

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 1, 2023

\*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony.

**BREWER:** Good morning and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer from Gordon, Nebraska, representing the 43rd Legislative District. I serve as the Chair of this committee. The committee will take up the bills in the order posted on the agenda. Our hearing today is your public part in this legislative process. This is your opportunity to express your position on proposed legislation before us. 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. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phone, starting with me. Let's see. Cell phones, electronic devices. Please move to the reserved chairs in front. You're probably fine there on either side. For this afternoon what I'm going to do is just have them kind of do musical chairs. And as they come up and then do their presentation, then they exit out to free up space in the other, just do the musical chairs thing coming forward. That way they hold their places. The introducing senator will make his initial or her initial comments, followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for the introducing senator. If you are planning to testify, please pick up one of the green sign-in sheets that's on the table in the back. Please fill out the green sheet completely. Print clearly. This form is used to put in the official record. If you wish to, you can also use the white sheets to sign in to show your record of being present here. If you have any handouts, make sure that you have ten copies to give out when you come forward. If you don't have ten copies, notify the pages and they can make copies for you. When you come to testify, please speak clearly into the microphone. Tell us your name and then please spell your first and last name to ensure accuracy. We will be using the light system today. I think this morning we'll go ahead and go with the five minutes. Let's see. Oh, we'll use the-- we'll use the light system; four minutes green; one minute yellow; and when it turns red, your time is up. You will have the luxury of going beyond that time if needed today. The Secretary of State is afforded that. No displays of support or opposition, vocal or otherwise, will be allowed during this hearing. The committee members with us today will introducing-- will introduce themselves starting on my right with Senator Conrad.

**CONRAD:** Morning. Danielle Conrad from north Lincoln.

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**RAYBOULD:** Jane Raybould, Legislative District 28, the central part of Lincoln.

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

**AGUILAR:** Ray Aguilar, District 35.

**LOWE:** John Lowe, District 37.

**HALLORAN:** Steve Halloran, District 33.

**HUNT:** Megan Hunt, District 8.

**BREWER:** All right. And legal counsel Dick Clark on my right; Julie Condon, the committee clerk, on the left corner there. The Vice Chair is Senator Sanders. And if I have it right, our pages are Quinn and Ryan. Is that right? Wow. I'm right once. All right. With that, we will go ahead and get started on LB269. Senator Halloran, welcome to your Government Committee.

**HALLORAN:** Good afternoon. Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. Thank you for letting me bring this important and controversial bill to this committee. For the record, my name is Senator Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n and I represent the 33rd Legislative District. I'm here today to introduce LB269, which was brought to me by the Secretary of State's office. The bill would put back into place all of the changes to redistricting timelines that the body made in 2021 under LB285. These changes were necessary due to the census data being late for the first time in our history. The timeline implemented was successful and we, as a state, were able to hold the primary and general election on the statutorily required date and time. It is now time to put back the original deadlines for boundary changes to their original language prior to the start of the 2024 election cycle. A representative from the Secretary of State's office will come after me to discuss the specifics of the bill and answer any questions that you may have. Thank you, Chairman Brewer and members of the committee.

**BREWER:** All right. Thank you. We'll now take any questions for Senator Halloran. All right. Seeing none, we'll go ahead and invite up our first testifier. Wayne, welcome back to the Government Committee.

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**WAYNE BENA:** Good morning, Chairman Brewer and members of the committee. For the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a. I serve as Deputy Secretary of State for Elections, here on behalf of Secretary of State Robert Evnen, in support of this bill. As I always start, this is my first election bill testifying. I have served in this capacity since September 1 of 2017 and previously served as the Sarpy County Election Commissioner eight years prior to that. So I bring a lot of experience on the county and the state level in regards to election-related issues. If you ever have any questions regarding anything election related, feel free to reach out to me or a member of my team and everything is kept on a confidential basis. We're not gossipers, so we would like to help people understand election law so our doors are always open. Today's bill is, is again, I hope, noncontroversial, but a little bit sad because I'm having to put back everything and all the hard work that we did in 2021 to make the 2022 elections happen. As you were aware, for those members that were here, the census was late in their data for the first time in the history of our country. Normally we would get it in April. We did not. They-- they originally maybe said September. Election officials across the country, I included, objected, and we worked out a compromise that we would get some data on August 30, which was workable. And my office and my division worked with every political subdivision in the state to gain feedback of if we cut the timeline in half, could we make it happen? And so this was a labor of love for me, about six months' worth of work and probably one this is probably for me, the second most important thing I've ever done in my career, especially in elections having this bill pass. But after getting it passed, it had to be implemented and everyone and every political subdivision met their deadlines and we were able to have our primary on time. I can say across-- we were the third-- this body was the third state, state body to get the federal redistricting done in the country. And there were six or seven states across the country that did not have their primaries on time or portions of their primaries not on time because they did not prepare like we did here in Nebraska. So I was very proud of the work that everyone did in this process from the Secretary of State's office, the Governor's office, the Legislature, all the way down to a village board to get them-- to get this all done. But we got through 2022, and now it's time to put things back to where they were. Most of the changes you see here are for normally just for redistricting years. So it's probably a little bit early to have to

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worry about that. But some deadlines that we already have for boundary changes prior to 2024 need to go back to their original December deadlines. That way that there's enough time for, one, the counties to get their work done. And second, for candidates to know what districts they live in and if they have a requirement to live in the district in a specific amount of time. So all this bill does is to put everything back to where they were prior to 2021. With that, I'll answer any questions that you may have. And it's probably one of the first times I've never hit yellow so.

**BREWER:** Well, I-- we will normally give you extra time because you're sharing things that we kind of need to know on this committee. But with that, questions for Wayne? All right. Thank you. All right. Any additional proponents? Anybody here in opposition? Anybody here in the neutral? Senator Halloran is waiving closing. So we will give our folks a chance to switch numbers up here. And that will close the hearing on LB269. Did we have any letters? Okay, on LB269 we had none in the neutral and none opponents and one proponent. Senator Lowe, welcome to your Government Committee.

**LOWE:** We'll be done by breakfast. Thank you, Chairman Brewer and members of the Government and Military Affairs Committee. I bring to you another consent calendar bill. My name is John Lowe, that's J-o-h-n L-o-w-e, and I represent District 37, which is made up of Kearney, Gibbon and Shelton. LB313 was brought to me by the Secretary of State's office. This bill makes changes and updates to the special election process for when there is a vacancy for the congressional or U.S. Senate seat. After having run a special election this last summer for a congressional seat and having to prepare a special election for the recently vacated U.S. Senate seat, the Secretary of State's office found some areas that they may believe could be improved. This bill tightens the language for when a special election will occur to fill a vacancy in the House of Representatives by requiring an election no sooner than 75 days after the vacancy and no later than 90 days. It clarifies that the election must take place on a Tuesday. It requires that the candidate running in a special election must have their candidate in fees paid at least 67 days prior to the election. LB313 also addresses the time line for determining how long an appointed senator will serve before having to run for the election. Previously, previous language mentioned on vacancy occurring 60 days before the general election while new language specifies August 1 before the

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general election as a new deadline. It also clarifies the election time if a Senate seat becomes open in a period where there is not an upcoming-- where there is not an upcoming statewide general election or appointment happens before August 1 in a general election year. I would be happy to answer any questions, but there are a very prepared individual behind me that could better explain the need of these changes. So with that, I close my opening.

**BREWER:** All right. Thank you, Senator Lowe. All right. Questions for Senator Lowe? Everybody is saving them for that incredibly prepared person behind you. Okay. First proponent.

**WAYNE BENA:** This must be kind of controversial because we have security now.

**BREWER:** Are you the person he was talking about?

**WAYNE BENA:** Yeah.

**BREWER:** All right. Welcome to the Government Committee.

**WAYNE BENA:** Good morning again, Chairman Brewer. For the record, my name is Wayne Bena, W-a-y-n-e- B-e-n-a. I serve as Deputy Secretary of State for Elections, here on behalf of Secretary of State Robert Evnen in support of LB313. The day that this was introduced, I kind of got a little shock on my face because my birthday is March 13, so this has to be-- that had to be my bill number. Just luckily it wasn't a hearing date of March 13 so. I told you earlier that I started my career on September 1, 2017. On my last day as Sarpy County Election Commissioner, I was here actually down in Lincoln, serving on an advisory committee for then Secretary of State John Gale on my last day. And the next day I was going to be here in my new role and had two members left that would be joining my team after I hired a few others and one of the members of my team now, my assistant deputy, Andrew Buller, introduced himself and said the following: Hi, my name is Andrew Buller. I'm an election specialist. And by the way, the state of Nebraska has not had a special election for Congress since 1951. I said, when it came to me and I said, Andrew, that's very interesting. One, you have a lot of time on your hands and I'll take care of that starting tomorrow. But two, you just jinxed us and now we're going to have one in my tenure. So-- and so the next day I

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actually took a look at this statute and there are some things in here and I thought, okay, there's some things in here I need to probably change, but I will, you know, it just kind of got put off in my omnibus bills over the years. And actually last year-- in 2021, I had it ready to go for 2022, the changes I wanted to make. And after the investigation happened, I thought probably not the best idea is to probably put this bill up right now. But also we found after having to actually go through the special election there were a couple of a few things in the special election statute that needed to be clarified. And so beyond the one thing that I did want to change, we added a couple other things based upon us having to go through this for the first time in 71 years. And I will tell you, in other states, it's when they look at that, they can't believe it because they have to go through these special elections quite often. But the first change mainly had to do with having setting a minimum amount of time in which the election could occur, mainly because this is a federal election. So thus the provisions for military and overseas ballots does apply, which wouldn't necessarily apply in any other special election. So ballots need to go out 45 days in advance to those individuals. So a scenario could pop up in which a Governor could select a date in which there would not be enough time to get ballots to military or overseas voters. The DOJ would come in, Department of Justice would come in immediately and sanction the state and put us under a consent order for that. And other states have had to do that. In fact, once the resignation of Congressman Fortenberry happened, the DOJ just so happened to set up a conference call with me because they were aware of the statute and they wanted to make sure the military ballots went on time. So they were aware that this loophole kind of existed in the statute. It didn't occur. We did pick-- we went to the 89th day, which got us the most amount of time. However, that caused two other issues. One, we have a statute that says that no special elections can occur in the month of May, June and July in the state of Nebraska based upon having the primary in an even-numbered year, and that all special elections must occur on the second Tuesday after the second Monday in a given month. That was impossible given the-- when the resignation occurred, we couldn't have it in April. May was not enough time for UOCAVA ballots. So June was the best we could do and we had to push it as far as we could to the end of the month. So this bill, one, would allow a minimum amount of time, 76 days, that would allow enough time to get all the process done and get military ballots out on time. It

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would also allow for a special election to occur in any month because the 90 days to fill that vacancy, have the election to fill that vacancy supersedes anything else in regards to the state law. And also it would allow for an election to happen on a Tuesday because people are used to voting on a Tuesday. So we keep that consistent. And based on this calendar, there would be two Tuesdays in any given month that this election could occur. We would want it to be the furthest one to give them more time, but just in case there is at least two Tuesdays. So that's the first part of the bill. The second part of the bill has to do with the U.S. Senate. So go figure. I have both a vacancy in U.S. Senate and U.S. House in the same year. There was the possibility existed that the language inferred that in this scenario that would have happened in this current two years, a U.S. senator that resigned 60 days before a general election, but someone was appointed after the election that they could serve four years, and that wasn't the intent of the Legislature when the law was passed. But the wording of it did make it seem like it could be a possibility. So removing the language to say is that once a vacancy occurs, like in this situation that we're seeing now, Senator Ricketts will have to stand for election in '24 and '26. That was the intent of the original legislation. This is just making sure-- I'm going to stop right now and answer any questions.

**BREWER:** You're good. Keep rolling here.

**WAYNE BENA:** So this will ensure that the process that the Legislature wanted is followed so there couldn't be a technicality. Second, we also thought instead of the 60 days, we move it back to August 1, because August 1 at least gives 30 days in which in a year that we may have to have an election on the general election ballot for U.S. Senate, enough time for the political parties to put someone on the ballot if need be, or someone to petition onto the ballot. So really, that's more of a ballot access decision. What I don't want to happen is if this were to happen and we were to have a election within 60 days or what have you, that the only ballot access would be write-in which would be the Wild, Wild West for a U.S. Senate seat, in my opinion. As you can remember the California governor's race with 70 or 80 different candidates, I-- at least those names were on the ballot, we would have a write-in election for U.S. Senate, which probably is not in our best interest. So it's moving that deadline back. So just some language changes given the fact that we haven't had to worry

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about this since 1951 or 1987, sometimes we just take a second look and make some updates. So that's what this bill does and happy to take any questions.

**BREWER:** All right. Thank you. Now, just out of curiosity, you guys have any way of monitoring the cost to conduct a special election?

**WAYNE BENA:** Yes. So we are actually working on collecting that data right now from the counties. What I can tell you from our perspective, we, the state and our office, felt bad for the counties that had to run this election and they weren't ready for it and not prepared for it. I luckily had received a federal grant around the same time as this, and we designated a portion of that money to help the costs of the-- this election. We as a state only have-- I can only pay for certain things that are under the procurement process. But one of the things that that was, was the vendor costs for the coding of the ballot, the printing of the ballot, and the delivery of the ballot. So our office was able to reimburse the counties approximately \$150,000 in costs for those counties that had to have the special election. I figure anywhere between \$300,000 and \$400,000 on top of that for mailing of the early ballots, postage, and then the poll workers for the-- for those counties. They didn't necessarily need to have as many poll workers because it was just one thing on the ballot and typical turnout in a special it didn't need everything they needed in a normal election. But I think we estimated it probably around the half million dollar range. We're still collecting the data for that. But we did try to supplement and help the counties out because it was kind of an unfunded mandate for them so.

**BREWER:** [INAUDIBLE] Thank you. Questions for Wayne?

**CONRAD:** I just-- I had a couple. Thank you, Wayne. It's always good to see you. I just was trying to think through how this worked in the most recent special election. And I know it was kind of a perfect storm in some ways where you were conducting a special election and redistricting had just occurred and that had caused some additional, I think, maybe headache or heartache or confusion for folks. So I was a-- I think that all got spelled out and perhaps is beyond the scope of this particular cleanup. But I remember there was just a lot of questions about what district boundaries were utilized and when and why. And I didn't know if we were opening it up, if we needed to have



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some clarification in here, if that was a different-- a different chapter and verse. But just, just wanted to ask you about that while you were here.

**WAYNE BENA:** This was-- this was an interesting year for it. It was the perfect storm. I will say this is that, yes, some people on the national level wondered why it was happening this way. And let me go into it a little bit.

**CONRAD:** Okay.

**WAYNE BENA:** There's a difference between what our state law does in regards to any other race in the state after redistricting than the federal government does. So in our state, once redistricting happens and it goes into effect, that person in that district represents that district.

**CONRAD:** Right.

**WAYNE BENA:** You can't be redistricted out. As you know, Senator Williams--

**CONRAD:** Right.

**WAYNE BENA:** --represented Sarpy County for a time. You know, you're not-- you now represent that district, but you can't be redistricted out. You just serve the rest of your term and you choose to move or not. And so I think that's why this body usually chooses a district sometimes that's term limited because it's--

**CONRAD:** Right.

**WAYNE BENA:** --it's-- it's the best possible. The U.S. federal government and the U.S. Congress specifically has a rule that once redistricting happens, you cannot provide any services to your new district until another election happens. So for this, for an example, Don Bacon could represent Douglas County and his portion of Sarpy County. But even though that Saunders County would be electing him in the next election, he can provide no services to Saunders County, but has to be elected in Sarpy County or elected in Saunders County. So what our rules say is once the map, once you-- once the maps were

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passed here, that's who you represent. But the federal government doesn't recognize that for U.S. House.

**CONRAD:** Okay.

**WAYNE BENA:** And I think U.S., the U.S. House should come to some compromise of maybe it's dual representation for a small amount of time or you can or what have you. So because the maps of the former First and Second Congressional District did not exist anymore, we-- I made the decision and the decision was made to use the new maps for that special election. And I understand in the calls that I took, I understood it. I completely understand it. And I hope this never happens again in the exact time frame that it happened. But we really need to look to Congress of what they should allow after a redistricting process. And they, you know, they have their reasons for doing that. But what our rules state is, you represent your district as soon as the map goes into effect. I would like it if Congress would change the rule, because I think it's-- it's weird that you're voting, you know, for an incumbent, it's weird for you to campaign, but can't help anybody in your district until after that next election. I understand the reason of not wanting to use taxpayer resources for that. But Congress wouldn't want to change their rules. If we-- if this body wanted to change that, that would be a separate policy discussion that I probably wouldn't necessarily bring forward. But that is a once in every ten year, very tight time frame that occurred. And I understood it was strange, but it was the Nebraska way.

**CONRAD:** Yeah, it was definitely, I think, unique and a thorny issue to kind of work through there. But I know that it definitely caused some confusion for voters and for election officials. So I just thought, gosh, if we're opening this up and if we need to provide some clarification from the lessons learned to signal to future folks who are in those positions of power, maybe that would be helpful. But maybe it's better as an, an interim. And that's something that we could talk about or think about.

**WAYNE BENA:** So we're, we're talking about a vacancy happening in a 10 percent--

**CONRAD:** Yeah.

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**WAYNE BENA:** --course of a number of years in a ten-year period. And again, we hadn't had one since--

**CONRAD:** Right.

**WAYNE BENA:** --71 years.

**CONRAD:** No, exactly. Yeah, exactly.

**WAYNE BENA:** But-- and there's also a logistical issue. Once we change the maps, everything goes into the, the voter registration system, which determines your address and your ballot. To, to turn to go back to that is-- was almost an impossibility--

**CONRAD:** Yes.

**WAYNE BENA:** --given our current system of, of even just the system. But we believe that the law was consistent to what we would have done in any other case.

**CONRAD:** Right.

**WAYNE BENA:** Unfortunately, Congress has different rules for their members.

**CONRAD:** That's helpful. Thank you very much. And then just so I'm making sure that I get up to speed on here. This measure is technical in nature, is really just regarding vacancies in the U.S. Congress and the U.S. Senate. It's not for other elected offices, from what I can tell here.

**WAYNE BENA:** Nope.

**CONRAD:** And then it's really trying to just harmonize the process between the Senate vacancy and the U.S. House vacancy to a certain degree. Is that right?

**WAYNE BENA:** I mean, there are two-- I'm-- there are two separate. I just put them all together--

**CONRAD:** Yeah.

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**WAYNE BENA:** --because it's federal races. But each process had lessons learned from this past year. So they're not-- they're not-- they're not trying to make it equal because it's an appointment process, not a special election. But each one of those, based upon our lessons learned, we made little tweaks--

**CONRAD:** Okay.

**WAYNE BENA:** --to-- to-- to be able to-- the decisions that we had to make, like having it in June when we're not supposed to technically,

**CONRAD:** Yeah.

**WAYNE BENA:** --and having it on a fourth Tuesday instead of second Tuesday, we put that into the law that it is implied that you can do that now versus we made the judgment call that the federal law about 90 days superseded any--

**CONRAD:** Provisions in--

**WAYNE BENA:** --any of our laws and provisions in state law regarding when special elections are held so.

**CONRAD:** Okay. That's helpful. And then the last question I just had, it percolated when you were visiting, and I'm sure the numbers vary for a lot of different reasons, but I think everybody on the committee cares deeply about ensuring overseas voters and military voters have access to the ballot and plenty of time to participate in our democracy. Do you have a sense like how many of those go out typically? Generally, is it tens of thousands? Is it hundreds? Is-- I'm just-- I don't know what the number--

**WAYNE BENA:** I have it. I can--

**CONRAD:** And if you don't know off the top of your head, we can get it.

**WAYNE BENA:** After-- I've got it-- I've got it in my bag.

**CONRAD:** Okay.

**WAYNE BENA:** Every election is different.

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**CONRAD:** Sure.

**WAYNE BENA:** It more in a presidential election than a gubernatorial election. But I think in this past election we hovered around 700--

**CONRAD:** OK.

**WAYNE BENA:** --I think. One thing that I take great pride in, and that's because I came from Sarpy County where Offutt--

**CONRAD:** Yeah.

**WAYNE BENA:** --Strategic Air Command is, is that I did everything I could to make sure that those ballots go out on time. And it is my-- it is our role in the election division to work with the Department of Justice to make sure. I have a conference call every year before to talk about what our strategy is to make sure that we're getting those ballots on time. And even though we're not required, we do provide a report to the DOJ after of what our statistics were. And I can say is that we haven't missed a ballot going out on time since I've been in my-- and we work very closely with our counties. And that week before, it's, it's okay, are they out, are they out, are they out? I even actually built in we tell everybody Friday but technically it's UOCAVA Saturday and so just in case of the worst-case scenario we do have one extra built-in day for that. But now I put it on the record so all the counties know. But no one wants to come in on a Saturday, but we've never missed it. And I always kind of laugh. The DOJ lawyer actually [INAUDIBLE] that. And D.C. is actually a university-- our-- is a University of Nebraska law grad. And so--

**CONRAD:** Oh, interesting.

**WAYNE BENA:** I think-- I can't remember her name off the top of her head, but you would know her too.

**CONRAD:** Okay.

**WAYNE BENA:** And I kind of laugh. DOJ lawyers get promoted after getting like consent agreements or convictions or what have you. And every year I have to tell her I'm sorry we got them all out. So but that's good for us. But we, we take it very seriously. And we do have

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good laws in the state that allow for the electronic transmission back, which a lot of states--

**CONRAD:** Yeah.

**WAYNE BENA:** --do not.

**CONRAD:** Good point.

**WAYNE BENA:** So most of our ballots are returned back electronically. So we have a very high return rate for the UOCAVA military ballots.

**CONRAD:** Great. That's really helpful. I swear it's the last one, then I'm done.

**BREWER:** Well, and I was going to follow up, too, to help you on the-- on the overseas. You know, it really falls into two categories. So you have those who are stationed at Ramstein or whatever facilities overseas. And that's a cyclic thing. You're always going to have kind of a generally same, similar number of those. But then you have those are deployed into a combat zone, which in Nebraska's case, we've had as many as three battalions, which would be between 1,500 and 2,000 that are in that combat zone doing operations. So for the year that they're deployed, then you're going to spike a high number if it happens to hit in, in an election year. And so sometimes that number can vary quite a little, just depending on how the Guard is being deployed. And that's, that's a big pull because they're all Nebraskans if they're Guard where you have some just happened to be originally from Nebraska serving.

**WAYNE BENA:** And, and just last year we passed a bill here that I was quite proud of, one of the few states that allowed for National Guard members on state orders to get-- have that same protection. If they were on federal orders, they would apply. But state orders they did not have the UOCAVA protections. We gave them that. So if you're out in western Nebraska fighting a wildfire the day before or, you know, in the weeks before an election, we can get your ballot to you electronically.

**BREWER:** And where we were running into problems with that is when I was doing the mission in the southwest border. You would-- you would be a year long mission there and yet have no ability to come and vote

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because the mission and the fact that you're not deployed, you're not overseas, you're, you're still stateside. So that I thought was a good catch that we didn't leave them out.

**CONRAD:** Yeah.

**BREWER:** Okay. Other questions on LB313?

**CONRAD:** You go ahead. I'll sort it out with Wayne later.

**BREWER:** Go ahead. My deaf side here, go ahead.

**RAYBOULD:** Oh, thank you, Mr. Bena, for the work that you do. And as a former county commissioner, I'm grateful for the assistance that you gave. But in future special elections, how is the cost distributed? Is it by even-Steven by the number of counties, or is it by the populations or heads in a county?

**WAYNE BENA:** So this is one thing that you'll-- you learn about on a county level. A political subdivision so a county-- county election office can only retrieve costs from everyone except the county, which pays their budget, state and federal. So, so they-- so the race for Governor isn't reimbursed. The race for Legislature is not reimbursed. What I will say is one commitment that I had and one of the main reasons that I took this job when I did, I loved being in Sarpy and I-- if-- I wanted this job to get the new equipment because we were running down to the end of our life cycle. So it was important for me when I took this job to find a way to be able to pay for it as a way for the state to share in the costs of running an election. Even though that they can't charge us for Governor or Legislature, the state paid for all the new equipment statewide, which did not then have to be. And then we pay for the maintenance, which not-- is beared on the property taxpayers of, of the counties. But the counties can get reimbursed from the cities, school boards, OPPDs, NRDs, etcetera, but not any state or federal races.

**RAYBOULD:** So then-- okay. Thank you very much. And then the other question that I have is I know in the bill it says, "Such election shall be held on a Tuesday," which seems standard. But does that impact any of the early voting or coming and voting on at the county commissioner-- election commissioner's office on a Monday? Does that

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have any impact? I know we're going to have a lot of bills coming up that'll probably change some of that maybe.

**WAYNE BENA:** The reason why we picked the Tuesday is because then if you back up all the other election dates, they would fall or they would fall on the same days. So like ten days before the election for voter registration would fall on the same Friday. If there happened to be a holiday or what have you, you know, state law provides either before or after. But the Tuesday was picked, one, as we said, people are used to voting on a Tuesday, but it's easy to work back the same deadlines for voter registration and early voting. None of those change, but they, they fall on the exact same days having it on a Tuesday. If you have it on a Wednesday, the Friday deadline becomes now Thursday. And that gets a little-- that's where the confusion can start. So Tuesday was picked so everything else actually is consistent.

**RAYBOULD:** Okay, wonderful. Thank you.

**BREWER:** Okay. Additional questions?

**CONRAD:** I just have one more. That's it.

**BREWER:** Yes, Senator Conrad.

**CONRAD:** Thank you, Senator Brewer. We-- the one thing that I was thinking about in regards to Senator Raybould's question, too, that I know posed some confusion or maybe some headache or heartache in the recent special election for Congress was, you know, in the First Congressional District, as I understand it, there's-- which makes sense to some degree with our strong tradition of local control-- but there was really wide differences in terms of how the, the elections were conducted in county by county in the same congressional district. I think maybe some of those counties are all mail counties that went out and then maybe not. I can go back and--

**WAYNE BENA:** So what--

**CONRAD:** --triple-check the records.

**WAYNE BENA:** Yeah. Yes. What I would say is it would have been hand-- that special election was handled in the same--



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**CONRAD:** Okay.

**WAYNE BENA:** --manner as a primary or a general election statewide election would have been held.

**CONRAD:** Right.

**WAYNE BENA:** So the same-- so, you know, everyone that had a polling site-- had a polling site, every by mail county still did it by mail or had a by mail precinct. So it was conducted in the same manner just in a smaller, just one congressional district. But that special election was conducted in the same manner as the May primary. There were no differences except to just a smaller pool of people so.

**CONRAD:** Sure, yeah, okay. That's one thing that I want to kind of just think through the equity of, you know, and just making sure that we have a similar process perhaps in the district. And if not, why not kind of-- kind of question there. And then I know, you know, different counties have different approaches to a permanent absentee list or special requests and that and so I just know talking to a lot of the voters in our neighborhood, that people, you know, we're very engaged citizens and we're just really confused about right after the primary, the special election. And really regardless of party, we're just kind of, I think, grappling with it because it wasn't commonplace situation for them to deal with either so.

**WAYNE BENA:** It was the perfect storm.

**CONRAD:** Yeah.

**WAYNE BENA:** Twelve days would have got it in July.

**CONRAD:** Oh, is that right? Okay.

**WAYNE BENA:** [INAUDIBLE] 12 days difference would have put it in July, which would have probably had a little separation, would have had it in a non-- would have had it not-- in a month you could have a special election, could have had it on the Tuesday that you would normally have a special election.

**CONRAD:** Right.

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**WAYNE BENA:** But again, this was the first time this was ever happening. We wanted to get the most amount of time especially coming right off a primary so--

**CONRAD:** Right.

**WAYNE BENA:** --we did it on the 89th day versus and the 90 days that were allowed so.

**CONRAD:** Yeah, and if memory serves, I think you were working really hard with the candidate campaigns to try and be fair and kind of sort through things with everybody which, which really appreciated and is part and parcel for how you do your work and really appreciate that. I was just trying to kind of think through like, you know, if we have a special election in Lincoln for like a school bond or something like that, I know it's a different kind of special election, but like we automatically get ballots, which is great and improves turnout. And I know then we have some counties that are all mail and they automatically get ballots. So just kind of trying to think about if there's ways to increase participation and take some of the burden off of the local officials and have more uniformity. I'm just-- I'm just brainstorming about that.

**WAYNE BENA:** What I can say in regards to that is, is that it's the option of the county clerk or election commissioner to do it, the special election, by mail. They don't have to.

**CONRAD:** Sure.

**WAYNE BENA:** So that school bond issue could have easily been a bond election or a poll site election, excuse me. So I will say is there are still special elections in the state that the, the clerk chooses to have it by, by polling site. So it is up to this. When we examined this, this special election, we didn't necessarily see the authority for the Secretary of State to call it by mail because it's-- it was different than a local election where the filing officer is the, the, the clerk or election commissioner. So running this election was similar to a statewide primary or a general election where we wouldn't have that ability was the--

**CONRAD:** Okay.

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**WAYNE BENA:** --default method for doing this specific one.

**CONRAD:** Thank you.

**WAYNE BENA:** But I just didn't want you to think that all special elections have to be by mail.

**CONRAD:** Right.

**WAYNE BENA:** It's a choice.

**CONRAD:** Right. Right. Okay. Thank you so much. Thanks.

**BREWER:** All right. Any other questions on LB313? All right. Thank you for your testimony.

**WAYNE BENA:** I may see you this afternoon.

**RAYBOULD:** Yes.

**BREWER:** I hope so.

**CONRAD:** [INAUDIBLE] in your seat right now.

**BREWER:** It won't be the same without you. Okay. Any additional testifiers on LB313? In any category? All right. With that, we'll go to John Lowe. He waives closing. That will end our hearing on LB313. If we can go ahead and clear the room, I'd like to keep the committee here just for a minute. Oh, I need to read in zero opponents, zero neutral, and one proponent. If I can keep the committee just for a second, I want to talk about this after.

[BREAK]

**BREWER:** Good afternoon and welcome to the Government, Military and Veteran-- Military and Veterans Affairs Committee. I'm Senator Tom Brewer, from Gordon, Nebraska, representing the 43rd Legislative District, and I'm the Chair of this committee. The committee will take up the bill in the order posted. That's only one. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us. The committee members may come and go during the hearing. This is just

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part of the process. Some will have bills to present in other committees. I ask that you abide by the following procedures to better facilitate today's proceedings. First, please silence or turn off any cell phones or electronic devices. We ask that you move to the reserved chairs when it's time to testify. Just for clarification, if you're in the front row, you're going to be the first ones up to present. So that's good. The ones I need to see right away are the ones there. We're going to start with proponents. Those that are here as proponents, raise your hand. All right. We'll feed you in first. We will then ask that, when you're done, to exit through the door to my right, your left, because we need to feed-- filter in more folks, fill more chairs, and then we'll just keep-- as soon as we're done with proponents, the opponents will just keep moving forward. Those chairs in the front row are going to be the ones who get to come forward in, so just keep your order moving. It will be a bit of a musical chairs thing, but you need to get up and move anyway. It's good for you. [LAUGHTER] And then we'll just keep going until we're through the opponents and then we'll switch those in the neutral. And it's going to be a long process, so we're going to have to ask for your patience. We will probably take a short break as soon as we're done with proponents, before we go to opponents, and that I'll give the-- the committee a chance to stretch our legs too. So just be patient, work with us, and we'll get through everybody. If you're planning to testify, please pick up one of the green sheets. I think most of you guys already have them. Fill it out legibly and be-- be ready to turn it in when you come forward to testify. When you come forward to testify, if you have handouts, we'll need ten copies of the handouts. If you don't have ten copies, we have pages that can make some copies, so just let us know ahead of time. We also have a white sheet. I think those are in the hall being passed around. If you're here today and want to have it put in the record that you're either opposed, for or neutral, you can fill out a white sheet and that will go into the official record if you don't plan to actually come testify. When you come up to testify, please speak clearly into the microphone. Tell us your name, then spell your name, first and last, so it goes accurately into the record. We will use the light system today. Obviously, with the number of testifiers today, we'll go with the three-minute. So what's going to happen is you'll get your green light for the first two, your yellow or amber light for one minute; when the light-- red light comes on, wrap it up. And you'll know you're done because

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there'll be an audible alarm that goes off and whether you're done or not, you will be done. All right. No displays of support or opposition to a bill, vocal or otherwise, will be allowed. I'm gonna watch out real close. So if you want to testify, just listen, be respectful, and just keep moving forward in those chairs; otherwise, you get to exit and not testify. Is that clear? All right, good. We're moving out. All right. The committee members with us today will introduce themselves and we'll start on-- Senator Conrad is presenting in Judiciary, so we'll skip to Senator Raybould.

**RAYBOULD:** Good afternoon, everyone. I'm Jane Raybould, Legislative District 28, which is the heart of Lincoln.

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

**AGUILAR:** Senator Ray Aguilar, District 35, Grand Island.

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

**HALLORAN:** Steve Halloran, District 33, Adams, Kearney and Phelps County.

**BREWER:** All right. Dick Clark is the legal counsel for the Government Committee. Julie Condon is our committee clerk. Pages are Logan and Luke, in the back. And with that, we welcome the introduction of LB535, Senator Slama.

**SLAMA:** Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I represent District 1 in southeast Nebraska. I'm here today to introduce LB535. The pages have passed out or will pass out AM215, which is a white-copy amendment replacing the original LB535, which was introduced at the start of session as a placeholder in anticipation of a white copy for this hearing. Additionally, we have all past introducers of Nebraska's voter ID legislation either testifying in person today or through the letter also being passed out to you now. This includes Treasurer and former-Senator John Murante, former-Auditor and Senator Charlie Janssen, former Senator Tyson Larson, and former Senator Andrew La Grone. The voters of Nebraska passed Initiative 432 to require a photo ID to vote in the state of

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Nebraska. Nebraskans have spoken and it is now our responsibility as legislators to ensure that only the votes of eligible voters are counted and to protect con-- public confidence in the integrity and legitimacy of our representative government. This puts us in line with 35 other states in the United States. Just to be clear, AM215 is the document that lays out the provisions of LB535. First and foremost, it is important that we ensure that all eligible voters in Nebraska have access to the necessary identification. It is also important that everyone who has a right to vote can vote. We have been working with the Secretary of State's Office to provide a free option for obtaining a photo ID and making sure that information about these options is widely available to the public. Now I'd like to highlight a few major changes between the green copy and AM215. First, AM215 defines the forms of currently existing valid photographic identification, including, but not limited to: the forms of voter identification of valid operator's license or state identification card; a valid United States passport, Department of Defense, or Department of Veterans Affairs identification; Native American Indian tribal identification. Religious exemptions required under current case law are also considered in AM215. The verified I-- the IDs under this bill are the same underlined in the green copy, but it ensures that other IDs that might qualify have enhanced citizenship checks. Second, AM215 also lays out the increased responsibilities of the Secretary of State's Office, including the new provisions relating to voter identification. This includes various public awareness campaign-related provisions such as a dedicated website and mailing a postcard to every registered voter who does not currently have valid photographic identification. This is crucial to ensure all Nebraskans are made aware of these changes. Additional sections lay out the additional duties and responsibilities of the Secretary of State's Office in order to aid Nebraskans in obtaining a form of voter ID, known as the voter identification card, and the needed documentation for obtaining a voter identification card. Third, the green copy of this bill simply updated the existing agent voting process to require IDs. The agent process is existing law. This is something that is already going on in Nebraska. This amendment eliminates the current process, but allows for agents for voters that need them in order to vote. These voters still have to show an ID; and to clarify, this agent must be a notary. This will be the same procedure as for other early voters, but changes how someone who qualifies appears before a notary to make the process

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more accessible for all Nebraska voters. Finally, how the green copy of the bill addressed early voting was a variation of Missouri's old process. However, it's since come to our attention that this process in Missouri failed to do what it was intended to do and resulted in a large voter fraud case in 2016. In order to fix the process, Missouri moved its-- to its current version of early voting in August 2022. The amendment uses Missouri's current version of voter ID for early voting, which is to show an ID to a notary and have the early voting envelope notarized prior to sending. Nebraskans volunteered and fought beside me to amend our constitution to require voter ID to protect the integrity of our elections. We must use a process that achieve this goal, and I believe LB535 is working towards that goal. I look forward to working with each of you to ensure that this change is implemented in a way that is fair, efficient and accessible to all Nebraskans. Thank you, and I'm happy to take any questions you might have.

**BREWER:** All right. Thank you for that opening. Now before we jump into questions, so we get everybody understanding this process, so--

**SLAMA:** Yes, sir.

**BREWER:** --the bill initially dropped would be this one here. You dropped that in order to have a placeholder and have your bill in that window of time that you're required in order to drop a bill.

**SLAMA:** Yes, sir.

**BREWER:** In the meantime, you went through and figured out the things that needed corrected, and that is the amendment, the white-copy amendment.

**SLAMA:** Yes, sir.

**BREWER:** OK. I know that's-- that's obvious to you, but for everyone in the room that doesn't understand exactly how this works, because there's a lot of confusion with that, so you may have things about this that you're upset about this may fix. Now, I understand, too, you haven't had a chance to see that, so you're going to have to go with what you know right now. But that's kind of why we want to-- we want to go through this and try and get as many questions answered as we can and give folks a better understanding of where we are with voter

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ID. So with that, Committee, what are your questions? You-- you will be here for close.

**SLAMA:** Gosh, I hope so.

**BREWER:** Yeah. Well, no, that wasn't a question.

**SLAMA:** Yes, sir. [LAUGHTER]

**BREWER:** So with that, we will go ahead and begin on our testifiers and-- say again? Oh, I'm sorry, Senator Raybould.

**RAYBOULD:** Yes.

**SLAMA:** Senator Raybould. Yes, ma'am.

**RAYBOULD:** Yes.

**BREWER:** This is my deaf side over here, so I don't hear.

**RAYBOULD:** Yes. Thank you, Senator Slama. And, yes, we all acknowledge this is an important issue to our electorate. And I think it's fair to say-- and to all the folks out there, thank you so much for participating in this part of the process. And as you know, when we've done other type of petition drives, it then becomes the job of the Legislature to listen to all of your input as we craft and regulate. Our job is to regulate. Our job is to come up with the best document that adheres as closely to what our electorate has given us, that mandate and that task to do. So I thank you, Senator Slama, for trying to dig in and come up with the blueprint on how to-- to do this work before us. So--

**SLAMA:** Thank you.

**RAYBOULD:** --my question is, you know, as I look at the fiscal note, I-- I noticed that you've-- you've really focused on two counties and the largest counties, Lancaster being one of them and Douglas County, and the impact to them. But I-- I wondered why you didn't look at the 11 counties that currently exclusively do vote by mail right now to see what the fiscal impact would be to those counties.



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**SLAMA:** We address that in the white copy, making clear that this will not be an unfunded mandate on any counties in Nebraska, regardless of your format of elections, in that the state will cover those costs. So that is addressed in the white-copy amendment pretty clearly. So I-- I absolutely took those 11 counties into my mind as I was crafting this legislation.

**RAYBOULD:** So for the fiscal note, we need to know the cost to the state of Nebraska and the Nebraska taxpayers.

**SLAMA:** Yes, ma'am.

**RAYBOULD:** So you-- and I appreciate that.

**SLAMA:** Sure.

**RAYBOULD:** And the constitution also requires us-- 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. And so, you know, we have a fiscal note, but I-- and it's clear that it can't be an unfunded mandate to the counties. As a former county commissioner, that was one of the strong points that we said that we opposed it because it would become an unfunded mandate. And our concern is, what about those counties and what is-- did you amend the fiscal note as well?

**SLAMA:** Once again, the state covers those costs, as clearly outlined in the white copy. Fiscal notes do not get updated until the amendment is adopted.

**RAYBOULD:** OK.

**SLAMA:** So that's kind of how that process works.

**RAYBOULD:** So-- so that, it'll get updated.

**SLAMA:** Yes, ma'am. We do not expect too large of a change. We expect the fiscal note changes to be relatively minimal.

**RAYBOULD:** OK. Well, thank you.

**SLAMA:** Yeah. Thank you.

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**RAYBOULD:** I guess for-- for myself, it does matter what is the cost, not only to-- not to the counties, but to the Nebraska taxpayers that this piece of--

**SLAMA:** Absolutely.

**RAYBOULD:** --of legislation will create. And then I'm hoping that you could address some of the concerns with those individuals that live in long-term care or assisted living. How will they be-- I-- how will they be able to get the documentation and the voter identification or the notary? Are we going to have mobile units go out to each one of the nursing homes to assist them in the application process to get their voter identification?

**SLAMA:** Yes. So the specific provisions related-- relating to nursing homes are not touched-- the specific ones are not touched on in this legislation. We actually empower in the white copy the Secretary of State's office to do that outreach program, to do that voter education program, to ensure that every Nebraskan who is eligible to vote can vote. So the Secretary of State's Office will be the ones forming that, and I would defer to them to answer those questions as well.

**RAYBOULD:** OK, terrific. Secretary of State, you'll be speaking next, I assume, right?

**BOB EVNEN:** I hope to.

**RAYBOULD:** OK. All right. That's their question.

**SLAMA:** Great.

**RAYBOULD:** All right. Thank you, Senator Slama.

**SLAMA:** Thank you very much, Senator.

**BREWER:** Thank you, Senator Raybould. Any additional questions? All right, thank you for that opening.

**SLAMA:** Thank you, sir.

**BREWER:** OK. Now, the ones that do not have the restriction on time happen to be, a couple of them, here in the front row, and so they are

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available for as many questions as need be and as long of an information opening as they want. Mr. Secretary of State. Sir, welcome to the Government Committee.

**BOB EVNEN:** Thank you, Mr. Chairman. It's a pleasure to be here, as always. Mr. Chairman, members of the committee. My name is Bob Evnen, B-o-b E-v-n-e-n. I have the honor and privilege of serving as the Secretary of State of Nebraska. I have for many years supported voter-- voter ID. I supported this constitutional amendment. And so I'm-- and I'm committed to work with the Legislature and with the-- with the sponsor on a bill that can pass, that is workable, and that is lawful under the U.S. Constitution. I support LB535. As Senator Slama has just described, it's been substantially amended today. I became generally aware of some of the provisions over the weekend. I can tell you that I have not had an opportunity to-- to closely study the amendment, and so my ability to answer questions may be limited as a result of that. I would observe that our best estimate is that 98 percent of Nebraskans, 98 percent of Nebraskans who are registered to vote today, already possess state-issued photo IDs. So we're-- we-- it is very important that we address the 2 percent who do not, but in my view that's a manageable number of people. And we ought to be able to identify the-- the people, the groups of people and so forth, who do not currently possess state-issued photo IDs. By the way, even though they don't have state-issued photo IDs, they may have photo IDs that are otherwise listed in the amendment. There are other forms of ID that would suffice, and we don't know whether they have those forms or not. All by way of saying that it is very important that we address this population, this group of registered voters, but addressing that group ought to be manageable. It's not a-- it's not a task that is-- that we ought to view as impossible. It's a task that is eminently manageable, in my view. All right. With that, I'd be happy to respond to any questions?

**BREWER:** All right. Thank you, Mr. Secretary. All right. Questions? Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. I am studying the amendment, as we all are, and I don't have any questions right now, but I'm trying to think about if there's-- I think that if I have questions after we get a better examination of the amendment and I'm not able to ask you on the record in this committee hearing, maybe we can talk about those

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later and we can talk-- put them in the record on the floor somehow. But I just wanted to put in the record that I have questions and I don't know what they are yet. Thank you.

**BOB EVNEN:** Well, and one of the major changes in the amendment is the participation of the Secretary of State's Office in this. A great deal of that is new and we just have not evaluated it. We haven't-- I can't say that we even are fully aware of everything that's been-- that's been put forward in the amendment at this point, and we certainly haven't evaluated it all. We will, of course, respond to questions from the Legislature.

**HUNT:** Yeah, we have time, obviously, between now and when this bill comes up for debate. But since now's the time on the record and the opportunity to ask these questions, that's a little frustrating. But I get it. I mean, Drafters is really busy this year and that's OK. But I-- I sent my amendment copy to my staff, who are looking over it and communicating with me about what they think about it, and we're just kind of an "all hands on deck" type of thing to figure out what it is. But I just wanted to say that for the record. Thank you.

**BOB EVNEN:** Well, I-- I think it's important that the Legislature, this-- this constitutional provision is not self-executing. This is a constitutional provision that requires the action of the Legislature in order to implement. It is the responsibility of the Unicameral, in my view, to do so. I think that the-- the-- the people in Nebraska have spoken very clearly that they want this, they want this protection for their voting process. And so-- and I'm-- I'm absolutely committed to work with Senator Slama and with other senators who are-- who have legislation on this topic and with the-- with the Legislature at-large to do everything that-- that our office can to-- to assist and support the-- the Legislature in getting legislation passed with all due speed so that this-- this provision can be implemented as the voters of this state have clearly indicated.

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

**RAYBOULD:** Thank you, Secretary of State, and I do appreciate your being here. I know you just mentioned that 98 percent of the registered voters have-- already have a photo identification of some sort. But I know the-- the language, at least in the green copy, was

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very clear that it can't be an expired photo identification. I don't know if that's changed in the white copy or not. And then I think Senator Slama also referenced that if you're going to be doing early voting, that you do have to have a new-- a notary notarize your signature on an early voting ballot. And I'm wondering-- you know, some notaries do charge a fee if you're-- like if you don't have an account at the bank, they will charge you a fee. I'm assuming that's probably one of the fees that the state of Nebraska will pick up as a matter of course for them to be able to-- to process and-- and validate that that person was an early voter with whatever ID they presented to them. Is that correct, that the state of Nebraska will pick up that fee as well?

**BOB EVNEN:** Well, that-- what-- what fees are picked up by the state in Nebraska is in the sound discretion of the Nebraska Unicameral. So whatever you decide we ought to do, that's what we're going to do.

**RAYBOULD:** Well, and-- and-- and I appreciate that comment, because I know it says very clearly in the constitution that it has to be free and that there should-- it be also free of impediments and hindrance to any voter. So, again, I go back to those 11 counties that already do exclusively vote by mail. I don't know. Senator Brewer, do you know how many notaries there are in Cherry County, by any chance? I don't know. But it's-- it's probably hard and difficult. And I-- I just surmise, and I could be wrong, so-- and I'm wrong quite a bit of the time. But I-- I'm guessing somebody would have to travel a great distance to get a notary to sign their early ballot to verify that it's legit. So, I mean, these are the impediments that I foresee, particularly with those 11 counties in the state of Nebraska that exclusively do that and-- but when it comes to the fiscal notes, I know Senator Slama said we should see one, but I know we always see a fiscal note before it goes on the floor for debate. So is that something that-- that the-- your office would be able to provide? What would be the cost for those 11 counties that currently vote exclusively by mail?

**BOB EVNEN:** What our office will do is evaluate in the amendment what the Secretary of State is being called upon to do in that amendment, and we'll do the best we can to calculate what the-- what the fiscal impact of our responsibilities would be.

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**RAYBOULD:** OK. And so you would-- because I know in the fiscal note that was presented, you gave an estimate, but it was really focusing on Lancaster and Douglas County.

**BOB EVNEN:** But--

**RAYBOULD:** And there's no reason why we would ever doubt your estimates, but I-- I wanted to know if it included those 11 counties.

**BOB EVNEN:** Well, the-- the fiscal note that we presented was based upon the original drafting, the green sheet that Senator Brewer held up. That's what our fiscal note is based upon. The amendment is much, much different than the green sheet. And so we're going to go back and we're going to--

**RAYBOULD:** Right.

**BOB EVNEN:** We just have to-- Senator, we just have to evaluate it.

**RAYBOULD:** OK. Thank you so much.

**BOB EVNEN:** And we will do so--

**RAYBOULD:** No, I--

**BOB EVNEN:** --and we'll do so on a timely basis.

**RAYBOULD:** Thank you. I do appreciate that.

**BREWER:** And just to follow up with your question, Senator Raybould, I did have a chance to talk to Senator Slama, and-- and there is to be no cost for any of the notaries to-- to notarize, so that would be included.

**RAYBOULD:** OK, that's great. Thank you.

**BREWER:** All right. Additional questions from the sen-- yes, Senator Lowe.

**LOWE:** Thank you, Chairman Brewer. And thank you, Mr. Secretary, for being here today. It's been said several times that the voters in the initiative overwhelmingly voted this in. Do you recall the percentage approximately?

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**BOB EVNEN:** Sixty-one percent.

**LOWE:** OK.

**BOB EVNEN:** This amendment, this initiative passed 61 percent to 39 percent.

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

**BREWER:** OK. Additional questions? All right, seeing none, thank you, Mr. Secretary.

**BOB EVNEN:** Thank you, Mr. Chairman.

**BREWER:** We welcome back the former Chair of the Government Committee and now--

**JOHN MURANTE:** Just happy to be here.

**BREWER:** --the Treasurer.

**JOHN MURANTE:** Thank you very much for the opportunity, Chairman Brewer. For the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e. I am here today in my capacity as the immediate past Chairman of the Government, Military and Veterans Affairs Committee, and one of the state senators who previously introduced voter ID and have worked on this for the better part of a decade. I think this is an important bill. I thank Senator Slama for introducing it and for all of her work over the course of the past few years to get this issue on the ballot, to allow the people the opportunity to vote on it, and now to finally get this over the finish line to accomplish something that the rest of us could not do. So congratulations, Senator Slama. We have been working on this-- on the-- on the issue of voter integrity, at least since I was first elected to the Legislature and placed on this committee in 2013. We always had a principle, and those of you who served with me heard me talk about it at great length, that it's-- it's not good enough to have secure elections. People need to believe that our elections are secure. And I believe that this is a-- a good measure which puts us down the road of accomplishing what many other states have done, of establishing basic protections for voter identification. When I travel across the state of Nebraska, it seems to be an issue that gets broad support across

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partisan lines. And so I'm happy to be here today to support this legislation and to encourage this committee to advance the bill out of committee and to adopt it and send it to the Governor's desk.

**BREWER:** All right. Thank you for your testimony. And since you have some oversight of the budget, is it safe to say that if the Legislature was to deem that the-- the things that are in whatever bill comes out as the final product, we would find the resources to support that?

**JOHN MURANTE:** I can confirm that the state has sufficient money to pay for this bill. [LAUGHTER]

**BREWER:** All right, that's good. OK. Questions? Yes, Senator Raybould.

**RAYBOULD:** Thank you so much for being here today. And you brought up voter integrity. And since your years of serving on the Government-- as Chair of Government Committee, could you share with us some of the, I guess, concerns that you have had about voter integrity and the voter fraud in our state of Nebraska?

**JOHN MURANTE:** Sure. I think a lot of work was put in through the establishment of the Legislature of the Election Technology Special Committee-- which was a few years ago chaired by myself, Vice Chair was Senator Morfeld-- where we really dug in and tried to figure out how can we best provide technological solutions to create effective and efficient election management. And really, you know, there are a couple of times-- I think you'll-- you'll definitely find there are a couple of instances in this committee where the-- sort of the con-- the conversation of-- of election procedures and the process by which voters go into the polling place and-- and cast their ballot and leave, once in a blue moon will those become controversial and partizan. More than anything, they're administrative in nature, and I think we have great election commissioners who-- and county clerks who really do the best work they could possibly do. So there's been a lot of-- of changes over the course of the last, well, now more than ten years that I've been participating in it, but I think technology provides a lot of those solutions.



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**RAYBOULD:** And then could you address the voter fraud that you've encountered throughout your years of service and your continued role as Treasurer?

**JOHN MURANTE:** Sure. So in the year I introduced voter ID, there was a conviction-- there were two convictions, I believe it was in Dawson County, of voters who cast ballots who were not legally entitled to do so. For me, it's also more we-- we could come up with sort of basic fundamental principles on the security of ballots and elections and they-- they could be proactive. We don't necessarily have to be reactive to find cause to pass legislation in this body, in my opinion.

**RAYBOULD:** OK. Thank you.

**BOB EVNEN:** All right. Additional questions for Treasurer Murante? Yes, Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Can you tell me more about those-- the Dawson County, the-- the two people who were convicted of voter fraud? What was that?

**JOHN MURANTE:** So this would have been approximately 2016, perhaps, that they had registered vote-- registered but just as-- it was as simple as that. They had cast a ballot but were not legally entitled to. I don't believe they were American citizens even. It's-- it did not-- I believe in the prosecution there didn't appear to be malice, but it was an issue of they weren't familiar with the law.

**HUNT:** I see.

**JOHN MURANTE:** That-- that was my understanding, but that's a little rusty. That's a few years back.

**HUNT:** So it was a citizenship issue?

**JOHN MURANTE:** No, that they-- the indi-- the two individuals involved were not legally entitled to vote--

**HUNT:** OK.

**JOHN MURANTE:** --but did.

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**HUNT:** I see, so not necessarily a citizenship issue. But how would voter ID have prevented that fraud in that case, if they had seen an iden-- ID? Right? I'm just playing this out in my head. So they go to vote. They're not legally entitled to vote. They show the poll worker the ID. The poll worker says, yep, that's you. I mean, would that have necessarily stopped the fraud in that case?

**JOHN MURANTE:** Well, it's-- I would say it sort of depends on the construct of the white-copy amendment and what sort of regulations are put in place about the ability and ease of which a person can get an identification that identifies also their-- their citizenship status. So it just depends on how the-- the bill that you all come up with and what sort of protections could exist there. I would also say it's-- it's-- it is fair to say that voter ID addresses the issue of voter fraud; it doesn't necessarily solve every instance of every type of voter fraud. So I-- I-- I also want to put that out there that this isn't going to be the end-all, be-all of the-- of the voter fraud issue. It's going to continue to have-- to permeate in-- in various ways. So I hope that answers your question.

**HUNT:** Sure. Thank you.

**BREWER:** All right. Any additional questions? All right. Thank you, Treasurer Murante.

**JOHN MURANTE:** Thank you.

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

**ANDREW La GRONE:** Hello, Chairman Brewer. Members of the committee, my name is Andrew La Grone, A-n-d-r-e-w, La Grone, L-a G-r-o-n-e. I'm not going to rehash everything Treasurer Murante and Secretary Evnen said. I'm here today as a former introducer in this body of voter ID legislation. I just wanted to lend my voice to that effort, as well, and say that I'm really happy that we're here today to start the process of getting something across the finish line, thanks to the voters for-- for passing that constitutional amendment on an issue that many of us have worked very hard on for a long time. So I'll leave it at that, since everything else I'd say was going to be a repeat. I'm happy-- happy to answer any questions.

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**BREWER:** Well, we can't let you get away with that. [LAUGHTER] I thought Senator Hunt had a good question. As far as the citizenship check, if we go to the white copy, are you familiar enough to know what-- what would be in there that-- that would give folks a better understanding of what that requirement is for citizenship check?

**ANDREW La GRONE:** Yeah, so my understanding-- so I want to back up and get to-- I'll start with the Help America Vote Act, which is federal legislation, because I think that informs how we check citizenship when we're dealing with voting in general. So for Help America Vote Act, it dictates what has to be-- one of the things it does, it dictates what has to be on that voter registration form, not exact-- necessarily how a state does it, but a lot of the questions they have to ask when you're registering to vote, one of them is simply checking the box that you're a citizen. But then the "motor voter" law, which is another piece of federal legislation that Nebraska I think does really good job of-- of working with, requires that a number of-- and the REAL ID Act. There's a couple of pieces of federal legislation at play here. But essentially, when you go get a driver's license, state ID card, something to that effect, you have to provide some sort of citizenship document to the DMV. That might be that you're not a citizen and-- and showing your status in that regard. And then that information they can share with the Secretary of State. Especially under the white copy, my understanding there is it beefs up a lot of those protections and then also says that for-- I believe it says that for other IDs to qualify, they also have to use that strengthened citizenship standard. So really what we're doing is, while the federal government deals with voter registration, and a lot of people may think one thing or another about that regi-- what's asked on the registration, my understanding is that this bill gets at it from the ID issuance perspective of ensuring citizenship when you get an ID.

**BREWER:** All right. Thank you. Additional questions? Yes, Senator Conrad.

**CONRAD:** Thank you, Senator Brewer. Hello, Senator La-- Senator La Grone. It's good to see you. Sorry, I'm just coming back from a bill in Judiciary. I know you remember how those days are.

**ANDREW La GRONE:** That's always fun. [LAUGH]

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**CONRAD:** But that's-- yes, kind of-- kind of getting our steps in. But I know that you've worked diligently on these issues as an attorney, as a state senator, were an active part of the recent citizen Initiative campaign that was successful. And before we get into some of the weeds on these issues, one kind of interesting argument that I heard from folks during the campaign process that I'd love to give you an opportunity to respond to is, you know, people were saying, I don't quite understand the initiative because I already have to show identification when I register. Right? So I am presenting a valid photo identification before I vote when I register. Can you just kind of talk through kind of how those registration and voting systems kind of work together and then, you know, before we get into the weeds, I mean, is there a need for implement-- implementing legislation, or does that current practice and all of the safeguards afforded there, too, actually kind of accomplish the same goal? So it's an open-ended, kind of, big-picture question. But I thought it was an interesting perspective that I hadn't really thought about that came up in the campaign, and since you were actively involved, you probably thought about it.

**ANDREW La GRONE:** I was not actually involved in that initiative petition.

**CONRAD:** OK. OK. OK. OK. Well, I apologize--

**ANDREW La GRONE:** But I voted for it but other than that. [LAUGH]

**CONRAD:** --for assigning you extra work on your long and impressive resume, but if you have any ideas about that?

**ANDREW La GRONE:** Yeah, sure, I'm happy to speak to it.

**CONRAD:** OK.

**ANDREW La GRONE:** Probably my experience--

**CONRAD:** And other folks might too.

**ANDREW La GRONE:** Yeah-- my experience that most--

**CONRAD:** I see some election commissioners in the audience. They're probably thinking about that too.

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**ANDREW La GRONE:** My experience that most speaks to that was when I was counsel for this committee.

**CONRAD:** Right.

**ANDREW La GRONE:** But I really think it goes to the voters passed a constitutional amendment--

**CONRAD:** Yes.

**ANDREW La GRONE:** --to require photo ID and I think that really gets to at the polling place because this is a-- you know, if you-- off the top of my head, thinking back to the-- the Supreme Court case surrounding this--

**CONRAD:** Yes.

**ANDREW La GRONE:** --specifically the one out of Indiana, the Supreme Court very specifically said that states can be proactive in addressing this. They don't have to be reacting to any sort of thing there and that they have an interest in protecting that. And I do think that adding that additional check for preventing voter fraud and also ensuring voter confidence of showing an ID before you get a ballot, ensuring that you are who you say you are when you show up to the polls, is something that is good public policy, which is why I think so many Nebraskans voted for it.

**CONRAD:** OK. That's very helpful. And-- and I'm, you know, just refreshing my recollection as to the full text of the proposed measure as well. And-- and I think that there is probably a strong argument in favor of implementation legislation, just in terms of the language itself. But it was interesting idea that I wanted to kind of get into the public dialogue. Thank you so much.

**ANDREW La GRONE:** Thank you.

**BREWER:** All right. Additional questions? All right. Seeing none, thank you for your testimony.

**ANDREW La GRONE:** Thank you.

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**BREWER:** All right. Next proponent. All right, now this is-- this is doing my heart good. You guys are moving forward, like instructed, preparing yourself to be the next up. Welcome to the Government Committee.

**BRIAN W. KRUSE:** Thank you. 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 co-chair of the NACO clerks, register of deeds, and election commissioners legislation committee, as well as the Douglas County Election Commissioner. As election commissioners and clerks, it is our duty and privilege to conduct fair and free elections, the very foundation of our democracy. In addition to conducting elections, we also were tasked with verifying petition signatures from citizens of Nebraska to place issues on the ballot, allowing them to vote, for or against, sometimes called the second house, as this process is sometimes referred to as. We recognize the voters have spoken and we are here to implement and administer this new voter ID process. Therefore, I am here to testify in support of LB535 as a starting point for voter ID with the understanding that working with the election commissioners and clerks on changes and amendments would be necessary and appreciated. I would like to thank Senator Slama for introducing this bill, which has numerous components for voter ID. The particular portion that I would like to talk about this afternoon is regarding the voter ID process for early voting by mail. As the bill currently reads, to request an early voting by mail would require the voter to write their driver's license or state ID number on the request or provide a photocopy of an acceptable form of ID, and it sounds like-- I have-- have not seen the amendment, but it sounds like the amendment now requires a notary, if-- if I'm hearing this correctly, but I have not seen that. Currently this process would need to be repeated when the ballot is returned. We would strongly encourage the process only to be required when requesting a ballot and not when the ballot is returned. There are several reasons for this. In the event a problem occurs and the voter is unable to cure or correct the missing elements before the request deadline, the second Friday before the election, the voter would have two additional options to vote. They could come into the election office for the remaining in-person period or go to their polling place on Election Day. You will hear some other challenges from my fellow election commissioners and clerks that will be testifying next on different

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issues. So with that, we would like-- LB535, the voter ID bill, we can support this, but, again, with additional changes and amendments. So thank you for your time this afternoon.

**BREWER:** All right, thank you, Brian. OK.

**BRIAN W. KRUSE:** Sure.

**BREWER:** I think the best way to describe what we're going to go through with whatever becomes the-- the base of the final product that becomes the voter ID bill that then becomes the law, hopefully, is that it's going to go through a lot of morphing.

**BRIAN W. KRUSE:** Yep.

**BREWER:** And this is part of the morphing, but--

**BRIAN W. KRUSE:** Yep.

**BREWER:** --I think we've got a ways to go yet too. You specifically addressed the-- the voter ID early portion of it. Obviously, you were trying to keep within time. Is there other parts that I guess you have any concerns with or things that we need to be thinking about as this morphing process goes down the road?

**BRIAN W. KRUSE:** Sure. You know, we do have other concerns, but there are other clerks here and we've kind of portioned this out amongst several of the clerks to kind of research certain issues. So I-- yes, but I will de-- defer to them in their testimony--

**BREWER:** Good, good.

**BRIAN W. KRUSE:** --which you'll hear shortly.

**BREWER:** You're doing a good job playing dodgeball. All right. Well, no, I'm-- I'm going to take your-- your-- your word on that, that there will be someone wiser and better prepared for that question. So any other questions for Brian while we've got him? All right. Well, thank you for your testimony.

**BRIAN W. KRUSE:** OK. Thank you. We look forward to working with everybody on this.

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**BREWER:** All right. Just be patient. We're-- we're-- we're-- we're going to figure this out. 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. Like Brian, I also serve on the election law committee of the Nebraska association of county clerks, register of deeds and election commissioners. The Nebraska voters have spoken in favor of voter ID. Therefore, county clerks and election commissioners across the state support voter ID and are preparing for its implementation. We support LB535-- the original version is all I've seen, I've not seen the amendment yet-- as a strong start to implementing voter ID. I say strong start because we are requesting additional flexibility in qualifying documents. Hall County currently has 34,061 registered voters. It is my hope that after all of the implementation of the policies and procedures, we will still have 34,061 registered voters who are eligible to vote, no voter left behind. But that won't happen as currently written. Again, I haven't seen the amendment. Hall County has a voter in her twenties who has voted in the last four elections. She will be left behind because she has no driver's license, no state ID. She does not have the ability to get a state ID. She is homebound or hospital bound from a-- and on a ventilator from a back and spinal injury. Her father called with concerns about how she will be able to continue with her one main civic engagement, and that's voting. We also have an 80-- a voter in her eighties who has voted in the last 45 elections who will be disenfranchised. She has no driver's license. She does not have a state ID. Blindness and mobility issues prevent her from coming in to get an ID as well. One percent of Hall County voters do not have a driver's license or a state ID. That's 328 people. One-point-six percent statewide do not have a driver's license or a state ID. That's 19,000 people. So please allow other documents, such as political subdivision IDs, school IDs, even allowing the state or county to have a mobile unit to issue IDs for voting purposes or consider other exemptions that will fit within the law. I ask for you to support LB535 with added flexibility so that there is no voter left behind.

**BREWER:** All right. Thank you. OK. Questions? Yes, Senator Raybould.



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**RAYBOULD:** Thank you, Ms. Overstreet, for coming in and giving us information about Hall County. And I don't know if you know this answer or not, but how many of those 34,061 registered voters vote by mail in the Hall-- in Hall County?

**TRACY OVERSTREET:** So in-- well, it-- COVID has changed that. Typically, we have about-- we had about 20 percent who would vote early and 80 percent who would vote at polls. That flipped exactly the reverse. In COVID, where we had 80 percent voting early, 20 percent at the polls in the primary. That went 50/50 in the general election for 2020. In this last election, we still-- it's not 50/50 anymore. We have predominantly more people vote at the polling site like we did prior to COVID. But early voting has grown in popularity and I think that it will continue.

**RAYBOULD:** OK. Thank you so much.

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

**TRACY OVERSTREET:** Thank you.

**BREWER:** All right. Next proponent.

**SHERRY SCHWEITZER:** Members of the Government Committee, Military and Veterans Affairs, my name is Sherry Schweitzer, S-h-e-r-r-y S-c-h-w-e-i-t-z-e-r. I am the Seward County Clerk, just one county west of here. OK? I realize LB535 is a result of the constitutional amendment on the 2022 general election ballot asking if voters need to show an ID to vote. The issue passed, and so con-- county clerks and election commissioners need to carry out the will of the people, and we will without hesitation. We are the ones who will carry out this new task and-- and so we are suggesting some changes with the bill. There are many of us who have been through elections for a long time. I'm in my 44th year at the county clerk's office. We are on the front lines and we know the best practices for the elections. We are the ones they compliment. We are the ones they complain to. We hear it all. I was going to talk about agent and the important role they play in early voting. Since Senator Slama has submitted an amendment, I haven't been able to look at it, so my planned testimony is a bit moot. But the amendment submitted may or may not change the importance

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of an agent in the early voting process, but we must allow them to aid those who choose to vote early and can't do so themselves. I'm talking about the child getting a ballot for their elderly parent, maybe in an assisted living or a nursing home; or maybe the parent getting one for their child who is just too busy to get a ballot for them in their-- at college. Anyhow, please remember, though, that this bill is about voter ID and making sure that every voter who votes has proper identification. It's not about making it harder for people to vote. Thank you.

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

**SHERRY SCHWEITZER:** Any questions?

**BREWER:** Senator Raybould.

**RAYBOULD:** Ms Schweitzer, thank you so much for coming down. I'm in awe of your 45 years of service with the-- the county and-- and elections. I want to ask you, can you tell me, what age group are the best voters?

**SHERRY SCHWEITZER:** Oh, my gosh. What are the best voters? Well, I don't know. I would say it's anybody who is passionate enough to make sure they come on their noon hour or after-- after work to vote, those who, even though it's a hard time, sometimes their job doesn't enable them to be on a-- to vote at the polling place, so they make sure they can vote earlier. And as it was stated before, early voting is-- is taking off more and more. I think right now we live in the era of convenience. You don't go to your bank anymore. You do it online or you do it from your phone. Same thing with voting, convenience, so getting to vote early, even for-- when the ballot has quite a few issues on it, like the last one we had had three different issues on it, it's nice to be able to sit at your table, read them through more than once, rather than waiting at the polling booth and knowing that there is a line in back of you waiting for someone else to use it, so.

**RAYBOULD:** Wonderful. Thank you.

**SHERRY SCHWEITZER:** Sorry, that wasn't really an answer, but--

**BREWER:** No, that's informative, so thank you.

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**RAYBOULD:** Yes, thank you.

**BREWER:** OK. Any other questions? Well, again, thank-- thank you for your service. All right, next proponent. Welcome to the Government Committee.

**MARY L. EICKHOFF:** Yes, my name is Mary, M-a-r-y, L. Eickhoff, E-i-c-k-h-o-f-f, and I'm a member of the legislative committee on the Nebraska association of county clerks, election commissioners and register of deeds also, and I'm also the Richardson County Clerk. And I'm testifying today in support of the green copy of LB535 with regards to specifically on-- on that copy page 13, beginning at line 26 and ending in line-- on line 22 of page 14. So this section of LB535 that I referred to offers a ballot to the voter without a photographic ID. And although the ballot is not placed in the ballot box but, rather, in an envelope with the certification on the front, it must be completed and signed by the voter, which indicates then that the ballot has not been truly cast, but is being held until the voter presents a valid photographic ID to the office of the county clerk and/or election commissioner before the close of business on the Tuesday following the election day, or seven days later. County clerks and election commissioners will be the ones to carry out the new requirement. With voter identification, there will be a need to require more extensive poll worker training, which I suspect will lead to a good number of current poll workers not willing to work due to the added responsibilities that would be required of them. If this provision is left in the LB, I expect it in the 2024 Elections, there could be a significant number of voters at polling places exercising this provision. Poll workers will be required to secure these ballots separately throughout the remainder of the Election Day, returning securely with the other ballots and materials from the polls to the election office. This provision will also prolong releasing results of the election as these ballots will be up in the air. If a contest is close, it is possible that a winner would not be determined until after those seven days was reached. With the recent perception of voters across the country with regards to fraud and ballots suddenly appearing from a closet or under a table, I am certain that this will give voters of Nebraska an opportunity to be skeptical and suspect fraud now here in Nebraska. Research shows that other states with the requirement of voter ID allows for a period of days to provide the ID that is required. However, we are Nebraska, and just because some of

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our surrounding states allow for this does not in any way whatsoever necessitate that Nebraska must follow. County clerks and election commissioners are willing to work with this committee to reach a workable and effective solution to fulfill the will of Nebraskans. And if it is determined a curing period is needed, then our recommendation would be two days or three days after the Election Day, not seven days. Thank you.

**BREWER:** Thank you. Let's see. I tried to jump forward into the white-copy amendment to look at the same issue, and it is addressed in the white copy. So I'm going to make a note, so you don't have to do the marathon wait for the end here for Senator Slama's close, but ask that question and see if we can get clarification between the green copy and the white copy.

**MARY L. EICKHOFF:** OK.

**BREWER:** All right. Any other questions? Well, thanks for coming all the way from Richardson County.

**MARY L. EICKHOFF:** Yeah.

**BREWER:** OK. Next proponent. You've been here all day waiting for this opportunity. Welcome 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 support of LB535. Our support today isn't on the policy of whether voter ID is a good thing or a bad thing. The voters have spoken on that, so our support is geared toward how do we make this process work. And as you've heard from the election commissioners today, we would be happy to work with the committee, with Senator Slama, with the Secretary of State, all the stakeholders that are involved, to try and get the processes right and efficient and constitutional and all of those things to make the process work. With that, I would be happy to answer questions.

**BREWER:** All right. Thank you. And I'm probably gonna go back to the Secretary of State's comments, because ultimately that's probably

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where we're trying to get to, is make sure that it's workable, that it's legally sound, lawful, and that it's-- it's passable. I mean, those really are three things that if we don't figure them out, one isn't going to let us do the other. And you guys are the ones that deal with it every day. You-- you get to see the problems; you understand what's reasonable and what isn't. So if we don't have a chance to get to where we feel good about some of these issues, please, keep-- keep the phone line open because I-- I know I would love to be able to call and say, hey, we're working on this, is it realistic or are we-- we out of whack on this, because we don't want to make a law without input from folks like you because you guys-- you guys get to really understand right from wrong on this. So anyway, questions? Senator Raybould.

**RAYBOULD:** Yeah. Thank you so much for coming down and speaking on this issue. I know NACO's been very strong about no unfunded mandates for any type of legislation. And does this give you comfort knowing that the-- the Legislature so far has made that commitment that there will be no-- it won't be another unfunded mandate where the counties are going to have to pick up the tab for a lot of the foot work and other elements that the way this is written today would require?

**BETH BAZYN FERRELL:** I think you have described it exactly. We are not fans of unfunded mandates, and anything that the state would pick up would help. I know the Secretary of State's Office has been great about finding funding sources for other election issues, and so we appreciate that, too, so.

**RAYBOULD:** Thank you.

**BREWER:** All right. Any additional questions? All right. Thank you for your testimony. OK. Next proponent. I like that, being a gentleman. Well done. Welcome to the Government Committee.

**NANCY McCABE:** Thank you. Good afternoon. I am Nancy McCabe, N-a-n-c-y M-c-C-a-b-e. Thank you, Chairman Brewer and the members of the Government Committee, for allowing me to testify in support of LB535. I do not believe there has been voter fraud in Nebraska, with maybe the exception of the case that was brought forward just a short time ago. However, adding voter ID to our voting process will ensure we continue to have elections which remain secure and free of fraud in

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our state. I was one of the original backers of the voter ID initiative that was submitted to the citizens of Nebraska. The petition was overwhelmingly successful. More than 170,000 valid signatures were gathered to put this constitutional amendment on the ballot in the November 2022 election. On November 8, 2022, over 65 percent of the voters of Nebraska passed a constitutional amendment to have vote-- photo ID required for voting. Even Douglas County passed the voter ID amendment. Now it's time for the Legislature to complete this process and vote for LB535 and the amendments that were introduced yesterday. Voting is one of the most fundamental duties and serious responsibilities of the citizens of Nebraska. Our election laws need to show this seriousness. One of our basic security measures in Nebraska is showing a photo ID. It is required in many aspects of our lives. Showing an ID when we vote needs to be added to the list in order that our voters will be assured the state of Nebraska is doing everything possible to keep our elections free and secure and have confidence in our voting process. During the petition process, I received many calls from voters across the state. These callers were not just Republicans. These included Democrats and independent voters. All of the callers wanted to know where to sign the petition, and they all expressed a strong concern that this was needed in Nebraska. As has been stated earlier, Nebraska voters deserve to have confidence in our election process because it ensures our entire system of democracy, which protects our freedoms. I believe LB535 is a concise bill that has all the requirements necessary to satisfy the constitutional amendments. The citizens have shown overwhelmingly they want voter ID. I am asking this committee to advance 5-- LB535-- LB535 out of committee and onto the legislative floor for debate and passage. Again, thank you for allowing me to speak as a proponent of LB535. Thank you.

**BREWER:** I don't know how you timed that the second. [LAUGHTER] All right. Questions? All right. Well, thank you for taking the time to come in and your testimony.

**NANCY McCABE:** Thank you.

**BREWER:** All right. Additional proponents? OK. If there's more proponents, go ahead and move forward to the front row.

**ETHAN CLARK:** I'll let everyone get settled here.

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**BREWER:** Again, I like how you handle yourself. OK. Welcome to the Government Committee.

**ETHAN CLARK:** Thank you. Well, good afternoon, everyone. Chairman Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Ethan Clark; that is spelled E-t-h-a-n C-l-a-r-k, and I am just here representing myself and the second house of Nebraska here. So I am here in support of LB535, which would require the implementation of voter ID for Nebraska voters and to present them at the polls. I also want to thank Senator Slama for introducing this bill and for all of her efforts on protecting Nebraska's elections. Requiring voters to present photographic identification, of course, it's something that the majority of Nebraskans already want, and they showed it in last November's election by margins of 65 percent to 35 percent, so the large majority. Safe, valid and, most importantly, accurate elections are at the core of our democratic republic and how it functions. Because of this, as U.S. citizens, we must do everything we can to ensure election integrity. In today's world, we already have-- the majority of us already have valid photographic identification and we use it regularly. I'm rehashing points that are already brought up by previous testifiers, but I think it was Secretary Evnen that said 98 percent of Nebraskans already have IDs that would qualify. And I'm happy to hear that he and other election commissioners are willing to address that 2 percent, or 19,000 voters. So with that, I am happy to represent the majority of Nebraskans that voted for this in last November's election and I will take any questions.

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

**ETHAN CLARK:** Thank you.

**BREWER:** Seeing none, thank you. OK, next proponent. Welcome to the Government Committee.

**DOUG KAGAN:** Good afternoon, Senators. Doug Kagan, D-o-u-g K-a-g-a-n, Omaha, representing Nebraska Taxpayers for Freedom. I want to refer you to several cases of vote fraud in other states. In Georgia, the state election board referred 35 cases of election law violations to its attorney general. Among these cases were four noncitizens trying

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to vote or registering to vote and one trying to vote in another person's name. Georgia voter ID nabbed all five. In Wisconsin, voter fraud charges filed against eight people caught by that state voter ID law, photo-- photo-- photo ID required to vote by mail in that state. In Ohio, several non-citizens attempting to vote and one caught voting with a false ID caught by Ohio's voter ID law. In Arizona, a few voters attempting to use the idea of deceased individuals caught by that state voter ID law. Opponents may argue that these instances comprise very few individuals caught, that voter fraud is rare, but any amount of vote fraud is a serious violation of election law. Our organization views voter ID as a preventative. Nebraska has few or no cases of polio, yet citizens receive polio vaccines. Our state has no publicized smallpox-- smallpox outbreak, but citizens regularly receive smallpox vaccines. Contrary to critics, the National Bureau of Economic Research in 2021, using data from 2008-2018, found that voter ID laws have no negative effect on registration or voting for groups defined by race, gender or age. A study from the Academy of Political Science called "Voter ID Laws: The Disenfranch-- Disenfranchisement of Minority Voters?" found that strict voter ID laws do not appear to disport-- disproportionately suppress voter turnout among African Americans or Asian Americans. Another definitive report from the Heritage Foundation noted that voter ID laws do not reduce voter ID-- voter turnout among African Americans or Hispanic Americans, that these voters are likely to vote in states-- are-- are as likely to vote in states requiring voter-- photo ID as in states without such requirement. A recent study done by professors at Yale, Stanford, and the University of Pennsylvania challenged the slogan that voter ID laws disproportionately affect minority voting. The citizens of Nebraska have voted for voter ID at the ballot box overwhelmingly. Please honor that vote. Thank you.

**BREWER:** All right. Thank you for your testimony. Questions? Yes, Senator Raybould.

**DOUG KAGAN:** Yes.

**RAYBOULD:** Thank you, Mr. Kagan, for coming down from Omaha. I do appreciate that. I just wanted to share, in this last campaign to-- to win my seat as a State Legislature [SIC] one of the questions I always asked as I knocked and-- walked and knocked doors, I asked people, are you an early voter? Do you love to vote by mail or do you just love to



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go to the polls? And their answer--answers varied, but the one thing that struck me to the core is how passionate and enthusiastic they were on whatever voter method they chose to do. I know Senator Conrad and I had the pleasure of speaking in front of an-- of-- a group of OLLI. OLLI is lifetime learning symposium conferences sponsored by the University of Nebraska, Lincoln. And we asked that question and we asked everybody, how many of you present vote by mail? And every single hand in that group was raised that they vote by mail. And so I'm going to ask you a question. It might be too personal, be-- but I've asked it of every house I knock. Do you-- do you love to vote early, vote by mail, or do you love to just go to the polls?

**DOUG KAGAN:** I'm old fashioned. I vote on Election Day.

**RAYBOULD:** That's wonderful. Thank you so much.

**BREWER:** OK. Additional questions? All right. Thank you.

**BREWER:** All right, Next proponent.

**DENNIS SCHLEIS:** Greetings. My name is Dennis Schleis; that's spelled D-e-n-n-i-s; last name is S-c-h-l-e-i-s, from Omaha. I came to support this bill because of the fact that illegal aliens are flooding across our southern border into the U.S. There are an increasing number of cities like San Francisco, New York City and Cambridge, Massachusetts, where illegal aliens can vote in local elections, 800,000 in New York City. I've found that every state prohibits illegal aliens from voting in state elections. However, a bill in the Connecticut Legislature would allow illegal aliens to vote in all elections there, amending its constitution. A bill in the Illinois General Assembly would allow specific illegal aliens to vote. I do not want to see such legislation here. Our State Constitution states that every citizen can vote, but does not specifically bar illegal aliens from vote-- voting. I believe that LB535, voter ID, would act as a disincentive for illegal aliens to come to Nebraska and remain in Nebraska. Not passing this bill, in my opinion, will only discourage illegal aliens from accessing legal immigration channels and actually encourage them to vote illegally in our state. Thank you.

**BREWER:** All right. Thank you. Questions? Questions? All right, seeing none, thank you.

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**DENNIS SCHLEIS:** You're welcome.

**BREWER:** All right. In about 5 minutes, we're going to hit our-- our hour cycle. How many additional proponents do we have to speak? All right, well, we might make it then. All right, come on up. Yeah.

**CHRIS COSTELLO:** Thank you, Chairman Brewer, council. My name's Chris Costello, C-h-r-i-s C-o-s-t-e-l-l-o. I'm from Lincoln and I'm here on-- as a proponent on the basis of the petition that was voted in by the people. I have reservations about the introduction of a voter ID into the makeup of our system. I mean, once you're in, you're in and there's no, you know, separate category, and that needs to be taken into account. The premise of a free ID that's only used for voting just-- I mean, you're-- you're asking the frontline workers to try on an orange suit every time they issue one. You're asking everybody that's going to hold the drinking ages to try on an orange suit every time they see one. I mean, I think you're putting a burden on all of us so that, you know, we can get our congressmen and our senators and our presidents into office. And that's essentially what we're doing. I mean, anybody that runs for office should be able to find an office, get elected. I mean, you guys are doing this for peanuts. I mean, you know, the-- the expansion of the house, I mean, we've experimented with the George Norris idea and, you know, but you get on Twitter and you have Twitter spaces and it's-- everybody's talking about, is politics, you know, and you folks have a lot of power that you don't even know, literally and figuratively. And it's like pixels. You got to-- we're working off of a basis of, you know, 16 bits and-- when you could have a full-color-blown, flat-screen TV, if, you know, you're willing to go there. I mean, it's-- that's what's would happen by expanding. And so we're not fighting over-- I mean, nobody wants to lose. And I certainly wouldn't want to call you guys and tell you, you know, two years after elections you really didn't win, you know, you lost by eight but you won by three because there's 11 percent of un-- you know, un-- that have no ID that are within our elections. I mean, that's kind of the idiosyncrasy I've been hearing. I'm for this bill, but, you know, there is no fraud. Well, why-- why did our-- the people sign it? I mean, it's pretty right there. It's to-- you know, and if somebody's on a ventilator is upset that we didn't, you know, maybe that would be a reason for us to go visit her, not to make this huge law or this idea that there's only shown--

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**BREWER:** OK. All right. Thank you for your testimony. Hang on just a second. Let's see if there's any questions. Any questions? All right. Thank you, sir. OK, next proponent. We're down [INAUDIBLE]. Proponents. Welcome to the Government Committee.

**DANNA SEEVERS:** Thank you. My name is Danna Seevers, D-a-n-n-a S-e-e-v-e-r-s. I had a testimony written for today, but I had to throw it out because of the change in the bill. But I rise in support of this bill. However, I just want to point out that this public hearing is supposed to be for we, the people, to come and talk with you about the bill, so I'm a little confused with how this is going to work, because 99 percent of the people, I'm going to guess, have not seen the amendment. I have seen the amendment, but I didn't have time to really go line by line, so I'm not sure how I feel about the different parts of the amendment. I think I-- I think I like it. It all looks really good. And I want to thank Senator Slama for her work on the initiative and for bringing this forward. I'm really behind it. But what I didn't like is I'm hearing a lot from the Secretary of State's Office and from the clerks about this being their elections. I just want to remind everyone that-- that it-- that it isn't the SO-- isn't the Secretary of State's election. It's not the clerk's election. These elections belong to we, the people. And so this public hearing was supposed to be for us to share with you our feelings about the bill, but now the bill is completely different, completely different. And I don't even know if the people who oppose the bill out in the hall understand that, they're coming in to oppose, but they're not really opposing the right thing because it's not what is in place now. It's been completely amended. So I personally think this-- this hearing is a mistake and that it needs to be redone once people have time to actually review the bill itself as amended, because that public hearing is for the people. And I feel like we're being kind of denied of that opportunity. And I'm hoping we would be welcome back because this isn't the Secretary of State's election. It's not up to you to sit there with the committee, have the committee talk to the Secretary of State and talk to the clerks. I mean, I appreciate the input because they have to-- they have to carry it out. But we the people are the ones who-- who-- who voted for this, and so we want the opportunity to have a say in all of these requirements. Having said that, I have no idea where my time is because this is not a timed thing, But I do-- I did bring with me today a petition that has been

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signed by 545 Nebraskans who couldn't necessarily be here today. I'm going to keep the petition open and each time I come back to testify, I'm going to bring you the new signatures. But these are real Nebraskans who maybe live too far away, couldn't get here, who want to encourage you to take this job very seriously, not just on this bill but on all the election reform bills. We, the people, want election reform in Nebraska, and these are our elections. These are not the Secretary of State's election and they are not the clerks' elections. So I thank you for your time. I really respect and adore all of you and thank you for serving, and I hope you'll take the time to read some of the comments that the good citizens of Nebraska have started to enter into the-- into the letter. Thank you.

**BREWER:** All right, thank you. Well, first off-- no, don't go anywhere. We're going to talk to you for a second. This is a lot of work you put into this. I mean, this is very impressive.

**DANNA SEEVERS:** Thank you.

**BREWER:** I-- I-- I understand what you're saying, and I wish I had a better answer. Part of it is the system here of how it works with-- with bills and then amendments to the bills, and we will have a better product. Let's see, Senator Raybould, you have an elections bill? That correct?

**RAYBOULD:** I do.

**BREWER:** We'll have bills coming up where, keep in mind, your-- however many minutes that that you have is your time to talk about not always the bill in front of you, but also if-- if it's part of what's going to be the elections package, because keep in mind, no-- no one of these bills are going to be 100 percent what comes out of here is that final product. This is-- this is where we are going to try and figure out what-- what can be put together into that final product that is the right document to go forward, become the law of the land here. So your contributions are still valuable, and-- and you sharing with us your ideas on what should be right helps us to better understand what-- what we need to be focused on. So please don't think that you've wasted your time and energy on this because, for one, this document here is very helpful for us. And you-- you have put your heart into this, so thank you for that.

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**DANNA SEEVERS:** Thank you.

**BREWER:** OK. Questions? OK. they're shaking their head because they agree with me, right? All right. OK. I think we're down to our last propo-- you a proponent?

\_\_\_\_\_ : No, sir.

**BREWER:** OK. We'll have Wayne Bena come up. Welcome to the Government Committee.

**WAYNE BENA:** Good afternoon, Chairman Brewer, members of the committee. My name is Wayne Bena, W-a-y-n-e B-e-n-a. I serve as Deputy Secretary of State for Elections and here on behalf of Secretary of State Robert Evnen in support of LB535. I don't necessarily have testimony. I'm here to answer your questions. I, in my 15 years of being an election administrator, have deferred-- I have never testified in any manner on a voter ID bill. But the voters have spoken and it is my division's role to administer the policy that you will enact and to work with our hardworking 93 county election commissioners and county clerks to get this done. And what I can tell you is we did COVID, the first global pandemic in 100 years. We figured it out. We had the election on the constitutionally required day when some states moved their primary. The census was late for the first time in the history of our country. We figured it out. We had the first special election for Congress since 1951. We figured it out. We can figure this out as well. But I'm not here to talk about the policy. I'm not here to talk about the constitutionality. I'm here to talk about the administration and ask you to answer the questions that you have specifically on the administration. And you heard from some of the clerks today on some of their concerns, and those are not only their concerns, but they're the concerns brought to them by their constituents. These are clerks that are elected officials, as well, many of them. There are people that have contacted our office about how this is and, you know, it comes down to the point is, we want to be there to help this committee and the Legislature have a bill, as the Secretary said, that is passable, practical and constitutional. So with that, I will-- again, the second time in my career, I've never hit the yellow light, and I'm here for your questions. [LAUGHTER]

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**BREWER:** Well, I guess we appreciate that. Not in the yellow light, but we'll probably have a few questions for you. Now, just so everyone understands, what job did you have before you took this job?

**WAYNE BENA:** I was the Sarpy County Election Commissioner, the third-largest county but the smallest in geographical areas, as I always like to say.

**BREWER:** OK. So when it comes to understanding how it works when Election Day rolls around, you-- you've got that experience, so.

**WAYNE BENA:** With every year I become a little rustier, but I'm-- I still-- I still can ride a bike, so.

**BREWER:** Now, a couple of concerns were brought up here that I think are very valid is, if there is a notary process, that there would be no charge with that. Now, if that's true and there's a notary out there, do you just send out an all-points bulletin that they're blessed to not have to be charged to do a notary, or how do the notaries-- or do they send a bill to the state of Nebraska, or how would that be done to where you didn't have to worry about that being an issue?

**WAYNE BENA:** You know, again, as the Secretary mentioned, you know, we are analyzing this white-copy amendment, just like all of you. As many of you might know, the notary division is also under the Secretary of State's Office, so I'm going to probably have to defer to that division in regards to what training, what necessary. My understanding in other states is that they have all-- that-- that do have a similar notary requirement do have similar "do not charge" or there are costs for, let's say, travel. Those would be billed to an entity, some-- and some it's the Secretary of State, some might be another entity. So again, I would have to look more into that, but that-- that would seem to be the path that would go forward in regards to that aspect.

**BREWER:** All right. And likewise, we're talking about, if there needs to be an ID, for those that have nothing, those-- those that are going to have to have something made for them, if it is a state of Nebraska ID, or whatever we're going to call that, that expense then would be something that the Department of Motor Vehicles or the Secretary of

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State or who would kind of be the ones that would figure out what that's going to look like?

**WAYNE BENA:** If the free ID is with the Department of Motor Vehicles, that would be with the DMV. If the thought is, is that a voter ID card would come from the Secretary of State's Office, that would be a Secretary of State's Office expense. There's also hybrids. I believe Missouri was brought up. They provide free state IDs. However, the Secretary of State's office provides assistance to voters to get the documentation they would need to go to the DMV to get those type of documents. So that's a mixture of the two. But again, it's depending upon what this body decides to do on how you have that failsafe ID for-- for those who do not have it.

**BREWER:** OK, fair enough. All right. Questions? Yes, Senator Raybould

**RAYBOULD:** Well, Wayne, thank you so much. Thank you for coming before us twice in one day, so. And I just want to say thank you to you and the Secretary of State's Office for all the hard work that you do to make sure that we have free and fair and safe elections in our state of Nebraska. I think it goes without saying, we are indebted to you and your hard work for making that happen. So the one thing that I keep coming back to is the fiscal note, and I know that you'll probably revise it, but it come back to the 11 counties in our state of Nebraska that do almost exclusively vote by mail. And can you tell me, do you see any impediments for them to continuing-- to continue to operate? Because you're from Sarpy County, one of the smallest territories, but some of these 11 counties are like the most ginormous territory-- for them to continue to vote by mail, as they have done for, probably fair to say, two decades. So--

**WAYNE BENA:** Yeah.

**RAYBOULD:** --I don't know if you could address that.

**WAYNE BENA:** Let me address the fiscal note generally because I know you've asked some questions about this. So when we go through a fiscal note process, we're asked of what the Secretary of State's Office costs are. So that is just our cost that we believe in order for the copy to go through what our costs were. The Fiscal Office also reached out to DMV for theirs, also to the Bureau of Vital Statistics for

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theirs. They also, while not required, do reach out to counties just to see what a county impact. So the Lancaster and Douglas Counties were done by the Douglas County and Lancaster County themselves. However, they can't be used for-- necessarily for the bill because it's not a state cost. But it's also good to know what-- what costs other counties would have, because you always hear the counties coming here about unfunded mandates. In this copy of the-- in the original copy of the bill, there were some costs that could have-- that the counties may have had to absorb that we decided, in regards to language changes of the early ballot envelopes, that our office would design, print and deliver new early ballot envelopes, if that is part of the process that the Legislature designs, that the early ballot envelopes need to be changed in some manner, and that we would pay for that cost initially for the first two elections, so then they would know how much that would cost so they can put it in their budgets going forward because you're-- they're always going to have to have an early ballot envelope, but a lot of them are sitting on a stock right now that they've had for a little while and that, if you do something that substantially changes the language on that or adds something, we may have to replace that. So by fiscal-- the fiscal note that was put in here accounted for the fact of some costs that the-- that the-- we felt that we could absorb as a state to get them through this first election with the new provisions of a voter ID law.

**RAYBOULD:** Well, thank you very much, and thank you also for your assistance to help with CD1's special election. It's truly appreciated. But I would--

**WAYNE BENA:** Let's hope it's another 71 years before we have to worry about it.

**RAYBOULD:** Yeah. Oh, I hope so too. But I do hope that all of my comments about those 11 counties, I wish someone would reach out to those 11 counties, maybe in that while we continue to work through all the voter identification bills that have been presented to-- so I can get an idea of how this will impact them and their processes.

**WAYNE BENA:** I will say is, it's hard for me to say because there's many avenues you could go for those counties in regards to this process, so how much it would cost is depending upon what forms of ID and at what portion of the process that would be for those counties.



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But once this committee decides on something for a committee amendment, then that's when we'll-- we'll rescore it before it goes to-- for General File.

**RAYBOULD:** OK. Thank you again.

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

**CONRAD:** Yes. Thank you. Thank you. Good to see you, Director Bena. Quick question, and maybe it's better flagged for other colleagues in the Secretary of State's Office, in the notary division, for example, but I thought I remembered that there were maybe some other statutes that afforded a notary an opportunity to charge a reasonable fee, so I'd be happy to work with you and Senator Slama and others just to make sure that's clear and harmonized, because I think that might be a sticking point. And if memory serves, I think maybe Governor Ricketts, and maybe through legislation Senator Lindstrom brought forward in the past, that there was a move to online notary services, as well, and so just kind of wanted to make sure to flag that, to think and talk through the logistics for how that might work. I know in some other instances where a notarized document is required, it can-- access can be a real problem in identifying and-- and finding a notary, and so the online option might be good to expand access. But then again, not everybody's connected, so like just kind of wanting to think through some of those logistics, but do you have a sense about how online notaries would work in regards to implementation of this measure  
[INAUDIBLE]

**WAYNE BENA:** That-- I would have to get back to you on that.

**CONRAD:** No problem.

**WAYNE BENA:** I-- it's-- it's--

**CONRAD:** It's highly technical and I don't know either.

**WAYNE BENA:** You know, I don't expect for-- I don't expect our notary division to know elections and I--

**CONRAD:** Yeah.

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**WAYNE BENA:** I-- I-- I know-- again, I don't even want to say I know enough to be dangerous because I--

**CONRAD:** Sure.

**WAYNE BENA:** --you know, they-- we have a very capable team there that will be able to answer those questions, so.

**CONRAD:** Thank you.

**BREWER:** Do you know-- and I know in my district I've got Cherry County that does vote by mail with the exception of Valentine has the precinct there.

**WAYNE BENA:** Entire Cherry County is by mail. However, in any vote-by-mail county, the--

**BREWER:** Open-- in an open--

**WAYNE BENA:** --county clerk's office can be used, is open for early voting, so it was a bill that actually you introduced about four or five years ago that-- it was the practice anyway, but it also-- it-- it enshrined that the county election office could be used by an early voter if they chose to vote their off-- their ballot at the office. If they didn't want to mail it, they didn't want to use a dropbox, they could use the office as early voting. So it's still-- it's-- it would [INAUDIBLE]

**BREWER:** How many other counties are like that?

**WAYNE BENA:** There are 11 counties that are completely vote-by-mail--

**BREWER:** Completely.

**WAYNE BENA:** --and there's another three or four that have certain individual precincts, like, for example, Wayne County has three or four precincts that are completely by mail; Richardson County is some that are completely by mail, but not all, so.

**BREWER:** OK. Well, good information. Thank you. All right. Any other questions for Wayne? All right. Thank you.

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**WAYNE BENA:** Thank you.

**BREWER:** All right. Now, everyone else out here is an opponent. Is that correct? OK. I need-- I need everyone just to stand by for a second. Look over at the clock. At ten minutes after we're going to reconvene. This gives everyone a quick bathroom break. Hold your positions. Don't-- don't anybody switch in line here, but--

**RAYBOULD:** Yeah.

**BREWER:** --yeah, leave your coat, do whatever you gotta do. But we'll-- we're gonna come right back again.

[BREAK]

**BREWER:** In all fairness, it sounds like there was lines at the restroom, so I think that takes priority over starting on time. Let's see, one of the things, again, I-- I want to stress to folks is-- is to just keep moving forward. I think we have some folks in the hall. If everyone's seated here that was in here last time, we're going to keep moving them in so they don't have to stand out in the hall, so if-- if you could go ahead and bring them in and we'll get folks settled in. That way, we don't have them inconvenienced out in the hall. Just as a quick refresher, we're going to keep moving, understanding that-- that there-- there's been some change in-- in the white copy from the green copy. But I want to stress, if you just share with us your thoughts about what you think right looks like when it comes to voting, that's essentially what we need to know. And so don't-- don't let it get you too much off track. You come here just to-- to share with us your-- your thoughts, and that's what we want to hear. So with that, I guess you're in the hot seat. OK, you're in the hot seat. There you go.

**T. MICHAEL WILLIAMS:** Yes, sir.

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

**T. MICHAEL WILLIAMS:** Thank you, Mr. Chairman. And to the committee. I'm T. Michael, M-i-c-h-a-e-l, Williams, W-i-l-l-i-a-m-s, from Omaha. And based on the change, I just have some comments to make. First of all, I appreciate what I've heard today on behalf of the people by the questions that you've asked and the seriousness in which you're taking

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this situation. Certainly it is serious. And I say that in relationship to during the process of the pa-- passage of the constitutional amendment early on in the process and-- and later, I believe Senator Slama said 35 states have passed this and not one single voter has been disenfranchised. And that to me is your, not only task, but the effort that you're voicing that you're making here today. And so I want to just say a couple of things. Number one, with Secretary of State Evnen, I'm not sure if I understood it, what was said, accurately, but it sounded like that the Secretary of State's Office is going to reach every voter that doesn't have an ID, they're going to contact. I-- I wonder how that's going to happen, what the cost-- seems like a lot of man hours there. Next thing is, the Secretary of State's Office is going to connect with individuals in nursing homes, and-- and that's curious to me as well. The other thing is, it seems to me that it's not necessary to have the step with the notaries, because we've had conversations with Brian Kruse in Douglas County where he says that the signature process works well and is-- it's-- they're able to verify voters. I would like to say I agree with Ms. Seevers. The process, maybe I would suggest that white papers could be given 24 hours before that would give time for people to at least view it. I know it takes time to produce these things. Finally, I just want to say, I wish there were people, my friends and-- and-- and other folks that could be here to see you all in-- in action, because I'm very encouraged by what I've seen, the questions I've heard asked, and I just look forward to how this is going to come out, because I do think it's going to end up being not only a benefit for safety of our elections, but also to democracy in which participation is happening for everyone. So thank you very much for what you do.

**BREWER:** Hang on there. I think we'll have a question or two. First off, thanks for giving us a word of encouragement once in a while. We don't get a lot of those. Sometimes we don't deserve a lot of those. But it's-- it's nice that you kind of gave us what you think is-- is our task ahead--

**T. MICHAEL WILLIAMS:** Yes.

**BREWER:** --because that's really what we need here. That's all about the second house.

**T. MICHAEL WILLIAMS:** Yes, sir.

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**BREWER:** So thanks for doing that. Thanks for coming here. Let's see if we have any questions. John Lowe.

**LOWE:** Thank you, Chairman. And thank you, Mr. Williams, for being here. I'm confused.

**T. MICHAEL WILLIAMS:** Yes, sir.

**LOWE:** Are you an opponent or a proponent?

**T. MICHAEL WILLIAMS:** [LAUGH] Because I don't know what it says--

**BREWER:** That's a fair statement.

**T. MICHAEL WILLIAMS:** I-- I started to put neutral. I wasn't sure. I scratched it out on my paper. But I-- you know, it is the law, so we have to do it. We just have to do it very well. One other thing I would say, if I might?

**LOWE:** Please.

**T. MICHAEL WILLIAMS:** At one point Mr. Evnen said do this with all due speed. I would say just the opposite. Please, I know you're going to be busy this session, a lot of bills have been introduced, but please take your time on this one because that-- not-- not a single voter, you know, that's-- that's tough.

**LOWE:** Thank you.

**BREWER:** Well, I think those are definitely words of wisdom there. Senator [INAUDIBLE] Raybould.

**RAYBOULD:** Well, Mr. Williams, thank you so much. And I just want to give a blanket thank-you again to all those people willing to testify on this matter, because we all agree it is so very important. And I know I scared the Secretary of State when I said-- you know, he-- when he said all due speed, and he said it to me when I had a side comment with him, and I said, oh, well, remember, Medicaid expansion, you know, that took two years. And so it took two years, maybe a little bit longer, but we-- we recognize the voters have spoken and we want to do it right. We want to get it right.

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**T. MICHAEL WILLIAMS:** Yes, ma'am. Thank you.

**RAYBOULD:** So thank you.

**T. MICHAEL WILLIAMS:** I-- I believe you do.

**BREWER:** And as-- as a promise to you, I get to decide how quick things come out of here. It ain't coming out for awhile, so you're going to be safe. OK?

**T. MICHAEL WILLIAMS:** All right. Thank you, Mr. Chairman.

**BREWER:** You bet.

**HALLORAN:** Mr. Chairman.

**BREWER:** Oh, Senator Halloran.

**HALLORAN:** Thank you, Mr. Chairman. Thank you, Mr. Williams, for the encouragement.

**T. MICHAEL WILLIAMS:** Yes, sir.

**HALLORAN:** It was-- it was heartfelt and I appreciate that. We all appreciate that. Having said that, not much happens here fast.

**T. MICHAEL WILLIAMS:** OK.

**HALLORAN:** It's going to take awhile for the committee to digest it and spit it out. And when it gets to the floor, it's going to take a lot longer. So, I mean, we-- whether we like it or not, sometimes it takes a long time. So I'm not gonna say trust us, because I understand there's not a lot of trust, but it's going to take due-- due time. We'll do due diligence.

**T. MICHAEL WILLIAMS:** Yes, sir.

**HALLORAN:** All right. Thank you for being here.

**BREWER:** All right. Thank you for your testimony.

**T. MICHAEL WILLIAMS:** Thank you, Mr. Chairman.

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**BREWER:** All right. Next. Welcome back to the Government Committee.

**LORENZO ORTEGA:** Thank you, Senator Brewer. This is-- my name is Lorenzo Ortega III, and I represent the Nebraska Voter Accuracy Project, which is a group of over 800 patriots from across the state of Nebraska who've been carefully studying our elections and the fraud in them. And I'm happy to be here to explain their thoughts on the challenges we have with this legislation. And by the way, we do have the final version. So first I want to thank Senator Sla-- Senator Slama for her excellent efforts here to get the resolution through and her excellent efforts here on this bill. Building a bill like this is non-trivial, and it's not like she goes off in a corner and gets to write it solo. She has to work with lots and lots and lots of people. There's a lot of coordination that goes on. There's a lot of work that-- that is involved in this. And of course, we all know that at this point in time it's the resolution that drove this. This is not a question of whether or not we're going to go forward on this law. And the first example I have to give you, and I-- I do want to do this because we try to do things in examples here with Nebraska Voter Accuracy Project, is that-- is this. Any woman in this room, any woman in this room can walk into the fire department hall in Old Towne Bellevue, and you walk up to clerk 1, who happens to be my wife for the last two elections and will be the 1-- will be clerk 1 for the next election, and you say Lorenzo Ortega III, 312 Helene Drive, Bellevue, Nebraska, 68005, and she will hand you the ballot. She has to. That's Nebraska state law. There's no choice in that. So this is why we have a voter ID. It's pretty obvious once you understand it. But now, as we've studied this voter fraud and we've looked at it very carefully, what we found is the number-one way it happens is mail-in ballots. That's how the voter fraud is happening right now. It's-- what it is, is, even if you're out of state, you can write any one of our 93 clerks and say, I want a list of all the people that voted, I want to know their age and where they're from and which-- which elections they voted in, and if they didn't vote in the last few elections, all you have to do is write in a form, say, I'm their agent. You can have the vote sent to you. You can fill it out and you can mail it in for them. The clerk, the Secretary of State, they follow their rules. They-- they-- they respond to the agent form. They respond to that, and they have to count that mail-in ballot. So some of the specific issues that we're seeing-- so there's no question. And

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by the way, I'm more than glad, for anybody in this group, in this committee, to come to your office and sit down and show you in detail everything that I'm declaring. I have a very strong background-- background in mathematics and science. You'll learn about that and we'll go through that. But in this-- in this particular LB535, some of the things that we need to work on, it muddles citizenship verification. It's very hard. It does not define how an election worker is going to identify that. Citizenship itself, it allows voting on a-- on a student ID from the University of Nebraska, and it goes on from there. So there's many, many gaps in this that I can provide you after this meeting. Questions?

**BREWER:** All right. This makes for a-- a rather diverse crowd when you have the situation we have because you have those who have a different view of how voter ID should look, and then you have those who want, you know, more strict voter ID. This bill kind of weaves them all together because the green copy was not a great bill. The white copy appears to be better, probably still not where folks want to be. But then you have folks that don't know what it is, so you don't even know where to-- where to be on it. So again, you're giving us a concept that you think is important. That's-- that's good, because now it's not necessarily that we're using the green bill and wasting time talking about it when it really isn't the bill, so the idea of sharing what you think is right is-- is helpful, so thank you for that.

**LORENZO ORTEGA:** And we will submit it.

**BREWER:** Let's see if we have any questions for you. Questions, questions? Just as a passing thing--

**LOWE:** Senator Brewer.

**BREWER:** Oh, you have one. Go ahead, Senator Lowe.

**LOWE:** Thank you, Mr. Ortega, for being here today. I afford you one more minute, if you would like, to read off the rest of what you were going to say.

**LORENZO ORTEGA:** Sure. One of the-- the next thing is, is that currently we have-- there are no penalties if any of the election workers don't check IDs. So if somebody comes in and says, well,



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they're not even checking IDs anymore, sorry, there's no penalties for election workers not checking IDs. And there's no security for IDs. So if you show your ID, they want to take a copy of it, they get to take a copy of it. That's not allowed. And-- and currently in LB230, as it's proposed, that's corrected like that. We don't have that kind of a problem. There's no ID required for registration, so you can register to vote without using an ID-- pretty amazing. At the same time, they never removed the section in the law that says you can use additional forms of ID. If you don't remove that section of the law, then it allows people to walk up with their utility bill. If I'm a registered voter, I can walk in with my utility bill. The next part is, is that as you-- as you go to do this, the-- the whole discussion of IDs and citizenship is not really carefully defined here. They don't define the fact we have to identify that the person is a U.S. citizen. If you don't do that, then they allow things like you can vote with a Nebraska student ID, which certainly does not say that you are-- oh, it's a picture ID, but it certainly does not say that you're a U.S. citizen or anything like that as to-- as to what's going on that. You can also walk in and get an absentee ballot without an ID. So what was the point of that if you could just walk in to get an absent-- anybody can use any reason to get an absentee ballot in this. And of course, if-- if you're doing that without an ID, that would certainly make things a lot easier like that as we move forward. So those were the other key points that are discrepancies. Again, LB230, as it stands today, all of this is cleared up, and more, and it's much, much more direct and solves the problem for what we've got.

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

**BREWER:** OK. Just-- just so we're on the same sheet of music here, it is a crime for any official to violate the Elections Act. It's 32-1518. So as far as officials at the voting place, that-- that is a crime for them if they violate any of the Election Act.

**LORENZO ORTEGA:** OK.

**BREWER:** OK. Any other questions? Seeing none, Lorenzo, thank you for your testimony.

**LORENZO ORTEGA:** Thank you.

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

**CONNIE REINKE:** Hi. Connie Reinke. Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. And I, too, commend Senator Slama. This is huge to get the-- the voter ID through the petition stage. But I have concerns and I, too, believe that LB2-- LB230, Senator Erdman's bill, will be-- we're just thrilled about that one, that it really secures our elections. I'm handing out some things, and I cannot go over all these things, but I want to tell you what you're being handed: a document that talks about properly verifying identity, and I'm a notary, so I-- I'm familiar with a lot of this; another packet that has a graph on the front that shows we definitely have fraud in Nebraska. And like what Larry said, a lot of it is happ-- happening through manipulation, through the-- the voting machines, and also through the mail-in ballots. One makes the changes. The mail-in ballots support and-- and like fill in those votes. And then right now we have an oath. You promise you are-- you promise that you are legal-- you are legal to vote, or attest to that, and there's a document on that. Also, there's-- we have two affidavits relating to these issues, and I gave you one. There's a concern about the difference between verifying, matching and different terminology. For example, the one that has passport on it, proof of U.S. citizenship or lawful status gets you the-- the star on your driver's license. It doesn't prove citizenship. So Sena-- Senator Erd-- Erdman's bill calls for a flag if it's proven citizenship. And this blew me away. I had no idea that-- that this was not in place. There's a renewal, new renewal and replacement form where you fill out **a** and you have to just attest that you are a citizen. You don't have to prove, prove that. So it's no documentation for that. As a notary, part of my responsibility is to look at an ID, look at the face, see if that matches the ID, and then also look at the signature and see if the signature matches their signature. So with mail-in ballots, you can't see their face. So the signature is really important to make sure it matches.

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

**CONNIE REINKE:** Sure.

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**BREWER:** All right. Well, we'll see if we've got some questions. Just so I've got all my paperwork right here. OK. So this disc has what on it?

**CONNIE REINKE:** That has our presentation of all the facts about the, the fraud that we found in the election, both mathematically and through knocking on doors and, and directly asking citizens.

**BREWER:** OK, and this document is what?

**CONNIE REINKE:** That one is-- on the graph, it shows Dixon County and the population is the blue line, the registration is for each age and of the people that voted there is the black line, and the red line is votes by age from 19 through 100. And you'll see it's going-- there's nine cases of it going over the population. So there's more people voting than there even is in the population.

**BREWER:** OK.

**CONNIE REINKE:** We discussed registrations being over registered, but this actually shows when you look at specific county graphs, that there's more votes than there even is people in the, in the county for each specific age.

**BREWER:** OK. All right. We'll see if we have questions. Thank you for clearing that up.

**CONNIE REINKE:** Sure.

**BREWER:** All right. Questions? Questions? All right. Seeing none, thank you for your testimony, Connie.

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

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

**JOHN CARTIER:** Hello. My name's John Cartier. Spelled J-o-h-n C-a-r-t-i-e-r. I am here representing myself as a voter today and let me first start off by saying that voter accuracy group, I attended their hour-long presentation about their findings. And interestingly enough, that gentleman who was up here, when I asked him over email to

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go ahead and email me his homework to show that there is this massive voter fraud going on, he never emailed it to me. So I just want to let you know that you should probably save some time and not even watch that video, but of course, go for it. I'm, I'm, quite frankly, just really, really upset listening to folks come up here and just spew out all the hate towards immigrant communities. I think probably the biggest lie that Trump told was that 2 million illegal aliens voted in the 2020 election in California. He founded a whole voter accuracy commission to try and prove it. He didn't. So it was disbanded. That legal, legal-- excuse me, immigrants voting in our elections illegally is basically a boogeyman in studies and, and research. You can go online, you can look it up. I've been in front of this committee years, over years, telling you guys the same thing. A couple of other things that were misstated that also upset me. You know, John Murante can't go more than ten seconds without misstating something or just plain lying. That conviction of two folks wasn't an issue of two noncitizens voting. It was an issue of two citizens who were actually legally allowed to vote, but they just double voted because they were new Americans. They didn't know you could vote-- you could not vote in person and by mail. So ultimately they were convicted and they got \$100 fine because, you know, they didn't have the mens rea of trying to commit an actual crime. So that's important, I think, to state that correctly. The other falsehood that I hear a lot is from Bob Evnen, Secretary Evnen, and that's the 98 percent of folks who have the right type of ID. You know, that number, just no matter how many times he states it, is it plainly false. The accurate number is more around 10 to 12 percent of voters don't have the right type of ID. This includes ID that is not expired, ID that has the right address listed on it. So it's really important just the, the little details. And even if it was just 2 percent of folks, that's still thousands of Nebraskans who are going to be disenfranchised on the very, very day this passes. So that's ridiculous. And last point I just want to mention is how this ballot initiative passed to begin with. We are one of the few states in the entire country that doesn't put a limit on individual campaign contributions. So that means the Ricketts family could basically bankroll this whole petition like they have done other things. You know, according to Pete, he thinks because he has more money, that gives a more free speech. And I think he has a point here in our state, which is unfortunate. And last thing I'll state, the, the Vanguard petition gathering group that Julie Slama hired, go ahead and

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look at all the convictions and investigations into their work in other states for tens of thousands of fraudulent signatures they collected. I think they, you know, they probably didn't do that in Nebraska, right, they, they were special and, and followed the rules here. I have some other points, but I don't know if anyone wants to give me time to, to talk more.

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

**JOHN CARTIER:** Thanks.

**BREWER:** Questions for John?

**CONRAD:** I just--

**BREWER:** Senator Conrad.

**CONRAD:** Hi, John. Good to see you again. Much like Senator La Grone, I know that you've spent a lot of your legal career and practice looking at voting rights, probably maybe from a different lens than Senator La Grone. But I just wanted to ask you kind of the same threshold question. And I, I did have a chance to look at the citizen pamphlet from the initiative process. Have you thought about or do you have any ideas about whether implementation legislation is required or if that's already covered in the voter registration process? I mean, I, I think it's something that we're--

**JOHN CARTIER:** So to clarify, Senator, whether they have to pass something to implement?

**CONRAD:** Yeah.

**JOHN CARTIER:** They don't. So you all can, I mean, sit on this for technically forever and there's nobody who's going to force you to actually pass something. So that's kind of the, the route that they took for the-- or the executing language in the constitutional provision, which I don't know why you write it that way. Well, you write it that way because you don't want to campaign on what you're actually going to do to change election laws. So you have to kind of keep it vague so folks don't know exactly what you're going to go-- or do, rather. And it's funny you bring up Senator La Grone, I think a good example of kind of the two different philosophies on this topic

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was explained to me by him when I was first starting out working here. We were trying to pass a bill, as we have for many years, that would allow all counties to do all vote by mail elections. It never comes out of this committee. I don't know why, Senator Brewer, but that would be a fun one. He told me why we can't have that is because voting fraud only happens in the cities. And I thought, I thought about that for years what he was trying to tell. And, you know, the best thing I, I can really come up with is that folks honestly believe that immigrant minority communities in the cities are here committing voter fraud in mass numbers. And that's just wrong. It's not true. And promoting that lie is, quite frankly, racist and harmful to those communities.

**CONRAD:** OK.

**JOHN CARTIER:** Thank you.

**CONRAD:** And then the, the last question I would have is that assuming a majority of the committee and the body decides to move forward with implementation legislation because, you know, the strength of the vote, we care deeply about honoring the will of the people. We appreciate and understand the first right reserved for the people is the right of the initiative.

**JOHN CARTIER:** Yeah.

**CONRAD:** You know, just not a treatise, but maybe a couple of bullet points if, if you know, off the top of your head about, you know, what the key components of thoughtful implementation might look like? I mean, are there certain states that you would have us look towards--

**JOHN CARTIER:** Great question.

**CONRAD:** --as a model or, you know, just very kind of top line because--

**JOHN CARTIER:** Sure.

**CONRAD:** --I know we have a lot of people, but I know you've spent a lot of time working--

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**JOHN CARTIER:** Worst case scenario, something like this has to go through and pass. The number-- we're, we're one of 35 states now that have voter ID. The number is actually going to be-- we're going to be one of nine states that have a strict photo ID requirement for voters. So we're not going to be a majority. And, quite frankly, I think if you have a voter ID scheme, you need to have same-day voter registration as an option for folks, which they do in other states with voter ID. It's kind of a deal that was reached to get that stuff passed. And then more importantly, I think if a voter shows up to a polling place and they don't have an ID, they should be allowed to sign an affidavit saying, I am the person who I say I am, and then they don't have to go show up in person to an election commissioner's office to prove who they are, because that is, quite frankly, it's insulting. You know, I think-- and I'm more concerned about the, the fraud that's happening from politicians. You know, some politicians can't figure out what district they live in. It's just, just how it is.

**CONRAD:** OK. Well, I, I think that-- I appreciate your feedback there. Thank you.

**BREWER:** Go ahead.

**RAYBOULD:** Mr. Cartier, thank you for being here. I, I was just curious to see if you knew more about the law and process for some of-- you know, I keep talking about those 11 counties that have been voting by mail for almost two decades. And do you know of kind of the historical process that came about? And what do you see are some of the impediments--

**JOHN CARTIER:** Yeah.

**RAYBOULD:** --for those, those counties that they have to now go through?

**JOHN CARTIER:** Thank you for that question as well. That's a good one. So all voting by mail from those counties is a pretty recent thing that's happened. I believe the first switch was made in 2018 by Garden County to switch to all vote by mail elections. And in the primary, instead of them doing 20 percent participation rate, it jumped up to 50 percent participation rate just by that simple election change. So

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after seeing the success in Garden County, a lot of other smaller counties wanted to follow suit, so they applied with the Secretary of State's Office to do all vote by mail elections for those, for whatever precinct that they want. And then the Secretary of State usually approves those plans because they're, you know, they follow a format. But that process is not allowed for counties that are under or over 10,000 inhabitants in population. So that's a huge limitation, I think, of that. And getting this bill passed and putting a, a burden on folks to place a photo ID with their absentee ballot, it's going to hurt people. It's going to disenfranchise folks. Not everybody has access to a printer or scanner in their house and then they're going to go drive to a notary that somehow is going to, like, bill the state, you know, something for their services. I don't know. There's just a lot of ridiculous pieces moving around. And, you know, I'll close by asking one question. How many voter conviction--

**BREWER:** It's not your option to ask questions. OK?

**JOHN CARTIER:** OK, I'll say it.

**BREWER:** No, you won't. You're done unless someone else has a question. All right. You're done.

**JOHN CARTIER:** Thank you, Senator.

**BREWER:** Next testifier. Welcome to the Government Committee.

**JEFF SCHLICHTING:** Thank you for having me. Chairman Brewer and committee members, I appreciate the opportunity to testify. My name is Jeff Schlichting. And that spelled J-e-f-f S-c-h-l-i-c-h-t-i-n-g. I'm here representing myself in opposition to LB535. The reason I oppose it is the very section of the constitution that was amended last fall. Article I, Section 22, and two important clauses in that, in that section "there shall be no hindrance or impediment." I think you're probably all more familiar with it than I am. And secondly: ensure the preservation of an individual's rights under the constitution, state and federal both. LB535 clearly impedes voting for thousands of Nebraska citizens and they will face the hindrance of finding transportation to a government office during business hours in order to obtain this photo ID. None of those citizens have the ability to drive themselves, or they would already have a valid photo ID, the



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Nebraska driver's license. So all of them are relying on someone else. Public transportation is not a viable option. Really, not even in the great-- much of Omaha and Lincoln, you know, Douglas County and Lancaster County. The public transportation in Nebraska doesn't exist very much, so that's not a very good option. You know, so for these people, for these citizens, these voters, LB535 is eroding, not preserving rights. Now, clearly, I concede that last fall's amendment did modify this article, and it does require valid photo identification. And it is up to the Legislature to determine how that, how that happens. So if you are to advance a bill out of this committee, whether it's LB535 or one of the others, please be certain-- please consider these following issues. First of all, it's possible to require photo ID when registering and not later. In my opinion, that would comply with the text of the constitution. I am not a constitutional scholar. But secondly, broaden it to, to allow IDs from any agency or political subdivision of the state of Nebraska or the federal government or any federal agency. Thirdly, eliminate expiration dates. It's already excluded from some in the-- I was looking at the green copy, but there were certain military IDs or tribal IDs already excluded them, exclude expiration dates from any and all IDs that are considered qualifying. Be sure to fund expanded hours, not just ordinary hours, expanded hours and expanded locations for the, for the obtaining these IDs, whether it's DMV and I've heard it might be the election commission officers or their county clerks that are going to have the duty. However it happens, make sure there's plenty of availability. And I'm out of time. I do have a couple other points if anybody wants to ask me. Brief.

**BREWER:** You did kind of set that one up. All right, give me another point you got.

**JEFF SCHLICHTING:** Strike Section 22 of the green version of LB525 [SIC--LB535]. There is not an emergency. I think I agree with some of the other testifiers. Do it right. Take your time. I would say an effective date of January 2026 is plenty adequate. Let's get it right and have it happen in the future. That's, that's one point. You asked for one.

**BREWER:** OK. Well, thanks for staying within your boundary there. OK. Other questions? All right. Thank you for your-- oh, I'm sorry.

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**CONRAD:** Thank you so much for coming in and sharing your perspective. And I appreciate, appreciate your testimony and feedback and, and your passion. And I just before we get to much deeper into the hearing, I was dismayed to see testifiers be disrespectful to members of our committee who are working hard to, to try and get things right. And I understand that folks on not just two sides, all sides of this issue are bringing a ton of heart and a ton of passion because they care deeply about our elections and our democracy. And I'm hopeful that we can all work together to maybe turn the temperature down a little bit and ensure that we can have a more thoughtful dialog about these really important issues that are going to be impacting all of us in future elections. And I appreciated the heart and the professionalism that, that you brought forward in, in your testimony and, and just wanted to take a moment to recognize that. So thank you, Mr. Schlichting.

**JEFF SCHLICHTING:** Yes,--

**CONRAD:** Did I get that close?

**JEFF SCHLICHTING:** --perfect.

**CONRAD:** OK.

**JEFF SCHLICHTING:** Yeah, perfect. Thank you.

**CONRAD:** All right. Very good. Thank you.

**SANDERS:** Thank you.

**JEFF SCHLICHTING:** Thank you all.

**SANDERS:** Senator Brewer had to leave for a meeting, so I will sit in as Chair. Remember to move up. Good afternoon.

**VIOLA BURNS:** Hi, my name is Viola Burns, V-i-o-l-a, and then Burns, like the first degree. Lifelong Nebraskan, but mostly lived in Lincoln for the last few years. I'm here in opposition to the voter identification legislation of LB535. To start, I'd like to go over what's already required for first-time voter registration. It's a valid voter ID or a copy of a utility bill, bank statement, government paycheck-- government check, a paycheck or a government document with

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a name and address within the last 60 days. So the first time you register, most of those side documents, like a utility bill, bank statement, government check or a paycheck, those all already require IDs to get. IDs are already a part of our process in that regard. There's no need to put the undue burden of every time you go to register providing an ID as well as every time you go to the voting booth providing an ID, those would be undue burdens. I'd also like to inform, I'd also like to inform the committee of an oversight that will disqualify a voter block bigger than a lot of Nebraska towns, homeless people. Estimates, depending on your source, place the population of homeless people around like 3,000 to 5,000. As it stands when a homeless person goes to register, it is my understanding that they can use the address of the county clerk or a election commissioner to be able to obtain the registration. If we are matching addresses on voter IDs to that, they will not match up. You have disqualified homeless people from being able to vote. And as somebody who myself never has had a huge amount of financial stability, it is a deep issue to me that I could be one eviction away from no longer being able to have a say in my own government. And then-- let's see, sorry. I'd also like to highlight the wording and some of the constitutional implications of the amendment that was made. "Before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner specified by the Legislature to ensure the preservation of an individual's rights." Right? It's important to think about how the Legislature is now having to fill in the gaps of this constitutional amendment when the whole point morally of setting up voting rights in the constitution is to not make it as fickle as a change to just the Legislature. It's a little bit harder to get constitutional amendments passed for a reason. And I think the overzealous vigor of the voter ID proponents has overlooked that aspect here and is kind of side skirted a full and proper constitutional amendment for something that could be done faster in a single legislative session instead of something that should take a lot more time and consideration. And I would like to also highlight that it's a manner specified by the Legislature. The Legislature can choose to say that the voter ID is not necessary. I understand that there is the contention of trying to stick to the election, but at the same time, I would ask everyone to consider how much on your regular basis is, is every Nebraskan fully informed on

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how these implications will carry out and how we will have potentially worse issues later on?

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

**LOWE:** I missed your last name. Could you please restate that?

**VIOLA BURNS:** Burns, like the first degree, B-u-r-n-s.

**LOWE:** Thank you.

**SANDERS:** Any other questions? Seeing none, thank you for your testimony.

**PENNY STEPHENS:** Thank you, committee. My name is Penny Stephens, P-e-n-n-y S-t-e-p-h-e-n-s. I have been a registered voter since 1976. I have voted in every general election and almost every primary. At times I drove over 20 miles to go vote in person. My point being here today is voting is the most important thing Americans do today. It is the most important. When something is important, you make time for it. If working out is important, you make time for it. If eating right is important, you make time for it. Nebraskans need to be taught how important this vote is. We need to show up. And these 11 counties throughout Nebraska that do mail-in votes, my thought, I just-- I don't understand why they can't show up to vote. Everybody here shows up at their doctor's office. It's important they show up. That's my point. The notary part of all of this, it, it just wouldn't work because people are going to gripe about having to be a note-- to show up for a notary. If it's important, you would show up to do it, once again. But people have lost the importance of their, their civic civilian right to vote. And you got to show up people. Give the day off. Give them the day off with pay. Everybody needs to show up at their precinct the day you vote. Thank you all.

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

**EDISON McDONALD:** Hello, committee. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm here representing the Arc of Nebraska. We're Nebraska's largest membership organization, representing people with intellectual and developmental disabilities

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and their families. We oppose LB535 because it will discriminate against people with disabilities significantly and prevent their, their access to one of our most fundamental American rights. We heard earlier testifiers talking about how folks can just show up the day of or, you know, we'll go ahead and reach out to just the, the, the nursing homes. For my members, it's so much more. There are so many barriers, both physical and other, that really prevent my members from being able to attend. Today, I want to talk about kind of the overall, because there-- I knew that there was going to be an amendment and there are a lot of pieces that go into this. There's a lot of compliance, including the ADA, Section 504 of the Rehab Act, the Help America Vote Act, the Voting Accessibility for the Elderly and Handicapped Act of 1984, and Nebraska state statute that impact my members. First off, I want to talk about ADA compliance. We were concerned with the term valid photographic ID in Article I, Section 22, within the ballot initiative and within this bill. And we weren't sure if that was something that you could get around. As I'm looking at it, I'm not saying for sure, but I think that the expanded level of options in LB675 of types of IDs might be able to mitigate that and prevent DOJ action. The second piece, I think lots of folks have talked about the importance of free IDs, tremendously important for my members. The third piece is that Nebraska already has so many barriers for my members. For the committee members who've been here, they've heard me talk about how our DMVs, our county clerks' offices, our drop boxes, and our, and our polling locations. We've recorded hundreds of violations of the ADA and those other acts. So really making sure that we're looking at taking this as an opportunity to finally fix all of those issues and provide adequate funding to fix every ADA violation at those locations in the state. Next, I want to talk about signature requirements. For those who don't have full mobility in their hands, that can be a barrier. Then I wanted to address concerns over the complex process. Making sure that we have clear language is so important for my members to be able to access and participate. Looking at this language within the statute, I'm pretty sure that I would get confused and I might actually accidentally commit a violation of state law under this system. Next, proof of address. Many of our members may not have typical proof of address documents like bank statements. And I see that I've got a red light, so I'm going to skip ahead. You all can read that. But I would just encourage you to really think through some of this, especially as we're talking about vote by mail notary

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issues. That's highly problematic. And for my members, I don't know how you could do that without putting a lot of folks in really awkward positions. And with that, any questions?

**SANDERS:** Thank you for your testimony. I know you have a lot more bullets--

**EDISON McDONALD:** Yeah.

**SANDERS:** --to, to, to, to review, but we will have that unless there are any questions.

**CONRAD:** No, I was just-- thank you, Senator Sanders. Thank you, Edison, good to, good to see you. I think this is really helpful. And I'm hopeful that all stakeholders will work together to ensure and facilitate voting rights for people who are differently abled, whether that's physical, developmental, you know, whether-- I was thinking about how the voting machines work for folks that are blind or visually impaired and kind of how that matches up with, with some of these facilitation questions as well. So just wanted to, to thank you for your, your thoughtful presentation on a lot of these issues. And if you know, are there some states that have similar legal frameworks with a constitutional requirement for, for voter ID that have been able to implement those measures in a way that don't discriminate or prevent or disenfranchise their citizens with disabilities from participating?

**EDISON McDONALD:** Yeah. I don't know about any that--

**CONRAD:** OK.

**EDISON McDONALD:** --do well. You know, I mostly know about the ones that don't.

**CONRAD:** Sure. Right. Yeah, sure.

**EDISON McDONALD:** But, yeah, there's, there's a lot of issues that go into it and, and frankly kind of fit researching how do we make this, you know, less harmful for my members.

**CONRAD:** Yeah.

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**EDISON McDONALD:** There's been a new thing where I've been talking with national experts and it seems like these are some of the typical issues.

**CONRAD:** OK.

**EDISON McDONALD:** But also with the bill copy being new, there's a lot that as I'm digging through this, I'm still finding pieces that we'll continue to forward to you all.

**CONRAD:** That, that's really helpful. Thank you. And again, I know not to paint with too broad a brush, but for some of your members, you know, if mobility or other disabilities prevent them from driving, right, having driving privileges or-- do they utilize the state ID for accessing public benefits or navigating other state systems? Do you have a sense about kind of the types of other IDs that, that folks in the disability community might more readily have access to?

**EDISON McDONALD:** Yeah, I think probably the best ones are going to be those Medicaid cards--

**CONRAD:** OK.

**EDISON McDONALD:** --would be kind of the easiest one. But as I said, I think the-- I didn't help to construct the list on LB675, but I really like that list and I think if we cover that, that would really help to mitigate a lot of potential ADA violation issues.

**CONRAD:** Very good. Thanks.

**SANDERS:** Thank you, Senator Conrad.

**CONRAD:** Thank you.

**SANDERS:** Are there any-- Senator Lowe.

**LOWE:** Thank you, Vice Chair. Thank you, Edison, for being here. You've been a champion for people with special, special needs for I think about as long as I've been here. So it's always good to see you sticking up for that. I've been curious. What does Arc stand for? I mean, it's, it's always Arc.

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**EDISON McDONALD:** Yeah. It used to stand for the Association for Retarded Citizens. We no longer use that language anymore. And so now it just stands for the Arc. And that's a, that's a national decision above my pay grade.

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

**SANDERS:** Thank you, Senator Lowe. Are there any other questions? Seeing none, thank you for your testimony.

**EDISON McDONALD:** Thank you.

**SANDERS:** Good afternoon.

**JANE SEU:** Good afternoon. My name is Jane Seu, J-a-n-e S-e-u. I'm testifying on behalf of the ACLU of Nebraska, testifying in opposition to LB535. Look, voting is a constitutional right. Overly burdensome voter ID laws undermine that right. They roll back the democratic value that no eligible voter should be kept from voting. And we've heard lots of testimony today about, you know, folks who are impacted by bills like these. And the reality, this is the reality. Many Nebraskans do not have a form of government ID that would be required in this bill to vote. And even if that number is as low as 2 percent, that translates to thousands of voters, eligible voters who will not be able to exercise a right to vote. More so, these voters are disproportionately low income, racial and ethnic minorities, the elderly, and people with disabilities. They can't afford to get these IDs. They may not have access or be able to afford the documentation that's needed to obtain the ID in the first place. Like everyone else today, I think, we also just got the, the new amendment a couple of hours ago. But I think our concerns remain the same. And we just want to reiterate that, again, our own state constitution says that there shall be no hindrance to the right to vote. And, you know, we feel that our concerns remain the same, that there are hindrances, that there are issues and shortcomings in this bill. Particularly, we heard a lot today about the notary and the cost of the notary, or rather that the notary cannot charge. And now we have put the burden on the-- the burden of the right to vote and accessing the poll on the notary. And really they should be in our laws and by our government. More so there is no evidence of voter fraud, voter impersonation, and that that is an issue in our elections. So voter ID laws like these really



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only burden the exercise to vote and they undermine the faith in our elections. With that, I'm happy to take any questions.

**SANDERS:** Thank you. Are there any questions? Senator Conrad.

**CONRAD:** Hi, Jane.

**JANE SEU:** Hi.

**CONRAD:** Good to see you. Thank you, Senator Sanders. Quick question, because I, I think this is such an, an interesting dynamic in the dialog about implementation because, of course, we have the vote of the people and it directs the Legislature to take action to carry out their will. But I, I do-- looking at the experience of some of our sister states who either through legislative adoption or citizen initiative have voter ID laws on the books or in their constitution, it's important to get it right because I, I have seen and I wanted you to just weigh in about how sometimes lengthy, costly civil rights litigation about that implementation can thwart the efforts of all stakeholders in, in trying to figure out a system to, to make it work in facilitating the fundamental right to vote. So I don't know if you've had a chance to look at any of that in your research or if you're just generally aware. But just-- I wanted to just kind of ask about that to make sure that we have an understanding about kind of the pivot points if, if we don't get it right in the implementation part.

**JANE SEU:** Yeah, thank you, Senator Conrad. I-- you know, so of the states that have voter ID, what we see really is a spectrum, right, and states have made different choices about what kinds of requirements they're going to put on voters. And certainly some have been shown to be more restrictive than others and some are even, you know, suspect, constitutionally suspect. And I think, you know, this bill is not-- we're not confident that this bill is, is going to allow every eligible, eligible voter to, to vote, you know, even with the requirement of ID. And I think we can, we can look at those other states for that range of requirements.

**CONRAD:** No, I appreciate that. And I know Senator Slama is a really smart lawyer, too, and is looking at the legal landscape from other states as well. Well, almost.

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**SLAMA:** Sorry to give you--

**CONRAD:** OK, almost, on her way. But I, I think that we can probably have a good discussion about that with learned counsel and, and other folks to try and figure out maybe how to save the state from some headache and heartache in the courtroom down the road. Yeah. Thanks.

**SANDERS:** Thank you, Senator Conrad. Are there others? Seeing none, thank you for your testimony.

**SHARON WILLIAMSON:** This clearly wasn't made for somebody my height.

**SANDERS:** Me too. I'm with you. Welcome.

**SHARON WILLIAMSON:** Hello, committee people. My name is Sharon Williamson, S-h-a-r-o-n W-i-l-l-i-a-m-s-o-n. I am a Nebraska resident and voter and while I accept the voters of Nebraska have called for a voter ID to vote, they did not approve of restricting voting. This bill's proposals of what constitute proper ID is too restrictive. It would be very difficult, if not impossible, for many to adhere to these restrictive ID requirements. If a state ID is required, then they need to be available in places where most people can go, not just a DMV or a state office, as those are not readily available to all. Why not a post office, a grocery store, a bank? In other words, places where most people can get to. It goes without saying that there can be no cost to a voter ID. Why can't any ID with a picture on it be used? Student IDs, workplace IDs, to name a few. And then I just have some points. There has never been any type of widespread voter fraud and, in fact, there has been almost no voter fraud at all in Nebraska or in the United States. No one even gave it a thought until the former President decided he didn't like the outcome of the last presidential election and shouted from the mountaintops that there had been fraud. Of course, this has been proven to be true-- not be true over and over. Point number two. It was suggested to me that people might be able to get a fake ID if things like school IDs or workplace IDs were allowed. Seriously? Have you talked to an underage college student lately? Voter turnout in Nebraska has-- and the nation is dismally low. It makes no sense to me why anyone would think someone would bother to make a fake ID just to vote when most people don't bother to vote anyway. And to think that there would be widespread fraudulent IDs seems absurd. We should be doing everything possible to get more

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people to vote, not making-- working harder to make it more difficult. If it costs funds to allow more people to vote, then so be it. It is money well spent to allow everyone to vote. Another thought, proponents of LB77 see concealed carry as a constitutional right and feel disenfranchised by the amount of money in the time that it takes to get a concealed carry permit. Let's compare that to the steps that are now being considered for our constitutional right to vote. And lastly, I think it is our duty as a democratic republic to have as many citizens vote as possible. I think all citizens 18 and older should vote, why we are persisting in making laws that make it more difficult to do so seems unconscionable. I do appreciate the education piece in this bill and that is definitely necessary. Please do not pass this bill as it reads now or as it-- I don't know about the white copy because I haven't seen that, but it appears to disenfranchise many people.

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

**SHARON WILLIAMSON:** Thank you.

**SANDERS:** Good afternoon.

**SUZAN DeCAMP:** Good afternoon, Vice Chair Sanders and committee members. My name is Suzan DeCamp, S-u-z-a-n D-e-C-a-m-p. And I'm testifying today as the AARP volunteer state president in opposition to LB535. I wanted to note that my verbal testimony will be a shortened version of the version that you're receiving that's been handed in, there's additional information on that one. And also my testimony reflects the green copy of the bill because I have not read the amendment. So AARP has been fighting to protect the rights of all Americans 50-plus to vote freely, easily, and safely for more than 35 years. We have a long history of nonpartisan voter education and engagement. While AARP Nebraska recognizes that Nebraska voters approved Initiative 432 to require valid photo ID in order to vote, we have concerns that legislation in response could cause unnecessary barriers for many voters, including those age 50-plus. Older voters turn out overwhelmingly in every election, and we're concerned that excessively strict voter ID legislation could reduce older voter turnout in Nebraska. For that reason, AARP believes that any changes to the voter verification process should ensure increased access,

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fairness, and simplicity. We are particularly concerned about the provision in LB535 that requires voters to present an unexpired photo ID in order to vote and the requirement that voters provide a driver's license number, state ID number, or a copy of another acceptable ID when requesting a mail ballot. According to AARP's 2022 Vital Voices survey of Nebraskans aged 45-plus, one-third of the respondents said they would be unlikely to get a new ID card if required to do so in order to vote. We hope the committee will consider exemptions that could allow older voters who no longer drive to use an expired driver's license rather than require them to get new ID. The committee should also consider exemptions or other accommodations for individuals in congregate settings such as nursing homes and those with disabilities who may have trouble acquiring a new ID. While we agree that LB535 should include provisions for a public awareness campaign, we would also suggest that this campaign be conducted in multiple languages, including Spanish, and that any funding for a campaign should also include radio ads in addition to the website requirement and television ads. Additionally, while we are encouraged that LB535 eliminates the fee for requiring ID documents to vote, voters could still incur costs such as transportation costs and time away from work and families. Voting by mail is one of the ways in which many older voters cast their ballots. In fact, in the 2020 presidential election, there were 500,026-- start again, 526,258 voters age 50-plus, and 64 percent of those voters voted early, either by mail or early in-person, and 75 percent of the voters age 65-plus voted early. I guess I'm out of time, so thank you.

**SANDERS:** Thank you for your testimony. And we do have the written information.

**SUZAN DeCAMP:** Yes, there's additional information there.

**SANDERS:** Thank you.

**SUZAN DeCAMP:** So thank you for the opportunity to comment. And I also wanted to thank the committee members for all of your hard work thus far on this bill and all of the work yet to be done on the bill.

**SANDERS:** Thank you. Hold on. Are there any questions? Seeing none, thank you very much.

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**SUZAN DeCAMP:** Thank you.

**SANDERS:** Good afternoon.

**HALEA PACULA:** Good afternoon. Good afternoon, members of the Government, Military and Veterans Affairs Committee. My name is Halea Pacula, H-a-l-e-a P-a-c-u-l-a. I'm the director of Family and Community Engagement with YWCA Lincoln, whose mission is to eliminate racism, empower women and promote peace, justice, and freedom-- peace, justice, freedom, and dignity for all. Our agency is dedicated to ensuring that Nebraskans are able to fully exercise their right to vote and we are here today in strong opposition of LB535. The YWCA Lincoln has a long history of advocating for legislation and policies that all eligible voters have access to the ballot box, with a particular focus on ensuring justice and equality for communities of color. As we know, the right to vote is the foundation of our democracy. However, there have been relentless efforts to make it more difficult for people to exercise their voting rights. LB535 is one of these efforts as voter ID laws impact the ability to cast a ballot for millions of voters. A significant number of Nebraskans who are eligible to vote lack the type of ID that would be required to cast a ballot under LB535's overly burdensome requirements. Nebraskans who lack these forms of identification are disproportionately racial and ethnic minorities, the elderly, people with low incomes, and people with disabilities. LB535 creates additional barriers for, for voters in Nebraska, when we should instead be actively working to break down barriers to civic participation. To meet our mission, YWCA Lincoln will always work for a Nebraska where all can have their voice heard. That includes at the ballot box. Now more than ever, we must ensure all eligible, eligible voters, particularly communities of color and disenfranchised voting populations have equal access to the ballot box. To that end, we urge the committee not to advance LB535, an unnecessary measure that restricts access to the most fundamental of all of our rights.

**SANDERS:** Thank you for your testimony.

**HALEA PACULA:** Thank you.

**SANDERS:** Are there any questions? Seeing none, thank you very much. Good afternoon.

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**JALENE CARPENTER:** Good afternoon, Chairman, members of the committee. My name is Jalene Carpenter, J-a-l-e-n-e C-a-r-p-e-n-t-e-r. I'm the president and CEO of Nebraska Health Care Association. I'm here representing our 418 nonprofit and proprietary skilled nursing and assisted living communities across the state and most importantly, the Nebraskans that they serve. I'm joined by two of my colleagues today. So hopefully they're able to testify after me so we can cover that topic at once. I'm here testifying in opposition to LB535 as it was currently written. I appreciate Senator Brewer's comments. I understand it will morph. I will focus in on our solutions and also will start with our primary areas of concern. Skilled nursing facilities and assisted living communities are required under federal and state regulations to ensure residents are able to exercise their right to vote. I am-- in front of you there's a copy of these regulatory requirements, an excerpt from a memo from CMS during the height of the pandemic that reminded them of the obligation that we had to protect that right. Our association believes strongly on bringing solutions. We have identified two options that would adhere to the ballot initiative and protect the residents right to vote. I would like to comment that we strongly support the ballot initiative and we really want to bring what would potentially work for those residents. First, if we identify that a valid ID for those living in a nursing facility or an assisted living can be an excerpt from the resident's record that includes a photo and the required information. I will note that within the facility this photo is commonly used as their form of identification, also during a hospital transfer, and it is accepted as their identification during a natural disaster or emergency. Second, we would like to ensure that we continue the mail-in ballot, the mail-in ballot process and the current ability as an agent to deliver ballots to the facility, collect them, and submit them to the election commissioner or the county clerk. I'm going to distribute letters that we received from residents, family members, and facilities. And I would like the option just to share very quickly one letter we received from a resident. My name is Lois McDaniel. I'm 105 years old. I would like to continue to be able to vote via mail. I have to use a wheelchair and I have trouble hearing and seeing. Also, weather is difficult for me as I can't stand the cold, making it hard to get out and about. Paper ballot is easier for me to be able on my own pace and use visual assistance complete my ballot. Thank you. And

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I would be happy to answer any questions and, obviously, excited to work in the future with Senator Slama.

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

**JALENE CARPENTER:** Thank you.

**SANDERS:** Good afternoon.

**JOHN TURNER:** Good afternoon. My name is John Turner, J-o-h-n T-u-r-n-e-r. I'm the executive director of Newport House and Emmanuel Community that is skilled in long-term care in north Omaha. I'm here to testify in opposition of LB535. And again, you've already heard many comments regarding the, the hardships that it would create. And again, for my residents, again, trying to get them access to, to vote would be difficult from our standpoint, especially for those that are physically unable to get out and get issued identification but want to vote. And again, if they're not able to get that state-issued ID, I feel like we're disenfranchising those individuals. So-- and again, this puts an additional burden on the long-term care community to try to find out how we can get that resource done. You know-- we know that there is an amendment out there. I don't know that it's addressing that at this point in time thoroughly, but hope to hear more about that. And on a personal note, so this is personal for me as my father is in the long-term care community with physical limitation and has traditionally voted. And I'd have to figure out how to get my father a state-issued ID because he currently does not have state-issued identification. It would be difficult for me or my mom to get him to a DMV. And again, this causing him potentially that disenfranchisement for his opportunity to vote. So I guess I would ask for a couple of considerations. One, I'd ask that you consider an exclusion clause for those living in a long-term care setting needing photo identification, or at least, as Jalene said, accept a photo identification provided by the long-term care committee so that the residents are not required to go to the DMV or an alternate state location to get state-issued identification. And again, which we talked about as well too, I'd ask that you currently retain those current provisions for delivery to and collection of ballots for long-term care communities and, again, maintain the ability to vote by mail as she highlighted our wonderful

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resident that's 105. So with that being said, I will take any questions.

**SANDERS:** Thank you. Senator Raybould.

**RAYBOULD:** Thank you. Mr. Turner, can you tell us a little bit about the residents and how they vote now? Would you say they primarily vote by mail?

**JOHN TURNER:** Absolutely, vote by mail. So all of our residents will basically submit the request for those eligible to vote and then the election officers will send those ballots out to us and then we'll dispense them out based on the appropriate agent to make sure that they can vote. And those that need that extra support will get that support if they need it or they'll take their time and then hand it in as well, too, so.

**RAYBOULD:** So I know-- my father was lucky, he, he was in long-term care at Madonna, and so my brother would help him vote because he was really passionate about voting. And I guess the question is-- he was also lucky because at Madonna, they had a polling place. So the long-term care individuals could be wheeled to the polling place. But I don't know, does your facility offer--

**JOHN TURNER:** We are not a polling place in our community, so.

**RAYBOULD:** And then so I think you said that customarily they, they vote by mail and then there's an agent that collects them and delivers them. Is that right?

**JOHN TURNER:** Correct.

**RAYBOULD:** OK. All right. Thank you very much.

**SANDERS:** Thank you, Senator Raybould. Are there others? Seeing none, thank you--

**JOHN TURNER:** Thank you.

**SANDERS:** --for your testimony. Good afternoon.



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**CORIE SASS:** Thank you. OK. So good afternoon, Senators, and members of the committee. My name is Corie Sass, C-o-r-i-e S-a-s-s. I represent Vetter Health Services, which operates 26 skilled nursing facilities and assisted living communities across Nebraska. We serve about 1,800 Nebraskans in need of care and Vetter Health Services is a member of Nebraska Health Care Association. I'm very thankful to speak to you today, and I'm here to testify in opposition to LB535. I've worked about 17 years in long-term care as a social worker and for many years have assisted residents with their right and access to vote. In fact, it's a resident right, like Jalene mentioned, not only for them to have that right and ability to vote, but also it's a regulation that we assist them with that right. I understand the need to protect the integrity of the election process, but I'm just very concerned about the requirements of the bill, again, have not seen the adjustments, but how it will pose a hardship to many Nebraskans that are in long-term care. The first thing that I ask is that there's an alternative, like John and Jaylene mentioned, to the traditional forms of state ID, and I want to elaborate a little bit on the hardship that it takes for them to get that. Now, most residents don't have a current form of ID. Most of them had a driver's license, but their driver's license has long expired. In order to get a driver's license or a state ID, you have to have, like, a birth certificate or a passport. Our residents have lost their-- a lot of their belongings so that stuff is packed away. To get a new one, interestingly enough, to get a birth certificate, you have to have a copy of your state ID. But to get your state ID, you have to have a copy of your birth certificate. So I'm not really sure how that works. But we talked about a state ID being free. The birth certificate is not, it's \$17. For a lot of residents on Medicaid, which a lot of long-term care are, that's 30 percent of their monthly income. So that's a lot. The documents also take time. The Vital Statistics department says 15 days to get one thing, 20 days to get the next. And it's just going to take months if we're required to get the traditional form of state ID. So an alternative like Jalene presented would be very, very helpful. Another barrier, again, is that stipulation or restriction on mail-in voting. John mentioned it's very difficult for our residents. You know, they're in wheelchairs. They cannot get to polling places. They would need assistance. In some of our places, we have 50 residents a day on, on Election Day that want to vote. We don't have the staff to be able to help with that. And it's just incredibly taxing. So as he

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mentioned, a lot of our residents need that mail-in voting process. So we don't want to present any further hardships or restrictions on that. So I'm just-- like, my two main asks are not to put any restrictions like a, a notary on mail or a, a mail-in ballot. Our residents can't even get notaries for a power of attorney documents that come up every once in a while, and then also just to accept other forms of state ID other than what was proposed in the current bill. So I'm, I'm very happy to have the opportunity to speak with you. If you have any questions. I'm here.

**SANDERS:** Thank you. Are there any questions? Yes, Senator Raybould.

**RAYBOULD:** Ms. Sass, you said that Vetter Health Services operates 26 facilities in, in Nebraska, right?

**CORIE SASS:** In Nebraska.

**RAYBOULD:** And then can you tell us, is it the majority of them or all of them vote by mail?

**CORIE SASS:** Yeah, I would say, you know-- and again, I worked in facilities and, yes, I didn't have any residents that chose to go to the polls. It's just too taxing, too difficult. Most of them are in wheelchairs. So to get to the polls, like an earlier gentleman testified, the ability to get in and, you know, you have to have transportation to get there. You have to have the stamina to be waiting in line. Sometimes the lines are outside so that mail-in vote is used by, I would say, most, if not all.

**RAYBOULD:** So I know when my dad was in Madonna and if we wanted to take him anywhere, we had to use the Madonna van. And we were fortunate, we could pay for the cost of the Madonna van because he was in a wheelchair. But back in 2014, that was \$65 for-- that was a roundtrip, thank goodness, roundtrip. But so if-- do your facilities offer those type of wheelchair vans available--

**CORIE SASS:** We usually have one van.

**RAYBOULD:** One van. OK.

**CORIE SASS:** So giving, you know, that roundtrip to get them to the polls, to get them back, wait in any lines, you, you may not be able

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to accommodate more than one or two people at a time and plus that requires staff. So let's say you were able to load-- you had a van that had six seats, you'd have to have that many people to go and take those people in. And most of our residents, just an outing of that length would be very difficult.

**RAYBOULD:** OK. Thank you very much.

**SANDERS:** Thank you, Senator Raybould. Thank you for your testimony.

**CORIE SASS:** Thank you so much.

**SANDERS:** Welcome.

**SHERI ST. CLAIR:** Thank you. Good afternoon. I'm Sheri St. Clair, S-h-e-r-i S-t C-l-a-i-r, and I am speaking this afternoon on behalf of the League of Women-- League of Women Voters. For nearly 20 years, the League has opposed state legislation that requires a picture ID in order to either register to vote or to vote. But nonetheless, two-thirds of states now require voter identification be presented in order to cast a ballot. Of these, 18 require photo ID. But there are varying degrees of strictness associated with the identification documents which have been deemed acceptable in these states. In the November 2022 general election, 55 percent roughly of Nebraska's eligible voters participated. Of the 65 percent voted for this initiative. So this figure actually represents just over a third of Nebraska's eligible voters, 400 and some thousand of the 1.2 million who are registered. So even with no history of voter fraud in the state, advocates for this initiative supported the photo identification requirement in order to prevent possible problems in the future. So as a result, the League does recognize that there is support for this initiative. We will advocate for legislation that serves to mitigate barriers and makes voting as accessible as possible for all eligible voters. And we have identified several criteria which we feel must be met and adopted in any legislation as a result of this initiative. And this would include acceptance of a wide range of photo ID documents, issuance of these documents at no cost to the voter, preservation of the mail-in ballot accessibility by exempting mail-in ballots for the photo ID requirement. And on this point, I did look at a couple other states. I looked at Indiana since their photo ID thing went before the Supreme Court and Indiana does not require any kind of

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identification to be mailed in with the mail-in ballot. And in Arizona in November, they had a initiative to require identification be submitted with mail-in ballots, and that failed. So I think the, the bottom line here is that the signature on the envelope is matched by the signature at the voter registration office, at the elections commission's office. We also feel there needs to be protection for day of voting for individuals who don't have a photo ID on their person, funding of a public awareness and education campaign, and training of election officials and county clerks, including poll workers and the impact this is going to have on such poll workers. So these criteria aren't met in the bill is currently written, so we urge the, the committee not advance LB535.

**SANDERS:** Thank you. Are there any questions? Senator Raybould.

**RAYBOULD:** Yes. Thank you, Sheri St. Clair, for coming in and sharing this information with us. So you mentioned protection of Election Day voting for individuals who do not have a photo ID on their person. So what would that set up look like in a, in a polling precinct? Yeah.

**SHERI ST. CLAIR:** So this is back to what some of the other speakers have addressed earlier that you should be able to, to cast some kind of ballot while you're there. And it shouldn't take a week before any kind of identification is required. In some states, even though ID is required, if the poll worker knows who you are, they don't require you-- you can waive this photo ID requirement. If you have two other pieces of identification, you know, utility bill, credit card bill with your name and address on them, they don't require-- that voter ID requirement is waived. So there are ways around this.

**RAYBOULD:** And at the polling places, do they-- they make you sign, right?

**SHERI ST. CLAIR:** You sign-- you're signing an affidavit swearing that that's who you are. And if you're signing and it's not you, you've committed voter fraud right then and there already. Um-hum.

**RAYBOULD:** So at the polling place, don't they look at a previous signature? Don't you sign right next to something or no?

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**SHERI ST. CLAIR:** Not when you're voting in person. I, I believe they look at the signatures when you mail in your ballot because your signature on the-- is on the outside of the ballot, on the envelope before they open it. But we don't-- at, at-- I have been a poll worker and at the polling stations, you don't have their signature. You just have them swearing-- you know, signing the affidavit.

**RAYBOULD:** So you mentioned a couple of states, and I'm really, really intrigued by-- you mentioned Indiana and Arizona and-- but is there a, a state that really jumps out to you that has a great package where it doesn't disenfranchise our seniors and nursing homes?

**SHERI ST. CLAIR:** I would have to go and look in more depth because actually I'm a, I'm a fan of mail-in voting. And the states that have gone to all mail-in voting, again, don't have fraud issues, don't have voter identification issues. So I do have a personal bias on that regard. But I can, I can go back and look if, if you're interested.

**RAYBOULD:** That would, you know, that would be great because I know you, you specifically addressed no photo ID is required and no--

**SHERI ST. CLAIR:** With the mail-in.

**RAYBOULD:** --and no notary. I think you said that.

**SHERI ST. CLAIR:** No notary.

**RAYBOULD:** I don't remember, but is required to do a, a mail-in ballot and--

**SHERI ST. CLAIR:** Correct.

**RAYBOULD:** OK.

**SHERI ST. CLAIR:** Correct.

**RAYBOULD:** That would be wonderful if you could get us some more information. I think I stole Senator Conrad's typical questions that she asks. You know what are, what are some of the best states out there that don't create any impediments or hindrances, so.

**SHERI ST. CLAIR:** OK. Thank you.

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**RAYBOULD:** Thank you.

**SANDERS:** Thank you, Senator Raybould. Are there any other questions? Seeing none, thank you very much--

**SHERI ST. CLAIR:** Thank you.

**SANDERS:** --for your testimony. Welcome.

**LINA STOVER:** Thank you. Too short.

**SANDERS:** I know.

**RAYBOULD:** We know. We know. We know.

**LINA STOVER:** My name is Lina Stover, S-t-o-v-e-r, L-i-n-a. I'm the executive director for the Heartland Workers Center, a statewide nonprofit serving immigrants and historically underrepresented communities. We work with them to develop leadership and to engage them in the civic engagement process and education. I'm also an immigrant myself with an accent from Colombia. I've been in Nebraska longer than I was in Colombia. Nebraska has been my home for 22 years. Became a citizen in 2019, so I've only voted a couple times in Nebraska. Complex process. I was asked to vote 35 different boxes last time that I voted. I needed the Internet and I needed the voter guide that we created. We helped create with the League of Women Voters. I am a graduate from UNK with a bachelor's degree. I have a master's from UNO and I have my Ph.D. from Lincoln. I'm a sociologist, so I bring all these identities in front of you. I'm an immigrant. I'm an academic. I'm a citizen. And I'm here to oppose LB535 as it stands. The idea is that we're going to be building a framework for election processes in Nebraska that keep a balance between verifying voter's eligibility and upholding the voter's constitutional right to participate in our elections. The current bill does not offer this balance. It is important to understand that this balance requires a lot of intentionality. It's in the details that we can disenfranchise people. We have a long history in the United States of tactics that have been used to reduce voting among America-- African Americans, immigrants, low-income people that has lasted for centuries. Examples of these are literacy tests, English-language requirements, and poll tax. The 24th Amendment of the U.S. Constitution ratified on January

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23 of 1964, stated that individual states can't deny or abridge, which I had to look for the meaning of that word, to diminish, a U.S. citizen's right to vote for failure to pay any poll or tax. And requiring a form of ID is a form of taxing. And for me, I say that it is a form of taxing. It is the cost of traveling to get the ID. It is the cost of the ID itself and the cost now of the notary. And I bring the cost up of the notary for-- because for Spanish speakers, it is very often that notaries will charge an extra amount because they are now having to do this process in a different language. The current bill only addresses fees for people that are born in Nebraska. What about all of the other citizens that need a birth certificate from a different state or people like my case, I need to show the documents to demonstrate my U.S. citizenship? The documents to demonstrate my U.S. citizenship are my naturalization certificate or a U.S. passport. My U.S. passport costs money, and I'm happy to answer any questions.

**SANDERS:** Thank you. Are there any questions?

**CONRAD:** Thank you.

**SANDERS:** Senator Hunt.

**HUNT:** Go first, Senator Raybould.

**RAYBOULD:** Oh, no, I've, I've been asking way too many questions, so.

**SANDERS:** Senator Hunt.

**CONRAD:** No such thing.

**HUNT:** I'll defer to Senator Raybould.

**SANDERS:** Senator Raybould.

**RAYBOULD:** Well, I'm very curious to some of the other impediments that you see, particularly with your background and what you bring. I'd like to hear more.

**LINA STOVER:** Absolutely. Thank you. So the reason why we have the fees are eliminated for the birth certificate is exactly to make sure that people are able to access those. If I lose my naturalization certificate because of a fire, because it's stolen, by no means I'm

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trying to lose it, just so you everyone knows, it will cost me \$555 to require-- to request a copy. And it'll take about a year for me to get that copy. So that alone, if something happens to that certificate and, again, I have all kinds of advantages. I speak the language. I'm mobile. I'm able to have access to money to pay for all of these things. But \$555 and a year's wait in order to be able to vote as granted by my-- the right by my citizenship certainly is a burden for me and for many other immigrants that might be in, in similar positions. And why would I lose my natural certificate? You know, same reason that anybody here will lose their birth certificate. It's an important piece of paper, I know it, but anything can happen.

**RAYBOULD:** Thank you very much.

**SANDERS:** Thank you, Senator Raybould. Senator Hunt.

**HUNT:** Thank you, Vice Chair Sanders. Thank you so much for being here today. I was eager to hear the testimony from the Heartland Workers Center. So thank you. I didn't-- you know, these things happen for me all the time. I try to be inclusive and thoughtful, and I didn't even think about trying to go see a notary as a person who doesn't speak English or for a person who has English as a second language. And I'm curious about that. Have you ever had to go to a notary or do you have colleagues or, or clients or people who have struggled with using a notary as a non English-speaking Nebraskan?

**LINA STOVER:** Absolutely. And there are a couple of cultural nuances that are important to mention here, because the way that notaries work in other countries hold a lot more power than perhaps notaries here in the United States. As a result, many immigrants perceive these notaries as I'm going to see an attorney and, therefore, pay whatever fees they're going to be charged. So unfortunately, people are taken advantage by notaries all the time. Yes, immigration paperwork requires you to notarize many documents and people pay for this because they-- of course, we have to. Most banks, if you don't have an account in the bank, they may not allow you to use their notaries. And then the tricky part is also the language, being able to navigate some-- the, the exchange of why do you need this and what ideas do you bring to the table? Might bring-- might be necessary to bring a broker with you which could be another. A child, for many families are-- the things are translated by children or if the notary is bilingual, then



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again, they're going to charge you extra because they're able to provide a service that they deem is necessary, of course.

**HUNT:** There's so many languages spoken in the state, and yet that's, that's something I hadn't even thought of. I'm, I'm disinclined to support voter ID. I did not support voter ID on the ballot. Given that we have to pass something to implement this, I've become more and more concerned about this notarization requirement. And this is something I even-- I literally didn't even think of. And what it does make me think about is I think that I agree with those who say if one fraudulent vote is cast, then that is not a fair election or that that is, you know, some kind of corruption or compromise in that election. We do not want one unfair vote to be cast, we don't want one, want one fraudulent vote to be cast. I would say why wouldn't that go the other way? How many migrants and new Nebraskans have been prevented from casting their vote who were otherwise eligible to vote because of these barriers? Is that not also corrupting the election? When we look at the other side of the coin, we don't want people who can't vote to vote. And if people who can vote can't vote, that's the same problem. That's also fraud in a way, is it not? And so, yeah, I'm going to noodle a little bit over this problem with the notaries and thank you for your testimony and bringing that to mind.

**LINA STOVER:** Thank you.

**SANDERS:** Thank you, Senator Hunt. Any other-- Senator Halloran.

**HALLORAN:** Chairperson, thank you, Chairperson Sanders. Thanks for your testimony. You're from Columbia?

**LINA STOVER:** Yes.

**HALLORAN:** I find it a little bit curious. I'll just make a quick statement about a few other countries that are poor countries, per capita poor countries, that have voter ID, and India is one of them, Mexico is another. And they're, they're-- every 18-year-old and above has one of these voter ID cards. I think in Mexico it's a thumbprint and a hologram and required birth certificate and maybe a couple of other required documents to get it. But they're all very proud of the fact that they went to the effort to get that. India is the same thing. There, it's a voter ID. And, and same in India, they're very,

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very proud of the fact because it's an important part of their citizenship to vote. Right? So why is it do you think it's, it's not such an issue in India, a poor country, and Mexico, a poor country, but here we, we bring up a lot of times that it's disenfranchising poor people to do this?

**LINA STOVER:** It took me years to understand this, because you're right, in Colombia, we have a national ID and I think that that's part of the point, that it's a national ID that everyone is-- starts to get when they're born. At age seven, I got my first ID and I remember carrying it in my wallet all the time. And it's used everywhere. I had to show my ID as a, probably, 12-year-old to be able to access a PG-12 movie. So this is something that is really used.

**HALLORAN:** Good idea.

**LINA STOVER:** Exactly. So it's used on the daily basis. So it's not just for voting. And that normalization of a national ID is not something that we have here in the United States. Right? Because whatever, whatever it takes to get an ID in California is very different than what it would take to get an ID here in Nebraska. The fact that there are two different policies is, by the way, blows my mind because the, the kind of government is simply different. So it is not concerning, but it is-- I wonder or many people wonder why if I am able to get an ID in California [INAUDIBLE], a permanent resident or actually undocumented people are able to get driver's licenses in California, so why not here in Nebraska? Right? Simply, simply the answer is because it's not a national ID. There are different laws that each state is going to regulate. So the history for poor people to not being able to vote makes also the context of a voter ID in the United States different. In Colombia, the way that people may be threatened to vote or not vote, might be with guns. I also remember that in, in Colombia, you have to put your hand in ink that is going to last for days and days and days to make sure that you don't vote multiple times. And I remember that because as a child, I was taken and I-- you'd show up to school the next day with your red ink. But all of these mechanisms are part of the norm of the culture of an entire country. Here in the states, going to Iowa is going to provide a very different perspective than moving to Nebraska. I think also with the labor-- now I'm going to go in to a different point, so I'm going to stop now. [LAUGHTER]

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**HALLORAN:** OK, but we're, we're mixing, we're mixing comparisons here a little bit. I don't care what California has for voting laws. I care what Nebraska has for voting laws. They're my concern, not California. I consider California foreigners, they shouldn't be here voting. Right? So-- but my point is, is indeed it's India and Mexico is a national photo ID, but we're-- we could do the same thing within a state and do-- and, and, and have, and have it, and it's free in those countries.

**LINA STOVER:** And I think that if a person, for example, from California that wanted to get a birth certificate, that wanted to get the state ID from Nebraska and needed to get a birth certificate from California in order to prove that they are U.S. citizens, that birth certificate from California is going to cost them some money. So if they are a low-income Californian--

**HALLORAN:** We're mixing analogies here, and that's fine. I'm just suggesting that it's, it's possible for some very poor countries to do this and it becomes a culture. I understand that. But, but the culture is changing all the time around us in our own state so it's not too late to start a culture here.

**LINA STOVER:** I, I, you know, and I think a national ID could solve that because that's what I, what I think about. Right?

**HALLORAN:** What about a state ID? I'm not caring about the national because--

**LINA STOVER:** I know. I know. That's why I'm opposing the state ID as it stands right now.

**HALLORAN:** But it, but it wouldn't be a national ID. It would be a state ID.

**LINA STOVER:** Correct.

**HALLORAN:** OK. Thank you.

**SANDERS:** Anybody else? Thank you for your testimony. Welcome.

**AMY BENNETT:** Good almost evening. My name is Amy Bennett, A-m-y B-e-n-n-e-t-t, and I'm the executive director of YWCA Grand Island.

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And I am here today representing our view. YWCA Grand Island serves the counties of Hall, Hamilton, and Merrick. And as an organization that believes in empowering others and promoting justice and dignity for all people, we oppose LB535. I want to speak specifically to the one week time frame after an election for someone to present a valid ID for their ballot to be counted today. For many of those we serve, this time frame is unrealistic and it is a barrier to casting their vote. For those who live in Hamilton County, the DMV in Aurora is only open on Tuesdays and does not open until 9:45 a.m. For those who live in Howard County, the DMV in Saint Paul only opens on Wednesdays and it is not open over the lunch hour and doesn't open till 9 a.m. For those who live in Merrick County, the DMV in Central City is only open on Fridays and is closed over the lunch hour. Many of those we work with do not have jobs that they can just leave to go to the DMV or they need to give notice of more than one day or two to take off work. Further, if there is a problem with any of your paperwork, you cannot just come back the next day because they won't be open and your ballot will not be able to count. And what might be the largest barrier to not just those in Hamilton and Howard and Merrick Counties, but also in Hall County, is that we do not have easy access to transportation in our communities. In Hall County, you have to actually preschedule your bus to come pick you up 24 hours in advance. It is not always on time. And then you also have to preschedule the pickup to go back. So if you don't know how long you're going to be at the DMV, you don't know when to ask them to come pick you back up. And since-- and this means that taking more time off of work, if you can get the time off work, and more than what most of us would consider to be a, a simple trip to the DMV. And this is a burden to those we serve that in many cases will deter them from voting. And beyond the ability to easily obtain the state-issued ID within the prescribed amount of time for your original vote to count is that it will increase the organizational demands of organizations like ours, our local shelters, our local domestic violence organizations because we step into the gap when those people need to get IDs, when they need transportation to the polls, when they need transportation to the DMVs. We are the ones who then are already stretched minimal resources that come in and assist our-- the clients that we serve. So it is for these reasons and many that you've already heard today and a few more that you will still hear that we oppose LB535 and ask the committee to consider all voters and their needs when implementing the voter ID law. Thank you.

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**SANDERS:** Thank you. Are there any questions? Seeing none, thank you for your testimony. Good afternoon.

**GUS PONSTINGL:** Hi. My name is Gus Ponstingl, and I'm here to oppose this--

**SANDERS:** Can you spell your name, please.

**GUS PONSTINGL:** P-o-n-s-t-i-n-g-l. I'm here to oppose this version of LB535. My main concern was that it was released only this morning and I haven't had time to fully study it so there may be concerns I'm not aware of on there. I've heard quite a few today. But the first thing I wanted to address is this idea that voter integrity is in somehow opposition to ease of voting. Like, these two concepts are opposed to each other. I think we can have a vote-- and I think we should optimize voting so that it is extremely easy and, and, thereby, reduce-- removing any cost barriers or physical barriers to voting and making this committee really focus on that. And simultaneously, I think this committee should really focus on strengthening voter integrity. I think I speak on behalf of most normal run-of-the-mill Nebraskans who are concerned about voter integrity. Where I come from or where people I talked to, they are very concerned about various holes in the voting process right now. And I think you can fill or, or improve those gaps in the voting system and make it easier. And I think it should be easier. I talked with Senator Hunt about that. And I agree, I think it should be as easy as possible. Whether, whether you give people something in a way of compensation to get to the polling place or bring the polling place to them, having a state-issued ID that's made very easy, but simultaneously having a state ID, I think it's really important. My concern and my fear is that my vote is diminished if somebody votes that is-- or votes, votes multiple times. Really, I'm not so worried about somebody voting with just multiple voting or the possibility of multiple voting. I'm also concerned about-- the machines themselves scare me because I've tried to and I've asked to inspect the machines and do other things. I know this isn't about that, but just the idea that in the machine itself, there's no ID in the machine and, you know, I mean, the machine can vote 100,000 times. There's no ID required for the machine to vote. So I personally I think that there are big holes in the system where I can't check. I can't go and look. I'd love to see the ballots after the election. I'd love to look on the Internet and see the ballots

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there without names associated to them, just to check them and count them myself. I think right now I've asked to do that and they won't let me do that in my county. And so those are some major concerns. And again, if, if we, if we make the state ID simple, free, easy, bringing the possibility to everybody free of cost, I think then we don't have to worry about multiple different types of IDs. You don't have to worry about out-of-state IDs. Again, if somebody can't afford their, their birth certificate from another state, maybe there's some way of compensating them to help and get that. Again, I think making it easy should be-- and this is our biggest priority, I think, as Nebraskans having, having ease of voting, low-cost voting, and then very secure voting. And I think everybody will sleep a little easier at night with all of this met. That's all I got.

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

**GUS PONSTINGL:** Thank you.

**SANDERS:** While we're, while we're waiting for you to come up, please do, how many are left to testify in opposition? How many in the neutral? Thank you. I think we've gone over that hour where we need a break. So after your testimony, we're going to take ten minutes, we'll just do a restroom break and we'll come back about 5:15. Yeah. OK. Welcome.

**STAN REFSHAUGE:** Stan Refshauge, S-t-a-n, last name, R-e-f-s-h-a-u-g-e. Good old Danish name. I'm really going to be pretty quick here. The 432 as it was written and that the, the electorate passed by 65 percent or whatever it was, what they really did was they gave away several thousand polling places. Their homes. Let's get back to mail-in voting and whatever. Get-- do away basically with that 432 and come up with a system that will work for security. I am not against security. I voted first in 1960 in the Air Force where my ballot was sent to my commander, and he called me in and voted and he attested to I was who I was. Now I'm not suggesting we go back to that necessarily, but I am not against security as such. And the other thing that people have brought up and I think is an excellent idea, there is no mandate in 432 that something be done very fast, very quickly. We've got to do it now. Slow down. I'm going to close with

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this little thing that a, a guy said about 2,500 years ago: Life is really very simple. We tend to complicate it. Confucius. I'm done.

**SANDERS:** Thank you, sir. And thank you for your service. Are there any questions? I see none. Thank you for your testimony. And we will go into a little break. We'll be back at 5:15. We'll start the evening session.

[BREAK]

**SANDERS:** We're going to go ahead and get started. I'm going to stand up for just a minute because when I sit, I can't see all of you. We're going to try just a little bit of a system, not that you haven't been doing a great job, but we're working with the redcoats and our security here. So raise your hand Angie. Where Angie is sitting there, will be the seat before you come and testify. So we're going to keep moving from the back this way. When you get to that seat, you're the next one that will be up to testify. Got it? OK. Thank you very much. OK. You got it. Nicely done. Welcome. Did we get it figured out? OK. Who's on first? Perfect. Yep. Welcome. Thank you. Welcome.

**ANGIE LAURITSEN:** Thank you, Vice Chair Sanders and the other committee members for Government and Military Affairs [SIC]. My name is Angie Lauritsen, A-n-g-i-e L-a-u-r-i-t-s-e-n. I am a survivor of childhood sexual assault, domestic violence, physical, mental, and financial abuse. My role here is to make sure that the survivor voice is front and center on policy. Domestic violence victims are disproportionately affected by the language within LB535. Abusers use many different types of control over their victims, and one of those is confiscating the state-issued IDs, birth certificates, and Social Security cards of their victims. Many domestic violence victims must get themselves to safety at a moment's notice, and trying to retrieve their identification may put them in real danger. Victims may suddenly find themselves homeless, in a shelter, or couch surfing without any type of legal ID or any way to replace it. There are many roadblocks currently in place to obtaining a replacement identification. Without a permanent address or any access to their bank accounts or other funding, they cannot obtain replacements. Shelters, by their nature, have undisclosed addresses and use P.O. boxes, which are not allowed to obtain a state ID. When replacement birth certificates and Social Security cards are needed, it takes up to four weeks and costs over

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600-- or \$65 for documents. Service providers throughout the state have limited resources for helping to fund the replacement of identification for victims and provisional licenses do not have the photo identification that would be required by LB535. On a single day in 2019, Nebraska domestic violence programs served 597 adult and child survivors, and another 96 requests for services went unmet due to lack of resources. If you care about victims of domestic violence, I urge you to oppose or amend LB535, and I can answer any questions that you may have. I also included just some Nebraska statistics pertaining to domestic violence victims within our state for you also.

**SANDERS:** Thank you very much for your very personal testimony and for the information. Are there any questions? Seeing none, thank you for your testimony.

**ANGIE LAURITSEN:** Thank you.

**SANDERS:** Welcome.

**PEGGY CICMANEC:** Hello. My name is Peggy Cicmanec. That's P-e-g-g-y, last name is Czechoslovakian, so it's C-i-c-m-a-n-e-c. Used to be pronounced "Cheechmonyet," so I figured it's better now. In my search for the truth about our elections, it started in 2020. I'm sorry to say I've never been here before. I've never testified in front of a committee. Oh, and Senator Brewer just got back. I was hoping he would, because part of the reason I didn't ever do this is because I lived in Cherry County, which is very far away. I lived in Gordon for the majority of that time, which is where Senator Brewer's from. And I also taught in Gretna. So I-- and I was born in Ord. So I've lived all over the state and I talked to people in those places when, when I started to feel like something was wrong that had happened in our elections in 2020. And so realizing that after the 2020 election, a lot of the problems that came forward seem to be from swing states. I didn't hear anything about Nebraska. So I, I thought, well, Nebraska was fine. Nebraska didn't have any problems, but I felt like I needed to do something. I was retired. I'm a retired teacher. I taught all of Senator Brewer's nieces and nephews in, in Gordon. Anyway, so I decided I was going to join an organization to see if there were problems in Nebraska. And since I live in Lincoln now, it was in Lincoln. And so I joined a group called the Nebraska Voter Accuracy Project, and I started canvassing. And from October to February, we



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canvased and every day we found problems. Every day, every day that I, that I was out. And they were problems with people not living-- like, this address says that so-and-so lives here. Well, those people didn't live there. And then-- or there would be multiple ballots had been sent to that address. And in speaking with my mom, who isn't from Lincoln, but she-- she's 85 years old. She's always voted in person. She's very healthy. She received-- well, she couldn't quite remember, but she said it was maybe six to eight ballots sent to her that she did not request. She's always voted in person and she threw them away. So the problems that we were finding was through the Nebraska Voter Accuracy Project and then, and then hearing about my mom and then talking to people.

**BREWER:** All right, Peggy, let, let me run a quick question by you.

**PEGGY CICMANEC:** OK.

**BREWER:** When you went and you found these discrepancies, issues, did, did you turn that into Secretary of State or did-- what was kind of the course of action to try and correct some of that? Was there--

**PEGGY CICMANEC:** OK. We, we had to have affidavits filled out--

**BREWER:** Right.

**PEGGY CICMANEC:** --and then the affidavits were given to the person that was in charge and different days that could be different people. But ultimately, then, yes, they were given to somebody and they were presented to the Secretary of State, I believe. And I just feel like nobody believes that there are problems. And I've heard some people testify today that there's no voter fraud. Well, I believe it's election fraud. And yes, there is election fraud. And I believe that every county in Nebraska had fraud, although I didn't go to every county. I live in Lincoln, so I can testify that I think Lincoln needs their voter rolls cleaned up, definitely. There are huge problems with the voter rolls. And in listening to speakers that have been in Nebraska, I've listened to Dr. Douglas Frank, Colonel Shawn Smith, Seth Keshel, Professor Clements, they've all been to Nebraska, they've all done their own studies, and they've all found election fraud. So--

**BREWER:** Well, yeah, I guess--

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**PEGGY CICMANEC:** I'm not the expert.

**BREWER:** I'm trying to connect the, the dots as far as if it's out there and the information gets to the Secretary of State and then nothing happens, and then that's where I'd have concern. And, and so that's, that's the part I'm trying to connect here. But I, I think I've got materials here to start looking through to figure out, you know, how, how that situation is. And I'll just ask the Secretary of State, you know, how many, how many issues are you dealing with and where are they? And see what it comes back with.

**PEGGY CICMANEC:** I feel like he has not been very forthcoming to our Nebraska Voter Accuracy Project.

**BREWER:** Well, that's disappointing to hear. All right. Go ahead, Senator Aguilar.

**AGUILAR:** Thank you, Colonel Brewer. Thank you for coming today. Just one question. These ballots that your mother received, did they all have her name on them?

**PEGGY CICMANEC:** They did.

**AGUILAR:** Wow.

**PEGGY CICMANEC:** Isn't that disturbing?

**AGUILAR:** A little.

**PEGGY CICMANEC:** Yeah, and I know that's only one person. And you think, oh, just one person. But OK, I don't know everybody in the state. I do know my mom. And for that to have happened to her, well, how many other people? And my mom, she did throw them all away because she knew she was going in person, so she threw them away. But if that happened to another person, would they throw them away? I don't know.

**AGUILAR:** Thank you.

**BREWER:** Thank you. Any additional questions? Senator Lowe.

**PEGGY CICMANEC:** Oh, sorry.

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**LOWE:** Sorry, excuse me. Stick around for a minute. The other people that you talked to that got ballots that weren't supposed to go their home,--

**PEGGY CICMANEC:** Right.

**LOWE:** --whatever, were they addressed to the person that was living there or is somebody else getting the mail there?

**PEGGY CICMANEC:** Well, it was different situations. I mean, it, it happened more than once. And usually, as I recollect, the people said they came addressed to people that had lived at that address before in some situations. So they were addressed to somebody that no longer lived there. And those people discarded them, threw them away. They told us, now we have no way of knowing. But that's what they told us. But in some situations, they came addressed-- they got multiple ballots addressed to them. You know, just like my mom. And they also told-- nobody had a ballot to show us. We always asked, like, do you have any of those ballots that came? And they didn't. So we didn't ever get one to be able to look at it just like with my mom. And I told her in the '22 election, if you get multiple, make sure you keep them. And she didn't. So maybe it's been fixed, but I doubt it.

**LOWE:** Thank you.

**BREWER:** OK. Hey, additional questions? Senator Conrad.

**CONRAD:** No. Thanks for your testimony and making time to be here and sharing your perspective. And I know we've-- I've had conversations with some of my neighbors in my community who are confused about some of those issues too in north Lincoln. And I wonder if sometimes there's confusion about the vote by mail applications and then the ballot themselves, which, you know, more and more political mailings, you know, and more campaigns, issue campaigns, candidate campaigns, civic groups, you know, send out vote by mail applications so that if people want to request a vote by mail ballot, they can do that, which is kind of the first step before the ballot. But I'm just wondering if maybe there isn't some confusion with the different types of, of things that are coming through the mail maybe, and I'd be happy to talk more about it afterwards, but that's just something that, that I've had conversations with my neighbors about too.

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**PEGGY CICMANEC:** Well, in my mom's case, she knew she was going in person. She's a very healthy person, she's 85. And she would have never filled out something that said, send me this. And she said she didn't ask for them and they kept sending them to her and she kept throwing them away.

**CONRAD:** Yeah, I think them come--

**PEGGY CICMANEC:** And I--

**CONRAD:** --unsolicited sometimes. I think you're right about that.

**PEGGY CICMANEC:** Yeah.

**CONRAD:** Yeah. OK. Thank you so much.

**BREWER:** All right. Any other questions for--

**CONRAD:** Appreciate it

**BREWER:** --Peggy? All right. Thank you for coming in.

**PEGGY CICMANEC:** Um-hum. Thank you.

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

**CHERYL MORTON:** Thank you, Senator Brewer, the whole committee.

**CONRAD:** Yeah. Yeah.

**BREWER:** Oh, OK.

**CONRAD:** There's confused here.

**CHERYL MORTON:** My name--

**BREWER:** Whatever, whatever Senator Sanders says, just do that and you're good.

**SANDERS:** Great job.

**CONRAD:** Amen.

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**BREWER:** All right, go ahead. I'm sorry.

**CHERYL MORTON:** My name is Cheryl Morton, C-h-e-r-y-l M-o-r-t-o-n. I'm a resident of Lancaster County. I'm a retired nurse, and I have gotten involved in the political realm in the last couple of years because I've been concerned about the state of our country. I think we're in a horrible mess. I think we're divided. And I think that we can't come together on very many issues. And I see it here. I see it down the hall. And I'm very emotional, so bear with me.

**BREWER:** Take your time, just go slow.

**CHERYL MORTON:** Peggy and I got together through a Bible study group to start canvassing. And we walked door to door. We knocked on lots of doors. A lot of people weren't happy to see us because they were like, what are you doing here? You know. We're just, we were just validating the voter rolls. And we had them in our hands. We knew who was supposed to live there. We knew how they voted. We knew how many people were at those addresses. And surprisingly, I'd say half the homes that we visited didn't have accurate addresses or people at that address. I've sent around some of our affidavits that show what we found, and Peggy didn't have them, but I have them for you. We-- in Lancaster County, we had someone receive three ballots by mail, not requested; another received four ballots by mail. The name on the ballots did not live at the address. We had another one that received eight to ten ballots in their household; four or more each received in the mail. We saw-- you can read down the list. This is not only Lancaster, but other counties further down the list. And so, you know, you really start to wonder, you know, our voter rolls are dirty. And we brought that to the attention of our voter commissioning-- Lancaster voting commissioner and to the Secretary of State. And we just felt like it wasn't really of concern. You know, it was like we're doing the best we can. And we had people moving and, you know, their addresses weren't being changed and, and people are going, how come I'm not on the voter roll? You know. So it's like we need huge correction in our voter rolls. And that is where all this starts because you're mailing out ballots to people that don't even live there anymore. Their kids are long gone and they're still getting ballots. So I, I just-- I got very passionate. I decided I wanted to get more involved. I'm a Lancaster County delegate. I'm a neighborhood captain. I go door to door before elections and ensure that my

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neighbors know who's on the voter rolls, who-- what the candidates stand for. And so I, I just feel very passionate that we need massive change. And I see what's happening here today and that there's so many pieces to the puzzle. We've got to make it simple and we've got to come together. And I, I looked briefly at the bill and then I knew that there was an amendment to it. So I have not seen the amendment, and I'm sorry for that. I do want to be updated, but I do want, I do want us all to come together and get this solved because we are one of 47 countries that doesn't require voter ID and that needs to change.

**BREWER:** All right. Well, this information you give us here, the Secretary of State has received this? So this is--

**CHERYL MORTON:** The voter commissioner has.

**BREWER:** OK.

**CHERYL MORTON:** The voting commissioner has, plus a lot of other information. Plus the DVDs that you guys all received. They received all of that and we've not heard anything back. It's like--

**BREWER:** OK.

**CHERYL MORTON:** --we don't want to know about it so.

**BREWER:** I just happen to have a hotline to the guys that should be on top of this. So let me see if I can find out some answers. Thank you for your testimony.

**CHERYL MORTON:** Thank you. Any other questions?

**BREWER:** All right. The next testifier, please. Welcome to the Government Committee.

**ROBERT LEE LIGON:** Thank you, sir. My name is Robert Lee Ligon, spelled R-o-b-e-r-t L-e-e L-i-g-o-n. I'm here today representing myself and my wife, Charlene Butts Ligon. I would like to thank the committee for the opportunity to testify on this very important bill. I speak in opposition to this bill. This bill is very personal with me and my wife. It was my wife's mother, Evelyn T. Butts, who sued the state of Virginia back in 1963 about requiring a poll tax. At the time, the Solicitor General, Thurgood Marshall, argued the case to the United

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States Supreme Court, who ruled in 1966 that the poll tax was unconstitutional throughout the country. My wife and I have see-- have to see this bill as nothing more than a modern day poll tax because it builds imposition on people's right to vote. Even if people don't have to pay specifically for an ID card or a birth certificate, there are indirect costs. For instance, the elderly worker who must take off from work for hours to go to the designated agency to get an ID card or other required documentation. There is the elderly person who no longer drives and have let their license expire. This person now have to incur the expense of paying to get to the designated agency to get the required documentation to vote. This bill is unnecessary. It is presented under the guise of voter fraud. My wife and I got here in 1992 by way of the United States Air Force, reassigned to Offutt Air Force Base from Ramstein Air Force Base, Germany. I have worked as a poll worker at almost every election since taking residence in Nebraska. I cannot attest to any other counties. But in all the years I have worked as a poll worker, I have never heard the Sarpy County Election Commission address any issue of voter fraud. Voter fraud simply does not exist. I thank the committee for the opportunity to testify here today.

**BREWER:** All right. Thank you, Robert. Questions? Yes, sir. Senator Lowe.

**LOWE:** Thank you. I'll take sir. Thank you for your service to our country. I deeply appreciate that. And for your mother in law, for what she did. And thank you for spelling your name very slowly so I could write it. I appreciate that also. Thank you. That's all I have.

**BREWER:** Actually, just so everybody understands, I'm supposed to say the senator's name, so the transcribers know. Because if I just say sir or ma'am, they don't know who's talking. So it's nothing personal, I'm just trying to keep it right. OK, was there any other questions for Robert? Yes.

**RAYBOULD:** Mr. Ligon--

**BREWER:** Senator Raybould.

**RAYBOULD:** Yes. Thank you so much for coming down and testifying this afternoon and waiting. The question I have, because of your experience

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as a poll worker, have you seen a shift in the number of people who show up and vote versus the number that you may or may not be aware of that vote by mail? Or is it a mixed bag?

**ROBERT LEE LIGON:** I can say in my experience, in Sarpy County, for the last two elections, there has been a definite increase in the number of people showing up at the polls to vote.

**RAYBOULD:** Well, thank you. I appreciate hearing that.

**ROBERT LEE LIGON:** All right.

**BREWER:** Have you ever been back to Ramstein?

**ROBERT LEE LIGON:** No.

**BREWER:** You may not recognize it. It has changed a lot.

**ROBERT LEE LIGON:** Is that right?

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

**ROBERT LEE LIGON:** Thank you all.

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

**HEIDI UHING:** Chairman Brewer and committee members, my name is Heidi Ewing, H-e-i-d-i U-h-i-n-g, and I'm the public policy director for Civic Nebraska. I'll be speaking in opposition to LB535. Civic Nebraska has long opposed voter ID for the reasons you've heard over the 12 years that it has been considered before the Legislature. It's unfair, it's inconvenient, it's unnecessary and expensive, and it violates some people's right to vote, often the elderly, veterans, disabled people, students and low-income Nebraskans. The November ballot measure provided little information for voters to make an informed decision about this issue. The measure was just a couple lines long, and now we have a 38 page amendment that reveals how Nebraskans could actually be affected by this law. This is where the work begins. And there's reason for concern about its shortcomings. Many Nebraskans supported voter ID because so many other states have already implemented it. Indeed, the majority of these states have a



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nonstrict requirement, where if a voter cannot provide a valid photo ID, they can sign an affidavit of identity and still have their ballot count. They still get to vote. A strict voter photo ID requirement says that voters without acceptable ID must vote on a provisional ballot and take additional steps after Election Day for their ballot to count. These eight states are Arkansas, Georgia, Indiana, Kansas, Mississippi, Missouri, Tennessee and Wisconsin. The bill would put Nebraska in this small subset of states. But even among these strict states, LB535 is an outlier. It fails to provide important accommodations approved by even the most strict ID states in the country, needlessly turning people away from the polls. For example, this bill is more restrictive than six of these eight states by not accepting any student IDs. It is more restrictive than five of the eight states when it comes to accepting expired IDs. It's more restrictive than three of the eight states by not accepting IDs issued by other states. And only two of these other states require a notary for voting by mail. This new amendment could make Nebraska one of the top three most restrictive states in the country for voting. It presents a threat to the 11 rural counties who have requested to vote by mail-- to conduct their elections all voting by mail because it provides access to elections for people who live very remotely. This will lock out new voters who are newly participating in their elections, who were not before these conveniences were provided. We must do better than this. There's no doubt that many Americans are concerned about protecting our country's elections. Implementing voter ID has been advanced as a solution to this problem, which is why we're having this conversation today. But I would encourage committee members to remain focused on the larger picture. We all want our elections to be as good as they can be. Proponents have called voter ID a commonsense measure. What's also common sense is automatically registering people to vote, restoring former felons' voting rights once they've paid their debt to society, ensuring all polling places are ADA compliant, expanding vote by mail.

**BREWER:** OK, I'll hold you up there. All right, questions?

**RAYBOULD:** Yes.

**BREWER:** Yes, Senator Raybould.

**RAYBOULD:** Could you please finish your speech or statement?

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**HEIDI UHING:** Sure.

**RAYBOULD:** I'm sure it's only a few more sentences if you-- OK, thank you.

**HEIDI UHING:** Voting by mail has increased voter participation beyond what we could have imagined in our rural counties, and offering prepaid postage on ballots and texting voters to let us know that you received our ballot safely. Consider this an opportunity to advance election improvements that voters would notice and appreciate, not just the inconveniences in this bill. The Legislature can make our election stronger in so many ways and now is the time to do it.

**RAYBOULD:** Thank you very much.

**BREWER:** Any other question for her? All right. Thank you for your testimony.

**HEIDI UHING:** Thank you.

**BREWER:** OK, next testifier. You guys are just figuring the shift in seats around thing. Appreciate it. All right, welcome to the Government Committee.

**ANGIE PHILIPS:** Hi, my name is Angie Philips, that's A-n-g-i-e P-h-i-l-i-p-s. I'm here in opposition to LB535 and any legislation that restricts or creates barriers to voting. And because I don't believe this bill can be enacted in a form that isn't oppressive to the vote, I'm going to be bold and just say that you should just sit on this bill. Don't enact it at all. Sit on it like you do commonsense gun laws or fully funding our public schools. Do nothing, like you do when we request access to quality, affordable health care or reforms to an unfair criminal justice system. Those are things that people have been requesting for years to no avail. And those things would actually help Nebraskans. If you do decide to move forward with this legislation, I think you'll find it surprising to discover that this not only suppresses the vote of low-income voters and voters of color, but also many rural communities that make up the GOP voting base. A lot of the voters-- a lot of those voters signed on to this legislation without realizing the full consequences of the bill. And I

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urge you to save them from themselves and simply not move forward LB535. Thank you.

**BREWER:** All right, thank you. Questions? Questions? All right, thank you. OK, next testifier, please. Welcome to the Government Committee.

**KIMARA SNIPES:** Thank you, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Kimara Snipes, K-i-m-a-r-a S-n-i-p-e-s, kind of like Wesley, but just much cuter. And I'm here to testify in opposition to LB535. I recognize that a vote has taken place, so you won't be hearing from me about one of the most central issues of racial justice that exists in our time today, the right to vote, or about the only 31 incidents of voter fraud identified out of hundreds of millions of votes cast since 2000. Professionally, I'm a senior director with a nonprofit president of a neighborhood alliance, I serve on multiple boards and have also served as an elected official. Personally, I am a single mother who just lifted herself out of poverty in the past few years. I'm also someone who has to travel all the way to Lincoln to get a copy of my birth certificate, even though I was born in Omaha, because I'm adopted. But that's enough about me. I'm going to talk about my son, K.J., a.k.a my "Bubba", who thankfully today works for Creighton University. In 2021, we had to move out of our home, which wasn't being taken care of and sitting in the midst of just crime. People were literally shooting from my yard in south Omaha. Shortly after, we realized that several of our documents were misplaced, likely thrown away. My Bubba was looking for a job and his ID was expired. We needed to replace his ID, which meant replacing his birth certificate and also his Social Security card. This is one of the fun-- not so much-- began. My son was almost immediately locked out of the entire online system for his Social Security card. We called and were told to complete a form that was sent to us in the mail. We filled it out and sent it in. We still don't know what happened to that. We called again and we were told to bring the birth certificate, which is a cost of \$17 to replace, along with a medical record, which can also have a cost to it, that had to be mailed to us. When we were finally able to make it back out to the Social Security office, the process of using a medical record was no longer one that was accepted, and we didn't know. By the way, we also use public transportation. I don't know how frequently any of you use public transportation, but getting around in Omaha, Nebraska, from south Omaha to 109th and Old Mill Road is not an easy, fun or quick

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task. As I read this bill, I'm not sure that barriers will be addressed. As I hear of the changes and the possible amendment, which wasn't even a public when I was entering this room today, I have concerns. How many people currently don't have a valid ID for whatever the reason, and that's just dealing with the ID part of it. What about vote by mail? What about this new need for notaries? What if someone moves and accidentally uses their old address? There are just a lot of questions that I have. At the end of the day, since we know this is now law, it is my expectation and my plea that you will please do your due diligence to address the barriers that have been created so that people like myself, my son, Miss Brenda [PHONETIC], who I brought down here with me, who is sitting in the cafeteria right now resting, will have this access. Thank you.

**BREWER:** Thank you. OK, questions? Yes, Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Ms. Snipes, thanks for coming all the way to Lincoln today and thank Ms. Brenda, too, for hanging in there. For the record, I know, but can you say what's at 109th and Old Mill Road?

**KIMARA SNIPES:** Oh, the Social Security Office. It might not be Old Mill, but it's 109th and it's way out there.

**HUNT:** And it's hard to get there via public transportation, right?

**KIMARA SNIPES:** Absolutely.

**HUNT:** OK.

**KIMARA SNIPES:** Absolutely.

**HUNT:** To say nothing of coming to Lincoln to get a birth certificate from Omaha.

**KIMARA SNIPES:** Oh, yeah. From Omaha.

**HUNT:** Which imagine if you lived in--

**KIMARA SNIPES:** Yeah. And it's not just people who are adopted, but if you were born on a military base, you also would have come to Lincoln as well, so.

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**HUNT:** OK. Thank you so much.

**KIMARA SNIPES:** Thank you.

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

**KIMARA SNIPES:** Thank you for your time.

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

**MARY JEAN REINER:** Yes, my name is Mary Jean Reiner, M-a-r-y J-e-a-n R-e-i-n-e-r, I'm at 5646 South 140th Avenue, Omaha, Nebraska. Two things that somebody brought up here that I wasn't going to include in this are make sure you look at the lawsuits all across the country against the voter ID laws. Because I don't think we want those. I can't name you all the states, but one for sure was Mon-- Montana because my brother lives there. Also, I heard some people saying things about long-term care facilities, assisted care facilities, et cetera. If you're going to put terminology in, make sure you have it right. Senator Erdman's bill is going to limit mail in and so-- I guess to nursing homes. So I called and I said, what's, what's that about? And they said, well, go by the statute. So I looked at the statute and the statute excludes assisted living facilities. So just a caveat to look out for. I'm opposed to this bill because I want to know what a valid photo ID is. The bill said-- the bill says that we need to conform. So what's your definition of conform? Because it has to conform to what you have on your registration. I looked up conform, it means several things. Two I picked out was: similar or identical. So we have a little problem here. So what do you mean? Do you mean similar or whatever? I checked a-- the form of the Nebraska voter registration. You can put your name like me, Mary, but I can also put Mary Jean, I can put Mary J. So that does not conform to my state-- my license at all. My license says Mary Jean Reiner. And then in your bill, you also say I can use some utilization bills, utility bills, bank statements, yada, yada. I go by Jean. All my stuff is by M. Jean, M.J., Jean, Mary J, you have it. My Social Security checks come by Mary J. I checked with my friends, theirs do too. So you need to know-- I need to know what does conform mean, particularly if you're, you know, what does conform mean? Is it similar or is it identical? And as far as mail-in ballots and the state ID, very quickly, a friend

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of mine had to get a state ID for her mother. She took off work three times. She had to get her mother in her wheelchair and oxygen over there. Took her two months to get that state ID. In the law it says that the mail-in ballots, I think, take 20 days or the state ID takes 20 days. Well, that's too long. So I'm out of time. And thank you very, very much.

**BREWER:** All right.

**MARY JEAN REINER:** Any questions?

**BREWER:** Jean, let me, let me assure you, at least on the issue of the senior homes. My mom is in the senior home in Gordon, my dad is in the retirement home in Rushville. And I know mom's driver's license has been expired for quite a while. We disabled dad's vehicle so he couldn't drive it. So I don't know if his is or not, but--

**MARY JEAN REINER:** Been there, done that.

**BREWER:** We're going to, we're going to figure out a way that they're, they're not left out. I'll give you that promise. And we're going to, we're going to figure out a way so that they vote. I'm not sure the mechanism, we're still working through this, but we're not going to leave them out. They are going to get a vote.

**MARY JEAN REINER:** Well, very good.

**BREWER:** All right. Any questions? Yes, Senator Raybould.

**RAYBOULD:** Yes. Miss Reiner, thank you so much for coming down from Omaha and waiting. And the question I have that I've asked a few other people, but do you love to vote by mail or do you just love to go to the polling places?

**MARY JEAN REINER:** I love-- I've done voting by mail since it started, and I've voted since 1964. In doing my research, I called the Douglas County Commission and I said, help me with trying to figure all this out. She tracked me from 1964 where I used to live. I said, why, I even forgot I lived there. And all the way to the present day she tracked me when I changed anything, when I did anything. And so I started doing mail-in ballots as soon as I could. And by the way, I

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was out of time and I would like to say something about mail-in ballots very quickly.

**RAYBOULD:** Yes, I'm always curious about that.

**MARY JEAN REINER:** For me, and I think for everybody else or maybe everybody else, I hope, you go into the ballot box personally and you don't know a darn thing about what you're voting for. You hurry in there, you hurry out and you check something. You don't know anybody. With mail-in, I get all my information, I have time to research who is the candidate. I have time to see if they match my values. And I go into the booth, because I will not vote for anybody that I don't know anything about. But a lot of people do. And you have time with a mail-in ballot to do just that. And that's what I do.

**RAYBOULD:** Well, thank you very much.

**MARY JEAN REINER:** Yeah.

**BREWER:** Jean, thank you.

**MARY JEAN REINER:** Uh-huh.

**BREWER:** Thanks for coming in.

**MARY JEAN REINER:** Thank you.

**BREWER:** All right, next testifier, please. Welcome to the Government Committee.

**CHRISTY KNORR:** Hello. My name's Christy Knorr, K-n-o-r-r, I live in Omaha. I oppose this bill. It's racist, classist and ableist.

**BREWER:** Christy, on your first name, the spelling on it?

**CHRISTY KNORR:** C-h-r-i-s-t-y.

**BREWER:** OK. Thank you.

**CHRISTY KNORR:** There's been two cases of fraud in Nebraska in 2017. You've already received the explanation for that, I don't need to go over that. We do have some fraud that's been committed that we're currently looking at by you yourself, Senator Brewer. Anyone with a

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disability, this really affects them. Let's talk about it. I'm a nurse. I can speak very, very much to this. And the time it takes and the barrier to anybody in a wheelchair would need the extra help, the extra assistance, the transportation. Some people have to pay for that out of pocket. Do you know how much a trip one way for a handicapped van is for a wheelchair-accessible van? Does anybody have any idea?

**BREWER:** You don't ask us questions.

**CHRISTY KNORR:** It's \$50 one way. So that could potentially be a \$100 round trip for people who already have limited funds and limited mobility. And it's so much more of a hindrance. Other barriers. Money. I was one of those moms that I was on welfare, food stamps, all of that, right? And to ask me to do special things, pay for extra stuff. There were times when I dug pennies out of my couch to feed my children. So those are things that you have to think about. And I'm sorry if you haven't ate government cheese, you don't get it. Voting is our right and nobody should be able to limit it. And voter ID does that. The 38-page amendment was not even on the website. That was just added to this bill. So now we're sitting here doing this, and the public didn't even have access to those 38 pages. It's a shame. And for the record, Julie Slama is not listed as a lawyer on the Nebraska state bar. There were-- Senator [SIC] Evnen did address all this voter fraud that everybody said went on this last election-- or whatever, he's Secretary of State. He did address it actually on December 16. There were 11 ballot, ballot discrepancies, five of those being that the circles weren't darkened in enough. There's audits after every election. And in this last election, we had 0.02 percent errors, which translates to 1 in 4,390 votes.

**BREWER:** All right, thank you for your testimony. Questions? Senator Conrad.

**CONRAD:** I just wanted to-- thank you, Senator Brewer. Appreciate it. I just wanted to note for some of the folks in the room in case people weren't in here during the, the opening statements and things is that I think a lot of us were concerned about the fast-tracked hearing schedule because it makes it harder for the senators and the public to get all of the information so that the hearings are as productive as they can be. You know, that being said, I think I've been there before. I know Senator Slama is working right up until the last minute



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to try and pull people together and get something back from Drafters. And it doesn't always get posted as, as fast as it can. And it's, it's not a position any of us want to find ourselves in when we're trying, trying to work on compromising--

**CHRISTY KNORR:** But as somebody who took time off work, drove here--

**CONRAD:** I, I--

**CHRISTY KNORR:** --it's disheartening.

**CONRAD:** I 100 percent agree that it makes the hearings harder for everybody involved.

**CHRISTY KNORR:** Especially when we're trying to [INAUDIBLE].

**CONRAD:** Even if we have a different point of view on stuff. But I think it's a global note for the body that when we know there's going to be bills of high interest, that maybe there's a little bit more lead time so that consensus can be found, drafts can get posted. But I, I did just kind of want to note that as kind of a global note instead of unique to the, the situation that Senator Slama finds herself in, because I've been in those exact same places before. It's just unfortunately--

**CHRISTY KNORR:** And I would say the same thing to you too.

**CONRAD:** Yeah, for sure. Absolutely. And point well-taken. I appreciate that.

**CHRISTY KNORR:** So it has nothing to do with that.

**CONRAD:** Yeah. I appreciate that.

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

**ARYN HUCK:** Thank you, Senator Brewer. Thank you, everyone, for allowing me to provide testimony here as part of the committee record today. My name is Aryn Huck, spelled A-r-y-n H-u-c-k. I am the community organizer with OutNebraska, which is a statewide nonprofit working to celebrate and empower LGBTQ, that would be lesbian, gay,

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bisexual, transgender and queer and questioning Nebraskans. What we know is that Nebraska's Constitution declares that our elections shall be free and there shall be no hindrance or impediment to the right of qualified Nebraskans to vote. We are here in opposition today to LB535 due to our concerns that many Nebraskans, including those who are gay and transgender, will lose their right to vote or face undue burden to vote. LB535 requires all voters to present photo ID. We've been over this. But what we've seen with requiring this sort of photo ID is it creates additional barriers to voting for transgender Nebraskans who may have had a name or appearance change since the last time they got an ID. We know that updating legal documentation and photo ID can be difficult and time-consuming. And this bill does not do enough to make it easy for Nebraskans to acquire an updated photo ID. Nationwide data finds that 43 percent of transgender voters lack identifying documents that correctly reflect their name or gender. This percentage is higher than among transgender people who are black, indigenous people of color, young adults, students, people of low income, they're experiencing homelessness and/or disabled. Allowing for additional forms of identification would be helpful in alleviating this problem. Even when transgender individuals do have voter ID, approximately one in three transgender voters report verbal harassment from poll workers as a result of that ID if their name or gender marker doesn't match their assumed gender. This bill does not provide for expanded training for poll workers to address those problems, which we expect to see here in Nebraska. We must ensure that no eligible voters disenfranchise simply because the gender marker on their ID or their name doesn't align with the poll worker's assumption of someone's appearance. And for context, the process to change someone's legal name and gender marker in Nebraska takes a long time. It takes a minimum of two and a half months. I myself went through this process a few months ago. I had to meet with a doctor, meet with a lawyer to prepare legal documents of my legal name change, publish my name in the newspaper, wait a month, go to court, visit the election commissioner's office, visit the DMV twice. Overall, I missed about two days of work, my court date ended up being on the last day I could register to vote, so I had to visit the DMV the following week. My new driver's license came into my home after the election. If this bill had been in effect, I would have not been able to vote. Transgender Nebraskans are also not the only people who go through legal name changes. The barriers created by LB535's requirements for photo ID

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would also be faced by the newly married, the newly divorced, those changing their names to protect themselves or their families from abusive situations, and those changing their names for a variety of personal reasons. We must do right by all Nebraskans and ensure that all eligible voters can exercise their right to vote. We ask that you do not advance this bill. Thank you. I'm happy to answer questions.

**BREWER:** Finish out what you got there.

**ARYN HUCK:** Yeah, just my conclusion here says: We ask that you do not-- LB535 falls short of the needs of Nebraskans. We ask that you do not advance this bill and work to create legislation that would create no hindrance to our right to vote. And thank you for your time. Happy to answer any questions that you have.

**BREWER:** We had your testimony. The rest of them didn't. That's why I wanted you to finish.

**ARYN HUCK:** Yes, thank you. Thank you.

**BREWER:** All right. Questions? Questions? Questions? All right. Thank you, sir.

**ARYN HUCK:** Thank you so much.

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

**JADEN PERKINS:** Good evening. Excuse me. Good evening, Chairman Brewer and members of the Government-- oh, green sheet.

**BREWER:** Paperwork.

**JADEN PERKINS:** Thank you. Good evening, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Jaden Perkins, J-a-d-e-n P-e-r-k-i-n-s, from Omaha. And I am the north Omaha community organizer with the Heartland Workers Center. At Heartland Workers Center, we believe in increasing civic engagement at the ballot box. I'm here in opposition to LB535 based on the simple fact that this bill does the complete opposite and it makes it harder for working class Nebraskans to cast their ballots. First and foremost, let's be honest, voter ID did not become a thing of the modern era until black, brown and indigenous people flexed their

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muscle and elected the first black president in 2008. Since then, a slew of voter ID bills have been implemented in states across the country and have been to the detriment of the collective voting power of our community. Now, here we are in the year 2023, shamefully debating on the validity of my community's vote. LB535, inspired by election conspiracies surrounding the 2020 election does nothing to increase security or accessibility to the ballot box. It's full of flaws and bureaucratic B.S. that only increases the burden to the voters. For example, not all forms of IDs are accepted. There's repeated unnecessary verification steps, and bur-- buried deep in the bill are frivolous requirements surrounding vote by mail, a very popular option among Nebraska voters, Democrat, Independent or Republican. I strongly urge you all to take a beat and really consider what you're doing here. Nebraskans do not need more burden at the ballot box.

**BREWER:** All right, thank you. Let's see if we've got questions here. Questions? Questions? All right, thank you for your testimony.

**JADEN PERKINS:** Thank you.

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

**CHLOE FOWLER:** Hello. Before I begin, if the pages would like to stretch, I would not be offended. I was in your spot last year, except for the Executive Board. So Senator Lowe, Senator Slama, hopefully you remember me. I still have the pen Senator Hughes gave me, I figured I'd bring it. OK, let me do-- go to my page. OK, I'm Chloe Fowler, that is C-h-l-o-e F-o-w-l-e-r, I am representing myself. Although I am connected to Nonpartisan Nebraska, I would like it to be noted I am representing myself and not the organization. I would just like to start, I'm a UNO political science major. I graduate in the spring. I've done a lot of research on democracy, democratic stability and backsliding. And in the United States, democracy is always measured by your ability to cast a ballot. And to measure that strength, you fall on the idea of holding a fair, free and frequent election. So that being said, having and obtaining a driver's license or a state-issued ID card can be-- can pose quite some hurdles. I was lucky enough to study abroad and I had to go through the process of obtaining a new passport. So I figured I'd just walk through a little bit of the things you need to do to get a passport, which you can use to register

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to vote. So I guess to begin with, to obtain a noncommercial permit or an ID card in Nebraska, you need three forms of ID. The first is documentation of your U.S. citizenship status. This can be through your birth certificate or your passport. It gives a whole list of various acceptable forms. The second is you need two documents of a principal address in Nebraska. This is an account statement, a vehicle registration, postcards, pay stubs, all that fun stuff. And third, you need a valid Social Security number that can be verified. All in all, in order to apply to get a passport, you need a \$130 application fee, your birth certificate, which we frequently heard is \$17 to just request, and a \$47 fee for a photo and to process it. So all in all, we're at \$194 in total to just apply for your passport. That is not including using your passport to get the \$29 photo ID card that lasts you five years. Once you have accomplished all of those, then you can register to vote. So hopefully after hearing all of this, you can kind of put the pieces together that going through all of these hurdles just to register to vote in the first place would make the need for voter ID obsolete and would also drastically impact the democratic stability within the state of Nebraska. I'm open to any questions.

**BREWER:** All right. Thank you. Questions? Questions? All right, thank you.

**CHLOE FOWLER:** Seeing none, cool.

**BREWER:** Hopefully that's a good luck pen you got there from Hughes.

**CHLOE FOWLER:** Have a great night. Have a great night.

**BREWER:** OK, next testifier, please.

**JACOB CARMICHAL:** Sorry. Just a second.

**BREWER:** That's all right. Welcome to the Government Committee. Just get settled in there. We don't start your time until you start talking, so you're good.

**JACOB CARMICHAL:** The connection in here is not the best.

**HUNT:** No, it's not. It's not for us either.

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**JACOB CARMICHAL:** OK. Good afternoon, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Jacob Carmichal and I am in strong opposition to LB535 at requiring voter ID for our elections. I realize on my--

**BREWER:** Could we have you spell that?

**JACOB CARMICHAL:** Yeah. J-a-c-o-b C-o-r-- C-a-r-- sorry-- m-i-c-h-a-l. I did mistype it on my written testimony. It is typed as LB514, it was a confusing morning. I'm in strong opposition to LB535 requiring voter ID for our elections. It is truly saddening that I have to be here today to oppose a backwards proposal based on little more than conspiracies. I know that it has been updated, but as we have already, through other testifiers, clarified the costs involved for getting an ID, put it in a bit of a legal speech like it goes at the beginning of a bill here. Whereas voting is a protected constitutional right, whereas poll taxes are having to pay to vote and prohibited by Harper v. the board of Virginia [SIC] and the 24th Amendment, whereas forms of voter ID require payment to the state. Therefore, a requirement of voter ID is to vote a requirement-- or a voter-- a requirement of voter ID to vote is a requirement of payment to the state. Therefore, a requirement of voter ID is prohibited by the 24th Amendment. To any-- to assuage any possible concerns senators might have, I've submitted two sources, one from the Heritage Foundation, which describes the only two sources of voter fraud that have been identified since the 2016 election. This is a conservative think tank, so if a group would have found it and would be trying to hide it, I truly don't think it would be the Heritage Organization. I have additionally, I don't know if it was submitted earlier, but I submitted the Nebraskans for Civic Reform bill, which is-- I have submitted to you the first and second Google results when you search election fraud Nebraska, just to have them in the record. I would like to additionally go through some other stuff just as it has been. The amendment submitted during the hearing is not the best practice, going back just to what Senator Conrad has. I was lucky to be able to find it on Twitter, but as I just refreshed, it is still not on the website. Additionally, this bill would pretty much not allow either of my parents to vote. My mother had a heart transplant and is close to being listed again. She is disabled. The ability to vote by mail is necessary. If she was hospitalized again through an election, are we going to allow discharge specifically to go to a voter place during a

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pandemic? What if she gets sick and brings that back to a hospital ward? Voting by mail is the only way to protect that constitutional right that my mother has. My father works for a communications company and works on the power lines, making sure that everyone has connections for electricity, Wi-Fi and the like. Let's say there's an outage. He is supposed to get 2 hours off to go vote. Let's say he drives all the way back home across Omaha to our voting place and has an hour-long line. He's then late for work and in violation of that. What if there's an outage? Should my father be responsible to our community or should he have to exercise-- or should he be able to exercise his right? Additionally, just going by what Senator Halloran said earlier, I would just like to ask you to consider whether voter suppression exists in states as India and Mexico as well.

**BREWER:** OK. Thank you for your testimony.

**JACOB CARMICHAL:** Thank you.

**BREWER:** Do we have questions for Jacob? Senator Conrad.

**CONRAD:** I'll ask this one really quickly. Hello. Thank you. Good to see you again. You know, one thing that I think is really striking, as I've heard from a lot of testifiers today, was just about, you know, making sure that implementation of this measure doesn't hinder, in particular, the right to vote by mail. And, you know, thinking about some of the experiences that Senator Brewer shared with his parents and other testifiers have shared with themselves or beloved family members. You know, I think about how Nebraska was actually like an early adopter of no-excuses absentee balloting to facilitate the right to vote, whether it's geography or infirmity or for a variety of different reasons. And so, you know, I appreciate you putting a fine point on that. And, and I'm trying to think creatively about, you know, how we can kind of carry that, that proud history forward in implementing this measure. So that was not a question, that was a statement.

**JACOB CARMICHAL:** Thank you anyway.

**BREWER:** You're on a roll.

**RAYBOULD:** It started out as a question.

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**BREWER:** Other questions?

**CONRAD:** It started out as a question and then it was 6:15 and my brain went out the window.

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

**JACOB CARMICHAL:** Thank you.

**CONRAD:** We can always have a little levity, I suppose, or disorganized thoughts.

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

**JOANNA LINDBERG:** Well, thank you, all of you to be willing to say tonight. I mean, you could have just said it's only going to be a 30- or a 60-minute hearing and bam. I appreciate the time that everybody got to talk and the chance for me to talk. My name is Joanna Lindberg, J-o-a-n-n-a, Lindberg is L-i-n-d-b-e-r-g, and I, I am testifying about my experience as an individual poll worker anticipating these new responsibilities at the polling place. I have three concerns. The kind of the threats and aggression toward poll workers, that seems to have increased, I think, due to misinformation about election fraud. So it creates a disincentive for some people to even do-- to be a poll worker. I'm worried about putting poll workers in a position where they, you know, if they make a mistake about the likeness of a photo or the correct address, could-- if they make the mistake, could they be charged? You know, we had talked about possibly poll workers being held responsible for those mistakes. So that is a disincentive for people to become poll workers. Another problem is that poll workers are old. Really old. I'm one of them and they, you know, they just are. I mean, that's who's got the time. They're retired. So we'll have more drafting of poll workers, I think, during this transition. And I think there can be some tension because those people are, you know, sent a summons and they have to come and they might not want to be there. So you'd hate to have that tension between the voter and, and the poll worker who was summoned to come. And for me, it will break my heart to turn away a voter who can't navigate the complex process for obtaining an ID and keeping it up-to-date when required. So for me, that's for the sake of citizens, having the right to vote needs to be



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inclusive and a doable type of ID than I think is being considered.  
Thank you.

**BREWER:** All right, thank you. OK, questions for Joanna. All right. Well, thank you for sharing the whole poll worker thing, because a lot of us have never done that job.

**JOANNA LINDBERG:** Yeah. You're welcome.

**BREWER:** So appreciate it. OK, next testifier, please.

**SARAH SAWIN THOMAS:** Oh, yes, you can. I've been holding it so long, it's now attached to my body.

**BREWER:** Thought it was yours to keep.

**SARAH SAWIN THOMAS:** Good evening, senators. My name is Dr. Sarah Sawin Thomas, S-a-r-a-h S-a-w-i-n, Thomas is T-h-o-m-a-s. I am here representing the organization that I love, and I work with 20 incredible, mostly women, one man, who have-- who are really revered by their communities. It's a cross-cultural human rights organization in Nebraska. It's sort of looks like this, I guess, if you were to create a caricature. And so we work very, very closely together. I have a lot of white privilege. My family, my brother is a world-renowned neurosurgeon, my father did remarkable things in this city. I have invested a lot in the university here and now in this nonprofit. I'm saying this because my healing journey in this process and working with women who have had radically different lives than my own means that I have had the gift and also just the heartbreaking-- there aren't words of being proximate with that which creates barriers for the women that I work with and love and who do so much for their communities. As I was listening, and I've been here since the beginning, listening to Robert Evnen and how he said there were two prosecuted voter fraud issues, and I couldn't help but laugh. I was like-- so my family is a family of scientists, and the scientific method was-- it always ruled in our family. And it's like, all right, if you go through that method and determine that you're going to throw so much money and create so much chaos, and that's mostly going to impact people who are impacted, why? Why does that stand to reason? It's so illogical. But we do, even though it's unspoken-- or a few people have spoken it-- even though it's unspoken, we know where this

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comes from. Right? We know where this comes from, this frenzy of being frightened about immigrants stealing our votes and-- or illegal aliens, a gentleman called them earlier today, which is flagrantly racist, by the way. And so I am speaking-- I-- or my, my colleague Yolanda Nuncio, who just earned a lifetime achievement award for all that she does in Grand Island and beyond for decades, she wanted to be here, but she couldn't. I'm not speaking for her. That, that's like-- I would never speak for her or a woman of color. What I will say, though, is that no one in my organization, in this organization, and no one that we serve thinks that this is supportive of their thriving in Nebraska. No one.

**BREWER:** OK.

**SARAH SAWIN THOMAS:** And there are lots of-- and this is very ablest language, but it might be useful to you-- blind spots. I would say omissions. Senator Hunt said, I didn't even think about people who, you know, don't speak English as a first language having a barrier with us. And that kind of blew my mind when she said-- and I really respect her, but it really blew my mind that that, that hadn't occurred. So my question is, who are you listening to? Are you actively engaging your constituents who will be most impacted by this? There were only a few, a handful of people of color who really offered compelling new, you know, perspectives that really helped with that. It's what I learn, you know, it's what I'm learning. And, and I had all sorts of, and still have so many blind spots myself.

**BREWER:** OK. Thank you, Dr. Thomas. OK, questions?

**SARAH SAWIN THOMAS:** Thank you.

**BREWER:** You were on a roll. I couldn't stop you.

**SARAH SAWIN THOMAS:** Well, and I love John Cartier and what he said, and maybe that would get me thrown out of the room, Senator.

**BREWER:** No, no. You're [INAUDIBLE].

**SARAH SAWIN THOMAS:** So I did want to note that. Please exercise decorum if you expect us to. This is not your house. This is our house.

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**BREWER:** OK, but your behavior in here is my responsibility.

**SARAH SAWIN THOMAS:** I'm-- am I misbehaving?

**BREWER:** No.

**SARAH SAWIN THOMAS:** OK. Was he?

**BREWER:** Yes.

**SARAH SAWIN THOMAS:** Oh. I think others who have observed may disagree.

**BREWER:** I got it.

**SARAH SAWIN THOMAS:** OK.

**BREWER:** You're done. Thank you.

**SARAH SAWIN THOMAS:** Oh, I'm done, too.

**BREWER:** Well, there's no questions so.

**SARAH SAWIN THOMAS:** All right.

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

**OLIVIA LARSON:** Thank you. Good afternoon-- not afternoon. Good evening, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Olivia Larson and I am the policy fellow with RISE. I request my testimony be included as part of the record that shows RISE is in opposition to LB535.

**BREWER:** Could you spell that for us, please?

**OLIVIA LARSON:** Yes. O-l-i-v-i-a L-a-r-s-o-n. Sorry, sorry about that. RISE is the largest nonprofit in Nebraska focused solely on habilitation programming in prisons and reentry support. We prepare people for each phase of reentry through intensive character development, employment readiness, job creation through entrepreneurship, family programming, and case management. Our mission is to break generational cycles of incarceration. My focus is building pathways to civic engagement for those in the criminal justice system. Much of this work surrounds the right to vote. Voting rights in

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Nebraska are very confusing and cause many barriers for people who've been justice-impacted. As current laws stand, anyone without a felony conviction is still eligible to vote, even if they are in jail. Yes, people with misdemeanor convictions and those who have not been convicted of a crime but are in jail still have the right to vote in Nebraska. The National Institute of Corrections reported in 2020 that the jail population in Nebraska was 4,240 individuals in 63 county jails. However, a report by the Prison Policy Initiative states that at least 30,000 people are booked into Nebraska jails yearly. That is due to the transient nature of people going in and out of these jails. The majority are held pretrial. They have not been convicted of any crime, only charged. So they have not been sentenced. The other portion of individuals are serving time for misdemeanors of less than one year. For those in jail during elections, the process to vote requires requesting an early-voting ballot to be mailed to the jail if there are no efforts to set up polling options. LB535 presents unnecessary barriers for these individuals to vote. It requires an identification number or a photocopy of a state-issued ID, access to a notary, things people in jail do not have access to. For those released from jails, they face several key obstacles. People who have been incarcerated are almost ten times more likely to be unhoused, which makes the process of getting an ID near impossible. Of those with stable housing, many have issues accessing documents to prove their identity, such as birth certificates. The cost is prohibitive, as is the time and travel needed to secure these documents. This bill creates even more barriers that uniquely complicate their experiences accessing the ballot. Voter ID complicates the process of eligibility much more and further disenfranchises those who still have the right to vote. For these reasons, RISE opposes LB535 and asks the committee members to vote no and to not advance this bill out of committee. Thank you for your time and consideration.

**BREWER:** All right, thank you for your testimony. Any questions? All right, seeing none, thank you.

**OLIVIA LARSON:** Thank you.

**BREWER:** All right, I'm trying to make a determination here on whether we take a break or push through to the end. How many do we have yet to testify? All right, when she's done then we'll take a break, because I

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don't think we're going to make it that far. All right. Please go ahead.

**CINDY MAXWELL-OSTDIEK:** Thanks. Hi, I'm Cindy Maxwell-Ostdiek, and that's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k. I want to thank you, Sen-- Senator Brewer and the rest of the Government, Military and Veterans Affairs Committee for being here and allowing us all to testify. That has not been happening throughout the Capitol today, and it is something I find that I'm very thankful for. I love our state, and I believe voting is a right and a civic responsibility. And I'm concerned with several details in this proposed legislation. I'm also a fan of voting by mail, and I appreciate that Douglas County, where I live, has a permanent vote-by-mail list. If there was any silver lining to COVID-19, regarding our voting process, it's that the Secretary of State found that the election conducted completely by mail ballot was one of the highest turnouts in recent memory. I recently ran for Nebraska Legislature in District 4, which is west Omaha, and our district had the highest turnout in any district across the state. I'm very proud of that. There was a majority of voters in my district that vote by mail and adding additional barriers to that process, such as requiring notary signatures, will take the election turnout in the wrong direction for Nebraska. In fact, there would likely be a large need for additional notaries in our state. My husband is a previous notary and that involves a test and a fee. And if that requirement is included in the legislation, it would be important that we fund recruitment, training and certification so we have enough notaries on every corner. So it will be easy for people if they must go through that process. Please ensure that there's a process to take care of any fees, no matter what state or county birth records need to be requested from. For example, I moved to Nebraska as a young woman, but I'm originally from Iowa. And in those situations you may have someone who was unable to afford the fees from other states. Also, ensure the free-access system is accessible and proactive for the voter. Enabling push notification about the status of a voter's ballot would be an opportunity to improve the process. At this time, voter check is a very helpful resource, but too many voters aren't familiar with and don't follow up on their ballot. This would be an easy way that we could help them navigate the process and cure ballots that are eligible. Please take this opportunity to protect our

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right, Nebraskans' right to vote and facilitate more participation in our democracy. That will be good for everyone.

**BREWER:** OK. Thank you. Let's see if we have any questions. Any questions? All right, thank you for your testimony.

**CINDY MAXWELL-OSTDIEK:** Thank you.

**BREWER:** Thank you for taking the time. OK. Let's take a quick ten-minute break. So we're just look up at the clock. We'll be back in our seats, ready to go at 20 till and give everybody a chance to stretch your legs and go to the restroom.

[BREAK]

**BREWER:** The next testifier come on up and, and just keep the chair shuffle going. That way nobody gets to cut in line.

\_\_\_\_\_ : Do the "Sanders Shuffle" [INAUDIBLE].

**SANDERS:** At least they get a little exercise. Get to get up.

**BREWER:** "Sanders Shuffle." OK, we'll use that. Welcome the Government Committee.

**ANDREW FARIAS:** Howdy, y'all.

**BREWER:** You may begin.

**ANDREW FARIAS:** Good evening, Chairperson Brewer, members of the Government, Military and Veterans Affairs Committee. My name is Andrew Farias, that's A-n-d-r-e-w F-a-r-i-a-s, and I'm here testifying as the policy fellow with the Asian Community and Cultural Center in Lincoln. I am speaking in opposition to LB53-- LB535. The Asian Community Cultural Center is a nonprofit organization that supports and empowers all refugees and immigrants through programs and services. At the same time, we strive to advance the sharing of Asian culture and every cultural heritage of our clients within the community at large. Our clients come from a wide variety of backgrounds, spanning over 30 nationalities, including Vietnamese, Chinese, Karen, Middle Eastern, Yazidi, Afghan and Ukrainian populations. New American voters have worked diligently to obtain their naturalized citizenship status in

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the United States. This process takes years, requires extensive paperwork, learning the basics of the English language, studying for citizenship exams, and of course, bearing a significant cost and time burden. This voter ID bill is another barrier to being democratically engaged in the civic process. In Nebraska, over one-third of immigrants are eligible voters. But just because they're eligible to vote does not mean the voting process is accessible to them. Nationally, immigrant voter turnout rates have lagged behind those of people born in the United States. For example, challenges with speaking English can keep Nebraskans from accessing the ballots and from exercising their right to vote. And there is, of course, the difficulty of taking time off to, to vote because of work, transportation to the polls and associated costs. With the additional burden of this voter ID bill, we can now add the cost of an ID, transportation to get that ID, and of course, wait time. And this bill takes in-- to fail to take into account the unique challenges that immigrant Nebraskans face if they lose their documents. As was stated earlier, it can take up to one year to receive a naturalization certificate if it is lost. That means that they will not be able to vote in this election. They can vote in the next one. That is incredibly problematic, but under LB535, it will be legal. I will also tell you that a website and a postcard are not enough to reach voters, 2024 is not enough time to do outreach to our communities and the organizations that we partner with. There needs to be a strong, robust public awareness campaign that informs voters of new challenges and changes to voter ID. For example, how will communities understand that LB53-- LB535 is going to impact their ability to vote? What are the plans for working with cultural designers to translate voting information to other languages like Karen, Nepali, Tsonga, among others? And also, I'd like to point out that there was a point mentioned earlier about countries that have required voter ID. India allows for the use of 15 different types of ID, ran-- ranging from property documents to arms licenses to income tax identity cards. Included too are forms of ID most likely to be possessed by those experiencing poverty. For example, ration cards can be used in India to show proof of identity. So I do think it's important and helpful to look at what other states and countries are doing and seeing how we could potentially replicate and expand those here included on this list for LB535. Overall, new American voters have worked hard to exercise their right to vote and they deserve to feel welcome here.

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This bill is a burden to the people of Nebraska. I urge you to vote no on LB535. Thank you for your time.

**BREWER:** You must have rehearsed that, your timing was excellent. On the, the number of, of-- you got 30 nationalities. How many people do you actually, I guess, interact with in a given year? Do you have--

**ANDREW FARIAS:** Yeah. So in 2021, which was the most recent report, it was over 1,600 clients. So we serve a wide variety of folks in Lincoln and Lancaster. However, we do have some connections to other parts of the state as well. And we have, we're a staff of 38 people, you know, so we're constantly growing. And we're even outgrowing the space that we're in. And, you know, we're always bringing in new populations. Ukrainians, for example, as you may know, we hired two Ukrainian program coordinators just this past year. So, you know, we're always looking to ensure that people in Nebraska feel welcome regardless of their citizenship status.

**BREWER:** All right. Well, thank you for that information. Thanks for what you're doing. Let's see, any questions? Have I-- thank you. I'm sorry. Go ahead, Senator Raybould.

**RAYBOULD:** Andrew, thank you for your testimony. I'm sorry I came in here late, but I heard you say a lot about India. And so I want to say, I guess this isn't a question, but I just wanted to share. I was also in India, and it happened to be the day that they were doing elections. And they do have a couple of check-- well, one checkpoint where they check whatever ID you have. And, and the people that I saw, they were showing their utility bill.

**ANDREW FARIAS:** Yes. Yes, exactly.

**RAYBOULD:** And they just want to make sure that name was on that address and they checked. And then you have to go to another place, which is probably a block and a half away, and that's a polling place. And there they have armed guards. But then I sort of talked my way into it. I'm, you know, a Lincoln City Council member. I'm here to observe elections. And so they let me go in there. And these guys had big guns. But it was, it was sort of like a model-- it was like the United Nations: people of all different colors and from Muslims to Hindus. And it was just the colors of everything. And people were very



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proud of it. When I said, you know, India's the largest democracy in the world, and they were so proud of it. And the one thing that they do have, they have the whole day off, the whole day off is a holiday to go vote. And the sad thing is that all the bars must be closed so-- until the voting polls have closed. So anyway, but it was such a great experience to see how, how they celebrate voting and how proud they are.

**ANDREW FARIAS:** Yeah, and I think that's a good point, Senator Raybould, of seeing what other countries are doing, what other states are doing, and see how we could potentially replicate those here in Nebraska, too.

**RAYBOULD:** Yeah, so thank you for testifying.

**ANDREW FARIAS:** Thank you.

**BREWER:** All right. Any other questions? All right, thank you, Andrew.

**ANDREW FARIAS:** Thank you.

**BREWER:** OK, welcome to the Government Committee.

**NICK GRANDGENETT:** Thank you. Good evening. My name is Nick Grandgenett, that's spelled N-i-c-k G-r-a-n-d-g-e-n-e-t-t, I'm a staff attorney with Nebraska Appleseed testifying in opposition to LB535. So LB535 must do more to ensure its ID requirements don't impede Nebraskans' constitutional right to participate in an election. This is a concern because voter ID requirements invariably impede participation for communities of color, the elderly and rural voters. Today I want to focus my comments on rural voters. Nebraska's limited DMV infrastructure means voters must wait in long commutes-- or must make long commutes to satellite DMV sites where ID cards are only issued one or two days per week. Frequently, however, there are additional staffing shortages that cause additional closures and further limit the accessibility of ID cards. In Burt County, for example, their 7,000 residents can only get most of the LB535-qualifying IDs on Tuesdays in Tekamah between the hours of 10 a.m. and 4 p.m.. This February, staffing shortages will cut that already limited capacity by half. This means Burt County residents will only be able to access the LB535-qualifying IDs during a 12-hour

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window spread out over two Tuesdays during a period of time when people will traditionally work. These staffing shortages occur on a year-round basis and are evident in other rural counties as well. So LB535 can reduce some of the strain on rural DMVs by just including a few provisions as amendments. First, the definition of a valid photo ID can be broader than the government-issued ideas contemplated by LB535. Employment IDs, university IDs and other ideas of similar quality not only satisfy that new constitutional requirement but they also help reduce strain on rural DMVs. LB535 can further aid the DMV by statutorily guaranteeing additional staffing, expanded hours of operation, particularly during evenings and weekends. LB535 does include a public awareness campaign, which is a good thing. We would, however, like to see that this includes in-person community meetings, virtual presentations, and that it's available in Spanish and other languages as well. Finally, LB535 should ensure that qualifying voter IDs can be created at a polling place on Election Day. Or like Alabama has done, by having mobile voter ID units that can actually go out to rural centers and produce ID cards free of charge. In light of these serious concerns, we would just urge this committee not to advance LB535 in its current form until these amendments can be included. Thank you.

**BREWER:** Thank you, Nick. All right, let's see if we don't have some questions. Questions for Nick? Just a quick comment on your last-- the part you talked about there, and this may come in the closing to figure this out, but one of the issues we're going to figure out is, is where does DMV fit in? Do they? And if they don't, then how do we get access to enough people? And so just understand that will be some of the questions we have that we're trying to sort through.

**NICK GRANDGENETT:** Sure.

**BREWER:** But those are things we got to have answers to because it's too critical to the, you know, the ultimate issue here of voter ID.

**NICK GRANDGENETT:** For sure. And we appreciate that effort and we're happy to participate and help.

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

**NICK GRANDGENETT:** Great. Thank you.

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**BREWER:** Hold on, we got one.

**CONRAD:** Sorry. One thing.

**BREWER:** Senator Conrad.

**CONRAD:** Thank you, Senator Brewer. Nick, if you happen to know off the top of your head, and if not, I can look it up but--

**NICK GRANDGENETT:** Sure.

**CONRAD:** --I think under federal law, there's a certain kind of demographic percentage or threshold that sometimes requires multiple language for ballot, for voter education, even for, I think, voting materials. I think in Nebraska over the years, maybe it's fluctuated between three or four counties that kind of qualify for that additional kind of language access. Do you happen to know where we are with that? And I guess when you were talking about language access that kind of jogged something in the Rolodex about that.

**NICK GRANDGENETT:** For sure. I don't know off the top of my head, but I think you're referring to the Voting Rights Act. I would, you know, I think we should want to ensure that any public awareness campaign would also comply with that. So just kind of checking whatever is, you know, in the bill against that would be important.

**CONRAD:** Thank you.

**NICK GRANDGENETT:** Sure.

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

**NICK GRANDGENETT:** Thank you.

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

**MEG MIKOLAJCZYK:** Hi. Good evening, Senator Brewer and members of the committee. I'm Meg Mikolajczyk, M-e-g M-i-k-o-l-a-j-c-z-y-k, I'm the executive director of the Nebraska Civic Engagement Table. And I don't have prepared remarks, so we'll see how this goes. Lot of amazing testimony already given today, a lot of points already made. So I've

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been thinking, what can I add? And the luxury of being here till almost 7:00 is I've gotten to read the amendment a little bit. So I would actually like to just point out some stuff on page 30 around what happens at the ballot that was-- vote by mail was not properly notarized and the timing. And Senator Brewer, I think you asked this question several hours ago, but the timing looks like it could be a problem. I also have to say, I keep thinking about my grandma, who is 90 years old and lives in an assisted living facility. She is the reason I do this work, that I'm an attorney, and she tells me every time I talk to her how important the right to vote is. And this would be a nightmare if she didn't notarize it correctly, because it requires within seven days of the election for a person to go to the DMV or the election site, the election commissioner or the county clerk with their ID to show that they are who they are and cure their ballot. My mom and my grandmother live an hour apart. So my mother would have to be available, she would have to take her and they would have to be able to figure out that their ballot is also invalid. And so if you look a little bit further on page 30, I believe it's lines 26 through 29, the idea is that people will just check on, on the system that we've created where you can check your ballot. Again, thinking about my incredible grandmother, she's not going on the Internet. She does not really know how to use her phone. So I would think, like what would my 90-year-old grandma do to even be able to know her ballot is invalid? And then how will she cure it in that timeline? And then I also think about the fact that there are times where we don't even know if all the ballots are invalid on election night because we're counting a couple few days after. So this timeline just feels-- if we're going to do notaries, and we can have a separate talk, I'm also anti the notary piece-- but if we're going to do it, I think we've really got to look at this timeline because it's really unreasonable for a lot of different families and people who are trying to get their vote to count. So that's my testimony.

**BREWER:** All right. No, I'm going to agree with you. I think there's, there's these issues. My mom is in a wheelchair. So you can, you can figure out ways of getting them from point A to point B, but it is-- it takes a lot of work. And so I'm, I'm with you on getting some questions answered there. So we'll, we'll see how this goes. All right, any questions? All righty, thank you for your testimony.

**MEG MIKOLAJCZYK:** Thank you so much.

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

**GARRET SWANSON:** Thank you. My name is Garret Swanson, G-a-r-r-e-t S-w-a-n-s-o-n, and I'm here on behalf of the Holland Children's movement. Though most famously, I'm Senator Lowe's neighbor. But I am in opposition to LB535. Last November, voters here in Nebraska approved a constitutional amendment to require showing ID to vote. Yet it is up to the Legislature to determine how that framework will be put in place. I much-- I must urge this committee to not place any undue burden on voters. There have been many great testifiers today, and in the interest of time I will restrict my testimony to some data I can provide the committee. The argument for voter ID hinges on Nebraskans having faith in our electoral system. To date, there have been no credible, credible, systemic threats to Nebraska's electoral system. Voter fraud is incredibly rare and often rooted out fast. In a recent poll conducted by the Holland Children's Institute, 61 percent of Nebraska-- Nebraskans disagree that Nebraska's elections are prone to voter fraud, compared to 32 percent that do. Our democracy works when voters in Nebraska have faith in it. We urge this committee and Legislature to avoid any action that discourages voter participation, limits accessibility, applies costs, or places a burden of any kind on one's constitutional right to vote. A strong majority of Nebraskans have faith in our electoral system, and we must uphold that trust by ensuring that our electoral system works best to serve voters and as one that honors the right of every voter in Nebraska. And I haven't had a chance to look at the amendment that's been proposed yet. But I also wanted to add on to Meg's testimony that both my grandparents don't live in Nebraska, but if they did, they would not be able to vote through this. They are both homebound and rely on vote-by-mail voting. But other than that, I'm open for questions.

**BREWER:** All right. Let's see if we have some questions for you. Questions? I think they're getting worn out. All right, thank you for your testimony.

**RAYBOULD:** Yes, that's true.

**GARRET SWANSON:** Thank you.

**BREWER:** You bet. OK, let's see. Amber, are you, are you going to testify?

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**AMBER PARKER:** Yes.

**BREWER:** Can I have your slide down? We got that chain, movement that isn't happening. Yeah, Gavin is moving up. All right. Welcome to the Government Committee.

**ALICIA CHRISTENSEN:** Thank you. And thank you to the committee for putting in all this time to hear all of our testimony. We really appreciate it. My name is Alicia Christensen. A-l-i-c-i-a C-h-r-i-s-t-e-n-s-e-n, and I'm the director of policy and advocacy at Together in Omaha. Our primary mission is to end hunger and homelessness in our community. And my handout is, I think, largely obsolete based on what I've heard of from the amendments that have been suggested. However, I hand it out nevertheless, because should you want more information on the difficulties for some of our community members in obtaining ID and birth certificates. I have a-- our staff of caseworkers who work very hard to find stable, supportive housing for those experiencing homelessness and housing insecurity. Last year they worked through-- all across our programming areas, we secured ID and birth certificates for 590, or I guess maybe not 590 individuals, but 590 IDs and birth certificates for participants in our program. So if you would like to learn more information about the difficulties that you can run into, I have a few highlights for you to consider here. A person experiencing homelessness, perhaps living in an emergency shelter or in their vehicle often has trouble producing documentation of a principal address. It can be challenging for an individual fleeing domestic violence to prove their identity. Some may need to track down legal documentation of a name change, for example, a marriage license or a divorce decree. Someone whose ID has been expired for a year can be mired in a sort of ID catch-22, where you must present a certified birth certificate to get a state ID and present a state ID to get a certified birth certificate. And while Nebraska permits proof of identity through other documentation in that situation, requirements do vary from state to state. And for example, Colorado will not issue a birth certificate without a valid government-issued ID. Some states accepted notarized affidavits, but several, including Arizona and Iowa, no longer allow this method of proving identity. My hand out and my-- the rest of my testimony center on the provision that waived fees for some of these documents for voting purposes, which raise some red flags as far as enforceability or the possibility that it would be used to prosecute individuals who

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mistakenly attempted to vote or obtain free IDs. However, in my brief review of the suggested changes, I wanted to draw your attention to the bottom of page 5, which essentially does the same thing, but without making it go through the DMV or other routes that may trigger that kind of problems. And I think that's a good idea. However, at the bottom, it's not-- the ID that you get is just a voter ID and it's not good for any other purpose. Which I think if you're going to go through all of this work which I've outlined, that you might as well invest that money and allow that person to use it for SNAP benefits or to apply for WIC. So just a suggestion to consider as you're looking over the amendments. Thank you for your time, I'm happy to take any questions.

**BREWER:** OK, a couple of them. When you were talking about page 5, is that like on line 20-- well, that's not fair to you, you're looking at--

**ALICIA CHRISTENSEN:** It's Section 6, any individual required to vote. So it's providing for the voter ID and the assistance of the Secretary of State to pay the costs of and help an individual secure the documentation to have the voter ID. So I think it's, it's heart is in the right place, I was just mentioning as I-- as the beginning of my testimony said, it can be an onerous process. So if you're going to go through all that work, if we're going to pay someone in the Secretary, Secretary of State's office to do all this, it would be, I think, worthwhile to let someone use that ID for something beyond just voting because it can be really beneficial for someone. That's why our caseworkers spend so much time, that's the first step, because you can't find stable housing for someone unless they have ID.

**BREWER:** Yeah. Another question for you. If I look at the sheet that you handed out here, the one that we got on top, on the back it's got your email, the Together Nebraska email. As this thing morphs, it would be nice to be able to go to folks with questions, especially when it's in a specific area where you have the expertise. We can go via direct to you--

**ALICIA CHRISTENSEN:** Absolutely.

**BREWER:** --with issues?

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**ALICIA CHRISTENSEN:** If it-- I would love to help.

**BREWER:** OK, let's see if we got questions. Questions? All righty, thank you.

**ALICIA CHRISTENSEN:** Thank you.

**BREWER:** OK, next testifier. Amber? Gavin, welcome back to the Government Committee.

**GAVIN GEIS:** Chairman Brewer, members of the committee, my name is Gavin Geiss, that's spelled G-a-v-i-n G-e-i-s, and I am the executive director for Common Cause, Nebraska. I had intended to spend most of my testimony talking about the financial impacts of voter ID. And so what you're receiving right now are some of the resources I got from national and local experts that I thought were best. Rather than print out 500 pages of websites and surveys, I thought best just to give them to you if you're interested. But I hopefully have a little bit of time to get into the economics. Before I do that, though, I wanted to say there's been a remarkable amount of agreement on this bill that I was surprised to hear. What I have been hearing sitting here all day is that Nebraskans want the Legislature to take more time to do this right and to make ID accessible and easy for every Nebraskan. The variety of perspectives we've heard today, as I've gone along, I've taken them down. We've heard from average Nebraskans, we've heard from poll workers, we've heard from county elections officials, long-term care providers, those concerned about the integrity of our elections, as well as advocates for women, the elderly, immigrants, impoverished Nebraskans, people with disabilities, victims of domestic violence, communities of colors, unhoused Nebraskans, system-impacted people, LGBTQ Nebraskans, as well as advocates for democracy and human rights, as well as advocates for children. And all of those individuals, besides saying they did not read the amendment, noted the many concerns, as well as a desire for this process to slow down, to take more time and to do it right. On that point, I would argue that there is still time to slow down even more than this committee process. It could still be-- this issue could still be taken up as an interim study. There is no reason this has to be passed today in any of the versions there are. This Legislature could take more time. Interim studies can be introduced up until the 80th day of the long session and so this committee could introduce one to slow it down and take



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more time like Nebraskans today have asked you to do. But to go to my original point, to talk a little bit about the economics here. So there are many, many aspects of the economics here, right? We're talking about the state, individuals and beyond that, as we just heard from Ms. Christensen, the organizations that are working on getting people ID. First of all, major concerns and ones we've seen looking at this bill, major concerns in states implementing ID include providing voters with ID, right, and the documentation to obtain it as well as education. But beyond that, every state that looks at this looks at things like educating poll workers, expanding DMV hours, funding for alternative ID sources, additional staff for many agencies, as well as the costs for updating materials. Looking at the amendment, we would also be looking at placing ID printers, possibly in elections offices, which I would assume will carry with a substantial cost, and covering notary costs, which once again, I feel like it's very difficult to nail down at this point, but will be a cost the state is taking on. Beyond the costs to the state, which vary greatly, right? We real quick-- Indiana, estimated \$30 million in costs; Kentucky, \$3.6 million; Minnesota, \$5 million. So states are spending millions of dollars on this. Nebraska should expect to spend the same. But beyond those costs to the state, there will be substantial costs to the people in Nebraska, even if ID is free. A Harvard Law Review study looking at this in 2011 looked at systems in Pennsylvania, South Carolina and Texas and found that even with the cost of voting-- of ID covered, \$70 to \$180 per person--

**BREWER:** All right. Thank you, Gavin. All right, the sheet that you handed out that's got the five-- essentially, if we go to this website, call this up, it's going to have some background on how the costs were assessed and what it correlated to.

**GAVIN GEIS:** Yep.

**BREWER:** So then you--

**GAVIN GEIS:** And a variety of different perspectives. Some of it looking at poverty, some of it looking at just straight costs, breakdown by states.

**BREWER:** OK, this is handy. Thank you. All right, questions for Gavin? Yes.

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**RAYBOULD:** Thank you for your testimony because I started out this hearing with my questions on what's the fiscal note going to be to our fellow Nebraskans to pay for this. And, and I know you were just rushing to the end, but could you say again what Minnesota has spent?

**GAVIN GEIS:** Yes. Yes, so--

**RAYBOULD:** Some of the other states, so I could get a better idea. Because I think we have-- need to increase our, our estimate on the fiscal note about what it will cost in the state of Nebraska.

**GAVIN GEIS:** I can hit those again. And I will say it's very difficult to get exact numbers out of states. They're not going retrospectively and talking about how much they spent. These are based on fiscal notes in those states and FOIA requests from reporters as follow-ups. But to go back, some of the top ones I looked at were Indiana. They estimated a \$30 million price tag, probably high. Kentucky, \$3.6 million. Minnesota spent \$5 million. North Carolina, \$2.5. And Texas said \$2 million, which was probably low. But those were some of the easiest to find actual estimates I could get.

**RAYBOULD:** And then I know Senator Brewer asked, would, would some of those details be in what you had--

**GAVIN GEIS:** Yes.

**RAYBOULD:** --handed out to us?

**GAVIN GEIS:** Yes. If you're interested in financial aspects, I would encourage you to just look at those resources.

**RAYBOULD:** Thank you. I certainly am.

**BREWER:** OK, any other questions for Gavin? Thank you. Thank you for waiting all day. And thank you for your testimony.

**GAVIN GEIS:** Happy to be here.

**RAYBOULD:** Thank you for summarizing it too.

**BREWER:** No, you did--

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**GAVIN GEIS:** Thank you.

**BREWER:** OK, next opponent testifier. Welcome to the Government Committee.

**AMBER PARKER:** Hello. A-m-b-e-r P-a-r-k-e-r, the now bankrupt cryptocurrency exchange FTX's former CEO Sam Bankman-Fried, and the money laundering that took place through FTX and funded to super PACs. And one of those super PAC recipients was to the Senate Leadership Fund, a super PAC associated with Republican Mitch McConnell. The process was exercised by the U.S. sending money to Ukraine, then back to FTX through cryptocurrency exchange and then donated to some political candidates. Those who also received the money through FTX were six Republicans who had each given a vote for the impeachment of Donald John Trump, the 45th President of America. And one of those votes happened to be United States Senator Ben Sasse, who presently the former Governor of Nebraska Ricketts has been appointed to Sasse's seat. But the connection to FTX is playing a part in Nebraska elections through the connections to the Center for Voter Information. Greatly troubling news, as there were many ballots mailed that were not requested from registered voters in Nebraska in 2020. The Center for Voter Information had mailed out unrequested ballots, could be in the hundreds of thousands, and the cofounder is none other than former CEO of FTX Sam Bankman-Fried's mother, Barbara Fried. Dozen-- dozens of examples are shown through the Nebraska Voter Accuracy Project canvassing report for Lancaster County. It's alarming that all these unrequested ballot requests and multiple ballots that were received. Unrequested mail-in ballots should only be allowed for military, nursing homes and those who are qualified disabled. It doesn't make sense why multiple ballots in 2020 were being mailed to registered voters who didn't request any ballots. Clearly, this is not a good foundation for Nebraska elections, but highlights that there's corruption in mail-in ballots in Nebraska. Senator Slama's bill, I do oppose. It doesn't protect us in the mail-in ballots. And as well, I would like to note that the Secretary of State, Bob Evnen, did address after the 2020 election and shared concern on early voting. I believe we would all agree, I hope we would all agree that we want our election processes secure. And we may not agree in everything, all of us in the room. But I mean, I've had some amazing conversations of people getting me to think in some different ways, but I still am going to honor the Lord Jesus Christ, stand for life and stand for

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election and integrity. And I believe that there's a power at work trying to bring a division and take our votes from us. And I believe that there are people on the same side and may not realize they're on the same side of the argument of what they want to protect because the distraction is division. So, again, I just want to say that I am an opponent to LB535. I believe that if it was just this morning that this had came up on top of, what was it, the other 30 pages of the bill, that was-- that was a problem. So thank you.

**BREWER:** Thank you, Amber. All right, let's see if we have any questions.

**AMBER PARKER:** Oh, sorry.

**BREWER:** Questions for Amber? All right, thank you for your testimony. Are there any additional opponents? All right, I need to read in-- we have something new and it's the ability to have the ADA accommodation. We do have an ADA accommodation written testimony. Let's see. Katherine, Katherine Hoell, she's from Papillion, and she is an opponent of LB535.

**\*KATHERINE HOELL:** I understand that the voters of Nebraska in the last election determined they wanted voter ID but that did not resolve the barriers that voters with disabilities face. It is great that they will receive a free ID for voting purposes but how are you going to ensure that they will be able to get transportation? Have you ever wondered why a lot of people with disabilities vote by mail? It is because they can't depend on transportation. Why would it be any different to get an ID? I hope you can delay this process until you work out these other barriers.

**BREWER:** So now let's see, do we have any in the neutral position? All right, then we will ask for the senator to give a closing on LB535. Senator Slama, welcome back to the Government Committee.

**SLAMA:** You know, as promised, I'm back. I'm not sure if it's out of duty or out of fear of you, sir.

**BREWER:** Well, I appreciate you being here.

**SLAMA:** But in any case. So just in closing, I would like to note, just procedurally, amendments don't get posted online when they're proposed

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to a committee until the committee adopts them or they're proposed on the floor. So just a procedural issue as to why they're not online right now. But in any case, I'm so grateful for everyone here today, from the committee members who have been here all morning, all afternoon and asked really thoughtful questions, and to every person who testified, either as a proponent or an opponent. As everybody has noted, this is a working document and we need to implement this framework, as the Nebraska voters have very clearly decided in their support of Initiative 432 in 2022. Sorry, I'm trying to read my own handwriting right now and it's just really unfortunate. In any case, I look forward to continuing this dialogue and process with, with each member of this committee and each member of the Legislature and all of the relevant stakeholders too. The people have spoken, now it's time for us to follow through. Thirty-five other states have done it, I believe in our Nebraska Legislature. We are capable. And I'd be happy to answer any questions you all might have or catch up with anybody off the mike, too.

**BREWER:** All right. Let's go around and see what we have for questions. It was good to hear that you have it as a working document because I think we'll be doing a lot of working. So thank you.

**SLAMA:** And I'm game for it.

**CONRAD:** Thank you.

**BREWER:** And now I need to read in.

**CONRAD:** Oh wait, Senator.

**BREWER:** Oh, sorry. Senator Raybould.

**RAYBOULD:** Thank you, Senator Slama. And thank you for your fortitude in joining us. This--

**SLAMA:** I don't leave committee hearings for my own bills.

**RAYBOULD:** I wanted to know if, you know, we were given a lot of the handouts. I don't know, were you provided the same handouts as well?

**SLAMA:** No, but I think I can snag copies.

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**RAYBOULD:** OK.

**SLAMA:** I've also taken a lot of notes. My wonderful legislative aide, who is just outstanding and a rock star, Tori also has too, so.

**RAYBOULD:** OK, good. Because, you know, I think, Senator--

**BREWER:** For the committee, we'll provide them for her too.

**SLAMA:** Which I appreciate. Thank you.

**RAYBOULD:** Thank you. Because there were a lot of great people that--

**SLAMA:** Really thoughtful testimony, yeah.

**RAYBOULD:** --took time out of their lives and families so.

**BREWER:** OK, any other questions? If not, let me read in as far as the LB535 summary. Proponents, 9; opponents, 158; and 4 in the neutral position.

**SLAMA:** All right.

**BREWER:** Oh, for the online comments, I'm sorry.

**SLAMA:** Cool.

**BREWER:** He's talking in my deaf ear, so it's a little hard. All right, with that, we will close the hearing on LB535. And thank you for your patience.