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Government, Military and Veterans Affairs Committee
March 02, 2016

[LB779 LB871]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Wednesday, March 2, 2016, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB779 and LB871. Senators present: John Murante, Chairperson; Tommy Garrett, Vice Chairperson; Dave Bloomfield; Joni Craighead; Mike Groene; Matt Hansen. Senators absent: Tyson Larson and Beau McCoy.

SENATOR MURANTE: Welcome to the Government, Military and Veterans Affairs Committee. My name is John Murante. I'm the state senator for District 49, which includes Gretna and northwest Sarpy County, and I'm the Chairperson of this committee. We are here today for the purposes of discussing two items before us. We will be taking up the bills in the order in which they appear on the agenda listed outside this room. If you wish to testify on any of the matters, we ask that you fill out one of these green sheets, which are located on either side of the room, and submit them to the clerk when you come up to testify. If you are here and you wish to state an opinion on a bill but you do not wish to testify, we ask that you sign in. Sign-in sheets are located on either side of the room, and at which point you can state your support or opposition for any of the matters before us. If you do testify, we ask that you begin by stating and spelling your name for the record. The order of business is the introducer of a bill will be permitted initial remarks and we'll then proceed to proponents, then opponents, then neutral testimony, and the introducer will be afforded an opportunity to close. We do use the light system in the Government Committee. Each person is afforded four minutes, when the yellow light comes on you have one minute remaining and we ask that you begin closing your remarks, when the red light comes on your time has expired and we will open the committee to any questions they may have of you. At this time, I would ask everyone to turn off or silence any cell phones or other electronic devices. If you do have a statement, an exhibit, or anything you'd like distributed to the committee, we ask that you provide 12 copies to our pages, who will distribute them to us. If you don't have 12 copies, again give them to the pages and they will make copies for you. So that's out of the way, we will proceed to introduction of members. To my far left, Sherry Schaffer is the Government, Military and Veterans Affairs Committee clerk. Next is State Senator Joni Craighead from Omaha. Next to her is State Senator Beau McCoy, also from Omaha; we do not anticipate Senator McCoy being here today. To my immediate left, Senator Matt Hansen from Lincoln, Nebraska. To my immediate right, Andrew La Grone is the committee's research analyst. To his right, State Senator Tommy Garrett from Bellevue. Senator Garrett is the Vice Chair of this committee, I do anticipate him being here momentarily. State Senator Dave Bloomfield from Hoskins, Nebraska. State Senator Tyson Larson, who has not indicated whether or not he will be here, so we can hope and pray that he will. And State Senator Mike Groene of North Platte, Nebraska, who I do anticipate being here momentarily. So having dispensed with that, we welcome once again Senator Paul Schumacher to the Government, Military and Veterans Affairs Committee for LB779. Welcome back, Senator Schmacher. [LB779]

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SENATOR SCHUMACHER: Thank you, Senator Murante and members of the Government and Military Affairs Committee. My name is Paul Schumacher, S-c-h-u-m-a-c-h-e-r, representing District 22 in the Legislature, and here today to introduce...if I can read upside down...LB779. I promised myself when I was elected that I'd at least try to raise the issues which I have observed over the last almost 40 years now, with regard to our political process and the way it works in the state. Since 1978, when I became Platte County Attorney, I've had occasion to spend...I think it was 6 or 8 years as a Republican Party chairman in Platte County and probably around another dozen years on the Republican State Central Committee. And during that period of time, I had an opportunity to watch the political process evolve, some would say deteriorate at the county level and at the state level during that period of time. Political parties at the turn of the century, you had things like the grange and all types of activities, it was very much oriented toward the way that politics was conducted. And theoretically, folks would get together at a local party level and debate issues, talk about the local situation, speculate about national issues when they got signal over the telegraph about them, and formulate some kind of a policy. And they'd have, as it turned up in our laws, a county convention, I think both political parties went about it the same way. And the county convention would come up with the county platform, would discuss the various issues. Supposedly it would have had some committees that might have been working on things throughout the year. And the county convention drew a pretty good crowd, it was something to do on a Tuesday night, and it was a viable part of the election process. At that county convention, not only did they cook up a county platform of what they thought the pressing issues of the day were, but they elected folks to the state convention. And the folks at the state convention were allocated numbers at that convention on the basis of a lot of criteria, including population and the way the county voted in the prior gubernatorial race. The folks they sent on to the state convention then elected a central committee man and a central committee woman to represent that party district, which usually was a county, but sometimes is two or three counties collected together, depending on population. And that state convention also then adopted a state party platform, which in the early days was a fairly dynamic instrument which reflected the concerns of the day. And the state party convention was a fairly dynamic thing also. The state party convention also elected some delegates to the national convention in presidential election years and also played a role in electing the electors who would ultimately vote for president should that political party win the presidential election. So it was a pretty dynamic kind of thing. As I witness a thing evolve...I can remember back to about 1978, and in our county...and I think our county, from discussing this with other rural counties, not so much with Omaha and Lincoln, but I hear they might have the same issues...there's probably 50 people show up. And it was in the basement of the courthouse, and it was teachers, businesspeople, and there was still a bit of the flavor of let's discuss issues, let's debate issues, and it was halfway viable. Sometime after that time the participation rate in the county conventions began to really deteriorate, and I can remember state central committee meetings where people would lament that, you know, we can't get anybody to come to the county convention. There's just no interest in it, and the numbers began dropping off, dropped off from maybe 50 people to maybe 20. The county conventions

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became focused a lot of times on the interest of the people who had a special interest for being there. Maybe there was a political candidate they liked, maybe there was a cause they liked, and a few of them got together to go down to the courthouse by I think it was around the first of March and sign up for the county convention. There were literally hundreds of delegate seats open, you know, for a good-size county and they'd get a handful of people. It was the practice of the county convention that those people who went there on the convention they would declare the convention open to any member of the party who happened to show up, so you wouldn't have to go through the whole rigamarole of going down and signing up for election and then when you signed up for election you would have to go on the ballot unless the district had available seats...and it always did, because not that many people were signing up. And so the county conventions got very limited in size, very specialized in focus. And recently, a phenomena has happened in many of the counties has been that no longer are the county conventions opened up by the little group that takes control of the party. So you'll get a group of a dozen...15 people go sign up, get elected to the county convention, and they show up and they have an idea of who they're going to send to the state convention, and they won't open it up to anybody else, they got it locked up. So if you're a member of the party and you didn't get down to the election commissioner's office, like I didn't this year, and maybe some of you didn't too, you're out. Unless they open up that convention, you can't even talk. So the party is extremely weak at that local level, and I'm told this is as true for the Republicans as it is for the Democrats. And that begins to have a repercussion, because when you have that type of delegates elected to the state convention, the state convention and the folks who are in command of the party often feel threatened, particularly if it's a group that isn't establishment-oriented. And so the state convention, usually the platform is a rather boiler plate thing of all things that say good things, very little particular discussion. Discussion is held to maybe two minutes for a speech at the state convention. Usually, the state convention is dominated at least 60 percent of the time by speeches from dignitaries, that way nothing can happen, and the platform and the other business is kind of rushed through. People who go there are generally disappointed that the process wasn't like they envisioned it to be at the state convention. The electorate process, now we have no primary election process for electors for president, that's all done at the state convention, but it's done in a very quick way and the dynamics are not there. And the parties are failing, and we're seeing that reflected some in this presidential race, on both sides. The process ends up resulting in a party structure that is defensive against whatever incursions may have become from the special cliques, or it's subject to being taken over by the special cliques and having a rapid shift in focus and a rapid change in policy, none of which are good. And we have now a political process which has very much separated from the people, very unlike what it should be. Now you say well, that's politics and such is life. And you know, that's the way life is, but it has also a direct consequence because as the parties deteriorate in their roles in society, particularly in local government in Nebraska...and very particularly in rural Nebraska, you may have in a primary election two Democrats running for a spot or two Republicans running for a spot, and nobody on the other side. Which means that a small number of people, just one party, determines the

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outcome of the election. And it may be two very fine people, but half the people...or whatever the percentage is these days on the parties, can't vote. And I've had elected public officials say, you know, really I'm elected, and I like that I was elected, but it really wasn't very fair because most of the people couldn't vote for me. You have a large-scale disenfranchisement. You talk to people who are party builders and they'll basically tell you we have no incentive that we can give people to show up to these conventions, to become active in the party, and to fill up the little committees and stuff. So what this bill attempts to do is to say okay, if you can't turn out 2 percent of your voters at your county convention once every two years, then you're not much of a political party. So get your rear-end out working and bring in 2 percent, and life will go on as always was in a partisan county government election. But if you can't, then let's do what many cities have done, what the Legislature has done, and be nonpartisan until that time that you can turn out a voter turnout. We're in a transformative age, when it comes to political parties. Their very nature and purpose has got to be challenged at this point and questioned. And you may have...we either need to revive the things or move on to something else, because right now we're going to find out at the national level it isn't working very well. I bring this bill to the committee far too late to give it a priority, somehow I think that might have been by design. But it is an important issue and it's an issue that we have to address when we try to play partisan politics and wear partisan hats and get all worked up for the show of elections, when the thing just has fundamental and structural flaws. And if we believe in it, then we should make it viable. And if it cannot be made viable, we should move on, at least local governments to a nonpartisan basis. That's it. [LB779]

SENATOR MURANTE: All right, Senator Schumacher. You'll be happy to know that you are not the last bill that we have heard in the Government Committee. I have the last bill, so you're in good company. [LB779]

SENATOR SCHUMACHER: In Revenue Committee we have a rule, the last bill introducer has to bring treats. [LB779]

SENATOR MURANTE: You'll be happy to know that this is not the Revenue Committee. Senator Bloomfield. [LB779]

SENATOR BLOOMFIELD: Thank you. Thank you, Senator Schumacher. I have been getting a boatload of questions from my constituents wanting to turn this body back into a partisan election. And they are telling me that they feel that this body going nonpartisan is what has affected the destruction, as you would refer to it, of the local county structure. Do you see anything there that...by eliminating the need for them to come together for...in order to choose a state representative if it was really no reason to go? [LB779]

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SENATOR SCHUMACHER: No, I never heard that that was a role people don't show up for these county conventions. I mean, the county conventions are...I don't think they even nominate the legislators, that's all done in the primary system, even before it became a Unicameral. Their function was basically to elect the folks to the state convention and come up with some county platform. I don't think the legislators ever were nominated by them. [LB779]

SENATOR BLOOMFIELD: They weren't nominated, but they were certainly discussed. And who should we support. I think you're correct in that that doesn't exist anymore, but there are a lot of people out there that think that it's because we went away from partisanship down here. Apparently, you don't agree with that. [LB779]

SENATOR SCHUMACHER: No, I don't think that...they can still get together and talk about Trump and Cruz and who's a candidate for governor, and we just gained way too much good government by doing it the way we're doing now. At least at the Legislature, I think. [LB779]

SENATOR MURANTE: Senator Groene. [LB779]

SENATOR GROENE: We still have free speech. A county convention can talk about the who's running for the Legislature and say we support this individual, it's the candidate who can't declare they're Republican or Democratic. [LB779]

SENATOR SCHUMACHER: Right. Sure. [LB779]

SENATOR GROENE: But the political parties still have free speech don't they? Yeah. So anyway, that's what I've always thought. But we got a lie to lead. Right now we're in a struggle, been one since I've lived in North Platte. The Right to Lifers took it over one time, the Rockefeller Republicans took it this last time. I got a bunch of my friends to go down and register, we're going to take it back this time. I enjoy it, the county party system. [LB779]

SENATOR SCHUMACHER: I guess I'm not supposed to ask questions, but I bet you don't have big turnouts. [LB779]

SENATOR GROENE: Twenty or thirty. Depends if there's a big debate, who's taking the party over next time. And believe me, there's some on the other side that want to take it back because I got elected. [LB779]

SENATOR MURANTE: Let me know if they need any contributions. [LB779]

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SENATOR GROENE: What's that? [LB779]

SENATOR MURANTE: Nothing, Senator. Are there any additional questions for Senator Schumacher? Seeing none, thank you very much, Senator Schumacher. [LB779]

SENATOR SCHUMACHER: And I think I'll waive closing, because we've got to go to Revenue Committee and cut your taxes. [LB779]

SENATOR MURANTE: Good luck and Godspeed. [LB779]

SENATOR GROENE: Always thinking, aren't you? [LB779]

SENATOR MURANTE: Are there any proponents to LB779? Any supporters to LB779? Opponents to LB779? Welcome back. [LB779]

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman 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 in opposition to the bill, not because of the policy of whether county elections should be partisan or nonpartisan, NACO does not have a position on this. The concern that our board had when they looked at this bill was a fear perhaps that there would be a patchwork of different methods of how county officials would appear on the ballot in different counties. It was just a simple concern that one county might be partisan, the next county might be nonpartisan, one might flip back and forth periodically, and it might be confusing to voters. So that was really our only objection to the bill. I'd be happy to take questions. [LB779]

SENATOR MURANTE: Okay, thank you very much. Are there any questions? Seeing none, thank you very much for coming down today. Additional opponent testimony? Mr. Synhorst, welcome back to the Government, Military and Veterans Affairs Committee. [LB779]

BUD SYNHORST: (Exhibit 1) Good to be back, Senator. I made my yearly voyage to the Government Committee. Good afternoon, my name is Bud Synhorst, that's spelled B-u-d S-y-n-h-o-r-s-t. Sorry about that. Senator Murante and members of the Government, Military and Veterans Affairs Committee, I am here today on behalf of the Nebraska Republican Party to oppose LB779. And I believe you may have heard from some of our activists in the party throughout Nebraska in their opposition to this bill as well. This bill seems to regulate county political parties by forcing government regulation upon a group of volunteers who work hard to engage as many voters as possible across our state. Our county chairs across Nebraska have been

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working diligently to build and develop organizations to engage voters and become more politically involved in local communities. I am proud of the work they do in order to get as many people as possible to attend monthly or quarterly meetings, recruit candidates for local city councils, school boards, county boards, the Legislature and higher offices, and their local get out to vote efforts. Remember, these are local volunteers who care passionately about their cities, counties, and our great state. They do not judge success based on an arbitrary number of participation forced upon them by a legislative bill, they care about getting local people to come out and get involved at whatever level they wish. I recently attended a county party event in Senator Bloomfield's district, where the Lieutenant Governor was their featured speaker, and was attended by local voters. I estimate there were probably about 30 people there that night...more than 30, okay. Well, I was low-balling it for you, Senator...30 people in attendance in Winside, Nebraska. I was proud of our county chairman as him and his committee worked very hard to sell tickets, organize a nice event, and bring constitutional officer to their county as a keynote speaker. They were able to raise some money to help local candidates, host forums for voters in Wayne County to meet their candidates, which is completely the mission of a county party. They have been having monthly meetings in Wayne, and I have been there for some of them. They may have 7 or 20 people show up on a Saturday morning in their county party to get involved. However, under this bill, which has become active...in this county, under this bill, would have to have regular meetings and would be required to have 63 people attend their convention, otherwise there is a penalty to pay and change local offices to nonpartisan. It seems to be counterintuitive to the prospect of generating more engagement with Nebraska voters. These volunteers are doing great work in order to help local voters get to know our candidates. These are the grassroots activists who are knocking on doors, walking in parades, putting up yard signs, making phone calls to help their candidate of choice. This is meeting the purpose of having local grassroots party organizations in Nebraska. Just for a frame of reference, by party rule the Nebraska Republican Party has 400 delegates allocated to our state convention. With LB779, 20 of the counties in Nebraska would be required to have at least 100 delegates attend their county convention. And some of those counties would surprise you, these are counties that are very active organizations and have regular meetings with their local folks. I only see LB779 discouraging them from participating in more because of the penalty. LB779 adds unnecessary pressure to county chairs to get so many people to attend a convention. Let's look at the numbers for a second. Senator Murante and Senator Garrett, you live in Sarpy County--they would need to have 900 delegates attend their county convention under LB779. I believe the Sarpy County GOP is doing a nice job, having regular meetings on a monthly basis. They bring in speakers, I think Senator Garrett has been there, Senator Murante, several others to talk about issues in our state. Generally, they get between 60 and 100 people on a Thursday night in Papillion. That is great to have that kind of participation, and LB779 would squash that momentum I believe. Senators Craighead and Senator McCoy, who is not here, both live in Douglas County. Their county party would need to have 2,500 delegates to their county convention in order for them to remain those offices partisan. The DCRP does a nice job, they have monthly meetings, they have

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a lot of people attend--they probably have close to 100 or more every month at their DCRP meetings. That's going to knock that down. Oh, sorry. [LB779]

SENATOR MURANTE: Why don't you finish your sentence... [LB779]

BUD SYNHORST: Okay, let's see. Senator Groene, I know you just spoke to Senator Schumacher about Lincoln County. Your county would need to have 250 delegates to the county convention, I think that just doesn't add up for me. Senator Hansen, here in Lancaster County, your party would have to have over 1,200 people at a convention. It just seems impossible to get to this many people to a convention. LB779 doesn't make sense. And finally, Senator Larson's district in Holt County, they would need to have 99 delegates at their county convention. I don't think...know when the last time that was happened. Senators, LB779 isn't feasible and doesn't make sense. I see no need to penalize party activists across the state when they work hard to engage our voters. And I urge the committee to vote down LB779. Thank you. [LB779]

SENATOR MURANTE: Thank you, Mr. Synhorst. Are there any questions? Senator Bloomfield. [LB779]

SENATOR BLOOMFIELD: Not so much a question as a clarification of that very low-ball number you threw in. To you guys it's not going to sound like much, but on one side, a town population of roughly 400, there were 44 people there, over 10 percent. That's not a bad turnout. And it wasn't a convention, it was just a meeting and a feed (inaudible). Lincoln-Reagan Day event, that's what we refer to it as. [LB779]

BUD SYNHORST: It was a nice event. I even stopped to visit with the sheriff from Dodge County on my way home. [LB779]

SENATOR BLOOMFIELD: Now what did that cost you? [LB779]

BUD SYNHORST: Nothing. I got lucky. [LB779]

SENATOR MURANTE: Senator Craighead. [LB779]

SENATOR CRAIGHEAD: Thanks for being here today, Bud. What's the process for delegates to county and state conventions? [LB779]

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BUD SYNHORST: Thank you, Senator. You know, Senator Schumacher in his testimony referred to kind of what he felt was a bit of a closed process in the delegate process. In our county parties, there's no longer voting for delegates to the county convention on the ballot. Essentially, the counties are allowed to have as many delegates to their convention as voted for the last presidential nominee in the Republican Party. So we leave it very open that anyone wants to go down to the courthouse and sign up to be a delegate can become a delegate to their county convention. The party rule, which was voted on last summer, was 400 delegates to the state convention, and that is allocated based on voter turnout for the presidential nominee in the previous presidential election. And then from there we have 33 delegates to the national convention, which nine of those are elected by congressional district, so each congressional district gets three delegates. And then the 24 delegates remaining would be voted at large or in a statewide caucus for the process. And then we also have our three members of the RNC, who are automatic members to the national convention. So I believe our process is very open, I'm very proud of what our county parties do across Nebraska. They've been working hard to go out and get people to sign up and encourage people to sign up, we've been promoting it from the state party. And so I guess one of the biggest things we talk about in politics are decisions are made by those who show up. And if people are willing to organize and get their people together and come out and sign people up to be delegates, then that's the process. As far as the nomination process for President of the United States this year, our delegates to the national convention of the Republican Party are tied to the outcome of the primary vote that's going to happen on May 10. So it's not like we have a process where, you know, certain party people get to vote for whomever they want and they're bound for at least two rounds at the national convention. So I feel like our process is very open in getting people involved. [LB779]

SENATOR CRAIGHEAD: Thank you. [LB779]

SENATOR MURANTE: Thank you. Senator Groene. [LB779]

SENATOR GROENE: Thank you, Chairman. Does every county send delegates to the state convention? [LB779]

BUD SYNHORST: At the last convention, which was an off-year convention, we had 72 of the 93 counties that sent delegates to Hastings for a convention. This year, right now I know of 84 county conventions that are scheduled. I'm going to attend a bulk of them, so I'll probably be flying through North Platte or driving through North Platte at some time. [LB779]

SENATOR GROENE: So the county system is pretty... [LB779]

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BUD SYNHORST: I feel like it's fair. I mean, it's always a struggle to get county chairs in some areas. It happens. [LB779]

SENATOR GROENE: Or people in the hometown. [LB779]

BUD SYNHORST: You know, I mean you've got...let's take Banner County, it doesn't really have a town, so to speak. And so it's hard to get people in Banner County, but we've got someone in Banner County that's going to hold a convention in early April. [LB779]

SENATOR MURANTE: Senator Bloomfield. [LB779]

SENATOR BLOOMFIELD: You mentioned 84 counties, can you name the 9 that are not? [LB779]

BUD SYNHORST: No, but I could try. There's just a few in certain pockets of the area. The Panhandle is difficult for us, because those are the lower-population areas, you know? And it's just tough, you know? Some people want to get involved and some people don't. [LB779]

SENATOR GROENE: Well, they're all Republicans too. [LB779]

BUD SYNHORST: But we're working hard. We're out there trying to get people engaged and trying to get counties to work together, where maybe three or four counties come together and do events where they can bring in the Governor, or a senator, a congressman, or something to draw people in. Because we're really trying to engage the voters. [LB779]

SENATOR MURANTE: Okay. Seeing no additional questions, thank you very much for your testimony. Much appreciate it. [LB779]

BUD SYNHORST: Thank you. [LB779]

SENATOR MURANTE: (Exhibit 2) Is there additional opposition testimony to LB779? Any additional opponents? Any neutral testimony to LB779? Seeing none, I do have a letter of support from John Dickerson of the Nebraska Association of Commercial Property Owners. And that closes the hearing on LB779, as Senator Schumacher waived closing, and we will proceed to the last item. [LB779]

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SENATOR GARRETT: Welcome, Senator Murante, to your Government, Military and Veterans Affairs Committee. [LB871]

SENATOR MURANTE: Thank you, Senator Garrett. Members, for the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e. I am here today to have a discussion about moving up Nebraska's presidential primary. We have discussed this, as members of this committee, in years past. And what the solution we have before us today...and I'll be clear about my intentions, this isn't prioritized. Quite frankly, the bill needs a lot of work if it is going to get enacted into law, because we have all sorts of filing deadlines that would need to be adjusted, things like that. But at the very least, we can observe where we are in the presidential election process this year, look at how our neighboring states have been impacted by where they have placed their presidential primaries, and look at what sort of relationship the state of Nebraska has with our presidential candidates. I believe that having a presidential primary in the middle of May, when the rest of us have our primary elections, have made us thoroughly irrelevant to the presidential nominating process. Evidence of that: I don't believe that to date that a single Republican candidate for President of the United States has visited the state of Nebraska for anything other than to raise money. And there have been a few very small fund-raising events, but other than that the people of Nebraska have not...the Nebraska Republicans have not been courted at all. In fact, John Kasich, the Governor of Ohio, was on Fox News just a few months ago and specifically named Nebraskans as a group of people who were irrelevant and whose opinions did not matter for the purposes of getting elected President of the United States. And unfortunately, I think in a practical world he is correct. And I would alert the members to the travel schedules of the presidential candidates this week. The Democrats in Nebraska, wisely I believe, chose to conduct a caucus. That caucus will be taking place on Saturday, Bernie Sanders will be in the state of Nebraska this week. I think Chelsea Clinton has spent so much time in Nebraska she can take up residency legally. They clearly care about the state of Nebraska and they're spending time here. Look at the state of Kansas--also has a caucus on this coming Saturday. Ted Cruz flew immediately from Texas last night into the state of Kansas, and will be spending the bulk of the remainder of this week there. And the other presidential candidates are in states of comparable size. The size of a state and the amount of delegates we have to a national convention has very little bearing on the amount of attention, time, and money that is spent in those states. It is clearly a reflection of when the states have their primary. Now the question has been asked why don't the Nebraska Republicans just do what the Nebraska Democrats do and have a caucus. I can't speak for the Nebraska Republican Party, perhaps Mr. Synhorst can speak for them, but if they asked my advice, my advice would be to not conduct a caucus because in my view, caucuses are the single worst method of electing a president ever conceived in the history of western civilization. So I understand the reluctance to have a party-run caucus for electing a President of the United States or nominating a President of the United States. It would be my hope that if this idea, if the concept picks up steam, that we can work with our Democratic friends, both within the body and the Democratic Party structure, that if we can move our

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primary up that they would dispense with their caucus and have a system that is perhaps more professionally run and has a much higher turnout. But that's a different discussion for a different day. So I believe this is good. The bill, as it was constructed, I have no reason to dispute the fiscal note. Quite frankly, that was the number that I had anticipated. One of the policy changes is I believe that since we would be conducting a presidential primary in March, according to the bill, and we would maintain the rest of the primaries in May. So the Legislature and every other office, United States Senate, House of Representatives, and so on and so forth would still have the May primary. It was my belief that this election should be paid for by the state and not be a burden to the counties. If it's something that we think is important, as many of you have heard me say on many different subject matters, if we think it's important, we ought to be the ones that pay for it. And I think that \$1.5 million price tag is both reasonable...and \$1.5 million spent once every 4 years to make Nebraskan's voice heard in the selection of a President of the United States seems to be well worth it. And the one thing the fiscal note does not take into account is the money that would be spent in Nebraska by campaigns. There will be a revenue component of it by Nebraskans having a voice and having campaigns come spend their time and money in Nebraska. So I'd be happy to answer any questions. If this committee thinks this is a good idea, it is something that we will have to work on through the remainder of this year. Obviously, we can't change the primary process at this time, for this election cycle, but coming back next year with a bill that changes the way we do things moving forward is something that I am willing to work on. I do think that there are more reforms on a national level that are coming to the primary process, and we'll have to be cognizant of those things. I think that probably a rotating regional primary is something that is going to be happening relatively soon in the political party structure, and we'll have to be cognizant of that. But I would be happy to work with the members of this committee and the Secretary of State's Office to make that happen. [LB871]

SENATOR GARRETT: Thank you, Senator Murante. Is it your intent then, that Nebraska would be part of the Super Tuesday, or would we look to do something like Kansas and have it after the Super Tuesday? [LB871]

SENATOR MURANTE: We traditionally...since I do propose to still have a primary, I think it needs to be on a Tuesday. So I don't like the Kansas model of doing it on a Saturday. I think there is probably something to be said for being the Tuesday after Super Tuesday, where we're not bunched up with 11 other states. There are a much smaller number of states so that our attention could be paid to us a little bit more. I think right now, if we had to make a decision at this moment, I would suggest probably the second Tuesday in March as a good primary date. But another option that states such as New Hampshire have done is to give the Secretary of State some latitude on setting the date, because the calendars on the political parties move so much that it's difficult to put into statute a hard and fast date, and to give the Secretary of State some latitude to move the date around at the direction of the Legislature. [LB871]

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SENATOR GARRETT: Thank you. Are there any other questions? Okay, Senator Groene. [LB871]

SENATOR GROENE: So but you would still have them on a Tuesday? [LB871]

SENATOR MURANTE: Yes, just because it's traditionally the day that Nebraskans vote. [LB871]

SENATOR GROENE: I didn't understand your comment earlier about the Democrats in Nebraska have a caucus. And when are they having that? [LB871]

SENATOR MURANTE: Saturday. [LB871]

SENATOR GROENE: But they also...the Democratic candidates are also on the ballot in May, right? [LB871]

SENATOR MURANTE: We took that off two years ago, I believe. [LB871]

SENATOR GROENE: Oh, we did. So they don't have a primary election anymore? [LB871]

SENATOR MURANTE: I believe this was a bill that we worked on with Senator Avery, when he was the chairman of this committee. That it was actually an idea that came from the Nebraska Democratic Party, that they felt that having a primary discouraged people from going to the caucus, and the caucus is what really mattered. But I'll double check that we actually got that provision passed into law. Maybe Senator Hansen could consult on this. [LB871]

SENATOR GARRETT: Senator Hansen, (inaudible). [LB871]

SENATOR HANSEN: My understanding was the opposite, is that they still would appear on the ballot to the Democratic nominees, but it wouldn't particularly mean anything since the delegates are not even... [LB871]

SENATOR MURANTE: Right, the proposal was kicked around. I don't recall if that was what was put into the final version because there was a lot of internal debate within the Nebraska Democratic Party about whether that should be put in the bill. And the policy of the committee was largely we aren't going to interfere with the way they want to run their own party, that's sort

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of their policy question to decide. But I've long since stopped trying to understand the process of either political parties making decisions, so I'm leaving it there. [LB871]

SENATOR GARRETT: Senator Bloomfield. [LB871]

SENATOR BLOOMFIELD: And you may have already discussed this, thank you. Why can't we go to the middle of January. And if you have already discussed this, I'll just talk to you later. [LB871]

SENATOR MURANTE: No, that's a good question. I will speak...I'm much more familiar with the rules of the Republican Party than I am of the rules of the Democratic Party, but if we move into February, the Republican Party penalizes any state that moves their primary prior to March 1. Which is why you saw so many states on March 1. And the reason is they are trying to...over the course of the years, they have been trying to cement Iowa, South Carolina, New Hampshire, and Nevada as the first four states. So we would be penalized severely, I believe we actually lose all of our delegates if we were to go into February, or even before that. There are some rules where right now Nebraska is a winner-take-all state for our delegates. Whoever gets the most votes in our May 10 primary, gets all of the delegates--all 36 delegates from the state of Nebraska. There is a rule in the Republican Party that going before March 15 requires a forced-proportional system, you may have seen some of that last night. Last night was Super Tuesday, of course. Some states have gotten around that by saying if you get a majority, you get all the delegates, but then they have viability thresholds, like you have to get 20 percent of the vote to get any delegates and things like that. We've largely not gotten into that sort of formula in the state of Nebraska, but those are rules of the parties, which we have to merge the two together. We can't really be competing with each other, so that's the problem. [LB871]

SENATOR BLOOMFIELD: Thank you. [LB871]

SENATOR GARRETT: Senator Groene. [LB871]

SENATOR GROENE: Are you concerned that we will lose turnout at the other primary, for the state Legislature? People show up for the president and... [LB871]

SENATOR MURANTE: That's a good question. Well, I think I would note a couple things about primary turnouts tend to be very consistent, regardless of whether there is a presidential...so it tends to be the same 20-25 percent turnout, whether it's a midterm election or it's a presidential election. And the last time we have had a presidential race that was really going on in earnest in

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May, we have to go back a very, very long way for that to happen. So it seems it's meaningless for the most part, or so I... [LB871]

SENATOR GROENE: Would you...what if somebody wanted to do a school bond election or something on that presidential Tuesday, since the ballot stated the cost of special elections? [LB871]

SENATOR MURANTE: That would not be permitted under the bill. This bill provides exclusively for a presidential preference primary. [LB871]

SENATOR GROENE: They can wait three months until May. [LB871]

SENATOR MURANTE: Yeah, and there are some restrictions on special election ballot initiatives and things like that. There is a window where you cannot have a special election. And I believe this would be within that window where if you want to have a special election within a certain period of a major election, you just do it on the... [LB871]

SENATOR GROENE: Major election. [LB871]

SENATOR MURANTE: ...major election. And I think that's what would be the case here. [LB871]

SENATOR GROENE: So we want to do this mainly so that Mr. Trump visits our state? [LB871]

SENATOR MURANTE: Maybe not him in particular. But I do think there is a value of having presidential candidates come to the state of Nebraska and hearing what our citizens have to say. Right now, the Republicans are staying away from us, and I think it's important to have them here. [LB871]

SENATOR GARRETT: Senator Bloomfield. [LB871]

SENATOR BLOOMFIELD: I would point out that Marco Rubio and Ted Cruz have both been in the state in the last couple years. [LB871]

SENATOR MURANTE: Last couple of years, yeah, I'll concede that point. When they had some time on their hands, they gave some speeches at Republican Party events and things like that, but as far as full-blown actual campaigning, trying to win over votes... [LB871]

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SENATOR GROENE: Shaking a hand. [LB871]

SENATOR GARRETT: Any other questions? Thank you, Senator Murante. At this time, I'd like to take any proponent testimony. Seeing none, any opponent testimony? And any testimony in the neutral capacity? Okay, this concludes the hearing for LB871 and the...oh yeah, Senator Murante waives closing. So this concludes the hearing for LB871 and the public hearings for today. [LB871]