulated. And that's why if we could upload the ballots and let the voter validate their ballot and report

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any discrepancies, say I didn't vote that way, well, then you'd have a second check that would help alleviate that issue.

RAYBOULD: So may I ask you, I'm going to give Senator Lowe the credit for this idea because we've spoken about it before.

HOLDCROFT: Well, that's suspect.

RAYBOULD: You know, he mentioned auditing and what if we had a third party come in before we go to all this expense and I, I hear all the concerns, but before we spend a lot of taxpayer money on doing different things, wouldn't it make more sense to do additional auditing, third party, independent from the Secretary of State, you know, doing sufficient spot checking of both the accuracy of the machines and the validation of the voter's third party working with, I think, the League of Women Voters when they do voter registration they have a Democrat or Republican and maybe a Libertarian verifying and validating that on an audit that it was done accurately and fairly and, you know, testing the system, doing a hand, hand audit of the paper ballots, etcetera? Wouldn't that make more sense to really spend money on the next election and really do some audits to get like a baseline, how, how bad are we? How really bad are we? So we have participation from the people who have expressed really grave concerns about how it's done. To me, that seems like the best spend for taxpayer dollars. But I'm going to give Senator Lowe credit for that idea. What are your thoughts on that?

HOLDCROFT: Well, I don't, I don't say that it's, it's-- I think it's a good idea, let's go ahead and do it and but it, it shouldn't be just the only thing we do. I think some of these other-- it depends on how much money you want to spend and it's not cheap. So how much, how much does the state want to spend to try to ensure that their, their, their elections are secure? And again, you know, I don't think we have widespread fraud in the state of Nebraska, but these would ensure future elections are, are secure and so that's really why I brought, I'm bringing the bill forward.

RAYBOULD: Thank you so much.

BREWER: OK. Additional questions? Senator Lowe.

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LOWE: I hate to delay this any further, but I'd like to give credit to Mr. Hill who brought up the idea of, of an outside audit. It wasn't my idea--

RAYBOULD: OK, sorry.

LOWE: --but thank you very much everybody for--

RAYBOULD: Mr. Hill.

LOWE: --making it my idea but it is Rick Hill's idea. I'm taking the bait, the non-machine readable numbers.

HOLDCROFT: Yes.

LOWE: Are you just talking about outside the parameters of what the machine reads? So because pretty much a machine can read any number.

HOLDCROFT: Well, you would, you would have to design the numbers so that the, the particular machine, the scanner, would not read that. It would not be something that it could interpret and record. So yes.

LOWE: Maybe just shorten up the parameter so it's outside the parameter.

HOLDCROFT: That could be some way of doing it.

LOWE: OK.

BREWER: So I retract that statement about having a moment of genius.

LOWE: Thank you.

BREWER: All right. Any additional questions? All right. Thank you.

HOLDCROFT: Thank you.

BREWER: And that will close our hearing on LB457. And I need to read in, we have 88 proponents, 34 opponents, and zero in the neutral. With that, we will welcome Senator Halloran and LB193 and LB808. Senator Halloran. [INAUDIBLE]

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HALLORAN: Well, thanks for your patience, and I know I'm keeping you all from Wheel of Fortune on TV, so I don't want to keep you too much longer. I do have to clarify, I misspoke on the opening for LB808. I think Senator Raybould asked a question whether or not if it fell within the parameters by statute to call for a recount, whether or not it would be mandatory or optional. And, in fact, in the bill it, it is mandatory for a hand recount.

RAYBOULD: In LB808?

HALLORAN: LB808, yeah. We heard it said many times before or I have in the past, I've heard people suggest that, that we shouldn't let perfection get in the way of good. Right? I have, in my short stint here of six years, never, ever, ever seen a perfect bill and least of all my bills. OK? So having said that, this is a process we go through, and that's what amendments are for to make a good bill better in the pursuit of perfection. Right? Never get there, none of us will. That being said, let's-- and, and I, too, will not take credit for these bills. I wish, I wish would or could, but they were in collaboration with the NEGOP. So there were a lot of folks that were sitting back here, some of them did testify that were participating as members of the second house in helping to draft those bills. So I applaud them for that and I appreciate their participation in that process. Second, let's do a flashback in time. ES&S, I believe the year was 2005, which was the year that we first implemented ES&S machines in this state and I'm flashing back in my mind and maybe you have a different recall but in my mind I don't recall this much consternation and distrust in our voting system 2005 and prior. Now, is that all machine related? I would say that's quite a coincidence, that kind of a line in the sand where there seems to be a lot of doubts ever since we went to machine count, not hand count. Did things go perfectly well, 2005 and before in voting mostly hand counting? It went pretty well, went pretty well. It was doable and that was a short 18 years ago. And in the life of an 18-year-old that's a long time, but in our lifetime that's not that much. So it wasn't that long ago we did hand count and, and it was verifiable. And it was, and, and there was, seems, seems to have been a lot of trust and confidence in the voting system at that time. I have no allegiance or tie to-- I know the one bill I have, LB193, was talking about the vulnerabilities in computers. Have you ever been hacked? I know I'm not supposed to ask a question, but just hypothetically, have you ever been hacked in

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your computer? You know, many of us had, most of us had. Computers are vulnerable. There's an old expression: To err is, to err is human, but if you want a big foul-up buy a computer. It's kind of true, right? So can we do hand count again? Yes, we can. There's no question about it. I know there's all kinds of consternation about, about the cost of or about finding volunteers to do it. That's, that's doable. It's achievable. So I'm not tied to LB193, although, although I think if we're going to persist with using machines, there's issues there that we should look at. Long story short, do I think any of these bills we talked about today and spent all this time on are going to come to the floor whether or not we Exec on them or, or have time spent on the floor? No, I don't. As a practical, none of these are prioritized. And so I think, unfortunately, this was more of an exercise than, than a, a practical application of what we do here. But with that, I would take any questions from you.

BREWER: Thank you.

HALLORAN: Oh, and audits. I think it's a great idea. But being in the restaurant business, I do audits of our restaurants and they're-- make sure that they're random audits. You don't warn people before you get audited. OK.

BREWER: We have on a number of occasions ask about being able to crack one of these machines open. The response has always been that you invalidate the warranty, it costs a gazillion dollars, and it's the end of the world. And now I'm, I'm finding out that there could be this speck-size piece in that computer and even if you crack it open you don't really learn anything. I guess I'm just kind of wondering what your thoughts on, on that is. Is, is, is there value added in cracking one of these open?

HALLORAN: Well, I think it would be interesting to see whether or not we have called upon the warranty for our machines so far and whether or not that's a problem. Right? I mean, warranties are great if you need them and it saves your money of repair and everything else. But have we use these warranties? I don't know that that's an issue. Makes me highly suspect that if you crack open a machine to look at it, just look at it, not take, you know, not take diagrams of the software or the hardware, what's the problem? Right? So to a layperson's eyes, when you open up one of these machines, it's meaningless to me. It may

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mean something to smarter people than me and there would have to be smarter people than me. We have talked to people that are professional, professional hackers, not malicious hackers, but professional hackers that do that, to do that for banks and so forth to find out the vulnerabilities in the bank. Professional hackers, I think, would be, sounds odd, but I think, I think someone that knows that how to hack into it should be given the chance to see if they can or whether they can find those little chips that are hidden away. Otherwise: To err is human, if you want a big foul-up buy a computer.

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

RAYBOULD: I--

BREWER: Go with it.

RAYBOULD: Well, you mentioned that voiding a warranty and, you know, they're-- the machines are designed to be safe and secure and to-- and I think they're saying that if they're not-- like, whoever the manufacturer is or the ES&S, that if you crack open the machine they won't warranty that unless probably they're present and they actually watch you to verify that you're not tinkering with the security or the integrity of the machine itself in how it's been calibrated. So I don't know enough about it, but I think it would void their warranty on the integrity of the security that they've installed in the equipment. That's what I'm thinking.

HALLORAN: OK, a warranty is only as good as the manufacturer that stands behind it. Right? It's just as simple as that. And if, if they are so paranoid that we spend the-- if we spend the millions of dollars that we've spent on these machines and we can't have someone with the, with the oversight of, of people that would, would be responsible for making sure that we're not tinkering with anything or taking photos of the inside of that machine, we should be able to do that.

RAYBOULD: But it's the same thing, we're on General Affairs, when it comes to the gambling machines. We can't break the seal to get in and look at the guts of certain machines because that will invalidate that machine completely. And I have to defer to Senator Lowe again on that

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because you're the Chairperson of that, but we know that they put seals on it intentionally so you can't go in and, hey, you're a winner all the time, winner all the time all of a sudden. So there's some validity that they do it for all gambling equipment, that they prohibit anybody breaking that seal. I think that same logic and reasoning applies with our scanning. That's what I was trying to get at.

HALLORAN: I, I understand. It's an interesting analogy between gambling machines and voting machines. I'll just drop it at that.

RAYBOULD: Yeah.

BREWER: OK. Additional questions for Senator Halloran? I need to read in to the record on LB193 we have 138 proponents, 13 opponents, none in the neutral. And on LB808 we have 143 proponents, 18 opponents, and zero in the neutral. With that, we'll close the hearing--

HALLORAN: Could I say one more thing?

BREWER: Yes, you may.

HALLORAN: This was a successful hearing for me because of LB808, the League of Women Voters came in neutral and that's the best I've ever done with the League of Women Voters.

BREWER: I'm glad you had success. That will close our hearings on all three bills. If I could have the committee hold on just for a second, I want to talk about--