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Government, Military and Veterans Affairs Committee
January 23, 2015

[LB111 LB112 LB121]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Friday, January 23, 2015, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB111, LB121, and LB112. Senators present: John Murante, Chairperson; Tommy Garrett, Vice Chairperson; Dave Bloomfield; Joni Craighead; Mike Groene; Matt Hansen; and Tyson Larson. Senators absent: Beau McCoy.

SENATOR MURANTE: Okay, everyone. Welcome to the Government, Military and Veterans Affairs Committee. My name is John Murante, state senator for District 49, Gretna and Sarpy County and the Chairperson of this committee. We are still waiting on some members to arrive and one of whom is an introducer of a bill, but we'll go over some procedures first. The bills will be taken up in the order in which they appear on the sheets outside. LB111 and LB121, which are both the voter ID bills, will be heard at the same time. So if you wish to testify on one, we will allow both introducers to introduce and we will take proponents, followed by opponents, and neutral testimony, followed by concluding remarks. If you for some reason support one and not the other, please indicate that in your testimony and the committee statements will reflect those positions. If you are going to testify, we ask that you fill out one of these green sheets--they are placed on both sides of the room--letting us know where you stand on the issues, but we also need this information for our transcribing office. We ask that you please not be repetitive in testimony. If someone has already articulated your point, we would ask that you fill out the sign-in sheet which you will also find at the corner of the room. You will find that you can state what bill number you are here for and whether you support or oppose it, and I can assure you that your opinions will be given the same weight as if you came and testified by the members of the committee. We are using the light system today, which you will...if you approach, will see right in front of the microphone. We'll have three minutes to testify. When the amber light comes on, that means you have one minute remaining and we'd ask that you begin concluding your remarks. When the red light comes on, we would ask that you stop speaking and then we will open up the committee members to ask any questions that they might have. We're still waiting on some members of the committee, but...and a couple of them have indicated that they won't be here. But, again, my name is John Murante, the Chair of the committee. To my immediate left is State Senator Matt Hansen from Lincoln; to his left is State Senator Beau McCoy from Omaha. Senator McCoy is traveling and will be unable to attend. To his left is State Senator Joni Craighead from Omaha. She will be here but she's running just a few minutes behind; followed by our committee clerk, Sherry Shaffer. To my immediate right is the committee's research analyst, Charles Isom; to his right is Tommy Garrett, State Senator Tommy Garrett of Bellevue who is the Vice Chair of this committee and will be arriving momentarily. To his right is State Senator Dave Bloomfield of Hoskins, Nebraska; to his right is State Senator Tyson Larson of O'Neill who is the reason why we are all here today; (laughter) and to his right is State Senator

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Mike Groene of North Platte, Nebraska. So we will now begin with the testimony. We'll start with...Senator Garrett has just arrived, we will start with LB111, Senator Larson. Oh, yeah. Thank you, Senator Bloomfield. I'd remind everyone if you have any sort of cell phone or electronic device, anything that makes a noise, please turn it off at this time and make sure that they are silenced. This is also a committee which permits its members to use electronic devices. Don't take offense to that. I can assure you, as Senator Garrett is doing right now, it is used for research purposes and for the purposes of taking notes. So that is why we are doing what we do. Senator Larson, you're recognized to open. [LB111 LB121]

SENATOR LARSON: (Exhibit 1) Thank you, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. I am Tyson Larson, T-y-s-o-n L-a-r-s-o-n, and I represent the 40th Legislative District from O'Neill. I appear before you today to introduce LB111, also known as the voter ID bill. LB111 would require persons casting ballots to provide government-issued photographic identification before voting at their polling place. I introduce this legislation in order to further protect the integrity and reliability of our elections. LB111 would do so by deterring and detecting any voter fraud and ensuring confidence in our voting process. The language of LB111 follows the law that was applied and upheld by the United States Supreme Court in the 2008 case Crawford v. Marion County Election Board, 553 U.S. 181. In that decision, Justice John Paul Stevens in a majority Opinion wrote: The application of the statute to the vast majority of Indiana voters is amply justified by the valid interest in protecting the integrity and reliability of the electoral process. The relevant burdens here are those imposed on eligible voters who lack photo identification cards that comply. Because Indiana's cards are free, the inconvenience of going to the Bureau of Motor Vehicles, gathering required documents, and posing for a photograph does not qualify as a substantial burden to most voters' rights to vote or represent a significant increase over the usual burdens of voting. According to the National Conference of State Legislatures, 34 states have passed voter ID laws; 16 states have passed laws that request or require voters to provide a photo ID. An additional 16 states have passed laws that require ID but not necessarily one with a photograph. Nebraska is not considered one of the 34 states in either category. Voter ID is strongly supported by our Nebraska constituents. A July 2010 Caltech/MIT study examining support for election reform in the United States reported 79 percent of Nebraskans supported requiring an ID. No other reform measure can come even close. The others: Internet voting, 24 percent; vote by mail, 14 percent; automatic registration, 36 percent; election day registration only 37 percent; election day holiday, 50 percent; election day on the weekend, 38 percent. Responses were similar nationally with 75 percent of Americans supporting requiring an ID. The need for this bill is clear. A 2012 report by the Pew Center on the States found 24 million U.S. voter registrations, or 1 out of every 8, were no longer valid or significantly inaccurate. The report also found 1.8 million dead people listed as voters and 2.75 million people registered in more than one state. LB111 permits free IDs to those who are indigent. The Department of Motor Vehicles would offer a state identification card at no cost to

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voters who wish to obtain a photo ID for purposes of voting under the Election Act if they indicate they are indigent. I would also note that 98 percent of Nebraska registered voters already possess a Nebraska driver's license or state ID card. LB111 includes a provision that permits the Secretary of State to expand the list of acceptable IDs if necessary through rule and regulation authority. Any other IDs would have to be issued by the government entity and include a photograph. Similar to other voter ID laws across the country, voters casting ballots in elections held by mail or who vote early would not be required to provide a government-issued photographic identification unless it is their first time voting and did not provide proper ID when registering. LB111 permits a person who does not present identification at the polls would have the ability to cast a provisional ballot. All these provisions ensure everyone's right that their vote is protected. I'd like to thank the Nebraska Association of County Officials for working so constructively with me on this issue. I offer to the committee an amendment with...committee amendment about election clerk identification that their board would like to see included. I appreciate their neutral testimony on the matter later. To close, I again emphasize that we must protect the integrity and reliability of our electoral process. The Commission on Federal Election Reform recommended asking for a photo ID at polling places. The U.S. Supreme Court ruled that we have a legitimate state interest in preventing voter fraud, modernizing elections, and safeguarding voter confidence. Our constituents overwhelmingly support voter ID poll after poll. I urge you and the committee for the support of LB111. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Larson. Are there questions for Senator Larson? Senator Hansen. [LB111 LB121]

SENATOR HANSEN: Thank you for opening, Senator Larson. My first question is just going through some of the definitions you have. When you...I have on IDs on page 2 you reference a document issued by the United States. Could you just give us some examples of which...which is on page 2, line 8, could you give us examples of what forms of identification you feel fall into that section? [LB111 LB121]

SENATOR LARSON: Ones that I would feel that fall into that section would be a passport and possibly a military ID. [LB111 LB121]

SENATOR HANSEN: Okay. How about on line 16 of the same page you mentioned government entities. So how broadly do you consider government entities and what forms of IDs would they be able to provide or create? [LB111 LB121]

SENATOR LARSON: I think the bill also calls for the Secretary of State would have the ability to write the rules and regulations, so, on this issue in terms of those IDs. You know, could be Secretary of State documents or things of that nature. But I would leave that to the Secretary of State to possibly write those rules and regulations and which government IDs are accepted. [LB111 LB121]

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SENATOR HANSEN: Okay. And is there language in the statute that authorizes the Secretary of State? [LB111 LB121]

SENATOR LARSON: I think I did...I included that. I'd have to go through and we can sure find that later on when we're in Executive Session, Senator Hansen. [LB111 LB121]

SENATOR HANSEN: Okay. Excuse me, I just was reading your bill and I had a fair amount of...just wanted to make sure we get all the clarified ones and be easier to have the introducer address them up-front than, well, testimony. Could you just walk me through the process of how early voting works under your bill? You know, if the presence...if you're required to present a voter ID in person, what would a person voting by mail be required to do? [LB111 LB121]

SENATOR LARSON: Same thing they're required to do now under...it is my understanding. [LB111 LB121]

SENATOR HANSEN: So that...which is? [LB111 LB121]

SENATOR LARSON: You're unfamiliar with how they vote by mail now? [LB111 LB121]

SENATOR HANSEN: Well, could you just perhaps refresh us on all the ID requirements, I guess? [LB111 LB121]

SENATOR LARSON: To vote by mail, what ID you have to show right now? [LB111 LB121]

SENATOR HANSEN: Um-hum. [LB111 LB121]

SENATOR LARSON: I don't think you have to show an ID to vote by mail right now. You might have to show an ID to vote by mail if you're registering for the first time and requesting a ballot I think you have to provide an ID, and this bill would keep that in place. But under our current system I don't believe you have to show an ID to vote by mail and this doesn't change that. [LB111 LB121]

SENATOR HANSEN: Okay. You mentioned in your testimony if people self-identify as indigent they would be able to request free ID from the Department of Motor Vehicles. [LB111 LB121]

SENATOR LARSON: For a state ID, yes. [LB111 LB121]

SENATOR HANSEN: Is there a definition of indigent or certain qualifications you expect

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to apply to those groups? [LB111 LB121]

SENATOR LARSON: I would guess the Department of Motor Vehicles would create a forum for those state IDs and I would guess it would be a check box if they self-classify themselves as indigent. [LB111 LB121]

SENATOR HANSEN: Okay. So it's your guess that the Department of Motor Vehicles would undertake the determination of who is indigent? [LB111 LB121]

SENATOR LARSON: I would guess that the individual themselves would declare themselves indigent or not. [LB111 LB121]

SENATOR HANSEN: And would there be...do you at least envision any investigation or double-checking as to whether or not a person is truly indigent or is it just a way of anyone who requests. You know, if Warren Buffett decides he needs a new license, can he declare... [LB111 LB121]

SENATOR LARSON: I don't think Warren Buffett...anybody that has a driver's license will not need the state ID. And a driver's license you do have to purchase. We pay a fee for those. So anybody requesting a state ID already does not have a driver's license. I believe that Mr. Buffett does have an ID because he does drive. So I don't think that example really works here. [LB111 LB121]

SENATOR HANSEN: Fair enough. Just...no need to pick on Mr. Buffett. Just he's a common example of...in our state. And moving on, you also talked about the Crawford v. Marion County, the Indiana law and compared your bill to that law. Did you read that law and base your bill on that law? [LB111 LB121]

SENATOR LARSON: Yeah. This is...as we talked about, this bill mirrors that in many ways. [LB111 LB121]

SENATOR HANSEN: Okay. Are there any key similarities? [LB111 LB121]

SENATOR LARSON: The fact that we supply an ID to anybody that does not already have one and requests one that is indigent, it is free, and I think that is the key similarity in that concept. As you...have you read the Supreme Court case then? [LB111 LB121]

SENATOR HANSEN: I have not read that particular case. [LB111 LB121]

SENATOR LARSON: So essentially as it said, it is not a burden on voters to go to the DMV and receive a free state ID, and we do not...we follow that same logic that the Supreme Court issued in that case and work within the framework that the Supreme Court said that states could work with, with LB111. [LB111 LB121]

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SENATOR HANSEN: Okay. You mentioned it mirrors the law. Is there any key differences you've noticed between your bill and that law? [LB111 LB121]

SENATOR LARSON: No key differences. [LB111 LB121]

SENATOR HANSEN: Okay. Thank you, Senator Larson. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Hansen. Are there additional questions? Senator Bloomfield. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you, Chair. Senator Larson, you and I both represent Native American tribal reservations. Do we have anything in here that allows for their identification to be used? [LB111 LB121]

SENATOR LARSON: Their tribe ID? [LB111 LB121]

SENATOR BLOOMFIELD: Yes. [LB111 LB121]

SENATOR LARSON: I don't know that off the top of my head. If not, I would be happy to work with that because that is a good question and one that I didn't necessarily think of. [LB111 LB121]

SENATOR BLOOMFIELD: It's something we can look at. [LB111 LB121]

SENATOR LARSON: Yeah, that wasn't something that I necessarily thought of right off the top of my head and I appreciate you bringing that to my attention. [LB111 LB121]

SENATOR BLOOMFIELD: Okay. We'll look at it as we go along. [LB111 LB121]

SENATOR LARSON: Thank you. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Bloomfield. Additional questions? Seeing none, thank you, Senator Larson. [LB111 LB121]

SENATOR LARSON: Thank you. [LB111 LB121]

SENATOR MURANTE: I saw Senator Schumacher back there. Senator Schumacher, welcome back to your committee on Government, Military and Veterans Affairs. [LB111 LB121]

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SENATOR SCHUMACHER: (Exhibit 2) Thank you, Senator Murante. It's always a pleasure to be back here. It's one of the committees I started out on and often miss being on it. But, you know, you get to deal with money at Revenue, so. I'm Paul Schumacher, senator representing District 22, which is Platte and parts of Colfax and Stanton Counties. The current issue is one that is reflected in the bill before us today, and that is the secrecy of our ballots. We presume that our ballots are secret. It's such a sacred part of the American system that we don't sometimes read the fine print or look at the actual nature of the proceedings that we're dealing with. We all go to the ballot box and if we vote in person, we get our ballots. There's some ceremony involved when they initial the backside of the ballot. Then you go mark your ballot, and then you ceremoniously come out and put them in the little metal sleeve so they're...couldn't even be x-rayed if you wanted them to. And then that's marched over to the ballot box and ceremoniously put in the ballot box. And we feel pretty sure that nobody knows how we voted, that our old uncle who wants to be dog catcher won't find out we voted against him. Well, life has changed. And over recent years mail-in voting, used to be absentee voting, has become more and more popular. And, in fact, in some of our counties in some of our townships mandated as the only way that you can vote, the only way that you can vote. And I remember when I was back in college voting absentee I remember trying to get this big envelope inside this slightly bigger envelope and putting my inside envelope inside and my name and address and everything was on the return address, but inside was another envelope which I trusted when they got it would be pulled out of it after they looked at my name and number and my inside envelope thrown in a pile later to be counted and my vote would be secret. And I think a lot of people who vote by mail think that's the way it is, but they aren't looking at what they're doing. Now just to be clear how important this is, this is the Nebraska Constitution. Only thing that trumps it is the federal Constitution and the treaties, so it's pretty high up the totem pole and it says what is very important to the people of Nebraska. In Section 6 of Article VI it says, and I've given you a copy of this page of the Constitution, "All votes shall be by ballot or by other means authorized by the Legislature whereby the vote and the secrecy of the elector's vote will be preserved." No lawyer hedge language, no ways to interpret that any other way and no court has interpreted it any other way. In fact, our court has said that that secrecy is basic to our process. Not any other way to look at it. Well, what happens when you vote by mail? You get your ballots and you get a return envelope, and on the return envelope is your name and your identifying information. And you know what's missing from the package these days? Anything else? No inside envelope. Fold your ballot up, you put it in the envelope to mail with your name on the outside, and off she goes. And when it comes out the mailbox on the other end at some point in the process somebody opens the envelope and guess what, has in their hands your name, your vote. We don't even have a rule that says at that point they can't pull out their iPhone, take a picture of your name, your vote, and put it on their Facebook page. How's that for secrecy? It isn't secret, not one bit. Now I brought this bill back a couple of times now. I think this may be the third time up to bat with it because it's very serious and because voting is a very, very precious thing, and because most people don't

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realize that's what's going on. It didn't cross their mind that, oh my goodness. Now almost every time before and maybe today, too, election commissioners will show up and say, oh gosh, that would be a lot of work, a lot of work to have an inside sleeve. And the Association of County Officials when we were trying to work this out said, you know, that would maybe be better than an envelope because at least you wouldn't have to worry about whether or not somebody licked it and have to tear it open and, you know, you just have a sleeve like your car title sometimes is you can pull out. And even if they want to save money can reuse the sleeves. And...but that would just be too much work. It'd add another step to the process. To paraphrase a rather famous recent quote that we had in our prison hearings, the prison department was saying, look, you guys are pushing prison inmates in the front door. The federal courts are saying you can't go over a certain limit, so what do you expect us to do but let them out the back door? We don't have the luxury of statutory compliance. And essentially the argument that's been presented against this bill, we're overworked. Trust us, we aren't going to peak. We aren't going to post it on the Internet. We're not even going to tell the person next us. Trust us because we're so under the gun we don't have the luxury of constitutional compliance. That's the proposition before you. The language of the bill, very simple. Use an inside sleeve or envelope, and if it cost a penny or two more or a minute or two more in the process, you know, that's the price of election. We could save a lot of money if we had an election only once every 12 years. We could save a lot. Heck, might not even need an election commissioner 10 out of those 12 years. At any rate, that's part of it. The second part of LB121 kind of, for those of you who might not have been around for it, picks up the debate on voter ID at the point where the Legislature left it off last time it was before it. Proposal very similar to what Senator Larson has introduced that was brought by Senator Janssen I believe, and we went late into the night on it because there are two extremely important and extremely correct positions that are opposed to each other. One, nobody should vote who isn't entitled to vote and we should have reasonable certainty that only people that are entitled to vote are voting and if somebody breaks that rule, we can catch them and hang them up by their thumbs. On the other hand, nobody entitled to vote should have obstacles placed between them and the ballot box unless they are very miniscule objects. Nobody should have to do anything more than be a citizen to vote. They should not have to wiggle their ears or do...run to the courthouse or get an extra piece of paper or tattoo on their sleeve. Nothing! Should be no barrier other than what anybody with common sense might think is extremely light. The Legislature left off on that debate. Maybe it will be more evidence this year. But in Nebraska, voter ID fraud that's been documented is nonexistent or so nonexistent that it hasn't made the headlines in a long time. So knowing that this is an issue that was festering then, still festering now, we were very close--before we ran out of time in one of those late night sessions to discuss Senator Janssen's bill--to resolving it. In fact, a motion already...it was still on General File but a motion was filed on Select File with the resolution, and the resolution was reasonably common sense and reasonably simple. And it's gotten simpler since. And that is, the guy shows up with no ID. In all probability and reasonability he's entitled to vote or she's

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entitled to vote. But just in case he or she is a crook, take a picture. Name and address, record that, that they voted, and if there's ever probable cause to think that they were cheating or they were going from poll place to poll place or coming in the back door and painting a moustache in and voting under somebody else's name a second time, you'd have the evidence on them and you could hang them up by their thumbs. Add them to our list of people in the penitentiary. Very, very simple and easy. Since then, easier because now there's no additional camera expense. Rule and regulation, the Election Commissioner can authorize the use of an iPhone. There's probably dozens on the staff already in the election place, smile for the camera, write your name down, and go vote. And e-mail that picture along with name and address to an e-mail box that will probably never be looked at in the Secretary of State's Office unless there's suspicion of fraud and you're done. And that's where we were when this left off last before this body. I am concerned that if we do not deal with this and if something isn't passed we will be back here again because both sides are right. And so I offer this other proposal to the committee as part of this election package that I think resolves it, picks up the debate where we left off, and may end up where we are, end up again this next go around. And I offer it now up-front rather than as part of an amendment that may be at the...if we get that point on the floor so that we can get public comment on it. And I, in closing, would invite public comment on the idea of the secret envelope and with the folks here who I believe probably on both sides of the issue are very concerned about the secrecy of their own ballots to comment because I don't think that's an issue they've thought about too much or had opportunity to think about. With that, I'd answer any questions. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Schumacher. Are there questions for Senator Schumacher? [LB111 LB121]

SENATOR HANSEN: I have a question. [LB111 LB121]

SENATOR MURANTE: Senator Hansen. [LB111 LB121]

SENATOR HANSEN: Thank you, Senator Schumacher. You said the problem of voter fraud in Nebraska is nonexistent. Is that a correct characterization of your words? [LB111 LB121]

SENATOR SCHUMACHER: You know, they used to in physics class talk about what happens if you start out at a point, go to the half point, and then go to the next half point, then go to the next half point. You can never say you reach the final point but you can get awful close to it. And we're awful close to nonexistent. [LB111 LB121]

SENATOR HANSEN: And with voter fraud, would you also put that as voter impersonation kind of the idea addressed by voter ID? [LB111 LB121]

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SENATOR SCHUMACHER: Right, right. There is just...unless things have changed since the last time this was heard, we are very close to that. Divide by half, divide by half, it doesn't exist things. But it's a concern and it's a legitimate concern. [LB111 LB121]

SENATOR HANSEN: And my second question is in terms of voter ID you mentioned...you characterized it as a very light barrier. Is that accurate, what I heard accurate? [LB111 LB121]

SENATOR SCHUMACHER: Right. The mechanism I think we cannot impose between the voter and the ballot box barriers of any consequence whatsoever. So it becomes a reasonable man's judgment as to what any consequence is. And I submit that the interest of election...preventing election fraud is served by the inconsequential thing of having to tell somebody your name and address and smile for the camera. Right there. Don't have to go down to the courthouse, don't have to wait in line. You're already in line. You're there. Click, clack, and it's over. Did I say click, clack? (Laughter) [LB111 LB121]

SENATOR HANSEN: Thank you, Senator. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Hansen. Additional questions? Senator Bloomfield. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you, Chair. Senator Schumacher, with your taking a photo, does that then become a provisional ballot and be stored separately? [LB111 LB121]

SENATOR SCHUMACHER: No, no. [LB111 LB121]

SENATOR BLOOMFIELD: So if we find out later the fellow is in fact a crook and doesn't belong there, his vote is in the hopper and counted. [LB111 LB121]

SENATOR SCHUMACHER: It probably is and probably there are situations when you're dealing like on a national election with hundreds of millions of ballots, you know, that there are some that are going to slip through the system. But God help that guy if we catch him in Nebraska, because right now we don't have a picture. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you. [LB111 LB121]

SENATOR MURANTE: Senator Garrett. [LB111 LB121]

SENATOR GARRETT: Thank you, Chair. Senator Schumacher, part of one of my concerns on the secrecy of the ballot that you pointed out the shortcomings of that is the

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propensity of some people to short vote a ballot. They'll vote for the Governor or the senator and they'll leave the rest of the spots open, and this would invite potential fraud in that somebody could just make one little dark mark to vote for a state legislator or a judge or something else. So that's another concern that I would have with the fact that it doesn't have a sealed inner envelope there. [LB111 LB121]

SENATOR SCHUMACHER: I think, Senator, what you're referring to is what they used to call in Chicago short penciling. And with short penciling the election workers put a short piece of lead under their fingernail and when they were going through counting the ballots, even if they came from a secret ballot box or whatever, and they'd see one of those empty slots, they'd move their finger over it and short pencil in a vote there. And so that's probably...now we have a little more difficult because you'd have to color in the circle, so you'd have to sit there a little bit longer. But, yeah, that's a problem. [LB111 LB121]

SENATOR GARRETT: Another concern I have is, can you tell me or tell the committee, do you know of any mechanisms that we have to detect voter fraud? From what I've seen it's normally some gross act of stupidity that we catch someone in voter fraud. But do we have any mechanisms in place to detect voter fraud currently? [LB111 LB121]

SENATOR SCHUMACHER: Probably nothing other than your own self-identification when you come into the poll. But if there were any voter fraud over the tens of thousands of ballots that have been cast, hundreds of thousands, it would have been on the front page somewhere. Somebody would have been dumb enough to trip it. We have a problem now getting people to vote once let alone prevent...you know, worrying about them going twice or three. We just haven't seen it. And maybe you'll hear testimony today and I've got things over in Revenue, so I won't be able to stick around to listen to it. But, you know, maybe you'll hear testimony today, concrete evidence of consequential voter fraud. [LB111 LB121]

SENATOR GARRETT: Very good. We don't have any procedures or mechanisms in place to really detect that short of someone doing something, you know, obviously and egregiously wrong that draws attention. [LB111 LB121]

SENATOR SCHUMACHER: Right. And it hasn't occurred either, so, I mean, you know. [LB111 LB121]

SENATOR MURANTE: Okay. Thank you. Additional questions? Seeing none, thank you Senator Schumacher. [LB111 LB121]

SENATOR SCHUMACHER: Thank you. [LB111 LB121]

SENATOR MURANTE: First up we have, for proponents, the Kansas Secretary of

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State, Mr. Kobach. Welcome. [LB111 LB121]

KRIS KOBACH: (Exhibits 3 and 4) Thank you. And with the leave of the Chairman, I might ask for just a couple of extra minutes because I have some statistics that you guys might find interesting which I... [LB111 LB121]

SENATOR MURANTE: We'll run through it and see if we have any questions. [LB111 LB121]

KRIS KOBACH: Okay. Mr. Chair, members of the committee, it's a pleasure to come up here from your sister state of Kansas. I have a soft spot in my heart for Nebraska. My wife is from Fairbury and I'm actually a licensed Nebraska attorney and I represent the city of Fremont in litigation, so I spend a lot of time up here. In fact, just about every holiday I spend in your fair state. As you may know, Kansas adopted photo ID in 2011. We've had two major...a presidential election and of course the recent 2014 nonpresidential election under photo ID. I thought I could share that experience. Was invited by your Chairman to come on up and jumped at the opportunity because I really think we can help you if you're interested in moving this direction. Kansas passed our law in 2011 and I've got some testimony that I'm handing out to you. I want to go through some statistics with you which you might find useful. We have a list of photo ID that are accepted. In reference to Senator Hansen's question or, no, I believe it was Senator Bloomfield's question, we did actually add photo ID issued by Indian tribes. It was added in a subsequent amendment to our bill. We realize that the Indian tribes did have photo IDs, at least one of them did, and they wanted that to count and so we made it count. But let me jump down to the election statistics which start on the bottom of my first page of testimony. In the 2012 general election, there were 1.2 million votes cast in Kansas; 838 people showed up without a photo ID when they voted out of 1.2 million. Now the way that Kansas law works is if you show up without your photo ID you have until the county canvas, which is a week later, six or nine days depending on the county, to bring in your photo ID. Of those 838, 306 did bring in their photo ID afterward. So a total of 532 or .04 percent, fewer than one in a thousand people, actually didn't provide photo ID. But those people, we then ran a subsequent check because we have the list of all the people who have driver's licenses, most of those people had driver's licenses. They were just in the unusual position of the day after the election deciding whether they wanted to bother to go down to the county courthouse and make their vote count. Most of them...about half of them did but many didn't because, well, the senator they were voting for, Senator Garrett, won by 2,000 votes so they didn't feel like they really needed to. So a tiny, an infinitesimally small percentage of our electorate failed to show photo ID, and our percentage turnout was very good in the presidential race, 66.8 percent. But now jump to the 2014 general election. We had 887,000 votes cast. That was a record number, by the way. After introducing photo ID, record number of votes cast. Five hundred and seventy provisional ballots for lack of photo ID. Again, they have the opportunity to bring their ID in after or during the week. Two hundred and

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sixty-seven did so. So 303 voters, or 1 in 3,000 voters, ended up not providing photo ID. Again, tiny percentage. We haven't run the names yet to see how many of those have a driver's license but my guess is the vast majority of them will. Again, it is not an imposition. It is, I believe, a very reasonable request that people bring a photo ID. But one of the debates you've been hearing in the national debate is, well, maybe photo ID reduces turnouts. I think we have strong empirical evidence that the answer is no. Our turnout was 50.8 percent, roughly 51 percent, that vastly exceeded the national level of 36 percent in the 2014 election. But get this. It actually went up from 2010 to 2014. You're comparing two nonpresidential election years. Our turnout in 2010 was 50 percent. Our turnout in 2014 was 51 percent. We also exceeded the turnout in our surrounding states. Here in Nebraska, your turnout was 47 percent; our turnout, 51 percent, again, with photo ID. And I think these numbers make the case very strongly that it does not depress turnout as some have alleged. I have a couple of amendments that... [LB111 LB121]

SENATOR MURANTE: Let me interrupt you real quick just because... [LB111 LB121]

KRIS KOBACH: Okay. [LB111 LB121]

SENATOR MURANTE: ...your red light is on, but let's see if we have any questions. Senator Bloomfield, I bet you have a good one. [LB111 LB121]

SENATOR BLOOMFIELD: I do. My question is, is there further statements you'd like to make? [LB111 LB121]

KRIS KOBACH: (Laughter) Yeah. I do and I'll keep it short. Thank you very much, Senator. Thank you for the softball pitch. I would add a little bit on amendments. I've really gone over your language carefully on the two bills you're looking at. A couple of amendments I'd recommend, and I have the first two of them in my testimony. I strongly recommend that you secure mail-in ballots. This is really important. Voter fraud is like imagine air in a balloon. If you squeeze one part of the balloon, the air is just going to go over to the other part of the balloon. And so if you secure in-person voting and someone is dedicated to committing voter fraud, they're just going to move to mail-in voting which you leave untouched. Now what a number of states have done that have photo ID, including Kansas, is we have tried to give the same security to mail-in votes and I think we've succeeded in doing it. And I have offered you, the last page of my testimony is the exact language from our Kansas law which we scrubbed very carefully. It's been tested in court, and this law basically says that when you are asking for a mail-in ballot you have to pass two security hoops. One is the county clerk will look at your signature on the absentee ballot request form and make sure that your signature matches the signature on file. If it doesn't match, they'll call the voter and say your signature doesn't match, we need to talk to you. It happens very seldom but it does happen. Number two, on your absentee ballot request form you have to put your full Kansas driver's license

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number or, here, your full Nebraska driver's license number or submit a photocopy of a qualifying photo ID. So essentially you're doing the same thing that the in-person voter would do. You are...either have your driver's license in your hand and you're copying down the number or you're sending in a photocopy. It's worked very well. We still have had record numbers in some counties of turnout. We approximately have 30 percent of the Kansas voters voting by mail, and these extra security provisions have not dampened those very high numbers. So I would strongly recommend that you add this amendment. And, Senator Larson, you were talking about the litigation in the U.S. Supreme Court in the Marion v. Crawford County (sic) case or Marion County v. Crawford, (sic) and there's a sequel to that litigation. So the state of Indiana was challenged on federal constitutional grounds. They won a six-three decision in the U.S. Supreme Court. But then the challengers, I believe it was the ACLU, said, hey, we have another idea. Let's make the argument that because Indiana doesn't secure mail-ballots they're treating those ballots unequally, and they brought a state constitutional challenge under the state constitution and they won in the lower courts. And I'm not sure what happened in the Indiana Supreme Court, but I would say you would insulate your bill further against challenge if you do take security measures for your mail-in ballots. That way you can't bring the argument up, well, you're treating mail-in ballots unequally to in-person ballots. Very quickly, a couple of other minor amendments I would suggest. Rather...one is, I respectfully disagree with Senator Schumacher. I don't think you should create an affidavit loophole if you decide to use LB121 as your vehicle. You won't have probable cause appearing after the fact. If you allow someone to sign their name, their address, and pose for a picture, voter fraud is extremely difficult to detect. You're not going to have suddenly evidence emerge after the fact that this guy committed fraud. His ballot will be in the pile of ballots. You're not going to be able to isolate it out after the fact unless you have a court hearing where you put him on the stand and a judge asks him, you know, to testify. But as a practical matter you're not going to develop the probable cause after. Much better to screen voter fraud at the front end. I would not encourage you to have that affidavit loophole. And then to the question Senator Hansen asked about how you define indigence. We had to wrestle with that in Kansas and what we ultimately decided was we are not going to have an indigence threshold. We're just going to allow anybody to get a free nondriver ID from the state if they sign an affidavit saying I have no qualifying photo ID. We don't make them prove that they're poor. We just sign affidavit. And, interestingly, the number after three years of the law being in effect has been fewer than 500 people have asked for that free photo ID. And the cost to the state is about \$8 a pop, so fewer than \$4,000. And you just let anybody who wants to sign a piece of paper saying I do not have any of these listed photo IDs. I'd encourage you guys to go that way. Then you don't get into this question of, are you really indigent? How do we prove that you're indigent? It hasn't cost us much money at all. [LB111 LB121]

SENATOR MURANTE: Senator Groene had a question, followed by Senator Hansen, then Senator Craighead. [LB111 LB121]

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SENATOR GROENE: I've got three questions. In your statistics you don't show that you have a big influx. How many voter ID cards did you issue after you passed the law? [LB111 LB121]

KRIS KOBACH: The number...I'm going to give you rough numbers. I didn't bring those exact numbers with me, but going into the 2012 general elections was the first big election, I guesstimate we have between 200 and 300 free IDs issued. And then in the two years after that about that same number approaching the 2014 election. So we're still below 500. [LB111 LB121]

SENATOR GROENE: You said...I'm not talking about the indigent ones. I'm talking about... [LB111 LB121]

KRIS KOBACH: All free photo IDs. [LB111 LB121]

SENATOR GROENE: Oh, you had all? [LB111 LB121]

KRIS KOBACH: Yes. We don't ask the person whether they're indigent or not. But even though we don't ask, the number has been very small because as Senator Larson said, pretty much everybody already has a photo ID in today's society. And, frankly, I think if they don't have a photo ID the state ought to do them a service and give them a free one. You need one to function in the twenty-first century. [LB111 LB121]

SENATOR GROENE: That was my second question. Has there been an added benefit to these indigent people that now they had an ID? [LB111 LB121]

KRIS KOBACH: Yes. [LB111 LB121]

SENATOR GROENE: So that when they did other businesses throughout the community they had a photo ID. [LB111 LB121]

KRIS KOBACH: Absolutely. They can now cash a check. They can now walk into a federal building. If they have an opportunity to fly, they now can go through a TSA-screened airport. So... [LB111 LB121]

SENATOR GROENE: Because that ID works for more than just the voting. [LB111 LB121]

KRIS KOBACH: Yes, it is. It is a state-issued ID. I assume Nebraska has the same, a nondriver state ID. I think it's important to get those IDs out to people so they can do the things that the rest of us can do. [LB111 LB121]

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SENATOR GROENE: Another question, do you have...do you get undocumented immigrant driver's license with the federal...have you...do you have that in Kansas? [LB111 LB121]

KRIS KOBACH: We do not give those who are lawfully...illegal aliens, we do not give them driver's licenses in the state of Kansas. [LB111 LB121]

SENATOR GROENE: There's a push for that. Would that driver's license then work or would it be a different colored driver's license so now you've got an undocumented... [LB111 LB121]

KRIS KOBACH: It actually would work. Under the terms of our statute it would qualify as a state-issued photo ID. But, of course, an alien is not permitted to vote in our state. Our statute also... [LB111 LB121]

SENATOR GROENE: But now they have an ID. [LB111 LB121]

KRIS KOBACH: Right, but our state also, like Nebraska, prohibits noncitizens from voting, and then in Kansas we added an additional element that is not on the table here for your guys. We require proof of citizenship at the time you register too. So we have an additional level of security in Kansas. [LB111 LB121]

SENATOR GROENE: But there's a push to give undocumented... [LB111 LB121]

KRIS KOBACH: Yeah, and that push will go nowhere in our state. I don't know where it will go in your state, but I would hope it would not succeed. Because once you give somebody a driver's license or a nondriver ID, that's the ultimate breeder document. I used to work at the Justice Department under Attorney General Ashcroft. Once you give that person that driver's license then they can get not an infinite number but a very large number of other IDs using the driver's license as the primary source ID from which the other ones flow. Strongly encourage people not to give those to people who are here in the country illegally. [LB111 LB121]

SENATOR GROENE: Does your ID have to be a state-issued ID? [LB111 LB121]

KRIS KOBACH: If you look at the front page of my testimony, not the title page, you've got the list of about ten forms of ID and all of them are government issued with the exception, accredited postsecondary institution in the state. We do allow college IDs but they have to be accredited. And so in theory you could have a private university ID. That's the only one that is not a governmental ID under ours. [LB111 LB121]

SENATOR GROENE: How does that prove you're a citizen? [LB111 LB121]

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KRIS KOBACH: Oh, that's not for citizenship. That's for identity at the time of voting. For citizenship, when you register in Kansas, you have to have either a passport, there's a form of military ID that reflects U.S. citizenship, or a birth certificate indicating birth in the United States and there is a total of a dozen documents. [LB111 LB121]

SENATOR GROENE: To register to vote. Two different issues. [LB111 LB121]

KRIS KOBACH: Two different issues, yes. [LB111 LB121]

SENATOR GROENE: All right. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Groene. Senator Hansen. [LB111 LB121]

SENATOR HANSEN: Yes, thank you for your testimony, Mr. Kobach. I wanted to ask, prior to your adoption of the photo ID law, how many cases, how much evidence did you have of voter impersonation in Kansas? [LB111 LB121]

KRIS KOBACH: Sure. We actually...it's very difficult to detect, as was suggested by a previous conferee, and we actually have 105 counties and the Secretary of State's Office prior to my becoming Secretary of State had actually canvassed the counties and asked for known cases of voter fraud in the counties. We combined that entire total and the number was about 230 as of the year 2012, 230 known cases over a ten-year period. And in one county in particular, Wyandotte County which is Kansas City, Kansas, we had over 50 cases of people doing mail-in ballot fraud where they were requesting someone else's ID. In other words...and that's what our security measures intend to prevent, is you, you know, falsifying my name and requesting my absentee ballot or my mail-in ballot and either intercept it at the mailbox or maybe you don't intercept it at the mailbox. But, anyway, we had over 50 cases just from one county alone. In the opposite corner of the state, southwest Kansas, we had an incident where, again, more than 50 noncitizens, aliens, were registered to vote on a meat packing plant...sorry, a hog farm operation plant ballot issue in the state. And one of the entities that had a vested interest in seeing that ballot issue pass was registering aliens to vote. So we had a couple of really big cases, but overall about 230 cases. [LB111 LB121]

SENATOR HANSEN: And so the 230 cases, were those all prosecuted and convicted or... [LB111 LB121]

KRIS KOBACH: No, and that's another facet of voter fraud that's very interesting. When you do have a case, on the very situation, the rare situation where you have a case you have all the evidence you need and then you hand it to a county attorney, most county attorneys will look at it and say, I've never had one of these before. Attorneys are like doctors. You become very familiar and very accustomed to doing certain kind of cases. But if you've never seen one before, you might say, well, I've got this arson and rape

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here on my desk, I've got to deal with these. They often don't get convicted. And in many cases they may not get referred because the evidence is not sufficient to bring a conviction. You've got enough evidence to be very sure that it happened, but you don't have enough evidence to be confident that the county attorney should spend his time. I did want to give you this, and I'm glad you asked about this, and I'll leave this with the Chairman. He can make copies. Someone asked is there any way to detect voter fraud. There actually are very few unless you get a county clerk who becomes aware of a report and forwards it to the Secretary of State. But there is one system we now have and Nebraska is part of it. It's called the Interstate Crosscheck Project and it's been going since 2007. It's hosted by the state of Kansas but Nebraska was one of the four states that started it. And what it is is every year the participating states take their voter rolls and bounce them together against each other to see if there are duplicates. In other words, see if there are people in your state who are registered to vote in other states. Nebraska is part of the program. And we also see if there are people who voted in your state who also voted in other states. I've got the data right in front of me. From the 2014 Crosscheck, Nebraska had 66,343 people who were likely double registrants. In other words, registered in Nebraska and registered in another state. And I don't have the number of how many are likely double votes, but we have that number as well. That's pretty amazing. These individuals have the exact first name, exact last name, exact date of birth, and if last four social are available they have a last four social match. Our system today has a huge problem that it's very easy when you move to Nebraska or any other state to get registered, but at the back end the state you left is almost certainly going to have your old voter registration there. And if you want to vote twice, you can probably do it. In a typical even-year election in Kansas, even-numbered year, we will have about a dozen double vote cases where we have the person dead to rights. We've got the...we'll call the other state. We'll get the poll book signature where the signature matches that they voted in that state and the signature matches that they voted in our state--same person. And it happens about a dozen times a year, probably even greater because we only have 29 states involved in this project right now. But we do see double voting a lot. It's very easy to get away with and the only way to stop it, unfortunately, is to prosecute it. [LB111 LB121]

SENATOR HANSEN: I had just kind of two more questions then. Just wanted to clarify, did you have any convicted cases of voter of voter impersonation? [LB111 LB121]

KRIS KOBACH: Oh, yes. Yeah, we have multiple convicted cases. The double voting cases are the easiest to convict because the case almost proves itself. You've got a signature in both states that the guy voted in both places. Usually they will plea or in many cases they'll be given a diversion by the prosecutor. And the last two cycles, in fact I just had this evidence with me yesterday, there's roughly been about 20 of these cases and so far I'm guessing that 3 or 4 have already been to diversion or conviction, about 4 I think out of those 20, and the other ones are open and shut cases. The county just hasn't gotten to it or maybe will not get to it because they don't have time. Of the

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other 230-some, there were a handful of convictions. I'm going to say in the neighborhood of six. But, again, in many of those cases there wasn't even any effort to get a conviction because the county attorneys don't have time. [LB111 LB121]

SENATOR HANSEN: Okay. And then following up on that I just wanted to clarify your statistics on the 2012 and 2014 general elections. So you were saying ultimately based on your search of the voters who did not provide sufficient ID ended up providing sufficient in the window. Some of those were eligible voters who likely didn't come back in. [LB111 LB121]

KRIS KOBACH: Oh, yeah. Most of them were because we, you know, we have the names of the people and so we just ran those names against the names, our list of people who have a driver's license and most of them had that driver's license. [LB111 LB121]

SENATOR HANSEN: So there are a few hundred people in Kansas in both 2012 and 2014 whose votes weren't counted because they were eligible voters without the correct ID? [LB111 LB121]

KRIS KOBACH: No, they had the correct ID. They just...what we verified was that they had the ID and they could have brought the ID in but they chose not to. [LB111 LB121]

SENATOR HANSEN: But, anyways, there were some eligible voters who... [LB111 LB121]

KRIS KOBACH: No, and we have yet to find a single eligible voter who really didn't have an ID because what we did in 2012, then we took the remaining number of voters and we sent them a questionnaire and said, look, we'd love to help you get an ID. Please let us know if you have any of these on this list and if not we'll contact you and try to help you. I take that back. I can't say zero. I think the total number is two so far, people who said I don't have any of these on this list, please help me get a free ID. And so I believe in the 2012 election we have only identified two people who didn't have a photo ID that would have qualified on election day. And they could have gotten one, of course. [LB111 LB121]

SENATOR HANSEN: I guess my question was not necessarily whether or not they possessed the correct ID, it was more about whether or not their votes were counted. [LB111 LB121]

KRIS KOBACH: If they don't present a photo ID their votes are not counted. [LB111 LB121]

SENATOR HANSEN: Okay. Thank you, Mr. Kobach. [LB111 LB121]

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SENATOR MURANTE: Thank you, Senator Hansen. Senator Craighead. [LB111 LB121]

SENATOR CRAIGHEAD: Thank you, Mr. Chairman. Secretary Kobach, you have been very gracious and generous in the state of Kansas with all of the forms of ID that you allow. Were there any that were discussed and considered that were not accepted? [LB111 LB121]

KRIS KOBACH: Yes. And the discussion and consideration was at the regulatory stage. Our statute, like the one that's being proposed by Senator Larson, allows the Secretary of State some regulatory discretion to decide about IDs on the margin. And so, for example, we do allow any identity card issued by a state, federal, or local government. That's subsection (e) of our little list here. And you get some on the margin like what about a municipal-owned pool, you know, where you've got an ID card that you use if you join for the season at the pool? Well, we said no on that one. Another one at the margin is a library card. Would a library card count? And the criteria we use is we then look at what does that issuing entity do? Do they just let anybody walk up and say, you know, my name is...I don't know what your first name is but whatever Craighead and then just assume your name. And if they don't have any additional security or any additional identity required, then we don't allow that to be counting as...because otherwise you could then circumvent the system by just going and getting a library card or a swimming pool card. So there are some at the margin. [LB111 LB121]

SENATOR CRAIGHEAD: So with the ease of this and with the number of different IDs, is there...have you in Kansas found any reason that someone should not be able to get an ID to vote? [LB111 LB121]

KRIS KOBACH: Let me make sure I understand the question. Have we found any barriers that they were not able to get an ID? [LB111 LB121]

SENATOR CRAIGHEAD: Correct, yes. [LB111 LB121]

KRIS KOBACH: No. And that was a part...I guess I was trying to make that point to Senator Hansen. We really haven't seen that because photo IDs are so pervasive in our society today that as a starting point you have 99 percent plus of your population already has a photo ID. And we've made our list a very large list. Some states, as you know, do not allow student IDs; we do. And so we really haven't found people who face a real barrier to getting an ID. And, again, it's free and all you have to do is sign a piece of paper saying I don't have one. But what you will find in Nebraska I am almost certain is what we found in Kansas. Almost everybody's got one, so the total number of people who sign that piece of paper is pretty small. [LB111 LB121]

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SENATOR CRAIGHEAD: Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Craighead. Are there additional questions? Seeing none, thank you very much for your testimony, Mr. Secretary. [LB111 LB121]

KRIS KOBACH: Thank you. And I'll leave this data sheet with you and... [LB111 LB121]

SENATOR MURANTE: Please hand it to the page and they will make a copy of it and distribute it at this time. [LB111 LB121]

KRIS KOBACH: And I'm going to have to excuse myself to head back to Kansas. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you. Thank you for your time in Nebraska. We will now proceed to additional proponent testimony. Mr. Kagan, welcome to the Government Committee. [LB111 LB121]

DOUG KAGAN: (Exhibit 5) Thank you, Senator. [LB111 LB121]

SENATOR MURANTE: And I'd ask right now, if there are additional proponents wishing to speak, what I'd like you to do is sit in the front row right here on either side so that we can process as many proponents as quickly as possible. We'll do the same with the opponents once we get to the opponent testimony. Welcome. [LB111 LB121]

DOUG KAGAN: Thank you, Senator. Good afternoon. My name is Doug Kagan, and I represent Nebraska Taxpayers for Freedom. We support LB111 even though there is no accurate... [LB111 LB121]

SENATOR MURANTE: Mr. Kagan, would you please spell your name for the record? Thank you. [LB111 LB121]

DOUG KAGAN: D-o-u-g K-a-g-a-n. [LB111 LB121]

SENATOR MURANTE: Thank you. [LB111 LB121]

DOUG KAGAN: We support LB111 even though there is no accurate calculation of how many illegal aliens currently vote in Nebraska. We regard LB111 as a preventive measure to stop noncitizens from illegally voting in our elections, something like a vaccination to prevent polio. Instructions to prospective voters and information posted at polls are additional safeguards at reasonable cost. Currently, anyone can walk into a polling place, give your name and address, sign with your signature, and vote using your name. You come in later and are shocked to discover that someone impersonated you and stole your vote. This is a second means to easily vote illegally. This voter ID

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standard will withstand constitutional challenge because, as Mr. Kobach said, the Supreme Court in 2008 upheld a similar Indiana statute. Justice Stevens writing, "even assuming that the burden may not be justified as to a few voters, that conclusion is by no means sufficient" to block the entire law. He added that the photo ID requirement was constitutional. Similar legislation already has sailed through in Kansas, Georgia, Texas, and other states. Fifteen states now require photo IDs and thirty-one states have ID requirements. One must present a valid ID to rent a movie or a vehicle, cash a check, or board a plane, and this bill is not more discriminatory. This process will not disfranchise the poor who can receive a valid ID card free. Requiring valid government-issued photo ID has prevented illegal voting in other states. Studies by constitutional scholar Larry Sabato prove that voter fraud is real, a danger to the integrity of ballot boxes everywhere. One of the most vocal supporters of strict voter ID is former Texas Attorney General and now Governor Greg Abbott who prosecuted about 50 cases of voter fraud in recent years. Recall the 2011 Omaha mayoral recall election when bus loads of transients reportedly accepted money to line up at the election commissioner's office. Nebraska voters demand and deserve integrity in our voting system even if stopping only a few illegal votes. Nebraska elections sometimes are closely contested. This measure does not discriminate or deny a citizen the right to legally vote but only helps to prove legitimacy. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you for your testimony. Are there questions? Seeing none, thank you for coming down today. I appreciate your testimony. [LB111 LB121]

DOUG KAGAN: Thank you, Senator. [LB111 LB121]

SENATOR MURANTE: Next proponent. Welcome. [LB111 LB121]

DEB ANDREWS: Mr. Chairman, members of the committee, my name is Deb Andrews, D-e-b A-n-d-r-e-w-s. I am here in support of LB121. I support the other bill as well. On the election commission Web site it states you have the right to cast your vote in secret and free from intimidation. In Lincoln, our mail-in ballots are not secret. We need a security envelope. Last February, the school bond issue was mail-in only. No polling places were open for that election. Pretend I'm a teacher at East High. I filled out that one item ballot. I'm voting no on the bond issue. I put it in the outer envelope that has my name and my identifying information and I know that when it's opened my name and my voting no on that school bond issue will be evident. If we had a security envelope, I complete the ballot, put it in the envelope which is blank. It's sealed. And that goes in the voter oath envelope. When that's opened, this is separate. It's put in that x-ray proof box and opened later. That's a secret ballot. Senator Schumacher has already addressed the Constitution where it states ballots and votes should be secret. Nebraska statute also does; 32-1527(4). There are a number of places. "No person shall show his or her ballot after it's marked to any person in such a way as to reveal the contents thereof...and no person shall solicit a voter to show the same," which is what this does

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with the ballot inside. I've heard two arguments against it. One is that nobody cares how you vote. And I think the senators confirmed that you care very much whether or not your vote is secret or not with the committee chairmanships. I've also heard that it would cost more money. If that were a valid argument we wouldn't have the local elections separated out from other elections. They would be held at the same time to save money. I urge you to honor your oath of office, I was at the swearing in, to uphold the Constitution and give us a security envelope so that we can be sure our votes are secret when we vote in Nebraska. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there questions? Hold on, hold on, hold on. [LB111 LB121]

DEB ANDREWS: Sorry. [LB111 LB121]

SENATOR MURANTE: Senator Groene is just itching to ask you a question. Senator Groene. [LB111 LB121]

SENATOR GROENE: I've got a question. Miss, I had a question. Yes, because you're very well informed on this issue. Would not the envelope also help if we asked for a photocopy of your voter ID because now that would be a piece of paper separate from your ballot? I'm thinking if we asked...amended that we ask voter...I mean, mail-in ballots to show some kind of photocopy of your ID, wouldn't you think that would help because that would be outside of that envelope? [LB111 LB121]

DEB ANDREWS: If you did it somehow with the voter oath envelope, this has to be blank on both sides. [LB111 LB121]

SENATOR GROENE: That's what I mean. [LB111 LB121]

DEB ANDREWS: Yeah. This has to be blank. [LB111 LB121]

SENATOR GROENE: Right now you couldn't differentiate if you had them both in the same envelope is what I'm saying. I'm agreeing with you. [LB111 LB121]

SENATOR MURANTE: (Laugh) Are there additional questions? Senator Bloomfield. [LB111 LB121]

SENATOR BLOOMFIELD: Senator Schumacher in his testimony suggested possibly a sleeve. Would you find that adequate or do you think we need to have a sealed envelope? [LB111 LB121]

DEB ANDREWS: I think it's important to have a sealed envelope. I think the opportunity to vote in the United States is a great privilege that I don't take lightly. And I think we

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should honor that with a sealed envelope. I don't think that's too much to ask. I think it's really important. [LB111 LB121]

SENATOR BLOOMFIELD: Okay. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you. Additional questions? Seeing none, thank you very much for your testimony. Next proponent. Welcome to the Government Committee. [LB111 LB121]

MARTY BROWN: (Exhibit 6) Good afternoon. Marty Brown, B-r-o-w-n, Omaha. I'm taking a different perspective on what I heard from the Secretary of State in Kansas. What I did is I took six months and reviewed laws in other countries. And so this is my study. You'll all have a copy of what I've researched. Identity theft which I've been exposed to, \$1,800 last month for a credit card, is a big problem this last decade. And I think it's going to be a big problem in our elections as well. You'll receive a copy of my study, but based on today I'd offer the summary. Most nations of the world have successful voter identification process. Voter identification increases election credibility of trust which is a big problem in the United States today, when 47 percent of Nebraskans only voted versus Kansas' 51 percent. And I know the reason why they don't vote. Most foreign countries have voter ID, even Mexico. Mexican officials unveiled voter ID two decades ago. For years, you know, it's been a problem with the history of voter casting multiple ballots and curious vote counts after the election. Mexico and national identity cards have been issued for years in Canada to our north as well as France, Poland, Singapore, Brazil, Germany, India, Netherlands to prove citizenship. I'd like to point out the poor country like India with 780 million people, 96 percent of them have a voter ID card; one of the poorest countries in the world. In Brazil, voting is compulsory to all citizens between 18 and 70. Since 2006, Brazil was registering voters with biometric identification. In fact in 2014, 22 million people voted by a fingerprint; by a fingerprint, folks. We are way behind and that's why Nebraska needs a voter ID. My last topic though is UN poll observers actually were amazed and baffled that the United States did not have a voter ID to vote. UN observers are expressing their surprise at how much trust Americans put into election system without verification and cannot believe voter ID isn't a national requirement to vote. More than 60 countries verified our election. In my summary I want to state that nationwide voter turnout for 21 states that had election systems without voter...without verification and could not believe...cannot have voter ID and are nationally required to vote. I might add that in the five states in an old confederacy and two that bordered had competitive statewide elections in gubernatorial and senate races. The states with the voter ID requirement, including Louisiana and Florida, had the highest turnout. Those with no ID, North Carolina, too, had the lower turnout. I really like to finish up and I believe LB111 is a start and we need to purge our voter registration records of several thousand people that are dead and no longer can vote in the state of Nebraska. I do appreciate your time, Senator. [LB111 LB121]

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SENATOR MURANTE: Thank you, Mr. Brown. Are there questions? Seeing none, thank you for your testimony. [LB111 LB121]

MARTY BROWN: Thanks. [LB111 LB121]

SENATOR MURANTE: Next proponent. Welcome to the Government Committee. [LB111 LB121]

PAUL MEYER: Thank you, Senators. Good afternoon. My name is Paul Meyer, M-e-y-e-r. I come before you today to speak in favor of LB111. To some of you I will be talking to the choir. As I did not know what this committee was made of, I have altered my comments just slightly. As you were informed previously, at least 74 percent of the Americans believe, a majority believe that they want voter ID. Now I still have a few dollars in the bank and even though I know some of these managers at this bank that I...branch that I deal with, whenever I go to the teller's window to cash a check I still have to show ID. I'm not offended by this. In fact, I welcome it because it stops somebody from perhaps fraud using my name or whatever to cash a check. And, personally, I feel it is just as important to have honest voting as it is to have honest check cashing. The voter ID keeps dishonest people from doing something dishonest, like unlawfully stealing my money or my vote. And illegal aliens and dead people have been known to steal votes. I also do not believe of anyone of whatever party who may oppose this bill for whatever stupid reason appreciate their vote being stolen. The voter ID or the voter fraud here in Nebraska may not be as rampant as it is in Illinois, especially Chicago, but it does happen and anyone who has...is willing to use the lamebrain excuse that somehow the poor will be discriminated against is simply not accurate. Therefore, I feel as elected officials of this state you have an obligation and a duty to uphold the law against all fraud, and that includes the voter fraud. I appreciate your time. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down. Are there additional proponents wishing to speak? [LB111 LB121]

KATHY WILMOT: (Exhibit 7) I appreciate this opportunity. I'm Kathy Wilmot, W-i-l-m-o-t, representing myself and also Nebraska Eagle Forum. I wish to speak in support of LB111 and also the Schumacher bill, to a point. I think it needs some work. I'd like to see it build in some of the safeguards that I've heard mentioned herein and that Kansas does. In a day when photo identification is often required when checking in at a medical clinic or to pick up your prescriptions, I think it makes very good sense that we would protect the integrity of our voting system. Our precious right to vote is important enough to require a photo ID. Requiring photo ID when voting will protect my vote and the votes of others by eliminating the possibility that someone cancels our vote who is not even

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legally eligible to vote. For years, we've heard the argument that requiring photo ID is a hardship or will in some way disenfranchise a voter. Knowing that anyone opening a post office box is required to show two forms of ID, one of which is a photo ID, and any adult receiving mail in a post office box that has been opened is also to show two forms of ID, one is photo. I've worked for the postal service for over two years and I have never had any time that someone doesn't come up with a photo ID. I believe it is appalling when individuals want to focus on the inconvenience perhaps of showing a photo ID or going to get one to register to vote. Having a son that had served in the military, I think of how much that so-called inconvenience has cost others as they went to protect our freedoms and our right to vote. I would simply like to ask you to support LB111 and send it to the floor. And then I'd add something else. Since you rolled these two bills together, I didn't have all this written down. But the vote by...the absentee ballot is not the only one that sometimes lacks some secrecy. It bothers me where I go to vote, I've asked them why it is and I'm told, oh, that's the way it is. We're in a small area. We go and we vote and then they tell us to walk over to the ballot box and lift the lid, lay our ballot face down, put the lid back down, and walk out. And I say to my husband as we go back out and get on the motorcycle to leave, yeah, and who just looked at my vote. (Laugh) So I think we have some cleanup in a lot of issues, but I do think this is a very important first start. And I think going like Kansas does sounds great. I didn't even know all the things that they have done, but that was great. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Ms. Wilmot. Are there questions? Seeing none, thank you for your testimony. Additional proponent testimony. And I'll again remind anyone if the front two rows have some vacancies if you wish to testify in favor of either of these two bills to come sit in the front row now. Welcome. [LB111 LB121]

JIM NIPPER: Welcome, yes. Thank you. My name is Jim Nipper, that's spelled J-i-m N-i-p-p-e-r, and I'm here in support of LB111 and I want to thank the committee for hearing my testimony today. And I want to also thank Kris Kobach from Kansas for coming up. I wasn't expecting that. I was very glad to hear him and very informed. The last hearing regarding Nebraska voter identification that I attended was a couple of years ago, I believe, and it was disappointing in many respects. As I recall, many of the opponents of voter identification measures mischaracterized many aspects of voter identification efforts. Maybe the most troubling was the notion that efforts to promote voter identification are a pretext for keeping some voters from going to the polls or voting. This is, of course, absurd. I've been following efforts to pass voter ID bills in various states in the U.S., including ours, and have discussed such efforts with a variety of advocates, proponents, and activists, as well as rank-and-file supporters. In all that time, I have never, not even once, heard anyone say, mention, insinuate, or imply that their efforts were motivated by such intentions, whether they were prominent political figures or whether they were anonymous posters to on-line forums. Where did this modern myth get started? With some very isolated incident of voter suppression or in the minds of and meeting rooms of opponents? Well, of course, I can't say because I

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have no proof one way or the other. But let's get beyond the battle and more to the substance. There's an idea that voter ID is only needed when there's evidence of actual voter fraud. Well, imagine if you will this hypothetical scenario. You decide to make a deposit in a new local bank, so you walk into the lobby and find much to your surprise millions and millions of dollars piled up on the lobby floor. When you ask the teller why all that money is on the floor, he replies, oh, well, we always keep our money there. We decided a vault was a waste of money since we've never been robbed before. Of course, the bank's logic defies logic. So why would opponents of voter ID efforts use the same kind of reasoning with regards to protecting our country's most valuable political asset, the legitimacy of elections, and the power and sanctity of the vote? At the last hearing about voter identification, Senator Avery had a hard time remembering that the Second Amendment rights are another basic American right that requires a substantial amount of identification upon the exercise of that right, whether a citizen is buying a firearm or whether a permit holder is carrying a concealed weapon in legally designated areas. I wonder if the Nebraska state Legislature is willing to pass a bill declaring that Nebraskans no longer need to present a purchase permit when buying a firearm or no longer need to have their concealed carry permit with them when they're legally carrying a concealed weapon. Even the most pro-gun right folks would be against this. They know that to protect gun rights, efforts need to be made to ensure that those who would illegally exploit those rights aren't allowed to do so. And so it is with voter identification. I'd also like to say that...I'm out of time. I'm sorry. [LB111 LB121]

SENATOR MURANTE: Let's see if we have any questions for you. Are there any questions for this testifier? All right, seeing none. Thank you very much. [LB111 LB121]

JIM NIPPER: You bet. [LB111 LB121]

SENATOR MURANTE: Additional proponent testimony. Welcome. [LB111 LB121]

JEFFREY RUE: Hi. Good to see you, Senator. I'm glad to be here. I'll try not to be too loud in talking into the mike. My name is Jeffrey Rue, J-e-f-f-r-e-y, Rue, R-u-e, and I'm from Omaha, Nebraska. I'm in Douglas County. I did like what you said, Senator, about the envelope and separating the two and that the issues would be separate. However, I was shaking my head and I caught myself thinking I don't think that's right in the testimony before where it was read, show and/or solicit to show your ballot as it's marked. And I think that that purpose, maybe the research analyst could help you, that it's so that other people don't know that they bought your vote or you're not trying to show other people how they should vote. And I would just suggest that the intent is not to protect the election commissioner's deputies from finding out how you voted, because they count the vote. And I think that Dave Phipps, our election commissioner, would see any violation of that by election officers as something that would be handled internally by him and his office and his supervision. I hope you do prosecute offenders that you mentioned before. I'm happy that you're a part of the interstate compact and I hope to

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see more people use that in other states. I had a reservation about student IDs because I went to a college where most of the people were from abroad, not just out of my state but out of my country, one of the colleges that I went to. So I have a problem where I know that...I asked out a lot of African gals, some where white, some were black, some had double citizenship and some did not. And so it didn't really matter, you know, to me if they could show me a student ID. It didn't tell me enough about them if I were going to let them vote should they come to me as an election official. I like the idea of your separate folder. I think I said that. I disagreed with the analogy, the geometry where you go smaller and smaller because the senator didn't tell us anything about what measures were taken to find the errors. I also would urge you to include in your bill where you could bring it in later and that the Secretary of State could write those rules. And it's also very difficult for me as a person who's politically active to go around and get someone removed from the list who's moved because the election commissioner cannot just take your word for it and they don't always have time to follow up on these dead people who are on the rolls who somebody else could take their name and request a ballot for them. And it happens at outstate where the election commissioners are multifaceted people and they cannot spend the time to chase down all the obituaries and remove the rolls, clean the rolls. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Additional proponent testimony. Welcome. [LB111 LB121]

PAUL VON BEHREN: (Exhibit 8) Thank you. I'm Paul Von Behren. My last name is...it's Paul, P-a-u-l, last name is two words, V-o-n B-e-h-r-e-n, from Ames, Nebraska. I have a little different spin on this whole topic. After the 2012 session watching voter ID try to make its way through the Unicameral, a group of us were, you can put in your own adjectives, we were either foolish, arrogant, ambitious, wise, I'm not sure what it is, enough to undertake a ballot initiative to get it on the ballot in 2014. We chose not to do it as a law, which would require about 80,000 signatures. We went for an amendment, which required 114,000. We missed that number by about 5,000. So during that time, I've been able to have a couple of thousand conversations with Nebraskans. I would think that the 79 percent cited in the Caltech/MIT study in Nebraska supporting voter ID is probably right. The other 20 percent gave me various labels and excuses, but it was an interesting debate. We had to dig back into some facts. So let me give you, these are a year old. They may have changed a bit but they're big enough I think you'll see that they're not substantial, there wouldn't be substantial changes. First of all, on the Secretary of State's rolls, there are 16,000 Nebraskans in the voter registration database that have no driver's license number or last four digits of the social security. They can neither be confirmed nor can they be removed. So there are 16,000 votes there that are up for grabs. The Secretary of State also compares their list of registered voters with the United States Post Office every six months. When we asked the Secretary of State, they told us that a fairly static number is 100,000 more addresses for

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registered voters in Nebraska than there are registered voters. And since all you need to vote is an address, some of those are dead, people are moved, whatever, that have not been cleaned up, but it's still 100,000 potential ballots sitting there. There are...registered nonvoters are some of the interesting ones because many election...even with the 47 percent voter turnout, that still leaves 600,000 registrations that are available to anybody that wants to buy the voter database. You could play with the numbers however you want, but if somebody chooses to use those you have a potential base there of, what, 100,000, 200,000 at any given time, 600,000 at max. But 100,000 to 200,000 at a given time. And to bring it down to earth, I believe in 2012 there were four districts in Omaha that were decided combined total of less than 1,200 votes. So the votes are more than ample. The final point that I thought was most interesting as we dug into it. Georgia has had voter ID for eight or nine years. They have found out that their minority, black and Hispanic, participation has actually increased. Texas has had the same experience. Of the survey in six battleground states in the 2012 presidential election, six key states, there was one verified case or, excuse me, alleged where there was one example of voter suppression. So my point is if you decide this statistically, voter ID makes a lot of sense. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there questions? Seeing none, thank you very much for coming down today. Appreciate it. [LB111 LB121]

PAUL VON BEHREN: Thank you. [LB111 LB121]

SENATOR MURANTE: Additional proponents wishing to speak. Welcome. [LB111 LB121]

BRIAN McALLISTER: (Exhibit 9) Senators, my name is Brian McAllister, M-c-A-I-I-s-t-e-r. I am not a lawyer; I don't represent any political group. I'm just a plain, ordinary, taxpaying citizen and a registered voter within Lancaster County. I would like you to know that I support LB121, also LB111. Having to present a photographic identification prior to receiving a ballot is the right thing to do. I'm required to show ID when I'm at a tractor supply store purchasing starter fluid so I can start my tractor. But anyone who knows my name and my address, which is public information, can go into my polling location, sign my name, receive a ballot, and vote without any proof of who they are. I don't understand why this hasn't been in place before now. I recently participated in an election through the mail, and no polling locations were used. When I finished marking my ballot and placed the ballot into the return envelope, folded in the same manner as received, and sealed the envelope, I was surprised that it was very easy to see through the envelope and see how I had voted. Of course, my printed name and signature was clearly identified on the return envelope. Having a separate sleeve for the ballot, hopefully one that's not see-through, which would be inserted into a return envelope makes a lot of sense. A concern I have is with the cost of the return postage

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for the ballot. Will a ballot with a sleeve, a return envelope, and potentially a photo ID copy exceed the weight limits required for postage delivery using only one stamp? I realize state law 32-949(3)--that's in page 22, line 16--requires the applicant to pay return postage. State law 32-952, "Special election by mail," subsection (7), which is included in the handout, requires the political subdivision to submit the application for ballots for early voting. By law, the political subdivision, because they are the applicant, is required to pay the return postage. However, Lancaster County Election Commissioner does not follow that law and requires the voter to pay the cost of postage. How will an increase in postage affect voter turnout in a special election by mail? This is a concern for me. You may also want to look at page 24, line 3, to be consistent. The word "may" probably should be "shall." Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Additional proponents wishing to speak. Welcome. [LB111 LB121]

AMBER PARKER: Hello. My name is Amber Parker, A-m-b-e-r, last name Parker, P-a-r-k-e-r. I had spoke with Senator Larson just a couple days ago, and I had told him I did not plan on coming, which was the case. But at the same time, I think it's very important, one, to say, thank you, Senator Larson, for introducing such an important bill. As I was sitting in my seat...this goes so much deeper than protecting us from voter fraud. We are a constitutional republic with a democratic process, and what we're doing here today is really protecting one's vote, is preserving our constitutional republic and our democratic process. We live in a technology age. We live in social media. I know doctors' offices now, when I go in, will take my picture. I believe that it is important for our state to be proactive. I am definitely a proponent for LB111 and LB121. Senator Bloomfield, I want to say thank you for asking how this would pertain to the Native Americans with the tribal ID cards. This is very important that we give those who are here legally the right to vote, as this was our founding fathers' heart and much blood was spilled to give us this great freedom. And so with this said, I, myself, the testimony I want to give, I have done an absentee ballot, both my husband and I, and I was greatly concerned. There was nothing covering. My information was just all exposed. So I do believe it is important. I believe that Kansas is a great blueprint for our state. This isn't a system that is just new that...it's not like it's a guinea pig trial. It has been tested and there are positive results. And that's all I want to say. [LB111 LB121]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Senator Groene has a question. [LB111 LB121]

SENATOR GROENE: Amber, are you proud to be an American? [LB111 LB121]

AMBER PARKER: I am proud to be an American. [LB111 LB121]

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SENATOR GROENE: Did it take a lot of effort and courage to come up there and make that comment you did? [LB111 LB121]

AMBER PARKER: It did, because I (laugh)...it definitely did, but to encourage others to come forward because that's really what it boils down to, and preserving the constitutional republic. [LB111 LB121]

SENATOR GROENE: Do you have much sympathy for somebody who should be proud to be an American that don't think they can stumble into a courthouse and get an ID? [LB111 LB121]

AMBER PARKER: You know, I think that's a great question, but I believe the attorney beforehand answered that to you, Senator Groene. I believe with what he said in the...again, I don't have any of that information. [LB111 LB121]

SENATOR GROENE: I just...I (inaudible). [LB111 LB121]

AMBER PARKER: But I believe with what he had done...and that's the whole point of saying that Kansas blueprint. And that gentleman who spoke today, he's more knowledgeable in those numbers than what I am. But I believe he addressed the question you had answered and I would refer that information back to him. [LB111 LB121]

SENATOR GROENE: Thank you. [LB111 LB121]

AMBER PARKER: Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Groene. Thank you very much for coming down today. [LB111 LB121]

AMBER PARKER: Thank you. [LB111 LB121]

SENATOR MURANTE: Are there any additional proponents wishing to testify today? Last chance. All right. Can I get a show of hands of how many opponents wish to testify? All right, let's get started. Opponents, please come forward. Same process as the proponents: please sit in the front row and we will hear all of your perspectives. Welcome to the Government, Military and Veterans Affairs Committee. [LB111 LB121]

GWENDOLEN HINES: (Exhibit 10) Thank you very much. Good afternoon, Senators. [LB111 LB121]

SENATOR MURANTE: Let me have you hold on for just one second while we quiet down just...please. Proceed. Thank you. [LB111 LB121]

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GWENDOLEN HINES: Okay. Good afternoon. Thank you for listening to me speak. My name is Gwendolen Hines. That's G-w-e-n-d-o-l-e-n; and Hines is H-i-n-e-s. I know of four people who would probably no longer vote if this voter ID law passed. They all voted in the last presidential election. All of them are of sound mind, and all but one of them are wheelchair bound and cannot wheel themselves. None of them have cars. One of them is 47 and has MS and cannot sign her name and has her husband help her vote by mail ballot. She is housebound. I know it would be very difficult for her to go out and get a new ID. So she votes by mail. So I guess according to this law as it's been presented, she would still be able to vote by mail without an ID. But if you included an ID for voting by mail, she would no longer be able to vote although she is a regular voter. One is 59 and has Parkinson's and lives at Tabitha and would not be able to get an ID unless he took Tabitha's bus to the DMV, which costs \$50 round trip. And he would have to take a friend to help him get from the bus to the counter where he could apply for the ID because he can't push himself. He has a lot of friends and might be able to find someone to help him, but still it would be a hardship for him. The third person I know of is 75 and also lives at Tabitha and would have to take the Tabitha bus to get his ID. He has no visitors besides me. I am the only person who will go with him to get an ID, which I would do, but he would probably think the whole thing not worth it and give up voting. There must be other people in nursing homes that have no one to help them get an ID. The fourth person I know is about 40 with a teenage son. She is poor and has no car and has no driver's license. I could give her a ride to the DMV to get an ID, but she works all the time and her work would not let her off during the business hours of the DMV. There must be other poor people without cars who don't have anyone to give them a ride and who cannot take time off work to get an ID. If I, myself, know of four people whom this law would adversely affect, there must be many others. This law would keep the poor and elderly from voting. It's not fair. As far as I know, there is no evidence of voter fraud in Nebraska. I never...people talk about that they're afraid that somebody will come and use their name to vote, and I just never heard of that happening. According to George Washington University law professor Spencer Overton, a former member of the Commission on Federal Election Reform, "the existing evidence suggests that the type of fraud addressed by photo ID requirements is extraordinarily small and that the number of eligible citizens would be denied their right to vote as a result...is exceedingly large." That's all I have to say. Thank you very much. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Appreciate it. Additional opponent testimony. Welcome. [LB111 LB121]

JEANNETTE JONES-VAZANSKY: (Exhibit 11) Welcome. Thank you. Good afternoon. My name is Jeannette Jones-Vazansky, J-e-a-n-n-e-t-t-e J-o-n-e-s-V-a-z-a-n-s-k-y. Long name, (laugh) it's actually Jeanette Eileen Jones-Vazansky. Thank you for

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allowing me to testify before you today. Senators and members of the Government, Military and Veterans Affairs Committee, on behalf of the Lincoln Alumnae Chapter of Delta Sigma Theta Sorority, Inc., I have come today to voice our opposition to LB111 and LB121 on the ground that both bills will result in voter suppression in the state of Nebraska. It is fitting that we testify here today as the first public act of our sorority was to participate in the Women's Suffrage March (sic--Parade) in 1913. Since that date, we have continuously opposed any legislation that deprives citizens of their constitutional right to exercise the franchise. As a chapter, Lincoln Alumnae has consistently opposed voter identification bills and others that we deem prohibitive to citizens' ability to vote. We opposed LB239 in 2012 and LB381 in 2013 and testified before this committee. Our opposition to the bill today...the bills presented today rests on the same logic. If the 2010 and 2012 national elections were any indication of the impact of voter identification legislation, then we know that disproportionately low-income African-American voters, especially women, found their right to vote challenged by legislation passed in Pennsylvania and Ohio, among other states. According to the Brennan Center for Justice, there is an alarming increase in the number of state governments across the country enacting new laws to make it harder to register to vote or simply to vote. More states are requiring voters to show government-issued, whether state or federal, photo identification, often of a type that as many as one in ten voters do not have. LB111 and LB121 are examples of such legislation. As early as 2010, state legislators warned against voter legislation that forced voters to use provisional ballots if they could not show ID. State Senator Kathleen Clyde of Ohio claimed thousands of voters who used provisional ballots did not have their vote counted. According to election day survey report of the U.S. Election Assistance Commission of 2008, "California, New York, and Ohio reported the highest numbers of provisional ballots cast, accounting for 59.4 percent of the nation's total." What we found out in the end is that many of those people fell into those categories. Let me close by affirming a couple of things: first, that there is no voter impersonation or fraud...excuse me...there is no voter impersonation or fraud problem in the state of Nebraska. I testified--I think this is now my third time--and I still have not seen that evidence. And I think that the financial burdens that will be placed on our state to enact these laws and the provisions that are in these laws would be prohibitive and Nebraska voters will be prevented from voting. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. [LB111 LB121]

JEANNETTE JONES-VAZANSKY: Thank you. [LB111 LB121]

SENATOR MURANTE: Next opponent. Welcome to the Government Committee. [LB111 LB121]

JOE GRUBER: Thank you. Thank you. My name is Joe Gruber, J-o-e G-r-u-b-e-r, and I

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am the executive director of Extempers for Prosperity, the super PAC and also the nonprofit as well. Today, I'd like to talk about my opposition to LB111 and LB121 because this will disproportionately affect the poor in a bad way. See, voting is the time when all citizens across America, regardless of their socioeconomic background, can come together and act as one person on the same playing field, which we all vote together because one vote equals one vote per person, except for the electoral college. But anyway, what we're talking about today is that Nebraska already requires an ID when registering to vote. I know this because I am a registered voter and I had to show my driver's license when registering to vote. So the question is, why do we need to show another ID when going to the polls today when you already had to show one? And other people have brought other examples, such as Texas, in which they had their own voter ID law. But we need to look towards a New York Times article on October 18, 2014, in which they stated that this new, stricter voter ID law disenfranchised the poor because the poor did not have enough money to get this proper identification from the DMV offices. And this is to a fact that there's only 86 DMV offices in all the 200-plus counties in the state of Texas, and so that these poor here lack the ability to get the transportation to go to the DMV offices and to pay the money to get this certain voter ID inside these DMV offices. So because of this lack of transportation and lack of money, the poor here had the ability to not get the voter ID and, thus, register to vote. In another New York Times article around November 21, 2014, they showed that 271,000 fewer people turned out in an already dismal midterm election. I know many people here are talking about how great we...Kansas had a 50 percent electoral turnout. But 50 percent, that's half of the people registered to vote in that state. We need to have a voter turnout of around 80 to 90 to 100 percent turnout for this election. And so, furthermore, what we need to talk about today is that this voter fraud is basically nonexistent. And I read the Omaha World-Herald today and I saw that article in the newspaper, and that's the reason why I'm testifying today. There had been only a handful of cases in the state for voter fraud turn up, so I don't see why we need to have a voter ID to eliminate this so-called fraud in the state in the first place. So my closing remarks: What we can see today is that voter ID laws is something like the new legislative term limits. It doesn't kick bad senators out; it bars good senators from staying. The same goes for voter ID: it doesn't stop violators; it just prevents citizens from exercising the right to vote. Thank you very much. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. [LB111 LB121]

JOE GRUBER: Thank you. [LB111 LB121]

SENATOR MURANTE: Next opponent. Welcome back to the Government Committee, Ms. McLarty. [LB111 LB121]

BRI McLARTY: (Exhibit 12) I know. It's been awhile since I was a page. I think that was

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before your time. [LB111 LB121]

SENATOR MURANTE: I think so. Welcome. [LB111 LB121]

BRI McLARTY: Thank you. Members of the Government Committee, good afternoon. My name is Bri McLarty. That's B-r-i M-c-L-a-r-t-y. And I'm the director of voting rights with Nebraskans for Civic Reform, and I'm here to represent NCR's opposition to both LB111 and LB121. NCR strongly opposes the voter ID provisions in both bills as implementation of these provisions will cost the state money while burdening distinct populations of Nebraska voters, all to solve the nonexistent problem of voter fraud. There are several organizations here today to discuss the negative impact that voter ID will have on specific populations, but I will be limiting my testimony to the cost burden on the state, the counties, and the individual voter in general. For the cost to the state of Nebraska, voter ID will cost the state of Nebraska and local counties significant tax dollars. We have the benefit of looking at what other states have implemented, similar...what other states that have implemented similar provisions have suffered economically. The fiscal note for Indiana's voter ID law estimated issuing only about 77,000 state IDs, amounting to an estimated loss in revenue and cost of about \$700,000. Now, seeing this on the other side, in 2010 Indiana reported a loss of \$3 million for materials, production costs, and lost revenue, and from 2007 to 2010 Indiana paid over \$10 million for their voter ID law. The fiscal note on LB111 lowballs the estimate of lost revenue based on the hypothetical that those that are indigent wouldn't have bought IDs anyway. This flawed logic is similar to what Indiana thought and they are now paying \$3 million annually, much higher than the \$700,000 estimated. In addition, it...the fiscal note estimates 33,000 state IDs that will be issued, but based on recent population estimates and the most recent DMV annual report, about 200,000 Nebraskans currently do not have a driver's license. If we were to issue these driver's licenses to Nebraskans at the current cost of \$26.50, we'd be looking at a bill of about \$5.3 million. In the Omaha World-Herald article this morning, the Secretary of State estimated about \$300,000 for education to educate voters on the voter ID law. Indiana spent over \$2.2 million. As for the cost to the counties, the number of provisional ballots used will increase under voter ID law. It is estimated at cost to county \$33 per provisional ballot to process, verify, and then certify. Provisional ballots are supposed to be a constitutional backstop, a way to ensure that an individual who can legally vote has the opportunity. This opportunity should be preserved, but it shouldn't be used to...and abused in passing an unconstitutional burden on those voting. In short, also, outside of the price to renew or update a license, Nebraska voters face a burden of accessibility. Organizations here today will discuss the money and time urban voters face; but for me, I'm going to focus on the rural areas. To comply with LB111, a voter will need to obtain a new license when they move or change their name. These changes bar them from utilizing the DMV's on-line renewal services; therefore, a voter must trek down to the local DMV branch to get their new license. In some areas, the DMV branch is open once a month; others, alternating weeks; some, once a week but then not over the noon

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hour. If 2015 were an election year, a voter in Dixon County could move in October, have three weeks to register to vote but, yet, be unable to obtain a new license under the...until two days after the election. This bill disproportionately impacts rural voters, placing an undue burden on their ability to comply with a strict voter ID law. Voter ID laws are costly, unconstitutional, and unnecessary. Other states are spending millions on this type of legislation. We should learn from their mistakes and spend the money to modernize our election system, not disenfranchise voters. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there questions? Senator Craighead. [LB111 LB121]

BRI McLARTY: Yes. Hi. [LB111 LB121]

SENATOR CRAIGHEAD: Hi. Thanks for being here today. [LB111 LB121]

BRI McLARTY: Sure. [LB111 LB121]

SENATOR CRAIGHEAD: You've got great statistics and numbers on driver's licenses, and if we have to...you know, if people have to redo a driver's license. [LB111 LB121]

BRI McLARTY: Yes. [LB111 LB121]

SENATOR CRAIGHEAD: Have you also looked at other forms of ID, besides just a driver's license, as far as your statistics? [LB111 LB121]

BRI McLARTY: Based on the language of LB111, it is limited to right now a state ID or a state driver's license. A military ID or passport would not be, because there is an address verification requirement at the polls. So tribal IDs are one that could or could not. And I've spoken with Judi with the Nebraska Commission on Indian Affairs, and it's up to the tribe to decide what they actually want to put on their tribal IDs. Some have photos; some don't. Some have addresses; some don't. And so that's something that, if it were to be allowed under that kind of catchall provision in Section 3, it would still have to have an address and a photo. And to date, a state driver's license and a state ID are the only ones I know of that have both of those. [LB111 LB121]

SENATOR CRAIGHEAD: Thank you. [LB111 LB121]

BRI McLARTY: You're welcome. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Craighead. Are there additional questions? [LB111 LB121]

SENATOR HANSEN: I would. [LB111 LB121]

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SENATOR MURANTE: Senator Hansen. [LB111 LB121]

BRI McLARTY: Yes. [LB111 LB121]

SENATOR HANSEN: Thank you for testifying, Ms. McLarty. I heard you mention comparison to Indiana and the effects of the Indiana law. Since it's come up before, I wanted to get your opinion if there are any similarities or differences between this proposed legislation and the Indiana law. [LB111 LB121]

BRI McLARTY: Yes. I think the Indiana case, the Crawford v. Marion County, isn't one the state should necessarily hang its hat on. While it did go to the Supreme Court, that was challenged under federal law; and the federal is kind of the minimum base of what states have to do to protect rights. States can expand and make more protections, which is what Nebraska has done in its state constitution under...in the Bill of Rights under Article (sic) 22, it says, "no hindrance or impediment." So the burden of argument that Senator...that Justice Stevens talks about in that...in his decision may not necessarily translate if, say, this were to be sued...to be brought suit in a state court here in Nebraska. Also, in talking about a parallel between Indiana and the Nebraska law, there are some key differences that I'm...that I think that the state should consider when looking at this law and possibly relying on the Supreme Court case. First of all, Indiana driver's licenses are significantly less expensive than Nebraska driver's licenses by about \$10 apiece. They also didn't have the indigent provision. It was just a free ID in general, and their driver's licenses lasted ten years, as opposed to five years. Also, it did not have the address verification. So that's some key, very big points that are different in the Indiana law that was upheld versus the law that we're seeing today. [LB111 LB121]

SENATOR HANSEN: Great. Thank you. And I wanted to just follow up. I think it...well, a lot of people here for...have been referencing laws in various other states. So I just wanted to ask, were there any other studies or available options on the impact of voter ID both in terms of cost of driver's license or turnout or what have you? [LB111 LB121]

BRI McLARTY: Yeah. [LB111 LB121]

SENATOR HANSEN: Considering we've referenced the many states that have this, I just assume there should be a wealth of data available to us. [LB111 LB121]

BRI McLARTY: Yes. And with...while I appreciate the Secretary of State from Kansas bringing forward his information, statistically, when you're looking at what the impact would be, you want a little more than just one or two election cycles. I think to see the actual impact we'd want a lot longer before we say definitively, especially given the fact that there are so many varying studies. He cited his. There was a GAO study that was

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requested by the Senate Judiciary Committee that actually showed a decrease, but they did make the same point, that we see a decrease; however, you know, it's one of those situations we don't have enough data. But there still was a 1.2 to 3.2 percent decrease when studying Kansas and Tennessee. So I'd be happy to get the GAO study for you if you'd like it, and for the rest of the committee members. [LB111 LB121]

SENATOR HANSEN: Great. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Hansen. Any additional questions? Seeing none, thank you very much for your testimony today. [LB111 LB121]

BRI McLARTY: Thank you. [LB111 LB121]

SENATOR MURANTE: We are proceeding with opponent testimony. Welcome to the Government, Military and Veterans Affairs Committee. Welcome. [LB111 LB121]

SHERRY MILLER: (Exhibit 13) Yes. I'm glad to be here. My name is Sherry Miller. That's spelled S-h-e-r-r-y M-i-l-l-e-r. Mr. Chairman and members of the committee, I am president of the League of Women Voters of Nebraska, and I'm here to speak against LB111 and the photo voter ID provision of LB121. I kind of like the idea of the sleeve, myself, that could be separated. For nearly 95 years, the League of Women Voters has registered voters and sought to protect the rights of those voters to freely access their polling sites and ballots. Among the groups we've registered are college students who can choose to register using their campus or off-campus address as their primary residence. When I registered students at Nebraska Wesleyan University last September, many expressed real enthusiasm, not to mention relief, at being able to vote here in Lincoln, Nebraska, no matter their original home residence. If LB111 and LB121 are passed, these same students would be forced to change their driver's licenses, whether due to a change of address in state or from out of state, and pay a fee of \$26.50 in order to vote legitimately under voter ID restrictions as outlined in LB111 especially. Research data on the percentage of undergraduates attending college in Nebraska who are from out of state showed one particularly startling fact: that 75 percent of the incoming undergraduate class in 2014 at Creighton University was from out of state. And granted, it's a small university; it's still a lot of kids. Even Chadron State had an out-of-state, under-graduation (sic--undergraduate) population of 38 percent in 2011. A survey of voting rates over the years of 1964 to 2012 for different voting age groups showed that 18- to 24-year-olds had a significant increase among all age groups between 2000 and 2008. There was only a slight uptick in voter participation among all other age groups in 2008. And you'll note at the bottom that this came from the U.S. Census Bureau. This turnout among younger voters is exactly what we should all be applauding and encouraging as we head into another presidential election cycle. Another group that could be adversely affected are high school students who board in Lincoln in order to attend Helen Hyatt School on the Union College campus. Many have

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parents who are overseas missionaries, and many of these young people--in fact, almost all of them--have driver's licenses obtained in other states before coming to Lincoln. Why should we assess what amounts to a poll tax of \$26.50 on high school students of voting age in order for them to meet the strictures of a voter ID law? When the League conducts voter registration at the high school site, students are eager to get registered and take another step on their path to adulthood. I believe these bills would place an unnecessary obstacle to the constitutional right of these young adults to vote, and I ask you not to advance either bill. Each would be a costly and unnecessary government regulation. And I got done just in time. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Senator Craighead has a question. [LB111 LB121]

SHERRY MILLER: Yes. [LB111 LB121]

SENATOR CRAIGHEAD: Hi, Sherry. [LB111 LB121]

SHERRY MILLER: Hi. [LB111 LB121]

SENATOR CRAIGHEAD: Thanks for being here today. [LB111 LB121]

SHERRY MILLER: You're welcome. [LB111 LB121]

SENATOR CRAIGHEAD: I have a question. Great statistics on Chadron and Creighton. What are your statistics with out-of-state students at UNL, which is our largest university in the state? [LB111 LB121]

SHERRY MILLER: UNL is under...it's about 21 percent, if I recall what I read, and UNO probably slightly less. Chadron is the one that really struck me because I'm thinking maybe South Dakota and Wyoming are sending students to Chadron. But I could get that...I could get those exact numbers if you want them. [LB111 LB121]

SENATOR CRAIGHEAD: I was just curious. Thank you so much. [LB111 LB121]

SHERRY MILLER: Um-hum. You're welcome. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Craighead. Senator Bloomfield, then Senator Hansen. [LB111 LB121]

SHERRY MILLER: Okay. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you, Ms. Miller. In your statistics that tell you how many voters or how many students are from outside states, do you have any statistics

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that would tell us how many of those vote absentee in their home state? [LB111 LB121]

SHERRY MILLER: Nope. I don't. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you. [LB111 LB121]

SENATOR MURANTE: Senator Hansen. [LB111 LB121]

SHERRY MILLER: I can tell you a lot of them would just as soon not have to go through that process. Go ahead. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Hansen. [LB111 LB121]

SENATOR HANSEN: Yes. Thank you. And thank you for testifying, Ms. Miller, and thank you for bringing up...as the resident youngest person of the Legislature, I feel I have to thank you advocating on behalf of students... [LB111 LB121]

SHERRY MILLER: Okay. [LB111 LB121]

SENATOR HANSEN: ...as well as bringing up constituents in Nebraska Wesleyan University. I just wanted to clarify for the record. So currently, students can choose their permanent address either in state or in another state or choose the campus address? [LB111 LB121]

SHERRY MILLER: If they desire, if they so desire, once they've come to a campus address, whether it's from Kearney or wherever they live in Nebraska and they come to Lincoln to attend school, they can put that address on as their choice of residence in order to register to vote. Yes. And I checked that out with the Secretary of State's Office yesterday. [LB111 LB121]

SENATOR HANSEN: Okay. And is that...do you know if that's a common trend nationwide or governed by federal law or case law? [LB111 LB121]

SHERRY MILLER: Well, I think it is a federal law. That may have been challenged in a few states, but I do believe it is a federal law. [LB111 LB121]

SENATOR HANSEN: Okay. So under this identification requirement, we would have this conflict with a...with either a law, and we could look into that, or a precedent where students can choose one of two addresses which they consider their residence but wouldn't necessarily have to, say, retitle their car? [LB111 LB121]

SHERRY MILLER: Oh, I don't know. [LB111 LB121]

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SENATOR HANSEN: This...all right. [LB111 LB121]

SHERRY MILLER: I hadn't even thought about retitling a car in consideration of that. [LB111 LB121]

SENATOR HANSEN: I guess my point was more since they...I guess, with driver's licenses, just establishing that they currently could, you know, say, be a registered voter in, say, UNL's campus in one of the dorms but still have an outstate--out, you know, in the western portion of the state--or a different state's driver's license. [LB111 LB121]

SHERRY MILLER: Well, you know, when you register to vote, you can also use the last four digits of your Social Security number. You don't even have to show a driver's license. [LB111 LB121]

SENATOR HANSEN: Okay. [LB111 LB121]

SHERRY MILLER: I mean that's one alternative to that. But that brings up an interesting question. I guess my point is, is that a student, you're going to assume they're going to be here for four years, possibly six, and that if they intend to vote through that time this would make it easier for them and it...but at the same time though they should let their other county or state know that they've changed their voter registration. And we used to have a process for taking care of that when we registered voters. We had a card they could fill out which we would then send to the county or the other state saying, you need to remove this person from your voters' rolls. We don't do...the volunteers who do the registration don't do that anymore. I don't know why. [LB111 LB121]

SENATOR HANSEN: Okay. [LB111 LB121]

SENATOR GROENE: I have a question. [LB111 LB121]

SENATOR MURANTE: Senator Garrett, then Senator Groene. [LB111 LB121]

SENATOR GARRETT: Thank you, Mr. Chairman. I guess I'd really take exception with the idea of calling it a poll tax. If a student is in this state and wants to vote in this state and they have an out-of-state driver's license, they are required--being a military guy, I know this--that you have to get...you have to give up that out-of-state driver's license and get an in-state driver's license if you're going to, in fact, take up residence here, and you've got a limited amount of time to do that. And so that would be a requirement for...you know, you can't be...if you're going to claim Nebraska residency, you need a Nebraska driver's license, so. [LB111 LB121]

SHERRY MILLER: I'm not sure the bill even...I don't know. Good point. [LB111 LB121]

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SENATOR MURANTE: Thank you, Senator Garrett. Senator Groene. [LB111 LB121]

SENATOR GROENE: As the League of Women Voters, don't you encourage the students to vote in their home districts so they can take part in their school boards and their county commissioners and the people that they know? [LB111 LB121]

SHERRY MILLER: We don't limit that. No, sir. [LB111 LB121]

SENATOR GROENE: I mean you don't encourage that? [LB111 LB121]

SHERRY MILLER: Well, I'm sure... [LB111 LB121]

SENATOR GROENE: You give them that option or you just go in and try to get them to register here in Lincoln and affect the outcomes here? [LB111 LB121]

SHERRY MILLER: We are just trying to give them a chance to vote in a way that is the least impediment to their being able to do it. [LB111 LB121]

SENATOR GROENE: But you do tell them that if they want to take part in their local elections they should do absentee? [LB111 LB121]

SHERRY MILLER: Well, no, we don't. [LB111 LB121]

SENATOR GROENE: Well, it might be something you might do. [LB111 LB121]

SHERRY MILLER: Well, it's a possibility, yes. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Groene. [LB111 LB121]

SHERRY MILLER: Okay. Okay. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony today. [LB111 LB121]

SHERRY MILLER: You're welcome. [LB111 LB121]

SENATOR MURANTE: Welcome to the Government Committee. [LB111 LB121]

PEGGY ADAIR: (Exhibit 14) Thank you, and good afternoon, Chairman Murante and members of the committee. For the record, my name is Peggy Adair, P-e-g-g-y A-d-a-i-r, and I represent the League of Women Voters of Greater Omaha. The League of Women Voters opposes all forms of voter suppression, including proposals to require specific forms of photographic identification in order for a citizen to exercise her or his right to vote. Diligent and systematic academic research provides factual evidence that

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voter ID laws are biased, racist, and oppressive. It is not our opinion. It is research-based fact that voter ID laws suppress political participation of minorities, young people, and the elderly; that restrictive election rules discourage lower income voters and exacerbate economic insecurity; that photo identification and proof-of-citizenship laws reduce voter participation among low-income and minority groups; that mythical threats of voter fraud stoke social prejudices and are used to make new voter restrictions seem reasonable; that public support for restrictive voting laws is influenced by negative attitudes towards immigrants and minorities; that political ideology, party identification, and racial resentment influence support for voter ID laws. Fox News viewers are particularly likely to support voter ID laws while no other forms of media use are specifically related to support. The exact citation for all of this research can be found on the back of my written testimony. These are the facts, borne of carefully crafted research from a broad range of scholars, from a broad range of higher education campuses across the United States. And as the saying goes, we are all entitled to our opinions, but we are not entitled to our own facts. The League of Women Voters urges this committee to consider the factual evidence, rather than biased opinion, and indefinitely postpone LB111 and LB121. And while I have one more minute, personal note: I have lived in the same house for 32 years, voted in the same little elementary school for 32 years. If either of these bills passes, I will be disenfranchised because the name on my voter registration is the name on my birth certificate: Margaret. The name on my driver's license is the name that I have gone by since that birth: Peggy. The names don't match, so I would not be allowed to vote, even though I have been voting in the same little elementary school, same house, 32 years. Did I scare you all? [LB111 LB121]

SENATOR MURANTE: Is that the end of your remarks? [LB111 LB121]

PEGGY ADAIR: That is the end of my remarks. (Laughter) [LB111 LB121]

SENATOR MURANTE: Thank you. Are there any questions? Seeing none, thank you very much for your testimony. [LB111 LB121]

PEGGY ADAIR: You're very welcome. [LB111 LB121]

SENATOR MURANTE: Welcome to the Government Committee. [LB111 LB121]

ERIN COOPER: (Exhibits 15 and 16) Hello. My name is Erin Cooper, and I am a senior global studies and French double major at the University of Nebraska-Lincoln. I am also the chair of the Government Liaison Committee for UNL. [LB111 LB121]

SENATOR MURANTE: Can I have you spell your name real quickly, please? [LB111 LB121]

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ERIN COOPER: Oh. Yes, sir. E-r-i-n C-o-o-p-e-r. [LB111 LB121]

SENATOR MURANTE: Thank you. [LB111 LB121]

ERIN COOPER: Today, I represent the Association of Students of the University of Nebraska, and I am here on behalf of the students and on behalf of UNL to implore you to oppose LB111 and LB121. This past year alone, our student government has devoted much of our time and effort to encouraging university students to be more civically active. This included using grant money to utilize a new program called TurboVote to register students. In just over two months, we were able to register over 1,100 voters. We have held multiple events to engage students, which include hosting the forum of candidates for U.S. Senate. University students care about politics, and they care about what happens right here at this Capitol, which is evident as in the last student elections. The university's rate of registered voters who voted was just shy of 70 percent. Voter ID bills, without a doubt, have a negative impact on student voting. We are a very transient population. We move around campus. We move around Lincoln. And yet, as students, we are guaranteed the right to vote wherever we feel is home: our dorm rooms; our apartments; our houses. If a student is not originally from Lincoln but is registered to vote here at the university, under LB111's address requirements they would be required to purchase a new government-issued license simply to vote. Students from out of state--Omaha, Crete, Grand Island, Kearney, Scottsbluff, O'Neill, all over Nebraska--if they are here at the university and wish to vote here, they would be not allowed to do so because they are not having that license here. The purpose of this bill has been said to protect the integrity of the Nebraska voting. But how can it protect our rights to vote if we won't be allowed to vote at all? The Nebraska Capitol has a very strong presence at the University of Nebraska-Lincoln. As students, we can see the Capitol Building from almost everywhere on campus. We see you all the way to our Nebraska Union where the Capitol Mall ends. Right now, we want to make sure that you see us as students because, if you saw us, you would see that the university has constituents from every district of Nebraska. You would see that we have a right to have a say in policies that affect us and our university, and you would see that these strict address requirements would silence many of the people that are merely a ten-minute walk to your north. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Senator Bloomfield. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you. [LB111 LB121]

ERIN COOPER: Yes, sir. [LB111 LB121]

SENATOR BLOOMFIELD: Do you have a student ID? [LB111 LB121]

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ERIN COOPER: I do, sir. [LB111 LB121]

SENATOR BLOOMFIELD: Is not a student ID included in this bill? [LB111 LB121]

ERIN COOPER: It is not. [LB111 LB121]

SENATOR BLOOMFIELD: Okay. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Hansen. [LB111 LB121]

ERIN COOPER: Yes. [LB111 LB121]

SENATOR HANSEN: Yes. Thank you, Ms. Cooper. I was wondering if you could just clarify kind of the status, as I addressed earlier with Ms. Miller, on students being able to register at, say, their parents' address or their campus address. [LB111 LB121]

ERIN COOPER: That...as a student, under federal regulations students are allowed to vote at the university without changing their driver's license. That is the same for university out-of-state students. They are not allowed to...not required--sorry, excuse me--to change their driver's license, but they are allowed to register here where they would register their university address, which happens to change quite often as we move dorms, dorms close for summer, and we move to apartments or other places. [LB111 LB121]

SENATOR HANSEN: Great. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much. Additional questions? Senator Bloomfield. [LB111 LB121]

SENATOR BLOOMFIELD: Were student ID included, would you drop your opposition? [LB111 LB121]

ERIN COOPER: No, sir, because it would still require a hindrance on students, especially since there is an address requirement. And we would then have to purchase either new student IDs, which are...I'm not sure. I think they might be more expensive than driver's licenses at this time. But the address requirement every time we would move would still...we would need to update our addresses because it wouldn't match where our...where we're registered. [LB111 LB121]

SENATOR BLOOMFIELD: If we were to also drop the address requirement? [LB111 LB121]

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ERIN COOPER: I'm not sure. As a spokesperson for the university, we would have to look into that. As of right now, our stance is no to voter ID bills. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you. [LB111 LB121]

SENATOR MURANTE: Additional questions? Seeing none, thank you very much for coming down,... [LB111 LB121]

ERIN COOPER: Thank you. [LB111 LB121]

SENATOR MURANTE: ...as a former ASUN senator. Welcome to the Government Committee. [LB111 LB121]

LYNN REDDING: (Exhibit 17) Thank you. Good afternoon, Senator Murante and committee. My name is Lynn, L-y-n-n, Redding, R-e-d-d-i-n-g. Today, I come in opposition of LB111. In my opinion, I think it hinders people with disabilities from the constitutional right to vote. It may seem like it's not a big deal to show an ID, but a high percentage of people in the disability community don't have one. And the state of Nebraska requires that you have your birth certificate to get the ID. Not everyone has access to that. Also, many people with disabilities have little or extremely limited access to transportation that will enable them to get to the DMV office to acquire a photo ID. People with disabilities have just as much right to vote as you do. Nebraska needs to make this process inclusive and ensure that the constitutional rights of everyone is thought of. I would be happy to answer any questions you may have. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Looks like we have more opposition testimony. As before, if you're in the back and intend on testifying in opposition, please, come forward and sit in the one of the front couple rows. Thank you. Welcome to the Government Committee. [LB111 LB121]

LAZARO SPINDOLA: (Exhibit 18) Good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. Thank you for receiving me today. My name is Lazaro Spindola. That's L-a-z-a-r-o S-p-i-n-d-o-l-a. And I am the executive director of the Latino American Commission. I stand in opposition of LB111. My reasons for doing so are partly because some elements in the language of this bill I find really confusing, but mostly because of what I think is missing in the bill. I have in front of me the green copy of the bill. On page 2, Section 1, it defines what the government-issued photographic identification means. In line 8 the bill reads: a document issued by the United States which shows name, photograph, expiration date. This could very well refer to United States passport, as the introducer of the bill mentioned when he was introducing the bill. But on page 7, Section 5, subsection (2),

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"no ballot shall be handed to any voter at any election until," and it goes on until section (c) in line 13, "The voter has presented a government-issued (photographic) identification," and then in line 17 it says, "and which shows the same name and residence address of the voter." I suppose this government-issued ID doesn't qualify because it doesn't have my address, even though you gave it to me. Senators, this is a United States passport. It doesn't have your address. This document that took me eight years to earn as a privilege, which is my proudest possession, is absolutely worthless if I go to vote, according to this bill if we are going to follow its language. And then on page 24, section (5), we have a provision for collecting fees for a state-issued ID--it is called an identity security surcharge--unless you declare yourself an indigent, in which case it's free. So what we have here is a government entitlement for some individuals which at the same time you get charged a government fee for others. As a taxpayer, I don't quite understand this concept. That's why it's confusing to me. I grew up in one of those countries, like one of the previous testifiers said, that voting was an obligation by issuing a national ID card which you had to show when you went to vote. They gave it to you for free. In fact, that's the way they tracked whether you voted or not, and now they have a little computer chip that will tell them immediately whether you voted or not, how many times, for whom you did. So totalitarian states do that. I don't think that's a path we want to follow. If I find the bill confusing, imagine how it would be for the 60,000 or so Latino voters in the state. I read a lot of bills and I find it confusing, so imagine how it would be for them. If this bill becomes law, it will require a tremendous educational effort that goes way beyond a simple sign that says bring your ID to vote. Such effort will have to be bilingual in at least three Nebraska communities and would have to be undertaken for every election. As a taxpayer, I am concerned with the cost that this would entail, but I am more concerned with the fact that I see no provision in the bill to finance this educational effort; neither do I see a fiscal note on the bill. And that will be all. Thank you very much. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Additional opposition testimony. Welcome. [LB111 LB121]

GAVIN GEIS: Chairman, members of the Government Committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am here representing Common Cause Nebraska. We're in opposition to LB111 for many of the reasons that were already noted here today. But I wanted to take a moment to address the question of whether or not this bill would fix the problems we actually face. When you examine voter fraud, what you find are numbers of possible fraud in the tens of thousands. But you dig deeper and those figures drastically decrease. This is because those initial large numbers are often based on database comparisons; yet, once you compare Social Security numbers, dates of voting, and check for data-entry errors, of which there are often many, you're left with just a fraction of the numbers you started with. A study of Wisconsin, of a Wisconsin election in 2004, illustrates this point: 37,180 voters were found to have registered with

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invalid addresses. But then, once they went through, culled the database, and looked at apartment numbers, transposed digits, mixed-up "street," "avenue," "boulevard," the vast majority of those were thrown out as actual complaints. Three hundred and seventy-six were found through these databases to be ineligible because of felony convictions, and that did actually lead to seven convictions because they were not allowed to vote. But it's worth noting that voter ID would not have stopped those cases. There are 83 people who allegedly voted twice, but this ended with no convictions. But it did stop at least 12 absentee ballots from being cast. Once again, as the law is written, voter ID would not stop any of the actual actions that were taken in Wisconsin. So does this bill fix the problems we actually face? While there are certainly cases of voter fraud, voter impersonation, the real issue that voter ID is aimed at rarely rears its head. Lying about felonies, registering at invalid addresses, and absentee voting show up in substantially greater numbers than voter impersonation ever does. Now I'd like to share with you a second set of numbers. A 2014 study by the Pew Research Center found that 94 percent of Americans that qualified as the most financially secure were registered to vote; 54 percent that were found to be the least financially secure were registered to vote. Likewise, that same study found that from the 2010 midterm that 69 percent of the most financially secure voted, while only 30 percent of the least financially secure voted. What these numbers point to is that we're unquestionably facing issues surrounding voting, but those problems are not ones of voter impersonation. And enacting voter ID would only serve to exacerbate the very real issues of low participation by our poorest citizens. The bill may include provisions for licenses for "indigents," but it doesn't provide a definition of indigent. Likewise, the bill doesn't address other very real issues faced by the poor, including transportation, distance, work flexibility, and birth certificates. At the end of the day, this bill does not fix the issues we're actually facing. Instead, it's a costly measure that would only serve as a hurdle for many people who are already underrepresented at the voting booth. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Mr. Geis. Are there any questions? Seeing none, thank you very much for your testimony. Appreciate it. Additional opposition testimony. Paper, rock, scissors? Welcome. [LB111 LB121]

ROBERT CORNER: Thank you. Senator Murante and senators of the Government and Military Committee, my name is Robert Corner, C-o-r-n-e-r. I'm a retired state employee. I worked at the Department of Motor Vehicles for over 33 years. I'm going to approach this problem a little bit different. I'm also an election inspector for Lancaster County. I've been an election inspector since the mid-'80s. I can tell you I've never had or I don't know of any fraud whatsoever at the polling place itself. The members of my board, three of them vote in that precinct, and most of them know everybody that votes in our precinct. If somebody would come up and say, my name is Joe Smith, and one of my board members would say...look at him and say, no, you're not, we would know. I'm sure even in rural counties it's probably even much more likely that one of the board

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members or the election inspector would know that individual who says he is when he signs that book, the first thing we do when they come in. And we ask their name and we ask their address. And usually, if we catch somebody not voting in the correct precinct, it's usually not voter fraud. It's just that they're not voting in the right precinct because they actually live in some other precinct. When they hesitate on that address, we start asking additional questions. Now, in DMV, I can tell you the most violated law we have is people who move, within that 30 days don't change their address on that driver's license. And we're going to have a valid ID on that driver's license, yet that address is not going to match. Now, normally, in those cases we're supposed to have them vote provisional. If you say we don't have to use the address and they tell us, no, they live in our precinct and they're in our book, we'll let them vote. But if that address is different, they have to vote provisional. Now if we have more people voting provisional because they don't bring in a driver's license or a state ID or some kind of card with an ID on it, a photo ID, we have to let them vote provisional. And I can tell you, probably, if this bill passes, we're probably going to have more votes that don't count of legitimate voters because an error is going to be made on that provisional ballot somewhere. The more we have, the more likelihood there is the chance of making an error on those. Every time somebody comes in and votes provisional, it's an additional 15-20 minutes with that person because there was a number of forms they have to fill out and sign. We have to go back then to the clerk and the blue book. They have a special place they've got to mark their names. They also have to mark that it was a provisional ballot at the end when we start counting ballots. If usually there's an error in the ballot counts, it's in a provisional ballot because somebody didn't check that little mark that it was a provisional ballot. So it takes longer than the counting ballots. But the big thing is, if something is wrong or an error on any of those forms in that provisional ballot, that ballot is not going to count. So I think by having...allowing this, we're going to have maybe legitimate voters' votes that don't count, instead of trying to solve a problem which I don't think exists of somebody trying to vote or impersonate somebody else to vote in your precinct. If there is going to be fraud in voting, it's going to be in those ballots not at the precinct but which you mail out ahead of time where somebody can get ahold of the ballot, check it, sign somebody's name, and send it back in. And those aren't required to have that ID. I see my time is up, so I'll stop there. [LB111 LB121]

SENATOR MURANTE: All right, thank you very much. Are there any questions? Seeing none, thank you very much for your testimony today. Additional opposition testimony. Welcome to the Government Committee. [LB111 LB121]

MAJOR MAYS: (Exhibit 19) Thank you. Chairman Murante and members of the committee, I would like to thank you for this opportunity. And today, I am speaking on behalf of the Lincoln Branch of the National Association for the Advancement of Colored People, commonly known as NAACP. And I'm speaking against LB121 and LB111. [LB111 LB121]

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SENATOR MURANTE: Would you spell your name for us, please? I apologize. [LB111 LB121]

MAJOR MAYS: Major D. Mays: Major, M-a-j-o-r; D., middle initial; Mays, M-a-y-s. [LB111 LB121]

SENATOR MURANTE: Thank you. [LB111 LB121]

MAJOR MAYS: The NAACP is a national organization with branches throughout the nation. It has a long history of standing up and to challenge civil rights and marginal...for civil rights in marginal populations, especially for people of color. The Nebraska branches of NAACP take seriously any and all efforts to establish barriers which prevent Nebraskans from participating in the political process; and these bills, LB121 and LB111, would establish additional and unnecessary barriers for participation. Just as literacy tests and poll tax that my father experienced in the South were used to discourage voters from participating, if passed, these bills would cause undue hardship on many of the citizens of Nebraska and discourage them from casting ballots for candidates of their choice. This disenfranchisement poses undue hardships on the elderly, on college students, on poor families, and others who must move often and/or must exist on limited resources. Several elderly members of my church expressed the potential hardship that required state IDs would pose on them. They're in their '80s and '90s and they're mostly widows and can no longer drive, and some of them have never driven. They have either transferred or may be in the process of transferring to more acute facilities because of health...declining health conditions. This undue hardship and expense would cause such persons...these persons to be disenfranchised. There is no documentation evidence of voter impersonation in Nebraska, the one thing that these two bills were to address. As others have stated, this bill is a solution looking for a problem. The Lincoln Branch of NAACP encourages you to vote against allowing these bills to even proceed from committee. Thank you for your service. And as a side line, no matter what the bills say, it reminds me of what my father says: If it quacks like a duck, if it walks like a duck, it's a duck, no matter how many feathers it may have or what color they may be. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions for the testifier? Seeing none, thank you very much for coming down today. Appreciate it. Welcome to the Government Committee. How many more opponents do we have after this testifier? Looks like a handful more. If you could please come to the front of the room, we'd appreciate it. Thank you very much. And welcome to the Government Committee. [LB111 LB121]

VICKIE YOUNG: (Exhibit 20) Thank you. I'll keep it short, sweet, and to the point since some of the testimony is repetitive. My name is Vickie Young. That's Vickie, V-i-c-k-i-e, middle initial R, Young, Y-o-u-n-g. And I am the president of the Omaha Branch of the

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NAACP and a registered voter here in the state of Nebraska. And I am writing in opposition of LB111, introduced by Senator Larson, and LB121, introduced by Senator Schumacher. Both bills will negatively impact and disenfranchise minority voters across the state of Nebraska. Voting is a constitutional right given the highest protection possible in Nebraska, which allows an individual to vote without hindrance or impediment. It's a right that my forefathers fought, cried, and died for, so that one day I could cast my vote and make decisions that impact my community. After viewing the movie Selma, dating back some 50 years, it's disheartening to realize that today LB111 and LB121 are no different than poll taxes and/or other hoops people of color had to jump through in order to vote. They're not as blatant as a church bombing but just as damaging. The NAACP is the oldest and largest civil rights organization, founded in 1909, and the Omaha Branch, chartered in 1912, continues to fight legislation that infringes upon the voting process and the right to vote. With the Lincoln Branch of the NAACP, civil and labor rights organizations, church groups, fraternities, and community associations, I ask that you protect our constitutional right to vote without hindrance or impediment. I ask that you exercise your right and vote against LB111 and LB121. Respectfully submitted, Vickie R. Young, president of the Omaha NAACP. [LB111 LB121]

SENATOR MURANTE: Wonderful. Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down. [LB111 LB121]

VICKIE YOUNG: Thank you. [LB111 LB121]

SENATOR MURANTE: Appreciate it. Next opponent. Welcome to the Government Committee. [LB111 LB121]

KATIE PITTS: (Exhibit 21) Thank you. Good afternoon, Senator Murante and members of the committee. My name is Katie Pitts, K-a-t-i-e P-i-t-t-s, and I'm here representing Nebraska Appleseed. Nebraska Appleseed is a nonprofit organization dedicated to working for justice and opportunities for all Nebraskans, and we are here in opposition today to LB111 and the voter ID components of LB121. As other testifiers have mentioned, the costs that voter identification requirements impose on counties, on the elderly, on low-income individuals, on individuals with disabilities, and on the students of Nebraska are great in response to a problem that is nonexistent throughout the state. And so that I'm not repeating any testimony that has been said before me, I just want to say that we echo a lot of the concerns that other testifiers have brought before the committee today. And I've also submitted a letter outlining some additional positions from Appleseed, so. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions for the testifier? Seeing none, thank you very much. [LB111 LB121]

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KATIE PITTS: Thanks. [LB111 LB121]

SENATOR MURANTE: Much appreciated. [LB111 LB121]

PRESTON LOVE, JR.: (Exhibit 22) If I stand up, does my clock start? No. (Laughter)
[LB111 LB121]

SENATOR MURANTE: We can if you like. Welcome to the Government Committee.
[LB111 LB121]

PRESTON LOVE, JR.: Thank you very much. My name is Preston Love, Jr., my...spelled P-r-e-s-t-o-n L-o-v-e. Those of you who don't know how to spell "love," shame on you. I appreciate the opportunity to speak before the committee, however, three minutes is not going to even get my...I can't even say nice things to you. I've got to get right to the point. I have a testimony that has been...is being passed out and the depth of what I have to say is covered there. I'm going to just give you the big picture. The big picture is that, being one of the oldest people in the room, I have lived through and have experience, personal experience with many of the "forefounders" of a very important civil rights movement that happened in the mid-'60s. I have either participated or know the participants well and have all of the back stories and the historical tragedies and for people who risked their life and lost their life for the right to vote. I bring to you a historical perspective as another way to look at my opposition to these two bills. I...what do we know? Well, we do know that in the mid-'60s many people were beaten, maimed, and killed, black and white, in order to get the right to vote. We know that violence was one of...just one of the many impediments that was created to bar Negroes from voting. Gerrymandering, grandfather clauses, literacy, and on and on and on, including poll tax, were many, many of the other impediments. What do I know? Well, I, for 35 years, have been involved. I know, as I mentioned, know many of the players. I know the reasons, notwithstanding pure racism, of the times. The real reasons that the Negroes were blocked to vote is because, by the numbers they had enough to vote anybody in and anybody out. And quite frankly, the citizens, the racists and bigots, quite frankly, were that, but they really wanted to protect their positions, ladies and gentlemen. It was about voting, blocks of voting, and being able to vote people out and in. And so I say to you, I know that historically but that in 2008 in my community, my beloved north Omaha, we did...all my people, they voted for Obama. And if you did the analysis, you knew precinct by precinct who voted for Obama. And guess what? In 2012, many of those polling places were closed by our election commissioner. And also, letters were written to one precinct. The president of the neighborhood association in that precinct is here with me. Letters were written to 1,300 voters and told them to go to a polling place that was closed. And so I say that it's still going on. And so what do we have here? Well, I think voter ID has been found around the country to disproportionately affect "poors" and minorities. There is testimony on both sides of that. I heard one testimony from the gentleman from Kansas, very compelling testimony about the statistics. But what I

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happen to know about the statistics is that, yes, voter participation went up, yes, because a lot of people got out and voted. But what he did not say in those statistics is that a lot of people got left out and are not in the statistics because they did not vote because of the voter ID in the great state of Kansas. So it needs to...we need to get beyond the surface. So the Civil Rights Act, which was a major piece of legislation...I see the red light. I would hope that...I would just leave you with two cliches. One--my friend said a good one--is that if it quacks like a duck, it is a duck. But the other one: If it is not broke, don't fix it. Let's don't put Nebraska on the list of states that are, quite frankly, not...in my humble explanation, are not trying to eliminate fraud. They're trying to eliminate blocks of serious voters who voted against what they believe in. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Senator Groene has a question. [LB111 LB121]

SENATOR GROENE: You know, you just recited a bunch of history... [LB111 LB121]

PRESTON LOVE, JR.: Yes, sir. [LB111 LB121]

SENATOR GROENE: ...of our United States. And I agree with you. You understand what we've gone through in this country to protect freedom of voters' rights, and I agree with you. [LB111 LB121]

PRESTON LOVE, JR.: Yes, sir. [LB111 LB121]

SENATOR GROENE: I want you to vote. [LB111 LB121]

PRESTON LOVE, JR.: Yes, sir. [LB111 LB121]

SENATOR GROENE: My belief is we have folks...with this massive immigration in the movement, that we're going to have people that might be able to vote that don't understand our history, don't understand the precious right to vote. I want you to vote. I want everybody in America that went through what you...to vote. But I resent any calls for racism because I'm not a racist. I'm not even thinking about that. I'm thinking about protecting what you and I know... [LB111 LB121]

PRESTON LOVE, JR.: Yes. [LB111 LB121]

SENATOR GROENE: ...of the history in this country and how valuable that right to vote is. And what's coming in the future with amnesty with people who didn't go to our public schools, didn't go through the marches you did in the '60s and doesn't understand the value of the vote in this country affecting who we elect. [LB111 LB121]

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PRESTON LOVE, JR.: Right. If I may... [LB111 LB121]

SENATOR GROENE: So I...so the racism thing... [LB111 LB121]

PRESTON LOVE, JR.: Yes. [LB111 LB121]

SENATOR GROENE: ...doesn't go with me. [LB111 LB121]

PRESTON LOVE, JR.: May I comment? [LB111 LB121]

SENATOR MURANTE: (Inaudible.) [LB111 LB121]

PRESTON LOVE, JR.: Yeah, I...let me just say, and look you eyeball to eyeball, I agree with you. The subtle point that I was making: It is not racism, not racism; it's about trying to retard voters that may vote against what you might believe in. That's what I think, not the racism. I don't accuse you of that, and I don't think that's the intent. I'm not even sure that that's your intent. But the net effect of this law is that it would retard votes that are voting against maybe what some of you believe. That's my belief. That's why I'm using the "quack" stuff. But the point being, I don't accuse you of racism. [LB111 LB121]

SENATOR GROENE: Thank you, sir. [LB111 LB121]

SENATOR MURANTE: Much appreciated. Thank you very much. Senator Garrett. [LB111 LB121]

SENATOR GARRETT: Thank you, Mr. Chair. Thank you, Mr. Love. I'm really disturbed by what I read here about the 2012 primaries. [LB111 LB121]

PRESTON LOVE, JR.: Yes. [LB111 LB121]

SENATOR GARRETT: And I appreciate you bringing that forth... [LB111 LB121]

PRESTON LOVE, JR.: Yes. [LB111 LB121]

SENATOR GARRETT: ...because that's very disturbing. [LB111 LB121]

PRESTON LOVE, JR.: Yes, it is. [LB111 LB121]

SENATOR GARRETT: And I think we need to find out a little bit more about that because that's... [LB111 LB121]

PRESTON LOVE, JR.: Yeah. And not to prolong my testimony, but the lady here, her name is Ella Willis. She's president of the neighborhood association. That...there is a

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point in here--also unbelievable--when they closed those precincts and they did the other pieces, there was high-rises where the polling place was in the bottom of the building, and they had people in the building needed to go to another location to vote, and then people from outside had to...I mean it was just ridiculous. And in her precinct, they sent the letter that is mentioned in my testimony. [LB111 LB121]

SENATOR MURANTE: If there's an extent to which my office can facilitate a conversation on that, I'd be happy to do that, Senator Garrett. Yeah. [LB111 LB121]

PRESTON LOVE, JR.: I'd sure like to, because what it has left our community with is very much--and it's not over--mistrust of the system. [LB111 LB121]

SENATOR MURANTE: Okay. Thank you very much for your testimony. No additional questions? Thank you very much for coming down. [LB111 LB121]

PRESTON LOVE, JR.: Thank you. Do I get three more minutes to start all over or anything? No. (Laughter) Thank you. [LB111 LB121]

SENATOR MURANTE: (Laugh) The next testifier does. [LB111 LB121]

JAN GRADWOHL: Good afternoon. [LB111 LB121]

SENATOR MURANTE: Welcome to the Government Committee. [LB111 LB121]

JAN GRADWOHL: Thank you. Thank you. Senator Murante and members of the committee, my name is Jan Gradwohl. I am a former prosecuting attorney, former judge, and a former adjunct law professor and... [LB111 LB121]

SENATOR MURANTE: And would you spell your name for us? [LB111 LB121]

JAN GRADWOHL: Oh, I'm sorry, Senator. It's Jan, J-a-n. The last name is Gradwohl, G-r-a-d-w-o-h-l. [LB111 LB121]

SENATOR MURANTE: Thank you. [LB111 LB121]

JAN GRADWOHL: Anyway, I am here appearing on my own. I have had experience both in registering large numbers of voters and also in being at the headquarters of the Nebraskans for Civic Reform on election day of 2012 and 2014. And that's where we were...we had monitors throughout the state who were calling and they were observing various polling places, calling in if there appeared to be either abuses or errors in the procedures or if there were any irregularities of any sort either by people trying to vote or the conduct of the election officials. And the only issues that we had were complaints about the officials, not about the voters. Anyway, this is a...and I'm just going to reiterate

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what others have said. This is a bill that there is no reason for. There is no history in Nebraska of voter fraud. And I've been a lawyer for more than 60 years, so...and have been interested in voting rights throughout that time. And it does impact...it...I sort of represent the elderly on here, and it certainly impacts a number of senior citizens who are housebound who, for whatever reason, are unable to get to a place where they can have photo ID done. It also impacts people. And I know, Senator Groene, you're from North Platte, and you know what it's like out in the Sandhills. And the DMV isn't always in their offices, and people have to get there the right day at the right time. And so this impacts people out in western Nebraska who have to travel long distances to get to a DMV office who have to be at the right place at the right time. A lot of people who are employees on ranches out in that part where they have to travel great distances, it would certainly impact those people. Oh, and I see I have one minute. I'm going to say this, that I think that this bill would be like if...requiring everyone to have an umbrella if Chicken Little said the sky is falling. The sky isn't falling and there is no need for this bill. I'd be happy to answer any questions that you have. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for your testimony today. [LB111 LB121]

JAN GRADWOHL: Okay, thank you. [LB111 LB121]

SENATOR MURANTE: Appreciate it. Opposition testimony. How many more testifiers do we have? One, two, three, four. Okay, a couple. Welcome. [LB111 LB121]

BETH BAZYN FERRELL: Thank you. Good afternoon, Senator Murante, members of the committee. For the record, my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing here today in a neutral capacity on LB111 and in opposition to the secrecy sleeve provisions of LB121. I'd like to add that NACO historically opposes voter ID bills when the cost of the ID comes back to counties. These bills do not do that. But if, as the bills sort of evolve, that would change, we would change our position to opposition of that aspect of it. I want to thank Senator Larson for considering some of the things that we suggested in the bill. We'd also like to thank Senator Schumacher. Even though we haven't been able to reach an agreement on the secrecy sleeve issue, the lines of communication are open. And as he said, we had early on suggested using a secrecy sleeve as opposed to a secrecy envelope possibly as a cost-saving measure. As we've looked into that a little further, that would probably be some sort of a custom item, more so than an envelope would, and along with a specialty item sometimes comes a specialty price. Of course, the offset of that, the balancing factor is, if it's an envelope, then, you know, there's more paper involved and there may be a cost differential there too. This really comes into play as we look down the road. There are two bills that are before this committee that look at expanding possibility for mail-in elections. There's possibly...there's been some talk about an interim study on that issue as well. So we need to look down the

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road and look at the impact of any cost that would be generated here on the future. I'd be happy to try to answer questions. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Senator Bloomfield. [LB111 LB121]

SENATOR BLOOMFIELD: Thank you. Approximately how much do you believe putting an envelope inside another envelope would add to the cost? [LB111 LB121]

BETH BAZYN FERRELL: Well, last year, or the last time that this issue came up, the Sarpy County Election Commissioner did some calculations at that point and it was going to be about \$1 more by the...up about \$1 per ballot by the time the envelope was in there and the processing and so on. How that compares to what the cost would be without the secrecy envelope, I don't have that data. [LB111 LB121]

SENATOR BLOOMFIELD: How in the world would you get to \$1 an envelope additional? [LB111 LB121]

BETH BAZYN FERRELL: Well, to mail out a ballot... [LB111 LB121]

SENATOR BLOOMFIELD: Oh, okay. [LB111 LB121]

BETH BAZYN FERRELL: ...not just for the actual envelope itself. [LB111 LB121]

SENATOR BLOOMFIELD: You don't have a number on the additional envelope that would guarantee the secrecy? [LB111 LB121]

BETH BAZYN FERRELL: I do not. I'm sorry. [LB111 LB121]

SENATOR BLOOMFIELD: Okay. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Groene. [LB111 LB121]

SENATOR GROENE: You're talking about the postage cost, too,... [LB111 LB121]

BETH BAZYN FERRELL: Right, the postage cost, the cost of the envelope itself, the whole package. [LB111 LB121]

SENATOR GROENE: ...because the ballot itself just makes no difference if somebody comes in and votes or if you mail it out. [LB111 LB121]

BETH BAZYN FERRELL: Right. [LB111 LB121]

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SENATOR GROENE: So that cost is neutral. [LB111 LB121]

BETH BAZYN FERRELL: Right. The cost of a ballot would be the same regardless. [LB111 LB121]

SENATOR GROENE: Now somebody mentioned the state statutes--we've gotten a lot of information here--that you're supposed to pay for the return postage. [LB111 LB121]

BETH BAZYN FERRELL: That's...as I understand it, if it's a general election, primary election, the voter would pay for the postage to return the ballot. If it's a special election, then that would be the cost of the political subdivision that's holding... [LB111 LB121]

SENATOR GROENE: Just on those instances...thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much. Seeing no additional questions, thank you very much for your testimony. Next opposition. Welcome to the Government Committee. [LB111 LB121]

RHETA JOHNSON: (Exhibit 23) Thank you. My name is Rheta Johnson, R-h-e-t-a, Johnson, s-o-n. I believe that these bills will most certainly generate lawsuits if passed since they will...would impact the voting rights of mostly low-income, young, disabled, elderly, and minority voters. That would needlessly cost Nebraska citizens tax dollars necessary for other important government functions to protect or improve the lives of Nebraskans, as well as diverting time of employees in the Attorney General's Office needed for other critical responsibilities. These bills clearly would hinder or impede certain voters. This appears to be their aim since a need for preventing unqualified voter fraud, of which there has been practically none in Nebraska, is a claim unsupported by evidence. I understand the hope of Republicans, which was my party for over 50 years, to gain or keep an edge in future elections, since most of those who are unlikely to have the required documents are inclined to vote Democratic. However, this kind of behavior appears self-serving and will only give more talking points to opponents. Any questions? [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. And welcome to the Government Committee. [LB111 LB121]

MARY SPURGEON: Thank you. Thank you. My name is Mary Spurgeon, M-a-r-y S-p-u-r-g-e-o-n. And just very briefly, I am opposed to LB121 and LB111, although I think the idea of having another envelope in the mailed-in ballot is a good idea. A friend showed me the ballot that he received this year and I thought, well, this is why I'm going to my polling place, because it is secret when we drop it in the bin there. I'm opposed to

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these bills because they are a solution in search of a problem, as I think has been adequately laid out for you here. I have no doubt that Senator Larson when he introduced this bill was doing it in response to constituents' concerns and that you have heard others' concerns echoed by them. But those are concerns that are in other states. They are different places. Our 50 states are all of these experiments where local folks say, let's try it this way, let's try it that way. So some states have more problems than we do here in Nebraska. So I urge you, Senator Larson and other people on the committee whose constituents are anxious about this, to reassure them that this is not a big problem in this state. As the gentleman who was the poll inspector said, you know, I go into my polling place and I say, well, hi, Lynette (phonetic), hi, Darlene (phonetic), and they greet me by name and they know my neighborhood. That's...knowing your neighbors here in Nebraska, that's one of the ways that we prevent a voter fraud sort of thing. I urge you to keep these bills in committee. Of course, it's your privilege to vote it out on the floor if you wish. But I'm kind of a Legislature watcher and I know that there are just, you know, problems: prisons; Health and Human Services; education; tax. You've got big problems that everybody says are big problems that they talk about in the newspaper every day and have for months, and I hate to see the Legislature waste precious time on issues that are pretty miniscule. They're like a hangnail when you've got a wound in every limb. So that would be my message to you. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions for the testifier? Seeing none, thank you very much for coming down today. [LB111 LB121]

MARY SPURGEON: Thanks. [LB111 LB121]

SENATOR MURANTE: Ms. Miller, welcome to the Government, Military and Veterans Affairs Committee. [LB111 LB121]

AMY MILLER: (Exhibits 24 and 25) Good afternoon, Senators. My name is Amy Miller. That's A-m-y M-i-l-l-e-r. I'm legal director for the ACLU of Nebraska, a nonprofit organization that works on constitutional rights. And in a somewhat complicated way, because these bills have been combined, let me make clear that I am testifying in opposition to LB111 and those portions of LB121 that are related to voter ID, but I'm here in strong support of the ballot secrecy portion of LB121. And if you have questions about that, I'd be happy to answer them, but I'm going to keep my comments on voter ID. Testimony on both items is being distributed. I think I'm the closer with the idea that, as the attorney, I'm here to mop up if there's questions you have. You've heard a lot of folks sort of philosophically throw out there isn't a problem. But one reason I'm here to testify is, that is legally significant and it should be very much in your minds. The proponents of LB111 had their opportunity to propose there is a problem that needs solving. They had their opportunity to demonstrate and put on the record any examples

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of voter fraud in Nebraska. Having failed to do so, I have to warn you that the subsequent lawsuit that would soon follow if LB111 passes into law would probably prevail. The courts repeatedly use the phrase: vague concerns about voter fraud cannot outweigh the burdens on a constitutional right. In the law, we talk about who has the first burden. And when you burden a constitutional right like voting, the burden is on the government to prove that the voting ID law was necessary. With zero examples of voter fraud on the record, a review in court will instantly say any imposition, even a little one, even a free ID, even a little bit of time, was unnecessary and, therefore, an improper exercise of power. That is what happened the last time this committee advanced out a bill that burdened a fundamental constitutional right. Back in 2011, we had a bill in front of this committee that was going to burden petition circulators. People who were from out of state who did not live in Nebraska would be banned from being paid petition circulators. And we warned you that is a fundamental burden on the protected right of interstate travel, as well as the right to petition the government for redress of grievances. Is there a problem with petition circular fraud? There was none. We sued. And during the trial they were able to come up with three examples, and the judge still struck the law down. You need a significant problem in order to be able to put any burden on a constitutional right. That lawsuit cost the state of Nebraska \$275,000 in attorney fees to the ACLU, let alone whatever it cost the state to defend the case. Until you have a record of fraud, this bill should not be advanced forward because it will be costly litigation. And as cited in the testimony, these cases are being won all across the country when brought by the ACLU and other organizations. The few ones that have stood, they had a record of voter fraud. Or like the Indiana case that went to the U.S. Supreme Court, it was a facial challenge. There was no examples of anyone being impacted by the law. This is different. Our state constitution doesn't permit this. Federal law doesn't permit it. We don't need another expensive tax burden for the payers in Nebraska. Last pitch: I'm sorry that I had to do short shrift to the ballot secrecy envelope, and I would be happy to address that further if anyone wants to ask me questions about that. And we thank Senator Schumacher for bringing that forward. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony. Senator Craighead has a question. [LB111 LB121]

SENATOR CRAIGHEAD: Hi, Amy. Thanks for being here today. Okay, so you're saying there is no documentation. So would things like return chase pieces from a campaign of a voter who requested an absentee ballot and were returned and there's a stack of them a foot high, something like that, would that count as evidence? [LB111 LB121]

AMY MILLER: That's certainly indication that someone has got a mailing issue and that the person may not be participating in the campaign, but they may not answer whether or not anyone has voted illegally. And it's interesting because the Secretary of State of Kansas, of course, laid out for you a very tantalizing buffet of opportunities. But that's

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Kansas, and we don't have any examples in Nebraska. And when he was asked about whether or not there had been any prosecutions, he said there hadn't been because it would be too difficult. Well, Nebraska is not Kansas. We take these issues seriously. It's a felony to vote illegally in this state, and it's a serious felony. You can do five years or pay a \$10,000 fine. We already have the protections in place. There would need to be probably an actual record. If not a conviction, there would have to be proof from an election commissioner/an election official that someone had attempted to vote illegally. [LB111 LB121]

SENATOR CRAIGHEAD: Right. But my question is, could those be used as evidence? [LB111 LB121]

AMY MILLER: I don't know that...campaign mailings, I don't know that that would be good enough because that only indicates that someone at the time that they receive campaign mailings... [LB111 LB121]

SENATOR CRAIGHEAD: No, when an absentee ballot has been requested and then a chase piece has been returned after that absentee ballot has been requested. [LB111 LB121]

AMY MILLER: Still, it's not proof of fraud though is the difficulty. And here is, of course, the problem: Voter fraud does require the intent to commit fraud, not the person who has made the mistake, not the person who didn't understand that their precinct had been closed. So with zero prosecutions in Nebraska despite the fact that it's there and we can leap on this if it happens, that might be the year to come back and look at a bill like this. But until you've got that, there is speculation. And the courts cited in the testimony--Missouri Supreme Court, Arkansas Supreme Court, Pennsylvania, Wisconsin, all of these courts--that's the first question they ask: Show me the money. Was there fraud? No fraud? No barrier. So we've talked a lot about the barriers and the problems. And as an attorney and as a member of the ACLU, I strongly agree with those. But I got to tell you, a lot of that just is not relevant to the bigger question of burden is on the side of the proponents first to pony up the proof, and we don't have that here. [LB111 LB121]

SENATOR MURANTE: Okay. Thank you, Senator Craighead. Senator Hansen, then Senator Groene. [LB111 LB121]

SENATOR GROENE: For interest... [LB111 LB121]

SENATOR MURANTE: Senator Hansen first, then Senator Groene. [LB111 LB121]

SENATOR GROENE: Oh, I didn't see you. Sorry. [LB111 LB121]

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SENATOR HANSEN: Thank you, Ms. Miller. I wanted to ask you a question of something people brought up. Throughout our testimony and witnesses, people have compared ID for voting to, say, an ID for cashing a check or ID for getting a prescription or even ID for a firearm. I wanted you to kind of expound on whether or not that's an applicable comparison. [LB111 LB121]

AMY MILLER: You know, it's the same thing that all of those other rights just aren't the same as voting. And it feels like it's a very simplistic answer, but voting is enshrined in the Bill of Rights in several amendments. It is a separate, protected category in a way that visiting my doctor, getting a prescription, getting on a plane, those just aren't protected in the same way. Now, of course, the Second Amendment right to carry a gun is in the Bill of Rights, too, but there courts did the balancing act already that they're doing with voter fraud. You've got voter fraud, then let's talk; maybe you could go ahead and put in some regulations. And because of the problems with inappropriate people obtaining guns and then doing violent acts with the guns, courts have said you can place that small burden. You still have the right to carry the gun, but you have to go through the process of applying and getting the permit and making sure that you have the appropriate documentation. And so all of those other categories for which many of us carry ID, they're tiny, little, baby stepstools. And we put on a pillar voting because it's in the Constitution. It's a different category, and we've put these protective hedges around it as a result. [LB111 LB121]

SENATOR HANSEN: Thank you, and I had just a question. I wanted you to take the opportunity to also reclarify the ability of students to vote at, say, a home address versus a residence address. I worry I may have caused excess confusion with my first round of questioning, so I wanted my second round to clear it up. [LB111 LB121]

AMY MILLER: I was...we were discussing about mopping up that one. I think the young woman from the ASUN did a fabulous job and I hope she runs for office some day. It isn't federal law. But we also have a Nebraska State Supreme Court decision from 1895. I did my homework before I showed up today. In 1895, Nebraska Wesleyan students voted in a local city election. And the man who lost was fussy and brought a case saying if those Wesleyan students hadn't voted then I probably would have won. It goes all the way up to the Nebraska Supreme Court asking--these are students who are from various areas in Nebraska and outstate--are they domiciled in Nebraska? The Nebraska Supreme Court said resoundingly yes long before federal law set up some standards about this. It's the same reason why many state senators, Senator Tom Osborne when he served us in Congress, spent a lot of time in Lincoln where he had a home. But he was our representative from the 3rd District where he had a summer home. Where you intend your residency to be for voting or for running for office, that's where your residency is. Clear crystal law goes back to quite the old days. You have to dust off the books a little bit to get to that one. [LB111 LB121]

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SENATOR HANSEN: Great. Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you, Senator Hansen. Senator Groene. [LB111 LB121]

SENATOR GROENE: In the interest of openness, I was the plaintiff on the petition law. But I sat there and told the folks, Senator Schimek, that it was existing law, existing rulings in circuit court that I had the freedom of association. There was other reasons besides...that that case was ruled on than that somebody was harmed. That's my question. In Nebraska, has...we're in what circuit court? [LB111 LB121]

AMY MILLER: Eighth Circuit Court of Appeals. [LB111 LB121]

SENATOR GROENE: Is there an existing ruling on voter ID in the Eighth Circuit Court? [LB111 LB121]

AMY MILLER: Yes, but coming out of their State Supreme Court cases because after the federal case that was described in the proponents' testimony, Crawford v. Marion County where the Indiana voter law was challenged, that was a federal challenge under the federal Constitution. The Supreme Court rebuffed and said, looks good to us. That's why you're seeing a lot of the challenges now being filed under the state constitution voting rights. And so the Eighth Circuit has not ruled on this issue, but states within the Eighth Circuit that are our sister states have. [LB111 LB121]

SENATOR GROENE: Is Kansas in the Eighth Circuit? [LB111 LB121]

AMY MILLER: It's not. It is Seventh Circuit. [LB111 LB121]

SENATOR GROENE: Have they been challenged yet? [LB111 LB121]

AMY MILLER: I understand the Kansas law was in court. I don't remember what the answer was. The two that are closest to us would be Arkansas, that's Eighth Circuit, and Missouri, that's also Eighth Circuit. [LB111 LB121]

SENATOR GROENE: And what were their rulings? [LB111 LB121]

AMY MILLER: They both said, until there's a record of fraud, this is too much of a burden, even though it was a little teeny burden. And the Missouri law was very similar to what you are looking at. It provided for a free ID. But as you've heard from some of the testifiers, free, that you'll have the ID, is kind of an empty promise because the supplying documents that you have to bring with you to get the ID still are problematic. [LB111 LB121]

SENATOR GROENE: So was Missouri overruled, overturned? [LB111 LB121]

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AMY MILLER: Yes, Missouri... [LB111 LB121]

SENATOR GROENE: And what was the other one. Arkansas? [LB111 LB121]

AMY MILLER: Arkansas. Both threw out the voter ID law. Both states currently have gone back to their current...to their old practice of no ID. [LB111 LB121]

SENATOR GROENE: Is there any cases before the Supreme Court, people have taken it on? [LB111 LB121]

AMY MILLER: Yes, after... [LB111 LB121]

SENATOR GROENE: I thought they ruled on Texas or Pennsylvania or somebody. [LB111 LB121]

AMY MILLER: After the Indiana case that's been mentioned, Wisconsin's voter ID law went up. And right during the midterm elections last year, that was about the time that the voter ID law was supposed to go into effect. And the U.S. Supreme Court stated and said, while we continue to fight about what the final decision will be, you can't use voter ID. Then there has been an Arizona case which may or may not be useful. Scholars differ. Arizona heightened the requirements as was proposed here today, heightened the requirements when you register. Bring proof of citizenship when you register to vote. And U.S. Supreme Court struck that down in 2010 I believe in a case called Arizona v. Inter Tribal Council of Arizona. [LB111 LB121]

SENATOR GROENE: But there's been a ruling where somebody has been ruled that you can do some type of voter ID, right, by the Supreme Court? Which case was that? [LB111 LB121]

AMY MILLER: Crawford v. Marion County, the Indiana case, said it may proceed because they hadn't met, the plaintiffs had not met their burden of proof. It was a facial challenge before the law went into effect. It was a politician who had ID and wouldn't be affected. He said, it just doesn't sound right to me. And the Supreme Court said, we want to see someone who's going to be hurt by this. You can't just randomly bring cases because you're an interested party. So I would posit that the Indiana case is not illustrative for what the new state of the law is. But to be as fair as possible, Senator Groene, the U.S. Supreme Court has not yet said in a case like this where we do have people who would be able to prove a burden, they haven't ruled on that yet. It's an open area of law. [LB111 LB121]

SENATOR GROENE: So it's part of our system. We struggle. We go for rights. Do we give up, folks, either side because a lawyer sits there and threatens us that they're

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going sue? [LB111 LB121]

AMY MILLER: I would suggest, as with many things in life, I would allow the other guy to walk down to see if that's actually a lion or a kitty cat while we stand back and watch. And if we start hearing screams we don't necessarily need to walk down that path with them. Many other states are trying this. They've been in court for three, four, five years. One of those cases is going to be decided by the U.S. Supreme Court someday soon. [LB111 LB121]

SENATOR GROENE: That's what I asked. They're appealing on to the Supreme Court. [LB111 LB121]

AMY MILLER: They're on their way up. They're on their way up. [LB111 LB121]

SENATOR GROENE: Missouri and those, they didn't quit. They went on. [LB111 LB121]

AMY MILLER: Correct. And the Wisconsin case that went up to the Supreme Court temporarily about whether or not there would be a stay, that's an alive case as well. This doesn't have to be done by Nebraska. We do not have to walk down there as well. Might as well because the day the Supreme Court rules... [LB111 LB121]

SENATOR GROENE: If we pass it, why wouldn't you sit back and wait? And the answer is to the taxpayer, that you wouldn't waste their money and see what the Supreme Court does? [LB111 LB121]

AMY MILLER: Because the voters are being hurt the day it goes into effect and my job is to protect them. [LB111 LB121]

SENATOR GROENE: So is the taxpayer if you sue. [LB111 LB121]

AMY MILLER: My job is to protect the Constitution, not the taxpayers. [LB111 LB121]

SENATOR GROENE: But I'm a voter too. All I know about lawyers, half of them are wrong in the courthouse every day. [LB111 LB121]

AMY MILLER: This is true. This is why I be as transparent as possible. I don't know that I'd win. All I can tell you is I would feel confident enough to take my tiny nonprofit budget and throw it on the table and say, let's see who's right. [LB111 LB121]

SENATOR GROENE: And you know I don't have...I admire the ACLU because they've done things. They've helped me. So I'm not here attacking you. [LB111 LB121]

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AMY MILLER: I understand. [LB111 LB121]

SENATOR GROENE: I just have an interest in the value of the vote and how precious that is and we protect it. [LB111 LB121]

AMY MILLER: Absolutely. And I think, as I say, there's always the option to wait and see. The day that the Supreme Court rules on it, I'd have to come in here with my tail between my legs and just argue, well, I think it's a bad idea. But I wouldn't have any teeth behind that anymore. I would just try to use my way to compel you. What I'm telling you today is legally as a lawyer, this is a terrible idea and I would never counsel someone to go down this path when there's already so many thorns in the bushes on this one. [LB111 LB121]

SENATOR GROENE: Thank you. [LB111 LB121]

SENATOR MURANTE: Thank you very much for your testimony today and thank you for coming down. [LB111 LB121]

AMY MILLER: Thank you. [LB111 LB121]

SENATOR MURANTE: (Exhibits 26-35) Much appreciated. Is there any remaining opposition testimony? We've heard from everybody. Is there anyone who would like to testify neutral? All right. Senator Larson, I assume you'd like to waive closing. (Laughter) Senator Larson waives closing. Before we close the hearings on LB111 and LB121, I have written testimony to be read into the record. Proponents on both issues: Julie Condon, the cofounder of the Western Nebraska Citizens Caucus. In opposition testimony we have the YWCA of Lincoln; the YWCA of Grand Island; Alpha Kappa Alpha Sorority, Incorporated, Psi Chi Omega Chapter; Tessa Foreman of Nebraskans for Peace; Michael Chittenden of The Arc of Nebraska; Alan Potash of the Anti-Defamation League; Beatty Brasch of the Center for People in Need; Major Mays, who I believe was here today but we'll read him in again anyway, of the NAACP. In neutral testimony I have John Gale, Secretary of State, Nebraska; and Diane Olmer, Platte County Election Commission. (See also Exhibits 36-38) And with that, we have wrapped up the testimony and the public hearings on LB111 and LB121. And we will proceed to the next item on the agenda which is Senator Larson's other bill. [LB111 LB121]

SENATOR GARRETT: Welcome, Senator Larson. [LB112]

SENATOR LARSON: Thank you, Vice Chairman Garrett and members of the Government, Military and Veterans Affairs Committee. My name is Tyson Larson, T-y-s-o-n L-a-r-s-o-n, and I represent Legislative District 40, O'Neill, Nebraska, in the Nebraska Legislature. LB112 is a proposal this committee and the Legislature has

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heard before. It would include Nebraska in the National Popular Vote Compact and award Nebraska's electoral votes to the Presidential candidate who wins the most popular votes in all 50 states. The compact does not take effect until states totalling 270 electoral votes, or a majority of the electoral college, pass the same bill and enact the compact. Article II, Section 1 of the United States Constitution leaves the power to award electors exclusively to the Legislature. LB112 uses this power to ensure every Nebraska voter is relevant in Presidential campaigns and right-sizes the influence of battleground states like Ohio and Florida. As you know, this bill is part of a broader discussion we are having about what can be done to make voter participation in Nebraska more meaningful and our state more relevant in Presidential elections. Under the current electoral system, Nebraska is a flyover state or a safe state during Presidential election years. During the six weeks of general election campaigning, we received zero events, zero campaign dollars from candidates of both major parties. This is true for four out of five voters in four out of five states. The rest are battleground states as they are closely divided between the two major parties. Two-thirds of the campaign resources spent in the last Presidential elections were focused on just four states. One hundred percent were focused in just 11 states. I believe campaign visits and dollars are proxy for political influence and all that influence is in the hands of a shrinking number of battleground state voters. The battleground state of Ohio received 73 visits in the last six weeks of the Nebraska...in 2012 General Election. When you add up the visits of Nebraska, North Dakota, South Dakota, Wyoming, Montana, Idaho, and 32 other states during that same time frame, the result is zero. It is a wonder that most of the campaign was spent talking about bailouts, an important issue to Ohio voters, or coal issues, an important issue to voters in western...West Virginia, another battleground state, or a host of parochial issues designed to attract persuadable voters in battleground states. There are some very stubborn facts related to the current system. Because Nebraska is a flyover state and receives little if any attention from Presidential candidates, 12 of America's 13 smallest states are flyover states and receive zero attention from candidates who seek the Presidency. And flyover states export political capital, influence, money, and volunteers to battleground states. We can look to our immediate east as an example. Candidates spend their money and time in Iowa. Iowa isn't substantially more populated than Nebraska, but candidates spend their time and their money there. They pay attention to the issues there. It's not because Des Moines is a more attractive place than Omaha. It's because Iowa is a swing state. And we aren't just ignored from the Presidential...from the campaign side of Presidential politics. We know that Presidents and members of Congress, like most politicians, make decisions in part based on what will get them reelected. When decisions have to be made on the federal level, which state is impacted by a decision is also going to be considered. So when the federal government talks about shutting down an Air Force base, they're going to be making decisions based on the fact that Florida is a state both parties must win to elect a President and Nebraska is not competitive. Both contain Air Force bases. Members of the committee, Presidential campaigns do not have to be this way. We are not stuck with a broken system, the current system that leaves Nebraska

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voters on the sidelines. I urge you to exercise our constitutional duty and award Nebraska's electors in a way that makes every voter relevant in every state and every Presidential election. I urge you to support LB112. A vote in Omaha should always matter as much as a vote in Iowa or Ohio. The National Popular Vote achieves that goal. Thank you, and I'd be happy to answer any questions. [LB112]

SENATOR MURANTE: Thank you, Senator Larson. Are there any questions for Senator Larson? Seeing none, thank you very much. And before we proceed to proponent testimony, I wanted to say I've been asked a couple times by media outlets. We are not going to be "Execing" or voting today on either voter ID bill. So we will not be "Execing" or voting on either voter ID bill today. We will now proceed to proponent testimony on this bill. [LB112]

PATRICK ROSENSTIEL: Good evening, I guess at this point. [LB112]

SENATOR MURANTE: We're getting there. Welcome. [LB112]

PATRICK ROSENSTIEL: (Exhibit 1) My name is Patrick Rosenstiel, P-a-t-r-i-c-k R-o-s-e-n-s-t-i-e-l, and I'm with National Popular Vote. Mr. Chairman, members of the committee, thank you for this opportunity to testify. I also thank Senator Larson for his leadership and passion and advocacy on this issue. I have here a letter that's being handed out right now from Senator Rob Johnson, an enthusiastic champion who passed our bill through the Oklahoma Senate with bipartisan support and a 28-18 vote. I'd ask that it be included in the record on his behalf. First, I want to put to bed any issues of constitutionality. Article II, Section 1 of the United States Constitution is clear and explicit on the power of awarding electors. It says, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors." The awarding of electors is the exclusive power of the various legislatures, not Congress, not the courts, but the legislature within the states. National popular vote preserves that power of the states. It preserves the electoral college. And it is 100 percent constitutional. The other notion I'd like to address is that somehow the current system protects small states. I hear that in a lot of things I read and a lot of things I hear. In Senator Johnson's letter there's a chart. You'll notice the 13 smallest states received a total of 4 out of 253 visits from the major party candidates seeking the Presidency in 2012. All four events were to the battleground state of New Hampshire. Twelve of the thirteen smallest states receive zero general election visits and zero TV advertising dollars in the last six weeks of the campaign. All of the attention was focused on a handful of battleground states and the attention results in influence. If we want to increase the influence of small states in Presidential elections, we must fix the current system. National popular vote is the only fix. I reject the premise that Nebraska would be ignored under a national popular vote. National popular vote would accurately reflect the voice of Nebraska, namely the 475,604 Republican votes for President in 2012 and the 302,081 Democratic votes from Nebraska. They all count in the national popular

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vote total and they would all matter under the new system. Nebraska's 172,983 Republican margin in 2012 was bigger than the 166,214 Democratic margin in the battleground state of Ohio. This in spite of the fact that zero dollars were spent campaigning to and turning out Nebraska voters by the national campaign and \$192 million, more than \$192 million was spent in the battleground state of Ohio. Just like regional...of margins matter within a state for governor races, state-by-state margins matter with National Popular Vote. Candidates would foolishly ignore voters based on geography when the national popular vote is determined. Campaigns are about winning, and to win, you get every vote you can no matter where it is. Just in closing, National Popular Vote preserves the state powers. It guarantees the Presidency to the candidate who wins the most popular votes in all 50 states. It is the only way to make every voter in every state equally relevant in every Presidential election. Humbled to be here and happy to take any questions. [LB112]

SENATOR MURANTE: Thank you very much. Are there any questions? Senator Bloomfield. [LB112]

SENATOR BLOOMFIELD: Thank you, Senator Murante. Just out of curiosity, your address, Box 1441, Los Altos Hills, California, who finances National Popular Vote? Where do you get your money? [LB112]

PATRICK ROSENSTIEL: Well, we get financing from a number of individuals. But the majority, the vast majority of our financing comes from a gentleman, the chairman of National Popular Vote. His name is Dr. John Koza. [LB112]

SENATOR BLOOMFIELD: And he's just got money. He feels like it's a good idea to spend it on this? [LB112]

PATRICK ROSENSTIEL: Yeah. The background on Dr. Koza is he's the architect of the idea. He's the architect of the state-based plan to use the power within the Constitution to award the Presidency on the basis of the National Popular Vote. Where his interest comes from, and it's purely...it's altruistic in motive. Where his interest comes from is...and the idea came from is that Dr. Koza, when he was in college invented a board game which allowed the players to manipulate resource allocation to impact a result in the Presidential election. I think it sold like 200 copies. But the other thing he did in college is he invented the algorithm behind the scratch-off lottery ticket. And if you know interstate compacts, and National Popular Vote is an interstate compact, the lottery is an interstate compact. So he married the two ideas being sort of a constitutional conservative, small C. He's actually a progressive politically, but he believes that the power lives... [LB112]

SENATOR BLOOMFIELD: I would imagine. [LB112]

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PATRICK ROSENSTIEL: Excuse me? [LB112]

SENATOR BLOOMFIELD: I said, I would imagine. [LB112]

PATRICK ROSENSTIEL: I mean, I would just point out that National Popular Vote is a nonpartisan organization of conservatives, liberals, and moderates, Republicans, Democrats, and Independents who are tired of battleground states making decisions for all of America. And so Dr. Koza just happens to be the chairman. I guess I've earned my stripes in the conservative movement as a Steve Forbes Republican who helped elect Republican Presidents and confirm conservative Justices to the bench on the Supreme Court. And so I think there's people on all sides of the political spectrum that support this issue. [LB112]

SENATOR BLOOMFIELD: Where's Mr. Koza from? [LB112]

PATRICK ROSENSTIEL: He lives in Los Altos, California. [LB112]

SENATOR BLOOMFIELD: Okay. Thank you. [LB112]

SENATOR MURANTE: Thank you, Senator Bloomfield. A question I'd have for you is regarding the constitutional provisions relative to Congressional approval of interstate compact agreements. [LB112]

PATRICK ROSENSTIEL: Oh, Congressional consent. [LB112]

SENATOR MURANTE: Right. I've seen it written in a blog or two that this is unconstitutional because of it. [LB112]

PATRICK ROSENSTIEL: Yeah, I saw it on a blog. I heard it on the radio earlier today. There is a role for Congress to play in interstate compacts. Congressional consent comes after interstate compacts reach their triggering mechanism. In our case, it's 270 electoral votes or a majority of the electoral college. There's a lot of states' rights. For example, the Rehnquist Court would probably argue that this compact doesn't require Congressional consent because Chief Justice Rehnquist in his decision said that the only time Congress has a role in interstate compacts is if the state power conflicts with a federal power. And clearly, the plenary power here is with the state, right? "Each State shall appoint, in such Manner as the Legislature thereof may direct." You know, if this compact requires Congressional consent, the time to talk about Congressional consent would be after states totalling 270 or more electoral votes pass the bill under consideration today. [LB112]

SENATOR MURANTE: Okay. Thank you very much. Senator Groene. [LB112]

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SENATOR GROENE: Don't we in a way here in Nebraska have a popular vote because we split our delegates? [LB112]

PATRICK ROSENSTIEL: Well, in Nebraska right now, Senator Groene, Mr. Chairman...Senator Groene, great question. Yes, in Nebraska today you have a popular vote. Every state has a popular vote. [LB112]

SENATOR GROENE: No, I mean we split our delegates. [LB112]

PATRICK ROSENSTIEL: Yeah, you do it by Congressional district right now. [LB112]

SENATOR GROENE: Yes. [LB112]

PATRICK ROSENSTIEL: And I would argue that a Congressional district system kind of takes a bad system and makes it worse. And the reason I say that is because right now all of the political influence is in a handful of battleground states. For example, part of my experience and my truth because I participated in it was passing the prescription drug bill. Okay, this is a \$978 billion prescription drug bill and reasonable people could be on both sides of that, I think. The reason that President Bush pushed that bill so hard is because he needed to keep a promise he made to voters of the I-4 corridor of Florida. That is a battleground state and he needed to win Florida in order for us to win reelection and go on and fight and win the global war on terror is kind of what we were thinking. Now the truth is, is that under a Congressional district system it wouldn't just be about this handful of battleground states. It would be about maybe 45 or 50 competitive Congressional districts that I think American Presidents would get transactional with, is probably the nicest way to say it, with public policy and federal public policy in order to win an election. Under National Popular Vote, it doesn't matter if you live in the I-4 corridor of Florida or in North Dakota or South Dakota or Nebraska or Minnesota or California or New York or anywhere else. Under National Popular Vote, states are saying we want to make every voter in every state equally relevant to the campaigns as they seek the Presidency. [LB112]

SENATOR GROENE: But if all the states don't do it, you know, you've got this core group that would be 270. The first time that group dictated but the electoral college didn't match up, you're going to have a constitutional crisis worse than we had on the chips because the guy who lost is going to sue. [LB112]

PATRICK ROSENSTIEL: Well, no, 270 is a majority of the electoral college. [LB112]

SENATOR GROENE: Yeah, but within those states, if one of them went along with the popular vote but... [LB112]

PATRICK ROSENSTIEL: But 270...I should make clear how the compact works,

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Senator Groene. Two hundred seventy electoral votes are in the compact. Those electors are awarded en bloc to the candidate who wins the most popular votes in all 50 states, okay? And so it's not the most votes in the compacting states. That's how you make a voter in Nebraska as relevant or a voter in Lincoln as relevant as a voter in the battleground state of Florida, right? And right now, like New Hampshire, for example, let's just...for Nebraska, just for Nebraska's sake, to think a little bit about Nebraska. You know, New Hampshire is a two-time winner, right? They got this early influence in the primary, and then they're a two-time winner because they happen to be a battleground state as well. Now if you ask any Nebraska dairy farmer about the New England (sic--Northeast) Dairy Compact, most of you will...they will tell you that that's skewed towards dairy farmers in New England as an effort to sort of win over New Hampshire battleground voters they need in order to win. It's not necessarily in the best interest of a Nebraska dairy farmer. And so the reason that Nebraska has five electoral votes is not to represent the popular vote of the state of Nebraska. That was never considered at the Constitutional Convention. It was never visited in the Federalist Papers. It wasn't until the eleventh Presidential election that a majority of states even had these winner-take-all rules, right? The reason that Nebraska has five electoral votes is to advance the political, cultural, and economic influence of their states by providing an effective check on the federal magistrate. That's why you have electors. And you've got to ask yourself that if the state, the battleground state of Ohio gets 73 Presidential visits and \$192 million campaigning to the voters of the battleground state of Ohio and Nebraska gets 0 visits and \$0 campaigning again to the influence of the voters of Nebraska, how in the world could the current system be in the better interest of Nebraska than the National Popular Vote? And that's exactly the voting question and the question the founders would have you consider. [LB112]

SENATOR MURANTE: All right. Any additional questions? Seeing none, thank you very much for your testimony. [LB112]

PATRICK ROSENSTIEL: Thank you, Mr. Chairman, members of the committee. [LB112]

SENATOR MURANTE: Are there additional proponents wishing to speak? Welcome back. [LB112]

PEGGY ADAIR: (Exhibit 2) Thank you. Good evening, Chairman Murante and members of the committee. For the record, my name is Peggy Adair, P-e-g-g-y A-d-a-i-r, and I represent the League of Women Voters of Greater Omaha. The League of Women Voters believes that the direct popular vote method for electing the President and Vice President of the United States is essential to representative government. The League of Women Voters believes that the electoral college should be abolished and supports the use of the National Popular Vote Compact as one way to achieve the goal of the direct popular vote for election of the President until the abolition of the electoral college can

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be accomplished. We applaud Senator Larson for introducing LB112 and we urge this committee to send LB112 to the floor for full debate. And since I have a few extra moments now, just want to make it clear to some of you who might be new on the committee that the League of Women Voters is a nonpartisan political organization. We never endorse or oppose a particular political candidate, and we never endorse or oppose a particular political party. We do take action on issues, but we tend to be very conservative in the fact that we spend years sometimes studying an issue before we come to consensus on what our policy is going to be. And I just want to talk just for a moment, Senator Groene, you talked earlier about, why doesn't the League tell young voters where they should be voting? We don't tell anybody how to vote. We don't tell them who they should vote for. We just encourage them to be educated voters and we just want everybody who is eligible to vote, to vote. We never ever tell them how to vote. That's up to them. [LB112]

SENATOR GROENE: Excuse me. I didn't... [LB112]

SENATOR MURANTE: She's not done yet, Senator Groene. She still has time on her... [LB112]

SENATOR GROENE: Oh, all right. I'm sorry, Miss. I'm sorry. [LB112]

PEGGY ADAIR: Oh, I'm done. Thank you. [LB112]

SENATOR MURANTE: Now she's done. All right, Senator Groene, you're recognized. [LB112]

SENATOR GROENE: Thank you, Senator Murante. And I should say thank you about ten times. I haven't learned that yet. I've got to say that every time. No, my point was (inaudible) are all looking for corruption. I could see that there's a local election in Omaha, Lincoln. And we got these college kids here and you would like them to vote here to influence that local county commissioners election or something. I would like to see them vote where they came from, where they know who that county commissioner candidate is, who that school board member is. And that was my point. Wouldn't that be wise to tell them you would be better off getting an absentee ballot and vote for the people you know back home than voting here... [LB112]

PEGGY ADAIR: Well, again, that's not our job. [LB112]

SENATOR GROENE: ...because the board and the President are on that ballot. I mean, no. But that was my point. It would be a nice service that you could offer college students. [LB112]

PEGGY ADAIR: Except that you have to understand that when these students come to

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a university, that is their home. And they're concerned about local elections there too. I mean they're concerned about the things that are going on in Lincoln when they live in Lincoln. [LB112]

SENATOR GROENE: I never did. [LB112]

PEGGY ADAIR: They're concerned about the things that are going on in Kearney when... [LB112]

SENATOR GROENE: I never did and my kids never did. They moved back home. [LB112]

SENATOR MURANTE: I'm going to need to interject. [LB112]

SENATOR GROENE: I know. I'm sorry. [LB112]

SENATOR MURANTE: The transcripts right now are on the National Popular Vote and if we inject about a different bill, it is going to be totally nonsensical to the Transcriber's Office. So we can talk later about that, but let's stay on the matter at hand. [LB112]

PEGGY ADAIR: Yeah, we can talk later. Yeah. [LB112]

SENATOR MURANTE: So are there any... [LB112]

SENATOR GROENE: Please, visit my office someday. Thank you. [LB112]

PEGGY ADAIR: Okay, I will. I will. [LB112]

SENATOR MURANTE: That will be just fine. Are there any additional questions? Seeing none... [LB112]

SENATOR HANSEN: I would have one. [LB112]

SENATOR MURANTE: Oh, I apologize, Senator Hansen. Senator Hansen. [LB112]

SENATOR HANSEN: Thank you, Senator Murante. Just a clarifying question, is this a proposal that the League of Women supports across the states? Say, when we mention the Oklahoma bill, would the League of Women Voters of Oklahoma also be supporting this? [LB112]

PEGGY ADAIR: National popular vote? [LB112]

SENATOR HANSEN: Yes. [LB112]

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PEGGY ADAIR: Yes. Yes, we do. [LB112]

SENATOR HANSEN: Okay. Thank you. [LB112]

SENATOR MURANTE: Thank you, Senator Hansen. Thank you very much for your testimony today. [LB112]

PEGGY ADAIR: You're welcome. [LB112]

SENATOR MURANTE: Is there additional proponent testimony? Welcome back, Mr. Geis. [LB112]

GAVIN GEIS: Chairman, members of the Government Committee, my name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am representing Common Cause Nebraska. I won't go on for too long since we're getting late in the day, but I will say that we in general support this bill for many of the reasons that were listed before, in particular the notion of battleground states. And also, I don't know if it's been mentioned but the kind of absurdity of Presidents being elected without actually getting the popular vote. That swings both ways. There's been Presidents on both sides of the equation that have been elected that way. One thing I do want to address, and it's a question that I've seen here in Nebraska on-line, in the paper, and the notion that we're a republic and so what we do, the system we have in place holds to those values of being a republic. But we're no longer a true republic. What we've done is, over the years since our founding, we transformed into a democratic republic. Now that may just sound like linguistics. But the fact of the matter is when we started this country, only white male landowners could vote. And so that fit much better to the notion of what a republic is: Only a very certain set class of people had the right to vote. Now, because of amendments, we've opened up the vote. And so you don't have to be male. You don't have to be white. You don't have to be a landowner anymore. And I would argue that with Seventeenth Amendment which moved the election of U.S. Senators from state legislatures to the people, we're now in a position where the last thing that we can talk about as a republic is the way we elect the President. National Popular Vote is in line with our transformation as a nation in the way that we elect our people. There is no other position that we elect the way we do the President. Everything else is elected by popular vote. So just in closing, we support this. We think it is a bipartisan effort. I think that's proven itself across the country. And we think that Nebraska would be well served by joining this compact. Thank you. [LB112]

SENATOR MURANTE: Thank you, Mr. Geis. Are there any questions? Seeing none, thank you very much for your testimony. Are there additional proponents wishing to speak? Seeing none, how many opponents do we have in the crowd? Okay. We'll start taking opponent testimony, but I'm going to ask that the opponents come to the front of

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the room just like we did on the voter ID bills. And we'll get through it. Welcome back.
[LB112]

PAUL VON BEHREN: (Exhibit 3) Thank you. I'm Paul Von Behren, P-a-u-l V-o-n B-e-h-r-e-n. I'm a pretty simple guy. I don't pretend to be an expert on this issue. But to me, the easiest way is to ask a couple of questions. If we want to understand what the NPV would do, why don't we go back and apply it to past elections? And again, some of you are much more informed than I am. But if my understanding is correct with the NPV and the 2000 Election, Nebraska would have voted for Al Gore. And at least in the 2012 election, we would have cast our votes for Barack Obama. If that's not true, counter me. If that is true, ask yourself a question. Is that what Nebraska wants? And I would dare say, I doubt it. So the third question is, what are we really trying to discuss? What I've heard so far is, hey, we're a flyover state. Yep, we are. We're small. We need more Presidential visits and campaign money. Really? My understanding of this NPV vote is that 11 states now could potentially swing the vote of this entire compact. How does that get Nebraska more candidate time? If I know now I can focus my time in 11 states and swing the national popular vote and take Nebraska's along with it, why in the world would I even want to come here? It doesn't seem to solve that small-state voice problem. It seems that the...I understand the points of the electoral college, but the whole intent of that as it was debated was to stop and give small states representation. And that's what Nebraska is. We can't change that. And I'm very concerned, especially when I heard in the last testimony that this is more fundamental transformation. I think we've had about all the fundamental transformation of America that we can afford. We need to take a serious look at this one. And probably the most disturbing as I look at states like California sending in representatives that are so terribly concerned about our voter...our votes, why is that? And then I look at the retreats. I look at the slick notebooks. I look at the lobbyists here. I look at the contributions that seem to come to campaigns from this group. What's the big deal behind this? Senator Murante, I think, what was it, a year ago today, I think it was almost a year ago exactly today, you introduced this the first time. I'm simply asking that you would remove any bias that might remain from that in your position as committee Chair and give this a fundamental hearing. This is a bill that we need to think about hard because it doesn't seem to pass the sniff test. And again, please correct me if I'm wrong. But if my statements are correct, are we doing what's best for the people of Nebraska? Are we listening to a highly paid lobbyist organization that's trying to do more fundamental transformation in this state, which I would argue that we do not need? [LB112]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming. [LB112]

PAUL VON BEHREN: Thank you. [LB112]

SENATOR MURANTE: And to be clear, in this committee, all bills receive fair public

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hearings. [LB112]

PAUL VON BEHREN: I understand that. [LB112]

SENATOR MURANTE: Welcome. [LB112]

JERRY ANDERSON: (Exhibit 4) Honorable Senators, I'm Jerry C. Anderson and I'm the chairman of the Sarpy County Republican Party. However, before I start my prepared statement... [LB112]

SENATOR MURANTE: Mr. Anderson, will you spell your name for us, please. [LB112]

JERRY ANDERSON: J-e-r-r-y C. A-n-d-e-r-s-o-n. However, before I start my prepared statement, I want to thank all of you for your dedicated service to the state of Nebraska and its people by running and being elected as a state senator. I have helped state senate candidates in their campaigns and have a very good idea for the dedication, time, and resources that it takes to be elected. Then there are the sacrifices that your families also have to make with you being gone from home to service the people of Nebraska when you could have been home taking care of your families. And as a military retiree, Vietnam veteran, I know the sacrifices that the families endure. And especially you, Senator Murante, who as the Chairman of this committee has picked up enormous additional duties that will require you to spend more than twice the time as that as a noncommittee Chairman. Appreciate...this dedication is greatly appreciated and I hope that the people understand this as I do. You are under a great deal of pressure and influence to support the Nebraskans with the bills that you introduce. Unfortunately, with LB112 these pressures and influences are not from within Nebraska. There is a great deal of outside money paying those lobbyists great sums of money to take away our five electoral votes. No matter what those lobbyists say, the one million-plus Nebraska voters...if are placed with 11 of the most liberal other 11 states or blue states will be lost and of no significance in the selection of the Presidential candidate. Nebraska would then be a flyover state with no reason for any Presidential candidate or money to come to Nebraska. Last Thursday, January 15, at the monthly meeting, the central committee unanimously passed a resolution against the National Popular Vote Compact. A copy is attached to my prepared statement. We believe that this is the most egregious bill that has been introduced of the 663 bills this legislative session. I respectfully request that LB112 dies an immediate and terminal death in this committee. Thank you, honorable Senators. [LB112]

SENATOR MURANTE: Thank you, Mr. Anderson. Are there any questions? Seeing none, thank you for your testimony. [LB112]

JERRY ANDERSON: Thank you, Senators. [LB112]

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SENATOR MURANTE: Thank you. Next up. Welcome back to the committee. [LB112]

LARRY BRADLEY: Hi. Congratulations on your Chairmanship, Senator Murante. [LB112]

SENATOR MURANTE: Thank you very much. [LB112]

LARRY BRADLEY: (Exhibit 5) Okay. I'm Larry R. Bradley; that's L-a-r-r-y R., I bring up to distinguish me from the other Larry Bradley in Omaha, B-r-a-d-l-e-y. As several veterans of this committee know, I'm very much interested in electoral reform as a means of alleviating the gridlock in American politics. I lecture and write in promotion of the electoral reforms I favor. I don't favor this one. My opinion of this bill is it does address a significant problem in the conduct of our election of the President of the United States. The difficulty is the action recommended creates an unintended consequence potential. Therefore, I am not so much opposed to this bill as I am interested in seeing the bill amended. I am testifying in order to propose that amendment. The significant problem this bill addresses nationally is that if you are a blue voter in a red state or vice versa, then you are subject to the tyranny of the majority. You feel your vote doesn't count when the electoral college meets to cast its votes. This bill would alleviate that concern. Your vote would be merged with other votes to determine a true majority winner. The drawback to this approach is as follows: There are numerous states in the Union where the ratio of acreage to people clearly favors acreage. Nebraska is one of those states. Nebraska has unique economic and cultural concerns that could well be overlooked if the popular vote were the sole determiner of how the electoral college voted. For example, Nebraska's total population is estimated on-line at 1.869 million, 1.402 million over 18. Consider these other population statistics: Houston, 5.595 million; Los Angeles, California, 19.1 million; and Seattle-Tacoma-Bellevue, 3.61 million. Any one of these locations could easily cancel out the interests and votes of Nebraskans if the criteria for electors were the national popular vote. The question becomes then, how do we ensure the integrity of Nebraska's interests and still guard against discouraging people from voting? Indeed, this is a question for all 50 states, not just Nebraska. And I would propose the following as a solution. Allocate the electors for the Presidency based on the popular vote within the state. Nebraska has five electors. I propose for a candidate to get an elector they must get at least 20.0 (percent) or better of the vote. Rounding would not be allowed for a single elector, but it would be allowed to determine the allocation between two qualified candidates. For example, if one candidate gets 53 percent of the state's popular vote and another gets 47 percent, then each candidate would get two electors and the candidate with 53 percent would get the fifth elector for a total of three electors for the particular candidate. This approach would protect the unique interests of the state yet transform the attitude of red voters in blue states and vice versa. Their attitude would go from, what's the use, to, we may not win but we may provide the elector that makes a difference at the end. The approach is not only better than the approach proposed but

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better than the one we're using now. Nebraska could be an example for all 50 states to follow. As an officially nonpartisan body concerned with the interests of all Nebraskans, I urge you to adopt this proposal as an amendment to this bill. And I've got some examples on the back end, but I'll defer to any questions. [LB112]

SENATOR MURANTE: Thank you very much, Mr. Bradley. Are there any questions? Seeing none, thank you very much for your testimony today. [LB112]

LARRY BRADLEY: Thank you. [LB112]

SENATOR MURANTE: Next opponent. Ms. Parker, welcome back. [LB112]

AMBER PARKER: Okay. Amber Parker. Do you need me to spell my name again? [LB112]

SENATOR MURANTE: Please do, yes. [LB112]

AMBER PARKER: Okay. A-m-b-e-r P-a-r-k-e-r, and I have some great concerns. I'm not an expert on our electoral college. And I had spoke with Senator Larson with my concerns, which I believe in visiting with him was confirmed. Again, I do want to state that we are a constitutional republic. And we have a democratic process. Based upon democracy alone, our founding fathers put checks and balances. When we look at the Bill of Rights or the Constitution of the United States for the purpose to say that it is through the supreme governing of this law that is going to protect and not just one thought of someone who has an idea and a majority in a democracy, a hundred percent democracy process alone, can make that decision for the rest of the people. And that's what I really want to address when we are looking at this LB112. It is my great concerns. One, I just think commonsense principles. When we are looking at our votes, what this is doing is it is taking away our votes from the state to give to these bigger states. And I had some questions for Senator Larson. And I know this is all on the record, and I just wanted to ask you, Senator Larson, have you been in contact with... [LB112]

SENATOR MURANTE: Ms. Parker, I have to stop you right there. Senator Larson, because he introduced the bill, can't respond to any questions. [LB112]

AMBER PARKER: Oh. He cannot? Okay. [LB112]

SENATOR MURANTE: So after the hearing, he'd be, I'm sure, happy to...she can ask the question, but he can't answer them. [LB112]

AMBER PARKER: He can't respond. Okay. So this is the question I have is, have you been in contact with the person, organization, or have taken any trips that have been

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about LB112 and that have been funded or affiliated by any money through George Soros or through FairVote? And if so, this is greatly concerning to me because this would pinpoint an area that we've heard testimonies in addressing to run around it. But I believe on either side, to truly be nonpartisan...or bipartisan is to look at the facts to see the organizations, to see the funding. And why now, before 2016, before a Presidential election, is this proposed legislation that's going to take votes away from the state of Nebraska and give them to other big states? These are the questions I would ask you senators to look at. I'm definitely opposed to LB112. I believe it will be...attempts also further legislation, excuse me, to chip away at the United States Constitution and take away our constitutional republic. I have heard other people on the other side who have been proponents of LB112 say that we are not a constitutional republic but a democracy alone and that is not the case. A democracy alone is what our founding fathers did protect us from with the checks and balances. Thank you so much. [LB112]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Mr. Borchers, welcome to the Government, Military and Veterans Affairs Committee. [LB112]

PATRICK BORCHERS: I keep waiting for you to say, welcome to the jungle. (Laughter) [LB112]

SENATOR MURANTE: That's a different committee. [LB112]

PATRICK BORCHERS: (Exhibit 6) Well, thank you much for the opportunity to testify today. My name is Patrick Borchers, B-o-r-c-h-e-r-s. I have to tell you that I appear as an individual, not on behalf of Creighton University, which is my employer. So don't take it out on them. I served as dean of the law school for eight years, six years as academic vice president. I've been an attorney for 29 years and litigated major election law cases. There was much talk of bipartisanship. But I suppose it's just a miracle that the only states that have signed on to this so far are ones that were carried twice by Barack Obama. Mr. Rosenstiel purported to put the Constitution to bed, but I'd like to wake the old girl back up and tell you that I and other legal scholars are of the opinion that this violates Article II, Section 1 because although there is plenary authority within the state to designate how the electoral votes will be cast, it has never been held that the votes may be exported. Nebraska is one-half of 1 percent of the nation's population. We, in effect, are giving our electoral votes away to the other 99.5 percent. We will never, ever, ever matter. LB112 is a radical attempt to amend the Constitution without really having to amend it. It also runs straight into the compact clause, which Mr. Rosenstiel quite nicely danced around. But the fact of the matter is, it is uncertain as to whether this would have to be approved by Congress if it went into effect. So we have a big problem there because the bill does not specify that it goes into effect only once it's been approved by Congress. The compact...even if the compact could get by this, it threatens to plunge us into a constitutional crisis that would make the Florida recount look like a

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pleasant stroll in the park. It is highly unlikely that any state could be forced to stay in the compact. I know the bill says that you have to give six months. You can't bind future legislatures and there is no way any court would ever order a state that it has to stay into the compact. Finally, I'll make one other point, which is if we truly have uniform...national popular vote, you just wasted a lot of time on voter ID because the equal protection clause is going to require that you have exactly the same standards, polling places, opportunities to vote, voter identification, etcetera. The rules will have to be the same under the rational of Bush v. Gore. In essence, we will have a federal takeover of at least Presidential elections, with it certain to creep into other federal elections. I'd be pleased to answer your questions. [LB112]

SENATOR MURANTE: Thank you, Mr. Borchers. Are there any questions? Senator Groene. [LB112]

SENATOR GROENE: In the interest of fairness, we gave Pat extra time. Go ahead. [LB112]

PATRICK BORCHERS: Okay. [LB112]

SENATOR GROENE: You told me earlier you had a little more than three minutes. [LB112]

PATRICK BORCHERS: Well, I...the other point I was going to make is I do think it presents a substantial risk of what are called rogue or faithless electors. There have been circumstances occasionally where electors have not voted as they're pledged. To this day, they've been historical oddities. But electors unhappy about having to cast votes for a Presidential candidate who did not carry their state would perhaps defect in large numbers. And finally, as to the...there was an excellent point made before about the needs of rural states. The fact of the matter is almost half of this nation lives in metropolitan statistical areas of 1 million or more people. That's where the battle is going to be fought. There are more voters in Cook County, Illinois, than there are in the state of Nebraska. And to be as gentle as I can about it, that vote counting in Cook County has proved to be more art than science. So I would suggest to you that we reject this. We end it once and for all and that we not participate in this illegal, unconstitutional, and ill-conceived scheme. [LB112]

SENATOR MURANTE: Okay, I have a question for you on the constitutional aspect, especially...there's part of what you said, especially with respect to the equal protection clause that I can kind of wrap my mind around. I can kind of see where you're coming from. [LB112]

PATRICK BORCHERS: Right. [LB112]

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SENATOR MURANTE: But the Constitution of the United States and our Founding Fathers could not really come to a conclusion as to how electors were to be allocated. And their solution was to say, legislatures, figure it out. [LB112]

PATRICK BORCHERS: Right. [LB112]

SENATOR MURANTE: And for a long time, there wasn't even a popular. States would just...state legislators would appoint electors and those electors could vote for whoever they want to. The Constitution says we can dispense with a Presidential election in this state and say the starting five offensive linemen for the '94 Huskers are electors for life and they can vote for whoever they want to because the Constitution gives us plenary authority to do anything we want. [LB112]

PATRICK BORCHERS: Right. [LB112]

SENATOR MURANTE: So if they give us authority to do anything we want, how is this, how could anything we do possibly be unconstitutional? [LB112]

PATRICK BORCHERS: Well, as it was conceived...I mean, I'm not the only one who thinks this. There is a very interesting article in the BYU Law Review that argues that states can't make any effort to allocate other states' electoral votes. So the "we can do anything" argument proves too much because if that holds than we could presumably just give our electoral votes to New York and say, you know, we don't know what to do with them. Just take them. [LB112]

SENATOR MURANTE: We might not be able to transfer them. But I think we probably could be able to say, I mean hypothetically, that our electors would be allocated to whoever wins the popular vote in the state of New York. We'd have the authority to do it. It would be idea, but... [LB112]

PATRICK BORCHERS: Well, I think it's worse than a terrible idea. I think it's unconstitutional. And I mean, why not a roll of the dice? I mean there have to be some limits on it. [LB112]

SENATOR MURANTE: Okay. We've established that the Constitution says we can do whatever we want to. Would you say that? [LB112]

PATRICK BORCHERS: No. [LB112]

SENATOR MURANTE: So when it says the state legislatures have plenary authority to... [LB112]

PATRICK BORCHERS: Allocate your electors within the state. [LB112]

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SENATOR MURANTE: And we aren't doing anything with our...we will still have five even if we establish this. [LB112]

PATRICK BORCHERS: Yes, but you are delegating them to the other 99.5 percent of the country. [LB112]

SENATOR MURANTE: All right. We'll disagree on that. There's no point in belaboring the point. [LB112]

PATRICK BORCHERS: I mean, that's in essence... [LB112]

SENATOR MURANTE: I see what you're saying. [LB112]

PATRICK BORCHERS: I mean it still has the fatal obstacle as well that we don't know...as a lawyer, I guess I should be happy for the opportunity for full employment. There's absolutely no way that the questions of equal protection, the necessity for compact ratification by Congress, there is absolutely no way that those are not going to be litigated. Mr. Rosenstiel and I had actually a quite, I thought, a fair and civil debate about this today on KFAB. A scientific poll of my Facebook friends shows that I won. (Laughter) [LB112]

SENATOR MURANTE: Did they have to show ID to vote? [LB112]

PATRICK BORCHERS: You know, I have a distinct enough voice that everybody took my word for it. So I think that was a fair exposition of the issues. And I'm sure it's podcast. And so if anybody would like to listen to that... [LB112]

SENATOR MURANTE: I listened to it on the ride down, so that's...are there any additional questions? [LB112]

SENATOR GROENE: I don't want to delay this thing. But what about the argument that now somebody in Los Angeles that is conservative doesn't even bother to vote because the county commissioner, the city council, everything is going one direction so he doesn't vote. Same goes for a person in North Platte who says, I'm not going to vote because I know who is going to be the Governor. I know where the electoral colleges go. Do you think it would help voter turnout? Everybody wants bigger voter turnout nationwide because now somebody in Cook County can say, I have a different political viewpoint but now my vote counts nationally. [LB112]

PATRICK BORCHERS: Well, I don't know. I mean I think it...I doubt it. I mean I doubt that it would have much impact one way or another. I mean I guess empirically we could try to measure it. But I guess I'm not in favor of just everybody voting. I'm in favor of

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people voting who have studied up on the issues and actually have a reason to vote. And if you...let me put it this way, I've cast a lot of votes for candidates that I knew were doomed, but I still got to the polls. [LB112]

SENATOR MURANTE: All right. Thank you very much for coming down today. [LB112]

PATRICK BORCHERS: Thank you. [LB112]

SENATOR MURANTE: Appreciate it. [LB112]

SENATOR GROENE: Thank you. [LB112]

SENATOR MURANTE: Is there additional opponent testimony? Welcome back to your committee on Government, Military and Veterans Affairs. [LB112]

KATHY WILMOT: (Exhibit 7) Thank you for the opportunity again. And this is a republic. This is why I enjoy it, I guess, so much. Kathy Wilmot, W-i-l-m-o-t. In Nebraska, two electoral votes are allocated to popular vote winner and one each to popular vote winner in each Congressional district. This process allows our voters to actually be heard at the national level in a way that reflects exactly what Nebraskans thought. Entering into this interstate compact to elect the President by national popular vote will strip away the voice of Nebraska's voters and force us to cast Nebraska's five electoral votes for candidate who wins the most votes throughout the nation as a whole rather than showing what Nebraska thought. To use Nancy Pelosi's Obamacare line, we have to pass this bill so you can find out what's in it, could be used when referring to the NPV initiative that's being pushed throughout our nation. NPV will have all types of consequences. What would happen if there is a real close finish in the national popular vote of the candidates? If it took months to settle a question nationwide, would we retain the outgoing President until recounts were conducted? Or would we simply be leaderless for a period of time. You can count on litigation. Each state's education...election codes are different drastically. States have different rules about registration, early voting, qualifying for the ballot. They have different policies regarding felons being able to vote. States have different triggers for optional and automatic recounts, different procedures for counting provisional ballots or investigating allegations of fraud. Each difference is an opportunity for someone somewhere to file a lawsuit. I may not pronounce this right but I'm going to say his name is Vikram David Amar, a respected constitutional lawyer, has acknowledged the dangers created by these clashing sets of state election codes. Since NPV was actually an idea that is based on what Amar and two other professors proposed in 2001, I think his opinions should be counted as important in this debate. Amar states: a problem I see in the current national popular vote bill is that it does not guarantee a true national election with uniform voter qualification, voter mechanics, and vote-counting standards. Absent such uniformity, some states might have incentives to obstruct or manipulate the vote

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count. And then I've read that John F. Kennedy once referred to the checks and balances in our Constitution as being a, quote, solar system of power. He says, "It is not only the unit vote for the Presidency that we are talking about, but a whole solar system of governmental power. If it is proposed to change the balance of power of one of the elements of the solar system, then it is necessary to consider all the others." The electoral college cannot be pulled out of America's political solar system in isolation. Instead, its absence will inevitably affect other aspects of this system. Please do not destroy our system. Please do not disenfranchise us as Nebraska voters and don't silence our voice. We would ask you to say no. Keep it here in committee and as he said, die that death. And somebody had a question on Koza, if I can add that. I had read... [LB112]

SENATOR MURANTE: Your light is red. Let's see if we have any questions. Senator Groene. [LB112]

SENATOR GROENE: Go ahead, Kathy. [LB112]

KATHY WILMOT: Well, I had simply read that... [LB112]

SENATOR MURANTE: Not really a question, Senator Groene. (Laughter) [LB112]

KATHY WILMOT: I really appreciate that. He knows I drove four hours to get here. [LB112]

SENATOR GROENE: I've got five hours to go home. [LB112]

KATHY WILMOT: I had read actually that when Koza got involved in trying to come up with this idea and putting so much money into the effort, he had been an Al Gore supporter and he was very upset with how things went. And he has found a way that has the potential of changing things. Thank you. [LB112]

SENATOR MURANTE: All right. Thank you very much. Didn't mean to cut you off. I just need to make sure everyone is treated equally. Any additional opponents? Welcome to the Government Committee. [LB112]

LONA FERGUSON: Thank you. My name is Lona Ferguson, L-o-n-a F-e-r-g-u-s-o-n. Thank you for the opportunity to speak as I feel on this subject. I'm not going to come and flatter you with a lot of legal statistics or any numbers. I'm not going to do that. I'm representing myself and yet I'm also representing my children and my grandchildren. When we look at those that worked on our Constitution, a lot of us seem to think that they probably were at least 50, 60, maybe 70 years old and that they had endured many battles and things like that. When we actually look at that, most of them were probably maybe even younger than you, Senator Murante, possibly the same age as Senator

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Larson, maybe Senator Hansen. But what they did hold dear was the battle that brought them to freedom. And they knew that they needed a document that would hold that. How many years has that document stood and held? Many. The electoral college has been debated. I'm a product of the '60s. I can tell you, you know, we did a lot of debating and a lot of protesting back then. But it stood. And it guaranteed people the right to speak just as I am here. The women, their right to vote, that took a lot of effort. I would ask you to watch Iron Jawed Ladies (sic--Angels). Some of those women died to get a vote, the very vote that we talk about today, the right to vote. I've listened to it. I've heard the attorneys. I've heard the lobbyists and all of this. And I want to say one thing, people have died for our Constitution and for the right to vote. And before you do something out of numbers or maybe we can improve it a little better, I would like you to think and remember a popular vote, what if it was popular to send all of our children to one school and put them in uniforms? We've created the popular vote and eliminated the electoral college. So what's to keep us from really having a popular vote? There's always going to be something there that's not going to be so popular to everyone. I heard a man speak once on a small village that decided it would be very popular and the men decided that it would be great if the women would go to work and they would stay home. But the women would also continue their regular jobs. And of course they voted on it and it became the law of that village. Let's remember we are a country of laws. I'm not so sure we've taken very good care of those laws, but we are a country of laws under a constitution that calls us a republic. A republic is formed and we keep the laws even though we have the right to vote. And I thank you for my right to speak.
[LB112]

SENATOR MURANTE: Thank you very much, Ms. Ferguson. Are there questions? Seeing none, thank you very much for coming down. Additional opponent testimony. Mr. Synhorst, welcome to your Committee on Government, Military and Veterans Affairs.
[LB112]

BUD SYNHORST: (Exhibit 8) Well, thank you very much. It's my maiden voyage to the committee. Good afternoon. Well, I guess evening now. Good evening, members of the committee. My name is Bud Synhorst, B-u-d S-y-n-h-o-r-s-t, and I'm executive director of the Nebraska Republican Party. On behalf of our state central committee, I'm here to share with you a resolution passed by our central committee unanimously on April 26, 2014, which in essence opposes the national popular vote and LB112. WHEREAS, the Constitutional method of electing the President of the United States through the electoral college was the method deemed best by the founding fathers of the United States of America for ensuring state sovereignty because all states, both large and small, are included in the presidential election process; and WHEREAS, the Constitution preserves the balance of power and authority between federal and state governments through the mechanism of the electoral college; and WHEREAS, the electoral college has been tested and proven itself over 56 presidential elections as the method to best preserve our representative form of democracy, resulting in the election

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of a President by a majority of electoral votes not a mere plurality; and WHEREAS, the National Popular Vote Interstate Compact, if successfully implemented, would eviscerate the constitutional electoral college process of electing the President of the United States; and WHEREAS, the National Popular Vote Interstate Compact, if successfully implemented, would radically change the way we elect our President through a questionable legal maneuver by changing the rules of Presidential elections via a compact between as few as 11 states instead of the normal 38 states needed to amend the Constitution; and WHEREAS, under the National Popular Vote Interstate Compact, if successfully implemented, a nonmember state's electoral votes are irrelevant because member states' electoral votes would number 270 or more and they would award their votes to the national popular vote winner, effectively destroying the electoral college; and WHEREAS, the National Popular Vote Interstate Compact, if successfully implemented, would undermine state authority and give more populated media markets power over the voice of the states; therefore BE IT RESOLVED, the State Central Committee of the Nebraska GOP opposes this attempt to undermine the U. S. Constitution and the electoral college by way of the National Popular Vote Interstate Compact; and BE IT FURTHER RESOLVED, that the State Central Committee of the Nebraska GOP does fully endorse retaining the constitutionally approved and time-tested electoral college method of awarding electoral votes to candidates to win the office of President of the United States of America; and BE IT FURTHER RESOLVED, that the State Central Committee of the Nebraska GOP strongly encourages the all state legislatures and governors to reject the National Popular Vote Interstate Compact. Thank you for your time. [LB112]

SENATOR MURANTE: Thank you, Mr. Synhorst. Are there any questions? Seeing none, thank you for coming down, much appreciated. Additional opponent testimony. Are there any additional opponents after this gentleman who wish to testify? Okay. [LB112]

TRENT ENGLAND: Greetings from Oklahoma. [LB112]

SENATOR MURANTE: Welcome. [LB112]

TRENT ENGLAND: (Exhibit 9) I am Trent England, T-r-e-n-t E-n-g-l-a-n-d, and I'm the David and Ann Brown Fellow for the Advancement of Liberty at the Oklahoma Council of Public Affairs where I get to work on issues related to constitutional federalism and our constitutional system of states, among other things. And I found out about this hearing a couple days ago. I was teaching a class in Tulsa last night to citizens and attorneys about constitutional federalism and plugged it into my phone and it said I could make it and so here I am. It's a subject that speaks of its own importance, right, the President of the United States of America, a position sometimes called the leader of the free world. And one of my concerns about this, I've been working on electoral college issues on and off since about 2003, and one of my concerns is that it's important

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to step back and realize this could be the most important thing that is debated in this building this year. Right? The question is, how should we elect the President of the United States? And I submit to you the best way to address that is the way that the founders did, not in theoretical terms. We've heard a lot of sort of theoretical arguments about what could happen or what the imperfections are of the current system. And the implication is always that if you change it, if you reshuffle the deck, it must be better than the current system. Right? George Washington said, history should be our guide. And I think it's important to look at how the electoral college actually works. I do want to return though to the issue that the good professor raised a few witnesses ago with Article II, Section 1, because I think he's right. The electors do not belong to you. The electors belong to the state of Nebraska, which is to say the people of the state of Nebraska. They do not belong to the Legislature. All right, you have power to decide how to allocate them on behalf of their rightful owners, the people of the state of Nebraska. And we know...you might not want to call it the founders' original intent. We know the founders' original assumption about this was that states would...this was power for you as state legislators to figure out the best way to reflect the views of the state of Nebraska. Right? And all the systems that have ever been used have always been about something intrinsic to the state. Legislative appointment is a two-step electoral process. Right? You're elected and then you could appoint electors. Right? Or the Congressional district method that you use. Proportional was talked about here, right, winner take all. All of those reflect the views of the people of Nebraska, which is at least to say a scheme like this has never been tried, and to many of us, flies in the face of what we know the founders thought this was about, whether or not a federal court would agree notwithstanding. The other issue is campaign strategy. The implication again raised by my friend, Pat Rosenstiel, that somehow in a single-member district there's no political logrolling. All right, is that what you see in gubernatorial races here, or Senate races? If we turn the country into a single-member district, all of sudden Medicare Part D and steel tariffs, these things will just go away because we all know that if mathematically every voter is equal there won't be any political logrolling. That's preposterous. That's insulting to the intelligence of people who have ran their own campaigns. National popular vote can poke holes at the electoral college system. The real question is, when you reshuffle the deck, what would actually happen? And just in closing, you go back to the supposed wrong-winner elections, National Popular Vote, in their little phone book talks about these, and you see how the electoral college works preventing vote fraud from stealing the White House in 1876 forcing the Democratic Party to form a more national coalition in the elections 1884, 1888, 1892. Right? These are things that aren't taught, unfortunately, in our civics or history classes anymore, at least not very much. But they show actually the great successes of the electoral college, how it works in practice. I would be pleased to take any questions. Thank you. [LB112]

SENATOR MURANTE: Thank you very much. Senator Bloomfield has a question.
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SENATOR BLOOMFIELD: Thank you. We were told earlier I believe that the Oklahoma Senate passed this. Did the House go along? Or what's the status in Oklahoma?
[LB112]

TRENT ENGLAND: The House did not go along. And as has been alluded to by various people, this is...I mean, National Popular Vote is an incredible lobbying effort with lots of free trips and lots of fun stuff and sometimes I wish I was on the other side. But it did pass the senate. It was a big surprise. Right after it passed, there was such a public outcry that four of the state senators immediately in writing recanted their votes and apologized to their constituents. And my understanding is that there is no desire to see this come up again this year. I think one of those Republican senators also lost his primary over this issue. [LB112]

SENATOR BLOOMFIELD: I can relate to that. I kind of had to do that last year. [LB112]

SENATOR MURANTE: Senator Groene. [LB112]

SENATOR GROENE: Even though I should go home, one thing I fear is when I vote for a U.S. Senator, I'm voting for a senator from Nebraska. When I vote for a Congressman, the federalist ideal...that the next generation will think I'm voting for the...I'm an American, not a Nebraskan. I'm voting for a President. I'm voting for a U.S. Senator, a U.S. Congressman. I'm no longer voting for a Nebraskan to represent Nebraska. That is the one fear I have with this national vote. We lose that federalist ideal that we are a federation of states. Do you sense that? I mean I can see both sides of this argument. [LB112]

TRENT ENGLAND: Actually, I was very thankful to the gentleman from Common Cause because he made the more honest argument for National Popular Vote. Right? It's part of an ideological belief that sees democracy just differently than the founders did. And you see that in the contrast between the American revolutionaries and the French revolutionaries. And it sounds sort of the same superficially, and it works out radically differently. And it is one of my concerns, is that...I mean not only does it do that, right, but it aggrandizes the Presidency. Our House members are supposed to represent us. And of course our senators were supposed to represent the states and that has been modified. It was modified in 1913. The President is an executive. And we see this more and more now. You saw it in the State of the Union address. The President wants to claim that he represents the people more than Congress. I mean it certainly undoes what this is trying to do. And it certainly bothers me, and it certainly undermines the system of federalism. You have to decide for yourself whether that's the direction you want to go, but that clearly is the National Popular Vote direction. [LB112]

SENATOR MURANTE: Thank you very much. Senator Garrett. [LB112]

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SENATOR GARRETT: Thank you, Mr. Chair. I don't have a question so much as I want to thank you for taking the time to travel up here and speak with us. [LB112]

TRENT ENGLAND: My pleasure. It's the first time I've been here and you have a beautiful legislative building and run a tight ship. [LB112]

SENATOR GARRETT: Thank you. [LB112]

SENATOR MURANTE: Thank you very much. Any additional questions? Thank you for coming up from Oklahoma. [LB112]

TRENT ENGLAND: Thank you very much. [LB112]

SENATOR MURANTE: Much appreciated. Any final opposition testimony? Any neutral testimony? Senator Larson is recognized to close. [LB112]

SENATOR LARSON: Thank you, members of the Government, Military and Veterans Affairs Committee. They have stuck it out. This was interesting. First of all, let me say this does not, as one testifier said, abolish the electoral college. No, it doesn't abolish the electoral college, and I wouldn't support that. This is not a constitutional amendment. The reason I would not support abolishing the electoral college because in Section II, Article 1, it gives the states the right to appoint or decide how their electors will be in Presidential elections. Two, we heard from our last testifier that this undermines federalism, and we've heard from other ones that we are a constitutional republic and this makes us a democracy. False. A democracy is when everybody gets to vote on every single issue. Early Greece was a democracy. With National Popular Vote, we will continue to be a constitutional republic to elect our representatives to go to Washington, our Congressmen and Senators, to represent us and serve the issues of Nebraska. The argument, if they want to continue on on that same argument, is Nebraska a pure democracy since our Governor is elected by a popular vote? He's our executive. No, we are still in Nebraska a constitutional republic: 49 of us are elected to come and represent our constituents in Lincoln, yet we still elect our executive by a popular vote. And that doesn't make us a pure democracy. That doesn't undermine the federalism that even our state emulated from the federal government. Now as I go through some of the arguments that were made, you hear a lot about the balance of states. Nebraska has 1.8 million people. We will be overcome by this state or that state. Nebraska, in 2012, voted for Mitt Romney at an advantage of 175,000 people. Ohio voted for Barack Obama at an advantage of 162,000 people. Nebraska's five electoral votes, therefore, cancelled out Ohio's 22...21 (sic--18) electoral college votes. This makes us extremely powerful. I heard about big cities controlling and that 11 states will decide the Presidency. Under that argument, the opponents are assuming every single person in those 11 states are going to vote for the same person. Yes, if every single person in those 11 states voted for the exact same person, they would get to decide the

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President. Let's be honest, is that ever going to happen? No. If you want to talk about big cities controlling the national popular vote--well, they'll just campaign in Houston; they'll just campaign in New York; Los Angeles--let's take this...or Minneapolis. Let's use these examples. Before Andrew Cuomo, the Governor of New York, George Pataki, he lost New York City. He lost Syracuse. He lost Buffalo. He lost Albany. Yeah, we still had a Republican governor of the state of New York. Let's look at Arnold Schwarzenegger in California. He lost Sacramento. He lost Fresno. He lost San Francisco. He lost L.A. He lost Long Beach. We have a Republican governor in California. Let's look at Minnesota, Tim Pawlenty. He lost Minneapolis. He lost Rochester. He lost Duluth. He lost St. Paul--the biggest cities. We have a Republican governor in Minnesota. The concept is intellectually dishonest to say that Presidents will just campaign in big cities and automatically win the election because every vote matters and every one of those candidates realize that. If New York City had so much power, how did Pataki ever become governor of New York? We hear, let's look at the past elections. Al Gore would have been President. You can't say that. Florida was decided by 527 votes? Five hundred twenty votes. George W. Bush put nearly \$100 million into the state of Florida in the last six weeks of the election in order to win Florida and its 27 (sic--25) electoral college votes. If there were a national popular vote, do you think he would have spent \$100 million in Florida or would have he spent money elsewhere? Would have Al Gore spent money elsewhere? Yes, they both would have. We cannot speculate on what would have happened in 2000. We had an interesting exchange. And Mr. Borchers was able to come up here and say he was...he's a constitutional scholar and it's unconstitutional. It doesn't mean it's right...he's right, I should say. We have constitutional scholars that say X; we have constitutional scholars that say Y. We have 97 percent of scientists that say global warming is real, and we have 3 percent that say that it's not real. I wonder where Mr. Borchers lies on global warming. I think Senator Groene even mentioned half the lawyers in the courtroom are wrong. Mr. Borchers talked about faithless electors. In the entire history of Presidential elections, I believe there's been 11 faithless electors of all the votes ever cast. And I'm not sure if everybody knows who decides who those electors will be. The state parties get to decide the electors. If you want to...if you're going to truly worry about faithless electors, I highly doubt the Nebraska Democratic Party is ever going to appoint someone to go cast the electoral college votes that would switch to voting Republican if the state voted for a Republican. And I highly doubt if a Nebraska Republican Party would ever appoint electors that would vote for a Democrat. It's not going to happen. Then we get to hear Mr. Borchers talk about why this is unconstitutional and we can't give our votes away to other states. Yeah, he didn't have an answer when Senator Murante pressed the question. We could, as a state Legislature, say the five linemen of the '94 Huskers will forever be our Presidential...or whoever they decide will...our present electors must cast those ballots for President. If that's what the state Legislature decides, we can do that. It has nothing to do with what the voters decide in the state of Nebraska. If we wanted to directly ignore the voters of the state of Nebraska, we could. I think, and I'd have to go back through my history, I'm pretty sure South Carolina, when Strom Thurmond ran for

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President just decided that South Carolina...passed a bill that they were going to vote for Strom Thurmond, the legislature just decided that. If we wanted to do that, if we wanted to pass a bill that said each Presidential election, the Legislature would decide who the Nebraska electors would vote for, we could do that. I also, as someone--still on Mr. Borchers--as someone who has expressed interest in running for Congress, I'm disappointed to hear that he doesn't think everyone should vote because it is a constitutional right. I do believe they should have to show an ID to vote, but I don't believe there should be an intelligence test. And concerning a close election, we heard that argument. Well, if it's a close election, how long are we going to have to wait for everybody to recount? We each will have our own election laws. A close election doesn't matter. If the state calls for a recount because the election is so close in that state, that state will have a recount. If they don't, no states have to have a recount and the totals will be added up and we will have a President of the United States by the date that is necessary, I think it's December 15. Won't be an issue. What has been said is, people that won't sit down and learn about the issue...we can talk about the 12 states in this country that decide Presidential elections. Twelve states decide Presidential elections. Almost a billion dollars in 12 states. If you want to give Nebraska's power, if you think Nebraska has some awesome power right now, if you think you're protecting Nebraska's votes right now by keeping it in this system, you're fooling yourself. You are supporting a system that lets Hamilton County housewives decide who the President of the United States is, or voters in the I-4 corridor. There's a reason we have No Child Left Behind and it was because George Bush wanted to get reelected to President in 2004. And polling that has showed what moms in Hamilton County wanted was a change in education policy. There's a reason we have Medicare Part D. There's a reason that when George Bush and his first Ag Secretary from North Dakota--and I'm blanking on his name right now--but there was a fight regarding the Missouri River and water rights on the Missouri River between North Dakota and Missouri. And the Secretary of Agriculture was the former governor of North Dakota. North Dakota is safe red, Missouri, a swing state. Guess who the Secretary of Agriculture sided with? He sided against his home state. We see public policy on the federal level distorted by our current system. We see massive increases of spending in certain states. Twelve states to be exact, distorted. In our current system where it's Congressional-based is even worse than winner-take-all because all of a sudden it matters: Well, what do the voters in Rochester, New York...Rochester, Minnesota care about? The Mayo Clinic. We'll pump money there. Let's make every vote count. Their arguments don't hold water when it boils down to the end. I appreciate your time and I look forward to discussing this issue with you guys. [LB112]

SENATOR MURANTE: (Exhibits 10-12) Thank you very much, Senator Larson. And before we close the hearing, we have two letters to read into the record: one, Sherry Miller from the League of Women Voters of Nebraska; the other, Tara Ross on behalf of herself wrote in as proponents; and John Gale, Secretary of State, Nebraska, wrote in in opposition. (See also Exhibit 13) That closes the hearing on LB112. It closes the

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hearing on the day. [LB112]