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Government, Military and Veterans Affairs Committee
March 15, 2017

[LB277 LB316 LB619]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Wednesday, March 15, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB619, LB277, and LB316. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Tom Briese; Joni Craighead; Mike Hilgers; John Lowe; and Justin Wayne. Senators absent: Carol Blood.

SENATOR MURANTE: (Recorder malfunction)...to the Government, Military and Veterans Affairs Committee. My name is John Murante. I am the state senator for District 49, which includes Gretna and northwest Sarpy County and I'm the Chairman of this committee. We are here today for the purposes of conducting three public hearings. We do have a slight amendment to the agenda as it was listed. We're going to be taking Senator Wayne's LB619 first, followed by Senator Wayne's LB277 second, so those two are switching positions. If you wish to testify on any of the matters before us, we ask that you fill out one of these green sheets of paper. They are located on either side of the room. If you are here and wish to state your support or opposition for any of the matters before us but do not wish to testify, we ask that you fill in one of these sign-in sheets that are also located on either side of the room. If you begin...if you do testify we ask that you begin by stating and spelling your name for the record, which is very important for our transcribers office. The order of business is that our introducer will be given an opportunity to open, then we'll listen to proponent testimony, followed by opponent testimony, and then neutral testimony, and the introducer will be given an opportunity to close. We ask that you listen very carefully and to try not to be repetitive. In the Government Committee we do use the light system. Each testifier is allotted four minutes to speak. When your yellow light comes on you have one minute remaining and we ask that you begin concluding your remarks. When your red light comes on your time has expired and we will open the committee up to any questions that they may have of you. At this time I would like to encourage everyone to turn off or silence any cell phones or electronic devices. This is a committee that is equipped for technology, so you may see members referencing their laptops or smartphones. I can assure you they are focused on the matters before us, but they are researching the issue. If you have a prepared statement, an exhibit, or anything you would like distributed to the committee we ask that you provide 12 copies to our page. If you don't have 12 copies, provide what you have to our page and he will make copies for you. And our page for the day is Joe Gruber. Joe is from Omaha. And to the introduction of members, on the far right is Senator John Lowe from Kearney. Senator Lowe I expect to be with us today shortly. To his left, Senator Tom Briese. Senator Briese is from Albion. To his left, Senator Mike Hilgers. Senator Hilgers represents Lincoln. To his left is State Senator Tom Brewer. Senator Brewer is from Gordon, Nebraska, and is the Vice-Chairman of this committee. I do anticipate him to be here today but he may be a little late. On my immediate right is Andrew La Grone. Mr. La Grone is the Government Committee's legal counsel. To my immediate left is State Senator Justin Wayne. Senator Wayne represents Omaha. To his left is

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Senator Joni Craighead. Senator Craighead also represents Omaha. To her left is State Senator Carol Blood. Senator Blood represents Bellevue and she will not be with us today. And on the far left is Sherry Shaffer. Sherry is the Government Committee's clerk. And so we will proceed to the first item on the agenda. Continuing on with where we were this morning, it's Justin Wayne day in the Government, Military and Veterans Affairs Committee. Senator Wayne, welcome back to your Committee on Government, Military and Veterans Affairs. [LB619]

SENATOR WAYNE: Thank you, Chairman Murante. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent District 13, which is north Omaha and northeast Douglas County. Today this bill we're starting with, LB619, has nothing to do with OPS, but I'm going to spend some time talking about OPS today. So that's a little humor for those who might be watching this morning. [LB619]

SENATOR MURANTE: Does it have to do with religious garb, out of curiosity? [LB619]

SENATOR WAYNE: No. [LB619]

SENATOR MURANTE: We're not going to talk about that either are we? [LB619]

SENATOR WAYNE: But this bill is a simple bill. As we've known, at least in Douglas County, we have continued to see the rise on early ballots and vote by mail as parties, both democrat and republican and nonpartisan, have continued to push for people to sign up for early ballots, as we continue to see a rise in early ballots and vote by mail. This is a simple bill that was brought to make it a little easier for counties to apply for the Secretary of State to allow all counties throughout Nebraska to participate by all vote by mail if their governing body--in this case Douglas County Commissioners--choose to do so. I think it's a great start to having a bigger conversation about vote by mail and continue to move and modernize our election process. And with that--it's a really simple bill--I will entertain any questions. [LB619]

SENATOR MURANTE: Thank you, Senator Wayne. Are there any questions? Seeing none, thank you for your opening, much appreciated. [LB619]

SENATOR WAYNE: No problem. I will be here for closing. [LB619]

SENATOR MURANTE: All right. We look forward to it. And first proponent. Commissioner Boyle, welcome back to the Government Committee. [LB619]

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MIKE BOYLE: (Exhibit 1) Thank you. It's good to be here. It's been a few years. My name is Mike Boyle, M-i-k-e, last name Boyle, B-o-y-l-e, and I'm a county commissioner from Douglas County, I represent the southeast section of the county, roughly 42nd and Dodge south and east. I have given the clerk a copy of a map that will show my own precinct with the location of the polling places. And it is significant because the area I represent is extremely hilly. Those of you...I'm sure most of you are familiar with Omaha, but if you take 24th Street from Dodge going south to Sarpy County, there is a tremendous drop off to the east. And one parish that's a polling place, it's Immaculate Conception Catholic Church at 24th and Casetlar, I believe, it may be Bancroft, to the east is a street that slopes so far, it's probably about 250 feet by the time you get down to the bottom. And this is an area where a lot of elderly people live who have to come up that hill to vote. And that's the way it is throughout my own district, the eastern part of it. The public defender, Tom Riley, lives at 41st and Davenport and his polling place is at 30th and Chicago, which is...if you're familiar with California Street from 38th, it drops dramatically down to 33rd and climbs back up. I mean, it's not walkable, that's for sure. So the county commissioners are very interested for that reason alone in having the option to have elections by mail, allowing people to vote by mail. And one of the most interesting aspects of voting by mail is that as I've listened to the concern about voter fraud, this is probably the answer to that problem, if there is a problem, because every ballot that comes back has to be signed. And the election commissioner is here today; who I do have to have a editorial. I think he's the best election commissioner we've ever had. He is very, very open to discussion. He doesn't dig in his heels, he's very receptive, and I have to get that in the record. But at any event--and I don't know that we agree on this bill either, but anyhow it doesn't matter--but every ballot is checked, the signature. And if it doesn't match, the signature and the registration, then it's not opened and not cast. And then there's an attempt to contact the people--because there is a name on the outside--contact them and say, you better get in here and sign this in our presence and so forth. I believe that's the procedure. In any event, it really is a pretty good safeguard. But the difficulty also with people getting to the poll from their hilly areas is very real. My wife and I don't have that problem, but we have voted by mail just because of convenience for many years. And, frankly, I think Anne wants to see who I vote for. But anyway, it also is an expensive proposition to run these polling places. I just spoke to our election commissioner on the way down, as a matter of fact, and I believe the cost of this last presidential election was \$350,000 just for personnel. And then we have to rent the polling places, which is a big deal and expensive as well. And security at the schools is getting to be a problem. And finally, we were sued when a woman fell from a chair and we had to pay \$55,000 to the voter because a chair collapsed that didn't belong to us in a polling place. So I hope that you'll give us the option to call for mail elections. It would be a really a wonderful thing for us and increase security, frankly, and save money. So, of course, I'll answer any questions you might have. [LB619]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Senator Briese. [LB619]

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SENATOR BRIESE: Thank you, Chairman. Thank you for being here. When you say signatures are checked, did they actually compare this signature and that signature to look at handwriting? [LB619]

MIKE BOYLE: Yes. It's what was done...I should say I used to be election commissioner back in 1961, '68, something like that. And what happens is, when the ballot comes back in and you've voted by mail, you have to sign the backside. And they look for that and then they check it with the actual registration to be sure that when I vote I signed it and that's my signature. So it's a real safeguard. [LB619]

SENATOR BRIESE: Okay. Very good. Thank you. [LB619]

MIKE BOYLE: Thank you. [LB619]

SENATOR MURANTE: Seeing no additional questions, thank you for your testimony. [LB619]

MIKE BOYLE: Thank you very much. [LB619]

SENATOR MURANTE: Additional proponents. Welcome. [LB619]

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Murante and 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. I'm appearing in support of LB619. NACO has historically supported voting by mail and historically when this issue was first brought to the Legislature and the Legislature adopted it in 2005, the population cap was at 7,000. As we saw how much early voting was benefiting this process, the number was expanded to 10,000 in 2009. Now this would open this process to counties of all sizes. Certainly not every county is going to take advantage of this for every precinct, but it would be a great opportunity for those counties that would like to vote by mail. As Commissioner Boyle said, there are cost issues. There would be savings to counties in costs. It would also...the number of polling places could possibly be reduced. So we would support LB619. I'd be happy to try to take questions. [LB619]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Senator Hilgers. [LB619]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you for your testimony this morning. Do you know how many counties currently have fewer than 10,000 inhabitants? [LB619]

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BETH BAZYN FERRELL: This bill would open it up to 27 counties. So I don't do math in my head very well, but... [LB619]

SENATOR HILGERS: Well, I guess my question is currently...so not with change, but currently how many counties can do all vote by mail and how many are taking advantage of that currently? [LB619]

BETH BAZYN FERRELL: I don't know how many are taking advantage of that and the Secretary of State's Office--I'm not sure if they're going to testify--would be able to answer that, but we could certainly find out for you. [LB619]

SENATOR HILGERS: Okay, thank you. [LB619]

SENATOR MURANTE: Thank you. Seeing no additional questions, thank you for your testimony, much appreciated. Still on proponent testimony to LB619. Is there opposition testimony? Is there neutral testimony? Mr. Secretary, welcome back. [LB619]

JOHN GALE: (Exhibit 2) Thank you, Chairperson Murante. I'm John Gale, J-o-h-n G-a-l-e, Secretary of State for the state of Nebraska, Chief Election Officer, and I appear before you today to testify in a neutral capacity regarding LB619, as sponsored by Senator Wayne. This particular piece of legislation, as you've heard, aims to eliminate the 10,000 population requirement for counties wishing to hold elections by mail. The Legislature authorized an Election Reform Task Force back in 2001, which consisted primarily of county election officials, state senators, and myself, as Secretary of State. The task force met regularly and ultimately prepared a report to the Legislature in 2002. As you know, that was a time of great discord regarding elections across America because of the 2000 presidential race. One of the recommendations allowed county election officials in counties with a population of less than 7,000 to designate precincts to hold all-mail elections with the prior approval of the Secretary of State. Later the Legislature increased that population lid to 10,000. So the approval of the Secretary of State required rules and regulations, which had been adopted, and some standards and guidelines that we follow. While there's been discussion about this opening up all-mail elections to counties, we have not in any way begun to perceive the law or give it that kind of direction in our interpretation of the law. By and large, we have felt like the intent of the law and our rules and regulations was to limit this to precincts and counties that were either primarily rural or significantly rural or had several challenges with regard to people or voters in those precincts being able to vote on election day. For the most part, one of the problems is in the more rural precincts is finding the ADA accessible polling site. And so in many locations they have to put that polling site in a different precinct in order to find an ADA facility, which may make the distance of some of the voters some 15 miles away if they're going from a far corner of their

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precinct--and I say smaller, I'm talking about population--from a far corner into another precinct where the polling site could be located. ADA facilities are difficult to find in the more rural or isolated areas of any county. In addition, you have the costs. If you have a low registration, a low turn-out precinct, which many of these smaller precincts are, then you have county expenses because they have to transport the equipment, they have to hire poll workers, and they may have 25 or 35 or 50 people show up. The expenses considerably outweigh the benefit of having a polling site at that location. So cost factor is one of the things that we look at in terms of approving a county request to designate a precinct to be an all-mail precinct. So we've been very cautious about how this legislation has been interpreted over the past 14 years. Currently, in the course of the last 14 years, we've only designated 74 precincts to be all mail in 16 counties. Now we do have a 10,000 population lid, of course, but many of those counties of less than 10,000 have a number of precincts that do qualify because they have bad county roads. In bad weather days it's difficult for people to go vote. They may have snowstorms. Impossible for them to go vote. They have long distances. Many of them are small farmers and businesses and ranchers, they can't get away and spend half the day driving to the polling site and trying to vote. We have found amongst these 74 precincts that have been designated, that they have a voter turnout of some 82 percent as opposed to 71 percent, which was the general turnout across the state in the last general election. So this has certainly had a significant impact on voter turnout in the smaller and more rural precincts where you have these issues of isolation and lack of ADA compliant facilities in which to have a polling site and the challenges and convenience of the voters who attempt to get there. This bill would allow any county to make a designation on similar circumstances. And every county, including Douglas and Sarpy and Lancaster, have precincts of this nature. Diane Olmer, from Platte County has a letter to you and she talks about one of her small rural precincts, which is an impossible situation almost for her in terms of costs and the number of ballot splits, and would like to make it an all-mail precinct. So this significantly improves voter turnout. It significantly improves the ability to go vote for many citizens in these smaller, more isolated precincts, and it lowers the costs of the county to provide that nature of voting. This is not about creating all-mail voting for the state of Nebraska. It's about helping voters in the more rural, isolated precincts to have a greater opportunity to vote and they take advantage of it in this all-mail voting because they can do it from their mailbox in front of their farmhouse or their ranch house or their small business and have an 82 percent turnout. Thank you. [LB619]

SENATOR MURANTE: All right. Thank you very much for your testimony. I just want to clarify one thing. So it's my understanding as the process works right now that counties under 10,000 or with less than 10,000 people can apply to you, the Secretary of State, for the purposes of having one precinct or multiple precincts within their county designated as vote-by-mail and your office has adopted and promulgated rules which essentially provide some sort of parameter for defining largely rural precincts and that is sort of the system that you use right now. Is that correct? [LB619]

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JOHN GALE: That's correct, Senator. The system we've used for 13, 14 years. [LB619]

SENATOR MURANTE: Okay. So simply by striking the language, "by 10,000" and opening it up, it doesn't necessarily address the concern that Commissioner Boyle had had of urban precincts which have hills or are not walkable without amending those rules that have been adopted and promulgated, it would still apply only to rural precincts, it's just in rural precincts and counties of any size. Is that your understanding? [LB619]

JOHN GALE: That's the way we would continue to interpret it, Senator. Considering the origins of this bill back in 2002 and the fact it has a 7,000 population limitation, we're really talking about the more rural counties in the state of Nebraska and giving them the equal opportunities they would have in an urban area, because you have paved roads, you have public transportation, you have schools and hospitals and churches that are ADA compliant. You don't have these issues that you do face in some of these more rural, isolated precincts. So we're just trying to maintain kind of a fairness and equality of people who aren't in the urban centers and have some of the conveniences of being in an urban center the same opportunities to vote in bad weather on bad roads and busy farmers and ranchers. So we think it served a very useful purpose. And by asking to be allowed every county to be able to designate these kinds of precincts is not in any way and will not ever be my interpretation to allow Douglas County or Sarpy County to be all-mail-designated counties under this law. We're dealing with a smaller portion of the precincts of Nebraska. [LB619]

SENATOR MURANTE: Sure. Thank you for explaining that, because that helps us sort of encapsulate the policy questions before us. So thank you for pointing that out. Senator Briese. [LB619]

SENATOR BRIESE: Thank you, Chairman Murante. And thank you, Secretary, for being here. Have you turned down applications for this procedure? [LB619]

JOHN GALE: We have, Senator. We've turned down quite a number of them. And I think maybe I've been too strict over the years, because a number of the counties that are really within 10,000 population have made requests, where maybe a piece or a tip of a precinct is within the county seat or within a quote urban area and I've turned those down thinking that it's not as inaccessible as if it's purely out in a rural area. But often in my interpretation I've realized that at least half or three-fourths of some of these precincts, because population goes down as you spread it into a rural area so you do have considerably more geography sometimes, even if a piece of it's in the city it may be a far distance from the other end of that precinct that's out in the country. So we've been reviewing this in our office in terms of whether we need to be a little more understanding with our rural counties who want to treat some of these precincts that they feel like they're

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having challenges with in terms of ADA-accessible facilities and in terms of bad roads on election day. But in no way would any county ever become an all-mail county under this law, at least in my jurisdiction, because that's not the intent of the original legislation. It would take this Legislature to decide to give counties an all-mail option. And then you would probably have to have it adopted by the county commissioners or maybe it'd go to the voters of that county, but it's not something that's going to happen on my watch. But I do like the idea coming from western Nebraska, trying to help those who work in agriculture and have small businesses out in the more rural areas have the opportunity to vote by mail if it's more convenient under these circumstances. [LB619]

SENATOR BRIESE: And you mentioned earlier the benefits of a procedure like this, improved access to the ballot, lowering costs. Wouldn't those same benefits be true in a rural setting also perhaps...excuse me, in an urban setting? [LB619]

JOHN GALE: In an urban setting? You'd probably have to get more factual detail from some of the larger county election officials on that, but it would be my understanding that you have a much more concentrated population, so it's a smaller precinct. If you're talking about 1,500 or 1,700 registered voters, you're talking about larger precincts, the more concentrated in the way populations live, apartment buildings, apartment complexes, etcetera, and you have good paved roads to deal with, and you have an ability to locate a polling site centrally in most of those precincts so that everybody can have access in an urban area within a fairly short distance. So it really is a different set of circumstances. Obviously, by-mail voting is very, very popular. And 20 percent of our voters in this last election voted by mail, so every county has a dual system. They have people who are voting at the precinct locations and that's about...I'm going to say...so about 75 percent vote in the precincts, about 20 percent vote by mail, 5 percent vote in person early. So it's really quite a mix that the county election officials have to deal with. So having some of these additional smaller and more isolated precincts designated in Douglas County and Sarpy County helps reduce costs for them, helps increase the ability of those voters to vote, and it doesn't in any way increase the burden on them because they're already doing a lot of early mail balloting. So it just adds a little bit to that percentage maybe in every county. But you'll hear some testimony I think that's going to tell you how very popular in urban areas by-mail elections are. [LB619]

SENATOR BRIESE: I've been voting by mail for the last five or six cycles, I think. It is very convenient, very handy, and I appreciate that opportunity. [LB619]

JOHN GALE: And we've gotten a number of letters, unsolicited, from people who live in these precincts where we designated by mail. The county election officials say they get nothing but raves about it and that that's the kind of e-mails and responses we've gotten as well. In 14 years,

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I've never had a serious complaint from anyone about having designated these more rural, isolated precincts to be by-mail precincts. [LB619]

SENATOR BRIESE: Thank you. [LB619]

JOHN GALE: Thank you, Senator. [LB619]

SENATOR MURANTE: Thank you. Are there additional questions? Seeing none, thank you for your testimony. [LB619]

JOHN GALE: Thank you, Mr. Chairman, and thank you, committee. [LB619]

SENATOR MURANTE: Continuing on neutral testimony. Welcome back. [LB619]

BRI McLARTY HUPPERT: (Exhibit 3) Thank you. Good afternoon, members of the Government, Military and Veterans Affairs Committee. My name is Bri McLarty Huppert, that's B-r-i- M-c-L-a-r-t-y H-u-p-p-e-r-t, and we're testifying in a neutral capacity. Nebraskans for Civic Reform hasn't taken an official position on all-mail elections, so what we're passing out is just kind of a compilation study. Believing that this bill, LB619 is kind of the starting conversation point after the Election Technology Committee that met last December, we've heard from a lot of election commissioners that they wanted to start really looking at all-mail elections. So we provided a little bit of information about what the three states that currently do all-mail elections provide specifically to ensure voter accessibility, things like drop boxes, whether or not they pay for postage. So it's really just some background information for you. The first two pages talk a little bit about a study that we did. We, through a public records request, got all of the applications that have been submitted with the Secretary of State from 2007 to 2015 for all-mail precincts. So we just provided a little color about what we currently see in Nebraska. Kind of a lot of times, like what Secretary Gale talked about, the cost is usually one of the major factors that they look at. The cost of having...paying poll workers as well as renting the polling location, accessibility for being able to find ADA-compliant polling places are another. There was one, I think, rejection in Cedar County where, because there was some strong opposition from some of the voters, but after kind of looking over it--and Clerk Dowling did work with voters to then make them more comfortable with it--and eventually it was approved in 2013. So it's just some background information for you. And I'd be happy to answer any questions. [LB619]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, good to see you. [LB619]

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BRI McLARTY HUPPERT: Thanks. [LB619]

SENATOR MURANTE: Commissioner Bena, welcome back to your Committee on Government, Military and Veterans Affairs. [LB619]

WAYNE BENA: Thank you, Mr. Chairman. Again, for the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a, and I serve as election commissioner for Sarpy County, Nebraska. I'm here in a neutral capacity only because our organization, NACO, did take the favorable position on this bill. But this bill will not affect me as in all of my polling sites are ADA compliant so I would not be able to apply for this. But I've been hearing that election administrators' opinion might need to be asked some questions so I'm here for that and I'm done, only to say this: When we say all-mail elections--I'm going to have to tell the story in which I had my first all-mail election in Gretna--and a little girl in the front asked the question, will my mommy get to vote? So be very careful. Words matter. Elections by mail probably a better way to go on that. So with that, I will take any questions that you have from an administrator's standpoint. [LB619]

SENATOR MURANTE: (Exhibits 4, 5) Are there questions for our election administrator from Sarpy County? Seeing none, we'll save them for later. Thank you. All right. Any additional neutral testimony? Seeing none, I have letters of support for LB619 from: ACLU Nebraska; and Joann Fischer, Knox County Clerk. Senator Wayne, you are welcome to close. [LB619]

SENATOR WAYNE: Thank you. Thank you, committee, for listening to the testimony and to tie it back into OPS, that would make 93 minus 27 counties is 66 I did get--just keeping the theme of OPS going--the counties that currently have the option. But this is more of a conversation I think we continue to need to have about as we move forward with new types of technology and new types of things. And I think some of the issues that are plagued in rural do happen in urban. And I think having the ability for counties to control how elections are ran, particularly precincts like in my district where I go all the way to Washington County, so people do have to drive quite a bit to move to vote in the Florence area, this may be beneficial, it may not be, but I think the county should have the option of having that conversation with the Secretary of State. So with that, I submit. [LB619]

SENATOR MURANTE: All right. Any final questions? Seeing none, that closes the public hearing on LB619. We'll proceed to the next item on the agenda, LB277. Senator Wayne. [LB619]

SENATOR WAYNE: Thank you. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, I am the senator from District 13 that represents north Omaha and northeast Douglas County. This is a issue that has come before this committee--most of us were not on this committee when it came

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before--multiple times about precinct size. The reason it's an issue is...it became an issue in 2010, 2011, 2012, when precincts and polling locations, in particularly northeast Omaha, began to close due to statutory changes that happened here in Lincoln. Just to give you an idea, if you lived east of 72nd the percentage of increase to your polling place was twice the size if you lived west of 72nd. If you live in a census tract with medium household incomes of \$25,000 to \$50,000 the percentage of increase during this time when polling locations were closed roughly was three times the census tract if you had above a household income of \$50,000. Some of the things in the last testimony or last hearing that we just heard from Commissioner Boyle about difficulties of getting to places and those kind of things have occurred primarily as part of these statutory changes that occurred in 2010. With that, I think we need to start a conversation. I don't expect--especially with the fiscal note--for this bill to move this year, but I think it's important as we look at the changes to the next bill by Senator Murante regarding technology and funding and the issues with polling places and sizes of polling places, I think it's a big conversation that need to all be included. For example, are we going to have ballot machines in the future at specific polling locations that count the ballots right then and there? I think smaller precincts would make more sense if we did that, so we can double check things faster if something were to occur than larger locations. So part of the reason I introduced this bill was I've seen other bills, such as Senator Murante's, come in that says this is an opportunity for us to have a bigger conversation around polling size and everything else. The other part of it is that I can't escape what happened in 2010 and '11 and remember all the conversation of the DOJ coming in and others regarding how east Omaha precincts got closed down and how sizes of where people voted almost doubled and tripled and people could no longer walk to their polling location. So I think as we talk and as we move forward with technology and funding of our overall statewide, I think we also need to have a conversation about what a precinct size looks like and how does that match technology. So I did not ask Senator Murante to attach this to his bill, but I thought it was a conversation we should have in conjunction, because I think it's critical. And with that, I'll answer any questions. [LB277]

SENATOR MURANTE: All right. Are there any questions for Senator Wayne? Seeing none, thank you for your opening. And we will proceed to proponent testimony on LB277. Are there any proponents? Is there opposition testimony to LB277? [LB277]

BETH BAZYN FERRELL: Good afternoon, Chairman Murante and 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. I'm appearing in opposition to LB277, although after listening to Senator Wayne's opening I don't think we would have any opposition to just participating in the conversation and working to move forward with this. Our issue would just simply be the precinct size. So we'd be happy to offer any assistance we can be to work on this discussion and move forward with it. [LB277]

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SENATOR MURANTE: Sounds great. Any questions? Seeing none, thank you for your testimony. Still on opposition testimony. Welcome back. [LB277]

WAYNE BENA: For the record, Wayne Bena, W-a-y-n-e B-e-n-a, election commissioner for Sarpy County, Nebraska. We oppose this bill and we have in other times that it's been brought, but I'm willing to have the conversation. I think it's an important conversation. As a little bit of a background history why the number was moved is, we were seeing back in 2010 a rise in early voting, not only by mail but by polling site. And when more people...our costs at a polling site are fixed so every person that goes from a polling site and votes early is a cost to the county of mailing the ballot--postage of that--while not being able to control any cost at the polling site, because we have to spend the same amount if one voter shows up or every voter shows up. And so by looking at that number we're able to consolidate the precincts to better adapt to the rise of early voting. In the last election we had close to 40 percent of Sarpy County voters voted early in some capacity. In my first election in 2010 I had a precinct in which two voters voted the entire day and it was before noon, so it was a very long day for those poll workers. But that polling site had the same cost for me as the one that had the 50 percent turnout. So this was a way...and after this law was put into effect and then redistricting happened in 2012, which I was going to have to move polling sites around anyway and lines were going to be changing anyway because then LD49 was put into Sarpy County, things were going to change. And so having this law allowed me to use those lines and those numbers to adequately address the rise of early voting in Sarpy County. And as a result, my county saved on average of \$30,000 every election since and we've had a good voter experience. I appreciate Senator Wayne wanting to have this discussion. There were some communication issues in Douglas County that the roll out in 2012 was not great, but they worked on that and I think they've had smooth elections ever since, just like all our other counties have. But if we do this now we're going to be changing precinct lines now, as well as in 2022. I've only had to change one polling site since 2012 and I take great pride in that. And I don't want to have to keep moving things around. So as a part of the conversation, if this number needs to be used, when is the best opportunity to move that number, if it needs to be moved at all? So with that, willing to work with Senator Wayne as we move forward as we get closer to the next census of what's the best way moving forward to run elections. [LB277]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thank you, sir. Still on opposition testimony. Commissioner Kruse, welcome back. [LB277]

BRIAN KRUSE: (Exhibit 1) Well, thank you. It's good to be back. Chairman Murante and members of the committee, my name is Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e. I am the Douglas County Election Commissioner and I am here to testify in opposition of LB277. Let me start off by saying I am fully aware that in Douglas County there was a frustration after redistricting that occurred in 2012, specifically in Ward 2, north Omaha. During that time,

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miscommunication and ultimately mistrust led to strained relations between the election commission and the community. Through a diligent and comprehensive community service outreach program implemented by myself and the election commission, I feel comfortable in saying trust and confidence is well on its way to being restored. Polling places change prior to every election for a variety of reasons and whenever possible I consult with community leaders before making those changes. It only makes sense to continue this practice of community input. Reducing the precinct size creates several issues for the election commission. As was said earlier, if we change boundaries for the 2018 gubernatorial elections, then we have to change again after the 2020 census in a few years. My concern is that voters would potentially have a different polling place for the 2018 election and again after 2020. To maintain stability and minimize confusion for voters, I believe it is in the best interest of voters to only make one change, if necessary, after the 2020 census. The second concern that I have is one of logistics. There are only so many physical buildings that would suffice as polling places. I believe Douglas County would need somewhere in the area of fifty additional precincts to meet the requirements of this bill. Fifty more precincts would lead to a high probability of having to use more schools as polling places at a time when the election commission is being asked by school officials and parents to avoid schools as polling places whenever possible. Also, some areas do not have many options for polling places, so there will be an increased number of polling places that serve more than one precinct, which could mean that the polling place is no longer closer to the voter than their current one is. The third concern that I have is the financial cost. Essentially it costs the same to operate a polling place whether you have 75 voters or 1,750 voters show up on election day. Adding fifty new precincts would result in additional poll workers, training classes, training materials, and polling place equipment. These additional costs would be about \$50,000 per election in Douglas County. There would also be a one-time expense of about \$160,000 to mail all voters new polling place cards in Douglas County. If we did this now and again after the 2020 census, that would be \$320,000 in just a few short years. In Douglas County, we have been proactive to help alleviate pressure at polling sites. In presidential elections, our largest elections, voters have experienced a greeter and additional poll workers at polling locations. Secondly, there has been a campaign to inform voters of the ease and convenience of early voting. Thirty-four percent of voters chose this option in the last election in Douglas County. The number of voters taking advantage of early voting increases with every election. I would also like to note that the Department of Justice was in Douglas County in the November 2016 election. We received no feedback from the Department of Justice regarding lines, polling places, anything of that nature. The only feedback we did receive from the Department of Justice was that some organizations that were actually there to be poll watchers or things of that nature were actually being a little too aggressive with voters and so they had called me in the afternoon and asked me to get in touch with them and ask them to essentially slow it down or back it off a little bit. With the convenience of early voting and over one-third of the voters utilizing it, minimal complaints last year regarding polling places, and the added expense, the proximity of the 2020 census, I do not believe it's in the best interest of voters to make the change at this time. I do think a

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conversation about this does need to happen, with the new election technology bill going forward. Appreciate Senator Wayne introducing this so that we can have a conversation about this. And it sounds like that we're all pretty much on the same page that we need to visit about this going forward. But now might not be the best time for the voters. Thank you. [LB277]

SENATOR MURANTE: And thank you. Are there any questions? Seeing none, thank you for your testimony, much appreciated. Are there additional opponents wishing to speak? Is there any neutral testimony? Commissioner Boyle, welcome back. [LB277]

MIKE BOYLE: Well, my name is Mike Boyle, M-i-k-e B-o-y-l-e, I'm a member of the Douglas County Board, representing District 1. I'm probably, not in sheep's clothing here as a proponent, but close. There is a real spirit of cooperation with our election commissioner and with Secretary of State Gale. We are very fortunate to have that kind of relationship and very lucky. We didn't always have that. Douglas County voters were quite surprised when the precincts were expanded to the point where a lot of people were just unable to get to the polls, so it did have a terrible chilling effect. But oddly enough, as I listened to the testimony this to me lends credence to the bill that I previously testified on that if the option were allowed, and I think it makes sense because we have the same kind of hardship--particularly with the plunging territory east of 24th and other parts of the city and the county--that it would be a reasonable thing to do to go to the Secretary of State and say, can we do this because we have the same hardships that you do in rural areas? And today, oddly enough, there's a piece in the Omaha World-Herald--and this is relevant--about Omaha's garbage collection. The city of Omaha is not going to use the same kind of garbage vehicles in the eastern part of the city because of the terrain. I mean, it proves a point. They can't use the same trucks going down these hills to pick up the trash that they can in the newer parts of the city. So it does establish from another source the problems that we have. But I just want to stress again that we are in a real state of cooperation and we will make this work. And I hope that you will--and I know you will--give our particular problem consideration. I appreciate the opportunity to testify. Thank you. [LB277]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. [LB277]

MIKE BOYLE: Thank you, Mr. Chairman. Thank you, members. [LB277]

SENATOR MURANTE: Additional neutral? Welcome. [LB277]

COLLEEN BYELICK: (Exhibit 2) Thank you, Chairperson Murante and members of the committee. For the record, my name is Colleen Byelick, C-o-l-l-e-e-n B-y-e-l-i-c-k, the general counsel and chief deputy for the Secretary of State's Office, here in a neutral capacity with

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respect to LB277. We just wanted to provide a little bit of anecdotal evidence as to our experience with respect to the precinct size and some research that we found on our wait times in Nebraska. Anecdotally, we have not experienced widespread complaints about our wait times or long times attempting to vote. We do see certain times of the day are busier, such as right at 8:00 a.m. as the polls open or after 5:00 p.m.; those tend to be peak times. But we haven't received widespread complaints since the current law in 2012 was put into place with regard to the size of our precincts currently. And the research we found in 2012 the average wait time in Nebraska for voting was 4.3 minutes. And then that was even decreased in 2014 to 3 minutes. So on average, our current poll size does appear to be accommodating Nebraska voters. The second item I wanted to touch on was our fiscal note. The Help America Vote Act requires that there be accessible voting equipment at each polling site. And this allows a disabled voter to cast their vote independently and privately. Nebraska satisfied this requirement by purchasing AutoMARK equipment. And since this bill would likely create additional precincts we estimated that we would need to purchase AutoMARK or like equipment for each new precinct that was created. The AutoMARK is not being sold anymore, so we priced it out with a similar piece of equipment called the ExpressVote. And we did estimate that precinct numbers that could be potentially created at 230 precincts. That is an estimation. Recognizing that more than one precinct could be combined at a polling location and recognizing that our election officials would try and maximize the number of voters at each precinct, we think that's probably a high estimate, but nevertheless we had to find some way to estimate what the fiscal impact of this might be. And looking at a 70 percent voter turnout and looking at the number of precincts that would then be over a thousand registered voters in that precinct, that's how we came out with the 230 additional precinct number. So just wanted to touch upon that and explain our assumptions there and take any questions if you had any. [LB277]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down. Appreciate it. [LB277]

COLLEEN BYELICK: Thank you. [LB277]

SENATOR MURANTE: (Exhibit 3) Is there additional neutral testimony to LB277? Seeing none, I do have a letter of opposition from Sherry Schweitzer, the Seward County Clerk. Senator Wayne. [LB277]

SENATOR WAYNE: And I will keep this very short. So what I think I heard is that the \$800,000 fiscal note should go into Murante's bill, just because (inaudible). But when it comes to voting, we all know this is a fundamental right that we all here in this body hold high. And with that, we're just trying to find ways to make sure it's easier to vote. I do want to point out, so nobody's confused, for the record if somebody is reading this is, Commissioner Kruse has done a terrific

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job since he's taken office, I believe in 2014--'16, sorry, I gave him two extra years--because he has dealt with these issues that came...fell into his lap straight on and has been in the community resolving some of the issues that I brought up many times and has opened up other polling locations. So I do want to put that on the record. My simple point to all of this is, is we have some issues in north Omaha where elderly, low-income have a hard time still getting to the polling places. We heard about the city of Omaha is going to use different trash trucks to pick things up. And we also, at least in my district, have a lot of--believe it or not--unpaved roads and roads that look like we've been through war zones. So getting to polling locations is not just difficult to you in rural, but sometimes in east Omaha. And as we continue to move forward as a body dealing with the overall election issue, I just want to make sure this is a part of the conversation. So I appreciate that and thank you for this committee allowing me to testify today. [LB277]

SENATOR MURANTE: All right. And thank you for your closing. Any final questions? Seeing none, thank you, Senator Wayne. [LB277]

SENATOR HILGERS: Am I acting Chair? I think we determined that's the terminology.

SENATOR MURANTE: Deputy Vice.

SENATOR HILGERS: Senator Murante, welcome. [LB316]

SENATOR MURANTE: Thank you, Senator Hilgers. For the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e. I'm the State Senator for District 49, which includes Gretna and northwest Sarpy County, and I'm here today to introduce LB316. LB316 is the product of about a year's worth of work which started with a resolution introduced by Senator Hansen, which created the Election Technology Special Committee. The Election Technology Special Committee met several times in 2016 and studied our election systems in the state of Nebraska and improvements that we need to make. In December, the Election Technology Committee, which I chaired, issued a report to the Legislature and following that report we introduced LB316. LB316 is the next step in the discussion. I don't intend to proceed with LB316 this year. It is a continued work in progress with our election administrators, with our Secretary of State's Office, with election technology providers, and with other states around the country as to how election technology is proceeding. To just give a 30,000-foot background, following the 2000 presidential election in Florida, Congress passed the Help America Vote Act. And in the Help America Vote Act, Congress appropriated a large quantity of money for states, including Nebraska, to purchase election equipment, which we did. And we used in...following the Help America Vote Act, used federal dollars to purchase the election equipment that we have right now. That election equipment is rapidly becoming out of date and it is our concern that it will be not useable in the

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very near future. We don't have very many election cycles left. So the Election Technology Special Committee began the discussion of, what were we going to replace this election technology that we have now with? How were we going to pay for it? And it had us back up to answer the question, if we're not going to start with what equipment we want to buy, we're going to start with how do we want elections to be best run in the state of Nebraska and then purchase the equipment necessary to do that? Over that time we learned a lot about how elections are administered in Nebraska and compared to the rest of the country. I believe we have some of the best election administrators in the state of Nebraska. I believe our Secretary of State's Office is top notch and that the level of coordination between this committee, the Secretary of State's Office, and our local election administrators to create election policy that yields a positive experience for voters on election day I think...you heard the statistics, there's an average of three-minute wait time at polling places. That's not the case everywhere in the country. And it really speaks to how well this committee and our Secretary of State's Office and our election administrators have worked over the years together. So the problems that we have are severalfold. First of all, with the aging equipment and the discussion of how election systems in Nebraska will work going into the future, we have a few unique problems to the state of Nebraska. First, we have many political subdivisions. We have one of the highest numbers of elected officials in the state of Nebraska, which makes conducting elections extremely complicated. When I was speaking to ES&S, which is our current election systems provider, they actually use Nebraska as the example of the most complex election system in the country, because you'll hear things like ballot splits and things like that where you have precincts with multiple political subdivisions and multiple districts within those political subdivisions within them. And ballots need to be printed for all of the voters to have access to those ballots, which is extremely expensive. And some of the costs that are borne to the county, a ballot expense and the expense of paying for election workers is right at the top of the list. So our goal was really threefold. First of all, how do we pay for this equipment on the state level? How do we do it such that the costs to administering elections at the county level decrease without sacrificing the quality of the voting experience, increasing lines, and doing things like that? We needed to check those three boxes. I think what you have before you is the next step where we talk about increased based system wherein we have electronic poll books to expedite the process by which voters check into the polling place and receive their ballots on election day. There's contemplation for a ballot-on-demand technology, which it's our hope would lower the cost of printing ballots, although we're still researching the exact cost benefit to the counties for doing that. And then having election equipment...counting equipment within polling places such that everything is housed within one polling place. That creates a more secure environment, I believe, rather than transferring hundreds of thousands of ballots from a polling place to an election office and having them counted there, which is an unsecured process. Now, I have continued to have lengthy conversations with our election administrators about the process going forward. If I had something that we have to do now I believe is to, first of all, understand the necessity of the situation. We simply cannot do nothing. That is not an option. Our election equipment will fail.

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We will not be able to count ballots in this state if we do nothing. And to encourage our friends on the Appropriations Committee to begin investing in the Election Technology Fund, because I think we're looking at a price tag in the \$20 million to \$30 million dollar range to actually replace the equipment that we have. And that is a little bit of how we got here. That's a little bit of where we're going. There are a lot of unanswered questions that we will still research. And I can assure you that I am continuing to have discussions. I will actually be attending a conference for the National Conference of State Legislatures, Elections and Redistricting Standing Committee, singularly focused to the issue of election technology, because we are not the only ones in this situation. Everyone else who purchased equipment with the Help America Vote Act dollars is in the exact same spot. So we're all trying to figure out what the best path forward is together. Fortunately, as I said previously, we have great levels of communication between our local election commissioners and our Secretary of State's Office and this committee. So I think going forward, we're in good shape. We're ahead of the game, which I think is very important. But that's where I see us going. So I'd be happy to answer any questions that you have. [LB316]

SENATOR HILGERS: Thank you, Mr. Chairman. Any questions for Senator Murante? Seeing none, thank you. So and you're sticking for closing? [LB316]

SENATOR MURANTE: Yeah, I will stay. [LB316]

SENATOR HILGERS: Any proponents for LB316? Seeing none, anyone wishing to testify in opposition to LB316? Seeing none, anyone wishing to testify in a neutral capacity? Welcome back, Secretary Gale. [LB316]

JOHN GALE: (Exhibit 1) Thank you, Senator Hilgers. Well, it's a pleasure to appear before the Government, Military and Veterans Affairs Committee again. My name is John Gale, J-o-h-n G-a-l-e, Secretary of State, Chief Election Officer for the state of Nebraska. I thought Senator Murante did an excellent job of giving a broad history and scope of the Help America Vote Act and the reasons for it and the successes that we, in Nebraska, as well as every other state across the nation has benefited from that act and from the federal funding that we received. In fact, I would say that across the nation since that 2000 presidential election, which resulted in such great disturbance, concern, loss of public trust and confidence in voting across America, that we've restored considerably. And I would like to say restored substantially the trust and confidence of the public in the conduct of elections, particularly in Nebraska. So I greatly appreciated that Senator Murante is willing to hold this bill and give us all more of an opportunity to study it and develop maybe a consensus on the complexity of what we are facing. Obviously, it's unfortunate that our revenue situation in the state is where it is and the budget crisis that we're facing to then be approaching this issue that may have a cost of \$20 million or \$30 million. But I would just say that I'm strongly, totally in favor of a state-based system. It's

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worked so well for us and we've received so many national compliments on how we've been a top-down system that's had uniformity and stability and consistency across the state, both in voter registration as well as in voter registration and voter turnout. So that obviously is our very, very first choice is to continue to have a statewide system as best we can. If we intend to impose a considerable cost back on the counties, you're going to see a great split developing once again with over half the counties going back to hand counting of ballots because they can't afford to buy that equipment on their own. We've been able to not only buy the equipment with the money we've received, but we've paid for the maintenance for the most part of 10 or 11 years since the purchase of that equipment. The state is now absorbing that cost, but that money did allow us to lay a really strong foundation and basis for the system that we have. And I think we have great public trust and support in that direction as opposed to falling back and regressing into a system that was really fairly chaotic in terms of voter registration and how votes were tabulated. I would say at this point just a couple of points I'm going to try to make quickly. Number one, there has been this study by the Election Technology Special Committee; very, very helpful. And there's been a report I've seen by the Nebraskans for Civic Reform on election technology. But there's been no public debate. We just had a general election with 860,000 turnout, a record with 1.2 million registered voters. Right now, the public is not seeing any kind of a crisis or difficulty with our election system and there's been no public debate about it. We have had a 24-member task force looking at election system technology. That report is about ready to be released. It should be part of the public conversation. It's a 78-page report. You'll each receive a copy of it. But there's a lot of discussion and discourse that needs to happen across the state with our citizens and our county election officials as to where we're going and how we're going to get there. So that's the first thing, is this holding of the bill to just give us an opportunity to address that. Secondly, I would like to say that in terms of how this is funded, of course that's a huge question. But this merging of our current Election Administration Fund with this Election Technology Fund is really, to me, an impossible combination of monies. We have many other federal acts that we have to comply with. This act would say the Election Technology Fund will give highest priority to technology, but yet we still have the Uniformed and Overseas Civilian Voter Absentee Act (sic: Uniformed and Overseas Citizens Absentee Voting Act) that we have to comply with. We have eight mandates of the Help America Vote Act, which didn't end when the money ended; those mandates continue into the future. I can't allow my fund to give the highest priority to technology when we have all of these other equally important priorities imposed upon us by federal law. So I would like to see the two funds kept separate. If you're going to create funds, let us use our fund for the administration of our office and the other mandates that we have and create Election Technology Fund that would be for the specific purpose of this technology. Thirdly, Senator Murante specified the types of equipment that have been identified in this bill as what would form a precinct-based system and the kind of technology that would be required. But truly, the counties that have central tabulation have had incredible success with central tabulation. To replace it with precinct-tabulating equipment is an argument that can be made, but I think there's going to be a strong, strong support for continuing central tabulation,

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particularly in the bigger 50 counties across the state of Nebraska. We have not really had any significant concern or any significant issue that has come up because ballots have to be transported from precincts to a central office. So I think that's got to be part of the discussion. And last, it eliminates what I call election technology. I mean, not election technology, but electronic voting. Well, a lot of states use DRE equipment, direct-response electronic where you can touch-screen cast your ballot, disabled handicap can use it, any voter can have it. Some states that's all they use. That technology has improved so much in the last ten years. This bill eliminates it, but I think it's a choice that needs to be talked about and part of the discussion as to whether or not that may not better serve some of our counties in central election offices. And we definitely have to keep in mind the disabled and handicapped and visually impaired voters, which were very much a central part of the Help America Vote Act consideration. So I don't think we should just eliminate the idea of electronic voting just because we haven't used DREs except in some pilot projects. It is an option out there that needs to be weighed along with the other choices. So essentially, I want to congratulate and commend Senator Murante and his Election Technology Special Committee for initiating this discussion and presenting such a great report. But it does deal with technology. Our report deals with systems. There's a difference between election systems and election technology. And so this report from our 24-member task force is going to be addressing the issue of election systems and what's used across the country by different states and what choices we have. So you'll have a copy of that we hope within a week that we'll be able to present that to you to be part of this continued discussion. But thank you, Senator Murante, for all you've done to help promote and encourage us to address this issue, because it is a big issue. Thank you. [LB316]

SENATOR HILGERS: Thank you, Secretary Gale. Any questions for Secretary Gale? Seeing none, thank you for your testimony. [LB316]

JOHN GALE: Thank you, Senator Hilgers. Thank you. [LB316]

SENATOR HILGERS: Any others wishing to testify in a neutral capacity on LB316? Mr. Kruse, welcome back. [LB316]

BRIAN KRUSE: Thank you. I will make this short and sweet. Brian W. Kruse, B-r-i-a-n W. K-r-u-s-e. I would just like to say and commend Chairman Murante for his work on the Election Technology Committee for including us election officials at the county level. He's done a great job of that. We look forward to working with him and his committee on the next year to look at all the different technology we have and the Secretary of State's Office and coming up with the best possible voter experience for the voters in Nebraska moving forward. So we appreciate Andrew as well, we've worked with him. So thank you much. We appreciate the inclusion that you have brought forth on this committee. [LB316]

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SENATOR HILGERS: Any questions for...Mr. Kruse. Senator Wayne. [LB316]

BRIAN KRUSE: I was trying to get away. [LB316]

SENATOR WAYNE: Let's talk about election night. How many machines did we have problems with in Douglas County? [LB316]

BRIAN KRUSE: In Douglas County? We have one 850 counting machine and we have eight 650 counting machines and we had two...an issue with two of our counting machines on election night in Douglas County, two of the 650s. And that did...it did cause me to not get to bed until about 7:00 the next morning. [LB316]

SENATOR WAYNE: And colleagues, the reason I brought that up is because election night I had a lot of difficult conversations and then woke up the next morning realizing that I won. So I had to call a lot of people back and apologize for the conversation that I had to have. So this is why this bill is important to me, because I've been through it. And I think it's important as we go forward we update our technology and come with the best solutions. So sorry to put you on the spot like that but... [LB316]

BRIAN KRUSE: No, No. No, that's fine. So, yes, let's do something so I don't have to...college days, all-nighters were great. Now that I have a real job, how about we eliminate that? [LB316]

SENATOR HILGERS: Thank you, Senator Wayne. We're glad you're here. Any other questions for Mr. Kruse? Thank you very much. [LB316]

BRIAN KRUSE: Okay. Thank you. [LB316]

SENATOR HILGERS: Anyone else wishing to testify in a neutral capacity? Where's Mr. Shively today? We've got two of the three? [LB316]

WAYNE BENA: He would have been here, he had some family obligations that kept him. For the last time, my name is Wayne Bena, W-a-y-n-e B-e-n-a, I am the election commissioner for Sarpy County, but I'm also here representing my fellow election commissioners and administrators as their legislative cochair and election committee member for the National Association of County Officials, Election Commissioners, County Clerks, and Register of Deeds; it's a burly, big, business card. We appreciate Senator Murante holding this bill and that has made my testimony much shorter today. The bill itself we do believe is harmless. That's why I was always going to be here in a neutral capacity. But the bill itself endorses a vision of the

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LR403 committee that I don't think all election commissioners and administrators share, at least the ones that I have talked to and many of them throughout the state. And we appreciate the opportunity over the next year to continue those conversations of how we best run and pay for elections moving forward. Not to be overly dramatic, but the work that you're going to do not only on this bill, but in the future elections is probably some of the most important work that you will be doing on this committee, because it will be shaping the way that we vote and pay for elections going forward. And so we want to be there with you and to work on the important issues so we can be on the same page and share that same vision. As we look toward the future of elections, we need to see how the vision of the LR403 report actually has to the cost to the state is the actual cost to the state that we see or could it be a whole lot more? Also, what we envision is, what is the cost on the back end to the counties? When you have more equipment, you have more storage space, you have more consumables that we'll be paying and then your property taxpayers are going to be paying for this equipment on the back end, even though the state's paying for it. And finally, what change to the voter experience is going to happen? This report envisions that we're going to do this in 2020, the next presidential election. We just went through that one. No matter how bad you thought this one was, what is 2020 going to look like and what type of voting system makes it most appropriate to brand new in 2020 to bring to those voters? So we just want to be a partner in this process so that we can flesh out all the different issues that happen. This is something that I have a great passion on and it's something that I will work with my fellow election administrators so that we can come with the best system possible. With that, I'll answer any questions that you have. [LB316]

SENATOR HILGERS: (Exhibit 2) Thank you for your testimony. Any questions for Mr. Bena? Seeing none, thanks for coming down. Anyone else wishing to testify in a neutral capacity on LB316? Seeing none, we do have a letter from Ms. Bri McLarty (Huppert) on behalf of Nebraskans for Civic Reform in a neutral capacity. Senator Murante. [LB316]

SENATOR MURANTE: Thank you, Senator Hilgers. Just to sort of lay out how I see the process going from here. First of all, I don't think it's necessary to have a creation of another special committee. We're now I think at the point of both information gathering, but you heard some of the policy questions which are going to have to be answered. Things like, electronic voting. Do we still want a paper trail? Do we still...just how much deviation in election systems are we going to have from Douglas County with its hundreds of thousands of voters to Arthur County with its hundreds of voters? Those are the sort of policy decisions. And, ultimately, that's this committee responsibility is to make those sorts of policy decisions. And so I don't anticipate another special committee. I anticipate in the interim this committee being provided with a substantial amount of information to make those policy decisions and I'm happy to continue to work. I don't envision a scenario where...I think, as I said previously, we have worked very well as a committee over the years, irrespective of chairmen, to have a unified front between the election administrators, this committee, and the Secretary of State's Office. I don't envision this

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changing...that harmony changing with this bill over this issue, so I think we will have a consensus approach in the end. That's something I'm committed to. But at the end of the day, like I said previously, my objectives are that the state will purchase the equipment; that the equipment that we purchase will lower the cost of administering elections at the county level, which hopefully will reduce property taxes or at least create an environment where property taxes can be reduced; and that we do it without negatively impacting voters in any way. And I think if we can check those three boxes, I hope we all can remain open minded as to how best to do that because to me those are the fundamental goals. But I look forward to working with everyone on this committee and all the stakeholders in this room, because it's going to be a lot of work but it's going to be important work. So thank you, members. [LB316]

SENATOR HILGERS: All right. Any questions for Chairman Murante? Seeing none, thank you very much. That closes our public hearing on LB316. And I believe it closes our public hearing for the day. Thank you. [LB316]