

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** I need everybody quiet down. Welcome to the Government Committee. I'm Senator Tom Brewer. I will serve as the Chair of this committee. I represent the 43rd Legislative District, which is 11 counties of western and central Nebraska. The committee-- this committee will take up bills on the order that they're posted on the agenda. Our hearing today is your part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. The committee members might come and go during the hearing, this is just part of the process. We have bills to introduce in other committees and we do have a number of senators that will be hopping to other hearings here. I ask you to abide by the following procedures to better facilitate today's proceedings. First, be sure and silence or turn off your electrical devices. Keep in mind, the senators will be using either cell phones or computers to make sure they know if they have to go to another hearing and also do research. Please move to the reserved chairs when you're ready to testify. The first row is going to be reserved for them that are about to come up and speak. Introducers will be making the initial statement, followed by proponents, opponents and those in the neutral. Closing remarks reserved for the introducing senator. If you're planning to testify here today, please pick up a green sign-in sheet. They're on the back table. I ask you to sign it or to complete it. Print so it's legible and be ready to turn it in as you come forward to testify. If you are here and do not wish to testify, but would like to have a record of your attendance here in the hearing, there's a white sheet that you can fill out. If you have handouts, we'd ask for 10 copies of them. If you do not have 10 copies, we can have the pages help you get some copies. Please present them when you-- bringing your green sheet forward so that they can be distributed. If you are testifying, we ask that you please speak into the microphone, tell us your name, then spell your first name and your last name so we can have an accurate record of it. We're going to be using the light system here today. You will have three minutes to make your initial remarks to the committee. When the yellow light comes on, you will have one minute remaining-- remaining. When the red light comes on, you will be done. Now, because of the number of testifiers, I am going to hold real tight on that red light. So if I cut you off, you're out of time. If there's more questions, senators will ask questions when we're done. Listen carefully to this. No displays of support or opposition to a bill or a presenter, vocal or otherwise, will be allowed. That will get you a quick trip out of the room. So just respect the others there-- that are testifying and we'll be fine. Committee members who

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

are with us here today, I'll start on my right with Senator McCollister.

**McCOLLISTER:** John McCollister, District 20, central Omaha.

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

**LOWE:** John Lowe, District 37, which is the southeast half of Buffalo County, Kearney, Gibbon and Shelton.

**HALLORAN:** Good afternoon. Steve Halloran, District 33, Adams, Kearney, and parts of Phillips County.

**HUNT:** I'm Megan Hunt. I represent District 8, which is the northern part of midtown Omaha.

**BREWER:** Senator Hansen is in the Revenue Committee. Also with us today, committee legal counsel, Dick Clark, committee clerk, Judy Condon, and our-- our pages are Bhagya and Sophia. All right, with that, let's get this show on the road. Thank you. Yeah, just been a long day. [LAUGHTER] OK, the first bill that we have up today is LB1181 and LB1181 is John Lowe. Senator Lowe, welcome to your Government Committee.

**LOWE:** Why thank you, Chairman Brewer, and fellow members of the Government, Military and Veterans Affairs Committee. My name is John Lowe, that's J-o-h-n L-o-w-e, and I represent Kearney, Gibbon and Shelton, the 37th District. Today, I am opening on LB1181. This is not a bill that I initially-- initially introduced, but after Senator Groene resigned, this bill became [INAUDIBLE] from the bill. Since I was a co-sponsor of the bill, and since I do serve on the committee, this bill was referenced to me. I decided to take over this piece of legislation because I think we need to continue talking about this. This piece of legislation has one primary goal, which is to ensure some form of identification is provided when an individual returns a ballot via the mail. Currently, an individual must present some form of identification when they register to vote. This includes a photo ID, a copy of a utility bill, a bank statement, a paycheck, a government check or other government documents. This bill simply requires that a copy of this information is included in the absentee ballot when it is sent in. As I mentioned, I did not draft this piece of legislation, so I cannot really get into the details about why it was drafted the way it was. However, I can say that I do think this is

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

an interesting concept to me, and I believe the approach described in this bill will help some people feel more comfortable with voting by mail while not providing a major barrier for those who benefit from this voting option. With that, I would be glad to answer any questions.

**BREWER:** All right, thank you, Senator Lowe. Questions for Senator Lowe? Senator Hunt.

**HUNT:** Thank you, Senator Brewer. How do the voters provide the ID with their mail ballot?

**LOWE:** You would take a copy of either the-- your ID, a bank statement, a utility bill, a paycheck, a government check and include it in the envelope, in a separate-- a new-- a new envelope would have to be created so it has a separate flap that you could insert this in.

**HUNT:** Are there any other states that have an envelope like this?

**LOWE:** That I do not know because I just acquired this bill.

**HUNT:** OK.

**BREWER:** All right. Senator McCollister.

**McCOLLISTER:** Yeah, thank you, Chairman, and thank you, Senator Lowe. The fiscal note for this particular bill shows \$141,000. That does not obligate the Secretary of State to prepare voter ID cards for those people wishing to vote, correct?

**LOWE:** No.

**McCOLLISTER:** So it's just processing, so the information be provided to the Secretary of State and no other information when you come to vote is required, correct?

**LOWE:** Well, as far as I know, this just goes to the county. The envelope just goes to the county.

**McCOLLISTER:** So in what way is it different from what we do now?

**LOWE:** Right now, there's no information included in the envelope about who votes other than the signature on the envelope.

**McCOLLISTER:** OK, thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** All right. Additional questions? Senator Hunt.

**HUNT:** When you say there's no information about who votes except the signature, what about the return address like that's printed on there?

**LOWE:** Well, OK, return address is there too, yes.

**HUNT:** Does the fiscal note cover the cost of the new envelopes?

**LOWE:** I don't believe it does.

**HUNT:** OK.

**LOWE:** I just saw the fiscal note before I came down because it did not have a fiscal note before this morning.

**HUNT:** OK, thank you.

**BREWER:** I'm actually looking at the fiscal note right now. It's got \$86,000 of it is salary, benefits, supplies, technology fees. Training is 7,000, production and distribution of educational materials 40,000, and printing voter education pamphlets to be distributed to constituencies is 7,500. So, guess that's kind of a roll up of-- of those. I don't see that anywhere in there, so.

**HUNT:** OK. I wonder if someone coming after you can answer how the envelopes are funded.

**BREWER:** All right. I think there'll be a representative.

**HUNT:** Finding that out there.

**BREWER:** I think there'll be a representative from the Secretary of State's office, so you can get on that one. OK. Any additional question for Senator Lowe? You'll be sticking around for close?

**LOWE:** Yes, I will.

**BREWER:** All right. Good enough. Thank you. All right. We will start with proponents to LB1181. So I got an idea. How many are planning to testify on this bill? Two, four, six eight. OK, thank you. Welcome to the Government Committee.

**DOUG KAGAN:** Thank you. Good afternoon, Doug Kagan, D-o-u-g K-a-g-a-n, Omaha, representing Nebraska Taxpayers for Freedom. There now exists an increasing awareness of and attention paid to fraud pertaining to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

mail-in ballots. Such fraud includes ballot harvesting, whereby operatives offer quote, help, unquote to the mentally or physically impaired, filling out their ballots in their private residences, homeless shelters, assisted living facilities and nursing homes. Voters are bribed in homeless shelters. LB1181 would help guarantee that the individual voter mailing in a ballot was precisely that individual. Many more states are implementing stricter voter integrity and mail-in ballots. Arkansas requires additional verification returned with an absentee mail-in ballot. The voter statement on each absentee ballot must have a valid voter's signature under penalty of perjury. Each voter also must provide verification of registration or a copy of a photo ID with the returned ballot. If the Election Commission determines that the absentee application and voter statement do not match according to name, address, date of birth and signature, the ballot not counted. Georgia requires the voter driver's license number or state ID card data, which then compare to the voter registration record. Absentee ballot return envelopes printed with an oath, which the voter must sign. Election officials confirm the oath signed accurately and compare the voter driver's license number or state ID card number to the voter registration information. Ballots with missing information or information that does not exactly match voter register-- record are rejected. Florida voters must provide their driver's license number, state ID number or the last four digits of their Social Security number to request a mail ballot. Stringent voter ID requirements are acutely needed, as evidenced by the Texas 2022 primary. Weeks ahead of its March 1st primary, local election officials return thousands of mail-in ballots to individuals who turned them in with nonmatching ID. This state requires that the ID voters use in mail-in ballots matches voter registration records. This rule applies to the application to vote by mail and on the return envelope voters use to mail back their ballots. Arizona, Louisiana, Michigan, New Hampshire and South Carolina all passed legislation to require additional ID for mail-in voting. LB1181, in our opinion, would allow Nebraska to join a growing number of states guaranteeing voter integrity for mail-in ballots. Thank you.

**BREWER:** All right. Thank you, Doug. Let's see if we have questions. Questions for Doug? All right. Thank you for the testimony. All right. Additional proponents to LB1181. Yeah, go ahead and come on up. And if you're kind of waiting in the wings to testify, you can come up to these seats in front so that it's a quicker trip to the chair. Welcome to the Government Committee.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**LORENZO ORTEGA III:** Thank you. My name is Lorenzo Ortega III, L-o-r-e-n-z-o O-r-e-t-g-a III. I'm from Bellevue, Nebraska, and I represent the voter-- Nebraska Voter Accuracy Project. We believe that IDs should be included in any kind of mail-in votes, but we believe that the only IDs-- we believe in a slight modification-- the only IDs that should be acceptable are ones that we could positively identify and have been imp-- positively identified as U.S. citizens. We don't believe anybody else should be able to vote. It's absolutely just that simple.

**BREWER:** OK, does that complete your testimony?

**LORENZO ORTEGA III:** That's it.

**BREWER:** All right, so in this, we talk-- you heard there was a discussion about everything from pay stubs to a number of different things that could be included in this. You're saying that that should be narrowed to some type of an ID that would give you a positive way of identifying the person, otherwise a photo and a address, description that would normally be with the [INAUDIBLE].

**LORENZO ORTEGA III:** And the fact that they are U.S. citizens, and it's got to be positively IDed that they're a U.S. citizen. They have to have shown a birth certificate or something like that to be able to have gotten the ID. So, for example, we think that Nebraska driver's licenses are not adequate. It would require people, at least in the state of Nebraska, to actually have a passport because they'd have to verify their citizenship with a, with a birth certificate. And right now at the DMV, all it requires is for you to simply state that you're a U.S. citizen, which we don't believe is enough.

**BREWER:** OK? Senator McCollister.

**McCOLLISTER:** Thank you, Mr. Chairman. Thank you for being here. Are you aware of any voter fraud occurring in this last-- the last election?

**LORENZO ORTEGA III:** Yes.

**McCOLLISTER:** Can you give us some more information about that?

**LORENZO ORTEGA III:** I can't, but we can release it to the Attorney General. We have affidavits to the-- to the effect.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**McCOLLISTER:** I see. And with regard to those people voting, is there anyone undocumented people that--

**LORENZO ORTEGA III:** In my list of affidavits? No.

**McCOLLISTER:** Thank you.

**BREWER:** Thank you, John. Senator Hunt.

**HUNT:** Am I understanding that you think to vote by mail, you should have to send a copy of your passport?

**LORENZO ORTEGA III:** Correct.

**HUNT:** What about the cost of-- of getting a passport for everybody who wants to vote by mail?

**LORENZO ORTEGA III:** You know, it's a high cost to live in this country. I'm sorry. But it just is what it is. We could change the law in the state of Nebraska and actually require birth certificates for our driver's licenses like it was when I was young and I got my first driver's license in Nebraska, but that's-- that's really a choice up to this state.

**HUNT:** Thank you.

**BREWER:** OK. Additional questions for Larry-- OK. All right. Thank you for your testimony.

**LORENZO ORTEGA III:** Thank you.

**BREWER:** OK, next proponent to LB1181. Come on up. Welcome to the Government Committee.

**JENNIFER HICKS:** Thank you. My name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s, and I support this and I agree that, like Mr. Ortega just said, that we need to make sure that all of the people who are voting are eligible to vote, that citizenship is verified. And what I really want to point out is that this isn't going to solve the problem that we have with our elections. The problem that we have with our elections is not going to be fixed until we get the ES&S software company out of our elections. And so this is a Band-Aid. This is a, this is a, this is something that needs to be done just like the voter ID initiative that is going around to be passed to get voter ID for in-person voting as well. You're not going to be able to secure our

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

elections if you don't get those software companies out of them. That is where the problem is. It doesn't do any good to verify that a ballot was marked correctly if we feed it into a system that we do not see the end result of and we do not, we are not allowed access to see the outcome of this process. We are cut out of it. And we're cut out of it because we have Department of Homeland Security running our elections. They run the cybersecurity of our elections and in conjunction with private sector companies like CrowdStrike, like ES&S, Amazon, Google, Facebook. These are people whose money, it's their corporate affiliates of our secretaries of state, and we are completely cut out of the process. It is political theater when we show up and mark our ballot because we have no part of the process after that. And so if you were truly interested in securing our elections, we have to fix the root of the problem, and this is an important component of it. We should have paper ballots and no machines. And when we have paper ballots and we have mail-in voting, we do need this. But you are not going to guarantee us that our votes are counted as they are cast until we get that software out of our elections. We have-- it, it's unconstitutional. And you know every single one of the senators in the Unicameral knows, as I've written to you. I know others who have written to you. We're not getting replies. We're not getting responses. And I know it's not just me. I know it's not just me. Other people are telling me, what do we do? They're not listening. They're not, they're not responding back. So what do we do? What do we have to do?

**BREWER:** Are you done with your testimony?

**JENNIFER HICKS:** I am.

**BREWER:** All right. [CLAPPING] This is your first warning. I will empty this room. No more warnings, OK? That's the way it's going to be here today. All right. Questions? All right, thank you. Welcome to the Government Committee.

**MICHAEL CONNELLY:** Hello. Michael Connely, M-i-c-h-a-e-l C-o-n-n-e-l-y. I, I will actually be echoing some of the same things that Larry Ortega and Jennifer Hicks mentioned. First of all, as far as the identification, I have brought educational tours from around the world here to Nebraska. And when I do, one of the things that I do is I assist foreign students in getting Nebraska driver's licenses, having an identification. Unless, unless you have some way of proving that you are a U.S. citizen, having the identification right now currently does not do anything. Yes, we should have an ID. I agree with that. I



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

would limit it in scope. But you can show military identification, which you have to be a U.S. citizen to be a military member. I know, as so does Colonel Brewer there, but as a former Marine. But a U.S. military ID, a U.S. passport, a birth certificate or papers of naturalization, if any of those four things are required to get a driver's license in Nebraska, then a driver's license would be adequate. But at this time it is not. And I know personally because I've helped many foreigners get driver's licenses, and occasionally some of these people will get mail-in voting ballots as well, simply because they have a driver's license. Now the next part as far as echoing what Jennifer Hicks mentioned, I would like to read an excerpt from a book, Patriots Guide to Restoring America One State at a Time. Trust me, it's working just fine. Excuse me, the F-250 pickup you are selling me sounds like it has a four cylinder engine under the hood. I think I need to take a peek at it. No, sir, you cannot look under the hood. That would negate the warranty and it is listed in your sales contract. What if I want to see if the truck is running right and there's nothing wrong with it? In that case, we would need to have a specially certified mechanic check the engine for proper functioning. So I can watch a mechanic check the engine then, right? Oh, no, sir. To verify that the certified mechanic has properly checked your engine, we assigned the special verifier to watch the mechanic. OK, so if the mechanic does find a problem, the verifier tells me so we can fix it. No, sir. If the verifier sees that the mechanic has found a mistake, he or she cannot tell you. Expressing negative opinions would spread doubt about the quality of this awesome truck. This story is not a story of fiction. All of you-- all you need to do is substitute a few words in there, and you will have described the system that we have in place for our Nebraska elections. Basically, the contract that we have now with the computer company that controls elections says that if we doubt that there is a problem in the machine, we are not allowed to inspect it. They have to inspect it themselves. If we see that there is a problem, we cannot-- we cannot express an opinion about it. The govern-- it is in the contract.

**BREWER:** OK. Hold up there just a second. Let me run a quick question by you.

**MICHAEL CONNELLY:** Yes.

**BREWER:** Since you've got more recent experience than I have it at getting driver's licenses for folks because it's been a while since I did mine, to go in to the courthouse and you have someone who is new to Nebraska and you want to get them a Nebraska driver's license, what

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

are they required to present to the county in order to get that license?

**MICHAEL CONNELLY:** The only thing they have to present is a document showing that they are a legal-- they are of legal status as a foreigner here in the United States. So if I have, say, a student that gets a visa as a student visa to go to Southeast Community College, they can take that visa, they go up to the DMV and that is enough to give them their driver's license. That's all they need. No, no proof of citizenship is required.

**BREWER:** OK, and then when they get their driver's license, is it an option on the driver's license to be registered to vote?

**MICHAEL CONNELLY:** I don't recall having looked for that.

**BREWER:** I may have to ask the Secretary of State on that.

**MICHAEL CONNELLY:** I-- I suppose there probably is an option on there, but I never looked for it since I was bringing in foreigners.

**BREWER:** Understood. All right. Questions for Mike? Senator Hunt.

**HUNT:** I just have a comment. I would be careful about supposing that that's on there because there isn't.

**MICHAEL CONNELLY:** There isn't. Oh, well, that's why. That's why I wouldn't state that there was.

**HUNT:** The option to check.

**BREWER:** I think, was there a discussion at some time of doing something? I was just trying to remember. It seemed like maybe someone had proposed a bill once like that or something like that. But good. Thanks for pointing that out. OK. Any other questions? All right. Thank you for your testimony.

**MICHAEL CONNELLY:** I missed my last sentence too. Red-- red light.

**BREWER:** Kind of got to hold everybody to the same standard here. OK. Connie, welcome to the Government Committee.

**CONNIE REINKE:** Thank you. My name is Connie Reinke and that's R-e-i-n-k-e. Thank you for having me today. I brought a copy of our voter accuracy project presentation. It's about an hour in length. I

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

wanted to make sure all of you have seen it. This is the DVD that you can put in your DVD player at home and watch it. I wanted to do that because the amount of problems with the mail-in ballot is overwhelming. I actually canvassed in Lancaster County. There were a lot, I don't know what percentage, but there were a lot of addresses and people listed on the voter roll where there was double the amount of people. So someone had moved out and their name was still listed on the voter roll. For those counties that mail out to everyone on the voter all-- voter roll, there is a lot of ballots that are out there loose floating around that that is a major problem. So I wanted to bring that to your attention. There is an affidavit that I received. I'm just going to read it. I received four ballots for the November 3, 2020, election. I do not know the person that's name was listed on all four ballots. We are both-- we are both registered Republicans and have not requested any ballots. We opened the ballots we received and threw them away. And this was one at the very beginning of the canvassing journey. We have a lot of other problems with people receiving additional ballots, not just one ballot, but four ballots. There's one household that received eight ballots. With all of these ballots floating around, there's more and more probability that there could be fraud committed with this. So I hope that you will watch the presentation. I appreciate your time.

**BREWER:** All right, Connie, thank you for that.

**CONNIE REINKE:** Yeah.

**BREWER:** And thanks for giving us some material to actually look at, research. Questions for Connie? All right. Thank you for coming in.

**CONNIE REINKE:** Sure.

**BREWER:** And before we get the next one up, just kind of a quick note of a reminder. OK. So today, after we're done with LB1181, which again is dealing with the IDs, we'll go into LB1123, which is change procedures for counting ballots under the Election Act. That's Steve Erdman Then from there we go to LB1121, which is Joni Albrecht, which is require inspection of voting-- of count-- of vote counting devices under the Election Act. So I guess what I'm trying to say here is, is let's stay on topic for each of these. So if we stack on everything, it's going to be a long afternoon. If we stay focused on the particular topic, then we can get through these in a reasonable amount of time. With that said, welcome to the Government Committee.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**MARY HEITKAMP:** Hello, thank you. My name is Mary Heitkamp, H-e-i-t-k-a-m-p. I am from Dunbar, Nebraska. And I do thank you for this opportunity to talk before you. OK, so first of all, yes, I would support this bill. I feel it's a start. I do agree that the scope should be limited to what is accepted. This is a start, though, in a much, much bigger problem. And from listening to these people, I think there's some people I need to talk to because I was coming today to tell about my own personal experience. I am in Otoe County, and in the past years we have voted via absentee ballot. And I had gone into our courthouse and picked up the ballots for my husband, my son and myself, and I dropped them off in the drop box. And then it was sometime after that before the election that I got three more in the mail. And, you know, at the time, I just thought, oh, it must be a-- be a fluke, and I threw them in the garbage. But now, after what I am learning and hearing and becoming very concerned about the election integrity in our state, you know, I could have sent those back in and voted again. And-- and sure, maybe someone would say, well, they would have caught it on that end. Would have they? They didn't catch it on the end of sending them out to me again. So I think that is a very, very big concern that these kinds of things are happening and they are very real. And so we need to, I mean, this is important, you guys. These are our elections. If we can't trust our elections, I mean, we don't want to be in that spot. So I do encourage you do what you can. And these machines, I'm hearing more and more about them too, this ESS machine and the software. We really-- we need somebody to be standing up and looking into these. So that's all I have to say. Thank you for your time.

**BREWER:** Right. You're from Otoe County.

**MARY HEITKAMP:** Yes.

**BREWER:** And usually what we hear is someone said that they talked to somebody, they talked to somebody who had this happen. It's rare we get someone who actually is the person who has received extra ballots. We kind of got you cornered here for a little bit.

**MARY HEITKAMP:** Sure.

**BREWER:** So you received them, you fill them out, you sent them in. And then a period of time transpired and then you got more in the mail.

**MARY HEITKAMP:** I picked them up originally. I went into the courthouse.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** Oh, I see. So originally you picked them up.

**MARY HEITKAMP:** Yes.

**BREWER:** They came by--

**MARY HEITKAMP:** I had to, you know, they should have taken note of that I would have thought. I think they did. I guess I don't remember the procedure, but I would hope they would have had a procedure when I picked them up.

**BREWER:** Well, I think it's kind of assumed that the smaller counties, because maybe everybody doesn't know everybody, but to a degree they do. I mean, they kind of know family names and different communities. And so you would think that things like this would happen in the bigger counties where everybody was kind of just part of a mass of names and not so much people that you know by their family name. So that's why when you mentioned this, I wanted to make sure to get it on the record so we had it.

**MARY HEITKAMP:** Yes, absolutely. And also just to add something, I'm actually requesting the Otoe County voter registry because I got thinking because I've heard people request these and then see people that they know have died that are still on them. And so I'm going to be checking because there's people that have died in my own family that I want to see if they're still on there or not. This stuff has to be taken care of.

**BREWER:** Just one more question before we let you go. Have you had this happen previous years, say 2016 or?

**MARY HEITKAMP:** No. Nope. This was the first year.

**BREWER:** OK.

**MARY HEITKAMP:** But I think we also have a new person, and I don't know if that made a difference or not.

**BREWER:** OK. Any other questions? Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Thanks for being here today. So when you got the extra ballots after you turned your ballots in, you threw them away?

**MARY HEITKAMP:** I did.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**HUNT:** OK. Why did you do that?

**MARY HEITKAMP:** I just thought it was a fluke at the time. I didn't-- I just thought somebody made a mistake and they just sent them out again. But this is not a mistake that can be happening.

**HUNT:** I agree that that should never happen. I get, especially around election time, so much mail from candidates, from organizations, from PACs, and [INAUDIBLE]

**MARY HEITKAMP:** And these were the ballots.

**HUNT:** Sometimes they send stuff out that really looks like a ballot.

**MARY HEITKAMP:** No, these were the ballots.

**HUNT:** I would say to you and to others in the room, it would be really helpful for us to make decisions as a committee if anyone would ever keep these extra ballots so we could see them.

**MARY HEITKAMP:** You know, I didn't-- I wasn't thinking about election fraud in 2019.

**HUNT:** I understand.

**MARY HEITKAMP:** So I'm sure thinking about it now.

**HUNT:** Thank you. And I don't mean to-- it's not directed toward you, just kind of a general comment. So thank you.

**BREWER:** OK. Senator McCollister.

**McCOLLISTER:** Yeah. Thank you, Mr. Chairman. Did you try to resolve this issue with the Otoe Election Commissioner?

**MARY HEITKAMP:** You know, I didn't. And like I said, I, you know, as this has been coming out now, I mean, I need to talk to these people because, right, it needs to be talked about. And I guess I just didn't-- like I said, in 2019 I didn't even consider any of this, so.

**McCOLLISTER:** I think we have at least one election commissioner here. So hopefully they'll come up and maybe explain how that could happen. But thank you for your testimony.

**MARY HEITKAMP:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** I'm hoping that when we hear the-- the whole story on this, that if you did vote as you did and a ballot came in the mail that that bar code that's on there somehow nullifies one or lets the other know. But again, this is not-- not my area of expertise, so we'll-- we'll ask when the opportunity presents itself. All right. Well, thank you for your testimony.

**MARY HEITKAMP:** Thank you.

**BREWER:** OK. We are still on proponents to LB1181. Any additional proponents? All right, then we will transition to opponents. Welcome to the Government Committee.

**TRACY OVERSTREET:** Good afternoon, Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. My name is Tracy Overstreet, T-r-a-c-y O-v-e-r-s-t-r-e-e-t. I am the Hall County Election Commissioner in Grand Island. I also serve on the Election Law Committee of the Nebraska Association of County Clerks, Register of Deeds and Election Commissioners. And today I am here in opposition of LB1181, which requires the separate sealable pocket compartment on the outside of early voting envelopes. The availability and cost of the envelopes is a concern to our association. I can't-- I contacted our envelope printer and there's a letter included as well as a copy of our current envelopes in your packets and showed him a copy of LB1181 and asked him what the estimated cost would be for these new envelopes. And he was not able to provide me an estimate because he cannot produce the envelopes. He contacted his envelope vendor, which is a four-state vendor, and they also could not produce the envelopes as described in LB1181. My printer said that he believes that with additional research, we probably could find a vendor, but it will be expensive and counties will need to band together to have enough volume for anyone to even be enticed to create these specialty envelopes. The other concern is the lead time for production. There's already a 55- to 60-day working lead time on specialty envelopes, and that could making-- make getting necessary quantities difficult or even impossible if voting demand was higher than anticipated and restocking of supplies was needed. My printer also questioned if the envelope attached to an envelope would meet the postal requirements or if it would get torn off during cancelation. So this two-envelope style might require a separate carrier envelope for returning. And the more envelopes that we add to this, the more cost we're adding to taxpayers and also adding cost to voters who have to pay the cost to mail these ballots back. One of the concerns we have, too, is that our county actually consolidated to the smaller envelope to save on

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

postage, not only for taxpayers but also for voters. And we did that in 2016. I don't think the additional envelope and its required language will fit on the smaller size envelope, so we're probably looking at having to change that efficiency and go back to the previous envelopes that we used, which were this size. The identification documents are also of concern. The required wording on the secrecy envelope tells a voter to include a copy of a current invalid photographic ID or a copy of a utility bill, bank statement, etcetera, etcetera, that shows the same name and address. A lot of people may think of providing a driver's license. But really, the standard for getting a driver's license and the standard for registered voter are different. And so they're not necessarily the same. LB1181 does make reference to that, but I do think it will create confusion. Not all voters also particularly the elderly, disabled, mobility challenged, have immediate access to copy machines. And I do think we are risking disenfranchisement with military, college voters who have a different address.

**BREWER:** OK, well, we'll hold you up here. We're going to-- we're going to have questions, so you're going to probably get a chance to finish that. If we go back, we just kind of one by one walk through the reasons why we can't do this. On the envelope issue, is it the awkward way that it's worded in here that that supporting document would have to be shipped, that would be the problem with why we need the weird envelope that would be expensive and all that? Because otherwise you could just put the document with the voting form in the same envelope. The way that he describes it in there, and again, this is Senator Groene's bill, is that it has to have another pouch, does that sound right, that-- that-- that supporting document has to be attached to that envelope in a separate compartment?

**TRACY OVERSTREET:** That would be my understanding that this is a separate document. I can't-- I can't speak to the wording that Senator Groene had in the bill. But I will tell you this: Nebraskans and all Americans have the right to a secret ballot. And if you're opening up the ballot envelope with a ballot in it to pull out some other kind of accessory documentation, you're violating the secret ballot that people are ensured of having.

**BREWER:** OK, I hadn't thought about that angle. All right, questions? Senator McCollister.

**McCOLLISTER:** Yeah. Thank you, Mr. Chairman. How much extra processing time would this revised system take in your office?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**TRACY OVERSTREET:** Well, that's another-- that's another concern of ours, because this bill does not address when it could be opened. I don't know if it had-- would have to wait till the envelopes or the ballot portion of the envelope is opened. It doesn't address when it can be opened, how it can be opened, how it is to be vetted, where any of the documents are to be stored. I really don't want to be in charge of somebody, if they sent an original bank statement or pay stub. I, as a county official, don't really want to have to hang on to that personal information. And again, there are many people who do not have a utility statement, a pay stub with their name and address from the last 60 days because they are in college and they have a bank statement in their town where they're attending school or they're on a military assignment or they're a missionary. So those people will not be able to provide that documentation and I think that leads to disenfranchisement.

**McCOLLISTER:** So that-- those people in your office reviewing the documentation, they have to make a subjective judgment on whether that documentation is sufficient, wouldn't they?

**TRACY OVERSTREET:** Well, the bill doesn't really give a lot of clarity on that to me. I question also the cost of the fiscal note. I don't know if that's just from the state, but I would estimate for our county alone this would be at least an additional \$20,000 for the envelopes, for the postage. And that's just on our end, not on the taxpayers' end or the voters' end rather to send the ballot back.

**McCOLLISTER:** How many voters do you have in your county?

**TRACY OVERSTREET:** We have 34,300. I mean, that changes every hour, but roughly.

**McCOLLISTER:** Thank you.

**BREWER:** Well, there are those of us-- sorry, just a quick comment. There are those of us that are of the opinion that if we task you with something like this, then we owe the county the compensation for what we-- otherwise an unfunded mandate. We're great at giving those out. There's a problem. You start breaking the back of the county when you task them and you don't give anything to help them cover those costs. So, yes, Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. I was just going to ask for the record that the counties would have to pay for the envelopes, right?

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**TRACY OVERSTREET:** The counties currently pay for the envelopes, yes.

**HUNT:** And also noting for the record this letter you gave us from Loyed Wren of Copycat Printing, who said he reached out to a company in Wisconsin and they didn't-- they wouldn't be able to produce the envelope. He wouldn't be able to produce the envelope. And you were making a point about that before your time ran out about the--

**TRACY OVERSTREET:** The availability for the product, I don't see that it currently exists. I mean, we would definitely need a lot more research time. And again, I think anyone to-- for a vendor to produce this is going to need to see a high volume before they would invest in creating such a specialty document.

**HUNT:** That's why I was wondering if this was based on anything any other state had done. If there's another state that has the magic envelope or what it is. Thank you very much.

**TRACY OVERSTREET:** Thank you.

**BREWER:** Well, your point, too, we are-- we're danger close on the primary and really in election world, we're-- we're pretty danger close on the fall election, too, if you look at how things have to back up to get things in the hands of the people. So I appreciate you bringing this up because again, it's obvious now that I thought about it for a second why you need a second compartment. That way your ballot is secure, but that does get a little harder to sort out. So thanks for bringing that up. Any additional questions? Yes, Senator Sanders.

**SANDERS:** Thank you, Chairman Brewer. Thank you for being here. If we did go this route and there was an envelope that appeared with driver's license copy, some kind of verification, in your office, would you have a machine or manpower that would take care of verifying that that document is real and it is confirmed that they live there, this is them?

**TRACY OVERSTREET:** We do not have a machine for that and we do not have the staff for that. My office in Hall County is one and a half people. I'm the one and I have a half-time person who's manning the shop today because I'm here.

**SANDERS:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** All right, any other questions? All right. Tracy, thanks for coming in today and enlightening us. All right. Next opponent. You're an opponent. Tell you what, Beth, you want to hit us first and then I'll have our guest in, Shawn. Beth, welcome back to the Government Committee.

**BETH BAZYN FERRELL:** Thank you. Good afternoon, Chairman Brewer, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing in opposition to LB110-- excuse me, LB1181. Our opposition is really the same that you heard from Election Commissioner Overstreet from Hall County. It's the difficulty of determining what the envelopes are and acquiring those envelopes in a way that would meet the statute or the-- the bill, the extra cost of those envelopes. One thing I would like to mention is last year the Secretary of State's Office provided some machines, bought those machines that could count ballots that were folded. And so if we do something that requires ballots to be in a different format, the efficiency of those machines would be lost if there was a different way that the ballots had to be addressed for those machines. And then also, as Ms. Overstreet indicated, the difficulties with the identification documents and what to do with those and the ability for individuals to make copies of the documents to be submitted. So with that, I would be happy to answer questions.

**BREWER:** And we'll have questions and you've got someone in the know here. So now, you talk about being able to count ballots that are folded. So those are the ones that go into smaller envelopes as opposed to the big envelope.

**BETH BAZYN FERRELL:** Right.

**BREWER:** All right. So now we're talking about adding another dimension that with-- again, we're trying to figure out whether it's a sleeve that's a part of this envelope, but a separate compartment within or whatever we're going to make. The machine that you have is for counting the ballot. That's what it does, you feed it in and it counts the ballot. It doesn't do anything with any other paperwork that we put in it?

**BETH BAZYN FERRELL:** Right. And I guess our concern was or just wanted to note that some of those new machines can accept a folded ballot like one would fit in that envelope.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** OK. All right. And I'm assuming since you're representing county officials you have full knowledge of questions like on driver's licenses?

**BETH BAZYN FERRELL:** That I do not. I would be happy to try and find out for you though.

**BREWER:** Thought I had you in the kill zone. [LAUGHTER] All right. OK. Questions? All right. Thanks, Beth. All right, Shawn, you're up. Welcome to the Government Committee.

**SHAWN SMITH:** Thank you very much. Good afternoon, Chairman Brewer and senators and legal counsel. You have to have legal counsel or you're in trouble. It's a bad fishing trip. So I come not to-- not to praise LB1181, but to bury it.

**BREWER:** Can we have you spell your name for us?

**SHAWN SMITH:** Yes, sir. It's Shawn Smith, S-h-a-w-n, the Welsh way, as my grandmother would say. And then Smith, S-m-i-t-h.

**BREWER:** Thank you.

**SHAWN SMITH:** And my-- so I represent the Cause of America, which is a nonpartisan, grassroots organization that assists election integrity activists throughout the United States. And what I wanted to say about LB1181 is, first of all, I want to commend the senators that introduced it and are considering it. This is a terrible objection to it, but I want to commend the effort to try to improve our election system and-- and what's behind that and the intent. And I believe it to be well-intentioned, but I also want to say that it is because of its inadequacy and insufficiency to secure the votes and to secure the integrity of elections, it has the unfortunate effect of being too little in the place of what would be sufficient. And the reason I say that is first and foremost, because the forms of identification that are acceptable under not just Nebraska, but a lot of states' law, I generally-- I generally say I don't really care what other states are doing. A lot of people do very stupid things. And you know, I did some of those when I was younger, and I try not to do them now. And also my father used to say, you know, you don't have time to make all the mistakes yourself, you have to learn from me. So what other states do is not necessarily a great guideline. In Nebraska, your voter ID guidelines, your voter ID requirements are grossly insufficient to secure the integrity of your elections, whether it's the driver's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

license that you can obtain without showing proof of citizenship and that doesn't actually provide proof of your eligibility to vote, or whether it's the utility bills, which I'm, you know, probably be shocking, but I could with the names of everybody in this room, by the end of the day, I could produce a fake utility bill that would allow me to vote for any one of them in a Nebraska election. That would not be difficult. And in fact, I'm fairly certain that's happening right now. And those are-- those are, you know, it gets really easy when you start talking about checks. I mean, I think if you ask any of the election officials, they'll tell you they have no capacity to verify. They have no access, they have no machines. They have no authority to verify that those documents that they receive are authentic, which makes them entirely useless. So what you have is an election system is essentially a Rube Goldberg machine that you're trying to patch up, you know, with good intentions, but with decreasing return on that investment until you get something that is built for integrity right from the beginning.

**BREWER:** OK. I'm sure we're going to have questions for you here, but thank you for that testimony.

**SHAWN SMITH:** Yes, sir.

**BREWER:** All right. Senator Halloran.

**HALLORAN:** Thank you, Chairman Brewer. Thank you, Shawn, for being here.

**SHAWN SMITH:** Yes, sir.

**HALLORAN:** Alternatively, in less than 30 minutes, could you describe an alternative?

**SHAWN SMITH:** Sure, so-- so if you want an election, you can trust, don't trust anybody involved in it. Let the citizens see it for themselves. So you begin with a critically local control over the elections. The centralized statewide voter registration systems that are pushed on the states through model legislation and grant funding and so forth by HAVA Act in the federal statute ensures that you have a system that is hackable and effectively opaque to county election officials. So if you put the voter rolls in the hands of election officials locally and nobody outside the counties have access to them, and those voter rolls are rebuilt from the ground up by people presenting photo ID that demonstrates their eligibility and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

citizenship in person, then when you go to vote, you will have an accurate list of the voters who are eligible in those counties. The next thing that you should do instead of mail-In ballots, which have effectively no chain of custody, excepting that we depend upon signature verification and other information on the envelopes as if that's effective, but you would never-- you would never in a courtroom in a million years rely upon amateurs to do the authentication of a signature. You would have to have question document examiners with, you know, months of training, certification, experience, credentials presented to the court. And even then, you would present experts that would dispute those if you had an opposing party. So-- so what you really need to do is stop doing no excuse mail-in ballots and start doing in-person voting for everyone that you can. And the exceptions would be UOCAVA, you know, uniformed and overseas voters, and then verified ADA disabilities that would prevent someone from attending to vote in person. And the same things that let you go to the grocery store, the things you need to go vote in person. So you vote in person at your precinct with photo ID compared to that voter list that the county clerks maintain, and then you-- on that paper, you hand count that at the precinct level under video so that all citizens can-- citizens can watch it being counted. You don't need experts, you don't need vendors, you don't need machines. And the verification process is literally standing there and watching it in person or watching the video live-streamed or watching it recorded, and that archived video is your auditable record. So instead of having the national nightmare of a year-long process of trying to get to the truth and the recriminations back and forth and the sort of seeping effect of having facts come out so long after an election, what you have is the ability to verify your election virtually in real time and no opportunity between the time when that sworn-- when that eligible elector hands in their ballot until the time that the precinct is counted, no opportunity for any miscount or the introduction of any fraudulent ballots from any ineligible electors. So that's how I would do it. That's how we recommend.

**HALLORAN:** Kept it under 30 minutes, that's good. In a nutshell, keep it local.

**SHAWN SMITH:** Keep it local and watch it the whole time. Everybody knows what would happen if you stuck a hundred dollar bill on a street corner and walked away from it. But if you stand there and watch it, you have a reasonable chance of maintaining control or at least knowing who picked it up. We don't have that in our elections.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**HALLORAN:** OK, thank you.

**SHAWN SMITH:** Yes, sir.

**BREWER:** Is-- is there a state that does do it that way?

**SHAWN SMITH:** No state does it that way, sir.

**BREWER:** OK. Any other-- oh, Senator Sanders.

**SANDERS:** Thank you, Chairman Brewer. Thank you, Mr. Smith, for being here.

**SHAWN SMITH:** Yes, ma'am.

**SANDERS:** Could you give us a little bit of background of your credential and expertise?

**SHAWN SMITH:** Sure.

**SANDERS:** You clearly have a lot more than I do and so-- and at many levels, I believe so if you--

**SHAWN SMITH:** I don't know if that's true, but I have some. So I'm ignorant about a lot of things, but now election systems aren't one of those things. My background is I'm a retired Air Force officer. I spent about 25.5 years on active duty doing missile and space operations. Significant part of that time I was working in sensitive technical operations or special technical operations. And then I also had a tour when I was a relatively young officer where I spent four years doing the design and execution of operational testing for complex computer-based weapons systems at the Air Force Operational Test Evaluation Center. I tried to hide all of that from my career planners because I didn't want to ever touch the acquisition system again. It was kind of like politics. I have no taste for it and it's a foreign environment. But at the end of my career, I had volunteered to go do a research assignment at the Rand Corporation and the cost for going to do that was that I was going to have to go to the Pentagon. Those are the last place in the world I wanted to go and-- but I got lucky and I was assigned to an office called the Directorate of Operational Test and Evaluation. The director is a presidential appointee, Senate confirmed, senior civilian in the department who's responsible for the oversight of all operational testing of weapons systems within the Department of Defense. And the reason for that is because there's this immense pressure on the acquisition system and on

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

program managers to fudge and sometimes outright lie about what's happening in their programs in terms of time and schedule and performance. And it's-- it's all really tied to budget because if they have any kind of a slip-up or deficiency, there's a good chance they'll have funding taken away from them and then they have to replan their whole programs. But as a result of that, Congress has a difficult time getting accurate information. And so the House and Senate Armed Services Committees are really who the director reports to. And he has military officers assigned to him, as well as senior civilians who are executing the oversight of the-- of the weapons systems and modifications under test. My role was to be the senior military evaluator for all space systems in the Department of Defense under operational testing, with the exception of satellite communications. There's a very capable former Army officer who is now a GS, government civilian who does that. So I did that for about three and a half years. And in the course of that assignment, I became extraordinarily familiar with the testing regimes for complex computer-based systems across the department, as well as the threats to those systems presented by our adversaries, potential adversaries. Everything from directed energy to radiofrequency weapons to in particular, cyber, which is the real threat that has just ramped up geometrically over the last 20 years. Our-- our adversaries are so much more capable than they once were. And the capacity, the amount of resources they have dedicated to it is immense, far greater than the general public understands. And it presents a very grave threat to our national security. They are constantly probing and attacking every single national security-related system, from finance to information to our defense contractors to our government organizations. And they don't just do it in real time, as if, you know, they're some kind of a script kiddie hacker in high school. They have organizations dedicated to it for a period of decades, including the penetration of industrial manufacturing facilities and companies. So they execute what are called supply chain compromises. This is one of the reasons I'm so concerned about our voting systems because they're all manufactured in whole or part overseas of overseas components by overseas workers with no supply chain security. Everyone who works cybersecurity in the Department of Defense understands that those systems can never be trusted and never be secured, but that's what we're using for our elections. So that's-- that's my background. Sorry.

**BREWER:** No more questions for you. [LAUGHTER] Are you familiar with the M454 nuclear weapon?

**SHAWN SMITH:** I'm not familiar with the M454.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** As a young man, I assembled those for the Army; but drop one warhead, you get fired.

**SHAWN SMITH:** Those weren't-- those weren't the rounds for Atomic Annie, were they?

**BREWER:** That is correct.

**SHAWN SMITH:** Oh, OK, all right [INAUDIBLE].

**BREWER:** I don't want to date myself but it was an artillery-fired nuclear weapon. The downside of being on a team that fires nuclear weapons is the bursting radius of the M454 was 35 kilometers. The range of the gun is 20 kilometers. You get one shot.

**SHAWN SMITH:** Yes, sir.

**BREWER:** OK, any other questions?

**SHAWN SMITH:** Thank you much.

**BREWER:** Thank you for your testimony. All right. We are still on opponents to LB1181. Welcome to the Government Committee.

**ZUHA QADEER:** Thank you, Senator Brewer, and senators of the Government, Military and Veterans Affairs Committee for the opportunity to provide testimony as a part of the committee record. My name is Zuha Qadeer, that's Z-u-h-a Q-a-d-e-e-r. I'm the legislative intern of OutNebraska, a statewide nonprofit working to celebrate and empower lesbian, gay, bisexual, transgender and queer or questioning Nebraskans. OutNebraska is opposed to LB1181, as it would create an unnecessary barrier to voting that would negatively impact thousands of Nebraskans. Voting is central to our doc-- to our democracy. We must ensure and protect our right to vote. Nebraska's current mail-in voting system is good, and it's good for voters and good for our state. In the 2020 general election, there were 481,195 early mail-in ballots counted in Nebraska. That was 50 percent of all ballots cast. Of those ballots, 99 percent of them were verified and approved. This is an incredible success rate and proves that LB1181 is a solution in search of a problem. There is no reason to require an extra step for voters who chose to vote by mail. Fourteen Nebraska counties conduct all-mail elections. These are largely rural counties with low population densities, where people may live far away from their polling center. This bill would negatively impact those voters and their ability to return ballots. LB1181 proposes a complicated

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

solution to a seemingly nonexistent problem. It would require that thousands of Nebraskans who vote by mail to include a copy of their ID or something like a utility bill dated within 60 days. This bill ignores the economic and technological realities of many Nebraskans. How many of us own a photocopier or printer? How many of us know how to use one? How many of us know where-- where to find one, can travel there easily and pay for the parking, gas, and cost of a photocopy? If we don't have a photocopier, we could send a bill. But how many of us have switched to digital bills? Why should we have to take this extra cumbersome step when the Secretary of State already affirms our elections are safe, secure and efficient? Ninety-nine percent of mail-in ballots were verified in 2020. Those that could not be, were not counted. Our system already works. There is no need to require voter identification for mail-in ballots when our verification system already works. This bill would add complication, costs and a barrier to voting. It's unnecessary. We respectfully urge you to not advance LB1181 from committee. Thank you.

**BREWER:** All right. Thank you for your testimony. See if we have questions for you-- for you. All right. Thank you. OK. Any additional opponents to LB1181? Come on up. Welcome to the Government Committee.

**DOUGLAS FRANK:** Thank you, Senator and committee. Appreciate you having me here. My name is Douglas G. Frank, D-o-u-g-l-a-s, Frank, F-r-a-n-k. I'm here at the request of several Nebraska citizens. I'm known as Dr. Frank across the country. I've been traveling, visiting multiple states, studying election reform and election fraud throughout the country and I've had the pleasure of meeting with many such committees, such as yourself in private and public, researching ways we can secure our election. Because as you'll see in many of my slides, it's a widespread problem. So even-- even though I appreciate the intent of this bill to try to plug the main major hole that we have in our elections, which is the mail-in ballot, I think it's insufficient. And the former person who testified suggested that it was a success that we accepted so many of the mail-in ballots, and I would argue exactly the opposite. It's a failure that we accepted so many of the ballots because our canvassing shows that a lot of the ballots are not coming from whom we think they're coming from. So as-- as I've discussed in many of my presentations around the country, I've been here. This is my third time to your state. I've met with thousands of your citizens now. The major issue with our elections is not necessarily just the equipment. It's the front end, who we let submit ballots into the system. And I'm not trying to keep anybody from voting. I'm saying that only real people should vote, and I can

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

give you an example of that. In some of the county we've been examining, people are receiving absentee ballots who didn't vote, who didn't ask for them. And in fact, sometimes those ballots are being submitted by people not who actually requested them. And we've been able to prove this in canvassing. There are many affidavits that will be submitted. So that's-- that's-- that's an important point to realize, that this isn't purely speculation. We have data, real-life data from actual canvassers and affidavits showing that there are ballots being received by people that they didn't order. We have ballots that are being received by the counties that were not sent to anybody. They came from another source. That's why it is so important to know who every ballot is from, and that's why I appreciate the intent of this bill. The problem is that the problem is so widespread and the system is totally hacked. I was joking this morning that HAVA, Help America Vote Act, should be called HACA, Help America Cheat Act. We should call it HACA. Our systems are totally hacked. Our systems, because they're totally hacked, we have control of the registration rolls. We know everybody who's voting in real time, and therefore we know everybody who's not voting in real time. That enables the bad guys to submit ballots in their stead. We call those phantom ballots. And that's a widespread problem in your state as well. Some of the graphs I've prepared for you in brief show that your records do not reconcile. The fact that you do not reconcile is a symptom. I see my red light-- is a symptom of your problem. And I'd be happy to answer any questions you might have.

**BREWER:** All right. Thank you for your testimony. Since you've got that opened up, why don't you dart back to page 7. You've got a Nebraska voter demographic results page here. And I've just started highlighting some of my counties like Cherry County. You've got 89.5 percent. And then beside that, you got 85.2 percent. What is that chart telling me?

**DOUGLAS FRANK:** That chart shows what percent of the registered people are turning out. It also shows what percent of the 18 and older population is registered. And why this is important is because if you do a canvassing operation where you go knocking door to door and you say, are you registered to vote? Are you registered to vote? You just go and do a canvassing, you'll find that the-- that in practice, in reality, we don't have 90 percent of our people registered. We don't have-- many of those, you'll notice have 94, 95. Thurston County has 97. Look at the bottom right of the table. Logan County has 104 percent of its population registered. How can that be? So, you know-- you know that the registration rolls are inflated, and that is the way

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

I've identified the pattern across the country of how our elections are being stolen. They're inflating the registration rolls beforehand. Sometimes it's not a conscious inflating. Sometimes it's just the rolls have been accumulating, getting dirty and dirty over time. People move away, but they're still on the rolls and somebody is still voting in their stead, for example. So that shows that the rolls are dirty and need to be cleaned up. And then the other-- think about it. If you have a high turnout in a county that has a dirty rolls, that's a bad sign. That's not a good sign. It's nice that people vote. We want everybody to vote. But if you have more people registered than you have voters and a large number of those are voting, that's very suspicious. And when we go canvassing, we discover that that is not a-- an unration-- irrational prediction. We can predict who's voting, who shouldn't be voting.

**BREWER:** All right. On that line there, if you go to look at some of my counties. Look at Grant, 114; Blaine, 107; Hooker, 114. So you're saying those probably are just dated voter rolls that need to be cleaned up? And in that other column over there, the turnout, so 114-- say Grant County 114.4, actual voter 80.5.

**DOUGLAS FRANK:** Eighty point five percent of those registered. So it's actually a higher percentage of the population, isn't it?

**BREWER:** Oh, OK. All right, I'm tracking with you.

**DOUGLAS FRANK:** Yeah.

**BREWER:** Thank you for clearing that up.

**DOUGLAS FRANK:** No worries.

**BREWER:** Senator McCollister.

**McCOLLISTER:** Yeah. Yeah, thank you, Mr. Chairman. And thank you for being here, Dr. Frank.

**DOUGLAS FRANK:** It's an honor.

**McCOLLISTER:** Have you taken this information to the Secretary of State? [LAUGHTER]

**DOUGLAS FRANK:** So I've offered and the citizens of your state have arranged meetings before with him, but he's declined to meet with me. Now for your information, I met with two dozen Secretaries of States

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

around the country and about the same, two dozen AGs as well. And so I've shared similar analyses. I've done extensive analysis of your state here, obviously, but I've done extensive analyses of other states as well, and I show them their own data, I show them their own problems. Many of those states acknowledge they have a serious issue, but it's politically difficult to fix.

**McCOLLISTER:** Oh, I've taken this information to the Secretary of State and he's reviewed it, and he's given us a slideshow that I found fairly compelling. Yeah, I--

**DOUGLAS FRANK:** I can address that.

**McCOLLISTER:** Yeah.

**DOUGLAS FRANK:** I don't think you've taken this information. I think you've taken somebody else's description of my information, which I would call a straw man. A straw man is an argument where you misrepresent your opponent, so it's easy to shoot down later. I have not had the opportunity to present what the true argument is. I've read some of his rebuttal of my work, and it's not my work that he's rebutting. I would love to have him try to rebut my work, but I have not had that opportunity.

**McCOLLISTER:** Thank you, Dr. Frank.

**BREWER:** OK. Any-- Senator Hunt.

**HUNT:** Thank you. Are you from Nebraska?

**DOUGLAS FRANK:** No.

**HUNT:** Where are you based?

**DOUGLAS FRANK:** Ohio.

**HUNT:** Where did you get your Nebraska bow tie?

**DOUGLAS FRANK:** It was a gift from the citizens of Nebraska.

**HUNT:** All of us?

**DOUGLAS FRANK:** Some.

**HUNT:** Oh, my gosh. OK. Where-- what is your Ph.D. in?

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**DOUGLAS FRANK:** Surface electric chemistry. It's a mixture of chemistry and physics with a lot of math.

**HUNT:** OK. You were quick to point out the math establishing your credibility here. Can you tell me about the data that you took?  
[INAUDIBLE]

**DOUGLAS FRANK:** Yeah, the data are from your own Secretary of State website.

**HUNT:** Excuse me.

**DOUGLAS FRANK:** I'm sorry, I didn't-- I didn't mean to interrupt you.

**HUNT:** I'm good. Thank you.

**DOUGLAS FRANK:** I'm sorry. I tried to answer.

**BREWER:** OK. Additional questions? Senator Sanders.

**SANDERS:** Thank you, Chairman Brewer. Dr. Frank, thank you for being here.

**DOUGLAS FRANK:** My pleasure.

**SANDERS:** Earlier, we had someone testify, Mr. Smith, rocket science-- scientist, right? Do you think we need that type of caliber of education, of our secretary or deputy or election commissioners to be able to understand what could or should-- is happening, possibly happening? And if you could bring that way down, at what can we do as everyday citizens without all the degrees and understanding of what clearly could happen?

**DOUGLAS FRANK:** I think that's a great question. I think Colonel Smith correctly pointed out that we're using systems which cannot be secured, and he ought to know. He's one of the top people in our country for analyzing these sorts of systems. He did so for the military. So in other words, we have electronic systems that cannot be secured. That's part two. Part one is where my focus is. I think we have election systems and recordkeeping systems that cannot be secured because we've centralized them and they're hacked and we know they're hacked because of-- of the evidence we've presented. So in other words, if I can go in and I can change the registration rolls, if I can change who's registered, if I can change who's received a ballot, if I can-- in the records, I can change who's sent a ballot in the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

records, it's-- you've basically given control to the bad guys. And I think our basic issue is that we think like honest people. We think we're going to put together a system and then we're going to operate it. And we've got this system in place and it makes sense to us and we've got this electronic system and it makes sense to us, but what we forget is that this electronic system is being attacked constantly, aggressively by the best hackers in the world and our-- our enemies in other countries, etcetera. And that this part of the system, the digital system, is also equally under attack and it-- it makes us vulnerable. The whole thing is too vulnerable. And so to bring it all down, I think that's the basic problem. I like what Shawn was saying the other evening when we were discussing this, he said-- he says we don't have enough technical people in our country to protect our election. We just don't have enough. So in other words, we have to have a simpler system if we're going to secure it. And I think, you know, in my high school growing up, we had elections for, you know, student body president, and they didn't use machines for that. And so if we-- if a high school student can hold a good election, I think we could too. Let me-- let me just say about this. I'm particularly delighted to be in Nebraska. I think you guys are low-hanging fruit for this issue for the whole country. And what I mean by that is, you have small counties with people with integrity in them, and they want to have elections full of integrity. So you could be a test place for developing new systems that are secure. And I don't mean systems electronically necessarily, I mean processes. You could be a test place for not a lot of expense. In fact, it might even be cheaper than using machines when you look at the numbers. But since you have small counties, you could be a good test place for that. And so I'm particularly interested in working with the Nebraska, which is why I've been here three times in a row and I'm hoping to be invited back and I'm at your service as I know Shawn is, if you have any questions about how to improve your elections.

**SANDERS:** Thank you, Dr. Frank.

**DOUGLAS FRANK:** Yeah.

**BREWER:** OK. Any additional questions of Dr. Frank? All right. Thank you for your testimony.

**DOUGLAS FRANK:** It's been a pleasure.

**BREWER:** All right, looking for opponents to LB1181. Welcome to the Government Committee.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**NICK GRANDGENETT:** Thank you. Mr. Chairperson, and committee members, my name is Nick Grandgenett. That's N-i-c-k G-r-a-n-d-g-e-n-e-t-t, and I'm a staff attorney with Nebraska Appleseed. We are testifying in opposition to LB1181. As a whole, Nebraska Appleseed opposes each of the measures proposed in LB1181. However, we are particularly concerned about Sections 2 and 3 of the bill. Section 2 requires voters to present either a photo ID or address verification document before they receive their ballot. This bill, in other words, appears to operate as a watered-down version of the voter ID proposals the Legislature has rejected on numerous prior occasions. While voter ID laws are often touted as necessary to curb potential voter fraud and impersonation, the reality is that threats are nonexistent. Instead voter ID laws simply operate as an additional hurdle that disproportionately impacts communities of color, older Nebraskans, students, Nebraskans with low incomes. Although LB1181 would allow for a utility bill, bank statement, or other similar document to serve as a substitute for providing photo ID, the bill includes new language requiring these documents to have been issued within 60 days immediately prior to the date of presentation. As a driver's license may be obtained by presentation of these documents issued within the last 90 days, the new language in LB1181 actually establishes a narrower set of criteria that would be required for obtaining a photo ID. Section 3 is similarly troubling because it requires a voter to include a copy of the photo ID, verification document when they receive the early voting ballot. Under the bill, not only does a voter need to have the identification card and request a ballot in the first place, but now they need to make copies of these documents to submit with their ballot. By increasing logistics, time, expense, and the expense associated with voting, these provisions will only disincentivize voting. Here again, the burdens in these new rules are likely to disproportionately impact rural and historically disenfranchise communities. So in light of these concerns, we urge the committee to reject LB1181. Thank you for your time, and I'm happy to answer any questions.

**BREWER:** All right, thank you for your testimony. Questions? And just a quick note.

**NICK GRANDGENETT:** Sure.

**BREWER:** LR3CA, which was the voter ID bill, was voted in this committee last year and is in committee in a 4-4 deadlock is where it is.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**NICK GRANDGENETT:** OK, thank you for that. I appreciate it.

**BREWER:** OK. No other questions? Thank you for your testimony.

**NICK GRANDGENETT:** Thanks.

**BREWER:** The next opponent to LB1181. Welcome to the Government Committee.

**SCOUT RICHTERS:** Hi, thank you. My name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of the ACLU of Nebraska in opposition to LB1181. There's nothing more fundamental to our democracy than the right to vote. The right to vote is constitutionally protected under the state and federal constitutions. This bill burdens Nebraskans who choose to vote by mail by requiring them to include a copy of their ID or other sensitive documents with their ballot. We are firmly opposed to any type of voter identification as it only serves as a burden on Nebraskans exercising their fundamental right to vote. There is no credible evidence of end-- of an existing problem of voter fraud in Nebraska. This bill unconstitutionally burdens everyone's right to vote and has disproportionate effects on certain Nebraskans as you've heard. Specifically, this bill will burden poor Nebraskans, Nebraskans of color, rural voters, and elderly and disabled voters who are less likely to have readily available access to the documents required to obtain a photo ID or other documents that they can submit in lieu of a copy of their ID. Without any documented record of voter fraud, LB1181 is unnecessary, carries a fiscal note, and to the point that it requires identification of voters via photo, it's likely unconstitutional under the United States Constitution and/or the Nebraska State Constitution, which is even more protective of the fundamental right to vote. There is no good reason to make it harder for Nebraskans to vote, and we urge the committee to indefinitely postpone LB1181.

**BREWER:** All right, thank you for that testimony. Let's see if we have any questions for you. Questions? Questions? All right.

**SCOUT RICHTERS:** Thank you.

**BREWER:** All right. We are still on opponents to LB1181. Welcome to the Government Committee.

**BILL YANG:** Thank you. Good afternoon, Chairman Brewer and members of the Government and Military and Veterans Affairs Committee. My name is Bill Yang, B-i-l-l Y-a-n-g, and I am the grassroots advocacy

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

coordinator for the Nebraska Civic Engagement Table. We are a nonpartisan, nonprofit organization that serves more than 75 nonprofit-- nonprofit members statewide. An integral part of our mission includes making voting and civic engagement easier and more accessible for all Nebraskans. It's on these grounds that we oppose LB1181 proposal to create unnecessary barriers to early voting, especially for those who may rely on it to vote. This position reflects that of the Table staff and board. One of our primary concerns is the undue burden this will create for many Nebraskans without valid cause. Over half of Nebraska's votes are returned via mail in the past election. Many of these voters do not have access or very, very limited access to printers and copiers, the likes of which these IDs would demand. People without reliable transportation, rural voters who live far away from these services, young, low-income people who do not have the ability to take time away from work or who simply do not or cannot afford a printer will be disproportionately discouraged from voting. We'd anticipate a significant decrease in the voter turnout as a result. The 60-day limit imposed on the supporting documents is also extremely stringent, especially for lower income households that do not always have the ability to provide these documents, like utility bills and-- and on-time standard paycheck receipt, depending on their situation. Finally, the Table has some concerns about the vagueness around certain issues on this bill. And, for instance, the bill does not define who bears the cost of these new measures. The fiscal note provides a very limited amount of information, and the actual communication costs, as stated by previous testifiers, will likely greatly exceed the fiscal note itself. Furthermore, the bill does not provide any instructions on how to advertise these changes on how to make sure that these changes are-- note are timely and effectively communicated to Nebraskan voters, and therefore many voters will be blindsided by the bill. In all, this proposal will contribute to lower voter turnout and fundamentally weaken our democracy trying to address a problem that does not exist. Therefore, the Nebraska Table opposes this bill and urges the committee not to advance it. Thank you. I'm happy to take any questions.

**BREWER:** All right, thank you. Let's see if we have some questions for you. All right, Bill, thank you for your testimony. All right. We are still on opponents to LB1181. Welcome to the Government Committee.

**FANCHON BLYTHE:** Thank you, Senator Brewer. Thank you for allowing me to be here. Fanchon Blythe, F-a-n-c-h-o-n B-l-y-t-h-e. I first wanted to say when Dr. Frank was up here speaking and wasn't allowed to

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

answer his question by Megan Hunt, I want you all to know that the data that Dr. Frank used was from-- directly from the Secretary of State's Office, nobody else. So all of his information comes right from Nebraska. Second, I wanted to say, directly from the Secretary of State's Office, I hope you all know that Nebraska has no systems in place to date to verify any illegal voters. Next, I brought my book back again. I encourage you all to buy it and read it: Rigged by Mollie Hemingway. It's in detail how the 2020 elections were stolen. Any questions?

**BREWER:** All right, any questions?

**FANCHON BLYTHE:** Thank you.

**BREWER:** All right, thank you. OK. We are still on opponents to LB1181. Welcome to the Government Committee.

**LINDA VERMOOTEN:** Thank you, sir. Thank you for this opportunity. My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n. And first, let me just say, I'm one of the people that has been talked about by a lot of people here: disabled, a limited-mobility. In my home, I have a printer. All I have to do is open the top of the printer and put in whatever I want to make a copy. So that is not a hardship to me as somebody representing myself, but also other ADA disabled individuals. But I'm opposed to this because I'm not native born. I'm a naturalized citizen and proud to be so. But growing up outside of America, we have found that the system that you have here in place, we do paper ballots that can be counted, that can be verified, that can be back checked, and we have to present an identification that proves that we are legal citizen that is able to vote. And therefore I'm against this because this-- we don't know how much stuffing is going on. We're hearing more and more that more people are voting in counties in our own state from what the good doctor was sharing earlier than live in that state. Well, how is that possible? It just raises a question. As one of we, the people, for the people, by the people is what government is supposed to be about. And I think this is not going to help the problem that we are facing with this fraud in our state. Thank you very much, sir.

**BREWER:** Thank you, Linda. So see if we don't have some questions for you real quick. Just one quick one. At what age did you come to the United States?

**LINDA VERMOOTEN:** In my 20s, sir.

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** So did you vote in-- I'm assuming the UK or--

**LINDA VERMOOTEN:** No, in South Africa.

**BREWER:** Oh, OK. Did you vote there?

**LINDA VERMOOTEN:** Yes, sir.

**BREWER:** And that's the system they use you--

**LINDA VERMOOTEN:** Yes, sir.

**BREWER:** --you actually have a paper ballot and you fed it in and  
[INAUDIBLE]

**LINDA VERMOOTEN:** Yes, sir. Even when President Mandela was elected, people stood in lines for more than 24 hours to have the privilege and the opportunity to vote for the very first time in their lives. And all those ballots were counted, by the way, within 48 hours and verified.

**BREWER:** And what was the population of South Africa there?

**LINDA VERMOOTEN:** You know, I can't answer that for you, but I know they had special monitors that were there that actually had more authority than the police to make sure there was no interference or intimidation of those voters whatsoever, so that they could make sure that they voted the way they wanted to vote without intimidation. And I think the system that we have is just wide open for fraud everywhere.

**BREWER:** All right. Let's see if we have any other questions. I know that it's a challenge to be able to come in and do this, so thank you for taking the time and being here to testify. Appreciate it.

**LINDA VERMOOTEN:** Thank you, sir.

**BREWER:** All right, Red Coats, there you go. All right. We are still working on opponents to LB1181. All right. We will go to anyone here in a neutral. All right. We'll ask John Lowe to close on LB1181. John, welcome back to the Government.

**LOWE:** I never left. [LAUGHTER].

**BREWER:** Good point.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**LOWE:** Thank you, Chairman Brewer and committee, for hearing LB1181. I really want to thank all the testifiers that came out today to testify, both as opponents and as proponents for this bill. As you know, this was not my original bill. I accepted to take this bill on to bring out some, maybe some difficult issues. First of all, I want to thank all those, and I really appreciate all those who make, attempt to make our elections safe and valid. It's a terrible job, it's a tough job, and it's got to be done in a timely manner. We just went through redistricting and we had to do this in a timely manner, so we understand the stress. Ours can be done in 15 days. I think we'd like our results by 11 o'clock at night with elections. There were two things that I learned during this hearing. First, I need to work on my presentation of my credentials [LAUGHTER] -- quite impressive. And that this is not a Republican or Democrat issue. As you recall, in 2016, some thought that election was stolen. And in 2020, some thought that that election was stolen. And on both, they still think that those elections were stolen. So we need to work together to find a way to ease the fears of the citizens, especially those behind me on both ways. Henry Ford, when he heard the words you can't do that, it can't be done. We heard those words today on creating an envelope with an internal flap that may be opened separately from the ballot to compare the signature on the outside of the envelope to the vital information on the inside without ever opening that document-- the internal envelope that would then be processed at a separate time. If I had a copy company right now and I would go out and I'd invent this envelope and file a patent on it, because if this becomes true, there were 150 million people that voted in the last election, 158 million people that voted in the last-- last election. And say half of those voted by mail, that's over 75 million envelopes that you would create. That's one heck of a business. And it could be done because not only would Nebraska and our 93 counties need these, but the rest of the counties or townships or whatever states send their ballots or mail-in envelopes out to would also need it and you have the patent on that envelope. It can be done. Henry Ford did it. A bright person could do this. I personally voted in my precinct that I'm scheduled to go to because some of us here can remember that was the only way that we could vote or at the courthouse. That was the only way. In the last several years, we've opened it up wide. I do it because it's a social event. I like going there. I like presenting my driver's license. I like talking to the people at the precinct and they know me. They know it's my vote coming in. If I go to the election office, if I'm going to be gone, the election commissioner knows me and can look me straight in the eye. I want to thank Linda for coming up and

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

testifying in opposition. She came to the United States to a free country so that she could vote for the greatest system in the world. I think that is commendable for her, and welcome to the United States. I don't know how long you've been here, but welcome to the United States. It may be too long since we've done that. With that, I close.

**BREWER:** All right. Thank you, John. Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Do you present your driver's license when you go vote in person?

**LOWE:** Yes, I do.

**HUNT:** Do they ask you?

**LOWE:** No, they don't.

**HUNT:** You just think it's cool?

**LOWE:** No, I think I should.

**HUNT:** OK, thank you.

**BREWER:** Additional questions for John? One thing to think about as you're wrapping things up here. In 2003, 2004, we held the first election in Afghanistan in the country's history. And so we had a bit of a dilemma is how do we keep folks from voting more than once? And we had a system of-- of course, their ballot was a number of pictures because some couldn't read or write. So you use the picture to identify who you're going to vote for and you dipped the thumb in and all that. Took us several days to set up the voting booths. And we spent two hours at the end of the day of voting and that was just moving the body bags of the dead that had been blown up trying to vote. So sometimes we take it for granted. Anyway, thank you, John.

**LOWE:** Thank you.

**BREWER:** All right. We will go ahead and close on LB1181. We'll read in the letters: proponents, 27; opponents, 19; 1 in the neutral. We'll have a switch over and get set up for LB1123. Again, this is Steve Erdman's bill. It is change procedures for counting ballots under the Elections Act. With that, we will welcome Steve Erdman to the Government Committee. Steve, hold up for just a second. We'll let folks shift out so it's a little quieter and we can-- the-- the transcribers will have an easier time transcribing if we let the noise

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

settle down for a second here. OK, we're going to have to-- we're going to have to keep it down or the transcribers are never going to be able to figure out what we're talking about. All right, one more time.

\_\_\_\_\_ : Gavel, sir.

**BREWER:** Oh yeah, that's why we got the gavel here. [GAVEL] All right, Senator Erdman, you have the floor.

**ERDMAN:** Thank you, Senator Brewer. I'm Steve Erdman, S-t-e-v-e, last name, E-r-d-m-a-n. I represent District 47. It is now nine counties in the Panhandle instead of ten. So I'm here today to present LB1123, a very simple bill, just is going to limit the amount of time that they can count ballots. And so it's a very simple bill. And on page 5 of the bill talks about what the bill's going to do. They shall not be permitted to count ballots until after all polls close in the state. You-- some of you are of the age, maybe Senator McCollister is of the age he remembers in 2000 when we had a presidential election and the state of Florida had called the election for Al Gore before the election, before our polls were even closed. And it brought one to thinking, why should I go vote if someone has already been elected? And so what we're trying to do here is to make sure that these ballots aren't counted until the very last poll closes in the state. Abraham Lincoln once said, elections belong to the people, and I believe today you've heard from many of those testifying before me that would agree that that's the case. LB1123 directs election commissioners of the-- or the county clerk not to permit the counting of ballots to begin until after all the polls close-- polls close on election day. This means that all ballots cast early in-person, all ballots received by mail, all ballots cast in person on election day would not be counted until the polls have closed on that election day. LB1123 closely resembles the way votes are counted in the state of Maryland. The purpose of the bill is to reduce the risk of election fraud. The Heritage Foundation ranks Nebraska as the 43rd state in the nation on election integrity-- integrity. That's-- that's low for us. That's almost the same way we are in taxes. Election fraud is hard-- is a hard fact of reality that Americans must face. On January 13 of '22, just a month ago, Michelle Rodriguez, a campaign worker in San Antonio, Texas, was arrested for election fraud, illegal voting, unlawfully assisting people to vote by mail, and unlawfully possessing official ballots. The Texas Attorney General, Ken Paxton, stated that the arrest of Rodriguez may continue to claim-- many claim there is no such thing as election fraud. We've also known that such claim is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

false and misleading, and today with this arrest, we have evidence that that is true. Current Nebraska law leaves the time to begin counting votes up to the discretion of the election commissioner or the clerk. Nebraska Statute 32-1027, Section 6, says: At the discretion of the election clerk or county clerk, the counting board may begin counting early ballots no earlier than 24 hours prior to the opening of the polls on the day of the election. While Nebraska statute 32-963 allows poll watchers to be present whenever votes are counted-- get counted, poll workers need to know when the counting of the ballots is going to begin. Keeping all poll watchers in limbo for 24 hours is disrespectful of their time and opens the door that fraud can occur. LB1123 would prevent vote counts from being released to the public prematurely. When vote counts are released to the public before the polls close, some citizens may decide that the candidate or candidates that they prefer are too far behind to get elected so they don't go vote. In short, LB1123 would prevent-- prevent election nightmare of the 2000 election that I mentioned earlier in my testimony. So that is the bill. I bring that to you today for your consideration. There will be people behind me from the county that will probably say that they need to have the time to count these. We're not preventing them from opening the envelopes and verifying the signatures before the polls open. What we're saying is you can't count the ballots. So that's the straightforwardness of LB1123 and I would try to answer any questions you may have.

**BREWER:** All right, thank you, Senator Erdman. Questions for Senator Erdman. Senator McCollister.

**McCOLLISTER:** Yeah. Thank you, Mr. Chairman, and thank you, Senator Erdman. In my experience, I've never heard the results prior to the polls closing. Are there cases where that's been the case?

**ERDMAN:** They did. It happened in Florida in 2000.

**McCOLLISTER:** But in Nebraska?

**ERDMAN:** I don't know if it has happened here, but if it happened there, it could happen here. And we need to make sure and I'm sure that those people who came and testified before on the other bill, election integrity is their number one issue. And so why take a chance of something like that can happen? If we know it can happen, let's try to prevent it.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**McCOLLISTER:** Wouldn't that slow down the results coming-- coming to the news media?

**ERDMAN:** We used to count them by hand, Senator McCollister, and we knew who won by the next morning. I don't know what's changed. And so I don't know if it slows it down or not, but I'm more concerned about being accurate than about slowing it down.

**McCOLLISTER:** Thank you, Senator.

**BREWER:** OK. Additional questions for Senator Erdman? Steve, you'll stick around for close?

**ERDMAN:** I'll be just like Senator Lowe, I won't leave.

**BREWER:** Won't leave, OK. All right, we're going to start with proponents to LB1123. Proponents. All right. Welcome back to the Government Committee.

**JENNIFER HICKS:** Hi, my name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s, and again, I want to support that-- that we should not be counting-- counting ahead of time. But what I really want to emphasize here is that what matters is, is who is counting our votes. It-- is it not that the people know that there was an election, the people who cast the votes decide nothing. The people who count the votes decide everything. And it was Stalin that said that. And-- and the problem is that we do what we do want to make sure that we're doing the process correctly, but the problem isn't this. Ultimately, the problem is who is counting our votes? And so whatever time we start to count them isn't going to make a difference when it's theater, it's political theater. We go and we mark a ballot and we have nothing-- nothing left. The people are no longer part of the process and that is unconstitutional. You know this. I have-- I have written to every single senator getting back no replies. And I really, you know, you don't even-- you don't even ask me questions. I-- I don't know what else to say. But people are showing up here and we're not going to stop. But the problem that you need to understand, too, is that the Department of Homeland Security took over our elections January 6, 2017, when the Department of Homeland Security designated elections as part of our critical infrastructure. We no longer have control of our elections. They're controlled by agencies whose names are on this joint statement in a letter that said that the November 3 election was the most secure election in American history. And these are people like the Cybersecurity and Infrastructure Security Agency, which is a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

subagency of the Department of Homeland Security. The U.S. Election Assistance Commission, who is-- who certifies the hardened computers that the USBs plug into here in Nebraska, the ES&S, the USB plug into these machines. ES&S's name is on here. They're the ones telling us that our elections are secure. We're supposed to trust them, but they don't trust us enough to allow us to see this process. And we're currently under alert from the Department of Homeland Security, there is a national terrorism advisory system that will tell you that I'm a terrorist-- that I'm a terrorist, that you should assume that I'm a terrorist because it says the-- for example, there's widespread online proliferation of false or misleading narratives regarding unsubstantiated, widespread election fraud and COVID-19. Grievances associated with these themes inspired violent extremist attacks during 2021. I am no terrorist. I am not antigovernment, I am antityranny, and I will tell you I am at war with that.

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

**MICHAEL CONNELLY:** Michael Connely, M-i-c-h-a-e-l C-o-n-n-e-l-y. Now, I don't have some of the incredible credentials that Shawn Smith had or Dr. Frank. I was, however, in the year 2000, the quality assurance director, the state quality assurance director for Nebraska, for the census operations. Of course, that was a federal operation, not a state operation. And when time would come down to a crunch, we would adjust how much we would check on the quality assurance to make sure that we hit our deadlines. The same type of thing can run on elections. If you wait until all the counting is-- until all of the ballots are in, basically, and then you start counting them and you don't continually update the numbers, bad actors cannot make adjustments in their counts. Now, something that I had never seen in any elections before is all over the state suddenly, they stopped counting in multiple states at the same time. What was it in Omaha, we supposedly had a power outage because a squirrel chewed through a line but they never did find the problem and they never found the squirrel. And then they had wet down in Georgia. They had the flooding toilet that stopped all the electric so they had to stop the count. Those type of things only happen when someone has an objective in mind and they are trying to cheat and something's not working correctly in their system and they have to make adjustments. Well, when we ran our census operations, if we were running short on time and we had to make adjustments when we were doing quality assurance checks throughout the state, we-- we would look at that time element and we would make

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

adjustments accordingly. So I think it is essential that they do not count all the votes and release-- release information out in increments. And as Senator Erdman mentioned, sometimes when the counts go out, they say this individual has this many and this has this many in there and it's going up, some individuals do not want to vote. They believe that their candidate might not win. Now, of course, I have a vested interest in this since I will be on the primary. But I would like the count to be as described. I don't want it to happen piecemeal and have all the results available for everyone.

**BREWER:** OK. Just to make sure now, we're on LB1123 and you are opposed to LB1123, or you're an opponent? You're proponent.

**MICHAEL CONNELLY:** Oh, we're doing opposition?

**BREWER:** Well, I just wanted to make sure I'm on the right--

**MICHAEL CONNELLY:** OK, we're doing--

**BREWER:** --you're supporting LB1123.

**MICHAEL CONNELLY:** 23, yes.

**BREWER:** OK,

**MICHAEL CONNELLY:** OK, proponent.

**BREWER:** Any questions for Mike? All right. Thank you, sir. All right. Still on proponents to LB1123. Larry, welcome back.

**LORENZO ORTEGA III:** Thank you, Senator Brewer. Thank you, committee. My name is Lorenzo Ortega III, L-o-r-e-n-z-o O-r-t-e-g-a, III, and I represent Nebraska Voter Accuracy Project. As you recently received here with that little DVD, as you go into that presentation, one of the things you're going to see is the layout of the data that the state of Nebraska received from a company called Scytl. This is a-- this is a contract that we have in the state of Nebraska for Scytl to collect the data and to release it. And Scytl-- we allow Scytl to release the data both to data agencies and to the Secretary of State. That is where the Secretary of State sources his data. So the data comes off of ES&S machines, goes into Scytl, and then from Scytl, it goes out to news services and to the Secretary of State simultaneously. When you look at that data, you will notice-- it's on, I don't know, like maybe the 20th or 30th slide as you look through the slides. What you'll notice is I--we actually time stamped the data

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

like that. And what we found was is that the morning after the election, approximately-- this is just approximate, 15 percent of the vote had been counted. At the end of that day, almost 85, about 88 percent of the vote had been counted on the day after the election. Now this is with computerized systems. The state of Florida and the state of Texas completed 98 percent of their vote inside of the time of the election day. By midnight that night, they had 98 percent of their vote counted. So this a-- this is an issue we have in Nebraska, where we're doing slow-mo counting that's going on. We spent \$20 million for computers. There's no excuse. There's much bigger states. They're also computerized, Florida and Texas, the examples I gave you, which went and did this and they were able to complete their count in very short order. We think that this is not just an issue here, but we think that this leads significantly to these frauds because our computers are so slow in being able to execute and complete these counts. We think that this is absolutely an abomination, and as a result, we strongly believe that we should not be using computers at all because they are just too totally untrustworthy to get this done. In addition, as you look at the data, you'll notice that on that three days after the count, for some odd reason, the vote total went to zero for president-- zero. There were no votes for Biden. There were no votes for Trump. And then it came back and it came back at a different number higher, much higher for Trump. Only a smidgen higher or maybe not at all for Biden on that actual vote count. That's disturbing for me that four days after the election, suddenly we have a report of zero vote counts. I think that this bill has to be passed.

**BREWER:** All right. Thank you, Larry. When we put this in a computer and look at it, is it just a PowerPoint on here or--

**LORENZO ORTEGA III:** Connie, it's me.

\_\_\_\_\_ : It's a video with a slide.

**BREWER:** OK.

**LORENZO ORTEGA III:** And somebody-- it's me speaking.

\_\_\_\_\_ : It's you speaking.

**LORENZO ORTEGA III:** Right. So I'm explaining everything, slide by slide.

**BREWER:** All right. So fairly user friendly.

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**LORENZO ORTEGA III:** Correct.

**BREWER:** You pick up on it. Now, you brought up some numbers, which I don't know, it almost seems normal in-- you use the figure of 15 percent was what it was already for Nebraska and then--

**LORENZO ORTEGA III:** The next morning after the election.

**BREWER:** Oh, the next morning after there was only 15 percent.

**LORENZO ORTEGA III:** Correct.

**BREWER:** But on election day and when election evening comes, normally, we're all sitting around and we call up the Secretary of State's website and you have the little bar graph thing and it gives the percent and the count. And you know, everybody's trying to get to that point where you're hoping that you're, you know, you're far enough, you're going to win the night and all. Isn't that real-time data coming to the Secretary of State from the machines?

**LORENZO ORTEGA III:** Can't get that clarified. We've asked the Secretary of State for that. We've asked for the Secretary of State's actual lease of data as to when it came out and when they got it from Scytl, and we can't get that clarified.

**BREWER:** Scytl.

**LORENZO ORTEGA III:** S-c-y-t-l.

**BREWER:** OK, thank you. Any other questions for Larry? All right, thank you, sir.

**LORENZO ORTEGA III:** Thank you, sir.

**BREWER:** OK. Additional proponents for LB1123. Careful, that's a trick chair.

**DOUGLAS FRANK:** Yes.

**BREWER:** Not only do you sit low, it will roll away from you. Welcome back to the Government Committee.

**DOUGLAS FRANK:** Thank you. I reintroduce myself. Dr. Douglas G. Frank, D-o-u-g-l-a-s, Frank, F-r-a-n-k. I apologize if I don't understand the difference between support and oppose. Is there such a thing as support with amendment or is that an oppose?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** As long as you're talking in a kind way about the bill, you're going to be there, OK?

**DOUGLAS FRANK:** Very good. I am talking about it in a kind way because I appreciate the intent of it. The intent of it is don't tell anybody what the count is until the polls close. Yes, that's the intent. Keep the whole process dark so that way, the bad guys don't know how many ballots to stuff at the last minute. That's why we-- that's why we do this, one of the reasons. Another reason we do it is we don't want to give impressions about how the election's going to-- to people that might affect how they might vote. I would add-- I would like to suggest that you add that it's not-- the counting doesn't begin until the polls close, but also, no, there's no way in which the ballots are recorded electronically. And what do I mean by that? When-- when a clerk-- county clerk receives a ballot by mail, they will record it into the rolls electronically. Now, if I'm hacked into their systems, I'll know that Senator Brewer submitted his ballot and I highly suspect that he will have not voted for the Democrat. So I kind of know that's a Republican vote, don't I? So if you vote early by mail, I can know once the clerk records it into your system that you voted, and I can pretty much predict what's going to happen. That's one way that I can predict what's going on in the election. Another way I can predict what's going on in the election and this is completely non-nefarious, is people need to understand that the USPS takes an image of every piece of mail that goes through. And if you're a county clerk, you know this. Every morning, I've spoken to hundreds of clerks now, they receive a list of everyone who submitted a ballot that day. You know where they got that from? The USPS. The USPS provides that to many people, for sale, especially if you're in a campaign and you want to know how did the people in my precincts voted already. You get to know ahead of time. So I would add emphasis in this bill that-- that the ballots can't be counted, as you pointed out, but also it should not be recorded in any way before the bill-- before the rolls have closed-- the polls have closed. And that would include you can't-- you can't record them by mail, right? That was-- that's a problem. And you can't record them digitally into the records of-- of the-- of the clerks. Because if they do, once the hackers are in, they'll know who's voted. That makes sense. Now I exposed-- I'm going to-- I'm going to run out of time here, but I exposed this during testimony in the state of Wisconsin. We discovered that there was the CTCL, the Center for Tech and Civic Life, that had paid for a massive ballot harvesting operation in five cities there. That's proven. It's in

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

formal testimony in-- in the state of Wisconsin. That's a public record.

**BREWER:** OK. Your point on the U.S. Postal Service, so they take this image as part of their process.

**DOUGLAS FRANK:** Yes.

**BREWER:** It isn't specific to elections, all mail gets a snapshot.

**DOUGLAS FRANK:** Absolutely every letter gets a snapshot by the USPS and every clerk-- well, not every clerk, because I haven't spoken to every clerk, but nearly every clerk I've talked to will tell me that in the morning, when she comes in, they always seem to be ladies, she comes in and looks. There's a list in her email, everybody who submitted a ballot and that's before she's even gone and looked at the pile because the USPS tells her who's voted.

**BREWER:** OK, and the re-- the way they know to let that county know that the ballots been sent is a barcode that's on the envelope?

**DOUGLAS FRANK:** Yes.

**BREWER:** OK.

**DOUGLAS FRANK:** And so in other words, it's telling the world who's voted. It's not a dark process. It's a-- it's not-- it's a transparent process. Everyone knows. So I would add that amendment. That's why I'm suggesting it.

**BREWER:** If you did the amendment, though, we wouldn't have the authority within the state to control the United States Postal Service's--

**DOUGLAS FRANK:** Yeah, it's a problem, isn't it?

**BREWER:** --actions.

**DOUGLAS FRANK:** So maybe instead of-- maybe-- let's say you wanted to leave your three-week period of voting. Is it three weeks that you allow people to mail in? Whatever it is, it's different in every state. There's a period of time. Yeah, instead of mailing it, maybe they have to deliver it in person, or maybe they have to deliver it to a drop box, that's a secured drop box, But by-- the problem is by

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

mailing it, you're telling the bad guys, how the election is going and how to stuff. See my point?

**BREWER:** I do, I just--

**DOUGLAS FRANK:** I'm not saying it's easy. All this stuff is hard.

**BREWER:** It's hard, mind-- mind numbingly hard. OK. Questions for Dr. Frank? Yes, Senator Lowe.

**LOWE:** Thank you. Thank you, Dr. Frank, for being here and--

**DOUGLAS FRANK:** It's a pleasure to be here, sir.

**LOWE:** --explaining a few things to us. Are there any loopholes to this bill?

**DOUGLAS FRANK:** I think-- I think the only loophole is-- is the one I mentioned that people will know who's voted anyway. And you've had several testimony here that 50 percent of your ballots were by mail. If I told you in advance how the election's going with 50 percent of the ballots, pretty good predictor, isn't it? So that's-- that's the loophole, I would say. But otherwise, I like the bill. So that's why I came out in support of it. I just think that maybe there's-- make it a little stiffer. Yeah. If I hadn't--if I hadn't done the explorations in so many states, especially Wisconsin, I wouldn't have thought of these things. But I've seen so much fraud. It seems like if there's a way to cheat, they're using it. And so you want to plug all the holes you can.

**LOWE:** All right. Thank you.

**DOUGLAS FRANK:** Yeah.

**BREWER:** Senator McCollister.

**McCOLLISTER:** Yeah, thank you, Mr. Chairman. And Dr. Frank, you've spent a lot of time in Nebraska looking at our election results, correct?

**DOUGLAS FRANK:** Yes.

**McCOLLISTER:** What other states have you been going into and looking at their election results?



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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**DOUGLAS FRANK:** I've been in 30 states in person and I'm working with 40 teams-- 40 states of teams. You want me to try to remember them.

[LAUGHTER]

**McCOLLISTER:** It's OK.

**DOUGLAS FRANK:** It's 30, but a lot, coast to coast. I've avoided California. I've avoided-- I've avoided Arizona and I've avoided Georgia because there's already a lot going on there and I don't think another cook in that kitchen is necessary.

**McCOLLISTER:** Thank you.

**DOUGLAS FRANK:** Yeah.

**BREWER:** OK. Any other questions? Sir, thank you for your testimony and your time.

**DOUGLAS FRANK:** My pleasure, sir. Thanks for having me.

**BREWER:** All right. And for proponents. Welcome to the Government Committee.

**DAVID KOHRELL:** Good to be here and thank you. My name is David, D-a-v-i-d, Kohrell, K-o-h-r-e-l-l, and I'm a lifelong Nebraskan, lived in Lincoln and Omaha. A few brief stints in the Silicon Valley and Seattle, the late '90s, 2000. As an introduction, I am a proponent for LB1123 in terms of the tabulation. And to help explain why, I hope to have more in my background in terms of the audit, you know, that discussion. Thirty years in IT, majority of that in IT control, cybersecurity. Unlike some incredible credentials here, mine's been homegrown. So began with Nebraska State Patrol; Omaha Police Department in the '90s; the Gallup organization; First Data, now owned by Fiserv; and Bank of the West. So my credentials are here, graduated from UNL, honors grad in '94 from MIS program. More importantly, I was a Lincoln East High Spartan. My kids were Northeast Rockets, and once a Rocket, always a Rocket. Now the story I just want to share briefly is like my best day at Gallup was 1999. I was allowed to spend a day with George Gallup, Jr., in Princeton, New Jersey. We're doing all sorts of great web stuff, pretty cutting edge. We were hacked in 2000, that's kind of embarrassing, long time ago, but hacks occurred, but that day was remarkable. It kind of reminds me of today. Today is Ash Wednesday. But as I was visiting with George Gallup, Jr., for about four or five hours and had dinner, three hours just talking about C.S. Lewis-- that's kind of connection to Ash Wednesday-- and how they

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

hosted him at his father's house, George Gallup, Sr. So with that kind of history of that is George Gallup, Sr., called the-- election. Who won, Truman or Dewey? And what did the papers say? Dewey. One of the things, and I'll close on this, that he pointed out to me. So after my, my incredibly intense conversation about C.S. Lewis, was his father's passion that we're polling and we get surveys out like no one's business. But on Election Day, we do not do the man on the street. We do not want to interfere, whether it's Republican or Democrat, to suppress voting. We want to make sure that everyone has a chance to vote, that their voice is heard, you know, a Gallup mission for years. And so to me, that's what this bill does. The reports, yeah, people want right away and we have that instant gratification society to do it, but all the votes need to be carried in. And it was just about 23 years ago, George Gallup Jr. shared that with me. Any questions?

**BREWER:** Well, first off, your credentials are pretty darn good. I mean, for Nebraska cred-- credentials, that's about as good as I can get so.

**DAVID KOHRELL:** Yeah, I hit the high bar for Nebraska.

**BREWER:** Don't downgrade yourself there at all. All right, so you've got all this background, which is primarily IT or IT related?

**DAVID KOHRELL:** Yes.

**BREWER:** So from this more hometown perspective, what, what are we doing wrong? Why, why is this necessary?

**DAVID KOHRELL:** Sure. So in this specific role on the reporting is hold the reporting until all the ballots are in, you know, keep it in the dark. It's very similar, if I speak at times, speak to LB1121 with an audit. If I'm getting audited, and I have been audited nine ways to Sunday, from law enforcement through health care, lots of financials and PCI, you keep the information in the dark before you report it. So to this specific bill, that's it. I'll have more to contribute in terms of, you know what? It's not a bad thing to get audited as a vendor, and out of like 140,000 businesses in Nebraska, a lot of them go through audits. Maybe it feels like a root canal. Maybe it's not fun. Believe me, if you got the FDIC crawling up and asking all sorts of questions, you better be ready. That's one of the other elements that I'll talk about. But so much has been laid out today that probably the root thing that I could share is the more complex systems

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

are, the easier to exploit and hack. It's just bottom line. If you bring in like cybersecurity insurance right now, it's hard for election vendors to get that cybersecurity insurance because they priced it as too high of a risk. But the more complex things are, the easier they hack. And really, the system requirements should fit the business need. And if we can gather it up on paper and ensure integrity for everyone, that's the best approach. That's the root of it. So this is one small piece. Thank you. Other questions?

**BREWER:** All right, David, let's see if we have any other questions for you. Well, again, thank you for coming in. Thank you for your testimony.

**DAVID KOHRELL:** Thank you.

**BREWER:** All right, we are still on proponents to LB1123. All right, we will transition to opponents, those opposed. I had a hunch you'd be coming up. Welcome back to the Government Committee.

**BRIAN W. KRUSE:** Good to be here. Chairman Brewer and members of the committee, my name is Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e, I am here as cochair of the NACO, Clerks, Register of Deeds and Election Commissioners Election Law Committee, as well as the Douglas County Election Commissioner. I'm here to testify in our position of LB1123. In Douglas, Lancaster and Sarpy, the three largest counties in Nebraska, consisting of more than 50 percent of the voters in the state, the counting of early voting ballots on Monday prior to Election Day is vital in order to report results on election evening. First and foremost, I want to emphasize and re-emphasize that after ballots are run through the counting machines, results are stored on secure, encrypted thumb drives. Results are never combined or viewed on Monday. What occurs Monday is the time-consuming process of simply running the ballots through the machines. Let me talk about Douglas County, where I'm from. For the 2020 general election, we had over 165,000 early voting ballots returned, approximately 60 percent of all ballots by the Monday prior to Election Day. We had a two-page ballot, which equates to 330,000 sheets of paper that were counted on Monday, which required all 9 of our machines working for approximately 11 hours, starting at 10:30 a.m.. There are numerous security measures in place to ensure that results are never shared until election evening after the polls close. Result thumb drives are stored in a sealed container in our vault which requires double authentication [SIC] to enter. Again, I want to restress no one sees the results on Monday, not even myself, nor do I want to. Permanent staff begin Election Day

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

at 5:00 a.m. and we ended approximately 12:00 a.m., working a 19-hour day. Election morning, additional early voting ballots are counted that were turned in Monday, and then beginning around 2:30 p.m., ballots cast at the polls on Election Day between 8:00 a.m. and 2:00 p.m. start to be counted, which is our midday pickup. Counting continues until election night until all ballots cast at the polling place are counted. We are able to report results at 8:00 p.m. and 8:45 p.m. because these ballots were counted on Monday and Election Day. If we were not allowed to count early voting ballots the day before, the process would have to be moved to the Wednesday following Election Day. As you can see, due to the sheer number of early voting ballots returns, election results would be severely incomplete until sometime Wednesday evening. It would not be prudent, practical to continue counting early ballots on election night. We wouldn't even begin counting the early ballots until approximately midnight. Attempting to fit an additional 11 hours worth of work into an extremely full day is not best practice, safe or practical. While Douglas County is the largest county, keep in mind, other counties will or having encountered the same issues that is all proportional to the amount of ballots, number of workers and number of machines. It is simply not practical to eliminate counting of early ballots on Monday before the election, especially with the safeguards in place ensuring no one has access to the results. And I believe you all did get a letter, and I won't go into it because my time's up, but from Chase County, the clerk there. In Imperial, Debra Clark, talks about how they count some of the ballots in the afternoon and the security measures they take.

**BREWER:** OK, I let you go long because we need--

**BRIAN W. KRUSE:** You did.

**BREWER:** --to hear what you have to say, so I would have just had to around asking you to finish anyway.

**BRIAN W. KRUSE:** OK, thank you.

**BREWER:** You were on a roll, we let you roll. All right, let's, let's kind of jump into your world for a minute here, because if we were to say the, the ability to count ballots with a machine is somehow not working right, there's issues. What did you do before you had the ESS 500s or whatever they are that you have?

**BRIAN W. KRUSE:** The, the 850s we have now?

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** 850s, yeah.

**BRIAN W. KRUSE:** We had to prior, a prior machine when I first got there in 2016, which was the DS650. And so my first presidential election in 2016, there were two machines that were acting up. They were not counting wrong, it's just they were jamming and that we ended up taking those two machines out of service as a precaution on election night. And we actually did work 24 hours in that election until 5:00 a.m., 5:30 a.m. the next morning. And that was with having counted early voting, voting ballots in that election on Monday.

**BREWER:** All right. So how long have you or how long has Douglas County been using a voting machine?

**BRIAN W. KRUSE:** I believe--

**BREWER:** Is it going to clear back to, I don't know, like the "Flintstone 500" or whatever it was?

**BRIAN W. KRUSE:** It's going back 40 years, I believe. I believe Douglas County has partnered with ES&S for, for at least 40 years, and they were one of their first partners.

**BREWER:** All right. And, and the transition to the new, new machines that we have was a part of the bill we passed several years ago that provided the \$20 million to reset-- not reset the whole state. Everybody got new stuff. It didn't matter whether you're, you're out in the middle of the Sandhills or whether you're in Douglas County. Now help me understand, if you're just at a precinct out in the middle of nowhere, you have a what's it called machine?

**BRIAN W. KRUSE:** So I'm not the expert on this because I haven't used these machines. But an express vote-- I'm not sure exactly, because they do it differently for smaller jurisdictions.

**BREWER:** All right. So what's the smallest type of machine you use in Douglas County?

**BRIAN W. KRUSE:** The smallest machine we use in Douglas County for tabulating or counting ballots is the DS850, and that will count approximately 250 sheets of paper per minute when they're running.

**BREWER:** All right. What's the biggest machine you got? Or is that-- that's it?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BRIAN W. KRUSE:** That's it. And I've got nine of those.

**BREWER:** All right. So you've never had to do a, an election where you counted them by hand? One. Two.

**BRIAN W. KRUSE:** We-- I wouldn't say never. We administer SID, sanitary and improvement districts in Douglas County, and those are a significant lower turnout. We print the ballots for them in a different manner. And so we do hand tabulate those, but we're talking sometimes 100 votes or less. But in a major election, no, we have not hand tabulated. Having said that, after the election, the Secretary of State's Office will instruct us to take certain precincts and certain races and do a hand tabulation to ensure that they were accurate to the machine count or what was reported. So it's essentially a form of audit after the fact.

**BREWER:** So you're validating those numbers from--

**BRIAN W. KRUSE:** Correct.

**BREWER:** Now how many voters in Douglas County in the last election?

**BRIAN W. KRUSE:** I have--

**BREWER:** Ballpark.

**BRIAN W. KRUSE:** --360,000 registered voters, and we had a 73, 74 percent turnout in the presidential general. So about 250,000 voters. I'm doing rough, rough math here.

**BREWER:** All right. How many people do you have on the staff that works Douglas County elections?

**BRIAN W. KRUSE:** I have 14 full-time permanent staff members for presidential. General, between-- we were doing night shift, weekend shift, day shift, we had approximately 125 what we call full-time temporary. On Election Day, we have between 150 and 175 folks that come and go throughout the day in the office. Our counting machines are manned by two individuals of differing parties. There's always two permanent staff members in there. My elections manager, myself and my deputy are in and out. We have two cameras in the counting room and we have windows in our counting room. And in the last election, we had observers both on Monday and Tuesday that witnessed our, our counting process.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** And when you feed these ballots into the machine, is it have something that displays how those counts come in or that's internally and then it rolls all that in together and at some point you can get a check on that? Or how do you know to give those updates to the Secretary of State, how do you do that?

**BRIAN W. KRUSE:** So at the end of the day, when we're counting, like on Monday, when we're done counting, we will take the encrypted thumb drives for each machine. Each machine has a thumb drive. We take the results and put them on those thumb drives, those thumb drives then are sealed in a box, a container and then put in the vault. Then Monday, in the late afternoon to early evening, we take those thumb drives and we will combine them. I can go through that process if you'd like, but we combine them. And then that's when, that's when we get the numbers to give to the public. And so after we do our midday count, we do the same process and then we stop periodically in the evening like we'll stop it like 9 o'clock, 10 o'clock and what we call pull results from those machines so we can continue to give the public updates.

**BREWER:** And those are the updates we see on the Secretary of State's website?

**BRIAN W. KRUSE:** Or the TV, or we release them all at the same time.

**BREWER:** OK.

**BRIAN W. KRUSE:** Our website, Secretary of State website, TV.

**BREWER:** All right. Well, I'm sorry to dog you on this, but if you're not involved in this process--

**BRIAN W. KRUSE:** Oh yeah.

**BREWER:** --it's, it's just magic. It happens, but you don't understand how it happens.

**BRIAN W. KRUSE:** And I would invite-- it's short, short session this year, so in the May election, you'll be recessed. So if any of you would like to come and see how the process works, you're always more than welcome to come to our office. We're happy to have visitors.

**BREWER:** You may have some takers on that. Let's see if we got questions for you. Senator Halloran.

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**HALLORAN:** Thank you, Chairman Brewer. Thanks for your testimony. So you said a lot.

**BRIAN W. KRUSE:** OK. I don't know if that's good or bad.

**HALLORAN:** Well, we'll see. But I'm, I'm trying to narrow down why you're opposed to not counting the votes until all the precincts are closed.

**BRIAN W. KRUSE:** The reason we're opposed is because-- I guess the basic reason is the system works well for, for election officials, for candidates, but most importantly, for voters. I mean, there's-- I guess, are we trying to solve a problem that we don't have? I don't know what problem we have here. Results have never been released early. And you know, if, if we are unable to count-- or count, we're unable to do this on Monday, then you know, we had 63 percent early vote turnout in Douglas County for early voting. That wouldn't be counted until Wednesday. So you wouldn't-- nobody would have full and-- wouldn't have practical results until Wednesday evening. So I guess the answer is, so that the public and the candidates can know the outcome of the election on election night.

**HALLORAN:** OK, I guess my question is, which is more important early, possibly not accurate or later and is and most accurate?

**BRIAN W. KRUSE:** Well--

**HALLORAN:** And I understand you'll say early is accurate, but--

**BRIAN W. KRUSE:** Absolutely, because we wouldn't change a single thing in our process, if we counted on Wednesday, we count on Monday.

**HALLORAN:** Let me rephrase the question. What's the downside for the public to, to know on Thursday or Friday of that week?

**BRIAN W. KRUSE:** Well, I guess you'd have to ask the public that.

**HALLORAN:** Well, right now-- well, it's not funny, but--

**BRIAN W. KRUSE:** No, no.

**HALLORAN:** Right now I'm sensing that the public has some level of discomfort and mistrust, and we're saying anyone is doing anything wrong or that there's necessarily fraud. There may be, but, but there's nothing more important to the electorate than to have trust



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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

and confidence. So weighing being late with results and having assurance to the public that they can trust the system, don't you think that's more valuable than being early?

**BRIAN W. KRUSE:** Well, absolutely. And I, you know, we-- I, and I don't think any election official in this state would ever, ever, ever, you know, sacrifice accuracy for speed. And that is why in 2016, when we had the older machines and that we did have the two machines that were jamming, and that's why I did choose to pull those two machines out of service and use the ones we had. And our results were delayed and we did work until 5:00 a.m. on election morning because I wasn't going to sacrifice, you know, transparency. Again, I wasn't going to sacrifice having an issue that you have to go back and, and solve. So I completely agree with you. And when that was necessary, I did do that.

**HALLORAN:** OK. It's still unclear to me why delaying the process a little bit-- might be a little more arduous, but why is delaying the process of starting to count the votes until after all the precincts are closed a problem, other than getting results by Tuesday 11:30 at night?

**BRIAN W. KRUSE:** You mean Wed-- Wednesday?

**HALLORAN:** Well, Wednesday.

**BRIAN W. KRUSE:** I mean--

**HALLORAN:** There's no legal-- is there a legal requirement that we have to have it by Wednesday?

**BRIAN W. KRUSE:** No, and you have to keep in mind election results are always unofficial until we do our canvass--

**HALLORAN:** Right.

**BRIAN W. KRUSE:** --you know, and we have the official results. So I mean, really, the answer to your question is so that candidates and the public can have an idea unofficially of who has won on election night.

**HALLORAN:** OK, thank you.

**BRIAN W. KRUSE:** Does that answer your question?

**HALLORAN:** Well, pretty much.

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BRIAN W. KRUSE:** OK.

**HALLORAN:** I mean, I, you know, as a candidate in the past, I could have waited until three weeks later and found out, and I would have been fine with it. But it worked out fine for me. Not so much for my opponent, but it-- thank you.

**BREWER:** Senator Lowe.

**LOWE:** Thank you, Chairman Brewer. And thank you, Mr. Kruse, for being here. How long have you been actively working with elections?

**BRIAN W. KRUSE:** Since January 1, 2016. So that would be, what? Six, I'm in my sixth, sixth year, I guess.

**LOWE:** For years, we did in-person voting, and it seems like by 11 o'clock we had a pretty good idea who was going to win by hand counting. And if not by 11 o'clock, it was early the next day. And now that we have computers, one was the election certified other than those really close races, where you might have had to do a recount?

**BRIAN W. KRUSE:** The official certification or--

**LOWE:** Well, the official certification or--

**BRIAN W. KRUSE:** Our, our canvass takes about two and a half weeks in Douglas County. So for the official results. So it would be about the Thursday. We usually try and do it-- what would that be, the third Thursday after the election? If I'm kind of working-- for the official results now. Yes.

**LOWE:** OK, thank you. So--

**BRIAN W. KRUSE:** Each county is different, I might add, on their canvass.

**LOWE:** OK.

**BRIAN W. KRUSE:** And then the state has a canvass after that.

**LOWE:** So if we delay counting the mail-in ballots until the next day, it will be two weeks and one day?

**BRIAN W. KRUSE:** Before the official.

**LOWE:** Before the official.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BRIAN W. KRUSE:** Yes, we could somewhat set our own canvass date at the county level, but there is a deadline that we do have to have it to the state. Yes.

**LOWE:** All right. Thank you.

**BREWER:** Senator McCollister.

**McCOLLISTER:** Yeah, thank you, Mr. Chairman. And thank you for being here, Mr. Kruse. Doesn't the public have an expectation that they're going to know at least the preliminary results, the night of the election?

**BRIAN W. KRUSE:** I believe that's a very fair statement. Yes.

**McCOLLISTER:** And if you start counting the ballots a day early. What's the difference? I mean, the result is going to be the same, is it not?

**BRIAN W. KRUSE:** Exactly. The result is going to be the same. Yes.

**McCOLLISTER:** And the news media has that same expectation?

**BRIAN W. KRUSE:** I would say that's fair.

**McCOLLISTER:** OK, thank you.

**BREWER:** All right, any other questions? Brian, I know you feel like you've been mauled.

**BRIAN W. KRUSE:** No.

**BREWER:** But you're the first person who has come up that has the depth of knowledge to answer a lot of these questions. So you just have to be the first licky-chew targets and came up here, all right? So it's nothing personal. You've always been great, and we appreciate you coming in and taking, taking the beating for the team there. But you answered a ton of questions, so thank you.

**BRIAN W. KRUSE:** Happy to do it. Thank you.

**BREWER:** Oh, sorry.

**LOWE:** Sorry. It was brought up that you get a list from the USPS. Is--

**BRIAN W. KRUSE:** I-- we were, the election commissioners, were sitting back there looking each other. I don't know what that is. I have never

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

got the list from the post office, I've never seen a list from the post office. We go and pick up our mail every day and then we begin the intake process when we get back to work, we pick up our drop boxes. I'm, I'm sure it exists, but I have never, ever been emailed or even approached about doing that, so I can't speak to that. I'm totally unfamiliar with that process.

**LOWE:** All right, you were, you were up here, so I thought I'd just ask you.

**BRIAN W. KRUSE:** Yeah, absolutely.

**LOWE:** Thank you.

**BREWER:** No, actually, that's a great question to bring up. All right. Thank you, Brian.

**BRIAN W. KRUSE:** Thank you.

**BREWER:** OK. We are still on opponents to LB1123. Welcome back, Beth.

**BETH BAZYN-FERRELL:** Thank you. Good afternoon, Chairman Brewer, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l, I'm appearing in opposition to LB1123. I think Election Commissioner Kruse did a great job of explaining how the process works. I don't think that there's anything I can add to that. Like you said, every county is going to be a little bit different because of the size of the county, but I think he's described the process. The reason we're opposed to the bill, as he said, is there-- is that expectation that candidates will know what the results are, and the public will know what the results are. So therefore, we're opposed.

**BREWER:** Have you had any familiarization with the roll-up from the post office that was discussed, where they would provide--

**BETH BAZYN-FERRELL:** No, that was the first I had heard of that. So if it exists, it's not something I'm familiar with.

**BREWER:** All right. Well, we may have to go to the post office on that one. All right, questions for Beth? All right, thank you. All right, additional opponents to LB1123. Welcome back, Shawn.

**SHAWN SMITH:** Mr. Chair. Shawn Smith, S-h-a-w-n S-m-i-t-h. Thanks again for allowing me to come speak to you. I wanted to speak in opposition

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

to this, not again, because I do not respect and value the intent behind it, which is, I think, to make elections more secure. But again, because it is insufficient in and of itself and ignores some of the larger problems, the elephant in the room per se. And the reason it does that is because it doesn't address so many other issues associated with the identification. So the, the reason behind delaying counting them is a good reason. And I can confirm that, that the Postal Service actually scans all first-class mail and then they scan, scan all election-related mail and the data feed, including the images from that that's available to subscribers that are responsible for the intelligent mail barcodes that go on those election-related mail is called IV-MTR, it's informed view mail track and record. As far as I know, the Postal Service has never responded to a single Open Records Act request for that data related to elections. So maybe elected officials will have better luck getting that information from the Postal Service. And who subscribes to it, it's not just that there's a subscriber that's-- they're responsible for the design or for the the use of the IMB, or the intelligent mail barcode, that's necessary for that system, it's also that they can designate proxies. And this is the basis of all ballot tracking services in the United States. So they'll get notifications that come from the centralized statewide voter registration systems that inform them that ballots have been sent. And what that really is is a copy of the notification for all the voters that a clerk or the secretary of state has asked to have ballots printed for. So that's the, that's the source of that notification that the ballots have been mailed. And then the ballot printers print the ballots. And then when they hit the mail system, they're scanned at origin. And depending on the state, it may be a regional distribution center or something like that for Postal Service. And then when the ballots are returned, then, then they're scanned again. And that's how the secretary of state or the clerks and the voters themselves, if they're subscribers to the service, which they can in some states, that's how they find out the status of their ballots. So that's the, that's the theory behind it, and that's how it works. But, but I also wanted to say about the bill that it's well-intentioned, but there have been a lot of statements about things that, you know, are working, which I would dispute. Just like, you know, if you picked up your smartphone or any smartphone or any computer, you can look at the outside of that all day long. I don't care that the observers are bipartisan, I don't care if you have a million observers. You don't know what's happening inside any computer by looking at the outside of it, and that should be perfectly obvious. I also want to say a lot of people have talked about the costs of

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

changes, and I respect that. I actually respect the legislators talking about the costs, especially when those are mandates and they're not funded. But I also would say that elections are not the first place I would look for efficiency in government. And if you want to see something expensive, see, see the expense of an election without integrity.

**BREWER:** All right. Thank you.

**SHAWN SMITH:** Yes, sir.

**BREWER:** So I just got a note, and Nebraska does not use the intelligent bar codes. So just I guess as a reference, as we talk through this. All right, questions for Shawn. The, the issue that we were talking with, with the machines, you-- hopefully you understood where I'm trying to get to in that, OK, if these machines are not giving accurate numbers, there's something in there that somehow isn't causing these counts to come out the way they should, our options are kind of limited because I imagine the Nebraska taxpayer isn't going to be really happy with us if we shell out another \$20 million to get machines that might be equally as inaccurate. But as I was trying to point out with Douglas County, in over a quarter of a million voters, how, how do you do that so that you have confidence in that count and vote?

**SHAWN SMITH:** Same way it's done all over Europe, same way we used to do the United States before we started using machines. A lot of the mechanisms and procedures that we used, that we assume and assert are safeguards in our voting process were designed when the voting systems that we were using were primarily mechanical or electromechanical. For example, logic and accuracy tests are totally inadequate to verify the configuration and security of an electronic or computer-based voting system. You can't do it with the logic and accuracy test, and you can't do it with amateurs. The systems are just far, far too complex for that. So the way you do it is first of all, and this is something we haven't really talked about, but what has been happening over the course of the last 20 or so years as more and more jurisdictions have used computer-based voting systems, is that because of the cost of setting us up and because of the way that you scan them, we have been consolidating elections more and more. So we used to have a lot more special district elections and local elections, and then we started getting them all on longer and longer cards. Well, when you have a really long ballot card, multiple pages, sometimes it's very difficult to hand count. There's no reason to do that. We can separate them out

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

and have more smaller elections. Probably smaller election staff do not want to hear more and smaller elections, right? But if we're going to, if we're going to underfund something in our government, let's not make it the, the sole basis of credibility and legitimacy of the government. Let's fund the positions necessary, get citizens reengaged, and have them hand counted at the precinct like they used to do. I think Douglas County has under 100 precincts, is that right? I don't want to-- I don't know if I can ask questions but--

**BREWER:** I can ask Brian the question. Brian, how many precincts do you have?

**BRIAN W. KRUSE:** 237.

**SHAWN SMITH:** 237. OK, so 237, do any of them have more than 2,500 voters in them?

**BREWER:** I'll ask that question.

**SHAWN SMITH:** Oh yes, sir, I'm sorry.

**BREWER:** That's all right. Do they?

**BRIAN W. KRUSE:** They cannot by law. So no. I think our average voter count is about 1,250 per precinct.

**BREWER:** OK.

**SHAWN SMITH:** So, so I had someone asked me recently, how long did it take them to count all the ballots in, in Maricopa? And for anybody watching, the answer is forever. But it was about three months, I think, including the break. But, but hidden by that kind of gross statistic is the fact that at the peak, when they had finally developed the technique, and this is the technique that we're given to free to everybody that we've refined for use in precincts and counties, at their peak, they were doing 80,000 ballots per day on that floor. So you can't hand count if you have an excessively long ballot. I mean, you can, but you'll have more errors and it will take you a long time. And the other thing I'd say about that is if it's not if we don't have a, you know, unofficial count on election night, who cares? I don't understand at what point the media's perspective or desires became an imperative for the public to whom the elections belong.

**BREWER:** OK. Any additional questions for Mr. Smith?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**SHAWN SMITH:** Thanks very much.

**BREWER:** Thank you. OK, next opponent to LB1123.

**TERRI JECK:** Did you say opponents?

**BREWER:** Opponent. Welcome to the Government Committee.

**TERRI JECK:** Thank you. My name is Terri Jeck, T-e-r-r-i J-e-c-k, and I come from Bellevue today. And thank you for having us. This is my first experience in the government, how about that? I'm a new resident of Nebraska. I lived most of my life in Kansas, so it's been interesting to me to hear you talk about envelopes and so on, so forth. But now we're talking about, in my mind, do we start counting before the polls close or don't we? And if I, as an average citizen have to choose between national security and getting my results in what may be used to be a, a timely manner, let me tell you, that's an easy answer. And I think I speak for everyone in this room. And if there is a procedure, a way to give a roll call by hand showing in this room, I think it would be an overwhelming vote. We vote for national security in these elections over any timeliness given-- to give us the results. OK? And I think it's been alluded to that the media is driving this, not the people. And I just want to be clear about that. So if anyone opposes me in this, they can come speak to me, speak after I'm done. But I had no intention of saying anything about this bill, no intention of coming up here to speak today. But I do also have to add one more thing about the Post Office. I'm just a regular citizen, and I know what they're talking about in getting an image. Anybody can go out to the Post Office website and sign up to get an image in an email of your emails sent to your address that day. Does anyone know what I'm talking about? OK. It's very clear that a business can do the same. And if a business can do the same, then an election office can do the same. And whether it's happening or not, I don't know. I'm just saying I've been having problems with mail stolen out of my mailbox. And this is a good way for me to say, here's the paper that I found, and here's the images the Post Office says I should have, and it's a great utility. So I just want to say that I even know what the images that they're talking about are, and I don't think that there should be any excuse. Or maybe it's, you know, we don't want to use that. Well, fine, we don't have the bar, we're not using it. Then that's a good thing. But I don't see any way that it's absolutely required to start counting ballots before-- I'm in yellow. OK, never done this. So I don't think it's necessary at all to start counting before the polls close. Thank you.



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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** OK. Well, just a second. Pretty sure we're gonna have questions for you.

**TERRI JECK:** Yes, sir.

**BREWER:** First question would be you came from Kansas?

**TERRI JECK:** Yes, sir.

**BREWER:** Is there a obvious difference between voting in Kansas and voting in Nebraska?

**TERRI JECK:** I would just like to say that when I worked for Brian Kruse and Douglas County Election Commission, I was shocked to find out from my cube neighbor that you did not require a voter ID. Absolutely flabbergasted. I think my jaw fell to the floor, just to be frank with you, Senator.

**BREWER:** OK. That's why I asked the question, so.

**TERRI JECK:** OK. And then we do have a mail-in voting process. It's-- prior to 2020, it was not widely used. It was those who were disabled, et cetera, couldn't conveniently make it to the polls on voting day. So there was some sort of concoction where you reuse the same envelope, you do sign it, you do provide your driver's license number. And the signatures are verified and so on and so forth.

**BREWER:** Thank you.

**TERRI JECK:** OK. And I don't remember, maybe I did submit a copy of the driver's license. But there is the same issues there as what we've been discussing today.

**BREWER:** All right. Thank you.

**TERRI JECK:** Yes, sir.

**BREWER:** Senator McCollister.

**McCOLLISTER:** Thank you, Mr. Chairman. And thank you for your testimony and welcome to Nebraska.

**TERRI JECK:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**McCOLLISTER:** Now, if the ballots are started to count prior to the polls closing or whether we wait until the polls close, is there going to be a difference in the results?

**TERRI JECK:** No, sir. But what is your point about that?

**McCOLLISTER:** My point is that the results are going to be the same no matter when you count the ballots. If you start earlier and you can give the public information about the election or you wait afterwards, why not-- why not do it earlier?

**TERRI JECK:** I think there's an important distinction to be made on, whether you're alluding to how the elections are going, and I think that's what the media is straining for. And so what it does is it causes a hesitancy in people who haven't yet voted on voting day to go ahead and go in and vote. So I would disagree with you wholeheartedly that any sort of counting or giving out of results before the polls close are going to influence voters.

**McCOLLISTER:** I understand your point.

**TERRI JECK:** OK.

**McCOLLISTER:** I really do. But we don't-- we don't release any information prior to the, the--

**TERRI JECK:** OK.

**McCOLLISTER:** --polls closing. I mean, the Douglas County Election Commissioner came and testified that no information is released at all before the polls close.

**TERRI JECK:** Well, if I'm not mistaken, I think there still is the issue of the security of those numbers, you know, before polls close and after may-- I mean, I'm not the expert in the hackability of that, but I am here to say I want to scrap the machines. I want to melt them down and make them prison bars. And I think that's hilarious, and it really is not funny. But we're talking about national security here, and so if we're going to paper ballots, which we will, if the people have their way, sir, I believe that we should start counting when the polls close. And that's just the simplicity of it, and that's the beauty of it. Thank you.

**McCOLLISTER:** Thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** All right. Let's see if we have more questions for Terri. Senator Lowe.

**TERRI JECK:** Hi.

**LOWE:** Thank you for coming to testify today.

**TERRI JECK:** Sure.

**LOWE:** You said you worked for Election Commissioner Kruse?

**TERRI JECK:** Yes, I did.

**LOWE:** When you worked polling night-- did you work polling night?

**TERRI JECK:** Hi, Brian.

**LOWE:** Did you work polling night?

**TERRI JECK:** I did not. I actually quit late October.

**LOWE:** OK, probably a good time to quit.

**TERRI JECK:** Well--

**LOWE:** Miss the busy season.

**TERRI JECK:** --there were other reasons.

**LOWE:** My thought was that if you got all the ballots from all the precincts and at-- when the polls close, they reach the courthouse, they reach the Election Commissioner's Office. They're sealed, they're locked. Everybody goes home that night, comes back fresh the next morning, eyes are fresh, would that give a more accurate count do you believe?

**TERRI JECK:** I always think in any sort of work with numbers and counting and manual-- people doing manual work with eyeballing things, that a fresh look is always going to be helpful. But you're sort of getting it to an area where I don't have an expertise, and--

**LOWE:** I understand.

**TERRI JECK:** --I'll just say that, that, you know, these thumb drives that we encrypt and we put them in a safe, I can't really say how safe or unsafe that is. I know that you can load an algorithm onto a thumb

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

drive. Just saying, I know that much. So, you know, there's going to be inherent problems somewhere, but I say that we have a paper vote, start counting at the end of the, you know, when the polls close. And then if we have to take a break overnight, absolutely. And then we pick up, we start the next day. But to have a paper record, a paper trail that is auditable, and I'm coming from the financial services industry, so a paper trail is key. Machines aren't all they're cracked up to be, I'm sorry.

**LOWE:** All right. Thank you very much.

**TERRI JECK:** OK. Sure.

**BREWER:** All right, any additional questions?

**TERRI JECK:** Yes, ma'am.

**BREWER:** Senator Sanders.

**SANDERS:** Thank you, Chairman Brewer. Welcome, and thank you--

**TERRI JECK:** Thank you.

**SANDERS:** --for taking the time to drive down here and testify today.

**TERRI JECK:** It's my pleasure.

**SANDERS:** Thank you. If, if you had to speak for maybe those that are friends and family, would you say the majority of them are thinking like-minded as you that we want to go back to paper ballots?

**TERRI JECK:** I would say, yes, the majority. I have been thrown off the lawn of some of my relatives, and I know there are people in this room who have had the same experience. There is that. But I know that many of the people I know are timid about the things that I'm talking about. They are timid to go canvassing with me and my friends. They want to do something, they don't know what to do. They're as worried as I am. But I think that it is definitely more than 50 percent.

**SANDERS:** Thank you. And we are listening.

**TERRI JECK:** Thank you so much.

**SANDERS:** And we're trying to figure this out right along with you. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** OK. Any additional questions? Thank you for your testimony. All right, still on opponents to LB1123. Anybody-- yes?

**DOUGLAS FRANK:** Can I ask question in indulgence? I'm asking permission.

**BREWER:** OK, go ahead. Real quick.

**DOUGLAS FRANK:** So I tried to go to the other room to photocopy this for you, so you could all have a copy. But this is the USPS your date-- I'm sorry. This is the United States Postal Service your Daily Digest for Wednesday, March 2nd, and it shows copies of ballots for every page. And I just wanted you to know that that's a real service. That discussion has come up--

**BREWER:** It [INAUDIBLE].

**DOUGLAS FRANK:** --so I can take a screenshot and send it to you if you'd like. This is from the county of Grand Island, Nebraska. Just, just so you would know that this is a real service. You were debating whether it was real or not. And I was trying to answer that question for you. I tried to photocopy it, but the photocopy machine doesn't do well on a phone.

**BREWER:** That's all right. We'll--

**DOUGLAS FRANK:** If you'd like, I can send you the information.

**BREWER:** Do me a favor. If you can swing by and my LA--

**DOUGLAS FRANK:** Afterwards?

**BREWER:** --just have him get it and I'll get it distributed.

**DOUGLAS FRANK:** It just prevents you from having to ask every next person whether it exists or not.

**BREWER:** Yeah. All right. Well, anything to speed things up is good. All right. Let's see, we left off with any additional opponents. There was no takers. So now we're to the neutral for LB1123. Oh, sorry, I was opponent. Oh, so you're opponent? All right, we'll let you slide in.

**BILL YANG:** All right. Good afternoon, Chairman Brewer and members of the Government Committee. My name is still Bill Yang, B-i-l-l Y-a-n-g,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

still the grassroots advocacy coordinator for the Nebraska Civic Engagement Table. And we are still a nonpartisan, nonprofit organization serving more than 75 members statewide. And, and we're still striving to build in Nebraska, where everyone is represented in the policy decisions affecting them, and that starts with protecting the elections process. Now, the table opposes LB1123 for many of the same reasons that Mr. Kruse had mentioned, as it threatens to overburden the election system and increases distrust in an entirely functional system. This position reflects that of the Table staff and board. In the 2020 elections, early voting ballots in Nebraska accounted for more than half of all the votes cast. Now that ability to count early vote, early voting ballots contributed significantly to us being able to report one of the earlier results. The proposal to delay counting until after polling places close has the potential to overwhelm and harm election commissions across the state, both in larger counties like Douglas, and as, as well as in 11 smaller counties that vote exclusively by mail. LB1123 may also delay transitions of offices, which leads to longer periods when Nebraskans have no representation, leads to increased costs for election offices to account for delayed results. Now not only will this bill be a significant, unnecessary and costly burden on our election infrastructure, it's also dangerous for our democracy. We've seen research over and over again that shows that delaying results deteriorate faith in the election process, as we saw in 2020, despite the fact that the Secretary of State have investigated all those concerns and have concluded there are no irregularities. Now currently, Nebraska's diligent election process allows us to be one of the first states to report results. Obviously, 2020 has had some exceptions, but this bill would make Nebraska perpetually one of the last. These drastic changes, based on completely unfounded claims, will erode public confidence in our democracy and thus weaken this fundamental tenet of our state. For these reasons, we oppose the bill and urge the committee not to advance it. Thank you.

**BREWER:** All right. Thank you, Bill. Let's see if we have questions for you. Any questions? All right, seeing none, thank you. All right, additional opponents? No more opponents. Anybody here in the neutral for LB1123? Welcome to the Government Committee.

**MARTHA EMILY VILLA:** Thank you. Thank you for your time. My name is Martha Emily Villa, M-a-r-t-h-a E-m-i-l-y V-i-l-l-a. I am here to testify in the neutral on this one, but also to just represent that we do need to make some changes in our election. I think we can all agree that integrity is vital to our democracy. In 2020, I volunteered or

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

worked to help as an election poll observer in Lincoln, and I was assigned to a polling location with two precincts present. Highly anticipated day, and our spirits were high. We had about eight poll workers in the church, and we enthusiastically carried out our duties side by side Democrats and Republicans. We were watching carefully as voters dropped their ballots into a locked box. This was all a paper ballot precinct in Lincoln. Most of the poll workers knew each other from previous elections that they'd worked together. As a newbie, I was careful to ask questions and watch for any concerns. When we took a lunch break or another break, another person from each party watched the box. I was curious to find out as I got to know them that the other precinct workers in the room, the other precinct was manned by a husband-wife team. One was a Democrat and the other was a Republican. That makes strange bedfellows, but I thought that was part of what makes America strong, that we can share our homes with people with opposite views. At the end of the night, we opened the locked box of ballots and carefully counted them under dual control. I used to be a bank teller, so this part was familiar to me. However, as my precinct partner and I were counting in the sanctuary of the church, the poll workers on the other side of the room gathered up their ballots and disappeared down the hall. I immediately felt like I was watching watching someone walk off with cash. Unable to leave my station, I asked the supervisor if that was allowed and shouldn't they be in plain sight when they're making sure the counts add up? He just smiled and said they were looking for a quiet place to count down the hall. By the time we verified our account, I was free to go and I walked down the hall and saw them in the kitchen, still finishing up. They boxed up the ballots and then they sealed them with a sticker and sent them in a truck down to the commission office. I was in shock. It seemed to me that the ballots that had been in a locked box all day shouldn't be sealed with only a sticker to protect them from being meddled with in transport. I don't know what the solution is to this, but I think that the voters deserve something better than machines that can be hacked or cardboard boxes with stickers on the outside of them. It seems to me that we need to have more confidence in the results of our elections, and I look forward to seeing what you can come up with to solve that problem for our state.

**BREWER:** Thank you for your testimony. We don't get many people who are actually out in the field doing the day-to-day election work, so interesting to hear your perspective. So thank you for that. Let's see if we got some questions for you. All right, and was this the first time that you had gone in and done poll watcher work?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**MARTHA EMILY VILLA:** Yes. My youngest was in kindergarten, so I was stepping out to help during the pandemic and knew a lot of people couldn't work that usually did. So I just offered to help.

**BREWER:** And thanks for your service.

**MARTHA EMILY VILLA:** And I did give me feedback to the Election Office, and I never heard anything back.

**BREWER:** All right. Well, thank you for your service to the election process, and thanks for letting us know what happened.

**MARTHA EMILY VILLA:** Thank you for your service.

**BREWER:** All right. So that was in the neutral. Any additional in the neutral? Welcome to the Government Committee.

**JASON BOUSQUET:** First time. Jason Bousquet, J-a-s-o-n, Bousquet, B-o-u-s-q-u-e-t. A little bit of background very fast, 24 years Air Force reservist, which is very important for the record. I have cy--STRATCOM Cyber Stink [PHONETIC] before it became a Cyber Command. Also I have experience in both information operations, but my specialty is not elections, it is targeting, specifically moving targets. And all I want to say from a neutral perspective is this. If you're going to hit a neutral target, you need a feedback loop. We develop feedback loops to do the sort of things that my Air Force has done very well over the last decades. All I want to say is that if you do-- if you have a feedback loop, you can make adjustments, and that's what we have to focus on for this bill. How do you prevent adjustments from being made? That's my primary point from a neutral perspective. And then finally, I, I went to bed during election evening and I thought I knew the results. Then I woke up and they were, they were different. I'd rather just wake up in the morning and just learn it once. That's all I have to say as a citizen.

**BREWER:** All right. Well, first off, thanks for your, for your service. I was the operations officer aboard the NAOC, so I appreciate the unique skill set that you have and thank you for that. Let's see if we have any questions before we let you go. Senator Sanders.

**SANDERS:** Thank you, Chairman Brewer. Thank you for being here. Can you explain what a feedback loop is?

**JASON BOUSQUET:** Oh, absolutely. So if I'm going to hit an aircraft, I need to know generically where it's at. So it will have a basic rate,



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

time, speed. So I'm just tracking it with a large radar system just to get kind of an idea. And then when I'm going to actually fire something at it, I'm going to really zone in and get precise locations. With that information, that telemetry, I'll be able to make decisions on what I need to do with my systems to hit that moving target. Now the thing I want to throw out is, if I'm on the other side and I'm trying to keep my planes from being hit, especially when I worked with heavy aircraft, I'd be like, hey, you're being targeted by radar. JINK. Boom, boom, boom, go down, go up. Change the pattern. If you don't-- if the bad guys have systems to catch that, well, maybe they'll get me, maybe they won't. But if they're in the dark about the movements that I'm making, then I'm probably going to be OK. I probably-- they know I'm out there with their generic radar, but I'm able to-- if they don't know exactly what I'm doing, then they won't be able to get me with a targeting radar. And that's why keeping elections in the dark until we have all the results is important, in my opinion, as a neutral party. Sorry, I guess. Again, neutral on this topic.

**SANDERS:** Got it.

**JASON BOUSQUET:** Thank you.

**SANDERS:** Thank you.

**BREWER:** Good to see your passion. And the Ukrainians would love to have you right now. All right, thank you.

**JASON BOUSQUET:** Different systems.

**BREWER:** OK, next neutral testifier on LB1123. Yeah, Ladies first. Welcome to the Government Committee.

**MARY HILTON:** Thank you, Senator Brewer, members of the committee. I would like to testify from the perspective of both a poll watcher and a candidate.

**BREWER:** Can I have you spell your name?

**MARY HILTON:** Oh, I'm sorry. My name is Mary Hilton, M-a-r-y H-i-l-t-o-n, I'm a resident of Lincoln. However, in 2020, I was a poll watcher at the Ralston County Courthouse, in November 2020. And I can attest to what Martha Emily Villa said a couple of testimonies ago of what happens during that time. I was not there all day. I was there from 8 o'clock when the polls opened until about 3 o'clock in the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

afternoon, of which at 2 o'clock there was a collection and a count of the ballots inside the lock box and a procedure of how that was supposed to happen. And it happened there and open in the, in front of, of myself and anybody else that was there voting in the precinct. So there was a count of the ballots, a record. But she's right. It was a paper box and with a sticker that goes over the top of it. What was interesting that happened at that 2 o'clock count was that something was missed and not put inside the box. And then the, the item was not put in the box, but the box and the item were both taken by the person that was overseeing the elections at that location, going to an undisclosed location to drop off the box somewhere and that were then taken to the Election Commission. I always wondered, Well, how do we know that the box actually makes it and goes to the right place? I feel like there's some procedural concerns about that. So that's just my thoughts from the perspective of a poll watcher of what happened there. As a candidate, however, I have a-- I have been-- I ran for city council last spring here in Lincoln, and every day somebody asked me, Mary, I really-- or they tell me, I really think that you won. I'm like, oh, well, can you prove that? Well, you know, I've just-- I just don't believe that our elections are secure. And what I tell them is that, you know, I don't know one way or another, but I do know that if we have prec-- precinct-level counting happening there by people that can be verified, it used to happen, and our population has not changed really that much over the last 100 years. We used to count them by hand, we can do that again. We can verify every count, we can have them audited. And I think that that is the way that we ensure and bring integrity back into our system, is to have that, no matter how long it takes. I would very much rather wait for true accurate election results than be notified the night of the election.

**BREWER:** OK. Thank you for your testimony. I've got a quick one for you before we go out. So as we're going through election Brian Kruse a ton of questions about the machines and all. Now we're down to the actual precinct level where you're at, when you're talking about the stickers they put on them, what do these stickers look like? And can you take the sticker off and put a new sticker on?

**MARY HILTON:** So what I remember them is being a strip.

**BREWER:** Oh, OK.

**MARY HILTON:** OK. And it, I think that, if, if my memory is correct, that it looked like it probably had some string in it. So maybe a reinforced tape.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** All right. OK, so it would be difficult at best to do that, to get it off.

**MARTHA EMILY VILLA:** Without-- which is why they didn't put the piece of paper in, you know, open it back up to put the paper that needed to go in the box--

**BREWER:** I see.

**MARY HILTON:** --in the box, because yeah.

**BREWER:** OK. Let's see if we got some questions for you. Any questions for Mary? OK. All right, thank you for your testimony.

**MARY HILTON:** Thank you for your time.

**BREWER:** OK, we're still in the neutral category for LB1123.

**MYRON SMITH:** Senator Brewer and other senators, my name is Myron Smith, M-y-r-o-n S-m-i-t-h, I'm the inspector for the Denton precinct here in Lancaster County. Our procedures are that, yes, the ballots are put in the metal box by the poll worker, not by the voter. So there cannot be another vote ballot inserted at the same time, having two go in the box at the same time, because the poll worker inserts it. Yes, at the end of the voting, the ballots are counted. They are put in a cardboard box and there are three permanent stickers stuck on the box to make sure it is sealed. It is signed by a member of each party or a nonpartisan, and those stickers are permanently affixed to the cardboard box for them to be transferred to the Election Office. In the box of ballots, there is a transfer card which gives the number of votes that there are or number ballots that there are. And with the number of ballots, there's a number of those. Those numbers must match the sign-in register, which has the number of votes that are-- people that have come in to vote. I've never testified before, so a little bit nervous. OK?

**BREWER:** You're doing fine. Keep rolling.

**MYRON SMITH:** Ballot transfer card, I just explained that, the, the list of of workers-- or of voters where they sign in registered, those numbers are all supposed to match. I think that about covers it, unless I have questions.

**BREWER:** So you're in the big town of Denton?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**MYRON SMITH:** Well, rural Lancaster County.

**BREWER:** OK, rural Lancaster County. And you're going to have people coming in all during the day.

**MYRON SMITH:** Yes.

**BREWER:** They sign the book, get the ballot. They go in the booth, they, they vote, they come back, they dump it. At the end of the day, you're going to take the number of people that came in and--

**MYRON SMITH:** By the sign-in register.

**BREWER:** --signed in and you're to look at the number of ballots that are in that--

**MYRON SMITH:** The box.

**BREWER:** --the box that they get dumped into.

**MYRON SMITH:** Yep.

**BREWER:** And those two have to line up. And if they don't, what you do?

**MYRON SMITH:** We count them until they do. Or after we've counted them enough times, if they don't match then we put them in and we take them to the office and they sort it out.

**BREWER:** OK.

**MYRON SMITH:** We've been fairly accurate lately. I won't say that we always have been.

**BREWER:** So have you ever had that happen where they didn't match up?

**MYRON SMITH:** Yeah.

**BREWER:** So what do you got like a gremlin, or what, what happens? I mean--

**MYRON SMITH:** We were-- we must have made a mistake someplace, because after a certain amount of time, we just take them into the Election Office and let them sort it out.

**BREWER:** All right. Well, good to know. All right, any other questions for Myron?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**MYRON SMITH:** It hasn't happened for quite a while.

**BREWER:** All right. And how many people would vote in a day there, ballpark? A few hundred?

**MYRON SMITH:** I'm going to say 300 maybe.

**BREWER:** OK. Yes, Senator Lowe.

**LOWE:** Thank you and thank you for coming to testify. So I think it was Mary stated that her-- or one of the other--

**MYRON SMITH:** I think it was Mary--

**LOWE:** --said they, said that there was-- they sent the box out, or a box out, maybe twice during the time.

**MYRON SMITH:** Yes.

**LOWE:** Does that happen also?

**MYRON SMITH:** That does not happen in Denton, that usually is the city precincts.

**LOWE:** OK?

**MYRON SMITH:** And--

**LOWE:** Just where they have so many that they--

**MYRON SMITH:** --there is, there's a transfer ballot slip of paper that goes in there with a count of ballots for that early pickup.

**LOWE:** Is that normally at a certain time?

**MYRON SMITH:** Usually it's 2:00 p.m.

**LOWE:** 2:00 p.m.

**MYRON SMITH:** I haven't worked in Lincoln for quite a while. I have worked in Lincoln precincts at times.

**LOWE:** OK, I just wondered if it was constant or not. And across the precincts.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**MYRON SMITH:** No, if it's a larger precinct then they will have an early pickup.

**LOWE:** OK.

**MYRON SMITH:** But again, at the end of the day, that ballots must match the sign-in register.

**BREWER:** All right.

**LOWE:** Thank you.

**BREWER:** More questions for Myron? All right, again, thanks for your service with our elections and helping us to better understand it. All right. We're still on neutral testimony for LB1123. Welcome to the Government Committee.

**ROBERT BORER:** Thank you, sir, Committee Chair. Robert Borer, R-o-b-e-r-t B-o-r-e-r, I'm testifying in the neutral position because to answer the question, should the-- would the count be the same before, if you start before or after the polls close? The answer is, it all depends. It all depends on whether the process is secure or not. It doesn't matter when you-- where-- what time you start if the process is secure, and it doesn't matter what time you start if the process is not secure. So the last thing we want is for the media to get a hold of any kind of results before we the people, after all, these are the "we the people" elections, not "we the media" elections. Until after we the people are notified first of the results. So just a brief statement.

**BREWER:** See if we got any questions for you. Any questions for Robert? All right, thanks for coming on.

**ROBERT BORER:** One more thing I did want to, I did want to point out that we've learned here recently that none of these are like-- none of these processes are secure if you're including machines and online voter registration rolls. Thank you.

**BREWER:** Thank you. OK. Still in the neutral on LB1123. No takers. So Senator Erdman, you are back in the chair.

**ERDMAN:** Senator Brewer, I was kind of hoping for consent calendar.

**BREWER:** We're close.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**ERDMAN:** It looks like that may have gone by the wayside. Well, we heard many explanations of how they get the ballots in the box and how they deliver them. That has nothing to do with the bill. What the bill says: they can't start counting until the polls close. That's what it is. So, Senator McCollister, I'll try to answer your question about is it the same number. Is the results the same? It depends if they can hack into the computer. And you heard the election commissioner from Douglas County say that they put those results on a thumb drive. How do you put things on a thumb drive? With a computer. And so if the computer is hacked and the people see what you put on the thumb drive, who cares where you put it, they still have it. So the point is, we need to secure the elections before and make sure they're dark and close before the polls close. And so that's why it's important not to count them before. Because if there is a cyber attack, if they have compromised those computers, they know exactly what it is and then they can cast both votes, whichever way they need to do, to make it work. So they're whining, and I'm gonna use that word whining, about they may have to work. Well, I'm going to tell you this. Senator Halloran was on the right track. I would rather wait a week and get the right number than have the wrong number on the day we voted for the day after. What you heard from some of these testifiers that are opposed, it's going to cost money. It's going to cost more money, it's not going to be efficient. Since when is getting the vote right something to be efficient? Who's care how efficient it is? It needs to be accurate. And there are many people in this room that are more concerned about accuracy than they are about what it costs or how long it takes. That's what this bill is about. This bill is not about making it easy for the election people. All right? They signed up for the job. We all signed up for this job to be senators. We knew what we were getting into. All right? They know what they're getting into when they get hired to be election clerks or they work in elections, so be it. We need to move forward with making sure that our elections are secure. And as I listened to the testimony of the bill before this and this one, I'm going to make a conclusion that the only safe way, the only secure way to make sure our elections are secure is by voting on paper ballots and not be counted by computers that are connected to the internet. It's the only way. And they whine about how long it's going to take, and you heard the election commissioner from Douglas County has 237 precincts, not more than 1,250 people in each one. It's not like they're counting a million ballots in every precinct. They can do as they did before, counting the precincts, whatever needs to be done to make it right. If it takes till Tuesday, Wednesday, who cares how long it takes? Get it right. Get it right. I'm sick of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

hearing about what do we need to do to make this work? We can all come together and come to a conclusion of what works, and I can tell you, paper ballots work. I never had to be concerned about those before we got computers. So we have computers, things should happen faster, right? Doesn't happen. When I was on the co-op board, we never had computers and they said we were going to save people, right? We get computers, we hired four more people. We spent more money. And so we spent \$20 million for machines that count our votes, for what? We should have spent that on people to count the ballots on a mechanical machine to count them. So that's what this bill does, makes sure our elections are secure because we don't get that information out in the public and those bad guys find out what we're doing before we do-- before we have the results. Thank you.

**BREWER:** Thank you. All right, questions for Senator Erdman. All right. Thank you for your presentation.

**ERDMAN:** Thank you for your time.

**BREWER:** And we'll have a quick transition here. Oh, let me read in the letters. Position letters, we had 54 proponents, 10 opponents, 0 in the neutral for LB1123. Our next bill will be LB1121 with Senator Albrecht. Take your time, get settled in.

**ALBRECHT:** I'll read fast, so you can get out of here quick.

**BREWER:** Let me quiet the crowd down a little bit here for you, so we can get everything in the record. All right. Senator Albrecht, welcome to the Government Committee.

**ALBRECHT:** Thank you. Chairman Brewer, members of the Government, Military and Veterans Affairs Committee, for the record, my name is Joni Albrecht, J-o-n-i A-l-b-r-e-c-h-t, I represent Legislative District 17 in northeast Nebraska, which includes Wayne, Thurston, Dakota and a portion of Dixon counties. I come before you today to present LB1121. As we've heard for quite some time now, the integrity of our elections has been called into question by some on both sides of the aisle. We owe no greater debt to this state than to provide the means necessary for our elections to be unquestionably free, fair and correct, for there is no greater challenge to our republic than the undermining of our election process. LB1121 seeks to provide those entrusted with this process the means and the authority to inspect any and all election-related machines and devices so that when Nebraskans go to the voting booth, they can be confident that their vote is



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

counted properly and accurately. This bill will create the Election Administration Fund to provide the funding necessary for the Secretary of State to hire those needed to carry out this inspection mandate and then to properly seal and store the equipment and devices. Our country has rarely seen the divisive rhetoric that exists today. Some of this comes from a desire from outside sources to destroy us from within, and some of it comes from those who wish to maintain or regain power and control. This country has been the role model for elections for over 250 years, and we should do everything in our power to continue to be the role model. In Nebraska, we can give our Secretary of State the tools necessary to show our voters and the rest of the nation that we care about the integrity of our elections. By passing LB1121, we send a message that your vote matters. I believe this bill is one that can-- we can wholeheartedly support and pass so that the good people of the state know their vote counts. And I ask you to join with me in supporting the legislation, and I'll look forward to its passage. Thank you.

**BREWER:** Thank you. I'm looking at the, the cost-- the financial--

**ALBRECHT:** Fiscal note.

**BREWER:** --note here. Looks like it includes six FTEs and then a lot of expenses associated with the equipment and cell phones and training and travel and all that. It's \$786,000 almost \$787,000, which in ways was less than I thought it would be. I mean, that's, that's a lot. But if we make this change, it's going to mean a lot of manual work that we are going to have to do to validate that the election has been done correctly, is that--

**ALBRECHT:** Well, and I think the most important thing here is that people feel that there could be some Wi-Fi connection within the, the actual machine itself. And I appreciate the fact that Secretary of State Bob Evnen did invite all of us in to go take a look at the machines, but we got to see the machine and we get to hear what it can do. But we didn't get to see the inside of it. And if, if there shouldn't be any reason why someone wouldn't want to open it up and show us that it is not connected to the Wi-Fi in any way, shape or form. You know, trust and verify is what we have to do. As elected officials, we have to answer the call of the people that come to us and ask us questions like this. So until those things can be answered, you know, I'm getting phone calls from both sides of the aisle at my home that say they can't go to coffee anymore, because you can't-- you just can't sit down with everyone because everybody is disturbed that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

we're not giving them an answer. And they, I mean, it's, it's people are losing friendships over this. I mean, this is something that is so serious to, to everything that we do on a daily basis. I don't care who's running, I've run several elections myself. On this past election that I was in for the state senate, I actually had a-- my son in law, I mean, we've been watching these election results over all the years when I've run, and he said something just happened. You absolutely went to the bottom and the other, the folks, you know, that were running against me went up. I ended up winning all the precincts, but what happened? There was something was-- there was a glitch. I don't know, I can't explain it. But I had to wait this past election, too, because a machine wasn't working correctly in one of my, one of my counties, and they literally had to end up unplugging it and then running them all again. And we didn't know until the very next day how things turned out. Things can happen. But I just, I just really believe that we have to give the Secretary of State the tools they need to do what's right for all of us so.

**BREWER:** All right. I think that-- and either a representative from the Secretary of State's Office or the Secretary of State, I think, will speak on your bill.

**ALBRECHT:** Great.

**BREWER:** And, and I think we may have an obligation that if we open a machine or machines and we invalidate the warranty that we may need to provide resources to the Secretary of State's Office to help compensate for that. I don't know that's anybody is going to have a problem with that, because that may be part of the process we have to go through. But I can see that being an issue, I think, and, and I just want for situational awareness, so you kind of understand where I think--

**ALBRECHT:** Sure.

**BREWER:** --they're coming from. And, and if that's what we got to do, that's what we got to do. That's just [INAUDIBLE].

**ALBRECHT:** We got a primary coming up. And the bill actually does say the primary, the general and any special election, they would be looked at so.

**BREWER:** All right, any questions for Senator Albrecht before we start? Yes, Senator Sanders.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**SANDERS:** Thank you, Chairman Brewer. Thank you, Senator Albrecht, for bringing this bill forward. From listening to everything today, it doesn't sound like the computer has to be hooked up to Wi-Fi.

**ALBRECHT:** No, it shouldn't be.

**SANDERS:** Like you can take the thumb drive, get the count, store the thumb drive, but within that, there can be some hacking. So who would inspect the computer, who is smart enough?

**ALBRECHT:** Well, in the bill, it actually does spell out that there would be an IT person. I'm sure they'd have to hire those individuals. And lately I've heard some very wonderful, amazing military people who have taken care of us in ways that we would not have ever known had they not come before us and talked to us about how important security is, cybersecurity.

**SANDERS:** Thank you.

**BREWER:** All right. Any additional questions for Senator Albrecht? You'll stick around for close?

**ALBRECHT:** Yes, sir.

**BREWER:** Good deal. OK, we're going to start with proponents. And I think there's some folks that need to catch a flight, so we're going to give them some priority so they can get out of here. Oh yeah, green sheet, there you go.

**DAVID KOHRELL:** Thank you.

**BREWER:** All right, welcome to the Government Committee.

**DAVID KOHRELL:** Good to be here again. David Kohrell, D-a-v-i-d K-o-h-r-e-l-l, speaking in support of LB1121, inspection voting machines. Shared some of my thoughts by email as well, so I don't want to go over each point. What I'd like to do is just share three things. First of all, state of Nebraska is really good at messing up large systems and procurements. I mean, really bad. Second, it's natural and normal for a vendor to go through an audit. That's typical. So what we're talking about is not anything that's dissimilar. And third, there is a need for it. Now you're probably going to hear different perspectives in terms of the paper ballots or not. I want to drill into, OK, if we have this vendor, what's the best practice for a third party? So my first point, it's not this committee, it's your friends

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

across the hall. The Health and Human Services and DHHS, I mean, \$54 million blown on Wipro, \$12 million in JS Consulting. I mean, it's in Nebraska does not have a lot of great success with large procurement. Now, fortunately, ES&S has delivered on Election Day. You can't just all a sudden say, well, November 8th, gosh, we weren't ready. Let's do this in December. I mean, talk about the outcry then. So at least there's that. But one of the root causes for so many massive failures over the last 25 years for the state of Nebraska has been a lack of auditing, a lack of inspection, a lack of control. So when I shared a little bit more in my background email, but yeah, it's 30 years in IT, substantial in IT controls and cybersecurity, and a particular niche in what's called shadow IT or third-party relationships. You have to set the standards that you need to inspect. Now ES&S, at this point, no one in this room is probably gonna like me. But you know what, many years ago, ES&S was a client of mine. I assisted over 78 project managers from 2003 through 2009 and 2015 past their project management professional exam. I can guarantee you none of them were saying, gosh, how can we really rip off America? No, by no means were they had that attitude at all. They were passionate, they want to do the job. So it's natural, though, to set up a check and balance of the voting machine and, I want emphasize in closing, of the actual third-party relationship. And that's within the powers today of the Secretary of State. There's nothing that precludes them, I have the contract if you have questions. I mean, it's nice of the state of Utah let us use their contract, you know, for our addendum in the state of Nebraska. There's nothing that precludes any of this in the powers. But now we're giving some additional direction to the Secretary of State, and it's absolutely vital. Any questions?

**BREWER:** Yes. Following up on Senator Sanders' question, someone has to be able to look at it and say it's working or it's not working. Now, obviously, you want someone who's not going to have a bias one way or the other, that can give you this great info. Where are you going to find that person?

**DAVID KOHRELL:** Right. So I mean, there was mention of a military personnel assistance. There is a deep pool in Nebraska to help, as long as their procedures are known. You know, so you go from a policies, procedures, [INAUDIBLE] point of view. That can be provided to someone, so even someone like myself. Many years ago, I participated in collecting evidence from pharmacies with the FBI and State Patrol. I had a check sheet and we walked through it. It wasn't just finding the information, it was finding the information so that when you gave the deposition, you wouldn't get roasted. So that can be

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

done. Now part of it, and my experience with ES&S went back with like the AutoMark 100, that was the thing back in 2003. It was a happy time back then. But it's basically I connected that device to understand what's there absence the data link layer. And then I don't want to go into those side model, the seven layers of it. But basically does it function? Does it function as intended. It can be completely done in the open. When I've done evidence collection forensics, it's been out in the open. You could see what I could do keystroke to keystroke. So, yes, someone with some pretty good tech skills, but not necessarily like some of the industry standard, SISA of which is my [INAUDIBLE] that's around could do it. And there are others, there's people like me that would volunteer, but then you're probably going to want to say, OK, what party are you? Let's find another geek like you that's of the other party. Sure, let's sit down and have a party.

**BREWER:** The fact we got equal geeks is amazing.

**DAVID KOHRELL:** I mean we've got geeks all over.

**BREWER:** Good. That's why-- that was one of my questions. Questions?

**LOWE:** Google the geeks.

**BREWER:** Any, any questions? All right, thank you for your testimony.

**DAVID KOHRELL:** Thank you.

**BREWER:** All right. Shawn, I know you got a flight out of here directly, so let's get you a chance to-- welcome back.

**SHAWN SMITH:** Thank you very much. Shawn Smith, S-h-a-w-n S-m-i-t-h. And this is unfair because I spoke in opposition to the, to the other bills and I'd feel the same way about this one. I appreciate the intent. It's a good idea to inspect the voting systems. The problem is because of the way in which they're manufactured and the components that go into them, into them and the people who manufacture them, and the extraordinary complexity of the computer systems underlying our voting systems, even the express votes and things like that that are built on tablets, these are extraordinarily complex machines. In order to adequately inspect them to verify that nothing unauthorized is happening, including unauthorized access or operation or elevated access or operation for anyone who's normally authorized to, to have access to the machines, you would have to start back at the design of the machines, literally at the design of the circuits to make sure that the circuits were not perverted or compromised. And then you

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

would have to monitor the fabrication of every single electronic component and circuit going into the machine, including controlling access to each of those components prior to assembly. And then you would have to monitor and secure the secured assembly from the time it was assembled until the time you stop using it, through the entire period of operation by public officials for the voting functions. And then you would have to be able to monitor them to make sure that they weren't changed through software and code, including drivers, including firmware, which, which with these complex machines is extraordinarily difficult because you have this is a challenge for all the public officials and elected officials. On the one hand, the offensive threat is continually evolving and developing new techniques. They're finding loopholes years later. You look at like Windows 10, which is the software that's the basis, like, it's LTC that's used in your ES&S election management system servers. LTC means it's, it has limited updates, so they keep the-- it's stable. But limited updates means that you don't update it against the new threats that you're seeing. You only update it maybe once every six months or once every year. And so you, if you keep it stable and don't change anything in the software, which again can completely change the operation of a complex system, then you cannot update it against the threats that are appearing and evolving like, like Windows 10, which I think they're still finding hundreds of vulnerabilities in five, six years after it was initially issued. And every time you change a version, you have the same problem again. So I'm in favor of inspecting voting machines if we're going to keep using them, but we have to figure out how to travel back in time to do that adequately. And the other thing is that there are over 3,000 counties in the United States, literally tens of thousands of voting systems. We don't have the people of sufficient caliber and expertise in the country to inspect that many over the course of, say, three or four years, let alone to do it before every election. Thank you.

**BREWER:** All right. Thank you. If this is true, then if we're going to have a secure election, we have to go back to the paper ballot. Is that kind of the gist of it?

**SHAWN SMITH:** Yes, sir. That's what I would recommend. I mean, here's the other thing, is you don't need an advanced computer to do addition. That's all we're doing, we're adding up votes. You need fifth graders. Certainly citizens right off the street can do it with a little bit of training, and we used to, and we can again. And that's what I would recommend.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** I thought Brian did bring up a good point, though, as we have more complex voter sheets where they have, say, ballot initiatives, Congress, and it gets harder to hand count those and get everything to line up, doesn't it?

**SHAWN SMITH:** It does. Yes, sir, that's valid. That's why I would recommend separating elections from the current federated elections where we combine federal with local and state issues. If you hand count on paper and vote in person and you do the hand counting at the precinct level under video, it's, it's not a multi-day affair, there's no-- you don't spend a day doing logic and accuracy testing, you don't spend days doing your upload of data and audits afterwards. The whole count from the receipt of the ballots from, from verified electors through the count of each precinct, which is where all ballots ought to be counted, is done on video. And that count doesn't begin until after every ballot that you're going to count for an election is received and accepted. And it ends when they're done with the precinct. It shouldn't take more than a couple of hours per precinct. The whole state ought to be done actually in the same night, I would guess. And, and so all the complexity that's added into it, you know, we ignore all of those days and all of that expense and all that expertise. And, and frankly, we don't need it. We can get far better transparency and, and because of that transparency, restored trust, I think, from the electorate, if we just go back and do it by hand under video.

**BREWER:** May need a few more volunteers from the poll watching duty, but--

**SHAWN SMITH:** I'm in.

**BREWER:** --probably have them, it would appear. Yes, Senator Lowe.

**LOWE:** Thank you. And thank you, Mr. Smith, for testifying today.

**SHAWN SMITH:** Yes, sir.

**LOWE:** Now we've heard talk about the thumb drives and how they can have programs on them themselves or even separate files or ways of operating systems.

**SHAWN SMITH:** That's a fact.

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**LOWE:** Is there a way to inspect the thumb drives because then you're not cracking open the computer? Can you inspect at least the thumb drives, do you think?

**SHAWN SMITH:** You can inspect them? But it's extraordinarily difficult to-- you have to have a specialist and you have to have specialized software to find hidden encrypted partitions, which are, I mean, I have a thumb drive with me in the room with the hidden encrypted partition on it. You have to have the software on the other end when you-- in the machine that you plug it into in order to read. Because it's not, it's the, the partition is not recorded in the master file information for the USB drive. So the computer will not normally read it when you put it into a USB port. If you have the correct application, it will look for the specific pattern for that data that's encrypted and stored in the hidden partition. And then you can open it up with the key, you know, a hardware key or a password or some biometric, and then you can access the files that are encrypted within it. Without that, the best you can do sometimes is to detect that there may be an encrypted partition on the drive. And it's also possible to take an executable file, like the application on the computer that reads that encrypted hard drive and to separate it into separate components, so it doesn't even look like an executable program on the computer. And in fact, with one of the voting system companies, Dominion Voting System, one of their engineers, has a patent to do exactly that.

**LOWE:** All right. Thank you, I'm-- I struggled playing Pong back in my day.

**SHAWN SMITH:** Yes, sir.

**LOWE:** And I trained on something before Windows 3.1, so I-- you're over my head.

**SHAWN SMITH:** I'm not a cyber specialist. I tell people that I'm not a cyber expert. I know a lot more than, than the general public does because I've been exposed to all those threats. But I've also been exposed to the people who are some of the best we've got in the country. And so I've seen them work, I've asked them to do specific things, and I've seen the way our adversaries have compromised and attacked our system. So I have a much better idea of the breadth and sophistication of that threat.

**LOWE:** Thank you.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** We have two systems that are being used? The ES&S and the Dominion?

**SHAWN SMITH:** Oh there, in your state, you only have ES&S. In, in the United States, ES&S is the largest of the voting system vendors in terms of the, the number of jurisdictions using their systems. And the second is Dominion. And I think behind that is Hart InterCivic and then I think Clear Ballot Group.

**BREWER:** All right.

**SHAWN SMITH:** And they're all based on very complex modern computer systems that are manufactured overseas.

**BREWER:** Any other questions for Shawn? Yes?

**SANDERS:** I'm going to try.

**SHAWN SMITH:** Yes, ma'am.

**BREWER:** Senator Sanders.

**SANDERS:** My head hurts, and I'm sure a lot of us in the room.

**SHAWN SMITH:** I'm sorry.

**SANDERS:** So, so the bill is on inspecting these computer systems, counting systems.

**SHAWN SMITH:** Yes, ma'am.

**SANDERS:** So if we went to hand counting, we wouldn't have to inspect the systems?

**SHAWN SMITH:** Correct.

**SANDERS:** Are there two different systems for the mail-in ballots as well as the--

**SHAWN SMITH:** I wouldn't. I would have the mail-in ballots, if you were forced to have them and can absolutely, you know, for UOCAVA and ADA, you know, certified ADA-- or verified ADA requirements where people just could not get in to vote, I would have those come in to the precinct that was responsible for them and have them hand counted at the precinct along with everyone else's. I'd much rather have my vote counted by neighbors.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**SANDERS:** So no system means no inspection?

**SHAWN SMITH:** Yes, ma'am. The video of the count, the video of the ballots and the count from the time the ballots are handed over until the time-- so, so they're, they're turned over by an elector, they're put into a ballot box. When you've received all the ones that you're going to count, then you begin the count. You open up the ballot boxes, you count them at the tables all under video, then you count the tallies from those batches, all under video. And then you add those tallies of batches up and you come up with the precinct count. And when everybody who's been involved signs off on it, and that's all been under video so citizens, citizens can watch all of it. The only thing they don't get to know is how anybody other than themselves voted, so they don't get to see the vote choices of any other voter. But every other part of it is transparent. None of it begins until after all ballots that will be counted have been accepted. When that's done, you have a video record. Anyone could have watched it live and anybody can watch that auditable record. So again, you don't need vendors, you don't need experts, and there's no process for auditing that takes weeks. You don't require, you know, teams of national security specialists. It's the burden right now on citizens to find out what is true is immense, almost insurmountable. I mean, it's taken this long to get to the truth in some places, and we're, you know, we're just scratching the surface.

**SANDERS:** Thank you.

**SHAWN SMITH:** Yes, ma'am. Thank you.

**BREWER:** OK. Any additional questions? All right, thank you for your testimony and thank you for your service.

**SHAWN SMITH:** Thank you, sir.

**BREWER:** OK. Additional proponents to LB1121. Doug, welcome back to the Government Committee.

**DOUG KAGAN:** Thank you, Senator. Good afternoon, Doug Kagan, D-o-u-g K-a-g-a-n, Omaha, speaking for Nebraska Taxpayers for Freedom. Manipulating voting machines to count votes is easy and widespread. In one South Carolina county in November 2018, the machine counted 58 votes from the previous primary. In another county, a terminal began recounting votes again the day after the election. Certainly, internal malfunctions may cause mistakes. However, purposeful fraud can occur.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

University of Michigan computer scientist J. Alex Halderman, director of the Center for Computer Security and Society, showed two congressmen how a presidential election won by George Washington could become flipped for Benedict Arnold. At an annual hackers conference, he assembled election systems and invited anyone to find vulnerabilities. Many were found. Ohio and California secretaries of state examined how machines counted votes in their states. The Ohio official discovered machines widely used there had several pervasive critical failures, including failure to find-- failing to follow industry security standards. The California official found that in one system, every important software security control appeared vulnerable. The third machine found susceptible to several attacks that would allow a hacker to control the system. Clever hackers can pick a machine lock in a few seconds and replace computer chips with their own. The modification can change the machine results, altering the vote count. Cyber academics relentlessly hack into vote count machines, demonstrating how to infect them with malware and discovering keys to voting machine locks they can order from eBay. They forecast the subsequent national election would invite an attempt for a coordinated cyber attack, with rigged smart cards count votes more than once, cryptography left vulnerable to manipulating voting records. In many places, vote counting machines stand unguarded. Malware can be inserted without breaking machine tamper-proof seals. No county clerks anywhere in the U.S. have the ability to defend themselves against advanced, persistent threats, say experts, and one declares that an iPhone is probably more secure than most vote count machines. Years ago, our taxpayer group fought a bond issue in Omaha, and we had the privilege of going down and watching the count. It was going 60-40 in our favor and then the machines stopped. They never found out what the malfunction was, so we had to start over counting all the votes over again. That time it went the opposite direction, 40 percent for us, 60 percent for the other side. So we've been suspicious ever since of these voting machines.

**BREWER:** All right. Thank you, Doug. Let's see if we got any questions for you. All right, I think, I think they're wearing us down. All right, proponents to LB1121. Welcome to the Government Committee.

**SETH PAULSON:** Thank you. I am Seth Paulson, S-e-t-h P-a-u-l-s-o-n. Election integrity is and should be a nonpartisan issue. Thus, it is incumbent upon the Legislature to adapt statutes which ensure the same. I support LB1121, however, there is more action needed in order to ensure that voting systems cannot be compromised, and that starts with voting systems architecture. In addressing our election and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

voting systems in Nebraska, we find that there are essentially no statutes that speak to what is acceptable or not acceptable in electronic configurations of our voting systems. To recom-- to remedy this deficiency, I would propose LB1121 be amended through this committee with language that speaks directly to this deficiency. The Arizona 2020 election audit revealed that partitioning of databases within the software hid access to modems. Thus knowing this, the limiting of voter systems architecture from partitioning of big databases is vital to Nebraska election integrity. I propose amending the statute by this committee to contain a new section entitled "Voter Systems" or "Voting Systems Architecture". I would propose the following and or similar language be adopted to strengthen the integrity of our elections. That being, number one, voter systems architecture of any voting system operated by the state of Nebraska shall not allow any partitioning of databases to be made or to be contained in the voter databases or voting machines, or stored in any part of the voting system's software or hardware. And there's more, but I don't have time. Number two, no software or any kind may be used with or under the use of the voting system which manipulates the vote by adding or subtracting, multiplying or dividing or any other mathematical procedure. Neither shall any software alter by any means the qualitative or quantitative value of valid votes, such val-- valid votes being defined as one which fulfills all criteria established by statute. And number three, voting system architecture shall make voter databases and the actual vote mutually exclusive, such that after a ballot is cast, the voter-- voter database cannot be accessed in conjunction with that vote by any means. In addition, I would propose another section to institute penalties for violation, and moreover, establishment of enforcement criteria which would require the voting system to be examined and tested to ensure the statutory requirements under the new voting system architecture, architecture are met. And finally, establish a new board of election integrity that is authorized to oversee election integrity, integrity that is comprised in part of individual citizens.

**BREWER:** All right, thank you. On that last one, this board would be comprised of how many and where would we pick them from?

**SETH PAULSON:** Well, I'm not deciding that, I would leave that to the committee because you guys know how you do your business. But certainly, we do want to have experts in the field there, but we also need individual citizens as well, because I think that's one of the things that's been shown up here with this last election, that the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

voting public seems to be left out-- feels left out of and had no voice in what's going on.

**BREWER:** All right, I'm, I'm sure that there are some folks that wish they'd have had you handy when they were writing bills because you have, you have a maybe a more complete package than what we, we have. But keep in mind, sometimes you, you write these during those first 10 days in somewhat of a vacuum, and it's only later that you figure out that you didn't quite hit the mark so.

**SETH PAULSON:** Indeed. OK. Well, Mr. Smith had a lot of good stuff. He kind of stole this thunder, but he opened up the discussion of partitioning of databases, which is, you know, supreme in this. The simpler the better. The simpler, the better. I do actually advocate that we go back to paper myself. But until then, this-- we need defense. We have to play defense and have, and have something set up so that we cannot be taken advantage of. Right now, it's an open playing field for ES&S and anybody else that wants to play in that game, they can do anything they want. I liken it to making a cake. You know, if you know what the ingredients are that you need to have a list of the right ingredients, you can't just say you can do anything you want. And let's say somebody says, well, we're going to put sawdust in that cake or we're going to put something else that's not good in that cake. And then you end up with a bad-- or a bad product, so.

**BREWER:** Well, and understand my concern is that to address this properly, especially in a bill, you have to have a good working knowledge of what right looks like it. And I'm not sure the collective group here know what that looks like. So I know this has been a long afternoon, we've been prying all kinds of questions out. But if we don't figure out what that is, we can't, we can't come up with a solution. And so we're chinking away one piece at a time.

**SETH PAULSON:** Very good. I commend you.

**BREWER:** Well, yeah, we're still a work in progress here. OK. Any additional questions? All right. Well, thank you for coming out and testifying and--

**SETH PAULSON:** Yes.

**BREWER:** --helping us better understand. Connie, welcome back to the Government Committee.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**CONNIE REINKE:** Thank you very much. Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. We've heard and through my experience with, with canvassing Lancaster County and being involved with the Voter Accuracy Project, we've seen numerous examples of fraudulent activity, failure in the election system. We've seen that the voter rolls show, the voter rolls show a certain number of people that have voted and then there's 4,001 more votes, as Dr. Frank has said. It's time to find solutions. We recommend on behalf of the Voter Advocacy Project, the colonel that spoke, Colonel Smith, he has been putting together a best set of methods for paper voting, manual elections. And I-- or on behalf of myself, and Larry had to take off, we believe that we would like to see this as a solution. Number two, small counties are the perfect place to test this, this manual voting, county by county live voting with manual counting of paper ballots. No mail-in, with the exception of handicap to military, all requiring IDs to receive a ballot. Number three, I believe this is something that everyone in this state can do that is extremely helpful. We need to educate the pub-- the public. As we go across the state expressing these views, there are so many that have been-- that have moved from our residents and they're still on the voter roll. There's, there's people that have died, those, those individuals, whether it's children, can report that to the Election Commission to make sure that those deaths are recorded. This, this situation where you have a person that lives in a residence and then the people that lived there previously are also on the voter roll, when ballots are sent out by mail, often these other people receive-- the person that lives there receives extra ballots. We see-- we've seen this happening over and over. There is a postcard that's sent out from the Secretary of State, but those people are left on the voter roll if they don't respond.

**BREWER:** Sorry, Connie, we're out of time there.

**CONNIE REINKE:** OK.

**BREWER:** OK, so we've got this sheet that you handed out, covers all three points. Thank you. That's the beauty of maybe we run out of time, but we still get your information.

**CONNIE REINKE:** Sure.

**BREWER:** The-- I'm trying to figure out how to describe what, what you did. You went around and you canvassed to see if those who voted-- were you focused on absentee ballots or, I mean, how did you, how did

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

you design this process you went through to figure out whether things were going on that shouldn't be going on?

**CONNIE REINKE:** Basically, we, we started with a precinct and, and we took all the people. We had names of people that had voted or not voted. It was a list. So as we arrived at the door, we knocked and said what we were doing, verifying votes, and then asked if they voted, not who they voted for, but if they voted, and we could see on our list if they voted or not. And then we would mark how they answered. If it was different than that, then it was noted. If-- we asked if there were other individuals in the household, and that's where if there were seven people on there and this-- but if the people that lived there only had two people, we asked if those other, you know, who are these additional people? That's where we are finding a lot of additional people on the voter roll that shouldn't. And that's what creates the problems, is those additional people on the list.

**BREWER:** OK.

**CONNIE REINKE:** We also asked if there were, there-- if there were any things that they-- any other things that they wanted to mention about voting at the poll or by mail or any other system. And that's where we found the multiple ballot situation.

**BREWER:** So this is like the one they talked about where they received their ballot, they sent it in and then ballots came in the mail for them, separate from the ones they actually did?

**CONNIE REINKE:** There's different situations of how that happened. You know, when someone receives four ballots in the mail, it's, it's very concerning. I mean, I can see an extra ballot being mailed out from time to time or, you know?

**BREWER:** And--

**CONNIE REINKE:** There's too many coincidences of things happening that are incorrect that, you know, it's far beyond--

**BREWER:** I think Senator Hunt had a good point in that you get a lot of stuff in the mail that looks like legitimate stuff? And then after you root around for a little bit, you figure out that it's, they're trying to get you to say, be aware of an issue or support someone or whatever. But when you went through, that was something you specifically look is this, that you actually saw and you, you had four ballots that looked like this come to your house just for you?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**CONNIE REINKE:** Right, right. So in itself, I mean that fact, we have affidavits that said I went to the county courthouse and I asked them if they sent me these four ballots and the, the county clerk said, no, I didn't send you four ballots. This is ridiculous. So there's either something happening in the database, there's something happening from an outside interference. Something is going on. And if we don't correct this, this is four ballots, eight ballots at one household.

**BREWER:** Well, the question will be is, is even if you had eight ballots, ideally, I would think that they're going to have the barcode that would indicate, once the first one goes in, the others couldn't be counted because you would think it would, it would either kick the one out or it would show some type of a flag that there's a problem here. But that's a Secretary of State question, not you, so don't worry about that.

**CONNIE REINKE:** It's just a major problem. It's, it's showing there's a major problem with our elections just in that one point so.

**BREWER:** OK, well, thank you for your testimony.

**CONNIE REINKE:** You're welcome.

**BREWER:** Hold up, we got a, got a question. Senator.

**CONNIE REINKE:** OK.

**McCOLLISTER:** Yeah, thank you. Thank you, Mr. Chairman.

**CONNIE REINKE:** Sure.

**McCOLLISTER:** I think you're right. And when my kids went off to college, they were still on the voter rolls as, as in our household. But that's not to say they voted. And you can actually see on the inter-- on the internet, the County Election Commission website to see who has voted and hasn't voted. So, you know, maybe that's a control, but I, I agree that our sons were on the voter rolls for perhaps longer than they should have.

**CONNIE REINKE:** You know, I can see a 24-year-old, 26-year-old. But the interesting thing, as I was viewing all the, the results for Lancaster County, what I was seeing there were there were a lot of 20-- 28 to 33-year-olds that were still on their parents' voter, you know, at their address listed as that's their, where their registration is. So this is part of the things that they, they may be registered at a



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

different address or someone even got married. And there they have a, they're registered under another name. These are all concerns, but there definitely was a lot of 28 to 33-year-olds, and that's getting to the point where it's, it's pretty far out as far as that age to still be on their parents' voter roll.

**McCOLLISTER:** If you don't vote three times, I think the Election Commissioner sends out a postcard that you have to reverify that you still want to be on the voter rolls. So, you know, I think they do have a control, but you know, I'm sure the voter rolls are a constant challenge to keep up.

**CONNIE REINKE:** That is after, like, if that person doesn't respond to the postcard, they stay on our voter rolls for two presidential election cycles. So that would be eight years. So we have all these people that are not responding that are all on the voter roll for eight additional years.

**McCOLLISTER:** We'll be hearing from the assistant secretary.

**CONNIE REINKE:** OK.

**McCOLLISTER:** So we'll get that straight out. But thank you for your testimony.

**CONNIE REINKE:** Sure.

**BREWER:** OK, any other questions? All right, Connie, thank you for your testimony.

**CONNIE REINKE:** You're welcome.

**BREWER:** We are still on proponents to LB1121. Proponents? Welcome to the Government Committee.

**MARY HAMILTON:** Thank you. My name is Mary Hamilton, and it's spelled M-a-r-y H-a-m-i-l-t-o-n. And I wasn't really prepared to speak today, but I thought I would mention a few things. I worked for the Lancaster County Election Commission in the 2020 election as a temporary worker, and I saw some things that were kind of questionable and I wondered why-- I don't know who was the overseers, the final scanning. But they did have people coming in to the Election Commission to work on the machines. I don't know why they have to work on the machines, but they were there for probably about a week. And the reason I know this is because I was in the back room and that-- I was with the machines. And

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

so they moved me to a different room, which I could still see what the guys were doing with the machines, but they had tools and they were working on the machines. So I kind of question that. I was told that they were there to maintain the machines, but I was thinking, I'm not sure why they had to do that. But another thing that I saw that I was kind of curious about was that people, a lot of people were coming in every single day to vote in person at the Election Commission, and they were standing out in the freezing cold. And it wasn't just because of COVID either. It was because there's not that much room in that building for people, so they couldn't have been all standing in there anyway. But I kind of question why they were like outside the building clear around the whole building and why they didn't just go vote at their precinct is beyond me, because another thing, when they come in to the Election Commission, they just have to give their name and their address. They have a mask on, they have scarves on, they have a hat on. How can you tell who they are? No voter ID, just that. And they sign, they sign a piece of paper and then they sign the envelope that they're given and put the ballot in the envelope and give it. But that, that's just a couple of what things that I saw that I thought was a little bit strange and probably could be fraudulent voting, even if it is in person.

**BREWER:** All right.

**MARY HAMILTON:** But that's just all I wanted to say.

**BREWER:** All right.

**MARY HAMILTON:** Thank you.

**BREWER:** Just a second. See if we got any questions for you before we let you go. Senator Lowe.

**LOWE:** Thank you and thank you for coming down to testify, even though you didn't plan on. It's hard, hard to stand up and move after you've been sitting that long.

**MARY HAMILTON:** Yeah.

**LOWE:** So they, they, they signed a piece of paper and they signed the envelope. What was that piece of paper for?

**MARY HAMILTON:** The piece of paper is just a piece of paper, I forgot what they call it, because I wasn't really part of that. But I was around watching and I was actually getting ballots and bringing them

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

to the people because what they would do is once they come up and give their name and they put it in the computer, I wasn't the one that did that, the ballot gets printed out in the back on a printer. So I would go get it off the printer and hand it to the person. But basically, they just signed this piece of paper saying that they voted and then they signed the ballot, so they're just matching signatures to signatures. That doesn't mean that that's the same person.

**LOWE:** So those signatures that they're matching to were signed at the same time?

**MARY HAMILTON:** Right, right. And there is-- I did go door to door. I might tell you, I should have said this during my testimony, but I did go door to door for, and this was something that Governor Ricketts supported. But I went door to door and it had nothing to do with the voter accuracy. It was called the permanent absentee ballot-- thing and I was doing that all summer long. And so I talked to people that said same thing that Connie said, said that they went and voted in 2016. They told him they had already voted. I do know that in this election, they had more provisional ballots than they've ever had. I do know that because I was privy to that information, I worked in the polling workers office, so we were seeing people that were putting down addresses that weren't even valid addresses, where they live. We saw a lot of crazy things this-- this last election.

**LOWE:** [INAUDIBLE]

**MARY HAMILTON:** And I was-- and I've never done that because I'm a teacher. But I didn't think I was going to have a job, so I took this temporary job because I thought they were going to close the school down because they did in Omaha and I thought they were going to in Lincoln. So that's why I worked as a-- as a data entry clerk, which, you know, it was interesting. I enjoyed it. But it was just really a lot of things that I questioned because I have new eyes. I'm not somebody that's worked for 24 years in the Election Commission that just kind of goes along with whatever is happening. I had a new set of eyes, so I was more weary of what was going on than somebody that had worked there for a long time.

**LOWE:** All right. Thank you.

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

**MARY HAMILTON:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** --for coming in and testifying. OK. Any additional proponents to LB1121? All right. Seeing none, we're going to go to any opponents. Welcome back to the Government Committee.

**DOUGLAS FRANK:** Trouble again. Douglas Frank, D-o-u-g-l-a-s, F-r-a-n-k. I'm opposed to this bill because it doesn't address the most important thing that's wrong with our elections, and that's according to Rasmussen, 60 percent of the people in the United States don't believe the outcome of the 2020 election was-- was correct. They believe it's fraudulent. And they believe it-- they believe it happened through the machines. And this bill, as I read it, sounds like a hunkering down of enforcements around the machines. And what do I mean by that? No one's allowed to inspect the machines, except the people who make the machines. And no one's allowed to inspect the machines, except who the Secretary of State says can inspect the machines. Well, those are the exact people that everybody doesn't trust. So what we need is we need the local counties to decide who they want to inspect the machines, a third party, an objective party. Since when do you ask your dad to audit your, you know, your accounts? No, you have a CPA, you have an external person. All of our organizations, state organizations, you have external audits by external people. Somehow, for some reason, we think that our elections aren't going to be looked at by outside people. I just think that's ridiculous. We need to restore faith in our elections, and you don't do that by hiding the machines. You need to have I get to choose who I think I can trust to evaluate the machines. And then if that person I trust has evaluated the machine, then I'll trust that the machine is safe. If I already don't trust the process, if I already don't trust the Secretary of State, if I already don't trust that the election is safe, you're not going to help that problem. And that's the problem. We have a national crisis because we're losing faith in our elections by the day. I know because I'm out there every day meeting with teams around the country. So that's-- that's the reason why I'm against this. I love Leigh Anne's comment a minute ago. She said to me, why are we twisting ourselves into pretzels to use machines when we know we can't secure them? And that's sort of the situation. And you know, I hear all this discussion about how we're trying to save the cost of extra envelopes. How much do you think it's going to cost to do all these inspections by amazing people? I love the way Shawn refers to it. He says the only people qualified to do this are autists, people that, you know, can-- you can drop the box of toothpicks and you know exactly how many are in there. They're amazing people, and they are few and far between. Mr. Lindell and I for three months together flew around visiting secretary of

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

states and attorneys generals, and we would sit in the office with them. And then Mr. Lindell would present the argument, the legal argument, and then we'd have a white hat hacker come up on the screen. You couldn't see who he was. And then in one situation, I remember they were saying, oh no, our machines are secure. Our machines are secure. So you hear this click click click in the background, and the lights went off in the room and the lights came back on again. And he says, did your lights just go on and off? And then he says, and by the way, click shows on the screen, here are all the usernames and passwords for your county election machines.

**BREWER:** All right.

**DOUGLAS FRANK:** Red light.

**BREWER:** To your point, if we take it to the county level--

**DOUGLAS FRANK:** Yeah.

**BREWER:** --and these machines are as complex as they are, there's little chance I'm going to scrounge somebody out of Grant County, Nebraska,--

**DOUGLAS FRANK:** 100 percent.

**BREWER:** --is going to have [INAUDIBLE]

**DOUGLAS FRANK:** 100 percent. But they can choose someone who they trust. That's all I'm saying. The bill says it has to be only these approved people by the Secretary of State, and I'm saying they need to be able to pick someone they trust.

**BREWER:** OK.

**DOUGLAS FRANK:** That's-- you understand what I'm saying?

**BREWER:** I do now.

**DOUGLAS FRANK:** Yeah.

**BREWER:** OK. Questions for Dr. Frank? All right. Well, we've got--

**DOUGLAS FRANK:** By the way.

**BREWER:** --three hits today.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**DOUGLAS FRANK:** Yeah, that's true.

**BREWER:** I think we covered a lot of ground.

**DOUGLAS FRANK:** Very good. One parting comment as I go, and that's that I offered to give that kind of a meeting to your Secretary of State because I have your usernames and passwords. And I was ready to show all that material to them, but I've not yet had-- had that opportunity.

**BREWER:** We may have a chance to ask him some questions here so thank you.

**DOUGLAS FRANK:** You're welcome.

**BREWER:** OK. We're still on-- oh, just-- we're still on opponents, I think. Are you-- oh, you're good. Oh, you're an opponent. OK. I thought, I forgot--

**BOB EVNEN:** [INAUDIBLE]

**BREWER:** It's usually neutral. You're an opponent so you're right where you need to be. Sir, welcome to the Government Committee.

**BOB EVNEN:** Thank you, Mr. Chairman. Members of the committee, good afternoon. My name is Bob Evnen, B-o-b E-v-n-e-n. I have the honor and privilege of serving as Nebraska's Secretary of State. I'm speaking today in opposition to LB1121 for two reasons. First, there is no justification for undertaking the effort required by LB1121. And second, the expense of doing so is prohibitive. In other words, performing these inspections is unnecessary, and doing so at the very great expense required is a waste of taxpayer dollars. And in-- in part, I'm in agreement with Shawn Smith, which I'll talk about in a little bit. But I want to hasten to add this. I believe in the rule of law. I've dedicated my entire life and career to the rule of law. I believe that there is no possibility of a civilized society without the rule of law. It is my duty as the chief election officer of the state of Nebraska to enforce the Nebraska Election Act, an act that was passed by the Legislature. If the Legislature deems it necessary and proper to perform such inspections as are required by LB1121 and appropriates the funds to do so, I will fully comply with whatever requirements are enacted into law. The reason that the inspections are unnecessary is because there is not any credible evidence to believe that our vote counting devices have rendered false results. Right now, three test decks of ballots are run through every vote counting device

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

in the state immediately prior to every election. After the elections, 2 to 3 percent of the precincts across the state are hand counted to confirm the results. Our vote counting machines are never connected to the Internet. That isn't an accident. First, the potential for hack--hacking ballot counting devices is not some surprising thing that we never thought about before. We are well aware of it. And for that reason, our vote counting machines are designed and built not to connect to the Internet. Second, our vote counting machines are certified by the U.S. Election Assistance Commission, which has inspected these machines down to every line of code controlling the firmware inside. Last month, the EAC confirmed to us that our vote counting machines are not capable of connection to the Internet and that our vote counting machines do not contain the software and hardware needed to establish a connection to external networks. Third, no one has come forward to the Secretary of State's Office with any evidence, for example, that they saw a network cable connected to a vote counting machine, or that they themselves engaged in the manipulation of a vote counting machine. Let me turn to the expense of implementing this bill. The bill's requirements are not limited to some specific concrete items for inspection, such as looking for a plug-in modem. Instead, the bill requires the Secretary of State to ensure that such devices do not have technology inside that have any possibility of connection to Wi-Fi hardware or any unsecure outside source that can be hacked and to ensure that such devices are-- are, in quote, proper working condition. This level of inspection requires highly qualified and experienced computer experts who can assess the functionality of the vote counting machines at a deep level. And it is in this regard that I find myself in agreement with Shawn Smith. This is not any superficial inspection that's called for by this bill. The bill requires that these inspections be performed on every vote counting machine in the state right before every election in the state. Such inspections come at a dear price, and I have to say, Senator Brewer, that I signed off on the fiscal note, but I am concerned that it is quite low for the task at hand. I also know that such inspections would likely void the warranty on the vote counting machines with all that would entail. There's no justification for imposing such inspection requirements and incurring astronomical inspection costs. For that reason, I am opposed to the bill. But I conclude by affirming to you again my commitment to the rule of law. In the event that the Legislature enacts LB1121 and appropriates the funding necessary to do so, I will fully comply with it. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** Thank you, Mr. Secretary, and I apologize for the light. Your-- you, the Governor, Attorney General, you guys don't have lights here. You're as long as you need to make your point that you need to make.

**BOB EVNEN:** The lights are out, but nobody's home.

**BREWER:** No, I didn't say that. All right. So you've had a chance to hear the testimony here today. And so you kind of are picking up on the general vibe that there's not the level of confidence that-- that they need with the election. And that's what's kind of generated some of the testimony we've seen here today. If we were to say we go to paper ballots.

**BOB EVNEN:** We use paper ballots, Senator.

**BREWER:** OK.

**BOB EVNEN:** We do use paper ballots.

**BREWER:** So right now, the paper ballot is used to feed into the machine. The machine then tallies the count. The count is then taken and moved from that machine to kind of a hub where it's counted.

**BOB EVNEN:** It's not a hub in the sense that that implies connections. It is a computer that is not connected to the Internet or any network, and it is in that computer that the results are compiled from the individual ballot counting machines.

**BREWER:** And in this process, as far as chain of custody, talk me through what that looks like. The drive itself, once that tally, how do they get [INAUDIBLE]

**BOB EVNEN:** The drive-- it is a drive that is designed with military grade encryption and has a multifactor test in order to get into it. It doesn't have programming on it. All it can do-- if you plug that drive into your computer, it wouldn't do anything.

**BREWER:** All right.

**BOB EVNEN:** And that drive is then used to download results that are also printed. So a ballot counting machine prints the results and also downloads them into this thumb drive. The thumb drive is then removed from that and taken to the computer that compiles the results. It's inserted in that computer. I believe there's a multifactor



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

authentication process for that as well. And then the results are compiled on that computer. The drive is removed. A second drive, if you will, is inserted into the-- into the computer that compiles the results, also a drive that has military grade encryption. The results are transferred onto that drive from the compiling computer, if you will, removed from that and taken to yet another computer which is connected to the Internet, it's plugged in there, and the results are then uploaded and you see the results. Those are the results that you see on the Secretary of State's website.

**BREWER:** OK.

**BOB EVNEN:** The results are compared at these different stages with the results that are printed out from the machines when they're first counted. Now there's a-- go ahead. You have other questions.

**BREWER:** Well, what I try and do--

I can see.

--is kind of check the blocks on the-- on the issues you brought. Now, let's say, for example, you do have a location where they get multiple ballots. If they sent in a ballot, you know, we talked about some cases where there are two or four ballots that came to the same person at the same address. If you turn in one, the system is going to know you voted, right?

**BOB EVNEN:** Correct.

**BREWER:** So if you try and vote a second time because of the [INAUDIBLE] it's going to--

**BOB EVNEN:** Your second ballot will be treated as a provisional ballot and it'll have to be resolved. If you-- if there's a record of you having voted the first time, then the provisional ballot won't be counted. You only get to vote once.

**BREWER:** OK. All right, let's open this up for some questions. Questions for the Secretary of State? Senator Lowe.

**LOWE:** Thank you. And thank you, Mr. Secretary, for coming and testifying today. It was stated that the precincts are about 1,200 people in the precincts.

**BOB EVNEN:** It's a little larger than that, but yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**LOWE:** 1,200 to 1,500 or whatever.

**BOB EVNEN:** Somewhere in that range, 1,700 maybe.

**LOWE:** Does that include those who vote by mail also?

**BOB EVNEN:** Well, the precincts are designed based upon--

**LOWE:** An area.

**BOB EVNEN:** --an area so they aren't designed based upon who votes at the polls and who votes early.

**LOWE:** Yeah. So--

**BOB EVNEN:** The answer to your question is yes. It includes everybody.

**LOWE:** Includes everybody.

**BOB EVNEN:** All registered voters in that-- in that geographic area.

**LOWE:** So when we talk about these 1,200 to 1,700 voters, it may really only be half because at this election time period, half of the people voted by mail, as I understand it, or approximately.

**BOB EVNEN:** Well, you're talking about turning out at the polls?

**LOWE:** Yeah.

**BOB EVNEN:** Yeah, well, in the 2020 primary election, you remember what it was like in May of 2020? People were terrified of COVID. We didn't know what it was. Some people got terribly sick. Some people didn't. And no one could say, who would or who wouldn't. We couldn't tell a difference. We had no, you know, therapies were being tried. We had no vaccines. And normally, about 25 percent of our voters vote early, and 75 percent vote at the polls. In the May 2020 primary, roughly 75 percent of our voters voted early and 25 percent voted at the polls. So that was the change there. Then in the-- in November, when we had a better handle on COVID and people felt more confident because Nebraskans like going to the polls, and one of the things I pledge is we're keeping the polls open. But we're going to keep people safe, and we did. Well in the-- in the November general election, something less than half of the voters voted early and then the remainder, everyone else voted at the polls, so you could see that percentage going down. I think that some-- where-- where are we going to land? Somewhere

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

between the 25 percent that we saw historically voting early and a little less than 50 percent that we saw voting early in November of 2020. So that's probably where we're going to land in there. That, by the way, Senator, is where I think we ought to be emphasizing our efforts from the standpoint of securing our elections. It's early voting processes. That's where we need to focus our efforts. It's not the machines. We obsess about the machines. You have a real fundamental decision to make about the machines as a legislative body. Do you want to count the ballots by hand or do you want to count them by a machine? That's the fundamental decision that you have to make, and I and I'll do it either way. Reference back to what I said at the beginning of my remarks. It is if the Legislature deems it proper to vote all of our ballots by hand, then that's what we will do. I don't see the justification for doing so. If you ask me the question, I've run all of these objections to ground. I've been investigating them since November of 2020. I have not found any of these things to pan out. On the other hand, well, I could go on about this, I'll stop, but to me, that's the-- that's the fundamental policy decision that the Legislature has to make. Do you want to use machines to count the ballots or do you want the ballots counted by hand? And when you consider that, I would encourage you to consider the fact that we have 4,000 different forms of ballots. There are 4,000 different ballot forms in our state because we have a lot of different political subdivisions and the lines are not contiguous. We have all sorts-- we-- our-- our state is just a large patchwork of political subdivisions: counties, cities, NRDs, you can go through it, power districts. There are just all sorts of political subdivisions in our state, and the result is we have 4,000 different forms of ballot. We had 966,000 people cast ballots in the general election in 2020. If you wanted to have all those ballots counted by hand in all of those races, I would say you'd have the results by Easter. But the other part of this is that the idea that this is the silver bullet for security in elections is a-- it is inaccurate, and it isn't-- it's not a justified expectation. Or to put it another way, there are two kinds of systems that could have the potential for being manipulated: computer systems and noncomputer systems. All systems have the potential for manipulation. And the question is, how do you want to handle it? What is the evidence that you have that would cause you to do the wholesale change to move to hand counting ballots? It isn't there, in my view, based upon the work we've done to run these things to ground. And the other thing that it creates-- it creates other issues, because the question is, who's going to count the ballots? Some people say, well, we'll get volunteers. And I can tell you one of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

the-- one of the bills that I asked to have drafted and that is before you this session is a bill that would prohibit the use of private money to-- to conduct elections, Zuckerbucks, as it's commonly been called. We had a county that used them. They didn't use them with my knowledge, despite what's been said. I had no knowledge of that occurring until months after it happened. And when I learned about it, I asked to have a bill drafted to stop it. And that bill is before you this session. But if you want to have volunteers count the ballots, don't you think that the people who brought you Zuckerbucks are going to flood you with volunteers? Is that what you would like? No, I think you're going to hire people. You have to hire people. Well, consider this scenario. You have a single parent who's working full time and is just barely making ends meet. They can pay for the apartment, they're making the rent every month. They've got a couple of kids. They'd like to buy some new clothes for their kids, but they don't have the money to do it. They're working full time, so they finally get a part-time job counting ballots to supplement their income. Maybe they can get the clothes they want for their kids. And somebody comes up to them, Senator, and says, I'll pay you \$1,000 to transpose a couple of numbers. You think that wouldn't happen? The whole question that is-- is premised upon people would like to manipulate the results of the elections. These are high stakes elections. I am opposed to putting any person in that kind of situation. I think it's wrong. I don't favor it, and I don't know how anyone could. But the point is, the question is, is there a justification for making such a massive change in the way we conduct our elections? And the answer is there is not. Now, one of the things that Shawn Smith said that was kind of interesting is, well, you don't have to-- you can't have these huge elections every couple of years. What you have to do is disaggregate your election. So what are you doing? I mean, we have 4,000 different ballot forms for all of our different political subdivisions. That means you're having elections all the time. What do you think turnout is going to be like? And we're counting ballots all the time. You want to go count ballots every day? Your friends and neighbors want to just have as a job, all they're doing is going out and counting ballots for all these elections? It's not a serviceable alternative, in my opinion. I understand what he's saying. It's not a serviceable alternative, in my opinion, but my opinion, a buck and a half will get you a cup of coffee at McDonald's. It's your opinion that matters. And if you wanted to move to hand-counted ballots and pass a law to do so, then that's what we would do. I just don't think it's justified. And that's really the alternative before you. Do you want ballot machines? Do you want machines to count the ballots or do you want to count them

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

by hand? That's-- that's what's really been put forward to us in this-- in these hearings today, Senator Brewer.

**BREWER:** A question for you. Is there a way for us to--

**BOB EVNEN:** I've been filibustering. I apologize.

**BREWER:** --shadow-- is there a way for us to shadow, say, a-- an official and have a chance to see kind of things in motion? How does it work? We got-- we got a primary coming up. Is that the call of the county or if, as senators, we wanted to go and see this process alive and in action.

**BOB EVNEN:** I would invite you to contact the election commissioners of the county where you wanted to observe. And I would be astonished if they didn't accommodate you.

**BREWER:** OK. Well, I think a lot of times it's easier to see it in real life and have it come together to understand it. The-- the primary election obviously is coming up quick enough. No matter what we decide, we're not going to be able to change anything for the primaries. Is that a fair estimate? I mean, I don't see us being able to because we're looking at the third week of April at the end of session and the primary is the first week of May, second week of May.

**BOB EVNEN:** It's hard for me to conceive that you would pass such a bill by the end of this session with the emergency clause and that-- and that, you know, between the middle of April and May 10 that it could be implemented. So I would agree with you that it's a practical impossibility.

**BREWER:** We're not going to have the mechanism to get it in place no matter what we decide to do. So maybe we need to get more familiar with the system. We need to go and see it in action and figure out, you know, where the issues are, if they're there and kind of get some hands on. Because right now we're going off someone's telling us what they've experienced or they're sharing what they've heard from somebody. I think an issue this critical we need to actually see it ourselves and make-- make decisions off reality that we've seen and understand rather than things that, you know, are coming from other places. Because if we're going to change wholesale change our system here, we need to make sure we do it right and we don't look back and say, oh my god, well, why did we not think that through a little more?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

But we will-- we will note that. Let's see if we've got any more questions. Senator Halloran.

**HALLORAN:** Thank you, Mr. Chairman. Thank you, Mr. Evnen, for being here. So these machines, are they inspected now by anyone?

**BOB EVNEN:** Well, the machines are-- there are two. First of all, we run three test decks through every machine before every election. So these are-- these are decks of a test deck, a deck meaning a pile of ballots had been marked. And three sets of these are run through every machine before every election and then the results of the machine, the machines reported results are compared with what we already know the thing has been marked.

**HALLORAN:** Right. I guess my question is, is not so much that. I understand that. My question is, is-- is there any forensic inspection of the machines?

**BOB EVNEN:** I'm not sure what you mean by forensic inspection. But if you're asking do we go through these machines with a fine tooth comb before we put them into service of each election, the answer is no.

**HALLORAN:** Even a random inspection where the machines--

**BOB EVNEN:** We don't do any inspection of the machines. I mean, the-- the machines are-- the answer is no. We do not get into the guts of the machine and inspect it, either on an-- on a broad basis or on a selective basis.

**HALLORAN:** OK. I guess the reason I ask this is Colonel Smith brought up-- has brought up in conversation and it was way above my pay grade, but some of the-- some of the hardware issues that-- that some computers have, a lot of computers have that are-- are purposely embedded into the hardware that could allow them to be communicate wi-fi and be manipulable by someone.

**BOB EVNEN:** Well, the machines that we have don't have that capability as per the certification of the EAC. That's-- that's the confirmation that they provided to us that I mentioned in my testimony. So, you know, if you want to look at wi-fi, go ahead. I'm sorry.

**HALLORAN:** No, that's fine. It's just I would expect that the manufacturer would-- would-- would make that claim. I understand that.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BOB EVNEN:** Well, Senator, I don't have any reason to believe that the manufacturer, which is an Omaha-based company owned by a guy who's been in Omaha for decades and is not a Russian.

**HALLORAN:** No, and I'm not challenging.

**BOB EVNEN:** Well, I'm just saying,--

**HALLORAN:** Yeah, yeah.

**BOB EVNEN:** --Senator, that-- that I don't have any reason to believe that the manufacturer of these machines is lying to us, and I actually have a lot of reasons to believe that they're not. And the other thing that I would observe about that is that if they are lying to us about what's in the machines, their business is dead. Once that's discovered or-- or opened up and found out, their business is over.

**HALLORAN:** [INAUDIBLE]

**BOB EVNEN:** Go ahead. Sorry.

**HALLORAN:** Sorry. But how would we know that, right? Or how would we know? See, they buy their hard-- they don't manufacture their hardware.

**BOB EVNEN:** They-- they-- they source their materials from places like Texas Instruments and so forth. They assemble their machines in Omaha. The machines are designed by engineers in Omaha. And so the specifications are set by-- you know, I would invite you to and anyone else. I mean, we had-- we had representatives from ES&S at the State Bar building for a couple of nights, I'm not sure whether you were able to be there, but I'll bring them back. And I would tell you, I'll just tell you, Senator, I'll bring them back. They'll bring the machines. They'll-- they'll open them up. You can look inside. They'll point out to you whatever, and you can ask them whatever you want. You can bring anybody with you, you want.

**HALLORAN:** It-- I appreciate that, but it'd be meaningless for me to look at it. OK, just to be upfront with everybody here. I don't have the technology savvy to understand what I'm looking at. But so Texas Instruments is the primary.

**BOB EVNEN:** It isn't the primary. It's one of the-- it's an example of a place where they source their materials.

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**HALLORAN:** Right. I guess my-- my question is and some of the paranoia that I might have about this is that-- and there's an old expression, just because you're paranoid doesn't mean someone's not against you.

**BOB EVNEN:** I'm aware of this.

**HALLORAN:** So I guess my concern is, is that a lot of this hardware, very little of it, the chips aren't manufactured in the United States. We gave that business up a long time ago.

**BOB EVNEN:** I'm not sure that's true, Senator.

**HALLORAN:** I think that's true. I think that's true. But I-- but-- but I think that the hardware, very little of the hardware is produced in this country. We have farmed that off and exported that to countries. China would be one. But that's my-- that's my concern is where the hardware comes from. They piece these-- they piece these-- these components together to make the equipment. I get that. So I'm not challenging their honesty with all that. I'm challenging the source of the equipment and how-- how safe it is for what we're looking at.

**BOB EVNEN:** You don't need to have-- you know, we've been told over and over that we're not-- we're not sophisticated enough and we're not educated enough to understand what we're doing. This is one of the messages that we've been given that I've heard today, and I don't agree with that. I think that you could sit down with representatives of ES&S and ask these questions about design and sourcing and get answers that would be meaningful to you and that would-- that you could then act on one way or the other and I would encourage you to do it.

**HALLORAN:** One additional question, I guess, real quick. We've been asked if it would be-- I think it's possible. It's not-- I don't-- I would not guess it's impossible but to have a list of the voters in the 2020 election.

**BOB EVNEN:** We have-- we have a-- our voter registration list is intended to be a list of people who are registered to vote. It's not a list of people who voted in-- on-- on-- in the general election in November of 2020. So it is, it is-- we have a list the process of reporting who voted. First of all, we know who voted because we have the poll books and we have the information based on early voters. So we do have the information about who voted. In terms of a centralized list that's compiled, at this point the closest thing that we have to



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

that is a December 4 registration list. And the December 4 registration list is something that-- that is run the day after the counties are due to provide the information, the voter file information about who voted. So that's due December 3. The voter registration list is then run on December 4, and there is a list that is close to the registration list as of the date of the election. Now what-- if you compare those two lists, what we find is that at the outside, there are something like-- something less than 2,900 names difference that is that there are 2,900, I think, fewer names in the December 4 list or names that are on the December 4 list that were not in on the on the voter registration list as of the date of the election. That represents less than three tenths of one percent of the total ballots cast. So that's a pretty good list. That's a pretty accurate list.

**HALLORAN:** So it is possible to compile a list of who voted in 2020?

**BOB EVNEN:** Well, we have-- we have-- we have the voter registration list from December 4. And I'm looking into the question now of whether or not we can have a list as of Election Day and then take the-- the reports of who voted and fold it into that list. We have not done that up to this point. There really hasn't been a need to do it up to this point. But I'm looking into whether we can do this because there's been interest expressed in it.

**HALLORAN:** OK, thank you, Mr. Evnen.

**BREWER:** OK. Senator McCollister.

**McCOLLISTER:** Yes. Thank you, Mr. Chairman. Thank you, Mr. Secretary. Have you looked into the claims of Dr. Frank and found any-- anything of substance?

**BOB EVNEN:** Well, I've looked into a lot of the claims of Dr. Frank, and I have not found that they pan out, that they bear out in our state.

**McCOLLISTER:** Thank you.

**BREWER:** Additional questions? Senator Lowe.

**LOWE:** Thank you, Chairman. Thank you, Mr. Secretary, again and for your explanations this evening. Getting back to my original question about the number of people in the precincts and-- and you thought that

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

maybe we could settle on 60 percent eventually, maybe coming back to the precincts to vote or were somewhere,

**BOB EVNEN:** Hopefully.

**LOWE:** [INAUDIBLE] that number.

**BOB EVNEN:** If the question is how many people go to the polls to vote, many polling places involve more than one precinct. But if we're talking about who's going to go to the polls and who's going to vote early, my thinking is that it's going to fall somewhere between 25 percent and 50 percent.

**LOWE:** OK.

**BOB EVNEN:** And I'm not sure where in that range it's going to fall.

**LOWE:** My-- my thought was counting these at the precinct level is a much reduced number. And if you're-- you're looking at 50 percent of 1,700 people, that's, you know, 850, you know, ballots and you divide that up between five teams and you're done in seven hours. And those numbers then can be compiled and run through the machine to see how accurate they are, but use a two-person team to count them, one from each party or an Independent so that they verify each other as they go.

**BOB EVNEN:** I think that you're unduly optimistic about the number of people who would be around to count them in the precincts that we have across the state. We have thousands of precincts.

**LOWE:** Well, it would be 10 person per precinct.

**BOB EVNEN:** Yeah, I just have to-- and I also think that you're unduly optimistic about the time that it would take to do it, but we could certainly look at that and discuss that further. I mean, I don't want to.

**LOWE:** I'm just-- I'm just looking for a solution that may be helpful and-- and it would be a way to proof the machines without tearing the machines open and-- and-- and seeing how counting the ballots by hand compares to the machine.

**BOB EVNEN:** Well, we could certainly discuss that further.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**LOWE:** It would be expensive that year that we do it or the two years that we do it, whatever. But thank you.

**BREWER:** All right. Additional questions? All right, Mr. Secretary, thank you for your time and--

**BOB EVNEN:** Thank you, Mr. Chairman.

**BREWER:** --appreciate you coming down.

**BOB EVNEN:** Thank you, members of the committee.

**BREWER:** All right, we are still on opponents to LB1121. Welcome back to the Government Committee.

**JENNIFER HICKS:** Thank you. My name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s, and methinks the gentleman doth protest too much regarding a Senator [SIC] Evnen's testimony. Yeah, of course-- of course he doesn't think there's any credible evidence. I would ask, why does Secretary of State Evnen trust the machines more than he trusts the people that he's asking to represent? I would say that there is. He is entirely wrong when he says that there's no credible evidence for why this needs to be done. We've heard a lot of that evidence today. There is one-- one primary example I would offer is this joint statement that includes that statement that says that the November 3 election was the most secure in American history. OK. The National Association of Secretaries of State is on this letter. So is the National Association of Secretaries of Election-- State Election Director, sorry. And-- and Secretary of State Bob Evnen and our Deputy Secretary of State Wayne Bena are both members of this organization. And so we deserve the answer to know do they still hold to this statement because we know there are problems with our elections? And when Secretary of State Evnen talks about those machines that the USB ports get plugged into, they are certified by the U.S. Election Assistance Commission. That is on there on this letter telling us that these-- these are the people that are telling us that our elections are secure. The propaganda that comes from the Department of Homeland Security through the cyber-- the Center for inner--CISA.

\_\_\_\_\_ : CISA.

**JENNIFER HICKS:** Yes, CISA, C-I-S-A and they are on this letter too, Cybersecurity and Infrastructure Security Agency. All of these people are telling us that our elections are secure. We know they are not. And the propaganda comes from them. You know who they tell you are the

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

trusted voices? They are. They are. And so they're saying that we have been cut out of this process completely. So I would say that that is credible evidence for why the people have doubts about the security of our election. His name is going to be on the ballot. My name is going to be on the ballot. I would like to think that grassroots candidates like myself have a chance in Hades of getting elected. We don't. We don't when-- when it's all controlled by somebody else. This is not OK, and I will tell you this. To go back to what you said, Senator Brewer, about that this doesn't, you know, what-- what do we do if we look back and say, oh, we got this wrong because we did-- we went to paper ballots too soon in a primary? I'm going to tell you, you swore an oath to the constitution. And how do we look back and say we did not follow the constitution in our primary election? Because this is wrong. We have no representation. We have no voice. We have no assurances that our votes are counted as they were cast. And so ES&S denies subpoenas. That's another reason for why. I can give you a long list. Secretary of State Evnen said he didn't even know \$400,000 was dumped into Lancaster County. I would say that's negligence right there. He's either incompetent or he's corrupt. But he is not doing his job. And so we do have credible evidence and there are reasons for people to have doubts. And so I want to say this: what happens if we look back and we say we had an election, our primary election, we knew there were problems, but we did it anyway? We're going to kick the can down the road. Don't do that. Uphold your oath.

**BREWER:** Thank you. Questions for Jennifer. All right, thank you. All right. Just for the record, if you want to piss me off, question my loyalty to the constitution and we will have a long conversation. Welcome to the Government Committee.

**LEIGH ANNE TRAUSCH:** Thank you. My name is Leigh Anne Trausch, L-e-i-g-h A-n-n-e T-r-a-u-s-c-h. And thank you for having this today. I would like to rebut or have a rebuttal for Secretary Evnen's assertion that the machines were certified by the EAC. They were not.

**BREWER:** OK. Just-- just for the record, you're speaking in opposition to LB1121, correct?

**LEIGH ANNE TRAUSCH:** Yes.

**BREWER:** OK, thank you.

**LEIGH ANNE TRAUSCH:** Yes. For the record. It is very nearly impossible to make sure these machines are secure, as you heard from Colonel

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

Smith. And just-- just to show as an example of how these machines just weren't even checked at all, the-- the accrediting agency that check these machines lost its accreditation in 2017. And so these machines were not EA certified legally that we use here in Nebraska. It had lost its accreditation. And so when the website says all equipment in the-- used in the state is federally certified by the U.S. Election Assistance Commission, that statement is false. Also, I'm going to, you know, just looking at these systems in general when we know when we have, you know, citizens are being questioned as far as what they would do to change the vote, they wonder what a corporation that's, you know, privately owned and privately has private interests and private money involved how that could possibly be swayed to change votes. So we have a corporation and granted it is-- one of its bases is in Omaha, Nebraska, but it's private. We don't-- it-- it has hidden ownership. There's an LLC, a McCarthy group that owns it, that doesn't really give the full picture as to who owns ES&S. And they use proprietary software to count our vote, and the software is not open source and cannot be publicly examined, per the contract signed by our state. It also uses proprietary hardware that we can't inspect, and there's a contractual obligation not to disclose any improprieties if found in these election systems. And I would say in a way they-- these systems kind of break the law. If our elections are supposed to be free and that's in our constitution, these systems are in violation of that. And so these elections belong to us. We should have them back and away from a private corporation.

**BREWER:** All right. Thank you.

**LEIGH ANNE TRAUSCH:** Thank you.

**BREWER:** So your-- your point was that when he used the example of the single mom with kids needing to make extra money and might be swayed to change a number, if you take that on a larger scale with the corporation for that same money, they might shift it?

**LEIGH ANNE TRAUSCH:** You could put that on steroids and it's a centralized system.

**BREWER:** I'm not putting words in your mouth. I'm just trying to make sure I understand. OK. Let's see if we have any questions for you. All right. Questions? Thank you for your testimony.

**LEIGH ANNE TRAUSCH:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** All right. Next opponent to LB1121. Welcome back to the Government Committee.

**ROBERT BORER:** Thank you, sir. Again, Robert Borer, R-o-b-e-r-t B-o-r-e-r. I'm opposed because I think while-- while the intent is good, we're trying to secure machines that aren't securable. So I wanted to respond to a couple of things have been said prior to my testimony. And number one, ES&S machines are certified by United States Election Assistance Commission. That's-- let's-- so let's assume they actually certify these machines. So the reason that these certifications are meaningless is because they assume lawful intent. They do not assume bad actor intent-- intent. They can't prevent malicious software updates or hardware additions after the fact. Now here is a direct quote from the EAC certificate itself, an EAC certif-- certification is not an endorsement of a manufacturer, voting system, or any of the system's components. A federal warranty of the voting system, again, this is a list of nots. This is not what the certification is. It's not a, excuse me, a federal warranty of the voting system or any of its components. It's not a determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements. It is not a substitute for state or local certification and testing. It is not a determination that the system is ready for use in an election. This is straight from the document. It is not a determination that any particular component of a certified system is itself certified for use outside the certified configuration. So next point, just a few quotes from the Secretary's website, his own Web site: Election vendors police themselves. Where does he get his proof that our machines are secure? From the machine company. How absurd is that? Here's a couple of quotes: Vendors review their own security protocols, performing self-scans of their systems. Election vendors routinely conduct internal and external scans of their systems to ensure that there have been no intrusions or hacking. All right, now I've got to flip screens here. As I said in a recent meeting we were all in, I asked our own-- my own election commissioner for a list of all those who voted in the 2020 election. He could not provide me one. That's a huge issue. Secretary Evnen and wants to know where the proof is of any fraud. I want to know where the proof is of no fraud.

**BREWER:** All right. Hold up there.

**ROBERT BORER:** I'm sorry.

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** We're on the red light. All right. Now what you read the part about the EAC, where did you get that? If we wanted to read that, where do we go to get it?

**ROBERT BORER:** I would-- I will send it to you. It's on the document itself. It's on the certification

**BREWER:** The certification.

**ROBERT BORER:** Um-hum. I'll be glad to send it to you.

**BREWER:** Please. I mean, that's--

**ROBERT BORER:** I've inclu-- I've referenced this very often.

**BREWER:** All right. No, I mean, that's-- that's interesting because it's kind of telling to hear that. So, all right. Questions for Robert? Yes, Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. I've been thinking about something as I've heard the testimony. When I knock doors when I'm running for election, my party provides me with software and I'm a Democrat, and Republicans have software too. And it shows who voters are, where they live, how many people are supposed to be in their household, it's basically like a database of the voter roll that candidates use. Do you know about this? You are familiar with the idea?

**ROBERT BORER:** Sure.

**HUNT:** OK.

**ROBERT BORER:** The walk list that they provide for either side of the fence.

**HUNT:** Yeah, yeah. So when I look at my voters, you know, if somebody calls me when I go home and they're like, Hey, Megan, can you bring me a yard sign or can you come and talk to my church or whatever, I always look them up in my voter database thing and I see my notes. It's like, OK, have I talked to this person before? What did they say? Have they ever contacted my office? Like, there's all these, this-- these fields that you can fill in. And another thing I can see and everybody can see who uses the software is if they have voted and what years they voted and what ballot they took and what form their ballot was in if it was returned. And so it's not that the data doesn't exist about who voted. I think that it may be that the format that the data

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

is in or the technology has not-- it's not so user-friendly to most of us where we can, like, just download it and export the data about that one line about who voted and when. But the data is there. It does exist. We do know. Does that give you any reassurance or are you trying to get like a spreadsheet? Like,

**ROBERT BORER:** I'm just looking for a list of names of everybody that voted in a given election.

**HUNT:** But it's knowable.

**ROBERT BORER:** And it's very concerning to me that they cannot provide that.

**HUNT:** OK.

**ROBERT BORER:** And that's-- that's what it comes down to.

**HUNT:** OK.

**ROBERT BORER:** And thank you for your questions.

**BREWER:** OK. Additional questions for Robert? All right, thank you for your testimony. OK. Additional opponents to LB1121.

**TERRI JECK:** I know it's getting late. [INAUDIBLE]

**BREWER:** OK. Before you start, let me-- let me do a quick poll of the room. How many more opponents or neutral are there in the room that plan to testify? OK. That's what I need to know. Thank you. Sorry for the interruption there. Welcome to Government Committee. Whenever you're ready.

**TERRI JECK:** Thank you, sir. Am I the last one?

**BREWER:** No, no. You're not the last of the Mohicans.

**TERRI JECK:** OK.

**BREWER:** I can say that.

**TERRI JECK:** Again. I-- I don't have-- I'm sorry. I'm Terri Jeck, T-e-r-r-i J-e-c-k, from Bellevue, Nebraska. And I don't have a prepared speech. But my agenda has been compiled from previous comments from previous testimonies here today. I want to just emphasize again Linda's testimony from South Africa today. She



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

reiterated to me in the hallway that in Johannesburg, there's well over 8 million people and somehow they handle a paper ballot in a manual count and they have results very quickly. Now I approached her and I said, how do you do it? How is it done? These are the mechanics we need to get to. So I cannot accept a statement from someone in charge of our elections who does not want to prove why this cannot be done. Give us the details. Explain it to us. That is what we needed today, but we did not hear it. And I'm very, very disheartened by that and I'm so disappointed. What I look to in our leaders really is, you know, there's been a mention of an oath here today. And we take that oath on this text.

**BREWER:** Take your time.

**TERRI JECK:** I came prepared.

**BREWER:** You're doing fine, OK? You're speaking from the heart. We don't-- we don't get enough people doing that.

**TERRI JECK:** Thank you. I'm not here sitting in front of this committee because-- thank you-- because I am a disgruntled citizen. I am here because I'm fighting for my country. I was fighting for freedom in this world because I didn't need it pointed out to me that when I lose a free and fair election. I have lost my country to a foreign adversary who could hack in and put in their strongmen in all our key offices. This is the risk that we're talking about, and I want this dialogue documented in this committee today, in this Legislature at this time, in this building. I'm just shocked that it hasn't been discussed yet today what's really at stake here. If I have to sit and listen to the controller of our elections whine and cry about worrying about someone sitting next to them counting a ballot who makes a mark, that is miniscule fraud, minuscule compared to the threat and the risk and the ease of a massive hack by a foreign adversary that happens in minutes.

**BREWER:** All right.

**TERRI JECK:** Heck, they even rewrote the algorithm that night. They had plenty of time to do it.

**BREWER:** All right.

**TERRI JECK:** I'm just saying, I'm sure you'll tell me if I'm out of line.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** Well, your time.

**TERRI JECK:** Oh, I'm out of time.

**TERRI JECK:** I'm sorry.

**BREWER:** I allowed-- allowed some--

**TERRI JECK:** I appreciate you very much.

**BREWER:** --emotion time there.

**TERRI JECK:** And I don't want to overindulge the-- the people here, and I appreciate everyone allowing me to speak.

**BREWER:** Well--

**TERRI JECK:** But in order to save our country, can I just quote this scripture?

**BREWER:** You can quote scripture. I'll give you that one.

**TERRI JECK:** OK.

**LOWE:** [INAUDIBLE] her to quote scripture.

**BREWER:** There you go, double dipping here.

**TERRI JECK:** Thank you. OK. You know what? I'm going to stand up. If you don't mind.

**BREWER:** Please, whatever works for you, just so we can get it in the record.

**TERRI JECK:** I'm going to stand and I'm going to invite everyone to stand for the reading of the word. Those who are victorious will inherit all this. And I will be their God, and they will be my children. But the cowardly, the unbelieving, the vile, the murderers, the sexually immoral, those who practice magic arts, the idolaters, and all liars, they will be consigned to the fiery lake of burning sulfur. This is the second death. OK, this is not dramatic mythology. Are you not surprised to know that the first item listed in that grocery list is cowards? And I'm imploring every one of you today to ignore the rhetoric and follow your heart and soul to know what is right. That you know what is right and to not cave to cowardice to save face, to please a party. I'm asking you to be fearless.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** All right. Thank you. [INAUDIBLE]

**TERRI JECK:** Sorry.

**BREWER:** No, it's OK. It's just the way the day's going. All right. I apologize for my outburst earlier, but understand when it comes to swearing an oath to the constitution and follow that, I think I've done that. And I don't think it's fair to take cheap shots at us. We all take it to heart. I spent two years of my life staring at the ceiling of a hospital. So remember that some of us have paid plenty to hold the position we have and do what we're doing. So don't cheapen what we're doing here. Because no matter what happens here today, you've only touched a handful of folks. There are 49. And that's what has to be changed for things to make major changes. You know, we make progress. We've learned. Today's been a day that we've-- we all got smarter about the system. But I don't want you to have the false impression that I can wave a wand and that we can fix things. It's-- it's a process and we're working through it. All right. So we're now at those in the neutral. Welcome to the Government Committee.

**MARK BONKIEWICZ:** Good afternoon, Senators. My name is Mark Bonkiewicz, M-a-r-k B-o-n-k-i-e-w-i-c-z. I'm originally from Sidney, Nebraska. I live in Omaha now and I am speaking in the neutral position, although there's a lot about this bill that I really, really like. I'm going to start, first of all, from this business perspective. When you're on the farm, OK, how many miles away am I going to be on the tractor? Do I have everything I need to take that I'm going to need during the day? Do I have spare parts in case I break down? Do I have more than enough fuel? Did I clean out the air filter? Am I all set and ready to go? When it comes time for harvest, it's an even bigger list. The last 10 years I was in the printing industry selling label solutions for the food, beverage, health and beauty care markets. We create a proof. The customer signs off. Now, when we get to the printing press, we have to match that proof for color, dexterity, lines, fineness, the whole nine yards. So that's why I really like this bill is because we're talking about preparation. If we are indeed going to use machines, then "dadgumit," they really need to be fine-tuned and we need to make sure that they're 100 percent accurate and they can't be tampered with, pure and simple. So this proposal is supported among many citizen groups across our state. We would like to see this language included in LB1121. Part 14 of our idea, says the Secretary of State shall enact contracts with any contractors of vote tabulation systems requiring public records of the tabulated down to be manufactured directly from the tabulator before any electronic

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

reporting of that public record is transmitted. I want to start by looking at our state's current contract with ES&S. For your information that is contract number 88525-04 in the participating addendum that is in Section C on governing law. A highlight of that section says that the parties understand and agree that the state of Nebraska is a sovereign state and its authority to contract is therefore subject to limitation by the State Constitution, statutes, common law, and regulation. This proposal is a commonsense way of putting into statute a way to enact election-related contracts that do not violate our State Constitution. Article I, Section 22 of our constitution says, "All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise." The existing contract we have with ES&S may soon be ruled constitute-- unconstitutional. I know of one American citizen residing in the state of Nebraska who's looking to file a lawsuit on that matter. I'm sure there will be others as well. This proposal is constitutional and should be enacted proactively. So the amendment to Section 32-202, the Secretary of State duties would include [14] and [15] and that contracts with any contractors a vote tabulation systems requiring public records of the tabulated data to be manufactured directly from the tabulator before any electronic reporting of that public record is transmitted. See Section 15.

**BREWER:** OK, Mark. We got your document here to read. So in layman's terms, you gave us the page out of the current, is that right, this is the current agreement that the Secretary of State's Office has with ES&S.

**MARK BONKIEWICZ:** That's correct.

**BREWER:** And you think this will be deemed unconstitutional? Why?

**MARK BONKIEWICZ:** Because we have no verification that the tabulated results were verified, OK, and came directly from the tabulators without any tampering before it was transmitted to the public.

**BREWER:** Because essentially you're taking their word for it that it's done correctly.

**MARK BONKIEWICZ:** I'm sorry.

**BREWER:** So what-- what you're saying is they think that or what's being said is the count is from ES&S, not from the state of Nebraska.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**MARK BONKIEWICZ:** We're saying that there was no verification on it. So how do we know that it was 100 percent trustworthy?

**BREWER:** All right. OK. Questions? Questions? All right. Thank you.

**MARK BONKIEWICZ:** OK. Very good. Thank you.

**BREWER:** All right. Neutral testifier. Welcome to the Government Committee.

**GEORGE BOLL:** Thank you, Senator. Hi, my name is George Boll, G-e-o-r-g-e B-o-l-l. I'm a sovereign American citizen, born-- born in Missouri and now residing in the sovereign state of Nebraska. For the record, I am not a U.S. citizen and I ask that my-- my transcription of my words not be put in capital letters. Enclosed is some website information where you can study about American citizenship. You can also learn about true nonmainstream science on vaccines. Also, the devastating truth about vaccine effects on the military and insurance industry. You can also risk being a terrorist now. Welcome to being a terrorist now. If you dare speak negatively in this group about vaccines and election integrity, I will also take five seconds of my time to point out to you and every Nebraskan who has been vaccinated, a website that may convince you on the importance of monitoring your personal immune system. Now I want to talk to you about politics and how it relates to our proposed language. Our language is meant purposely to untangle a contractual web between the state of Nebraska and ES&S corporation. ES&S is a beloved Nebraska corporation. Why should we besmirch them? Well, let me tell you. The 2020 election has already besmirched their national reputation. This is a new contract composal-- proposal that would actually enhance ES&S. It would-- will show that they are committed to do-- do something all great corporations do when something is broken. They fix it. Our current contract with ES&S is highly suspect and conflicting with our State Constitution. In my opinion, it is an example of fascism. One definition of fascism says under fascism, the economy and other parts of society are heavily and closely controlled by the government, usually by using a form of authority [SIC] corporatism. Some of you use on this committee may not care to include this in LB1121 and forward it on. The political blowback of not being part of antifascism would be subnick-- significant. Corporations should not miss their chance to fix something, neither should politicians. Fascism is government that wants to force you to take a vaccine. Fine. We'll threaten your corporate employer, fascism. Can you believe that small donations to GiveSendGo can now get you "debanked" by a corporation?

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

Fascism. The government now pays corporate medicine \$13,000 for COVID cases and \$39,000 for a death. Fascism. Even 80 percent of San Francisco is fed up with corporate influence on their recalled school board. Americans are fed up with corporate fascism. My goal after today will be that 24 Nebraska district seats in all executive positions are filled--

**BREWER:** Time.

**GEORGE BOLL:** --with men and women that are opposed to corporate fascism.

**BREWER:** We've got your-- we've got your testimony. Thank you. All right. Questions? Questions? Questions? All right. Seeing none, thank you for your testimony.

**GEORGE BOLL:** Thank you.

**BREWER:** All right. Any more in the neutral? Is Senator Albrecht-- yes, there is Senator Albrecht. Welcome back to the Government Committee.

**ALBRECHT:** Well, thank you. Thank you for being so patient to listen to everyone. I do want to thank everyone that did come and testify on all these bills. I'll tell you, especially for all of you because I know it's been a long day. I've got a couple things just to kind of touch on. And with all due respect to the Secretary of State and his feeling about this, and certainly the Legislature can make some changes. But first, I'm going to say timing is everything. I mean, we have precincts out where I live. And trust me, I've gone in and my husband and I would get the wrong ballot because there's so many different ones and so many different people serving on different boards, and the people who are there have to know what they're doing. But here's a suggestion that-- and we kind of have thought about this is that maybe it's time for an LR. We have a lot to unpack here. And when I say that, not only do we want to watch what's happening at the election, I personally think it should be counted. I mean, it's not too tough to get 1,200 ballots counted at each precinct. But the only way you're going to do that, and I think this would take a constitutional change at the ballot even maybe, but just as we-- we pull driver's licenses for people to serve on jury duty, maybe that's what we have to do now. Years ago, it was, you know, somebody who's retired or, you know, that wanted to just help with an election. You get paid to do it. Your boss can't tell you you can't. If they pull a driver's license and your name comes up, you get to spend eight hours there that day, simple as

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

that, and you-- and you count all the ballots. But we've also made an investment in Nebraska for all the machines they just purchased. So with that said, we better find somebody who can go in and if they run them three times and make sure everything's working well, that's OK. But that's not what we're talking about. Machines can work just like a printer. It's either going to print or it's not. It's either going to figure out how many copies you need or it's-- it's not. But technology today, I think, is becoming so advanced that no one, I mean, they can't even figure it out at the federal level to help us, right? I mean, there's a-- there's all kinds of committees that work on these kind of things. But when I think about the-- the complexity of all of this, there's no way that we can do anything today and have it ready by the time the primary is up and going. You have to print all of those-- those ballots and you have to-- you have to bring everybody in that's going to be, you know, working at the polls. I mean, this is really something that if we were going to do something we should have been here in January, should have been the first bill up. But-- but I think our timing here is not working, and I would be foolish to think any other way. But-- but there are ways and there are means for us as a legislative body to figure out what needs to be done for the state of Nebraska Trust and verify. My concern truly is if there's a Wi-Fi connection in there and it can be compromised, that's where our problem lies. And even if any one of us looked at the inside of one of those machines, we wouldn't know what we're looking for, would we? Would anybody be able to do that? I don't think so. So again, we've heard from a lot of people. We've heard their-- their frustration level. I get that. I understand it. I'm going to give you just a quick example. I'll just keep you here for two more minutes. But I have a bill that it's a database bill. And again, I've been educated over the last six months what this is all about. But our schools and our libraries can get our children on porn sites within three clicks of their devices that we supply them with in the state of Nebraska. And again, that's something that who would have known until somebody figured it out that you can go to any library at any school and within two clicks our kids are places they shouldn't be. So and even with the gaming, remember we had the gray machines and everybody's wondering if-- if the state is really getting the money from the gray machines when they gamble all over the state in all the little Kwik Shops and convenience stores? The State Patrol has to go out and inspect those all the time. And if the seal's been broke, something's wrong. I mean, we've got a lot going on here to unpack. But I do believe that I think-- I think asking, the figuring out what we need to do to get people to draw their license and that's how they get selected for--

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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

just like we do in jury duty, that's what they're going to have to do when we decide to vote. I mean, do you think there's a magic bullet that we can get done before everything happens? But I just personally know. I've run, I think, six elections and it's not easy to get done what needs to be done and educate the people that have to go to the polls and get everything the way it needs to be to run through those computers. I-- I mean, even at home on the farm, when-- when they ask us to go online and do our banking well, I'd like to. But I don't always have Internet. I'd like to be able to save everything sometimes. I mean, I was shut down for four months. How do you conduct business when you can't do that? And I'm telling you up in my neck of the woods, that machine did shut down this last election, and they had to totally unplug everything, totally do a full recount the next day. OK, they're able to do that. But knowing ,you know, what we're asking from the Secretary of State at this moment, it's not magic. We can't make something happen overnight. I think an LR is in order if unless there's something that you and your board, your committee can figure out. So with that, I'll be still.

**BREWER:** I would have to agree that an LR would probably be appropriate here. I'm going to shoot a quick question. Douglas County, do they have compulsory requirements for election support?

\_\_\_\_\_: Yes. So the way I understand it is, Nebraska is the only state in the nation that has [INAUDIBLE] draft poll workers. And we do in Douglas County and we have for many years and we will this election as we always have. It's about half volunteers and about half draftees.

**BREWER:** And the draftees, they're--

\_\_\_\_\_: They're just like jury duty. If you're over 70, you can opt out. And the law states you have to work four elections to be compliant.

**BREWER:** And it works out OK for you?

\_\_\_\_\_: Works out great for us.

**ALBRECHT:** And I do know--

\_\_\_\_\_: We have-- there is some obviously compliance issues in getting working people in it. It's not as magical as, say, you got to show up. It's not [INAUDIBLE]



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Government, Military and Veterans Affairs Committee March 02, 2022  
Rough Draft

**BREWER:** Well, I guess what I'm saying is, is it's not like we're doing something that's never been done before. This is-- it's possible depending on how we manage it. I'm sorry, I just wanted you to know that.

**ALBRECHT:** No, it's OK. But I do know that, again, up in-- there were like 9 or 11 counties that sent ballots to all of their farming community. Like, I had so many phone calls, they were just madder than hops that they couldn't go in themselves and vote. But all these other things we're trying to do to get people to go there, I think two other things that I would do as a farmer's wife, don't vote when the people are out planting, don't vote during harvest. I mean, we're trying to bring in, you know, we're trying to plant during the primary. We're trying to, you know, harvest during the election of the general election. I mean, believe me, most all of us shut down and get it done. There's no doubt about it. But-- but I just feel like there's so many things that everybody's trying to do to make it right. They said they couldn't get enough workers during COVID, and I'm all there. I would not have wanted anybody to show up if they didn't feel right about it. But we've got to start to control what's going on and do it consistently all the time the same way because there's too many, too many options today.

**BREWER:** All right. Let's see if we have some questions. Questions for Senator Albrecht? All right. We do need to read letters in. We have 58 proponents, 9 opponents, and 1 in the neutral. With that, we will close on LB1121 and I need to clear the room since we're about--