

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

HUGHES: Welcome everyone to the Executive Board. Excuse me. (Gavel) Welcome to the Executive Board. I am Senator Dan Hughes. I am from Venango, Nebraska, and I represent the 44th Legislative District. I serve as Chair of this committee. The committee will take up the bill that is posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Move to the front row when you are ready to testify. The order of testimony is introducer, followed by proponents, opponents, neutral, then closing by the introducing senator. If you are testifying, please fill out a green form found in the back of the room. Hand the green sign-in sheet to a page or the committee clerk when you come up to testify. Spell your first and last name for the record. When you begin testifying, speak clearly into the microphone and be concise. Because we are a lunch hour committee, we ask that you please keep your testimony to three minutes. When you see the yellow light come on, that means you have one minute remaining. The red light indicates your time has ended. Questions from the committee members may follow. If you do not wish to testify today, but would like to record your name as being present at the hearing, there is a separate white sheet on the tables that you can sign-in for that purpose. This sign-in sheet will become an exhibit to the permanent record of today's hearing. We ask that you please limit or eliminate your handouts. If you do have handouts, these materials may be distributed to the committee members as exhibits only while testimony is being offered. Please make sure you have at least 13 copies and give them to the page when you come up to testify. They will be distributed to the committee and staff. The committee members with us today will introduce themselves beginning on my left.

VARGAS: Tony Vargas, District 7, downtown and South Omaha, and I serve as Vice Chair.

McCOLLISTER: John McCollister, District 20, central Omaha.

HILGERS: Mike Hilgers, District 21, northwest Lincoln and north Lancaster County.

GEIST: Suzanne Geist, District 25, the east-- southeast corner of Lincoln and Lancaster County.

SLAMA: Julie Slama, District 1.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

HUGHES: And on my right.

PANSING BROOKS: Hi. I'm Patty Pansing Brooks representing District 28 right here in the heart of Lincoln.

LOWE: John Lowe, District 37, Kearney, Gibbon and Shelton.

LATHROP: Steve Lathrop, Legislative District 12, which is Ralston and parts of southwest Omaha.

HUGHES: To my immediate right is committee counsel, Janice Satra, and to my far right is our committee clerk, Mandy Mizerski. We also have Chloe Fowler is our page for today. She is a senior at UNO, majoring in political science. With that, we will open our hearing on LR282CA. Senator Slama, welcome to the Exec Board.

SLAMA: Thank you, Chairman Hughes, and members of the Executive Board. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I represent District 1 in southeast Nebraska. Today, I'm here to introduce LR282CA, a simple transparency measure to let voters know to which party a candidate for Legislature belongs on their ballot. Almost all other candidates for office in Nebraska, from president to public service commission, have their party affiliation indicated on the ballot. LR282CA simply holds legislative candidates to the same standard, preventing candidates from misleading voters about whether they're a Democrat, Republican, or something else entirely. There's a large academic consensus that voters are less likely to participate in nonpartisan elections than partisan ones, and Nebraska, state legislative elections are no exception. In fact, Nebraska's legislative elections have a discernible inverse relationship of undervotes compared to states that have a partisan legislative election. It can easily be argued that fewer Nebraskans are voting in legislative elections because they don't have a candidate's party affiliation readily available to them on the ballot. Voters look for certain indicators when they vote, and political affiliation is commonly one of the first things they take into account when considering a candidate. I don't know about you all personally, but when I was going door-to-door during my campaign, people would ask right off the bat, are you a Democrat or a Republican? Our country and our state have had two long-established political parties, along with independents and third party candidates. These have meanings with voters, and voters have a general sense of where a candidate of political party stands on the issues they care about. This is information voters have a right to know in the voting booth when they cast their ballot. Further, this amendment wouldn't, in and of itself, end nonpartisan elections for Legislature. It would only give

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

Nebraskans the opportunity to say if they want to keep the Legislature's nonpartisan election system. If Nebraskans are truly happy with our nonpartisan legislative elections, this amendment will fail on the ballot and nothing will change. But as a state, we have not revisited this question of a nonpartisan Legislature since it was adopted nearly 100 years ago. It is time for 21st century voters to give their voice to this issue. The page-- Chloe, can I get this passed out? We'll be passing out a white copy amendment for your consideration. Thank you. This amendment simply corrects some language and clarifies language to ensure that the constitutional amendment proposed by LR282CA does what it's intended to do is clean up. As a Legislature, I truly believe that we need to be transparent in everything we do, and this includes being transparent about which political party we are affiliated with. Just like 49 other states successfully do, and just like we already do with a host of other offices, we owe it to our voters to be honest about which party we are affiliated with, and they have a right to know. Thank you and I look forward to your questions on our LR282CA.

HUGHES: Thank you, Senator Slama. Are there questions from the committee? Seeing none, you'll stay for closing?

SLAMA: Yes.

HUGHES: OK, very good. So we will invite the first proponent to LR282CA. Welcome.

CHARLOTTE RALSTON: Thank you. Thank you for letting me speak today. My name is Charlotte Ralston, C-h-a-r-l-o-t-t-e R-a-l-s-t-o-n, and when I heard about this, I thought, what a great idea. This is something that I have thought about for a long time would be a great idea. So I'm here to support LR282CA , the constitutional amendment to eliminate the nonpartisan requirement in state legislative elections. As a Kansas native moving to Nebraska, I recall the confusion I had voting when I couldn't see which political party the candidates were aligned-- aligned with in some races. And even today, I sometimes still have that confusion when I haven't been able to find information or do enough research before I vote. Friends and family, many of them have expressed the same concerns over the years. We now know that the nonpartisan experiment of the Unicameral has failed, and those involved in it are fully aware on which side of the aisle they stand. The only ones who are left in the dark are the voters, especially the uninformed or the occasional voter. I believe it's time we stop pretending that our state representatives are all independent of any political party and let the voters see on the ballot which political party the candidates represent. Whether independent, Democrat or

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

Republican, it would provide important information for us citizens when we vote. As the committee, I urge you to pass this on to our legislators and ultimately to the people to hear their voice on the matter. If I am wrong and the public doesn't want or need this change, then nothing is lost by putting this on the ballot to see how it goes. If it passes, we will have what every other state in the Union has, while still maintaining our uniqueness as a Unicameral. And if it doesn't pass, we'll continue on with the charade that our legislators are special, that political parties have no influence on the lawmaking in Nebraska. Please support this constitutional amendment. It really is a good thing to do. Thank you.

HUGHES: Thank you, Ms. Ralston. Are there any questions from the committee members? Seeing none, thank you for coming in today. Next proponent. Any additional proponents? Then we will move to opponents to LR282CA. Welcome, Senator.

GALEN HADLEY: Mr. Chairman, my name is Galen Hadley, G-a-l-e-n H-a-d-l-e-y. I woke up this morning a little confused because I put on a shirt and tie and coat. I wondered which funeral I was going to. It's usually where I wear them these days. So I'm here as an opponent and I want to give you a couple of reasons. One, in my background, I ran for city council, knocked on doors, elected-- elected mayor, ran twice for the Legislature, elected twice, knocked on 2,000 doors, was a senator, chair, speaker, and in all that time, not one constituent or one person in all of the groups that I talked to, asked me if it wouldn't be better for us to have a Republican or Democrat on the ballot, not one. And I would ask you, have you had constituents come up to you and say, I really-- I don't know where you stand, so I need an R to tell me where you stand. The second thing is, one of the nice things about being a speaker is you get to go to meetings and I just want to let you know-- right, Mr. Speaker, and you're sitting there with 49 other speakers, and they always ask two questions. What's it like to be a Unicameral? And you'd explain it, and they always liked the Unicameral because they hated their senators. They wanted-- they would be happy to go to a one-house way. The second thing they would ask, how does this nonpartisan work? And I would start out explaining, they say, well, how do you elect the speakers? It's by your caucus, isn't it? No, we don't have caucuses. Well, how do you elect them? It's by secret ballot. You mean secret ballots. Do you use a secret ballot? You don't let that party in a caucus decide? No. How do you choose your-- your chairs? Oh, that's secret ballot also. You mean as speaker, you don't get to decide who the chair is? How are people put on by the committees? It's by the districts. Oh, you mean you as speaker? And then I remember this quick story about the Iowa speaker

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

who had two people on one of the committees of her party, and she-- they weren't voting the way she wanted to on a bill, so she took them off the committee and put two more people on. So all I'm saying is, right now the emphasis on you as an individual senator, it's not the party. It's you as an individual senator and you're voting as an individual senators. You represent as Senator Chambers used to say, you represent the entire state of Nebraska. And so I really am opposed to this. I think this-- I really, truly believe this would, if this passes and it goes in, the next steps will be through rulemaking, so we will look a little bit like Washington. And I don't think we really want to look like Washington, and I'm not blaming any individual party because I think in Washington, both of them have enough blame to do it. So with that, I would be happy to answer any questions.

HUGHES: Thank you, Senator Hadley. Are there any questions from the committee members? Seeing none, thank you for coming in.

GALEN HADLEY: It's a lot more fun to be on that side of the--
(LAUGHTER)

HUGHES: Senator Hadley, we did have a question here. Senator Pansing Brooks.

PANSING BROOKS: Thank you so much for coming, Senator Hadley. I appreciate your being here. I appreciate your stand on this. I learned a lot about that from you because you appointed me my first year to go to an emerging leaders forum at the University of Nebraska-- or University of Virginia, Darden. And at that-- we went around-- there were 50 either senators or representatives, and we went around. We read things on leadership and read Plato's works and-- but at the end of it, all 50 of us sat in a circle and they went around and said what they've been doing this-- this year, and each of them had been basically assigned a bill by the speaker. They had been told by their parties what they were going to do. They got to help write testimony for the senators. That all is part of what you're talking about and I've always quoted the fact that you have said that people were surprised that you didn't get to place people on committees or tell people what they're going to say. And all of this talk about nonpartisanship, that is the blessing of this Unicameral and I appreciate your continued fight on that as well. Thank you. That's-- I guess. I didn't have a question.

HUGHES: That was a question?

PANSING BROOKS: Yeah, it was a question, it was just to--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

GALEN HADLEY: You know, I spent my time getting talked to by senators. So I didn't-- I didn't get the-- I didn't get to tell them much, they told me (INAUDIBLE) as Senator Hughes would.

PANSING BROOKS: Here I am doing it again, so thank you.

HUGHES: Thank you. Next opponent. If you'd like to testify, please come populate the front row so we can expedite our process.

DIANNA SCHIMEK: Good afternoon, Mr. Chairman, and members of the Exec Board. It's a pleasure to be with you today. My name is DiAnna Schimek and it's spelled D-i-A-n-n-a S-c-h-i-m-e-k. I learned early-- oh, is there a-- I've got some things here. I learned early in my legislative tenure that the simplest bill is sometimes the most far-reaching one that-- that one doesn't necessarily realize at first. LR282-- LR282CA is one of those bills. It removes one sentence from state statutes and would profoundly change the way our Legislature operates. Candidates would be elected on a ballot with a party label beside their name, and it is most probable that there would be party organizations within the Legislature itself. Senators would be expected to toe-the-line on issues. Constituents would not be as apt to approach someone of a different party, and legislators would not be as apt to listen if they were beholden to a party of a different point of view. It would also give the Governor more power. Senator George Norris envisioned our system as giving more power to the people. Charlyne Behrens has written a couple of books on the Legislature and one on the Dean of the Legislature, Jerry Warner. She certainly has done a lot of study and research on the subject. Here is what she had to say in an op-ed piece in the Lincoln Journal star on Monday of this month. Nebraska-- excuse me. Nebraska state senators are free to listen to their constituents and to consider the good of the state, not just the advancement of their own party as they debate and shape policy. As a result, lawmaking in Nebraska is relatively free from partisan gridlock, so prevalent in relatively in-- in Congress and in other state Legislatures. Why in the world would we want to abandon something that works and works well? The fact that Nebraska's Legislature is unique among states is not in itself reason to preserve it. But the fact that it is open and responsive to the people sure is. That ends her quote in that op-ed piece. That openness and responsiveness, as George Norris said some 80-years ago, is the ultimate goal in a democracy. The only thing I would add is that I think term limits has handicapped the Legislature from having seasoned senators who can help guide new senators in the Legislature itself. This is what should change, not the nonpartisan name of the Legislature. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

HUGHES: Thank you, Senator Schimek. Are there any questions from the committee members? Seeing none, thank you for coming in today.

DIANNA SCHIMEK: Thank you.

HUGHES: Next opponent. Welcome.

MIKE GLOOR: Thank you, Senator Hughes. I'm Mike Gloor, M-i-k-e G-l-o-o-r. I think I'm in good shape, I've had all my shots. I'll take this off. I'm from Grand Island, former state senator from District 35. I'm pleased to be back here to provide opposition testimony in opposition to this bill. Some of you know that before I came to the Legislature, I was a health care executive and got very involved in advocacy on behalf of hospitals and health care. With many trips to Lincoln, many trips to Washington, D.C. got it in my blood and so when the opportunity came to run for the Legislature, I took advantage of that. During my campaigning, and I have to say that the issue of what party I was affiliated with was minimal, and I would also talk to people on their doorstep about the fact to that and I was very forward about this during my campaigning. And when I got down here and since, that I would not be running if it weren't for the fact that this was a nonpartisan Legislature. I had had enough of health care politics without jumping into the middle of that mess again. I'm serious when I say that. I have the scars to prove it, although like Senator Hadley, I'm dressed for a funeral that I'm going back to, so not my own. And it was interesting that during my campaigning, I had a phone call from a representative from the Republican party-- state party that wanted to visit with me. We had a great meeting. It was educational for me. And of course, along the way, I asked if I might count on an endorsement. Well, the other candidate was also a Republican, and I was told, the party did not take sides. They were just pleased that two Republicans were running for this open slot and I understood that. It made sense to me. Nowadays, 10-- 10 years or so later, yikes, that has changed. And the concern for me is when we end up with partisanship, maybe not defined in public how you publicly registered for yourself, but in how far to the right or left you may be, you've got that level partisanship. This sort of bill is a step in the wrong direction. It's a step towards more partisanship rather than less, I think. I always felt I represented my constituents. I felt it was easier to do that because I was in a Unicameral without the influence from an outside entity, without the influence from other constituencies that had single-minded approaches towards things. And that's why I'm opposed to this bill. I think it's a step backwards from the Unicameral, not a step-- and a step forward towards more partisanship. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

HUGHES: Thank you, Senator Gloor. Are there any questions from the committee members? Seeing none, thank you for coming in today. Next opponent. Welcome.

NATHAN LEACH: Thank you, Mr. Chair, and members of the Executive Board. On January-- my name is Nathan Leach, N-a-t-h-a-n L-e-a-c-h, and I am testifying in opposition to LR282CA on behalf of Nonpartisan Nebraska. On January-- on January 5th, we held a George Norris Day event on-- on Facebook Live and had 14 different state senators who represented 84-years of legislative experience on this event. Seven of them were Democrats, six of them were Republicans and one Libertarian. Seven currently serving-- serving senators and seven former senators. And just like what we heard from these senators here today, every single senator at that event had the same message that this nonpartisan Unicameral is worth keeping around. Nonpartisan Nebraska celebrates the unique, nonpartisan, Unicameral Legislature that many Nebraskans know and love. We believe that the historic rules, customs and precedents of the Nebraska Unicameral provide a path for issue-by-issue collaboration amongst lawmakers, emphasize the influence a single legislator can have without top-down partisan leadership controlling the process, and result in better representation for the people of Nebraska. So what does this-- what does it mean to have a nonpartisan Legislature? A nonpartisan Legislature does not give deference to political parties in its elections or formal decision-making processes. Parties are treated just like any other private organization, and although members of a nonpartisan Legislature may be associated with a political party, the system of rules and traditions adopted by the body allow lawmakers to act in the best interest of their constituents rather than only that of their political party. Although there are many additional factors, the three key aspects of our Unicameral that keep it nonpartisan are first, the nonpartisan legislative elections being discussed today. Second, our small, one-house Unicameral structure, and third the rules, customs and traditions the Legislature has used since becoming a Unicameral in 1937. Together, these three provisions provide lawmakers with a process not entirely devoid of partisan influence, but certainly a process that gives senators the possibility of independent decision-making that they would never have in a large partisan Legislature. If this constitutional amendment is passed and approved by voters, it would remove the requirement that Unicameral elections be conducted in a nonpartisan manner. Currently, when state lawmakers run for office in Nebraska, they compete in a nonpartisan open primary in which all candidates run on one ballot just like other local elections, first like school board or city council. Then the top two vote getters, regardless of party, compete in the general

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

election. The party affiliation of candidates is publicly available and usually well-known, but not printed on the ballot. By allowing all voters and candidates the opportunity to participate equally in legislative elections, our elections are more competitive and provide all voters, regardless of party, the chance to be equally heard. Switching back to closed partisan elections would leave Nebraska's 271,000 registered nonpartisan voters-- that's nearly 22 percent of our voters, shut out of the primary process. And since I'm out of time, I just wanted to thank you for the opportunity to testify and encourage you to not pass this constitutional amendment on to the floor.

HUGHES: Thank you, Mr. Leach. Are there any questions from the committee members? Seeing none, thank you for coming in today. Next opponent. Welcome.

ANGIE PHILIPS: Hello. My name is Angie Philips, that's A-n-g-i-e P-h-i-l-i-p-s. I am the founder of the Nebraska Legislative Study Group. One of the things that our group aims to do is educate Nebraskans on our unique, nonpartisan Unicameral system. I could definitely agree that there is a lot of education about our legislative system that needs to go out to different Nebraskans. A lot of folks are working a lot. They have other obligations. You all work hard. You introduce like 700 bills a year. It's very hard to kind of keep up and so I would agree that education needs to be done, but I would promote that education over just encouraging people to vote along party lines. We've heard from a lot of state senators, former state senators today, which I think is great. But just as important is Nebraska's second house, which is the people. And so I'm here to talk to you today a little bit about how this would impact just your regular people like me. Our country, our state is so polarized right now. We have people that can't communicate with their family members. They don't talk to old friends. It's just so divided along party lines and it's hurting our communities regardless of what side of the fence you're on. It's hurting our communities. And if we take our unique, nonpartisan system and we make it partisan, you are going to further that divide not just in the Legislature, but amongst friends and families at home and in our communities. We should be looking at things nonpartisan. I'm a registered Democrat. I have been my whole life, but we need nonpartisan solutions. We need you as legislators to sit down, look at the problems that families like mine are facing, and then come up with the best solutions for our families. Not because the Democrats said so, not because the Republicans said so, but because it would help families like mine and families throughout Nebraska. So I'm

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

going to ask that you please vote against this and-- and keep families in mind and keep nonpartisanship in our Unicameral system. Thank you.

HUGHES: Thank you, Ms. Philips. Are there any questions from the committee members? Seeing none, thank you for coming in today. Next opponent. Welcome.

LINDA DUCKWORTH: Good afternoon, and thank you. My name is Linda Duckworth, L-i-n-d-a D-u-c-k-w-o-r-t-h. Chairman and committee, thank you for holding this. For the record, the League of Women Voters of Nebraska opposes LR8--282CA. The nonpartisan nature of the Nebraska Legislature has well-served the Unicameral and the people of Nebraska for 85 years. While other institutions are paralyzed by partisan politics, the Nebraska Unicameral is able to operate in an atmosphere that prioritizes getting the people's business done. If you ask Nebraskans if they want more politics in their Legislature, we are sure they would answer with a resounding no. Currently in the nonpartisan primary, all Nebraskans in the legislative district vote for all the candidates and the two, top vote-getters advance to the general elections. If legislative candidates ran under a party banner under closed primaries, voters registered as nonpartisan would be shut out of the primary process, leaving nearly 22 percent of voters-- roughly-- roughly 271,000 without a voice in Nebraska's legislative primaries as has been stated before. The very nature of the nonpartisan Unicameral and Nebraska Legislature helps make our state unique, and this is a good thing. Here in Nebraska, we pride ourselves in working together for the benefit of the people of our state. Instead of us injecting more partisan politics into our governing body, other states should follow our lead and adopt more nonpartisan elections. Our legislators don't simply follow the dictates of a national party, they think for themselves, talk to their constituents and neighbors and make thoughtful decisions together. We urge the Executive Committee not to advance LR282CA and keep the Nebraska Unicameral nonpartisan.

HUGHES: Thank you, Ms. Duckworth. Are there any questions from the committee members? Seeing none, thank you for coming in today. Next opponent.

JOHN HANSEN: Mr. Chairman, members of the Executive Board, good afternoon. For the record, my name is John Hansen J-o-h-n, Hansen, H-a-n-s-e-n. I am the president of the Nebraska Farmers Union and also their lobbyist. So in our organization, we've been around 109 years representing family farmers and ranchers. So we-- when we talk about public power, when we talk about the Unicameral system, when we talk about all of these major things, these are all things that our

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

organization was involved in helping establish and build. So we have a lot of institutional history. We have letters from George Norris'. We were working with Norris on developing the nonpartisan Unicameral system. And so, you know, costs were part of the discussion, but also just the blinding effects of partisanship was a big part of what Norris talked about and how it is that the people's business needed to be done in a fashion that isolated out partisan interests who were always going to be there, always want to have more say and sway. But at the end of the day, to do the people's business, you needed to try to reduce that influence and let it take a backseat to folks own skills, abilities and sense of independence. So from my perspective and I'm-- now, my joke is that I'm not an old person, I'm a young person that a lot has happened to, but I've been a public official or the head of a farm organization for 48 years. And so I can't think of any major piece of legislation that came out of this body during my 48 years of being involved with the Legislature in one capacity or another, that did not depend on an extremely positive working relationship back and forth between folks who were of different political parties. They came together, they did the people's business, and so from our organizational perspective and we are a nonpartisan organization, always have been, we find that there's-- there's very few things of value that are gained when you increase the amount of partisanship that's involved in the process and you can't build co-ops that way. You can't build community structures that way. You always have to try to tamp down the partisan pressures in order to do the people's business and so we view this as a giant step in the wrong direction. And if this passes and this goes forward, it'll be not the first, but there will be more steps that make the Legislature even more partisan. I sit on the National Farmers Union Board, and we talk shop about how we represent agriculture in all the different states. Nebraska is the envy of my organizational partners around the country, and they say, at least in your system, every bill gets a hearing. Thank you, Mr. Chairman.

HUGHES: Any questions from the committee? Seeing none.

JOHN HANSEN: Thank you.

HUGHES: Next opponent. Welcome.

WESLEY DODGE: Thank you for having me. My name is Wesley Dodge, D-o-d-g-e, and I missed the very first part of this testimony, so I hope nothing that I'm offering is redundant, but I was going to approach it from a little more of a historical point of view. If you look at the founding of our country, you'll find that we adopted a constitution to address the issues that quickly showed themselves to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

be likely to kill the American experiment. When the founders were drafting the Constitution, they took great pains to avoid allowing parties or factions to be a part of the document. And they actually used the term "factions" not "party" back in the day. George Norris, who I think is probably one of the greatest legislators in our history, also identified this problem and felt it needed to be dealt with. This legislation reinstates the very issues that he and our founders were fighting to keep out of our governing process. I'd like to think the voters should read, learn and think before they cast their votes. And the real issues that we need to address are how to raise our kids, how to educate the next generation, how to be good stewards of our resources, and how to keep each other safe and build a solid infrastructure. Nationally, less than a third of the population identifies with either of the major parties. In Nebraska, nearly a quarter of our population does not identify with a major party, and neither of the major parties even has a majority here in the state. It's close, but neither of the major parties has a majority. If you're running for office, do I need to know what party you belong to, or do I need to know what it is you're going to attempt to accomplish? I've read several studies that show we're becoming more and more partisan. At the same time, legislators are getting less and less done. If you study, especially the congressional facts, we're just-- we're just not cooperating with each other and things aren't getting done. Nationally, the last administration often talked about passing infrastructure legislation, but didn't get it done. When the current administration did get it passed, it was passed on party lines, which I think is very telling where we are right now. Madison said-- I've got a couple of quotes from the founders here. Madison said, a well-constructed union should have its tendency to break and control the violence of faction. Adams said the political parties are to be dreaded as the greatest political evil under our constitution. Jefferson said, if I could not go to heaven, but with a political party, I would decline to go. And then this is some tough language because it's archaic, but I love the language that George Washington used. This is kind of drawn from his farewell address. He referenced parties as created to organize faction, which they do, and he said that it-- if allowed an artful and enterprising minority of the community to make the public administration the mirror of ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interest. In essence, he was saying, parties divide. They work for the party before they work for the common good. And I think Norris saw this and that's why he did what he did. All of those people, those founders. George Norris, great ideas. If you study the founders, they drew a lot of what they drew-- I see I'm out of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

time. A lot of what they drew from the great political minds of the past and they saw we shouldn't go this way. This bill takes us the other direction, so I would advise you not to push it through.

HUGHES: Thank you, Mr. Dodge. Are there any questions from the committee? Seeing none, thank you for coming in today.

WESLEY DODGE: All right, thank you.

HUGHES: Next opponent. Welcome.

HARRY MUHLBACH: Welcome, thank you. My name is Harry Muhlbach, M-u-h-l-b-a-c-h. I live in Lincoln, Nebraska. This is a political attempt. This bill should die in committee, LRC82 (LR282CA). It's to give one party more power, and we-- the Unicameral had a fair voting system on the federal level. When they have the electoral votes, we listen to all people. I have one vote. If this goes through, it will eliminate one vote people. It will directly go towards one party. And I've heard a lot about political parties and we should be talking about statesmanship working for the whole state. I don't know a question for you people would be, what would you call a woman that earned statesmanship? Is she called statesmanwoman? This is-- this is totally a political issue, and it works. Norris was a statesman. He was a politician. But I heard when I first came in here today, the most thing I said, what I heard was political party, political party. There's good people on both sides. Sometimes one side might have the answer, sometimes the other side, but you, the system works together. If we eliminate that system, we may be the only one in the nation that has it, but maybe we're number one, and that's all.

HUGHES: Thank you, Mr. Muhlbach, is that correct?

HARRY MUHLBACH: Muhlbach.

HUGHES: Muhlbach. Very good. Any questions for Mr. Muhlbach? Thank you for coming in today. Next opponent. Welcome.

TOMMY BLANTON: Hello, my name is Tommy Blanton, that's T-o-m-m-y B-l-a-n-t-o-n. I'm here today to voice my opposition to this bill. I think Nebraskans got it right when they chose to create a nonpartisan Unicameral almost 100 years ago in 1934. I believe that Nebraska was far ahead of its time on that front and looking around the country today, I still think it's ahead of its time. I think this bill is a very bad idea. We're at a point in our nation's history where partisanship has really got our democracy on the ropes. Politics at the national level has just become so nasty, and I don't think it's a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

great idea to bring that here. This bill would give a lot of power to political parties at the expense of voters, and as someone who is active in their partisan county party, even I can say that it's not a good idea. I'm someone who advocates for electoral form. I really believe we should focus on policies that make the electoral environment better for voters, and this bill would do the opposite of that. And if I can deviate for a moment. You know, I have some friends out in Colfax County, Nebraska, who are in a bit of a spat with their NRD, and they were trying really hard to figure out, you know, what to do. And I convinced several of them to run for NRD seats. It seemed like an obvious thing, but nobody had actually thought to do that and they're doing that. You know, they're Republicans and I'm a registered Democrat, and we don't have to talk about that because it's a nonpartisan race, and that's kind of the beauty of it. I also addressed this idea that the reason why we might have low turnout is because we don't have partisanship on the ballots. Well, you know, unfortunately, I wasn't born in Nebraska. Unfortunately, I was born in Texas, and they have it on their-- they have partisanship on their ballots and they're a state famous for low voter turnout. So I don't think it has to do anything with the way the partisanship is on the ballot or not. I'd like to finish by saying that not many Americans like the two-party system, including myself. Our founders really feared factional politics. I know our nonpartisan street credit isn't 100 percent here, but I think we should focus on policies that strengthen our nonpartisan culture, not policies-- policies that seek to destroy it. Thank you for listening today. If there's any questions.

HUGHES: Very good. Thank you, Mr. Blanton?

TOMMY BLANTON: Yes.

HUGHES: Any questions from committee members? Seeing none, thank you for coming in today. Next opponent. Welcome, Senator Harr.

BURKE HARR: Hello, Mr. Chair, members of the Executive Committee, my name is Burke Harr, H-a-r-r. I had the privilege, I think of serving with each of you, other than Senator Slama, so unlike the other senators, I can't pretend like I'm a wise old owl because you know me better than that. (LAUGHTER) That being said, I originally set this time out to come down with Senator Ashford, Congressman Ashford. Unfortunately, he had a last-second conflict and couldn't come, but he encouraged me to come talk. And I don't know if I can add anything to what's already been said other than two things. Number one is, when I did serve, one of the things I found and I would tell people when people asked from other states, what's it like? Is it-- is it,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

everyone know where everyone is? Is it really partisan? Everyone knows where everyone is. We all know that, right? But the issues here are less party-driven, and a lot of times they're more driven by urban-rural issues. And we-- we have to realize that if we are aligned with the party, a national party with national interests, they may not align with the interests of the individuals in their district. And we represent the individuals, we don't represent parties. So that would be the first thing I would say. Second is, when I did knock doors, I don't ever recall anyone saying to me, you know, if you were just a little more partisan, if you were just a little bit more like Washington, D.C., things would work a lot better down in that Capitol. I heard just the opposite of that. And so that's why I think it's important that we remain nonpartisan, if not-- for no other reason symbolically to remind ourselves that we do work for the people and not for the parties. As Governor Ricketts is fond of saying, and I believe, Nebraska is what America should be. And so let's keep this nonpartisan. Thank you. And I would gladly not answer any questions you don't have.

HUGHES: Thank you, Senator Harr. Are there any questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you for coming, Senator Harr. While you were in the Legislature, did you ever have any people from parties coming to approach you to try to sort of set an agenda and--?

BURKE HARR: To do any-- no, I did not. Look, parties-- parties exist. We all know that and parties get involved in elections. I'm not so naive to think they don't get involved in election. But what I will say is what I enjoy about Nebraska is once you are elected, those parties generally leave the indiv-- individuals alone and trust that the people knew who they were electing. And so, you know, we aren't required to give to caucuses. We aren't required to give money to PACs. We are required to fundraise for the parties and that's something that's very unique and special. As you go across other states, you'll find that's common and accepted, and I just think it's great that we work for the people.

PANSING BROOKS: I agree. Thank you.

HUGHES: Any other questions? Thank you, Senator Harr, for coming in today.

BURKE HARR: Thank you.

HUGHES: Next opponent. Welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

WESTIN MILLER: Thank you, Senator Hughes, and members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of public policy with Civic Nebraska. I'm here because this resolution makes me so sad. But I'm actually really encouraged by Senator Slama's introduction of this resolution because her stated goals are really important and I think they're worth talking about. She stated goals of increasing turnout, reducing deception. Those are objectively good. We should do that. I'm here in opposition because I think this resolution actually is counterproductive to both of those goals. First, I think it's really important to frame our-- I guess, respond to the frame like limited scope of this proposal. Obviously, Senator Slama is right that the actual text of this resolution only changes the letters on the ballot. I think it takes an extremely rose-colored glasses to not know what the obvious next step is, which is a fundamental restructuring of how this Legislature operates. Second, the concern about nonpartisan elections decreasing turnout. I'm very familiar with that evidence, and it's really important to distinguish voting turnout and undervotes. Partisan elections do not make elections more accessible. A turnout problem is when people don't vote, right? They can't attend the poll. They had a conflict that processes and accessible things like that, or they just chose not to vote. That's a turnout problem. Undervote is when you've shown up to vote, you just didn't vote in the actual legislative race. And that's very important, I think, to distinguish between those two. The undervote for nonpartisan elections is not any more attributable to a partisan designation than it is to the fact that the race is just low on the ballot. That's like the most universal indicator for undervote problems in an election. In fact, I would argue that top two nonpartisan elections actually reduce the awful experience that many voters have in which their preferred candidate doesn't advance from the primary, despite receiving the second highest number of votes because they were both Republicans or they were both Democrats. That experience is bad. That experience does reduce turnout. And then finally, deception. I was really glad to hear this as brought up as a value because I think this resolution does the opposite of its intent when it comes to deception. A nonpartisan candidate comes with no assumptions. Your only option is to learn about that candidate. Most-- it sounds like people will just ask what your party is. They'll ask you questions about your positions. That's how it should work. I would argue that the deception comes in a partisan election when anyone-- anyone can choose a partisan designation. Anyone can run as a Republican, anyone can run as a Democrat. And that comes with a truckload of assumptions, many of which can be deceitful. There's no test. There's no evaluation. I could run as a Democrat, I could run as a Republican, and that would mean a lot of things to a lot of people

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

and it doesn't have to be based on truth. So I think if deception is the concern, let's continue to evaluate candidates as people as they actually are. Let's not get bogged down by these huge assumptions. And I think finally, this has been brought up a lot, but this resolution does objectively make us look a little bit more like Congress, which I think really ought to be a red flag for all of us at this point. So thank you very much for your time. And I'd be happy to answer any questions.

HUGHES: Thank you, Mr. Miller. Are there any questions from the committee members? Seeing none, thank you for coming in today. Next opponent. Welcome.

CINDY MAXWELL-OSTDIEK: Thank you. My name is Cindy Maxwell-Ostdiek. That's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k, and I'm here in more than one capacity. I'm here as a voter and I'm here as a candidate for Legislature, for District 4 in west Omaha. And this particular constitutional amendment is concerning to me on both levels. I've long been registered as a nonpartisan and I am unable to vote in many primaries for my elected officials. I love our state and I strongly believe that voting is my civic responsibility. In addition to the nonpartisan elections for various offices, I'm very glad that Nebraska statute ensures that nonpartisan voters can actually vote in the congressional primaries, and I wish I could vote for all of my elected officials in the primaries, not depending on any party. If this constitutional amendment passed, it would open the possibility that the Nebraska Legislature could pass legislation and change the structure of our primaries. And that would be my concern if it were to change our primaries to close our party primaries. If that happens, I would be disenfranchised along with almost 25 percent of Nebraska's nonpartisan voters. As a candidate, nonpartisan elections enable independents to run for office based on principles and not party politics. I have noticed that there have been Nebraska Legislature races where two candidates from the same party advanced and I think that is a good thing. If they are the best people, then they can be determined by the voters in the general election. If we close our primaries for Nebraska Legislature, independent candidates will be effectively shut out. Nebraska's form of government is truly unique. That is not a bad thing. Our Unicameral has offered the promise to best represent the people it's meant to serve, and the Legislature is here to make policies for all Nebraskans. We want to elect senators that actually believe that they are beholden to their constituents and not parties. Because our senators don't make policy for Republicans or Democrats, you make policies for Nebraskans, we ask you to please not pass this constitutional amendment.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

HUGHES: Thank you very much, Ms.--?

CINDY MAXWELL-OSTDIEK: Maxwell-Ostdiek.

HUGHES: Moss-- Maxwell-Ostdiek.

CINDY MAXWELL-OSTDIEK: Yes.

HUGHES: Very good. Thank you for clarifying.

CINDY MAXWELL-OSTDIEK: Thank you.

HUGHES: Any questions from the committee members? Seeing none, thank you for coming in today.

CINDY MAXWELL-OSTDIEK: Thank you.

HUGHES: Next opponent. Welcome.

SHERI ST. CLAIR: Thank you. Good afternoon. I'm Sheri St. Clair, S-h-e-r-i, S-t-C-l-a-i-r, and I'm speaking in opposition to LR282CA. I am a fourth generation Nebraskan. I appreciate the things that make our state unique, including the work led by George Norris to have a legislative body comprised of senators who listen to their constituents, consider the good of the state when making decisions. This is one of the things that makes our state work. However, much like the rest of our country, divisive partisanship has crept into this body. I don't think that our state Legislature would be better off if it were more partisan or more like Congress, but rather embroiled in even more partisan gridlock. Lawmakers elected on a nonpartisan ballot are chosen by the people to represent their interest. Partisanship doesn't go away entirely, but it does make the election a bit more fair, treats all voters and candidates equally rather than forcing them to join one party or another. Quite frankly, I would like to see more nonpartisan proposals be advanced. For example, open primaries, rank choice voting, and the elimination of term limits. So I do echo the words of others emphasizing under our current system, state senators are free to list their constituents, consider the good of the state, and not simply advancement of their own party as they debate and shape policy. And I do not support advancing LR282CA.

HUGHES: Thank you, Ms. St. Clair. Are there any questions? Seeing none, thank you for coming in today.

SHERI ST. CLAIR: Thank you, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

HUGHES: Next opponent. Welcome.

JUDY KING: Hi. My name is Judy King, J-u-d-y K-i-n-g, and I'm in opposition to this bill. Senator-- Senator Slama put this bill forward and it is divisive and power driven. If Senator Slama introduced this bill, then it was probably mandated from her exalted ruler, Peter Ricketts. If the Governor needs more power, what is he-- what is he and his party afraid of? In the past, the state of Nebraska was made up of several independent people who were able to choose candidates like Bob Kerrey, who was a war hero, and Ben Nelson for Governor. Currently, the Republican party candidates seem to fall in line with the last president or his total disregard for democracy, and no matter how offensive or immoral the issues. They want power even if it's killing our democracy. They want to stop progress but do not want to solve any problems. I-- we just need to get things done now. We need to stop the partisanship and get things done. People out there are having a hard time and so I oppose this bill and I do not want it to pass on to the floor.

HUGHES: Thank you, Ms. King. Are there any questions from the committee? Seeing none, thank you for coming in today. Next opponent. Any additional opponents? We'll switch to neutral testimony. Anyone wishing to testify in a neutral capacity? Seeing none, Senator Slama, you're welcome to close. While Senator Slama is coming up, we do have position comments for the hearing record. We have 10 proponents and 31 opponents.

SLAMA: Thank you, Mr. Chairman, and out of respect for everybody's time and their lunch hours, I'll be brief. I thank you for your consideration of LR282CA. There's just a couple of things I wanted to correct here in terms of what came up during the opposition testimony. The claim that this CA would somehow shut out part-- nonpartisan voters or third party voters statewide is absolutely false. This is simply listing the party affiliation of the specific candidates on the ballot, like it doesn't eliminate anyone from voting for anyone in terms of legislative races. There was also a false claim about undervotes in the state of Nebraska's legislative races. And I can send this study out to the members of the legislative committee. Nebraska has a disproportionately high amount of undervotes when it comes to legislative races when compared to both states of our side, and nationally, that means that people are getting to that spot on the ballot and they're skipping over the legislative-- the nonpartisan legislative one and continuing to vote down the ballot in other races. And our rate of that is higher than other states. LR282CA is a very simple bill. It's about giving power to the people and empowering them

Transcript Prepared by Clerk of the Legislature Transcribers Office
Banking, Commerce and Insurance Committee February 01, 2022

to know the party affiliation of the people they're voting for to represent them in the state Legislature. I look forward to the Executive Board considering this bill and hopefully advancing it to the floor so we can discuss it as a body. Thank you, Mr. Chairman.

HUGHES: Thank you, Senator Slama. Are there any questions? Seeing none, that will close our hearing today on LR282CA.