

WILSON METZ: [RECORDER MALFUNCTION] Before I pray, I just wanted to share with you that every Monday at noontime, you have people praying for you, for good decisions and we just lift you guys up in prayer. Let's pray. God, as I stand here this morning in the presence of these elected officials, but more importantly in your presence, I am so thankful for this state, this country in which we are all so blessed to live. I believe each of these men and women have been called by you and put in these positions to be used by you in special and unique ways. Every person in our great state is to be subject to the decisions of this body of legislators. May they legislate with great care and wisdom. I'm reminded of what the Apostle Paul writes in the Scriptures. Let every person be subject to the governing authorities, for there is no authority except by God's appointment and the authorities that exist have been instituted by God. The responsibility of these men and women is great. My prayer is that you would give each man and woman godly wisdom as they make their decisions, that they would always remember that they have been called to serve the people of this great state, that they would protect-- be protected in body, mind and spirit so they can be effective in their decision-making. I pray that you bless each session of the Legislature and you will cause the folks to come together in unity to bless the people of this great state of Nebraska. And I pray that you give each person the heart of a leader, the heart of a warrior and a caring heart for the people of Nebraska. May we continue to be part of the one Nation under God, indivisible, with liberty and justice for all. Amen. And may God bless you.

KELLY: I recognize Senator von Gillern for the Pledge of Allegiance.

von GILLERN: Please join me in the pledge. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KELLY: Thank you. I call to order the eighty-sixth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: There's a quorum present, Mr. President.

KELLY: Thank you. Are there any corrections for the Journal?

CLERK: I have no corrections this morning.

KELLY: Are there any messages, reports or announcements?

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CLERK: There are, Mr. President. Communications from the Governor: engrossed LB63A--63-- LB683, LB683A, 6-- LB565, LB565A received in my office May 23, 2023. These bills were signed and delivered to the Secretary of State on May 26, 2023. Signed, Sincerely, Jim Pillen, Governor. Additionally, engrossed LB254, LB254A, LB191e were received in my office May 24, 2023. These bills were signed and delivered to the Secretary of State on May 26, 2023. Committee report from the Health and Human Services Committee concerning the gubernatorial appointment of Timothy A. Tesmer as Chief Medical Officer for the Division of Public Health Department of Human Services. Additionally, committee report on the gubernatorial appointment to the Board of Emergency Medical Services. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Moser has a guest under the south balcony, Allen Woodworth from Cascade, Colorado. Please stand and be recognized by your Nebraska Legislature. Senator Holdcroft has two guests under the south balcony, Tim Lorenz of Gretna and John Byrne of Papillion. Please stand and be recognized by your Nebraska Legislature. Speaker Arch, you're recognized for a message.

ARCH: Thank you. Regarding the agenda this morning, we will need to pass over the first item, which is the, the A bill on LB50, LB50A, at the request of the Fiscal Office. We-- they need a new amendment on that. And so, we'll, we'll return to it later in the day. Thank you.

KELLY: Thank you, Mr. Speaker. Senator Briese, you're recognized for a message.

BRIESE: Thank you, Mr. President. Just a reminder for any members interested in being considered for appointment to either of the two select interim committees, the deadline to send a letter or email to my office is noon today. Thank you, Mr. President.

KELLY: Thank you, Senator Briese. Mr. Clerk, for the first item.

CLERK: Mr. President, Select file, LB531A. Senator, I have nothing on the bill.

KELLY: Senator Ballard, you're recognized for a motion.

BALLARD: Mr. President, I move that LB531A be advanced to E&R for engrossing.

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KELLY: Members, you've heard the motion to advance to E&R Engrossing. All those in favor vote-- say, say aye; all those opposed, nay. It is advanced.

CLERK: Mr. President, next item, Select File, LB727A. There are no E&R amendments. Senator Linehan would move to amend with AM1998.

KELLY: Senator Linehan, you're recognized to open.

LINEHAN: Thank you, Mr. President. Good morning, colleagues. So this is a, a fix-it amendment that the Fiscal Office gave to me that we need to amend to LB727A. Thank you.

KELLY: Seeing no discussion, Senator Ballard, you're rec--no. The question is the adoption of AM1998. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

CLERK: I have nothing further on the bill.

KELLY: Senator Ballard, you're recognized for a motion.

BALLARD: Mr. President, I move that LB727A be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB727A to E&R Engrossing. All those in favor say aye; all those, all those opposed, nay. It is advanced.

CLERK: Mr. President, Select File, next bill, LB514. Priority motion, Senator Slama would move to bracket the bill.

KELLY: Senator Slama, you're recognized to open.

SLAMA: Thank you, Mr. President. And good morning, colleagues. I will tell you right now, in terms of preview of future amusements, this will go four hours. Unfortunately, negotiations did not bear fruit over the four day Memorial Day weekend. I can go in and talk about what happened there later on in the morning. But for right now, I would just like to, on this particular bracket, raise some of the constitutional issues that are very clearly at issue here. I have sent a request for a formal AG's Opinion, Attorney General's Opinion, on the reasonable impediment language, which I believe is so pervasive

throughout this bill, that if the reasonable impediment language is challenged in court, it would lead to the entire bill being thrown out, not just the reasonable impediment language. So the severability clause would not matter in this situation, because the physical impediment language is so intertwined throughout the bill. So I would like to continue to make a record of the constitutional concerns with this Evnen amendment that was adopted by the body on first-round debate. We'll start with Section 5, which violates the National Voter Registration Act. Secretary Evnen said he would use Section 5 of his amendment when people register to vote so as to prevent non-citizens from getting on the voter rolls in the first place. So that's simply not what the language of this amendment does. And I would invite you, as you're listening today, to listen to what I'm saying, listen to the sections I'm referencing, because you don't need to be a lawyer to understand what's going on here and understand and see things that just aren't there. So Section 5 of the Evnen AM, that's AM1801, so it's main line language of the bill now, since it was adopted-- the Secretary of State shall develop a process to use the information in possession of or available to his or her office to match and verify the citizenship of the corresponding registered voter. So this use of the term registered voter rather than applicants or some other term clearly shows that it is-- that it only applies to somebody who is registered to vote. So that registered voter, that's the key language in Section 5. That's a big problem. Removing someone who is already registered to vote without a conviction is a clear violation of the National Voter Registration Act, NVRA. It's 52 U.S. Code 20507(a)(3). And that indicates that a registered voter can only be removed from the voter rolls in four very specific situations: the voter requests to be removed, the voter died, the voter moved and certain criteria were met or the voter was convicted of a crime that disqualifies them from voting. A simple citizenship check utilizing DMV data prior to removing a person from the voter registration rolls does not fall into one of these very four-- one of these four very specific and limited categories. And there's a reason why this approach is a problem. And is because we're taking registered voters off the rolls without any form of due process, violating their rights, not even giving them a chance to explain what could be going on. So for reference, my father-in-law was on the no-fly list for a number of years. Those of you who know my father-in-law, he's a delightful human. He works for the federal government, we get along anyways. But he showed up on that no-fly list because somebody with his exact same name had done some really bad felonies, like really not good things, to where every time David would try to fly, he would get pulled into a small room. They would do a check. He would have to prove that he's the non-felon La

Grone and go from there. So the language here, in Section 5, doesn't give anybody that chance. It doesn't give them a chance to prove up, of saying, hey, I'm popping up on this list because there's somebody else that's convicted. There's somebody else that died. There's somebody else with my same name. And if you have a very common name, we have a lot of Mikes and Johns in here, that's something that could very plausibly happen. There's a reason why we have due process when it comes to registered voters in the NVRA. So my amendment, which I proposed, required investigation in prosecution: an investigation to properly ensure that the voters is, in fact, someone that needs to be removed from the voter rolls and an investigation by the Attorney General's Office, only after enough evidence has been discovered to confirm that the individual being removed has committed voter falsification. So you have to get a conviction first, before you remove them for the-- from the voter rolls. That's NVRA federal law language that we can't work around but that Section 5 is clearly in violation of. So Secretary Evnen's amendment with that Section 5 language is a clear violation of the National Voting Registration Act. Sections 10 and 11, these sections place undue burdens on the fundamental right to vote. Section 10 and 11 of the Secretary-- of Secretary Evnen's amendment are unconstitutional because the affidavit requirement it creates is both confusing and ambiguous and fails even a rational basis review under U.S., under the U.S. constitutional law. As I mentioned on the floor during General File, like any second-year law school student could tell you that failing a rational basis review from a court is nearly an impossible task. Like, your language has to be impressively bad for it not to hold up under rational basis and that's what we're looking at here, in Sections 10 and 11. So under this level of review, courts can bend over backwards to try to save your law, like they can pull things from the sky if they want. So when you have language that fails a rational basis review, it's like the court is sending you a direct message that you need to, you need to go to jail and do not pass go, do not collect \$200. So let's go into the specifics on why Section 10 and 11 of the Evnen amendment fails to pass this rational basis review. Under both the United States Constitution and the Nebraska State Constitution, voting has been found to be a fundamental right. Those are the cases that I referred to earlier, Bur-- Burdick and Takushi. That's a 1992 ruling in the Nebraska State Constitution, I-22. Burdens on this long recognized fundamental right to vote are subject to two different levels of scrutiny, depending on the burden imposed on the voter. The level of review that is relevant here is rational basis review. So I'm not even going with the moderately difficult basis of review. We're going with the lowest level, which is rational basis. And that's based on the

language of the *Burdick v. Takushi* language from 1992. So in a case directly on point and I reference this case ad nauseam because it is directly on point, the Missouri Supreme Court found that a confusing and ambiguous affidavit failed the rational basis review and was therefore unconstitutional. So, an affidavit being used when it came to voting and elections almost exactly like what we're trying to do here with the Evnen amendment, AM1801, that has now become LB514. So let me re-emphasize that. In a case directly on point, i.e. a case with fact patterns nearly identical to our situation here, a court disregarded an affidavit because it was unconstitutional. In the legal field, we call this a cattle case. That means you have to find a case just like yours. Lawyers like, dream of cases like this when they do legal research, because all they have to do when making an argument is to say, look, look right here. The court got it right in this same situation. They have made a final ruling in this same situation. So we don't have to look very far or wait for a court decision on an issue like this, because they already have. Now, let me go further into the details on why the Evnen amendment and the affidavit found in Sections 10 and 11 are unconstitutional. The Evnen amendment on the affidavit says that a voter who has a reasonable impediment to voting does not have to show an ID. It's literally voter ID without the voter ID. But it does not define what a reasonable impediment is. The voter then has to fill out an affidavit once they've claimed they have a reasonable impediment, claiming that they have a reasonable impediment. And the affidavit restricts voters to three possible reasonable impediments, so you have a choice between three boxes to check. But a voter may legitimately believe that their circumstances qualify as a reasonable impediment under the amendment language, but is not listed on the affidavit. If the amendment wanted to limit reasonable impediments to those listed on the affidavit, it should say so, both in the text of the amendment and on the affidavit. So saying like, if you're going to claim reasonable impediment to not show an ID in order to vote, you have to pick from one of these three options, like your reasons have to fall within one of these three options or it's not a reasonable impediment. So we don't, we don't define it in either the language in the statute or on the affidavit. Because it does not, the affidavit is ambiguous--

KELLY: One minute.

SLAMA: --and confusing. Thank you, Mr. President-- ambiguous and confusing to the voter. Let me turn on my light real quick. Under this logic of the Missouri Supreme Court then, it fails rational basis review. While the Missouri Supreme Court case is not controlling, a Nebraska court or a federal court would analyze the amendment under

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the same standard. Therefore, we can be confident, confident that this amendment places an undue burden on the fundamental right to vote under both the U.S. Constitution and Article I-22 of the Nebraska Constitution. And I'll save the rest for my next turn on the mike, which, if I'm able to see correctly, is going to be in about 10 seconds. Thank you, Mr. President.

KELLY: Thank you, Senator. And Senator Slama, you're next in the queue.

SLAMA: Good golly, gosh, what a happy surprise. So just hopping back into where we were at, in terms of describing why Sections 10 and 11 are problems. You'll find that the common thread through most of these constitutional concerns are the reasonable impediment language. That is the biggest problem we faced. And I spent a four-day Memorial Day weekend proposing different concepts to clarify this. For some reason, like, one of the things that was really fought over was whether or not we would call it reasonable impediment or something like specific impediment or impediment. And then later, I found out that it really didn't matter what we were going to call it. I wasn't going to have the option to change it. Section 10 and associated sections of Secretary Evnen's amendment violate Article I-22 of the Nebraska Constitution by failing to actually implement the voter ID provisions required by that article. Before casting a ballot, in any election, a qualified voter shall present valid photographic ID in a manner specified by the Legislature to ensure the preservation of an individual's rights under this Constitution and the Constitution of the United States. That's the constitutional amendment that was overwhelmingly supported by the voters on a 65/35 margin. So that's by 30 points. So if you're sitting here going, I, I just don't support voter ID, I don't see why we have to do it, we're on like steps-- that's step 1, we're on like step 75 here. So if you oppose voter ID, like, at this point, the voters have approved language in our constitution that does require not just voter ID, but photo ID. So that's the baseline of what we're working through today, not do you like voter ID or not. It's literally are we following that Article I-22 language? It requires the Legislature to pass a law that says how somebody shows an ID, not whether they can show an ID. Like go through, read the constitutional amendment very carefully. We're not talking about a-- whether or not they can choose. It's not a may, it's not a, it's not a may in the may versus shall debate. It's a how, like what things qualify as an ID? At the same time, the hierarchy of laws demands that this provision passed by the voters be interpreted as consistent with the United States Constitution. In *Crawford v. Marion County Election Board*, the U.S. Supreme Court found that under the

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U.S. Constitution, there are only select groups of individuals that may receive special accommodations under voter ID laws. They include-- quoting from the case, they include elderly persons born out of state who may have difficulty obtaining a birth certificate, persons who, because of economic or other personal limitations, may find it difficult either to secure a copy of their birth certificate or to assemble the other required documentation to obtain a state-issued identification, homeless persons and persons with a religious objection to being photographed. So those are very clear categories. Other states have picked other categories, like domestic violence victims and a few-- like you just suffered a natural disaster and you don't have access to those documents. Texas has that language. Domestic violence is in the Wisconsin language. I was open to any of those, but the, the powers that be were insistent upon an umbrella reasonable pediment language that flies in the face of Sections 10 and-- that flies in the face of the Nebraska State Constitution and the U.S. Constitution. So when you take the language from the Crawford v. Marion County Election Board-- language with the Nebraska Constitution, what this means is that the Nebraska Legislature must pass a law implementing voter ID that only one, makes an exception for those with a religious objection and two, makes accommodations for all other groups mentioned by the U.S. Supreme Court. If we cannot make accommodations for those groups--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- then they, too, would be exempt. However, the text of the constitutional amendment requires that anybody outside of these groups show a valid ID. The Evnen amendment Section 10 and related sections go far beyond this, by allowing somebody to vote if they're sick or they don't have a birth certificate. So the last category is really very concerning, because the U.S. Supreme Court has explicitly said that having to go and acquire the appropriate documents to get an ID is not an undue burden on the right to vote. So getting the paperwork, getting the birth certificate, getting the proof that you are who you say you are is not an undue burden on the right to vote. Therefore, the amendment violates the Nebraska Constitution and betrays the will of the voters that everyone show an ID. And I'll pick up where I left off on my next turn on the mike. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Dover would like to announce some guests under the north balcony. They are Mary Gilmore from Vancouver, Washington, Annie Gard- Cardenas from Stillwater, Minnesota, and Julie Sawyer from Victoria-ville, California. Please stand and be recognized

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by your Nebraska Legislature. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. I encourage all my colleagues to you know, at least be engaged and listen to both parties. I think-- you know, I, obviously, on a personal level, trust Senator Slama and trust Senator Brewer, wholeheartedly. I think they both make some interesting points. And so, I'm doing my best to listen to, to all of what they have to say, talking to Senator Brewer's committee cler-- or his staff also, and asking pertinent questions about how this, how this works and how it pertains to my district. So I encourage all my colleagues to do the same. And so with that, I will yield the rest of my time to Senator Slama, if she so desires.

KELLY: Senator Slama, 4:15.

SLAMA: Outstanding. Thank you very much, Senator Hansen. I appreciate it. And I do agree with you on I, I trust Colonel Brewer, wholeheartedly. He's one of the first people who took me under his wing when I first got appointed and really took the time to show me the ropes. So I, I appreciate him. This, this filibuster, this lack of negotiations isn't due to anything that the Government Committee did or didn't do. It's not because of anything the Legislature did or didn't do. I think that everybody in the Legislature who was involved in negotiations this weekend was doing so very willingly, very openly, and very much in good faith. Where the good faith went away was when we interacted with some folks in the executive branch, specifically the Secretary of State's Office. And it's unfortunate, because we really do have an amendment here that does not follow through with the wishes of the voters. It's not clean. The thing that the Government Committee was told was that this was a clean amendment as what was reported to them. But that's clean on the basis of the review of the Secretary of State's Office. The Attorney General didn't look at this before it was introduced. He didn't know it existed. So there's a reason why I have a formal opinion request up at the AG's office right now, because I absolutely believe in what I'm talking about here. The reasonable impediment language is the biggest problem with this bill. And throughout this weekend, that was the language of just not showing an ID because you don't feel like it. That was really the sticking point, I think, if there was any room for negotiations at all. So back to the Section 10, Section 11 concerns I have with this bill. So my amendment, on the other hand, made accommodations for all of the groups that are outlined by the Supreme Court while requiring those who do be exempted, that they are exempted. The Secretary of State is to aid these individuals in obtaining the necessary documents to get

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an ID at no cost. If they cannot, the Secretary of State can provide them with an exemption or provide an ID for them. This is a process that we spent months working on, that pressure release valve for working through what if-- the all of the what ifs when it comes to the voter-- like, what if they don't have a birth certificate? OK. If they're a Nebraska citizen, we can take care of that pretty easily. Well, what if they weren't? So what if they were born outside of the state of Nebraska or even outside of the United States? OK. Well, we can handle that by saying that the Secretary of State's Office will make a reasonable effort to get that voter the documentation that they need at no cost to them. Well, what if the Secretary of State cannot find those documents? Well, the Secretary of State, upon doing a reasonable investigation, can provide them with an exemption or provide an ID for them if worse comes to worse. So all of these different layers are things that we considered in my language that aren't taken into account on the AM1801 language that become-- became the LB514 language. It's just an umbrella. Reasonable impediment, you either fall into one of these three categories--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- or you go beyond those categories. Both of those have problems. So I'll touch on Section 12, but I do think I'm next up in the queue. And if anyone wants to ask me questions about this, I'm not having my staff work this. I-- everything you are hearing me talk about on the floor is my effort to get into the legislative record and to talk with each of you as to the problems with this bill. So please ask me questions on or off the mike. I don't care. I'm here. And I'm here for the next 4 hours or like, into the early afternoon. But I think I'm next in the queue. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. And you are next in the queue. And that's your last time before you close on the motion.

SLAMA: Gosh, how much time flies when you're having fun. The next section up that I have concerns about are Section 12, this is that religious exemption language. So if somebody has a religious objection to being photographed, that's something you have to consider when you're talking about the language of a voter ID law. And the way that it's handled in Section 12 of this bill, with the Evnen amendment adopted, it violates the religious objector's fundamental right to vote as outlined by the United States Supreme Court. Because Section 10 and 11 are really problematic and we may as well work under the assumption that they're going to be struck down, we would-- so this--

once you strike that language, Section 12 would automatically and subsequently become unconstitutional under that Crawford case, because there would no longer exist any exemption for those that have a religious objection. So the objection on Section 12 extends to both-- if 10 and 11 fall, Section 12 has problems. But even if Section 10 and 11 do stand up on their own, we run into the problem of forcing people who have a religious objection to the right to vote, to constantly, constantly confirm that they still have this belief that they don't believe in being photographed. And if you have a belief so strongly that you religiously object to being photographed, that's not going to change in every election cycle. That's going to be one of the most consistent beliefs that a person can have. And I simply don't think it's reasonable and that it's an undue burden on those voters to reconfirm re-up with the Secretary of State's Office before every election. Sections 17-19, either violates the fundamental right to vote or violates the equal protection law as articulated by the United States Supreme Court. Case law is directly on point. It also violates the amendment passed by the voters, by allowing nonexempt, as defined by the U.S. Supreme Court, persons to vote without showing a valid ID. There are two possible interpretations of Sections 17-19. One is that no one would check to see if the voter actually had a reasonable impediment to vote, thus not actually requiring anybody to show an ID. As we already discussed, regarding Sections 10 and 11, this would fly in the face of voters and would clearly violate the Nebraska Constitution. The other interpretation would be that the election officials in each and every county would be left to interpret whether an individual has a reasonable impediment. With the fact that Nebraska has 93 counties and at a minimum, 93 different election officials would be making separate determinations of whether a reasonable impediment existed. An election commissioner in Scotts Bluff County might interpret someone's cold as a reasonable impediment, while an official in Otoe County might say that it's not. Therefore, you have different standards between who can vote and who cannot with this section. And that's, that's a big problem. And we'll go into more detail on my future turns on the mike, about how this could actually open up county clerks to criminal liability if they improperly grant the reasonable exception or if they improperly deny the reasonable exception, which is not defined formally in either the affidavit or the statute. So you have county clerks operating in a clear gray area and risking a misdemeanor of improperly running their elections if they get that interpretation wrong. So such a possibility of those different sets of interpretations would violate the Equal Protection Clause of the Fourteenth Amendment, as outlined in Bush v. Gore. In other words, if this is the correct interpretation and people's

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reasonable impediments have to be checked, this amendment will turn all of our elections into the fiasco that was Florida in the 2000 presidential election. And this is something where I think Senator Conrad and I actually had a very good back and forth about--

KELLY: One minute.

SLAMA: --whether or not-- thank you, Mr. President-- had a very good back and forth about whether the scope of Bush v. Gore was applicable in a broad sense. I believe it is. And I believe it's directly applicable here, where Senator Conrad interpreted Bush v. Gore as narrowly applying to counting votes in a-- in different ways in different counties. So that's, that's where we've actually disagreed. That's one of the very few points in which we've actually had a debate back and forth. So I, I do appreciate that angle. And since I only have like 15 seconds left, I will save everything else for my next time on the mike. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans. I just also want to thank-- say thank you very much to the Government and Veterans and Military Affairs Committee for their work that they did on this piece of legislation, being very mindful of how our voters wanted us to, to move forward on a voter identification bill. And it left it up to us. You know, we certainly reached out to the election commissioners throughout the state of Nebraska, the county clerks, who do the work day in and day out when it comes to all of our elections in our state of Nebraska. And we really owe them a debt of gratitude for their feedback, their input on how we can craft a bill that would not disenfranchise the 11 counties that are already doing exclusively vote-by-mail and have been doing so for more than a decade, or the other eight counties, that have a number of precincts that do do vote-by-mail exclusively in those counties. And we certainly wanted to make sure that we followed all the federal guidelines so that we would not disenfranchise. And so, I want to thank all those who spent all the hours putting in the hard work to come up with a bill that most of us would find accessible-- acceptable. I know that there are a number of us who feel that it is not even needed because we don't have any incidence of fraud-- voter fraud in our state. And so, we wanted to move forward with some bill that would not disenfranchise people. So I wanted to read one of the letters that we got from the AARP that was really very helpful and insightful. Because we certainly didn't want to put--

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create any impediments to our aging population who, by the way, are some of the best voters in our state of Nebraska. So this is a letter. It was written to us February 1. Chair Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Susan DeCamp and I am testifying today at-- as the AARP Nebraska state volunteer president in opposition to LB535. 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, providing voters with information on the voting process, as well as where candidates stand on issues important to our members and their families, so they can make their own decisions before or on Election Day. While AARP Nebraska recognizes that Nebraska voters approved Initiative 432 to amend the state constitution to require valid photo identification in order to vote, we have concerns that legislation in response could erect unnecessary barriers to older voters, those with disabilities or mobility issues and qualified voters who are part of a non-English speaking language minority. Older voters turn out overwhelmingly in every election. An AARP survey conducted shortly after the 2022 midterms showed that in 63 of the most competitive races for the U.S. House of Representatives, voters 50-plus made up 61 percent of the ballots cast. We are concerned overly strict voter ID legislation would reduce older voter turnout in Nebraska. In fact, a government accountability study conducted in Tennessee and Kansas showed that in the 2012 election, changes to voter ID requirements in both states reduced turnout between 1.9 and 2.2 percent, compared to other states that did not make changes. For that reason, AARP believes that any changes to the voter verification process should ensure increased--

KELLY: One minute.

RAYBOULD: --thank you, Mr. President-- increased access, fairness and simplicity, not unnecessary, unnecessary complexity. With regards to LB535, which, for people watching out there was the predecessor to LB514, we are particularly concerned about the provision 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 or a copy of another acceptable ID when requesting a ballot. Requiring only valid photo ID to vote could potentially disenfranchise tens of thousands of our fellow Nebraskans who lack an acceptable identification document. Groups here in Nebraska have estimated anywhere from 55,000 to 70,000 Nebraskans lack the required identification document. This requirement will hit voters of color the hardest. Several studies have shown that voters of color are particularly impacted by photo ID laws.

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KELLY: That's your time, Senator.

RAYBOULD: Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Lieutenant Governor. I yield my time to Senator Slama.

KELLY: Senator Slama, that's 4:53.

SLAMA: Thank you very much, Mr. President. And in giving Colonel Brewer credit, I'm not giving Senator Lowe nearly as much credit, in terms of he's like the only person in the Legislature I actually knew before I got into politics. I actually worked with his wife, Kim, on a campaign beforehand. And they've just been really wonderful. They've been like my adoptive political parents and it's just been great. So thank you for that, Senator Lowe. Just to respond to Senator Raybould's points, I, I really don't know how to respond except like, these are points that could have been raised in February. We're so far beyond this language now. I moved in making expired licenses acceptable. We created special nursing home IDs. We created an extensive outreach program. None of this has anything to do with the debate on the quality of LB514. I'm not trying to put my personal amendment on here. I'm simply pointing out the fixes that need to be made with LB514. So if you're going to get up here and read a letter from the AARP about something that happened months ago in a version of the bill that came up months ago, it, it really shows to me a lack of engagement. I want people to engage on these constitutional issues, these constitutional problems. And I'm really hoping that somewhere in the 4 hours, we will have an honest exchange about, OK, well, I see what you're talking about when it comes to the constitutional language. Maybe we could fix this and this or I disagree with your reading of the NVRA or I disagree with your reading of the state constitution. All of those things would be amazing, but anything outside of that really doesn't get to the substance of my objections. And I'm really, really excited to just engage with somebody who's willing to engage on these points. Because on first-round debate, I could have been off the mike 4 hours earlier. All I was asking was that either the Chairman of the Government Committee or the Speaker get on the mike and say, we will work with you to try to address these problems between General and Select. I never got that. I talked up here for four extra hours, hoping that that would happen, but it didn't, unfortunately. And we're at where we're at now. So I don't

take filibustering lightly. I don't take filibustering lightly at all. At the end of the day, I took an oath to uphold the constitution. And our Constitution requires voter ID, after-- as of the November 2022 elections. So I'm going to follow through with my oath and with the will of the people. Like this approach of LB514, it's voter ID without voter ID. We're saying that if somebody has a mail-in ballot, that ID number that they give is never going to be checked for accuracy. And moreover, you can't check it for accuracy, because under Section 19, we're requiring that that vote be counted, even if there's nothing there. And then if you're voting in person, so long as you have a reasonable impediment that's not defined in statute, it could literally be anything, you don't have to show an ID in order to vote. And all of these provisions would be fine if we didn't adopt a strict voter ID law with photo ID. We did. The voters of Nebraska did overwhelmingly support a strict voter ID constitutional amendment. And we have to follow through with those wishes. Like, this bill is the equivalent of putting-- if we were to legal-- legalize cannabis in any way, shape or form, if we were to have John Keene be the cannabis czar, like, it just doesn't make any sense. And this bill has been taken by those who don't actually support voter ID, who don't actually support voter ID, to put together the biggest loopholes they can think of in the most gray areas that they can think of to create workarounds as to a very clear constitutional amendment that the voters--

KELLY: One minute.

SLAMA: --approved. Thank you, Mr. President. So if you care about the will of the voters, if you care that we overwhelmingly passed a constitutional amendment requiring that you show an ID in order to vote, I'm, I'm asking you to stand with me and at least block cloture on this. At least come to the table and say, I want to find compromise language, because, thus far, I've just been throwing things at a wall and getting nothing in response. So I'm, I'm hoping the 4 hours we have on the floor today will be productive. If nothing else, it helps build a legislative record. And I'm more than happy to do that. It's an unfortunate situation, but it really just is what it is. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. And you know, I agree with Senator Slama. It is really important to establish a body and record. And for the record, we know that 92 out of the 93 counties have reviewed LB514. They gave additional input and feedback, but they said 9-- 92

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out of the 93 counties in our state of Nebraska support LB514. And that's something pretty important to take into consideration. They're the ones that know how to implement safe and secure and fair elections to everyone. And you know what? They are so accustomed to people coming in, going maybe, to the wrong polling place, wanting to vote and, you know, they know how to deal with these type of cases and issues. We need to trust our election commissioners, our county clerks and other election officials. They know how to put out great elections with no fraud. And so what do they do? If someone comes in with whatever type of issue or concern, they allow that person to vote, because their goal is to not disenfranchise a single voter. So what do they do? They have this person fill out a provisional ballot. And guess where it goes? It goes in a provisional envelope. So, you know, recently, we've heard how sometimes it takes at least three, maybe four, up to a week to clear up some of those very close races, because they're working very diligently and very carefully through all those provisional ballots. What does that mean? What does that look like? When they have something that maybe a signature doesn't match on a vote-by-mail ballot-- ballot or if they have some concerns about someone who voted in person, they follow up diligently at the county level, getting more information, following up with this individual, verifying their current address, their new address or maybe the-- their vote-by-mail ballot went to; clearing up any type of impediment to make sure that that voters vote is counted. They have been doing this for decades. They understand how to do elections safely and securely. And I think we need to trust them. They had a chance to review each and every condition in LB514. We also had the Attorney General's Office review it over the weekend. They made minor, minor, minor clarifications, which we hope to take up in an amendment. And if they don't get taken up, it is not going to impact us delivering to our voters their expectation of voter identification. So I'm really proud of the work the committee did and all the input that we got from the election commissioners and other groups, like the AARP. So I wanted to, to finish up with what time I have, the letter from the AARP. We hope the committee will consider exemptions that could allow older voters who no longer drive to use an expired driver's license. And a side note, we are allowing older citizens and other people to use expired means of identification. So rather than require them to get a new ID, the committee should also consider exemptions or other accommodations for individuals in congregate settings like long-term care, those with disabilities who may have particular trouble acquiring a new ID. While we agree that LB535, now LB514, should include provisions for a public awareness campaign to educate voters on the change, we would suggest that this campaign be conducted in

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multiple languages, including Spanish. Any funding for a campaign should also--

KELLY: One minute.

RAYBOULD: --include radio ads in addition to the website requirement and television ads. So I want to say to the, the listening audience out there, we are doing that. In this piece of legislation, LB514, we have an extensive outreach to the community campaign, as well as training sessions for some of these new language on voter identification for all the election commissioners, county clerks and the poll workers, to make sure that we can continue to provide flawless elections in our state in Nebraska. Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Lieutenant Governor. And I yield the rest of my time to Senator Slama.

KELLY: Senator Slama, that's 4:55.

SLAMA: Thank you, Mr. President. Good morning, colleagues. Thank you again, Senator Lowe. I really do appreciate it. Just to respond briefly to Senator Raybould, besides the reading of things that weren't relevant, the first thing I-- that she spoke about was how there was an amendment proposed by the Secretary of State's Office this weekend. Here's how negotiations went on that, because I don't think Senator Raybould was at all involved. I agreed to use that amendment as the starting point. Like, I didn't even go off of LB514. I went off of the fix-it amendment that the Secretary of State tried to pres-- pres-- present. The problem with that amendment is you're not actually resolving any of the issues. You're not. And in my counterproposals, I was shot down. It was either you take this amendment or you walk. And the problem is, is I have this loaded with amendments on select file and final reading and you're not going to get it attached without my blessing. But they decided to try to go over my head to cut things off. I understand that. I was negotiating in good faith. I know some other people were absolutely negotiating in good faith. Some people were not. So that's why we're here where we are today, of-- at the Secretary of State's insistence that this is a clean, clean bill, clean amendment. It's perfect in every way, shape or form, save for we didn't actually have the Attorney General do a review of it before we introduced it. And now I have to go through and do a formal opinion request from the Attorney General, so that we can

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get a preemptive look as to what a court battle is going to look like and see if we can't just do a last-second save, on a Hail Mary for some of this reasonable impediment language. We're here because for five months, actually since November of last year, we have one entity in the executive branch, the Secretary of State's Office, who's been doing everything they can to undercut and undermine voter ID. So, unfortunately, you're not going to talk me down from this. I am going to go 4 hours. And if we want to talk about the problems inherent in the Secretary of State's 1996 amendment, I will absolutely talk about that. But until those problems are addressed, for me, I'm going to keep going. I'm going to go-- keep going for 4 hours, because I don't even hear any interest from the other side of, hey, for-- and I mean, specifically, the Government Committee, people involved on other sides of the negotiation. I have had senators come up and ask if there are things that we can do to adjust it. The problem is, is that my fix-it doesn't sound like it would get 33, without the blessing of the Secretary of State. And at this point, I don't see that happening. So for those folks watching at home, that's what's going on. So I'll hop in, back to my constitutional concerns. We're on this last section, Section 23. So when you take Section 23 with the rest of the Evnen amendment, Section 23 violates the Privileges and Immunities Clause of the Fourteenth Amendment. The United States Supreme Court has held that a state cannot discriminate against a person based on where they're from, as it relates to exercising a constitutionally protected right. That's from the Bolton case in 1973. Voting, as I've already stated, is a constitutionally protected right. So the Evnen amendment only pays for the documents required to get IDs for people born in Nebraska, for people born in Nebraska, which is really interesting because the Secretary of State himself was born in Sioux City. So he would be excluded under the Section 23 language as well. So if you're born out of state, most people don't get to choose whether they're a Nebraskan. And at a certain point, it does become a choice. But a baby being born does not have a choice as to whether or not they're being born in Nebraska. So if you are born out of state, it doesn't pay for the documents that you need in order to vote. So we're setting up a poll tax for those who are born outside of the state. This is a clear burden on a fundamental right based on the state a person was born in. Thus--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- thus, the Evnen amendment violates the Privileges and Immunities Clause of the Fourteenth Amendment of the United States Constitution. Democracy is strongest when every voice is heard. The Evnen Amendment is voter ID without voter ID. This

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is not what the people voted for with Initiative 432. This allows for exceptions that swallow the voter ID requirement and blatantly ignores the will of the people and betrays the purpose for which the initiative was passed. The effect of a representative democracy is to refine and enlarge public views, by passing them through the medium of a chosen body of citizens, whose wisdom may be-- may best discern the true interests of the nation. That's from James Madison. And that's the language that's keeping me going today. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator Wayne, you're recognized to speak.

WAYNE: Yield my, yield my time to Senator Slama.

KELLY: Senator Slama, that's 4:54.

SLAMA: Outstanding. Thank you very much for that. I appreciate it. And while I'm getting ready to bring up my next thing on the mike, if my wonderful legislative aide could print off the LB1801 language, I would like to read that reasonable impediment language aloud, just so everybody here can follow along and understand where my objections are, because I have worked to be very specific in where I see the problems as and why. If you have questions after this mainline speech that I offered, please, ask me questions on the mike. If you have questions of hey, Section 5, I don't quite understand what you're talking about there. Can you explain it for me? Like, literally ask me on the mike, off the mike, I don't care. I am here to be a resource. This is something I fought for, for years. It is something that a number of conservative senators have fought for for years, including former Senator La Grone, former senator, former senator and former auditor Charlie Janssen and current State Treasurer and somebody who's really gone to bat in favor of voter ID. And actually, in my own amendment, was willing to take on a role that would normally be the Secretary of State's role but he was unwilling to do, John Murante. He has stepped up and gone above and beyond in support of voter ID and following through with the constitutional language. So I truly am appreciative of his efforts on this front and the efforts of everybody who came before me on this front. Because this isn't, this isn't just a Julie Slama objection to LB514. This is an objection to the Legislature is screwing up by adopting LB514, something that's been in the making for years. And I get it. It's easy to listen to the special interest groups that give doomsday scenarios about what's going to happen if blank passes, what's going to happen if this happens. That-- those were bogeymen in a closet that we talked about and handled-- thank you-- in the leadup to the vote on voter ID itself, in the leadup to November 2022. So if you don't like voter ID, that's, that's

fine. Like, two people can have a very reasonable disagreement on its necessity and its value. I wholeheartedly support it. Where we're running into problems is the implementation of the language, because, right now, you have entities that have always opposed voter ID, hijacking this bill, turning it into LB514 and taking the voter ID out of voter I.D. We're flying this in the face of voters. We're gutting the language that they overwhelmingly supported. And this shouldn't be that complicated. I have a stack of emails very high, asking, well, why is this so complicated? This shouldn't be that complicated. There shouldn't be that many arguments over process and implementation. Guess what? You're right. It should not be that difficult. But when we run into a situation in which the Secretary of State is unwilling to actually enforce the language of the constitutional amendment, we end up here. And I've thought since the start of session to bring everybody around the table. I've made moves. I move from-- on LB535, making it a notary requirement to witness attestation and notary to ensure that mail-in voting has the same standard of showing and presenting that photo ID when they vote. Because mail-in voting is voting and it should be treated the same under the constitutional amendment language. So I ended up getting negative feedback on witness attestation and the notary combo, even though of-- over a dozen other states have some combination of witness attestation or notary or both. And I just said, OK, as a compromise, what we're going to do is verify, I guess, the license number that--

KELLY: One minute.

SLAMA: --the voter pro-- provides. Thank you, Mr. President. We're going to compromise and just verify the ID number that the voter pro-- provides and make sure that it's like, not just a random pairing of numbers. That's-- that turned out to be a big stumbling block, verifying that a person is actually giving you their ID when it comes to mail in. Voting was one of the biggest stumbling blocks, I guess, in terms of negotiations. I have given up things in this that I, I cannot wrap my head around. We have an endorsement of ballot harvesting in LB514 that I was working to adjust, in that Section 15 language. That was another stumbling block. So for me, this is about following through with the will of the voters. And you're going to have me standing in your way for the next three or so hours. We have a lunch break in between, but I'm, I'm not standing down. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Dorn, you're recognized to speak.

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DORN: I'm not going to ask you questions. Take a break. Good morning, colleagues. Thank you, Mr. President. Thought I'd give up and give Senator Slama a little bit of a rest here for a few minutes. Just wanted to talk a little bit about I, I call it what has all gone on here with our voter ID or voter process here in the state of Nebraska. I think most people are familiar with that this was a petition. It came forward and it was on the ballot last year. And this passed pretty, pretty, I call it a pretty strong margin, 66, 67 percent in favor of it. Part of what that process, though, said, though, and, and there's wording in there that says under the-- it, it now will be developed by the Legislature. And Senator Slama, in, in the first-round debate, others got on the mike, too, and talked about the fact that there has been many, many discussions, many, many conversations with the Secretary of State, with the committee, with, with her, with other people involved, about how do we I call it structure now, our voter ID process here, in the state of Nebraska. There is definitely some discussion or some comments. Senator Slama, this morning, talked a lot about will the Attorney General-- will this pass, I call it-- a non-lawyer-- will this pass muster by the courts and by the Attorney General and all of that? That's part of the reason why we have Senator Brewer's LB514 that the Government Committee has come forward with. And so now, that is the bill in front of us and Senator Slama's bringing about her process of challenging some of these things. So I just want the people in Nebraska to know of all the discussion that's gone on with this, all the conversations. This morning, as Senator Slama has been on the mike talking all morning, there are different little breakout groups. And one of the little breakout groups was underneath the south balcony here, where the legal counsel for the Government Committee had about three or four senators over there. And they were asking questions and he was, he was explaining this part of the, of the, of the bill or this part of the process. It was just interesting to stand there and listen to that different conversation and that-- I call it the little technical details. And that's a lot of what Senator Slama has been pointing out all morning and in the first-round debate, too, is basically it's the little technical details. We-- I think when most people voted for this, for voter ID, you just assumed, yes, here, show your driver's license. We're done. Let's go. There is so much more to this process. And part of that, it's kind of fitting that today, in today's Nebraska Examiner, there was an article about, I call it electronic registrate-- registration information, Senators, or it's called ERIC, where certain states have gone together and they share now, somewhat, the process is they share voter information. So that if somebody now is passed away or somebody is not able to vote in a certain state, now

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that's shared with another state. When I read the article, this happened several years ago where some of these states started to come together to share some of this information. And we're up over 20 of them. But now we're starting to see, see some states, I call it opt out because of the technical part of all of this stuff and all of this information, getting it together and getting in the right spot. One of the things that explained in there and also, I know, part of our discussion here in the state of Nebraska, was the DMV or Department of Motor, Motor Vehicles, they do have a database with a lot of this kind of information in there. But because of confidentiality and other reasons, those aren't able to be shared and you can't just exactly go and say we're going to use--

KELLY: One minute.

DORN: --thank you, Mr. President-- we're going to go and use that information from them and cross-check. There is a process whereby you probably can't, but maybe can and all these other things. And this voter ID thing that many people, when we voted on it, were like me and go, oh, this'll be easy. We'll come about it in a short period of time and we're done. Oh, my gosh. To watch this process play out, watch what every side has gone through, I know the hearing-- when-- the committee hearing and all of those things. My gosh. This has been a lot more, I call it detail-oriented than anybody imagined. But thank you very much.

KELLY: Thank you, Senator Dorn. Seeing no one else in the queue, Senator Slama, you're recognized to close on the bracket.

SLAMA: Thank you, Mr. President, and thank you, everyone for the thoughtful discussion. And thank you especially to Senator Dorn. I, I appreciate it. I'm, I'm going to run this filibuster just like I did the last time of I'm not going to actually take any of these motions to a vote. I'm not going to waste time on a call of the house, so don't worry about missing a vote. I'm going to pull everything as we go and as I get to my closing. The last vote that you'll have to take is either a cloture vote or, God willing, if we have some sort of magical compromise appear in the next 4 hours or so, the agreement to get that amendment on. So those are the two ways that you may be asked to vote in the next 4 hours, but it's not going to be on whether or not we should bracket the bill or recommit it. Those are the two procedural motions that are up before we get to my amendments. And the amendments are actually a great time for if anybody has compromise language for me to look at, if it's any different from what happened this weekend or if somebody can show me, OK, everybody is on board,

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what are you think-- and it's something that I can approve, I will absolutely substitute out my amendments on the E&R amendments for the compromise amendment. I'm giving you that commitment now. I have done everything I can, in good faith, for the last five months. And this is me giving another ask and hopefully giving enough time to where, if you can throw a-- throw me a compromise that's not AM1996, that's more closely in line with AM1997, which I proposed, with the same commitments that I was seeking in terms of follow-through and investiga-- investigatory powers, I'll consider it. I'll look at it. I'll give you a yes or no. And maybe we can move forward and make this bill better. But for right now, I have yet to see an amendment that adequately addresses the problems that have been raised not only by me, but by several election law experts in the state of Nebraska and otherwise. Senator Dorn is right, like this should have been a very simple process. Thirty-five other states have some form of voter ID laws. About a dozen of them have similar language to what we've implemented, which is a strict voter ID law- well, a strict voter ID constitutional amendment. We're obligated to have language that falls on that more strict side. LB514 doesn't get us there. It says we're not going to check your ID numbers if you do mail in ballots, we're just going to take you at faith. And if you take that language that I'm referencing from Section 10 and you combine it with Section 19, not only do they not have to check whether you have a valid license number or not, Section 19 obligates them to count that ballot, even if they just have like 911 as their number for a ID or even if they have nothing at all. Like, this is all extremely technical. And I get that this is very similar to if we have any runners on the floor, like you're running a marathon and you hit the wall around mile 17 or 20. This is like saying once it gets hard at 17 or 22, to go, all right, I'm going to hop into my car. I'm going to go get ice cream because it'll make me feel good and I'm going to have my car drive me across the finish line. Like these are all very valid technical issues that I'm willing to work with anyone on. The problem is is that every solution I've presented has been shot down. I've been told it's my way or the highway from the Secretary of State's Office. And that just is what it is, but it's the situation that we have ourselves in, now. And I'm going to stand up and fight for the will of the voters who are getting steamrolled with this current process. And just to reference, something that's kept me awake from the last debate was when a senator got up and they listed off all the groups that they had been meeting with and talking with to try to reach a compromise. And they rattled off a lot of groups that have been traditionally opposed to voter ID. And out of all the groups that were listed off, not a single one was a

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proponent of voter ID. So this amendment was crafted specifically with those who oppose voter ID in mind.

KELLY: One minute.

SLAMA: Like, the people who do not like voter ID, who have opposed it every step of the way, have now hijacked this bill and turned it into one of the most lackadaisical voter ID approaches in the country. And with the language that we adopted in our constitutional amendment, we can't do that. We don't have the flexibility to do that. The voters were very clear in what they approved. You show a vote-- you show an ID in order to vote in the state of Nebraska. It's high time we followed through with that language. The people have spoken and now it's time for us to follow through. Thank you, Mr. President. I withdraw my bracket motion.

KELLY: The motion is withdrawn. Mr. Clerk.

CLERK: Mr. President, some items quickly. Your Committee on Enrollment and Review reports LB157 to Select File with E&R amendments. Additionally, your Committee on Enrollment and Review reports LB50, LB92, LB92A, LB227, LB227A and LB727 as correctly engrossed and placed on Final Reading. Mr. President, concerning LB514, next motion, Senator Slama would move to recommit LB514 to the Government Committee.

KELLY: Senator Slama, you're recognized to open on that motion to recommit.

SLAMA: Thank you, Mr. President. And good morning again, colleagues. One of the points I wanted to make abundantly clear with this reasonable impediment language is the consequences of having such a large gray area as to whether or not the three options provided in the affidavit are all-encompassing of reasonable imped-- possible reasonable impediments that voters can reference in order to not show an ID in order to vote. And my biggest concern is for our county clerks when it comes to this language, because when you look at Nebraska State Statute 32-1519, it outlines that any judge of election who (a) knowingly receives or sanctions the reception of an improper or illegal vote from any person who is not a registered voter; (b) receives or sanctions the reception of a ballot from any person who refuses to answer any question which is put to him or her in accordance with the Election Act; (c) refuses to take the oath prescribed by this act; (d) sanctions the refusal by any other judge or election to administer any oath required by the act when such oath

is required; or (e) refuses to receive or sanctions the rejection of a ballot from any registered voter at the place where such registered voter properly and legally offers to vote, shall be guilty of a Class III misdemeanor. Any judge or clerk of elections on whom any duty is enjoined by the act, who willfully neglects any such duty or who engages in any corrupt conduct in the discharge of his or her duty shall be guilty of a Class III misdemeanor. Like, I'm really hoping county, county election officials and county clerks are watching from home, because this reasonable impediment language brings criminal liability on you. Like, if you fail to verify, within the gray area, of whether a person actually has a valid, reasonable impediment and you either allow them to vote beyond the scope of the reasonable impediment language or you disallow them from voting because their reasonable impediment is outside of those three reasons for voting, you're running the risk of violating 32-1519 and putting yourself at risk of a Class III misdemeanor. Like, these are real-world consequences when we put together a bill with clearly unconstitutional language when it comes to reasonable impediment. There's a reason why I'm hammering reasonable impediment so hard is because not only does it fly in the face of the voters, but its lack of clarity sets us up for a lawsuit that I'm going to guess that we're going to lose. And two, it sets up our county election officials who are just trying to do their jobs, it sets them up for criminal liability. LB514 does not do right by our county election officials. And I'm asking any of you who are watching, which I know a lot of you are and I appreciate you tuning in, look into these statutes, look into the reasonable impediment language for yourself and decide if you, as a county election official, know exactly what they're talking about when it comes to reasonable impediment and have a clear cut view of what reasonable impediment means. Because if you fail to follow whatever the interpretation of reasonable impediment ends up being, whether it's the three options or more expansive, beyond that, you're lining yourself up for a Class III misdemeanor. And I don't want to stand idly by while that happens. I'm talking about the reasonable impediment language. I'm not only hammering it because of the constitutional side, I'm hammering it because I'm protective of our county election officials. And I don't want to see them sitting in jail because they were just doing their jobs. It's hard enough to find volunteers as it is, but when we give them gray-area language like this, you're setting them up for failure. So my ask this weekend was to find reasonable impediment. Give me a clear outline of what that means. And we can get there. So that 32-1519 language on reasonable impediment is very near and dear to my heart. Because I-- our county election officials are outstanding people and I don't want to see them

get into any kind of criminal trouble because they failed to follow through on the reasonable impediment language that is as clear as mud, in LB514. And I'm just going to take a minute and I'm going to read through the reasonable impediment language. We're gonna work through Sections 10 and 11, and I'm going to skip ahead to 19, because how they interact with each other and tie in is something that I hope everybody is listening to because it's a real problem. So Section 10 and this is referencing the AM1801 language: a registered voter shall fill out a provisional voter identification verify-- provisional voter identification verification envelope if: the voter fails to produce valid photographic identification at the polling place; and the voter's name appears on the precinct list of registered voters for the polling place or the voter has voted a provisional ballot as provided in Section 32-915; the voter fails to produce a valid photographic identification at the time of voting early in-person at the Office of the Election Commissioner or county clerk; or the voter has a reasonable impediment-- there's that reasonable impediment language-- preventing the voter from presenting valid photographic identification or the voter's name appears on the precinct list of registered voters for the polling place with the notation that the voter has a religious objection to being photographed. (2) each voter casting a ballot using a provisional voter identification verification envelope shall enclose, enclose the ballot in an envelope marked provisional voter identification verification and shall, by signing the certif-- certif-- certification-- there's a lot of "cations" in here-- on the front of the envelope or a separate form attached to the envelope, certify the following facts: my name is blank; I'm a-- I am registered to vote at blank; I did not provide valid photographic identification as required by law or I have a reasonable impediment preventing me from presenting valid photographic identification; I am eligible to vote in this election and have not voted and will not vote in this election except by this ballot; and I acknowledge that my ballot will not be counted if: I do not provide valid photographic identification to my county election office on or before Tuesday after the election; or-- like the key in this language is "or"-- I have a reasonable impediment that prevents me from presenting valid photographic identification and: I do not complete a reasonable impediment certification or (B) my county election official cannot verify the signature on my reasonable impediment certification. The voter shall sign the certification under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form. By signing the front of this envelope or the attached form, you are certifying to the information contained in this envelope or the attached form under penalty of election falsification. Election

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falsification is a Class IV felony and may be punished by up to two years imprisonment and 12 months post-release supervision, a fine of up to \$10,000 or both. Now we're getting into Section 11, which is: the Secretary of State shall provide a standard certification for a voter with a reasonable impediment for preventing the voter from presenting valid photographic identification. The certification shall include the following as separate boxes that a voter may check to identify the, the applicable reasonable impediment: inability to obtain valid photographic identification due to: disability or illness; or lack of birth certificate or other required documents; or a religious objection to being photographed. Now, this language is a problem because the language, the certification shall include the following as separate boxes that a voter may check to identify the applicable reasonable impediment. So on one, we have lack of a birth certificate or other required documents. So that is the case on point that the Supreme Court has thrown out, saying you cannot say that inability to get a birth certificate or other required documents is adequate enough to qualify for an exemption from voter ID, because you have the ability to get those documents. The Secretary of State has the ability to perform a reasonable investigation to assist you in getting those documents. And the problem with this last section, in the first paragraph of Section 11, the certification shall include the following as separate boxes. This is not necessarily an all-inclusive list. We could say disability or illness, lack of a birth certificate or other required documents or religious objection to being photographed. Those are the three options given right now. But that's not a ceiling. That's a floor. That's-- you have to have at least those three options. You can have another "other" box that says other reasonable impediment. You could say, well, as a voter, I think that me having my dog eat my ID card is a reasonable impediment and genuinely believe that, not fall under any of the three exceptions, but be forced in order for their vote to be counted--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- to sign one of these boxes to violate the Election Falsification Act, which is a Class IV felony. And we're putting that on our election commissioners to define reasonable impediment for themselves. It's not defined in statute. It's not defined on this affidavit. And that's a problem because of the Missouri case that I referenced at the start of this. The Secretary of State shall provide the form of the certification to the election commissioners and county clerks, A voter who has a reasonable impediment-- still not defining it-- shall execute the certification. The election commissioner or county clerk shall verify the signature

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on the certification, with the signature appearing on the voter registration record. A voter who casts a ballot by mail shall include the certification with the application, except that a voter who casts a ballot pursuant to 32-953 shall include the certification within the ballot envelope. And I'll come back and go through Sections 19 on my next turn. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Wayne, you're recognized to speak. Senator Ballard, you're recognized to speak.

BALLARD: Thank you, Mr. President. Would Senator Slama yield to a question?

KELLY: Senator Slama, will you yield to a question?

SLAMA: Absolutely.

BALLARD: Thank you, Senator Slama. Looking at Section 19, I'm reading the language right now and it says the, the certification matches signatures. Can you, can you outlay-- can you, can you kind of describe what that-- secretary-- what the amendment means by matching signatures?

SLAMA: Sure. Yeah. The failsafe that is utilized by the Secretary of State's Office in this process is if the person says they have a reasonable impediment and they don't show a voter ID for this really all-expansive list of reasonable impediments, the election commissioner then has to have them sign, just like they're normally voting and then, verify that signature to their signature that they have on file. So that signature is interpreted by the Secretary of State's Office to be an adequate enough ID in this situation.

BALLARD: OK. So just to, just to confirm, they would not have to show an ID--

SLAMA: No.

BALLARD: --[INAUDIBLE] signature. OK. Thank you, Senator Slama.

SLAMA: Thank you.

BALLARD: I'd like to yield the rest of my time to Senator Slama.

KELLY: Thank you, Senator Ballard. Senator Slama, that's 4:00.

SLAMA: Thank you very much, Senator Ballard. I do appreciate it. And that was the perfect segue into my discussion on Section 19. Because it's important when we're talking about the language of Sections 10 and 11, where those have problems, those problems are doubled under the application of Section 19. So if you look at Section 19, it starts on page 22 of LB514. And you have to go through a few extra sections that aren't being touched here, which is fine. The problem comes on page 25 when you're looking at subsection (e). In the case of a ballot received from a registered voter who filled out the reasonable impediment certification pursuant to Section 11 of this act-- of this act, the ballot shall be accepted for counting if: the signature on the certification matches the signature on file with the Election Commissioner or county clerk; the name on the identification envelope appears to be that of a registered voter to whom a ballot has been issued or sent; to the residence address provided on the identification envelope is the same address at which the voter is registered or is in the same precinct and subdivision of a precinct, if any; and the identification envelope has been signed by the voter. So this, this takes away any of those reasonable impediment requirements. So this is where Sections 10 and 11, along with Section 19, directly conflict with each other. Because we're saying, in Section 19, that as long as this envelope is signed and certified, as long as the name on the identification envelope appears to be that of a registered voter who asks that a ballot be sent to them and as long as their residential address kind of sort of matches within some gray area, the address that we would expect that person to be and as long as the identification envelope is properly signed, you're required, you're required to count that ballot. We don't even need a reason. We don't even need a reasonable impediment reason. We're just assuming the reasonable impediment to be adequate. You don't have to give the reason so long as it's reasonable in your own mind, you get to opt out of even putting your driver's license number or a copy of your valid state ID in with your vote, which for me-- like, this Section 19 language, I'm asking you. Just read the three paragraphs on page 25 and read those in the context of Section 10 and 11 and tell me that those two don't conflict with each other. Like, I'm more than happy to engage there, but what we're saying, under Section 19, is you have to count those ballots so long as it's signed and the voter kind of sort of matches what you would expect from that voter. That's a problem. That's a real, real problem, not only for voters, not only for the constitutional amendment language that says any reason-- by saying here in Section 19 that any reasonable impediment is going to be good enough and three--

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von GILLERN: One minute.

SLAMA: --thank you, Mr. President. Wow. That's-- Senator von Gillern is in the chair for the first time. He is a freshman. He's done an outstanding job. And now, I am going to make sure there are enough procedural motions to make his head explode. But Senator von Gillern is a wonderful human and I'm glad to see him up in the chair. But they directly conflict with each other to a degree in which our county clerks will be potentially running afoul of 32-1519 in interpreting reasonable impediment to mean anything but everything, that could possibly be a reasonable impediment. Because it's not defined in Section 19, it's not defined in LB514, it's not defined anywhere in statute. The only thing we get that's even remotely close to a definition is a floor of you can either have disability or illness, you're unable to get the documents, which, we have a Supreme Court case on point that says that's not a valid workaround for voter ID or--

von GILLERN: That's your time.

SLAMA: OK. Thank you.

von GILLERN: Thank you, Senator Ballard and Senator Slama. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. And I appreciate that. Listening to the debate this morning, I've always wondered why the bill I introduced for voter ID, LB230 didn't catch much traction or attract much attention. It was a very straightforward bill, very simple and what I believe, commonsense approach. But you need to remember that common sense is a flower that doesn't grow in everybody's garden, so maybe that's the reason. But LB230 was introduced for a photographic ID as the voters had suggested we do or demanded we do. And so, these are some of the provisions that were in LB230: those submitting for provisional ballots without showing qualifying photographic ID must do so at the county election office on or before the following Tuesday in order for their ballots to be counted. So you went to vote. You didn't have a valid ID. You voted a provisional ballot and then you had till the next Tuesday to prove who you were with a photographic ID at the clerk's office. Those qualifying to vote early must present a photographic ID along with their application. And those are our handicapped or who are members of the armed forces or members of the National Guard shall qualify for early voting. So there was a provision for those who couldn't get to the polls. An agent delivering a ballot to a registered voter shall pick up the ballot no later than

one hour prior to the closing of the polls and return the ballot to the polling place before the polling place closes, along with a color photocopy of the registered voter's qualifying photographic ID. The bill also said that it criminalizes any election official or election worker who scans a qualifying photo ID or who does not require a voter to show qualifying photographic ID when voting. So there was a provision in there to make sure that we were adhering to the law and the statute. The bill also required and I'm not sure about that one, whether they would have accepted that one, to put an American flag on each driver's license or state ID card. The bill also prohibited fees for issuance of state identification cards used for voting, voting purposes and for payments of-- a fee for issuance of birth certificates used to obtain the state identification to be used for voting purposes. There's a very straightforward, very simple bill that dealt with the issue exactly, exactly as the voters voted for. I mean, it never got any traction. Not once did anyone call me, contact me and say, what can we do to help implement this or what does this section mean? Or how can we address something different in your proposal? Not once. So we have been discussing voter ID for months. And here we are, in the fourth to the last day, talking about voter ID on Select File. Select File. Perhaps it would be better if we waited till January to finish this up. Bring it up early in January, give us time to work on it, make it so it's constitutional according to everyone and bring it back in January. And they say, well, we don't have time to implement all the regulations that need to be--

von GILLERN: One minute, please.

ERDMAN: --put in place before the primary. Well, maybe you have to work a little overtime, maybe you have to work late. Who do these constitutional offers work for-- officers work for? We pass the laws, they implement them. What's the rush? And I'm not interested in having a special session. But we're going to rush through this, because this has to lay over one day, at least one day, for Final Reading. That makes Thursday. So fixing anything in this bill is not going to happen. So what you see up there in LB514 is what you're going to get. Will we consider LB230? Not a chance. Will we consider a commonsense approach to voter identification? Not a chance.

von GILLERN: That's your time, Senator Erdman.

ERDMAN: Thank you.

von GILLERN: Senator Slama, you're recognized to speak.

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SLAMA: Thank you, Mr. President. And completely agree with you, Senator Erdman. Just the timeline for how this exchange worked was-- the first time I really got any feedback back from the Secretary of State's Office was in February, after the first hearing on LB535. That was the first time I got any real feedback from the Secretary of State's Office, of things that need to be changed in order to make LB535 workable. You know, this isn't about me getting the credit. This isn't about, oh my gosh, we're not on my bill anymore so we have to take it down. No. What I am saying and what I am outlining here is we couldn't even get the parties to come to the table and negotiate in good faith, because about once every month from February to now, I'd find out that the Secretary of State's Office has drafted an amendment that they're going to try to ram through and go around me, go around and work as much as necessary with the Government Committee on an amendment that is essentially an anti-voter ID wish list. It provides massive workarounds. And that's been consistent at every stage of debate. It was like once a month, I would find out, oh, wait, these meetings have been happening behind your back and we've decided that this amendment is the best way to go, like on my own bill. When the executive session happened for the amendment that would be attached to LB514, I didn't even know that there was an alternative amendment even being shopped. I thought it was just a quick discussion of my own amendment, that I had made clear and that I thought everybody was on the same page on, of I'm willing to work with anyone. I'm willing to make any fixes necessary to this. But every month, it seems like on the dot and I have text messages to show this up of-- I would find out that there was some agreed amendment happening behind my back and then I'd have to go back for two days and shut it down and point out all the problems with it. This is the Secretary of State going, it's my way or the highway and me going, I'll work with any-- like I made movement on witness attestation, notary. All I said was that the Secretary of State needs to do their job in verifying that we're actually making the people who are required to show an ID in order to vote, requiring that of them. And that brings me back to Section 19 of this bill. So, just in closing, I completely agree with Senator Erdman. The language of LB230, I even threw at the wall to see if it would stick. I was told by the powers that be, absolutely not. This is not about who gets the credit. This is about following through with the will of the people and embracing the language that they overwhelmingly adopted and not just taking the easy way out with some lackadaisical, fraud-friendly, loophole-filled LB514. And this isn't speaking ill of Colonel Brewer or anybody on the Government Committee, because I've never actually seen this level of interference by a member of the executive branch in a piece of legislation before. Like,

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it's a-- it's almost laughable at a certain point, to know that the Secretary of State, in the last month, has been bopping around trying to undercut voter ID as much as he can. Like, that's concerning to me. That's executive branch interference with the legislative process. So, I'm going to go back to Section 19. Because the (e) section that I referenced on page 25, so that's new language. That's a problem. But when you look at the full text of Section 19 that's not changed, you run into even more problems. So I'm going to start with sub-- let me just double check here. Yeah. I'm going to start with sub (3) on page 23. In its review, the counting board shall determine if: (a) the voter has provided his or her name, residence, address--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- and signature on the voter identification envelope; (b) the ballot has been received from the voter who requested it and the residence address is the same address provided on the voter's request for a ballot for early voting, by comparing the information provided on the identification envelope with information recorded in the record of early voters or the voter's request-- so that, that section, that-- that section stands in direct conflict with sub (e). It's just two pages later, that says if your address kind of sort of matches and if you'd expect this name to be on a mail-in ballot, you have to accept it-- (c) A completed and signed registration application has been received from the voter by the deadline in Section 32-302, 32-321 or 32-325 or by the close of polls pursuant to Section 32-945. And I will pick up on this where I left off. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator McDonnell, you're recognized to speak.

McDONNELL: Thank you, Mr. President. I'll yield my time to Senator Slama.

KELLY: Thank you, Senator. Senator Slama, 4:45.

SLAMA: Thank you, Mr. President. And thank you, Senator McDonnell. Senator McDonnell has been wonderful, in volunteering to be a middle man when it comes to being the go between. Several of my colleagues have been and I'm just really grateful for them volunteering their time like that. Obviously, the negotiations did not bear fruit this weekend and there are a lot of reasons why and we flushed out some of them. But we'll continue talking about the problems with voter ID when you take it in the context of the full Section 19, starting on sub (e)

on page 23: A completed and signed registration application and oath has been received from the voter by the close of polls on election day if required pursuant to 32-946. In the basis of its review-- this is sub (4). And this is that sub that includes the language on Section 25. On the basis of its review, the counting board shall determine whether the ballot shall be counted or rejected as follows. So "counted or rejected." That's, that's the key language here. That's what we're framing this discussion of Section 19 through. A ballot received from a voter who was properly registered on or prior to the deadline for registration pursuant to Section 32-302 or 32-321 shall be accepted for counting without further review if: the name on the identification envelope appears to be that of a registered voter to whom a ballot for early voting has been issued or sent; the residence address on the ID envelope is the same residence address at which the voter is registered or is in the same precinct and subdivision of a precinct, if any; and the identification envelope has been signed by the voter. In the case of a ballot-- just a second. In the case of a ballot received from a voter who was not properly registered prior to the deadline for registration pursuant to Section 32-302 or 321, the ballot shall be accepted for counting if: a valid registration application completed and signed by the voter has been received by the election commissioner or county clerk prior to the close of the polls on Election Day; the name on the identification envelope appears to be that of the person who requested the ballot; the residence address provided on the identification envelope and on the registration application is the same as the residence address as provided on the voter's request for a ballot for early voting; and the identification envelope has been signed by the voter. In the case of a ballot received from a voter without a residence address who requested a ballot pursuant to Section 32-946, the ballot shall be accepted for counting if: the name on the identification envelope appears to be that of the registered voter to whom a ballot has been sent; a valid registration application completed and signed by the voter for whom the residence address is deemed to be the address of the office of the election commissioner or county clerk pursuant to Section 32-946, has been received by the election commissioner or county clerk prior to the close of the polls on election day; the oath required pursuant to 32-946, has been completed and signed by the voter and received by the election commissioner or county clerk by the close of the polls on election day; and the identification envelope has been signed by the voter. In the case-- and this is sub (d), right at the bottom of page 24. In the case of a ballot received from a registered voter required to present identification before voting pursuant to Section 32-318.01, the ballot shall be accepted for counting if: the name on the

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identification envelope appears to be that of a registered voter to whom ballot has been issued or sent; the residence address provided on the identification envelope is the same address at which the voter is registered or is in the same precinct or subdivision of the precinct, if any.

KELLY: One minute.

SLAMA: Thank you, Mr. President-- a copy of an identification document authorized in Section 32-318.01 has been received by the election commissioner or county clerk prior to the close of the polls on election day; and the identification envelope has been signed by the voter. So when you take this language and then right after that is sub (e) of this language that I-- that's being changed, it's underlined. But when you take these five areas of what counts and what doesn't when it comes to voter ID, we're requiring that the counting board not do any checks on the validity of the ID. They don't have a choice. They can't do it within the very narrow realm of whether or not a ballot cannot be counted-- can or cannot be counted, the presence of a valid identification number or a copy of a valid ID is nowhere to be found. So we're saying that the counting board has to count these ballots--

KELLY: That's your time.

SLAMA: Thank you, Mr. President.

KELLY: And you're next in the queue. And that's your last time before your close.

SLAMA: Thank you very much, Mr. President. So we're saying under Section 19 that there's no requirement that you prove up who you say you are. You could have that ID, ID line be blank for all they care, and that will qualify as a reasonable impediment, so long as your signature matches. It doesn't matter. Under Section 19, your ID or lack thereof does not matter. That stands in clear conflict with the language, not only in the constitutional amendment, but the language even found in Sections 10 and 11. We're tying the counting board's hands in what's valid, what's not and we're providing conflicting instructions as to what they need to follow. Like, please, somebody engage with me on this and tell me that what I'm seeing is wrong. Because I've read it out loud for you guys, the plain language of the statute doesn't present any unknowns. It's the black and white text of what we're dealing with here. And we're saying mail-in-- like not only do you not have to show your ID number or a copy, like, they have to

count your ballot even if you don't include anything. So that's, that's a very core issue that's very problematic for me. And I am hopeful that we can address it. And I, I want to take a moment now and just respond. I know the Secretary of State offered an explanation to three of the objections I raised on first-round debate. So the first statement that was passed out was requiring an investigation of citizenship before registration, when the applicant has signed a voter oath, would violate the National Voter Registration Act. So that's the NVRA. If you still have your binder from the last time around, that's defined in your glossary. So my response to that point is and the claim that my amendment would prevent individuals from getting onto the voter roll-- on the registration rolls and that this would violate the NVRA, is just simply not true. My amendment requires both an investigation of citizenship, both before and after registration and the United States Supreme Court has held that all states have the authority to do so. The U.S. Supreme Court stated this express-- expressly in *Arizona v. Intertribal Council of Arizona, Inc.*, 2013. And let me read to you the appropriate passage from that opinion. And why the citizenship check language matters is the constitutional amendment language says qualified voter. Without the citizenship check language, you really don't have any checks as to whether or not they're a qualified voter, eligible to vote under this new voter ID framework. So the National Voter Registration Act does not preclude states from, quote, denying registration based on information in their possession establishing the applicant's ineligibility. And that's from that *Arizona v. Inter-tribal Council of Arizona* case from 2013. The second response that the Secretary of State offered was requiring a notary public or witness for out of state, overseas and military voters is a violation of the Equal Protection Clause of the United States Constitution and a violation of the Uniform and Overseas Citizens Absentee Voting Act. So this is another thing. Like, I said, fine. We can go without witness attestation. We can go without notary, so long as that ID number is actually checked before the ballot is counted. So the pushback on witness attestation and notary wasn't actually based on any constitutional objections. Over a dozen states already have this or some combination of it. So the claim that my amendment somehow violates the Equal Protection Clause and Uniform and Overseas Citizen Absentee Voting Act is completely without merit. No court has ever held that the notary public or witness requirement for out-of-state overseas and military voters violates the Equal Protection Clause of the Fourteenth Amendment or the Uniform and Overseas Citizens Absentee Voting Act. First, my formerly proposed amendment does not amend any of our Nebraska statutes that implement

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the Uniform and Overseas Citizens Absentee Voting Act, such as 32-939 and 32-939.02. The sections of our Nebraska statutes--

KELLY: One minute.

SLAMA: -- thank you, Mr. President-- that control voting for these types of individuals are found at 32-939, 32-939.02 and 32-939.03. My amendment does not amend any of these sections of statutes. These types of voters are protected by federal statute. That is why we did not make any changes to those current statutes, because you actually can't touch those. It's federal law. You can't mess with those. And my amendment did not. But if Senator Brewer wants further assurances that my amendment does not affect any of these specific voters, we can add a cross-site into our amendment to assure those who can't properly read my amendment or are taking it the wrong way that 32-939 through 03 will remain untouched. And I'll get on my last point on this second point on my next turn on the mike, which will probably be the open for the committee amendment. I mean, not the amendment, my personal amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Mr. Clerk, for some items.

CLERK: Mr. President, just an announcement. The Judiciary, Judiciary Committee will meet under the south balcony at 11:00 a.m. for an executive session. Judiciary, Judiciary Committee under the south balcony, 11:00 for an exec session. Additionally, a motion to be printed from Senator Clements to-- or excuse, excuse me, a floor amendment from Senator Clements to LB50. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Slama, you are recognized to close on your recommit motion.

SLAMA: Thank you very much. And like I've committed before, I'm not going to take this recommit to a vote. This is actually the motion that I was most tempted to take up to a vote, because I do think it's an appropriate route to send this bill back to committee for further compromises. Select File is the last train out of the station for potential amendments, so I do believe that recommitting it to committee would be beneficial. But I do have to push back against one point Senator Erdman made, which is a lack of appetite to handle voter ID with a special session in between the '23 and the '24 sessions. The problem with waiting until the 2024 elections-- the 2024 session to clean up this language, to have implementation for voter ID language in place, it means that there just simply won't be enough time to

implement voter ID before the 2024 presidentials. I am-- I, I don't want to be here in a special session this summer any more than anybody else. That's why I'm up here talking for 4 hours and why I stood up here for 8 hours on first-round, discussing all the issues inherent in this bill, because I don't want to come back for a special session. All I want is for these constitutional issues to be addressed adequately with the proposed compromise amendment. I don't want the credit for any of this. Like, I just want to pass good policy that takes the will of the voters into account. And if we're waiting for a 2024 regular session bill, we're going to be skipping over voter ID for the 2024 presidentials, which flies clearly, in my mind, flies in the face of the voters who implemented voter ID, all the way back in November 2022. And I just don't see any movement happening in the time between where a special session could be held on voter ID and when a regular session vote could be held on an ID, other than we're making it impossible to implement before the '24 elections. Yeah. So I'm going to wrap up this point on the second objection, provided by the Secretary of State's Office, to language of my amendment. Again, this has been rendered relatively irrelevant, but I do want to counter any points that might be made about my former amendment, even though it is dead. And that's fine. So sub (3) of the Section 2 objection. Finally, neither the Department of Justice nor anybody else has ever challenged these state voter ID laws on the grounds that they somehow violate the Uniform and Overseas Citizen Absentee Voting Act. There are 12 states that require voters to witness or notarize their absentee ballots for their vote to count. And many of those states have had such requirements in place for years. Like the Wisconsin requirement, that's been in place since 2013. And during those many years, there has never been a challenge that such laws violate the Uniform and Overseas Citizen Absentee Voting Act. And for reference, this is like saying that the witness attestation or the notary part of mail-in ballots is invalid because it's too much of a burden. Voter ID is one of the most litigated issues short of like, abortion and Second Amendment rights in our country, especially in the last 10 years. And nobody's even raised that a witness requirement or a notary requirement would somehow violate the Uniform and Overseas Citizens Absentee Voting Act. Like, it just hasn't happened. And voter ID has been litigated in all 35 of the states that have it until next Tuesday. And not once does this even come up. So I would really push back on those Section 2 objections that my former amendment or any amendment that proposes witness attestation, where a notary violates the uniform and Overseas Citizens Absentee Voting Act. It just doesn't-- I mean, entities who have challenged voter ID statutes haven't even looked at that as a plausible option.

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KELLY: One minute.

SLAMA: Thank you, Mr. President. The third objection is-- hold on. I have to get back to my notes. The third objection is the reasonable impediment certification as a failsafe, providing this sort of problem-solving process, is important for any constitutional analysis, similar to the one used by the Supreme Court in the Crawford v. Marion County Election Board 2008. I view this objection as a complete misreading of the Crawford case. While Crawford does point out that a relief valve must be in place to offer relief to voters, the case says that only require the relief valve for certain voters. And I'll get back into those categories on my next turn on the mike. And thank you, Mr. President. I withdraw that recommit.

KELLY: The motion is withdrawn. Mr. Clerk, for items.

ASSISTANT CLERK: Mr. President, Senator Slama would move to amend with FA173, but I understand she wishes to withdraw and substitute FA189.

KELLY: Without objection, so ordered.

ASSISTANT CLERK: In that case, Mr. President, Senator Slama offers FA189.

KELLY: Senator Slama, you are recognized to open on F--

SLAMA: Thank you, Mr. President. I'd just like to request a point of order. FA180, whatever we're on, is an amendment to the E&R amendments. So that should be a second-level amendment, as I understand it.

ASSISTANT CLERK: In that case, Mr. President, Senator Ballard would offer the E&R amendments. In that case, Mr. President, Senator Slama would move to amend the E&R amendments with FA189.

KELLY: Senator Slama, you're recognized to speak.

SLAMA: Thank you very much, Mr. President. And I apologize for that hiccup. I absolutely wanted the enrollment and review amendment to be able to be read across today. I think that our bill drafters do a wonderful job in fixing the grammatical errors that we find in our bills. And I think they do a wonderful job. This is my selfless, shameless thank you to Marcia, who we've just way overworked this session. Marcia and the bill drafters have done an outstanding job handling an unprecedented number of bills introduced in a session and amendments and motions handled during a session, as well. So thank you

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to the Clerk's Office, Bill Drafters, everybody who's been involved to keep this train running. So back to the third response that I have, which is a reference from the Secretary of State to the Crawford case, discussing that somehow the Crawford case would conflict with the amendment language about the relief valve. So as I've stated on this floor over and over again, the United States Supreme Court has stated that under the United States Constitution, there are only select in-- groups of individuals that must receive special accommodations under voter ID laws: elderly persons born out of state who may have difficulty obtaining a birth certificate, persons who, because of economic or other personal limitations, may find it difficult either to secure a copy of their birth certificate or to assemble the other required documentation to obtain a state issued identification, homeless persons and persons with an-- a religious objection to being photographed. That's it. Those are the categories. That's all. Secretary Evnen is using the Crawford case to completely defang the ballot initiative that the voters passed, effectively creating an umbrella opt-out for showing a voter ID. If an opt out was required, the logic would mean voter ID was unconstitutional, which is the opposite of what Crawford held. They're attempting to make a toothless abomination that removes all election protections that the people of this state have demanded and doesn't require anyone to actually show an ID. And this is true whether you're voting in person or via mail. In contrast, my former amendment creates the constitutionally required relief valve through the signature photo ID list. This allows those who have a constitutionally protected reason for not showing an ID to vote without doing so, while requiring an ID of everyone else. That's the language we have to follow. Like, the Crawford case is directly on point, in that you can't have an umbrella opt-out that says, if you have a reasonable enough impediment, we'll call it good and you don't have to show your ID. No. You have to fall under very specific categories. You have the four that are here. You have Wisconsin, who protects victims of domestic violence. I'd be on board for that amendment. In Texas, they have an exception if you've recently experienced a natural disaster. I'd be game for that. But the point Crawford held is you have to have very specific reasons for why a voter ID in a strict voter ID state does not have to show an ID in order to vote. When you go beyond that with a catch-all, you're in clear violation of the language and going far beyond the language in Crawford. So since we're a decent ways into the morning, I would just like to take a refresher on my objections to LB514 as it's drafted. Because I do want these objections to be in the record several times over, but let me get my button real quick first. So this amendment in this version of the bill, while seemingly intend-- while seemingly

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intended to be a good option, is riddled with issues that violate the NVRA, the United States Constitution and even our own Nebraska State Constitution. It even contradicts itself in the language it's using as to whether or not a person can vote without an ID. Starting with Section 5, which violates the National Voter Registration Act, NVRA, Secretary Evnen said that he would use Section 5 of his amendment when people register to vote, so as to prevent non-citizens from getting on the voter rolls in the first place. That is simply not what his amendment does. And this is like an overarching theme of the Secretary, is going and saying, oh, we're doing all these wonderful things. We're doing citizenship checks, we're requiring people to prove they are who they say they are with mail-in voting. And we're going to use Section 5 to where it doesn't violate the NVRA, but that stands in conflict with a black and white letter of the bill. Like, you can say that if this bill passes, like pigs will fly, rainbows will come down from the heavens, the lion will sleep with the lamb, whatever. It doesn't change the language of what we're passing here. It's a very small amendment like, please, if you're on the floor and at least dug into this, please follow along for the problems inherent in this. Because when the Secretary of State is pitching you talking points of, well, she's, she's just confused on that point, listen to what I'm saying. Listen to what my objections are and then look at the text of the bill yourself. This doesn't take a law degree or any experience in this field to read and understand the workarounds that have been clearly put in place that not only flies in the face of voters in their overwhelming support of a strict voter ID constitutional amendment, it puts our county clerks in the position where they could be arrested for a Class III misdemeanor if they screw up any area of the gray in this language. So starting with Section 5, which violates the National Voter Registration Act, Secretary Evnen said that he would use Section 5 of his amendment when people register to vote so as to prevent non-citizens from getting on the voter rolls in the first place. Cool. That's fine under the NVRA. That's OK. But the problem is, that's not what the language says. Section 5 of this amendment states: the Secretary of State shall develop a process to use information in possession of or available to his or her office to match and verify the citizenship of the corresponding registered voter, registered voter. Like bold it italicize it, put like asterisks around it. Because in that language, this use of the term "registered voter", rather than an applicant or some other word to indicate somebody who hasn't registered to vote, it's clear that it only applies to somebody who has already successfully registered to vote. Removing someone who has already-- [RECORDER MALFUNCTION] --to vote is a clear violation of the National Voter Registration Act, NVRA.

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That's 52 U.S. Code 20507(a)(3), and that indicates that a registered voter can only be removed from the voter rolls in four very specific situations. The voter requested to be removed, the voter died, the voter moved and certain criteria were met or the voter was convicted of a crime that disqualifies them from voting. So this fourth option is the route that you have to go under the NVRA and provide due process to that person who is already registered to vote, to provide them due process, to cure the fact that they're not on the voter rolls, give them the opportunity to voluntarily get off or prove that they are the person that's not the felon like I talked about with my father-in-law's example of how there's another David La Grone wandering off and doing malicious things, prove that you're not that person or at least be notified that you're being taken off the voter registration roll. So you're not bopping in on Election Day and being told that by participating in this election, you're committing election fraud. So a simple citizenship check utilizing DMV data prior to removing a person from the voter registration rolls does not fall into any of these four categories. That's why my amendment requires investigation and prosecution. You have to have due process in order to kick somebody off the voter rolls if they've already successfully registered to vote. An investigation to properly ensure that the voter is in fact someone that needs to be removed from the voter rolls and an investigation by the Attorney General's Office, only after enough evidence has been discovered to confirm that the individual being removed has committed voter falsification. Secretary Evnen's amendment is a clear violation of the National Voter Registration Act, and it falls on those two words, "registered voter." If you change that applicant, fine. But it's clear by dying on the hill of registered voter, that the Secretary of State intends to use that language to take people who have already successfully registered to vote off of the voter rolls. That's a problem because it violates the NVRA because you're going beyond those four specific categories and not giving that person who thought they had successfully registered to vote--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- due process before they either accidentally commit election fraud, because they've been removed from the rolls without their knowledge, or not be able to register to vote at all. Sections 10 and 11, these sections place undue burdens on the fundamental right to vote. Sections 10 and 11 on Secretary Evnen's amendment are unconstitutional because the affidavit requirement it creates is both confusing and ambiguous and fails even a rational basis review under U.S. constitutional law. So as I've talked about several times, like, rational basis is the lowest bar you can get when

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it comes to a review. Like, the courts will literally bend over backwards to try to save your law. When a law fails a rational basis review, that means it's, like, very impressively bad. Like, the court is sending you a direct message, like go to jail, do not pass go and do not collect \$200 on a very basic level of the legislative--

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

KELLY: And you're next in the queue.

SLAMA: Great. Sorry about my squeaky voice. My voice seems to be going out. My apologies for that. I will try to find a different register where my voice isn't cracking like a prepubescent teenage boy. So let's get into the amendments again on why the Evnen amendment, especially on Section 10 and 11 fails to pass this very low bar. Under the U.S. Constitution and the Nebraska State Constitution, voting has been found to be a fundamental right. So that's that Burdick v. Takushi case from 1992, Nebraska State Constitution Article I-22: Burdens on this long-recognized fundamental right are subject to two different levels of scrutiny depending on the burden imposed on the voter. The level of review that is relevant here is rational and basis review, and that's off of the Burdick case. So rational basis is the lower of the two standards that you can review. So in a case directly on point, the Missouri Supreme Court found that a confusing and ambiguous affidavit failed a rational basis review and was therefore unconstitutional. That's that Priorities USA v. Missouri case that I read in full on the mike on General File. Let me reemphasize that: On a case directly on point, i.e., a case with fact patterns nearly identical to our situation here, a court disregarded an affidavit because it was unconstitutional. In the legal field we call this a "cattle case." That means you have found a case just like yours. It's directly on point. Lawyers dream about it when they do legal research, research because all they have to do when making an argument is to say look right here. And the court got it right in this same situation. It's a really handy tool and I'm really grateful Priorities USA v. Missouri has already been ruled on because it is directly on point with Sections 10 and 11. So we don't have to look very far or wait for a court to decide an issue like this because they already have. Now let me go further into, into details on why the Evnen amendment and the affidavit found in Sections 10 and 11 of the Evnen amendment are unconstitutional. The Evnen amendment on the affidavit says that a voter who has a reasonable impediment to voting does not have to show an ID, but it does not define what a reasonable impediment is. We

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discussed this ad nauseam, it's just not there. The voter has to fill out an affidavit claiming a reasonable impediment. The affidavit restricts the voter to three possible reasonable impediments, but a voter may legitimately believe that their circumstances qualify as a reasonable impediment under the amendment language, but it is not listed on the affidavit. If the amendment wanted to limit reasonable impediments to those listed on the affidavit, it should say so both in the text of the amendment and on the affidavit. Because if it does not and the affidavit is ambiguous and confusing to the voter under the logic of the Missouri Supreme Court, then it fails rational basis review. While the Missouri Supreme Court case is not controlling, a Nebraska court or a federal court would analyze the amendment under that same rational basis standard. Therefore, we can be confident that this amendment places an undue burden on the fundamental right to vote under both the United States Constitution and Article I-22 of the Nebraska Constitution. Section 10 and associated sections of Secretary Evnen's amendment violate Article I-22 of the Nebraska Constitution by failing to actually implement the voter ID provision-- provisions required by that article. Before casting a ballot in any election, a qualified voter shall present a valid photographic identification in a manner specified by the Legislature to ensure the preservation of an individual's rights under this Constitution and the Constitution of the United States. It requires the Legislature to pass a law that says how somebody shows an ID, not--

KELLY: One minute.

SLAMA: --whether-- thank you, Mr. President-- not whether or not they can show an ID. It's just a matter of how. It's not a matter of yes or no. In Crawford v. Marion County Election Board, the U.S. Supreme Court found that under the U.S. Constitution, there are only select groups of individuals that may receive special accommodations under voter ID laws. They include elderly persons born out of state who may have difficulty in obtaining a birth certificate, persons whom, because of economic or in their personal limitations, may find it difficult to either secure a copy of their birth certificate or to assemble the other required documentation to obtain a state-issued ID, homeless persons, and those with a religious objection to being photographed. That's it, that's all, you have to be specific and covered in these four categories when you're talking about a relief valve. And I'll come back to that on the next turn on the mike. Thank you, Mr. President.

KELLY: Thank you, Senator Slama, and you are next in the queue.

SLAMA: Outstanding. Well, thank you, Mr. President. And as my voice becomes squeaky, it's important to get this on background that my husband is sick with a sinus infection at home. I didn't think he'd get me but he did, so I apologize for my voice. If anybody has a laser lozenge or something that I could suck on while we're up here, that might help. But otherwise I'm just going to power through. Oh, Senator Cavanaugh just gave me a whole pack of Ricola's, and that's just amazing. Thank you very much, Senator. I appreciate it. And I have to say, I really do have a special connection with Ricola's because my husband and I honeymooned in Switzerland and we actually got to see where they started Ricola. And it's very cool, it's this beautiful herb garden, and it's very peaceful in the Swiss Alps. So when you take the Crawford language with the Nebraska constitutional amendment, what this means is that the Nebraska Legislature must pass a law implementing voter ID that only, one, makes an exception for those with a religious objection and, two, makes accommodations for all other groups mentioned by the Supreme Court. If we cannot make accommodations for those groups, then they too would be exempt. However, the text of the constitutional amendment requires that anybody outside of these groups show a valid ID. So the Evnen amendment, Section 10 and related sections go far beyond this by allowing somebody to vote if they're sick or they don't have a birth certificate. This last category is really problematic because the United States Supreme Court has said that having to go acquire the appropriate documents to get an ID is not an undue burden on the right to vote. Therefore, the Evnen amendment violates the Nebraska Constitution and betrays the will of the voters that everybody shows an ID. My amendment, on the other hand, made accommodations for all of these groups while requiring those who needed to vote under the constitutional language, taking the case law into consideration, requiring that they show an ID. The Secretary of State is to aid these individuals that run into problems in obtaining the necessary documents to get an ID. If they cannot, the Secretary of State can provide them with an exemption or provide an ID for them. So this last paragraph on-- so how are you going to get this person the documents they need to vote, how are we going to connect these people with their birth certificates, Social Security cards, or whatever documentation they need to get a state driver's license or a state voting ID, preferably a state voting ID? And one of the pushbacks we received was that helping voters get these documents would simply be too onerous of a task. Can't do it, it's impossible. We'd have an influx of people and we'd have a flood of people who don't have documents and the Secretary of State's office is not well equipped to handle those. See, that sounds legitimate until you look at how Missouri has implemented

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their voter ID language. They have an extremely strict voter ID setup, they say for mail-in balloting, you either get it notarized or it doesn't count, strict notary. And when it comes to getting people connected with the documents they're required to have, the Secretary of State's office in Missouri has one full-time employee who can easily handle all of those requests. All of them. All it takes is one FTE to fulfill the requirements of actually ensuring people have the documents necessary in order to vote. So it's not too onerous, our neighbors in Missouri have already done it and they've done it the right way. Section 12 violates religious objectors' fundamental right to vote as outlined by the United States Supreme Court. Because Section 10 and 11 are unconstitutional and will be struck down, Section 12 would be automatic-- would be automatically and subsequently and become--

KELLY: One minute.

SLAMA: --constitutional-- thank you, Mr. President-- under Crawford because there would no longer exist any exemption for those that have a, a religious objection. So when we're talking about the reasonable impediment language, it is so intertwined in the language of LB514 that if you were to run into the buzzsaw of the court saying you can't have a catchall when it comes to reasonable impediment and not requiring people to show an ID in order to vote, you get rid of that reasonable impediment language and suddenly you've compromised the rest of the bill. Reasonable impediment is so intertwined that no matter what severability clause you add into this bill, it's not going to matter because you get rid of the reasonable impediment language and then you don't have any of the required exemptions or special assistance that is required under federal case law. Section 17 to Section 19 violate the fundamental right to vote or violates equal protection law as articulated by the United States Supreme Court.

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

KELLY: Senator Albrecht has some guests under the south balcony, her granddaughters McKynlee and Landrie Kortus and their father Lee Kortus. Please stand and be recognized by your Nebraska Legislature. Senator Slama, this would be your close on the floor amendment.

SLAMA: Great. Thank you very much. Sorry, just a second. OK. So our discussion of Section 12 and the problems inherent in the reasonable impediment language takes us to another section where this reasonable

impediment language is the problem and that's Section 17 to Section 19. So these sections either violate the fundamental right to vote or violate the equal protection law as articulated by the United States Supreme Court. We have case law directly on point here. It also, it also violates the amendment passed by voters by allowing nonexempt as defined by the United States Supreme Court persons to vote without showing a valid ID. There are two possible interpretations of Section 17 through 19. One, and I think the one interpretation that we've all found to be most likely is that no one would check to see if a voter actually has reasonable impediment to vote, thus not actually requiring anybody to show an ID. As already discussed regarding Sections 10 and 11, this would fly in the face of the voters and would clearly violate the Nebraska Constitution. The other interpretation, which I view as the less likely interpretation, would be that election officials in each county would be left to interpret whether an individual has a reasonable impediment. And this is a problem because we have 93 counties and would have, at a minimum, 93 separate sets of eyes and election officials making separate determinations as to whether a reasonable impediment existed. An Election Commissioner in Keya Paha County might interpret someone's cold or their dog eating their ID as a reasonable enough impediment while somebody over in Boone County would say that it's not. You open the door for inconsistent applications of reasonable impediment language. And no matter if you go with a broad interpretation of the reasonable impediment language and say everybody, everybody gets to have a reasonable impediment in order to vote, everybody qualifies, all you have to do is mark the box saying, yep, I've got a reasonable impediment. There's no checking, that's that broad reading of the reasonable impediment language. Or if you go with a more narrow one, you're setting up 93-plus different standards for election officials in each county to set up and interpret for themselves. No matter what, you're setting our county election officials up in a gray area where they could accidentally end up violating 32-1519, which is a Class III, which is a Class III misdemeanor. It's already hard enough to get folks that are willing to be county clerks or county election officials. It is a thankless job, and I'm literally just trying to protect them from unnecessary prosecution when they're just trying to do their jobs to the best of their abilities. So such a possibility of that narrow interpretation, it would violate the equal protection clause of the 14th Amendment as outlined in Bush v. Gore. In other words, if this is the correct interpretation and people's reasonable impediments have to be checked, this amendment will turn all of our elections into the fiasco that was Florida in the 2000 presidential elections to where anybody-- and we have-- this is actually an

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important point to make, because we do have-- we do follow the main way when it comes to our elections. We split our Electoral College votes, two are statewide and then one for each congressional district. You do have a situation in our state where one congressional district can be the deciding vote in a presidential election. And if you're saying that that one vote, no matter if it's within the state or within that congressional district where you have Douglas County interpreting something differently from Sarpy. When it comes to reasonable impediments, you are literally lining yourselves up for the same dumpster fire-- I think that's the scientific term of it, of what happened in Florida in the 2000 elections. This is something that is entirely preventable--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- something entirely preventable that we can all see is coming. And I'm asking this Legislature to be proactive about and to not put our county clerks in the position where they're going to be made criminals, because this amendment has failed to clarify what a reasonable impediment is. We've created a floor that ends up being a catchall, and that flies in the face of the constitutional amendment. It flies in the face of the will of the voters. Thank you, Mr. President. And with that, I'll withdraw that amendment.

KELLY: The amendment is withdrawn. Mr. Clerk, for items.

CLERK: Mr. President, single item, new LR, LR274 from the Judiciary Committee, that will be referred to the Executive Board. Concerning LB514, Mr. President, next amendment, FA174, Senator Slama would move to withdraw and substitute for FA190.

KELLY: Without objection, so ordered. Senator Slama, you're recognized to open on the FA190.

SLAMA: Thank you, Mr. President. I appreciate it. This is another amendment that I will be pulling at the end, but I will ask Senator Cavanaugh if she'd be willing to yield briefly to a question.

KELLY: Senator Cavanaugh, would you yield to some questions?

M. CAVANAUGH: Yes, I would be happy to.

SLAMA: Thank you, Senator Cavanaugh. I have just one question, and then viewers at home will watch me scurry behind you to get a quick break. Do you have anything you'd like to talk about today?

M. CAVANAUGH: I-- I actually I do. Thank you, Senator Slama. So people were a little concerned. I appreciate the concern. I wasn't here this morning. Unfortunately, I had a family friend pass away and so was at a funeral this morning and it was a-- a Jewish service and was really beautiful. And it was for my dear friend Nancy Hornstein, who I've known literally my entire life. She passed away last week and she was a wonderful person, a beautiful soul, a beautiful heart. And I will miss her so much. And-- but as with all things in life and death, there's an opportunity to celebrate. And her children were visiting and so I got to see them. And I hadn't seen some of them in a few years so that was really a nice opportunity to-- to catch up. Couldn't stay, couldn't-- couldn't linger at the services to get back here. And I-- I'm not used to being away. The only time I've ever missed a day in my entire time here was when I had COVID. I missed one day and then I spent the rest of the time up in the balcony. And-- and you had to-- you had green and red cards to vote and you had to text the Clerk, who was a different Clerk at the time, had to text him if you wanted to get in the speaking queue. And I actually just-- there was just a piece of paper up there that said text this number to get in the speaking queue. And it didn't say whose number it was. And that's how I got Patrick's cell phone number, because I didn't have it before then. Ha, ha, ha, one of the benefits of COVID. That was really it. I just-- I miss Nancy, and it's nice to be able to share that with everyone. She was a wonderful person, a beautiful soul, lots of kindness and love radiating from her. And that would be it, Senator Slama.

SLAMA: Well, thank you very much, Senator Cavanaugh. I, I do appreciate it, and I appreciate your commitment to always being in attendance for better or for worse. But she did offer me some cough drops, I think Senator Kauth piled them up on my desk as well. So I now have a plethora of cough drops. Yeah, so I've got that going for me. But I would like to get back into reading my constitutional objections to LB514 as amended on General File with AM1801, get those read into the record. So right now I'm on the objection to Section 19-- Section 17 to Section 19. So as we're going along here, when you read Section 17 to Section 19, where they're violating the fundamental right to vote or violating equal protection law as articulated already by the United States Supreme Court. Got case law directly on point here. Also violates the amendment passed by the voters by allowing nonexempt, as defined by the United States Supreme Court, persons to vote without showing a valid ID. There are two possible interpretations of Section 17 through 19. One is that no one checks if the voter has a reasonable impediment. All they have to do is say that

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they have a reasonable impediment. Maybe check a box. Nobody checks them on that meaning that everybody gets a reasonable impediment and nobody has to show an ID in order to vote in the state of Nebraska. That's that umbrella language that I think is the more likely interpretation of reading through Section 17 to 19. Now, on the other hand, we've got a more narrow and strict interpretation of Section 17 through 19, which is that the county election clerks will be the ones setting the standard for what a reasonable impediment means in their county. And when we're talking about how we approach presidential elections and splitting our Electoral College votes, we do split fairly often in recent memory. And the Nebraska vote in the Electoral College could end up being the deciding vote. So when I say that if you have a narrow interpretation of Section 17 through 19, in that you're setting inappropriate standards on what a reasonable impediment looks like between county clerks in different counties, you're setting yourself up for exactly what happened in 2000 with the Florida presidential. In that case, there were differences in county, in counties as to what votes were being counted. In this case, where we would stumble and fall is that there's different interpretations of what a reasonable impediment equates to in this language. There is no definition of reasonable impediment. There's no guide for county election clerks to give them specific cases of what does and what doesn't qualify. So by playing in this gray area with a catchall, reasonable impediment language, you're asking our county election officials to either be open up to the possibility of rejecting somebody's reasonable impediment that otherwise would have been accepted in another county. Or on the other hand, you're making the exception so broad that in your definitions of reasonable impediment, you're going so far beyond the language of the amendment that you're actually derelict in your duties of administering the election. Either way, you sign yourself up for a violation of 32-1519 and 32-1519 holds clerks of elections, judges of elections criminally liable if they knowingly violate the law as set forth for them in running an election. And like we have to put this in the record because by voting for, for the advancement of LB514, you are voting in favor of potentially criminalizing our county election officials who, even in good faith, could end up violating 32-1519 either by having too expansive or too narrow of a view of what reasonable impediment is. Because it's not defined. It's not defined anywhere. And when you're given a list of three different options of these are examples of reasonable impediments, you're setting a floor, you're not setting a ceiling. And if you were setting a ceiling and if you were defining reasonable impediment, which is something I proposed, that makes it a little bit more palatable, it makes it a little bit less likely to a

successful court challenge. But every point in time up to, like, yesterday, I've been shut down as to even having a desire to define what reasonable impediment is. And that's because the same people who traditionally work against voter ID want to have as big of a loophole as possible to ensure that people really aren't required to show an ID in order to vote, whether it's with mail in or in person. And that's really evidenced in the language that's been adopted in LB514. I'd ask anybody here, like even if you're not following along with constitutional problems with this bill, reach out to the people that you know in your district, your neck of the woods, your friends who help get signatures for the voter ID petition drive, and ask them if you think-- if, if they think that reasonable impediment should excuse anybody, anybody from showing an ID in order to vote. Ask them if they think that we should be required to count mail-in ballots, even if they have an invalid or nonexistent ID number on the envelope to verify that they have shown an ID in order to vote. Ask some of those questions because I'm willing to bet I know the answer because my inbox is full of people going, we didn't vote for a big work-around. We voted for voter ID. This is not that hard of a concept. And if we would just follow through with what the voters said, yeah, the framework would be decently complicated, but that's just how implementation of a constitutional amendment framework works. We're going out of our way here to over define certain things, like specifically giving everybody the authority to mail in vote without a check of their IDs, and we're underworking others, which is failing-- an example of that is failing to have even a definition for reasonable impediment be included in LB514. Reasonable impediment is one of the most required-- one of the most important--

KELLY: One minute.

SLAMA: --phrases-- thank you, Mr. President-- one of the most important phrases riddled throughout this bill. And you don't even define it. That's a problem. Like, I don't care if you support voter ID or you don't. Wherever you stand, two reasonable people can disagree. But when we're setting up our county clerks to be criminally prosecuted in their interpretation of what a reasonable impediment is, because we as a body couldn't define it for them, that's a problem. That's a problem and it's us failing our local election officials. And it's us putting them on the, on the hot seat for prosecution. And I'm going to hit my button real quick because I don't think there's anybody in the queue. Thank you, Mr. President.

KELLY: Thank you, Senator Slama, and you are next in the queue.

SLAMA: OK, great. So in further describing my issues with Section 17 to Section 19, so such a possibility of having different interpretations of reasonable impediment would be a clear violation of the 14th Amendment as we established in Bush v. Gore. Senator Conrad has a more narrow interpretation of what Bush v. Gore means, especially for this subject. However, I take a broader-- well, slightly broader view in that you can't have separate standards in working around constitutional language for different parts of the state. And that's not, that's not a hard read of Bush v. Gore. Like, it's not a hard read that says you can't put that on the county clerks to decide for themselves what's a reasonable impediment and what's not, because you could absolutely have an advocate county clerk who says, OK, a cold is acceptable. I know you're the head of the Democratic Party, so your cold is acceptable, you don't have to show an ID, it's fine. And then on the other hand, you have some fellow who's just voting for the first time, not realize that they have to show an ID in order to vote and have that not be counted as a reasonable impediment. You're not only setting up 93 different standards, you're also setting up a system in which voters can be targeted and eliminated from voting for the sake of having those different standards when it comes to reasonable impediment. So my objections to Section 17 through 19 when looked at, when looked at as a whole, requires three different election entities, the election official, the receiving board, and the counting board, to make potentially separate decisions on an individual's reasonable impediment. There's a possibility that we could have 279 different interpretations of whether a certain claim of reasonable impediment counts. So when you take through all of these different levels, you've got county election officials, the receiving board, the counting board, you even have the canvassing board to where if there was disproportionate applications of reasonable impediment in different parts of the state, not only would they be forced to weigh whether those uses of reasonable impediment were valid on the local level, they'd be forced to apply that standard to the entire state. So you could be dragging county election officials into a fight where it's the lowest common denominator of who violated the constitution less that week. And it's a very gray area. It sets our county clerks up for a Class III misdemeanor. And it's all because the Secretary of State's office has consistently refused to define instead of sealing for what counts as a reasonable impediment. So Section 23, my final section that I'm specifically raising concerns on and have traditionally raised concerns on. So when you take Section 23 with the rest of the Evnen amendment, Section 23 violates the Privileges and Immunities Clause of the 14th Amendment. The U.S. Supreme Court has held that a

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state cannot discriminate against a person based on where they're from as it relates to exercising a constitutionally protected right. That's under the Bolton case from 1973. So voting, as I've already stated and is something that I don't care who you are on this floor, one of the 49, we should always say voting is a constitutionally protected right. So the Evnen amendment only pays for the documents required to get IDs for people born in Nebraska. If you're born out of state, it doesn't pay for the documents you need to vote. This is a clear burden on a fundamental right based on the state a person was born in. Thus, Evnen's amendment violates the Privileges and Immunities Clause of the 14th Amendment and the United-- of the United States Constitution. So in having this language in Section 23 by saying if you were born in Nebraska, you're cool, you're fine, we'll help you get your birth certificate.

KELLY: One minute.

SLAMA: Thank you, Mr. President. We'll help you get it for free. And then on the other hand, saying, well, if you were born outside of Nebraska, we may be able to help you get your documentation but you're going to have to pay for that, you're creating a poll tax. You're creating two separate classes of citizens in the state of Nebraska when it comes to voting. And that's a clear violation of the 14th Amendment. Like, if anybody wants to come up and challenge me on that, like, like, please feel free. So democracy is strongest when every voice is heard. The Evnen amendment is voter ID without voter ID. This is not what the people voted for with Initiative 432. This allows for exceptions that swallow the voter ID requirement and blatantly ignores the will of the people and betrays the purpose for which this initiative was passed. The effect of a representative democracy is to refine and enlarge public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the--

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

KELLY: And, Senator Slama, you're next in the queue and this is your last time before your close.

SLAMA: Outstanding. And thank you, Mr. President. Back to that James Madison quote, because it really is my theme quote for the day, "The effect of a representative democracy is to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of the

nation." That's James Madison. And I'm going to take this moment to describe in detail the Legislature's task given to it by the people of the state of Nebraska. In Initiative 432, the people of Nebraska passed a new requirement for voting in Nebraska. That requirement was added to the Nebraska Constitution with the following language: 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 under this Constitution and the Constitution in the United States. A qualified voter clearly means that the requirement applies to all qualified voters. The Legislature only gets to decide the manner in which people show their ID, not the whether they get to show their ID, the how. What manner are people going to be showing their IDs? The United States Supreme Court has said there are certain groups that must be exempt from showing an ID or have accommodations to help them get an ID. They are: one, people who cannot get a birth certificate to get an ID, people who cannot afford to pay for a birth certificate to get an ID, homeless individuals who do not have an address to get an ID, and people with religious objection to being photographed. So when we combine the task given to us by the people of Nebraska with the voter ID accommodations required by the United States Supreme Court, in Nebraska voter ID law they only include certain exceptions and accommodations for those four groups. And the Legislature's task is to determine how everyone else will show their ID, not whether or not they have to. It's a how, it's not a whether. Secretary Evnen's amendment, as successfully amended into LB514, violates the constitution by going well beyond that in exempting most voters, if not all of them, from having to show an ID. My own amendment worked through all of that existing case law. We worked through federal law. We worked through case law. We worked through the language of the state constitution. And we put together an amendment that I believe does exactly what Nebraska intended-- what the people of Nebraska intended this Legislature to do. And the section of the Nebraska State Constitution that I'm referencing is Article I, Section 22: Elections to be free; identification required: (1) 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. (2)-- and this is the part that was added-- Before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner provided-- in a, in a manner specified by the Legislature to ensure the preservation of an individual's rights under this Constitution and the Constitution in the United States. So this, this language, the one-- Article I, Section 22, sub (2) language is something that's not new in the state of Nebraska. It's been fought

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for, for years through varying approaches. There's been a mix of approaches in the Legislature between bringing a bill requiring an ID in order to vote and a constitutional amendment brought to the Legislature that requires showing an ID in order to vote.

KELLY: One minute.

SLAMA: Thank you, Mr. President. There have been a number of reasons why voter ID has fallen in the Legislature in the last decade or so. And overwhelmingly, the scapegoat is one of two things, either, first off, that the voter ID language should have been brought as a constitutional amendment. So the bill language that you're bringing forward in this session cannot be constitutionally applied because of Article I, Section 22, sub (1) of: 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. On the other hand, you're very deep in the weeds when it comes to voter ID law. It's kind of like redistricting, in where there's a handful of people who really get into it. And that's, that's a big reason why the Legislature has failed to advance any voter ID legislation for the last decade, even though it's been overwhelmingly supported by the people up to and including the ballot drive. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Hughes has a guest in the south balcony, Abigail Howe of Seward. Please stand and be recognized by your Nebraska Legislature. Senator Slama, you're recognized for your close on FA190.

SLAMA: Outstanding. Thank you very much, Mr. President. And thank you, all. I think we still got a really good number of people on the floor this morning, and nobody's asleep, from what I can tell. So that's exciting. Yeah, Fredrickson is making a point of showing me he is still awake, and Senator Dungan is as well. I'm grateful for the signs of life, guys. The reason why voter ID has failed so often in this Legislature is that there just isn't an appetite for it within the Legislature, even though it's wildly popular once you get outside of the building. One of the best lessons that I was taught when I first came in here is that the Legislature is like a fishbowl. A lot of the things that happen, a lot of the things that make you want to pull your hair out have absolutely no bearing on the day-to-day lives of the people you represent. And I think that voter ID has fallen into that trap time and time again because we constantly get special interest groups hijacking the process, hijacking the voter ID bill, making sure it doesn't get out of committee, making sure that it's not going to get enough votes on the floor. These special interest groups

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not representing the will of the majority of Nebraska, blocking legislative efforts to bring this voter ID amendment to the people without a petition drive. Now after, I think, the 11th attempt, I brought a constitutional amendment before the Legislature last year. It did not move. And that was the triggering factor also in seeing 35 other states successfully implement voter ID. So that drove me and a few thousand other Nebraskans to get to work on a petition drive to get the voter ID language on the ballot in November 2022 for the voters of Nebraska to decide, as it should be, and they overwhelmingly approved by a margin of 30 points, it was 65 to 35. The language: 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 under this Constitution and the Constitution of the United States. It doesn't say if a voter wants to show their ID before they vote. It doesn't say if a voter's dog ate their ID that they don't have to show an ID. It says: a qualified voter shall present valid photographic identification in a manner spec-- specified by the Legislature. We don't go into whether or not you need to show it, because shall is as cut and dry of language as it gets. And by having an umbrella reasonable impediment language, you're setting yourself up for uneven application of this voter ID language. You're setting your county clerks up for prosecution when they're just trying to do their jobs. And you're setting up the voters of Nebraska for a real betrayal of their will of the voters. And look, I don't want to be up here. I don't want to talk for four hours. I didn't want-- I sure as heck did not want to talk for eight hours when I was more or less fresh out of the hospital the last time this came up. But I take my, my oath to defend and uphold the Constitution of the United States and the Constitution of Nebraska so sincerely that I don't care if the vote on cloture is 48-1. I genuinely don't. Like, I'm not whipping votes on this. I'm not cashing in favors. I'm literally just getting this into the record and asking that you listen and make an educated decision for yourself. And if somebody wants to counter me on these points, get on the mike if you'd like to call me out publicly, do it. Like, seriously, do it or talk to me off the mike because I've done nothing but get up here and provide good-faith arguments as to why LB514 is problematic. How it can--

KELLY: One minute.

SLAMA: --negatively impact-- thank you, Mr. President-- the state of Nebraska and the state of Nebraska's voters. How it's a betrayal of their trust. I'm going to by the end of this early afternoon, have spent 12 hours outlining the problems with it, and the only counter

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I've gotten on the mike publicly is from Senator Conrad, who we had a great exchange of whether or not Bush v. Gore would apply to different standards being set on reasonable impediment. She takes a narrow reading of Bush v. Gore. I take a more broad sense in that setting separate reasonable impediment thresholds in different counties is a problem because you're setting voters up in different counties to have different standards in order to have their vote be counted. And that becomes even more problematic when you take the language of Sections 10 and 11 in conjunction with Section 19, which clearly outlines that it doesn't matter what's on the ballot, so long as their signature matches you have to count that ballot. So not only are we saying you don't have to show your ID if you don't have to--

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President. I withdraw that amendment.

KELLY: The amendment is withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator Slama would offer FA175 with a note that she would withdraw and substitute-- Mr. President, Senator Slama would offer FA175.

KELLY: Senator Slama, you're recognized to open on the amendment.

SLAMA: Thank you, Mr. President. I believe Colonel Brewer objected. So I don't know if that was timely or not or what the route should be.

KELLY: There is no withdraw and substitute at this time.

SLAMA: So that amendment was appropriate to bring on the E&R amendments. Wow. OK, cool. Yeah, in the-- a little bit of the background on what's happened there is when I originally drafted my amendments on the front end of this, I put in references that didn't follow closely enough the E&R amendments. So I've moved forward and substituted the amendments to the E&R amendments that I had originally filed with language that more closely fit the language of the Enrollment and Review amendments. It really doesn't do anything procedurally to object to those amendments being read across. This particular amendment must have fallen in closely enough with the E&R amendments where it could be read across without a substitute. But, yeah, even if you have an objection to the withdraw and substitute, you'd still be taking up time. I have another five amendments after this. And if you take the motion to withdraw and substitute, take that to a vote, like you're burning through 30 minutes no matter what, including the language for the vote itself. I understand the

frustration, but at the end of the day this particular floor amendment was appropriately filed to the Enrollment and Review amendments. I'm sure there will be an objection to a later one that I'm trying to substitute. But, obviously, there's no bad blood between me and Colonel Brewer. He's just procedurally doing what I've done a lot on the floor. I get it. No problem. No worries. It's not going to make a difference in the outcome. But I am going to take, take this four hours procedurally no matter what happens. And I really do hope that on this turn on the mike and on the first eight hours of debate as well, that I've really fleshed out the specifics of where I'm coming from. I'm not just getting up and shaking my head that it's unconstitutional, it violates these laws, whatever, I'm pointing to the actual language within the bill saying this is a problem and here's why. And if you need any more explanation, like the perception I don't want to have at the end of this is that I didn't adequately explain my objections enough, especially on the constitutionality front. I've researched this ad nauseam and certainly don't want anybody on the floor to feel like I haven't given them enough information. A lot of that stemmed from how the original Executive Session of the Government Committee was conducted, in which several members stated that they wished they had heard more from me. Well, I mean, I, I didn't know the half of what was going on in the Executive Session at the time, but I, I want to make it right now by really, truly fleshing out all the objections that I have to LB514 because not only does it give everybody here on this floor a chance to consider what the people of the state of Nebraska approved with Initiative 432, it gives the people of Nebraska who are watching at home a good summary of how we're steamrolling their efforts to amend the constitution to require a photo ID in order to vote. It allows us to discuss some of the process and procedure that was inappropriately interfered with by a member of the executive branch in the Secretary of State's office. But it also builds a legislative record. This is what the courts are going to look at when this unquestionably ends up getting challenged. And I'm really hopeful that someone will get up and counter me because it really is a bad look for anybody who's screaming that this is constitutional to not actually get up and put on the public record as to why. Like right now, I haven't heard any real counters to any of the points I've raised, and that's going to be in the legislative record. That's something the courts are going to look at when they're looking at legislative intent. Like, I'm the canary in the coal mine here. It might be really annoying because my voice is cracking. You might not like me. You might think it's a pain in the butt that I'm taking four hours on this. But if that's what it takes to make sure that the will of the people actually has a chance

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here in this Legislature to be heard, that's what I'm going to do. Like, I'm not, I'm not here because I want to be. I'm here because I have to be. And I have to stand up for the voters of Nebraska who approved a strict voter ID law and stand up to the forces that be that want us to just throw those out. So I have requested an Attorney General's Opinion request, and I think it's somewhere here in my lovely binder. By the way, my wonderful legislative aide, Tori, is the queen of binders. She's a rock star and so is everybody else on my team. Natalie's over there, too. Yeah, it really means a lot to see the work that they've put into this and how willing they've been to dive into a subject like voter ID. So this is the text of the language I sent to the Attorney General requesting his thoughts on an Opinion: Attorney General Hilgers, I'm requesting an Attorney General's Opinion on the constitutionality of LB514, as it stands amended by AM1801. Specifically, I'm concerned with the language surrounding and the use of the term "reasonable impediment." The use of that term in the statute without definition, while also mandating terms on the certificate that may or may not limit what qualifies as a reasonable impediment will cause a certification to be ambiguous, confusing, and contradictory. Therefore, the bill will fail a rational basis test. And I have a citation to the Priorities USA v. State case. That was that 2020 Missouri case that's exactly on point when we're talking about an undefined reasonable impediment and the voters' role in potentially becoming confused at ambiguous or contradictory terms in that affidavit. So please let me know your findings at your earliest convenience. Thank you for your consideration. Sincerely, Julie Slama-La Grone. So that's, that's the text of what I sent to the Attorney General. I'm focused in on the reasonable impediment language. It represents five of those sections that I have problems with, 10, 11 and 17 through 19. And then it also bears on the religious exemption language in Section 12, because if you eliminate that reasonable impediment language, if it doesn't hold up in court, which the Missouri Supreme Court has also given us a very good hint that it won't, you're compromising the religious exemption language in Section 12 as well. I, I didn't touch on any of the other objections I was going to raise. I think that there's good arguments to be had either way in those other objections, but I find the reasonable impediment language to be clearly indefensible and failing even the lowest standard of a rational basis test. So that's, that's what I've communicated to the Attorney General's Office, dropped that letter off this morning. But I, I am grateful for the chance to have that be reviewed by the Attorney General, because anybody claiming that LB514 is a clean bill because that's what the Secretary of State pushed it as, and you're listening to even my constitutional arguments here.

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Like, I'm not even bringing up the technical objections. Like Section 15, you, you pretty much endorse ballot harvesting and I think the ballot harvesting, that, that the core voter ID contradicts-- those two contradict each other. And you have the chance to either approve of unlimited ballot harvesting, which is the, the approach on Section 15 of LB514 or you could take the approach that I had, which is clearly limiting it to where you still embrace the language of the constitutional amendment that the voters approved for voter ID. So those are-- like, the sections that I've raised are just my gravest constitutional concerns. There are still things out there like Section 15, which clearly endorses ballot harvesting for generations to come in the state of Nebraska, which is another work-around for voter ID. So I'm going to take, take some time now to read through, and I think we're about ready for lunch, but I will just preview future attractions and say I will read *Priorities USA v. State*, which is that Supreme Court of Missouri ruling that's directly on point. It's a pretty, it's a pretty bite-sized case so I'm fine with reading it. But it's just so helpful in our understanding of this because even though the Missouri Supreme Court's language is not directly controlling on a challenge to Nebraska law, we know that even if the courts take the lowest basis of review, the rational basis test, as opposed to the more, I think it's strict scrutiny approach, so even if Nebraska takes that lowest level of analysis, rational basis, on the text of this, they can turn and see the Missouri Supreme Court has a case exactly on point when it comes to affidavit language of a voter--

KELLY: One minute.

SLAMA: --thank you, Mr. President-- a voter attesting that they have a reasonable impediment to not show an ID in order to vote. It's directly on point. And I will be reading through the entire thing just simply because it gives us something fresh to look at. I think it's a great case to get read into the record because it will be a major case as we're analyzing the constitutionality, or lack thereof, of the reasonable impediment language. So stick with me. Have a great lunch, everyone. I'm going to turn on my light and be ready to go. But, yeah, enjoy. I think the vote is going to be somewhere between 2:00 today? So if you're going to take a longer lunch, just make sure you're back in time for that. But I, I appreciate everybody getting up and at least listening to what I have to say on this bill. Thank you, Mr. President.

KELLY: Thank you. Senator Slama. Mr. Clerk, for items.

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CLERK: Mr. President, your Committee on Judiciary, chaired by Senator Wayne, reports LB438 to General File. Additionally, a priority motion, Senator Walz would move to recess the body until 1:00 p.m.

KELLY: You've heard the motion to recess, members. All those in favor say aye. All those opposed say nay. We are in recess.

[RECESS]

KELLY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: There's a quorum present, Mr. President.

KELLY: Thank you. Mr. Clerk. What items do you have for the record?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB727A is correctly engrossed and placed on Final Reading. That's all I have at this time.

KELLY: Senator Raybould announces guests in the north balcony: Nicole, John, Jessica and Margaret Tooker. Please stand and be recognized by your Nebraska Legislature. Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. Two short announcements, one of which I am sure will be well received and welcome. First, a couple of changes with respect to scheduling. Following the debate of LB514A, we will return to LB50A, which we passed over this morning to allow the Fiscal Office to draft a new amendment that is now ready. After LB50A, we will take up LB531A for a motion to return to Select File for a specific amendment. LB531A has an amendment that needs to be adopted to reflect the current costs of the bill. The amendment was not filed in time for the Select File debate earlier this morning, so we need to go back to the bill today. My final announcement is that Thursday, June 1, will be our final day of session. The Governor has agreed to return any vetoes, if any, prior to our adjournment sine die of the bill's read on Final Reading this week. This will allow the body an opportunity to override those vetoes, if any, with no threat of any pocket vetoes. By end of the day Thursday, we will have completed all of the priority bills which have been advanced beyond General File this session. Although I had hoped last week that Thursday could be our final day of session, I was not prepared to announce it until I had assurance from the Governor that there would be no possibility of

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any pocket vetoes. I received that assurance this morning. In order for the body to read on Final Reading the bills advanced today from Select File, we will need to remain in session to allow those bills to be correctly engrossed and placed on Final Reading by the Revisor's Office prior to adjournment today. That will allow tomorrow to be the constitutionally required layover day, allowing the bills to be read on Thursday. At this point, I do not know how much time the Revisor's Office will need. But if we complete the agenda prior to the bills being returned, we will stand at ease today until the bills have been correctly engrossed. Please keep in mind that we will need to maintain a quorum until we actually adjourn today. Thank you, Mr. President.

KELLY: Thank you, Mr. Speaker. Mr. Clerk, for the agenda item.

CLERK: Mr. President, LB514, when the Legislature left pending was FA175 from Senator Slama. Senator Slama would withdraw and substitute FA175 for FA191.

KELLY: That is approved and, Senator Slama, you're recognized to open on FA191.

SLAMA: Cool. All right. Thank you very much. I was expecting an objection there, but that's OK. Sometimes good things do happen in this place. I just wanted to take a moment before I dive back into my constitutional concerns, to just highlight a tweet that got sent out by the Secretary of State on his official Twitter page stating, I have always been in favor of voter ID and I supported the constitutional amendment. Senator Slama's voter ID bill would have suppressed voting in rural Nebraska. I oppose voter suppression. OK. Now, why I wanted to read that tweet into the record is because it's a great example of the brick walls anybody who's trying to negotiate has ran into when trying to deal with the Secretary of State's Office. So in putting out that tweet, we're accepting a timeline that was like five weeks ago. We're not talking about my amendment. We're not talking about any of my versions of LB535. We're talking about the unconstitutional language that the Secretary of State has written and demanded be included and not changed in LB514. When it comes to things like not checking mail-in ballots for valid identification numbers, forcing county clerks to count those ballots even if they have nothing in the license number line. Other things like getting rid of citizenship checks, unless we end up conveniently tying in the data for motor voter into the Secretary of State's Office, which still only gives you 55 percent coverage when it comes to the citizenship question. And moreover, it fails to address the really clear problem I've laid out for the last few hours on the reasonable impediment language and how

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we have a case on point from Missouri that underlies that if you have ambiguous, confusing, or contradictory language in those affidavits signed by voters to make them believe that they are exempt from showing an ID in order to vote, that language is going to get thrown out. Now, the problem of that reasonable impediment language being thrown out, you might just ask yourself, well, if there's a severability clause, would that correct it? They would just cut out "reasonable impediment" and it will all be fine. The problem is, is once you start throwing out the references to reasonable impediment, you end up killing other parts of the bill that are also constitutionally required, like Section 12 depends entirely on the language from Sections 10 and 11 in order to have a constitutional framework for the religious objection to being photographed, how we handle those voters who have a religious objection for their photographs, and that's in pursuit of showing an ID in order to vote. So when the Secretary of State gets up and makes these broad-based claims, we're not talking about my amendment. We're talking about whatever iteration of Secretary of State Bob Evnen's version is of this bill. And it's got clear constitutional problems. It was presented to the Government Committee as being clean and ready to go when it was just the Secretary of State who had reviewed it. And the Attorney General didn't even get a look at it until right before it was dropped. So I've sent up a request for a formal Opinion to the Attorney General looking at that reasonable impediment language, because I would like to get a take from our state's chief law enforcement officer of what that reasonable impediment language points to. I have a pretty good idea that we'll find that exact same Missouri case to be directly on point in terms of unclear language when it comes to reasonable impediment that not only flies in the face of voters who supported this constitutional amendment by giving us voter ID without the voter ID and on the other hand, puts county clerks up for criminal liability if they fail to properly assume what reasonable impediment means because it's not defined in statute. If we don't address these issues, we're going to be back here next year or in a special session, depending on when the courts handle it, of being stuck between a rock and a hard place and me going, I told you so. I feel like the canary in a coal mine here where I'm clearly pointing out constitutional issues within the language of the Evnen amendment because I'm not presenting my amendment. We tried that already on first round and it didn't move. I get it. Evnen's amendment is the baseline here. So to have more obstructionist language be put out on Twitter by the Secretary of State, like, it really just makes public all the crap that's gone on behind the scenes in the negotiations that have never been in good faith from the start on voter ID. So I'm

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asking you in this last hour or so that I'm up here to listen to the problems inherent in this bill. I know the Secretary of State is saying, well, we do the citizenship checks. Oh, we verify the ID numbers. That language is not in the bill. If you're getting told promises from the Secretary of State's Office that conflict directly with what I'm saying, ask him to point out the section and the line where that language happens because we're operating in a fantasy land if we're going to take Secretary of State Evnen at his word in that the language he's supporting stands in direct conflict with the language he's put before our Legislature to either approve or not. And every step of this way, we've dealt with obstructionism from the Secretary of State's Office. We've dealt with bad faith negotiations and a Secretary of State who is doing everything in his power to minimize the amount of work he has to do to implement the will of the voters when it comes to enforcing voter ID. And this is something I have fought against. I've tried to make accommodations. I've said with the agreement of those state constitutional officers that Attorney General Hilgers would operate an audit of the witness attestation signatures, taking that off the Secretary of State's plate. The State Treasurer has said that he'll work with Nebraska citizens to get them the paperwork and the birth certificates they need to be eligible to vote. Again, that's another state constitutional officer who's stuck agreeing to do the Secretary of State's job in an effort to find a compromise. And our State Treasurer, John Murante, like the irony of this is he's one who brought a voter ID bill before, so he sees the importance of following through with the will of the voters, more so than our Secretary of State himself. So that's off my chest now. Don't, don't tweet things with grand promises with no real references to what the word unconstitutional refers to. And also don't bring amendments-- don't bring up amendments that aren't even being considered right now. I'm up here not trying to push my own amendment. There's a reason why I didn't put my own amendment up on the board today, and it's because I didn't have the blessing of enough of the powers that be to go anywhere. I get that. I respect that. But right now we're talking about LB514, the problems it has, and hoping that we can get to a point where we can amend it to where it's fine and ready to go. But the impression I've got from leadership thus far is we're willing to just steamroll the will of the people, let it go, and see what happens in court. And that's, that's fine. Go for it. But I'm going to spend the next hour or so that I have on this and another two hours on Final outlining ad nauseam why this is a problem, why this flies in the face of voters, why voter ID without voter ID is directly the opposite of what Initiative 432's successful passage put in our Constitution in November 2022. So I'm asking you to stick with me. I'm

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going to go through the constitutional concerns again. But first, I am going to go through the cases on point from the Missouri Supreme Court. This is *Priorities USA v. State* opinion. *Priorities USA, Mildred Gutierrez, Jayden Patrick, and West County Community Action Network, Respondents*, filed a petition for declaratory and injunctive relief against the Missouri Secretary of State, alleging Section 115.427 unconstitutionally burdens individuals' rights to vote. Specifically, they contend that prospective voters, because of their personal circumstances, will have difficulty adhering to Section 115.427's photo identification requirements. After a bench trial, the circuit court entered a judgment finding Section 115.427 constitutional except for subsections 2(1) and 3, the affidavit requirement. Subsection 2(1) permits individuals to vote with listed forms of non-photo identification if they execute an affidavit that meets certain requirements. The related subsection 3 provides the affidavit language. The circuit court enjoined the state from requiring individuals who vote under this option to execute the affidavit required--

KELLY: One minute.

SLAMA: --under subsections-- thank you, Mr. President-- 2(1) and 3. The circuit court also enjoined the state from disseminating materials indicating photo identification is required to vote. The state appeals. Because the affidavit requirement of Sections 115.427.2(1) and .3 are misleading and contradictory, the circuit court's judgment declaring the affidavit requirement is unconstitutional is affirmed. Further, the circuit court did not err in enjoining the state from requiring individuals who vote under the non-photo identification option provided in Section 2(1) to execute the affidavit or in enjoining the dissemination of materials indicating photo identification is required to vote. The circuit court's judgment is affirmed. I'll come back to this case on my next turn on the mike. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. You're next in the queue.

SLAMA: Outstanding. And if anybody wants to hop in and yield me time, that's great too. I'm not planning on taking any of these to a vote for now. I will give you a more than sufficient heads up if I do. But if you all keep yielding me time, that would be very helpful towards that end. So background on the *Priorities USA v. State* case. In 2016, the legislature truly agreed to and passed Section 115.427, which became effective in 2017. Section 115.427 establishes three options under which individuals can identify themselves for the purposes of

voting. Under the first option in section-- subsection 1 of 115.427, an individual can present acceptable forms of personal identification, all of which contain the individual's photograph. Under the second option as found in sub 2 of Section 115.427, an individual who does not possess the types of photo identification provided under the first option can vote by executing a statutorily specified affidavit and presenting a form of non-photo identification expressly authorized by Section 115.427.2(1). The affidavit individuals are required to execute under the section option must be substantially in the form provided in Section 115.427.3. Individuals must aver that they are listed in the precinct register, do not possess personal identification approved for voting, are eligible to receive Missouri non-driver's licenses free of charge, and are required to present a form of personal identification to vote. Finally, under the third option, individuals can cast a provisional ballot, which will be counted if: (1) the voter returns to the polling place during the polling hours and provides an approved form of photo identification under option one, or (2) the election authority compares the individual's signature with the signature reflected on the election authority's file and confirms the individual is eligible to vote at that particular polling place. Respondents filed a petition for declaratory and injunctive relief against the Secretary of State, alleging Section 115.427 unconstitutionally restricts the right to vote in Missouri by imposing burdens on prospective voters who, because of their personal circumstances, will have difficulty adhering to Section 115.427's ID requirements. After a bench trial, the circuit court entered a judgment finding Section 115.427 constitutional except for the affidavit requirement in subsections 2(1) and 3. The circuit court deemed the affidavit was contradictory and misleading, and accordingly impermissibly infringed on an individual's right to vote. The circuit court enjoined the state from requiring individuals who vote under the second option to execute the affidavit required under subs 2(1) and 3. The circuit court also enjoined the state from disseminating materials that indicated photo identification is required to vote. State appeals. Standard of Review-- so this is what we were talking about earlier today, and that there's two different kinds of review that the courts can use when they're looking at voting rights. The lowest one is rational basis, the other one is strict scrutiny, I think. But this court reviews de novo a challenge to the constitutional validity of a statute. A statute is presumed constitutional and will not be found unconstitutional, unless it "clearly and undoubtedly violates the constitution. Nonetheless, if a statute conflicts with a constitutional provision or provisions, this court must hold the

statute invalid." The party challenging the state's constitutional validity bears the burden of proving a violation. The issuance of injunctive relief, along with the terms and provisions thereof, rests largely with the sound discretion of the trial court. The circuit court is vested with broad discretionary power to shape and fashion relief to fit the particular facts, circumstances, and equities of the case before it. That's just outlining how much room the court has of saying that under the rational basis test how a statute can be deemed constitutional. They have every option in the book. They can squint, they can tilt their head one way, and that can be good enough to pass rational basis review. So in the court's Analysis, they start off with 1. The Affidavit Requirement. The state argues that the circuit court erred in enjoining the use of the affidavit when voting under option two, because the affidavit requirement does not burden the right to vote and is constitutional. In response, respondents assert that the affidavit requirement is misleading and contradictory and impinges on the voters' right to equal protection and the fundamental rights to vote as guaranteed by the Missouri Constitution. Sub 1 of this reads: Constitutional Validity of the Affidavit Requirement. Two constitutional provisions establish with unmistakable clarity that Missouri citizens have a fundamental right to vote.

KELLY: That's your time, Senator Slama.

SLAMA: Thank you, Mr. President.

KELLY: Senator Ballard, you're recognized to speak.

BALLARD: Thank you, Mr. President. I'd like to yield my time to Senator Slama.

KELLY: Senator Slama, that's 4:56.

SLAMA: Thank you, Senator Ballard. And thank you, Mr. President. I'm going to hop right back into this Priorities USA case, the case on point from the Missouri Supreme Court from 2020. I'm on page 3 of 12, second paragraph in for those following along at home. Further, the Missouri Constitution guarantees its citizens the equal protection of the law. But as this court has previously indicated, some regulation of voting process is necessary to protect the right to vote itself. To determine the level of scrutiny that should be applied to evaluate a statute addressing the right to vote, Missouri courts first evaluate the extent of the burden imposed by the statute. If a statute severely burdens the right to vote, strict scrutiny applies, which means the law will be upheld only if it is narrowly tailored to serve

a compelling state interest. Conversely, when the law does not impose a heavy burden on the right to vote, it is subject to the less stringent rational basis review, which again, that's like the lowest bar you can have in courts for review. This court need not evaluate the extent of the burden imposed by the affidavit requirement because the requirement does not satisfy even the rational basis review. The state asserts that the affidavit requirement combats voter fraud through verifying a voter's identity and eligibility to vote. Such an interest is legitimate and even compelling. But to satisfy the lowest level of scrutiny, rational basis review, the affidavit requirement must be rationally related to this interest. In other words, the requirement must be a reasonable way of accomplishing this goal. The affidavit requirement is set out in sections 115.427.2(1) and 115.427 Section 3. Subsection 2(1) provides that an individual who appears at a polling place without an approved form of photo identification under option one, but who is otherwise qualified to vote may cast a regular ballot provided the individual presents an approved form of non-photo identification as specified under option two in Sections 115.427.2(1) and executes an affidavit that meets certain requirements. Subsection three then provides that the affidavit must be substantially in the following form: I do solemnly swear or affirm that my name is blank and that I reside at blank, and that I am the resident listed in the precinct register under this name and at this address, and that under penalty of perjury, I do not possess a form of personal identification approved for voting. As a person who does not possess a form of personal identification approved for voting, I acknowledge that I am eligible to receive free of charge a Missouri non-driver's license at any fee office if desiring it in order to vote. I furthermore acknowledge that I am required to present a form of personal identification as prescribed by law in order to vote. I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution. So that's the language of their affidavit. Section 115.427.3 is that reference point. Although this language is consistent with the requirements listed in sub 2, sub 2 also requires that the individuals must aver that they do not possess a form of identification approved under option one and must further acknowledge that they are required to present a form of identification approved under option one to vote. The affidavit requirement in Sections 115.427.2(1) and .3 is contradictory and misleading for several reasons. The affidavit language in subsection 3 requires individuals who do not-- who vote under option two or aver that they do not possess a form of personal identification approved for voting. If "form of personal identification" means any identification, photo or non-photo approved under Section 115.427,

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then the affidavit is misleading because individuals voting under option two are required to swear--

KELLY: One minute.

SLAMA: Thank you, Mr. President. --swear an oath that they do not possess such identification, but they must provide a non-photo identification approved under option two. But if, consistent with the affidavit requirements in subsection 2(1), the phrase "form of personal identification" means only the photo identification approved under option one, then the later sentence in the affidavit that provides individuals must acknowledge that they are required to present form of personal identification as prescribed by law in order to vote. That's contradictory because individuals can vote by presenting non-photo identification as described in option two. For this reason, the language of subsection 2 is-- does not pass rational basis test. And I will come back to that spot on my next turn on the mic. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. And you are next in the queue. That's your last time before your close.

SLAMA: Thank you very much, Mr. President. Again, if anyone wants to hop in and yield me time, I'd gladly take it. But either way, it really doesn't matter, because I've got enough amendments lined up after this. We're fine. So the key takeaway from this case, and especially the top first section of the court's analysis of *Priorities USA v. State*, you're going to find a lot of weird similarities between the affidavit language that was struck down in this case and the language that we're trying to push through on LB514. That's because Sections 10 and 11 directly conflict with Section 19, 19 especially. You can make an argument for 17 and 18 too. They directly conflict with each other in the sense that you have a nonexhaustive list of reasonable impediments that must be included on the affidavit form. There's three of them. But it does not say those shall be the only options offered where somebody could walk in and think they have a reasonable impediment to not have to show an ID in order to vote. They genuinely believe that. There's nothing defining "reasonable impediment" anywhere in LB514, nothing defining it, nothing saying the floor or the ceilings or giving any idea of what alternatives that person has. So we say that language is in direct conflict-- that language in direct conflict in Section 19 to Sections 10 and 11. Moreover, another area of contradiction is at the start of the bill, the note that an ID shall be required in order to vote. Whereas if you look in Section 19, and our election officials have absolutely no

ability, no recourse to go, oh, this is a clearly invalid identification number for a state driver's license. This is not OK. This is just some random grouping of letters and numbers, or they've left it completely blank. We say under Sections (a) through (e) of Section 19 that you have to count those. You can't work around. You have to be able to count those ballots. You don't get to opt out. There is no opt out for you didn't present a valid ID in mail-in voting, like, the ballot must be counted. And moreover, when it comes to reasonable impediment, since you have a nonexistent exhaustive list for voting in person, that reasonable impediment language could mean anything. And the situation you're going to run into is all 93 county clerks will either choose to adopt a narrow reading of reasonable impediment and enforce it on their own, which sets a separate standard for different counties, which under *Bush v. Gore* won't hold up. Or you have a system in which all reasonable impediments count. That one falls clearly, clearly in line with the court's decision in *Priorities USA v. State* in that you can't confuse voters by saying you have three options on this affidavit. Your reasonable impediment has to fall within one of these three sections because reasonable impediment is not defined. You could even say reasonable impediment is defined as disability or illness, can't get the birth certificate necessary, or have a religious objection to being photographed. You could even define it as those three things and you'd be far better off. But we don't do that in this bill; and in negotiations, I raised that several times over. We won't do it because we're not going to define reasonable impediment. We don't think we have to so we're not going to which, I mean, from an analysis perspective for me makes my life a whole heck of a lot easier because I have a case on point that outlines why that language is unacceptable. Given that we're a bit limited on time, I'm going to hop back into my specific constitutional objections to LB514.

KELLY: One minute.

SLAMA: Thank you, Mr. President. And I'm going to take my time on it. Like, if you want to ask me questions of, well, what's up with Section 5? Like, I don't get it. I'm hearing something from the Secretary of State and you're telling me something different, I'm more than happy to go over what my position is on this if it's not clear, which I can get if it's not. But when we look at each of these sections, I've not only outlined my problems with them, I've outlawed the-- I've outlined the case law on point that is going to be used as a reference with this. I'm not making vague assertions and screaming Chicken Little, the sky is falling. It's all unconstitutional. No, I'm backing it with logic, case law, and facts. And I just look forward to somebody

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countering me and having a good discussion on it. So that's, that's all I've got for this time, Mr. President. Thank you.

KELLY: Thank you, Senator Slama. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Lieutenant Governor. I was not clear on what Senator Slama was speaking, but I'm going to let her take a quick drink of water if she would like to. And then if she would like to have the rest of my time, I would yield her my time.

KELLY: Thank you, Senator Lowe. Senator Slama, that's 4:40.

SLAMA: Thank you very much, Senator Lowe. And thank you, Mr. President. I appreciate that. I really do. So we'll start off my constitutional objections to Section 5. And these are just my questions on the constitutionality. They're not even technical things that I think could be better phrased or better handled, like Section 15. These are like my biggest nonmovable concerns with this bill. And I'm hopeful that even if you pick up nothing else from this, that there are some really valid constitutional problems with LB514. So we'll start with Section 5, which violates the National Voter Registration Act, NVRA. Secretary Evnen said that he would use Section 5 of his amendment when people register to vote so as to prevent noncitizens from getting on the voter rolls in the first place. This is another one of those times where what the Secretary of State is promising stands in direct conflict with the black and white letter of the bill that he's proposing. So Section 5 of the Evnen amendment states: The Secretary of State shall develop a process to use the information in possession of or available to his or her office to match and verify the citizenship of the corresponding registered voter. Like I've talked about before, this use of the term "registered voter" rather than "applicant" or some other term clearly shows that it only applies to somebody already registered to vote. Removing someone who is already registered to vote is a clear violation of the NVRA 52 U.S. Code 20507(a)(3). And that indicates that a registered voter can only be removed from the voter rolls in four very specific situations: the voter requests to be removed; the voter died; the voter moved and certain criteria were met; or the voter was convicted of a crime that disqualifies them from voting. As we're operating under what an appropriate Section 5 language under the NVRA would look like, it would be that you cannot remove a person unless they fulfill one of these four, four specific situations. And on that number four, that's the most important one, the voter was convicted of a crime that disqualifies them from voting. That's where due process comes in.

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That's where if you happen to have two people of the same name, you can differentiate through due process which one of the Jim Smiths or Adam Smith or Alex Jones, like whatever generic name you want to have, that due process keeps people who have every right to be on the voter rolls from getting kicked off. A simple citizenship, citizenship check utilizing DMV data prior to removing a person from the voter registration rolls does not fall into any of these very specific and limited categories. That is why my amendment required investigation and prosecution, an investigation to properly ensure that the voter's in fact someone that needs to be removed from the voter rolls and an investigation by the Attorney General's Office only after enough evidence has been discovered to confirm that the individual being removed has committed voter falsification. So without that language, without that due process, Secretary Evnen's amendment is a clear violation of the NVRA. Now in Sections 10 and 11, we're coming back to that reasonable impediment language, these sections place undue burdens on the fundamental right to vote. Sections 10 and 11 of Secretary Evnen's amendment are unconstitutional because the affidavit requirement it creates is both confusing and ambiguous and fails even a rational basis review under U.S. constitutional law. So again, like rational basis review--

KELLY: One minute.

SLAMA: --is the lowest-- thank you, Mr. President-- is the lowest level of review that the court will do. It's very much in favor of the state. But when we look at the Supreme Court case on point, the court there says even though we're analyzing this on the basis of rational, rational basis test, we still can't go with it because it's directly contradictory. We run into the same problem between Sections 10, 11, and 19 in this bill in language that got thrown out in the Missouri Supreme Court. So let's get into specifics of why this is the case. Under the United States Constitution and the Nebraska State Constitution, voting has been found to be a fundamental right. Burdens on this long recognized, fundamental right to vote are subject to two different levels of scrutiny depending on the burden imposed on the voter. The level of review that is relevant here is rational basis review. So in the Priorities USA case in Missouri that's directly on point, the Missouri Supreme Court found that a confusing and ambiguous affidavit failed rational basis review and was therefore--

KELLY: That's your time, Senator.

SLAMA: --unconstitutional. Thank you, Mr. President.

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KELLY: Senator Wayne, you're recognized to speak.

WAYNE: I yield my time to Senator Slama.

KELLY: Senator Slama, that's 4:55.

SLAMA: Thank you, Senator Wayne. I really appreciate that. And I appreciate the chance to get back into my constitutional issues document with LB514. So let me reemphasize why this Section 10 and 11 language is a problem. In a case directly on point, as in a case with fact patterns nearly identical to our situation here, a court disregarded an affidavit because it was unconstitutional. We call this a cattle case. That means we have found a case just like yours, like, every lawyer dreams of finding cases like this when they do legal research. Because all they have to do to make an argument is, like, wave it in your face and say, look, look, the court got it right and they've already ruled in the same situation. So we don't have to look very far or wait for a court to decide an issue like this because they already have. Now, let me go further into the details and why the Evnen amendment and the affidavit found in Sections 10 and 11 are unconstitutional. The Evnen amendment on the affidavit says that a voter who has a reasonable impediment to voting does not have to show an ID, but it does not define what a reasonable impediment is. The voter has to fill out an affidavit claiming a reasonable impediment. The affidavit restricts the voter to three possible reasonable impediments. But a voter may legitimately believe that their circumstances qualify as a reasonable impediment under the amendment language, but it is not listed on the affidavit. If the amendment wanted to limit reasonable impediments to those listed on the affidavit, it should say so both in the text of the amendment and on the affidavit itself. Because it doesn't, the affidavit is ambiguous and confusing to the voter. Under the logic of the Missouri Supreme Court, then it fails rational basis review. While the Missouri Supreme Court case is not controlling, a Nebraska court or a federal court would analyze the amendment under the same rational basis standard. Therefore, we can be confident that this amendment places an undue burden on the fundamental right to vote under both the United States Constitution and Article I, Section 22 of the Nebraska Constitution. Section 10 and associated sections of Sec-- Secretary Evnen's amendment violate Article I, 22 of the Nebraska Constitution by failing to actually implement the voter ID provisions required by that article. And that language is: 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 under this Constitution and the

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Constitution of the United States. It requires the Legislature to pass a law that says how somebody shows an ID, not whether or not they can show an ID. If we wanted to go that direction, we'd have changed the constitutional amendment to go: Here in the state of Nebraska, we authorize anybody who wants to show their ID in order to vote, they totally can, but no worries, if not. Like, that's the statutory language we're dealing with. That's the only way in which the constitutional amendment language would fit LB514 which the constitutional amendment language is far more clear than that and very clear in its directive to the Legislature. So at the same time as we're analyzing what the Legislature has been tasked with, we have to look at the hierarchy of laws that demand that this provision passed by the voters be interpreted as consistent with the United States Constitution. In Crawford v. Marion County Election Board, the United States Supreme Court found that under U.S. Constitution, there are only select groups of individuals that may receive special accommodations under voter ID laws. They include elderly persons born out of state who may have difficulty obtaining a birth certificate; persons who, because of economic or other personal limitations, may find it difficult to either to secure a copy of their birth certificate or to assemble the other required documentation to obtain--

KELLY: One minute.

SLAMA: Thank you, Mr. President. --to obtain a state-issued identification; homeless persons; and persons with a religious objection to being photographed. So you can extrapolate the most valuable part out of this Crawford decision in knowing that this isn't meant to green light a catch-all. You have to have very specific reasonable impediments, reasonable exceptions to the voter ID language if we're going to go with a strict voter ID law. You can't just have an umbrella relief valve where we say if somebody doesn't feel like showing their ID, they don't have to. And I'll hop back into this on my next turn on the mic. Thank you, Mr. President.

KELLY: Senator, Senator Wayne, you're recognized to speak.

WAYNE: Thank you. I'll yield my time to Senator Slama.

KELLY: Senator Slama, that's 4: 56.

SLAMA: Outstanding. Thank you very much, Senator Wayne. I really do appreciate it. So when you take the language of the Nebraska constitutional amendment, what this means is that the Nebraska

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Legislature must pass a law implementing voter ID that only (1) makes an exception for those with a religious objection, and (2) makes accommodations for all other groups mentioned by the Supreme Court. If we cannot make accommodations for those groups, then they, too, would be exempt. However, the text of the constitutional amendment requires that anybody outside of these groups show a valid ID. The Evnen amendment Section 10 and related sections go far beyond this by allowing somebody to vote if they're sick or if they don't have a birth certificate, if they don't feel like it. So the birth certificate section is especially concerning because the United States Supreme Court has said that having to acquire the appropriate documents to get an ID is not an undue burden on the right to vote, so long as it's done without a cost to the voter. Therefore, the Evnen amendment violates the Nebraska Constitution and betrays the will of the voters that everyone show an ID. My amendment, on the other hand, the one that was formally-- formerly considered, it made those accommodations for all of those groups while requiring those who did not fall under those groups to show an ID in order to vote. The Secretary of State is to aid these individuals in obtaining the necessary documents to get an ID. If they cannot, the Secretary of State can provide them with an exemption or provide an ID for them. So this last section is something that the Secretary of State didn't want to be on board with. He said he'd have to get a bunch of very expensive new systems put in place. But when we raise this issue to the State Treasurer, magically, John Murante, who's been a great advocate for election security and voter ID, said, yeah, we can, we can do that and we can get those documents for those people. I don't know why the Secretary of State isn't willing to do it, but the state of Missouri did it with a single FTE. Missouri's a lot larger of a state than we are, and they can still do all of these services in getting voters the documents they need in order to vote with a single full-time employee. It doesn't take anything fancy. It doesn't require any fancy new systems. It just requires a willingness to work with those people who do not have the documents necessary to vote at the moment. So Section 12 is a problem in that it violates the religious objector's fundamental right to vote as outlined by the United States Supreme Court. Working under the assumption that Sections 10 and 11 are unconstitutional and will be struck down, Section 12 would automatically and subsequently become unconstitutional under Crawford because there would no longer exist any exemption for those that have religious objection. And even when you don't take out 12 with the language from Section 10 and 11, Section 12 in itself comes off as an undue burden problem because those voters with a religious objection to being photographed have to call their county official or their

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Secretary of State before every single election and confirm that they still believe that they have a religious objection of being photographed. You have to call every time, like, nobody's running around with a belief that strong and deciding I'll just worry about it every election cycle. Thanks for checking. Like, I don't actually believe in this anymore. Like, it is so unbelievably rare to not only have a person with a religious objection to being photographed, but moreover somebody who goes from having a religious objection to being photographed and then ending that objection later on. And in that situation where the person changes their religious beliefs, they should be able to call the Secretary of State's Office, call your county election official, give them a heads up, and we'll get you set up with a, one of those free to use only for voting IDs with your picture on it.

KELLY: One minute.

SLAMA: Thank you, Mr. President. So Section 12 is a problem whether or not Sections 10 and 11 stand as written. Section 17 through 19, we've got a problem in that these either violates the fundamental right to vote or violates the equal protection law as articulated by the United States Supreme Court. We've got case law directly on point. It also violates the amendment passed by voters by allowing nonexempt persons to vote without showing an ID. And that's all she wrote for this turn on the mic. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Ballard, you're recognized to speak.

BALLARD: Thank you, Mr. President. I'd like to yield my time to Senator Slama.

KELLY: Senator Slama, that's 4:55.

SLAMA: Outstanding. Thank you very much, Senator Ballard. I appreciate it. So we're going through my constitutional concerns with LB514. I think it's pretty cut and dried that it is unconstitutional and that the wide-ranging umbrella of reasonable impediment exceptions directly conflicts with the language the voters passed in authorizing us to put together a framework of how a person was going to show their ID, not whether. And that's something that we're very clearly wed to by the constitutional amendment language passed in Initiative 432. So Section 17 to 19 either violates the fundamental right to vote or violates the equal protection clause as articulated by the United States Supreme Court. You've got case law directly on point. It also violates the

amendment passed by voters by allowing nonexempt persons to vote without showing a valid ID. So we've got two possible interpretations of Section 17 through 19. One is that no one will check to see if the voter has actually had a reasonable impediment to vote, thus not actually requiring anybody to show an ID. As already discussed regarding Sections 10 and 11, this would fly in the face of the voters and would clearly violate Nebraska Constitution. The other interpretation would be that the election officials in each county would be left to interpret whether an individual has a, quote, respond impediment, with the fact that Nebraska's 93 counties and a minimum 93 different election officials would be making separate determinations of whether reasonable impediment existed. An election commissioner in Keith County might interpret somebody's cold as a reasonable impediment while an official in Douglas County won't. So that, that's a big problem. Not only the fact that we're not consistently applying our laws and we're directly flying in the face of the voters who approved the constitutional amendment, we're also lining our county clerks and election officials up for a violation of state statute 32-1519, which is a misdemeanor. And this reads: Any judge of election who (a) knowingly receives or sanctions the reception of an improper or illegal vote from any person who is not a registered voter, (b) receives or sanctions the reception of a ballot from any person who refuses to answer any question which is put to him or her in accordance with the Election Act, (c) refuses to take the oath prescribed by the act, (d) sanctions the refusal by any other judge of election to administer any oath required by the act when such oath is required, or (e) refuses to receive or sanctions the rejection of a ballot from any registered voter at the place where such a registered voter properly and legally offers to vote shall be guilty of a Class III misdemeanor. Sub (2) of that reads: Any judge or clerk of election on whom any duty is enjoined by the act who willfully neglects any such duty or who engages in any corrupt conduct in the discharge of his or her duty shall be guilty of a Class III misdemeanor. Like this gray area in 17 through 19 isn't just constitutionally suspect in this language, we're lining our county election officials up to have Class III misdemeanors if they do not follow in the emer-- the imaginary line that we're trying to track of what is a reasonable impediment, what qualifies, and in not defining what a reasonable-- what qualifies as a reasonable impediment in setting that ceiling, not a floor for the affidavit language, you're not only putting together really contradictory and ambiguous language that won't hold up under the Crawford decision, but you're also leaving our county election officials between a rock and a hard place. You could run into county--

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activist county election officials that say, well, the head of the NE GOP in this county had said, I just don't want to show my ID to vote.

KELLY: One minute.

SLAMA: Thank you, Mr. President. And since there was no guidance given on that front, the county clerk may feel obligated to let them vote without showing an ID at all. And then on the other hand, you could have a county clerk who has some elected official they've never gotten along with, have that person come in and say, you know, I, I got to tell you, I just don't have my ID on me. I can't-- I can't produce it, but I want to vote now. And if they, the county election clerk, handles that person differently than the other person, not only are they putting together a different standard within their county, they're putting together a different standard that may cause them to be criminally liable for not consistently applying the reasonable impediment language. So like, and my concern about 17 to 19, it's literally just to save our county election clerks from criminal prosecution. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Wayne, you're recognized to speak and this is your last time on this floor amendment.

WAYNE: I haven't spoke at all. Oh, I've been yielding them. Sorry. I'd like to continue to yield my time to Senator Slama.

KELLY: Senator Slama, you have 4:50.

SLAMA: Thank you, Senator Wayne. I do appreciate it. So as we're talking about Section 17 through 19, so such a possibility of creating different standards for different counties, it would violate the equal protection clause of the Fourteenth Amendment as outlined in Bush v. Gore. In other words, this is the correct interpret-- if this is a correct interpretation and people's unreasonable impediments, I mean, people's reasonable impediments have to be checked. This amendment will turn all of our elections into the fiasco that was Florida in the 2000 presidential election. Now, let me just underlie how this problem can actually come to fruition. You have a very close presidential election. It all is determined by the blue dot in Omaha in the Second Congressional District. Like that concept is very plausible. Now, as you start with an automatic recount of all of the ballots cast, we're going to be looking through and having challenges to whether or not a person's reasonable impediment counted as valid. Within those counties, within the different counties, CD2 has, I think, three different counties in it now. And we're going to have potentially not

only three different standards within that single Electoral College vote. We could also have inconsistencies apply based on different polling locations, like a polling location worker could believe that one reasonable impediment was accurate and in good faith and another not. Now that, that confusion of where the set in stone language of reasonable impediment language is, it lines this up for things that are worse in the 2000 Florida election in that every single mail-in voter, every single in-person voter is going to be stuck with a challenge as to whether or not they properly showed an ID, whether or not they properly had a reasonable impediment to not show an ID, if they had valid numbers printed on their envelope, even though the county election officials aren't authorized to take that into account under Section 19, and whether or not they approve a ballot, you're going to have literally thousands of challenges in a road to nowhere. So I'm not just blowing smoke when it comes to talking about the 2000 presidential election in Florida as being a really good case study of what could happen if we pass LB514 as it is with the contradictory language in Sections 10 and 11, and then Sections 17, 18 and 19. So Section 23 is the last objection I want to get on the record again. So taken with the rest of the Evnen amendment, Section 23 violates the Privileges and Immunities Clause of the Fourteenth Amendment. The United States Supreme Court has held that a state cannot discriminate against a person based on where they're from as it relates to exercising a constitutionally protected right. It's from the Bolton case in 1973. Voting is a constitutionally protected right. That's something we can all agree on here. The amendment only pays for the documents to get IDs for people born in Nebraska. If you're born out of state, it doesn't pay for the documents you need to vote. This is a clear burden on a fundamental right based on the state a person was born in. Thus, Evnen's amendment violates the Privileges and Immunities Clause of the Fourteenth Amendment of the United States Constitution. So in Section 23, we're literally creating two separate classes of voters. If you were born in the state of Nebraska, you can use the Secretary of State Services to obtain documentation for you to get a voter ID for free. If you happen to be born across the river, whether it's in Council Bluffs, Rockport, Sioux City, any of those, or California or New York, wherever, you're treated as a second class citizen. You're forced to pay--

KELLY: One minute.

SLAMA: Thank you, Mr. President. You are forced to pay the Secretary of State's Office for the same services that they're offering to Nebraska citizens for free. Now, we, we treat people differently who are visitors to Nebraska differently all the time. We looked at that

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when we were looking at the Game and Parks entry passes for out-of-state vacationers, especially over at Lake Mac outside of Ogallala. The problem here is you're literally creating a poll tax for people who were born outside of the state of Nebraska. Like, that's a problem. That's a real problem because we have a lot of people in the state of Nebraska that didn't have the chance to get their birth certificates, who were born from outside of the state and need that assistance. But we're going to cut them off and treat them as second-class citizens, which is a huge problem under the Fourteenth Amendment. So this amendment is just voter ID without voter ID. It's not what people voted for with Initiative 432. Thank you, Mr. President.

KELLY: Thank you, Senator Slama, and you're recognized for your close on FA191.

SLAMA: Outstanding. Thank you very much, Mr. President. I'd like to get to my docs that outline a little bit more of the initiative language and the process it took to get there. So the Nebraska Legislature has a very clear task before it, given to-- given to it by the people of Nebraska. In Initiative 432, the voter ID constitutional amendment initiative, the people of Nebraska passed a new requirement for voting in Nebraska. That requirement was added to the Nebraska Constitution with the following language: 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 under this Constitution and the Constitution of the United States. A qualified voter clearly means that the requirement applies to all qualified voters. The Legislature only gets to decide the manner in which people show their ID. And I'm just going to do a quick aside here of, like, an idea of why. Why am I taking this approach of filibustering? Why am I not just letting this go? Why am I not just trusting the process that it will all work out for the best? That's because I'm trying to give us a little bit of extra time to form a compromise. I'm an eternal optimist. But given the fact I haven't heard anything yet, I think we still have around 15, 20 minutes left to go. But until somebody gives me an amendment that actually addresses my concerns, in my mind, I'm not upholding my oath of office if I'm not doing everything in my power to ensure that the Constitution is upheld. And that involves in this case doing a filibuster. It's not for giggles. I'm not having fun here. I'm not running any jokes, like, these are serious constitutional problems that I've outlined based on case law, federal statute, state constitutional language, and prior precedents and clear conclusions that we can come to you based on ambiguities, especially with the

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reasonable impediment language. We shouldn't be here today. Like, if the Secretary of State was operating in good faith at any point during the last five months, we could have had a strong compromise put together. We could have had a compromise put together if they'd have been operating in good faith up to and including yesterday. But they decided to take the my way or the highway approach. And I get it. I mean, it's their prerogative to where if they want to interfere with the legislative process and nobody calls them on it to do that I guess. I'm, I'm calling them on it. I'm also pointing out that if they're going to say that the AM1801 language that we adopted in LB514 is a clean amendment and doesn't need any fixes, I'm going to sit here and talk about the fixes it does need. And until somebody sticks a piece of paper in my face and provides me with an acceptable amendment, I presented plenty of my own, and I'm going to stay up here and keep talking. I'll talk through the rest of these four hours and the next two hours on Final Reading. This is about fighting for the voice of the people of the state of Nebraska. And when the second house isn't being heard, it's on us to draw attention to that. There's a reason why voter ID hasn't moved forward in the last decade or so. It's because when this issue gets before the Legislature and not the people, it's so easy to shut it down. It's so easy for special interest groups who thrive on ballot harvesting, who thrive on everything they do that flies in the face of the concept of commonsense election security measures like voter ID, it's easy for them to shut it down because all you have to do is swing five members of the Government Committee. All you have to do is swing 17 members of the Legislature to block anything you have. That's why I put an emphasis, once my voter ID bill failed last year, to take this issue to the voters because voters had overwhelmingly--

KELLY: One minute.

SLAMA: Thank you, Mr. President. --reached out to our office in support and have gone, you know, 35 other states have this. Why on earth doesn't Nebraska? It's common sense, right, that you prove you are who you say you are before exercising one of the most important duties that you can have as an American. And here we have this second house, having approved a constitutional amendment that forces our hands and says that, yes, you do have to introduce and pass a framework that gives us voter ID in the state of Nebraska. Now we're seeing those same groups hijack the issue and even say in good faith that we respect the will of the voters or I've supported voter ID from the beginning to gut this and take the easy way out because it's convenient and we can just all hope and pray that it doesn't actually

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get challenged in court. Thank you, Mr. President. I withdraw my amendment, amendment.

KELLY: The amendment is withdrawn. Mr. Clerk, for items.

CLERK: Mr. President, LB514, next amendment, Senator Slama, FA176 which she would withdraw and substitute FA192.

KELLY: So ordered. Senator Slama, you're recognized to open on the amendment.

SLAMA: Thank you very much. I do appreciate that. Let me get my light turned on real quick. Trying to do the math in my head as to when cut-off time is for this one. This might be our final amendment, and it's probably one of my last few turns on the mic. But there's no ambiguity with what the people of Nebraska voted for in Initiative 432. I know that because we had to pass a single subject rule, like single subject rule for petition drives is an absurdly high standard to meet, and it's more or less a moving target a lot of the time. So we made language that was as clear cut as humanly possible. 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 under this Constitution and the Constitution of the United States. That's simple, right? You show an ID in order to vote. Where we've run into issues, where we've run into problems, it hasn't been in not having good ideas be presented. It's not in having the second house sit by-- sit back silently as we steamroll their voices. The problem has been internal, and it's been internal with regards to undue influence by the Secretary of State on this process. This isn't anything that I hold against the Government Committee. This isn't anything I hold against the Legislature. I still consider Colonel Brewer to be one of my closest friends and allies on this floor. We just happen to disagree with this one. And I'm going to disagree very vigorously because the voters were very clear in what they intended to do when they approved Initiative 432: simply that a person presents a photo ID to prove they are who they say they are in order to vote. I fought for the last five months to put together a package that takes our lessons learned from other-- from other states, whether it be in case law or their state statutes or even the processes they took to get there to where we're not reinventing the wheel. We're well within our bounds as outlined by the courts. And then we have an amendment get raised that eventually gets adopted into LB514 that was mentioned as a clean amendment by the Secretary of State's Office. I didn't have the chance to review it until it was already kicked out of committee and a lot of

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people didn't have the chance to review it until it was already kicked out of committee. And that 1748 language that would become the AM1801 language attached to LB514 has an excessive amount of problems with it. If I-- if I had even been given a heads up that this was going to be coming up, like, I would have done the exact same thing of handing out my concerns to the Government Committee in a sheet outlining my problems with it. It's just a shame that we're at this position and we're at this impasse today because I was under the impression all the way up until late yesterday that there was still a potential zone of agreement that we could come together and get an agreement. Like, this is not a position I like to be in. This is not a position that makes me comfortable. But this is literally fighting for the people of the second house who don't have a voice here right now, who fought and got Initiative 432 across the finish line and are now watching the Legislature gut it and put together a voter ID framework without voter ID, without verification that you are who you say you are, flying in the face of everything that we worked for and everything thousands of people in the state of Nebraska have worked for, for years. I'm very passionate about this, not just because I was spokesperson for Initiative 432, but because I've watched for years the Legislature fail to act and sit on its hands in handling voter ID. And I don't like to be in the position where we're failing to follow through with the wishes of the voters. I believe when we passed gambling, I voted for that framework. Payday lending, I voted for that framework as well. We have to respect the will of the people, especially when they work their tails off to get a few hundred thousand signatures to get on the ballot and then successfully get a ballot initiative across the finish line. Anybody who's been on one of these ballot initiatives knows that's a-- that's a tough road to hoe. And it doesn't just happen overnight. So this isn't to make anyone feel good. This isn't anything to throw anyone under the bus. But I'm going to stand up here and fight for the people who voted in favor of voter ID who are now contacting my office. I think at a certain point I'm just going to start reading the stacks of emails I've gotten so far. And even if I'm the only one up here doing it, that's fine; because if you don't stand up for something, you're going to fall for everything. And if you don't take the time at least once in your legislative career to take on a fight that you genuinely believe is valid, even if you don't have popular backing, you're just a yes man and you're not really fulfilling the potential you have in the Legislature. So I'm going to keep fighting and hoping for a compromise. But we'll see. And on that, I will finish up my open just a little bit early. Thank you, Mr. President.

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KELLY: Thank you, Senator Slama. And you are next in the queue.

SLAMA: Thank you, Mr. President. I'm surprised. So I'm just going to rereview the Legislature's task given to it by the people of Nebraska. We have the passage of Initiative 432. That was that language I've read off several times. That language makes it clear that we're not determining whether a voter needs to show an ID in this framework. We're identifying how, what IDs qualify as showing an ID under this framework. As I said before, the United States Supreme Court has said there are certain groups that must be exempt from showing an ID or have accommodations to help them get, get an ID. Those are people who cannot get a birth certificate to get an ID; people who cannot afford to pay for a birth certificate to get an ID; homeless individuals who do not have an address to get an ID; or people with a religious objection to being photographed. So when we combine the task given to us by the people of Nebraska with the voter ID accommodations required by the United States Supreme Court, a Nebraska voter ID law may only include certain exceptions and accommodations for these four groups. And the Legislature's task is to determine how everyone else will show their ID, not whether or not they have to, just how they will show their ID. So Secretary Evnen's amendment violates the Constitution by going well beyond that and exempting just about every voter from having to show an ID. My own amendment used the current case law through the United States Supreme Court, their holdings on voter ID laws, consulted with many election law experts on the voter ID law, both in the state of Nebraska and outside of the state of Nebraska, to take the lessons that they've learned from implementing their voter ID language. And I'm of the belief that we still have the ability to get language attached to this bill that does exactly what the people of Nebraska intended this Legislature to do. This isn't hard, guys. It really isn't. And I'm going to take some time now to read some of the emails I've gotten on this. Like, this is just the quarter of the stack. Like, most of this binder is emails from people who are like, what on earth are you doing? You need to adopt a framework that requires voter ID. Like, we weren't messing around when we approved the initiative language. This one from Dallas Stricklin [PHONETIC] says: Thank you for fighting for the risk areas on voter ID. Would it be possible to have voter registration removed from the HHS application or better regu-- regulated? In addition, what about vulnerable adults' voter registration from being used fraudulently as providers, family, etcetera, can influence voting? Well, that point is really key because that gets into my Section 15 objection when it comes to ballot harvesting is the undue influence that some people can have on vulnerable populations. My Section 15 amendment addressed

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that, but we don't even touch that language in LB514. So there's another one that I got from Marcy [PHONETIC]. Please stop filibustering that Senator Julie Slama has got going on with LB514. This is not a true voter ID bill like Nebraskans voted for. Issues at hand include the reasonable impediment exemption, the assumption of a voter having such impediment when voting by mail, issues of witness signatures and so on. Senator Erdman's LB230 is the right choice, especially in consideration with current debate at hand. And I really appreciate that, appreciate that. A lot of the emails I got pointed towards Senator Erdman's bill and how LB230 would handle voter ID. And as Senator Erdman has spoken to, we put a lot of work in. It didn't go much of anywhere. But as it turns out, the one bill that we did have approved as a Government Committee didn't go very far either before it was gutted. And along with this LB230 reference, there are a lot of folks that are saying, well, photo ID only appears once in the amendment and that's somehow a problem. I'm going to push back here.

KELLY: One minute.

SLAMA: Thank you, Mr. President. It's actually not a problem, so long as you have consistent references to that throughout the bill, which we-- both sides do. And there's another constitutional objection on things like showing a utility bill in order to register. That's language under the National Voter Registration Act. That language of using a utility bill or something else to prove you are who you say you are is part of federal law and we actually can't touch that. So I am grateful to the one person who has made a thoughtful approach to responding to those issues. Those two issues are absolutely not what I'm talking about here. I'm talking about situations in which we're not requiring anybody to verify that a voter is who they say they are and really cheapening and giving a false sense of security to the voters who voted for a strong voter ID language in the first place. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Wayne, you're recognized to speak.

WAYNE: Thank you, Mr. President. I yield my time to Senator Slama.

KELLY: Senator Slama, you have 4:50.

SLAMA: Thank you very much, Senator Wayne. Thank you, Mr. President, as well. I appreciate it. This is an email from Angela [PHONETIC]. We overwhelmingly oppose Senator Brewer's bill, nicknamed Evnen's bill, LB514, and ask for a special session to put together a bill which a

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photo ID is presented before casting a ballot. Let's use the LB228 and LB230 language, the combined words-- and I've talked about how this really isn't that important-- photograph and photographic are only mentioned once in the entire bill. Like, that's OK as long as you have sufficient cross cites and they do. Keep in mind that this section is already in statute. So when Senator Slama says it's voter ID without voter ID regarding LB514, she's correct. Do not pass this unconstitutional bill. This bill is not representative of 62 percent of the voters that worked hard to petition and pass an initiative for photographic ID law. And this initiative was not conducted in an easy way. Like no initiatives in the state of Nebraska are really easy. We had people who volunteered to collect signatures at their county fairs in the middle of the summer, like, literally sweating it out so that they could get the signatures necessary and volunteering their time just for the sake of something that's a very commonsense election security measure. So when I get up and I say, like, I care about this, I care about this because the second house has told us we have to follow through with their wishes. I'm thinking about the people who sat outside in the Nemaha County Fairgrounds and collected signatures, the ones who hung around at the Burwell Rodeo, like the people who worked their tails off without getting any kind of recognition, without getting any kind of pay, who volunteered their time to help get this across the finish line because they were sick of the Legislature failing to act on something that was so important to them. So, yeah, I think voter ID is a wonderful policy. There's a reason why I support it. But the far greater issue for me is the precedent we're setting by flying in the face of the voters who overwhelmingly approved a constitutional amendment, looking at the constitutional amendment language and going, well, how can we make this easier on ourselves? How can we make this easier to execute? And in an attempt to make it easier to execute, you're gutting the core of what voter ID is intended to be. You're setting up county clerks for possible criminal prosecution by using vague, reasonable impediment language. You're setting yourself up for failure. And again, I'm like the canary in the coal mine going, there are problems with this bill. I thought up until yesterday that we'd be able to address those. It turns out I was wrong. Sometimes you just can't hit a moving target and I've been putting up with those all session long. And that's not saying anything ill of Senator Brewer or anybody on the Government Committee. It just is what it is. Back to the emails. This one's from Todd [PHONETIC]. Voter ID, get it done. Hello. There is no negative to building confidence in election integrity. And Nebraska should continue to lead the way and set the example here. Elections are the foundation of our democracy and the people must have confidence in them. Regardless of

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if somebody already has confidence or not, there is no negative to making improvements. Nebraskans have spoken. We want voter ID requirements to vote. Now it is up to you to get it done. This one's from Don [PHONETIC]. Senators. LB514 is not what we the voters voted for. We passed a voter ID law that requires all to show voter ID. This bill gives too many exemptions. It is unconstitutional if you pass it. We the people have spoke and that is law, not a backroom deal that was done.

KELLY: One minute.

SLAMA: Thank you, Mr. President. Please vote no to LB514. And that's Don [PHONETIC] from LD18. Yeah, I've got more to reference on the mic, but I'll call that good for now. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Brewer, you are recognized to speak.

BREWER: Thank you, Mr. President. I have purposely stayed out of this fight. I understood it was a filibuster and I'm not going to contribute to the filibuster. But I can't leave this without talking to you a little bit about why we are where we're here today. We went through an extensive committee process. And if you don't vote for cloture today, basically what you're saying is that committee process is useless. And yet that committee process is the foundation of this Legislature. If you have a bill and it goes before the committee, the committee should look at it, look at ways of improving it, and then bring it to this floor in the best possible condition to be made into law. So we've had a lot of discussion today about voter ID. Is this bill a voter ID without voter ID? And it's not. I mean, stop and think about it for a moment. OK. The conversation I had yesterday, I stayed out of the discussion over the weekend on trying to modify this bill. But when you have the powers to be of this state that are trying to work through it and whether it be the Attorney General's Office, the Secretary of State's Office, the Governor's Office, the Speaker's Office, and you can't come to a conclusion, we had to move forward with LB514. I believe LB514 is a good bill. It narrowly defines voter ID. And you guys go give the green light to all the folks you want, send emails and raise Cain about it. But we've called some of them back and said, OK, explain it to us. And guess what? They haven't read the bill. And if you haven't read the bill then shame on you because we're sitting here taking a beating over what I think was a lot of hard work. If you're-- if you're wondering whether or not LB514 is, is a bill that is going to make you show your ID again, whether it is in person on election day, whether it be early voting, mail-in voting,

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it's all right there in black and white. I'm a little frustrated because we have dumbed down the committee process because we won't even call the committee bill the committee bill. We put another name on it. That's disrespectful to the committee who's worked hard. We worked through lunches and we had long days trying to figure out what right look like and how to get there. So I would ask you to understand that the Governor wouldn't support it if we didn't have something he would sign. The Secretary of State, and I know you've heard a lot of terrible things about Secretary of State, but he has worked hard to try and come up with something that's manageable. And he wouldn't have a bill for him to implement if it was unconstitutional, it was unmanageable. We have 92 of the 93 county officials come and agree that this is the right bill. I don't think they're too worried about getting thrown in jail. And we make all the threats we want about suing, get sued. I don't have any doubt in my mind we probably will. But that's why we have an Attorney General and that's why they'll, they'll fight the fight when the time comes. But we have a mandate from the people. And this bill, if you read it, it does what they've asked. It gives us the ability to have them show their ID at the time they vote. Now it's not election reform. Actually, LB514 one time was election reform. That's what the bill was before we had to gut it. So there is no election reform this year because LB535 became LB514. And I only had two bills, two priority bills, and I only, only had one option, and that was to take LB514 and gut it and make it the voter ID bill.

KELLY: One minute.

BREWER: So that's why we won't have any election reform this year. And that's kind of ironic considering the debate that we've had. So what I'd ask you is just think about this. We have had a long discussion on this. The bill does what the people have asked and we will go to special session if we do not pass voter ID. And the other thing to remember, too, is that there's about a \$18 million difference between the two bills. That should be significant when you're trying to make a decision on whether or not to move forward with this bill. So please just take a moment. If you haven't read through some of these different parts of the bill to better understand it, do. But I would not bring it forward if I didn't believe this was a bill that's doing what the people asked. Thank you, Mr. President.

KELLY: Thank you, Senator Brewer. Mr. Clerk, you have a motion on your desk.

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CLERK: I do, Mr. President. Senator Brewer would move to invoke cloture on LB514 pursuant to Rule 7, Section 10.

KELLY: Senator Brewer, for what purpose do you rise?

BREWER: Call of the house and roll call vote regular order, please.

KELLY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 4 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Kauth, Fredrickson, and Bostar, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Members, the first vote is the motion to invoke cloture. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn not voting. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach not voting, Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan not voting. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting no. Senator Murman not voting. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne not voting. Senator Wishart voting yes. Senator Linehan voting yes. Senator Wayne voting yes. Vote is 42 ayes, 3 nays, Mr. President, on the motion to invoke cloture.

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KELLY: Cloture is invoked. Members, the next question is the adoption of FA192. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 39 nays on adoption of the amendment, Mr. President.

KELLY: FA192 is not adopted. Senator Ballard, you're recognized for a motion.

BALLARD: Mr. President, I move that LB514 be advanced to E&R for engrossing.

KELLY: Members, the motion is to advance LB51-- Senator Ballard.

BALLARD: Yeah, Mr. President, I move the E&R amendments to LB514 be adopted.

KELLY: The motion is to adopt the E&R amendments. All those in favor say aye. Those opposed say nay. They are adopted. Senator Ballard for another motion.

BALLARD: Mr. President, I move that LB514 be advanced to E&R for engrossing.

KELLY: The motion is to advance LB514 to E&R Engrossing. All those in favor vote aye; all those opposed vote nay. A voice, voice vote. All those in favor say aye. All those opposed say nay. It is advanced. I raise the call.

CLERK: Mr. President, some items quickly. Your Committee on Revenue, chaired by Senator Linehan, reports LB803 on-- placed on General File. Additionally, your Committee on Revenue chaired by Senator Linehan reports LB505 to General File with committee amendments. Next item on the agenda, Mr. President, LB514. There are no E&R amendments. LB514A, excuse me. There are no E&R amendments. Senator Brewer, I have MO1121, MO1122, FA155, FA156 all with notes you wish to withdraw. In that case, Mr. President, Senator Brewer would move to amend with AM1945.

KELLY: Senator Brewer, you're recognized to open.

BREWER: Thank you, Mr. President. Well, in order to implement voter ID, there's a cost involved with it. So what we are voting for with this is to cover the expenses the Secretary of State is going to have to encounter in his office. That will involve new training for elections workers, to design new forms, and for the program changes that will be necessary. There will also be some requirements for work

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with the DMV. The DMV will need additional funding for putting the photography part back on the temporary IDs. And they're also going to need help in making sure to cover the costs where the IDs will be required. Additionally, DMV is going to have-- they're going to have to eat the cost on some of the IDs, but we want to provide enough to cover so that they can do the basic requirements they're going to have. AM1945 drops in a number that will be produced to give us an exact amount on the cost. But right now we're estimating \$1.2 million for the Secretary of State's Office and DMV at \$507,000. I ask for your green vote on AM1945 and LB514A. Thank you, Mr. President.

KELLY: Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. I'm not going to filibuster this. I just want to quickly note that the language that Colonel Brewer was referencing on the last one in terms of my amendment costing \$18 million, that was language that was brought and insisted that I have to include by the Secretary of State's Office. As it turns out, that cost in that section was the exact section I pointed to as to why it would somehow cost a ton of money to implement this. I've been begging since the dawn of-- seeing that they were saying that this was a problem for them to point to the section that was the problem. I even took out the section they pointed to in the Executive Board-- Executive Session as costing \$20 million. So I just want the record to reflect what actually happened, which was the language in my amendment that somehow increased the cost by \$18 million, was insisted upon by the Secretary of State's Office and really drives home how much good faith they've had in these negotiations. And with that, I'm going to let the sleeping dog lie and move on and move forward with the A bill.

KELLY: Thank you, Senator Slama. Seeing no one else in the queue, Senator Brewer, you are recognized to close and waive. Members, the question is the adoption of AM1945. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 1 nay on adoption of the bill or excuse me, adoption of the amendment, Mr. President.

KELLY: Senator Ballard, you're recognized for a motion.

BALLARD: Mr. President, I move that LB514A be advanced to E&R for engrossing.

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KELLY: Members, you've heard the motion to advance. All those in favor say aye. All those opposed say nay. LB514A is advanced for E&R Engrossing.

CLERK: Mr. President, returning to the Speaker's agenda for clarification from this morning, LB50A, Select File. I have no E&R amendments. Senator Wayne would move to amend with AM2003.

KELLY: Senator Wayne, you're recognized to open on AM2003.

WAYNE: Thank you, Mr. President. This is one of these moments of deja vu where Senator Linehan had a bill and no fiscal staff around. But this A bill just catches up with the underlying bill and it reduces the actual A bill by a little bit less than \$250,000 so we're saving money. So I'd ask you to vote green to catch up with the underlying bill and to reduce our overall green sheet amount. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Seeing no one else in the queue, you're recognized and waive closing. Members, the question is the adoption of AM2003. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 2 nays on adoption of the amendment, Mr. President.

KELLY: AM2003 is adopted. Senator Ballard. Mr. Clerk.

CLERK: I have nothing further on the bill, Mr. President.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB50A be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion to advance LB50A to E&R Engrossing. All those in favor say aye. All those opposed, nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, next item. Senator McKinney, Final Reading LB531A. Senator McKinney would move to return to Select File for a specific amendment, that being AM1992.

KELLY: Senator McKinney, you're recognized to open.

McKINNEY: Thank you, Mr. President. AM1992 is the updated A bill that catches up with the original bill, LB531. It's on Final. It's not a

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lot of changes in the A bill. It's just some updated figures as far as administrative costs and things like that. And I ask for your green vote. Thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, you're recognized to close. And waive closing. The question is the motion. All those in favor of returning to Select vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays on the motion to return, Mr. President.

KELLY: The motion is adopted.

CLERK: Mr. President, Senator McKinney would offer AM1992.

KELLY: Senator McKinney, you're recognized to open on AM1992.

McKINNEY: Thank you. This is the amendment I was mentioning earlier before. Earlier today, I got the amendment as I was walking in and we skipped over the other bill and didn't get to this. And this is why it didn't get attached earlier in the day. They were just getting it attached so it could go to Final with the original bill.

KELLY: Thank you, Senator. Members, the question is the adoption of AM1992. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

CLERK: I have nothing further on the bill.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB531A be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion to advance LB53A [SIC LB531A] for E&R engrossing All those in favor say aye. All those opposed say nay. It is advanced.

CLERK: Mr. President, Select File LB157. First of all, Senator, I have E&R amendments.

KELLY: Senator Ballard, for a motion.

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BALLARD: Mr. President, I move the E&R amendments to LB157 be adopted.

KELLY: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted.

CLERK: Mr. President, Senator DeBoer would offer AM2004.

KELLY: Senator DeBoer, you're recognized to open on 2004 AM.

DeBOER: Thank you, Mr. President. Colleagues, this is kind of an unusual amendment in that it is the appropriation in the bill instead of as an A bill because of when the General File was completed. And so this is just the-- essentially the A bill. I've talked to everyone about this amendment and run all the traps. Everyone's good with it in terms of various stakeholders, etcetera. So this is essentially the A bill for LB157, which you will recall we worked on, on Friday last week. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Seeing no one else in the queue, you're recognized to close and waive closing. Members, the question is the adoption of AM2004. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

CLERK: Next amendment, Mr. President, Senator Conrad would move to amend with AM2002.

KELLY: Senator Conrad, you're recognized to open on AM2002.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I want to thank Senator DeBoer for her consideration in allowing me the opportunity to attach this amendment. This amendment is-- was first introduced under LB438 earlier this session. I know you've heard this a lot, but this is actually a classic consent calendar bill. It had no opposition. It had no fiscal note. I saw that there were limited opportunities to move key issues forward in regards to updating measures around civil procedure in Nebraska. And this seemed like a good opportunity to move this technical amendment. This bill was brought to me by one of my law school professors, actually, at the University of Nebraska College of Law, Professor John Lenich, who is an expert on civil procedure in Nebraska. In fact, he literally wrote the book on these, these matters. And he identified really two key

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components that were in need of modernization and technical updates in regards to our civil procedure statutes in Nebraska. The first is in relation to ensuring clarity and harmony in how we award attorney's fees where appropriate. And the other updates modernize-- modernizes and harmonizes matters related to third-party practice. So we had a great hearing. The Judiciary Committee was gracious enough to Exec and send this forward on an 8-0 vote. And I just wanted to finally let the body know that Professor Lenich also consulted with the State Bar Association Practice and Procedure Committee, the Nebraska Association of Trial Tournes, and the Nebraska Criminal Defense Counsel Association. So with that, I'm happy to answer any questions and appreciate your consideration of this measure.

KELLY: Thank you, Senator Conrad. Senator Wayne, you're recognized to speak.

WAYNE: Thank you, Mr. President. Colleagues, this vote came out today 8-0. There was no opposition, no opposition testimony. So it was read across a little bit earlier. So it should be updated in your laptops and on Uninet. So I just-- I just wanted you to know it came out 8-0. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. I rise in support of AM2002, especially if it was brought by Professor Lenich. He's an exceptional professor. I'm really blessed to have had him as a professor several times during my law school career. And this really is a noncontroversial, civ pro clean up. And even if Professor Lenich wouldn't have been the person to bring it, I'd still be encouraging everybody to vote for it anyways because it's just simply good policy. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Seeing no one else in the queue, Senator Conrad, you're recognized to close on the amendment.

CONRAD: Thank you so much, Mr. President, and I appreciate Senator Wayne's comments and my friend, Senator Slama, as well. There is no doubt that Professor Lenich has legendary status at UNL College of Law, and it's neat to be able to come together to find a technical way to modernize and update our civil procedure statute. So with that, I'd appreciate your favorable consideration. Thank you.

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KELLY: Thank you, Senator Conrad. Members, the question is the adoption of AM2002. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: AM2002 is adopted.

CLERK: Mr. President, next amendment, Senator Brandt would move to amend with AM2007.

KELLY: Second-- Senator Brandt, you're recognized to open on your amendment.

BRANDT: Thank you, Mr. President. We're going to withdraw the amendment at this time.

KELLY: It is withdrawn. Mr. Clerk.

CLERK: I have nothing further on the bill, Mr. President.

KELLY: Senator Ballard, you're recognized for a motion.

BALLARD: Mr. President, I move that LB157 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB157 for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Final Reading.

KELLY: Members, please find your seat for Final Reading. Members, we'll do a check-in vote. Please check in. Senator Halloran, please return to the Chamber for a Final Reading.

CLERK: Mr. President. Series of withdraws. Senator Dorn. I have M01025 and 1026 as well as 1027, all with notes you wish to withdraw. In that case, Mr. President, Senator Holleran has M0971 and 972, both with notes that he wishes to withdraw those two items. And Senator Hunt, M0647 With a note she wishes to withdraw.

KELLY: They are withdrawn.

CLERK: In that case, Mr. President, I have nothing further.

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KELLY: Members, the first vote is to dispense with the at-large reading all those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 3 nays to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB562]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB562 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye, Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dongan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Sanders, Salma, Vargas, von Gillern, Walz, Wayne, Whishart. Voting no, none. Not Voting, Senators Machaela Cavanaugh, Hunt and Riepe. The vote is 46 ayes, 0 nays, 3 present, not voting, Mr. President.

KELLY: LB562 passes. Mr. Clerk.

CLERK: [Read LB562A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB562A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye, Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Frederickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no, none. Not voting, Senators Machaela Cavanaugh, Conrad, Hunt, and Riepe. Vote is 45 ayes, 0 nays, 4 present not voting, Mr. President.

KELLY: LB562A passes. Mr. Clerk.

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CLERK: Mr. President, Final Reading, LB705. I have a series of motions. Senator Conrad, MO791, with a note you wish to withdraw? In that case, Mr. President, Senator Machaela Cavanaugh, MO-- excuse me, FA83, with a note she wishes to withdraw. Senator Murman MO1022, with a note to withdraw. And 1021 from Senator Murman, also with a note to withdraw. Senator Vargas, FA84 with a note to withdraw, as well as an amendment AM1642, with a note to withdraw. Senator Murman, FA95, note to withdraw that floor amendment, and AM1675, withdraw that amendment as well. Senator Erdman, AM1665, withdraw. Senator Erdman, motion to-- would withdraw that amendment. Senator Blood, I have AM1661, with a note to withdraw. Senator Vargas I have AM1641, note to withdraw that. Senator Murman, I have AM1643, withdraw that amendment as well. Senator Murman AM1669, withdraw that amendment as well. In addition, Senator Murman, withdraw AM1672. Senator Conrad, MO788 with a note to withdraw the motion. Senator Murman, AM844 indicating, as well as FA37, both with notes he wishes to withdraw. Senator Murman, FA38, indicating he will withdraw that. Senator Murman, FA79 with a note to withdraw the floor amendment. Senator Wayne, AM1513, with a note he wishes to withdraw. Senator Cavanaugh MO997 and 998, both with notes to withdraw. Senator Murman, MO1023 with a note to withdraw that. Senator Murman, AM1680, with a note to withdraw that amendment. Senator Machaela Cavanaugh, MO1020, with a note to withdraw. In that case, Mr. President, I have nothing further on the bill.

KELLY: Members, the first vote is to dispense with the at-large at reading. All those in favor, vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 2 nays to dispense with the at-large reading, Mr. President.

KELLY: The at- large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB705]

KELLY: All provisions of law relative to procedure having been complied with, and the question is, shall LB705 pass with the emergency clause? All those in favor vote aye, all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye, Senators Aguilar. Albrecht, Archer, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes,

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Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no, none. Not voting, Senators Machaela Cavanaugh and Hunt, Vote is 47 ayes, 0 nays, 2 present not voting, 0 excused not voting, Mr. President.

KELLY: LB705 passes with the emergency clause. Mr. Clerk.

CLERK: [Read LB705A on Final Reading]

KELLY: All provisions of law relative procedure-- to procedure having been complied with, the question is, shall LB705A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye, Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no, none. Not Voting, Senators Machaela Cavanaugh and Hunt. Vote is 47 ayes, 0 nays, 2 present not voting, Mr. President.

KELLY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB562, LB562A, LB705 with the emergency clause, and LB705A with the emergency clause. Mr. Clerk.

CLERK: Mr. President, a few items quickly. Communication from the Governor. Engrossed LB753 and LB753A were received in my office on May 24, 2023. These bills were signed and delivered to the Secretary of State on May 30, 2023. Signed. Sincerely, Jim Pillen, Governor.

KELLY: Speaker Arch, you're recognized for a message.

ARCH: Thank you, Mr. President. Just-- I want to go back and talk about an announcement I made earlier today, and this has to do with today's agenda. So we, we anticipate that Revisors, bill Revisors will have what we need back here by, by around 6:00, perhaps earlier. And so the intention is now to go through our confirmation reports. And we will not break for dinner tonight, but rather we will adjourn at the-- at-- when the-- when those bills come back. So I think we'll be adjourning around the dinner time, so we won't have dinner this evening. We will simply adjourn. But, again, we need to stick around,

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we'll get through our confirmation reports, I would anticipate. And then we need to stick around so that we have a quorum here when bill drafters return, when revisers return. So thank you very much, Mr. President.

KELLY: Mr. Clerk for items.

CLERK: Next item on the agenda, Mr. President. The General Affairs Committee would report favorably on the gubernatorial appointment of John H.-- excuse me, John F. Hiller to the State Electrical Board.

KELLY: Senator Lowe, you're recognized to open on the report.

LOWE: Thank you, Mr. President. Today, I stand in favor of appointing John Hiller as being re-- reappointed to the State Electrical Board. He has served 15 years on the board so far. He is a fourth generation Nebraskan, and a second generation electrician. During his tenure, he has focused on safety electrical installation in the state. The State Electrical Board was created in the Legislature in 1975, and can be found in statutes in sections 81-2101 and 81-2144. There are seven members on the board who are appointed by the Governor for a five year term. So today we're going for the reappointment of John F. Hiller. Thank you, Mr. President.

DORN: Senator Lowe, you're recognized to close. Waive closing. The question is the adoption of the confirmation report. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the report, Mr. President.

DORN: The report is adopted.

CLERK: Mr. President, next item. The General Affairs Committee would report favorably on the gubernatorial appointment of Susan E Lutz, Matthew John Monheiser, and John Pulverenti to the Nebraska Commission on Problem Gambling.

DORN: Senator Lowe, you're recognized to open on the report.

LOWE: Thank you, Mr. President. I'll take a little bit more time on this. The Commission on Problem Gambling was created by the Legislature in 2013, and can be found in the statute Sections 9-1001 to 9-1007. The Commission is made up of nine members who serve three year terms. This year we heard new appointment, or one new appointment and two reappointments. The new appointment is John Pulverenti of

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Omaha. He works as an attorney, and has a background in iGaming and sports betting regulations. He worked in the industry in 2018 before sports betting became legal at the federal level. The reappointment from Norfolk, Susan Lutz, she has served 10 years on the commission. She works as an account-- accountant, and was asked to share her accounting expertise with that body. And the reappointment from Sidney, Matthew Monheiser, he fills one of two positions on the commission that are filled with individuals who have used problem gambling services. He wants people to know where to go if they get in trouble with gambling. With this I ask for your green votes on these three appointments.

DORN: Seeing no one else in the queue, Senator Lowe, you're recognized to close. Senator Lowe waives. That question before the body is the adoption of the report. All those in favor vote aye; all those opposed vote nay. Have all those who voted care to? The report is adopted. Mr. Clerk.

CLERK: 36 ayes, 0 nays on the adoption of the report, Mr. President. The next report from the General-- from the, excuse me, Natural Resources Committee. The Natural Resources Committee report favorably on the gubernatorial appointment of Donald P. Batie to the Nebraska Natural Resources Commission.

DORN: Senator Bostelman, you're recognized to open on the report.

BOSTELMAN: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. The Natural Resource Committee held a confirmation hearing on February 2, 2023, to consider a gubernatorial appointment of Donald Batie. Mr. Batie is a reappointment to the Nebraska Natural Resource Commission to serve a term from January 1, 2022 until May 31 of 2026. He represents agricultural interests on the commission. The Natural Resources Commission's responsibility includes soil and water conservation, flood prevention, watershed protection, and flood control. There's 13 appointees by commission members representing river basins are appointed by individual caucuses of natural resource districts. 14 members-- additional members are appointed by the Governor, subject to confirmation by the by the Legislature. One of those shall represent municipal water-- municipal users of water. One shall represent each of the following categories: agribusiness interests, agricultural interests, groundwater irrigators, irrigation districts, manufacturing interests, metropolitan utility districts, municipal users of water from a city of the primary class, municipal users of water from a city of the first or second class or a village, outdoor recreation users, public

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power districts, public power and irrigation districts, range livestock owners, and surface water irrigators, wildlife conservation interests. Mr. Batie is a farmer from Lexington, Nebraska. He is the current vice chairman of the Nebraska Natural Resource Commission, and he has also served on the Nebraska Farm Bureau Board and several other boards. He appeared in person at the hearing, and the committee voted 8-0 to advance his confirmation to the floor. I ask for your green vote on Mr. Donald Batie as a reappointment to the Nebraska Natural Resources Commission.

DORN: Seeing no one else in the queue, Senator Bostelman, you're recognized to close. Senator Bostelman waives. Colleagues, the question before the body is the adoption of the Natural Resources Committee report. All those in favor vote aye; all those opposed, nay. Have all those who voted cared-- have all those voted that care to? Mr. Clerk, record.

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of the committee report.

DORN: The report is adopted. Next report, Mr. Clerk.

CLERK: Mr. President, Natural Resource Committee report favorably on the gubernatorial appointment of Dan Hughes to the Game and Parks Commission.

DORN: Senator Bostelman, you're recognized open on your report.

BOSTELMAN: Thank you, Mr. President. Good afternoon, colleagues, again. The Natural Resource Committee held a confirmation hearing on March 1 of 2023 to consider the gubernatorial appointment of Dan Hughes. Mr. Hughes as a new appointment to the Nebraska Game and Parks Commission to serve a term from February 2, 2023 until January 15, 2027. The Nebraska Game and Parks Commission is comprised of a nine member board. Eight of the commissioners serve districts across the state. The ninth serves at large. Commissioners serve in a voluntary capacity. The mission of Game-- the Nebraska Game and Parks Commission is stewardship of the state's wild fish, wildlife, park and outdoor recreation resources in the best long term interests of the people and those resources. The Game and Parks Commission was tasked with this mission when the Legislature created the precursors of their organization in 1879, first with the Nebraska Fish Commission, followed by the Nebraska Game and Fish Commission in 1901. Management of our state parks would later be added to the mix. The Nebraska Game and Parks Commission is funded primarily by the sale of hunting and

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fishing licenses, as well as through the sale of park permits and goods and services at state parks and recreation areas. Mr. Hughes is a former-- is a farmer and a businessman from Venango, Nebraska, way out west. He served as a state senator from the 44th Legislative District from 2015 to 2022. During this time in the Legislature, as you all know, he chaired the Natural Resource Committee for several years, and later served as a Chair-- Chairman of the Executive Board. He appeared in person at the hearing, and the committee voted 8-0 to advance his confirmation to the Nebraska Game and Parks Commission. I ask for your green vote on the confirmation of Dan Hughes to the Nebraska and Parks Commission. Thank you, Mr. President.

DORN: Thank you, Senator Bostelman. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I stand in strong support of Dan Hughes for appointment to the Game and Parks. Dan is a common sense environmentalist, as well as protecting our natural resources as a farmer. He understands the issues with Game and Parks better than most. I believe he'll be a common sense voice on that board, which is well needed. Seldom do we get a chance to appoint somebody who understands how wildlife affects one's operation. And so, Dan, I appreciate that you've stepped up to put your name in. And if I had two votes, I'd give you both of them. Thank you.

DORN: Thank you, Senator Erdmann. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I don't know when his confirmation hearing was, but it was a while back and I made a commitment to former Senator Hughes that I would not filibuster his nomination or attempt to block it. I think that he will be a great addition to Game and Parks, and I look forward to him being a thorn in their side as they probably deserve. So I-- you might not be able to give him two votes, but I will be voting for Senator Hughes, so you can count that towards your two, Senator Erdman. Thank you, Mr. President.

DORN: Thank you, Senator Machaela Cavanaugh. Senator John Cavanaugh is recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. I would echo Senator Erdman's comments, and actually Senator Machaela Cavanaugh's comments. I appreciate Senator Hughes, his willingness to continue to serve the state of Nebraska. And I know that the pull of his land is strong, and

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that the interest in serving the state overcomes that pull. I appreciate him continuing to serve the state of Nebraska in that-- in this capacity. Thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Senator Wayne, you're recognized to speak.

WAYNE: Thank you, Mr. President and colleagues. If you are conservative, you are a liberal, you should oppose the nomination of Dan Hughes. It doesn't take long for you to look through his bio for you to understand why you should oppose his nomination. If anybody can be in the Legislature for eight years and still want to serve in any capacity, he is not fit for any confirmation report, is what I truly believe. So that is why I will be not voting for him. But I will be voting for him, but I will not be voting for him. Thank you.

DORN: Thank you, Senator Wayne. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. Hughes is just a great last name, so we should all vote for it. Thank you.

DORN: Thank you, Senator Hughes. Senator Lowe, you're recognized to speak.

LOWE: If you're a white tailed deer, I would not be voting for Senator Dan Hughes right now. He has a vengeance on you, and he would like to take you with one shot. But I will be voting for Senator Dan-- well, no, not, no longer Senator, he re-- pass-- oh, yeah, he's still a senator. You always-- you never lose that title. So I will be voting for Dan Hughes on this appointment.

DORN: Thank you, Senator Lowe. Seeing no one else in the queue, Senator Bostelman, you are recognized to close.

BOSTELMAN: Thank you, Mr. President. There's, there's one other thing. I think that as we look at Senator Hughes and Chairman Hughes. He has broadband at his house and I don't. With that, vote green, please. Thank you.

DORN: Thank you, Senator Bostelman. The question before the body is the adoption of the Nebraska Game and Parks report. All those in favor vote aye; all those opposed vote nay. Have all those who care to voted? Mr. Clerk, record.

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CLERK: 40 ayes, 0 nays on adoption of the committee report, Mr. President.

DORN: The committee report is adopted. Mr. Clerk, for next item.

CLERK: Mr. President, the Nebraska Retirement Systems would report favorably on the gubernatorial appointment of Thomas E. Henning to the Nebraska Investment Council.

DORN: Senator McDonnell, you're recognized to open on the report.

MCDONNELL: Thank you, Mr. President. Good afternoon, colleagues. I rise to present Tho-- Mr. Thomas Henning, who has been appointed to the Nebraska Investment Council. Mr. Henning was appointed last December 2022 by Governor Ricketts for a four year term. Beginning January 1st of 2023. Your retirement committee held a hearing on Mr. Hennings appointment on February 23rd of this year, and was advanced to the full body 5-0 vote with one member absent. Mr. Henning's background shows an extensive experience with banking and insurance interest, most recently with Assurity Life, where for more than 30 years he served as chair, president, CEO of Assurity and its companies. In 2022, he transitioned to a non-executive chairman of the board. Mr. Henning's bank-- banking background earlier in his career included roles as President and COO, or CEO, of National Bank of Commerce and Overland National Bank. Mr. Henning's 40 years of involvement in leadership roles in the financial sector, I believe, will make him an outstanding member of the Nebraska Investment Council. I urge you to support this appointment. Thank you, Mr. President.

DORN: Seeing no one else in the cli-- queue, Senator McDonnell, you're recognized to close. Senator MacDonnell waives. The question before the body is the adoption of the re-- Nebraska Retirement System report. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

CLERK: 39 ayes, 0 nays on adoption of the committee report.

DORN: The Retirement Systems report is adopted. Mr. Clerk, for items.

CLERK: Mr. President, next item, the Transportation Telecommunications Committee report favorably on the gubernatorial appointment of Kirk Langer to the Nebraska Information Technology Commission.

DORN: Senator Moser, you're recognized to open on your report.

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MOSER: Thank you, Mr. President. The first nomination is Kirk Langer to the Nebraska Information Technology Commission. It's a nine member group that provides advice, strategic direction, and accountability on information technology investments within state government. The NITC prepares the statewide technology plan, provides biennial recommendations to the Governor and the Legislature, adopts technical standards, standards, guidelines and architectures. The committee heard the appointment of Kirk Langer of Lincoln on February 7th. He has been appointed to a four year term and will represent elementary and secondary schools. He currently serves as the chief technology officer for Lincoln Public Schools, and the committee recommended his confirmation with no dissenting votes. Mr. President, I would move the adoption of the committee's report.

DORN: Thank you, Senator Moser. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. I just wanted to stand in favor of the adoption of this confirmation report. I serve as the Legislature's member on the NITC, and I have been to a meeting already with both of the nominees, and they are quite exceptional. And I wanted to speak on their behalf and say that I think they are going to be strong members, and therefore I would urge your green vote. Thank you, Mr. President.

DORN: Thank you, Senator DeBoer. Seeing no one else in the queue, Senator Moser, you're recognized to close. Senator Moser waives. Colleagues, the question before the body is the adoption of the Transportation and Telecommunications Committee confirmation report. All those in favor vote aye; all those opposed vote nay. Have all who voted, cared-- have all voted that care to? Mr. Clerk, report.

CLERK: 38 ayes, 0 nays on adoption of the committee report.

DORN: The confirmation report passes. Mr. Clerk, for items.

CLERK: Mr. President, next report. The Transportation and Telecommunications Committee would report favorably on the gubernatorial appointment of Russell L. Kreachbaum to the Board of Public Roads Classification and Standards.

DORN: Senator Moser, you are recognized to open.

MOSER: The T and T Committee held-- thank you, Mr. President. -- public hearing on February 7 to consider the appointment of Russell Kreachbaum, Jr. to the Board of Public Roads Classifications and Standards. It's part of the Department of Transportation's overseeing

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annual construction planning and fiscal reporting for state and local roads, as well as the application of minimum design, construction and maintenance standards, and functional classifications of public roadways. The board consists of 11 members. Two represent Transportation-- the Department of Transportation, three represent counties, three represent municipalities, and there are three lay members. On Tuesday, February 7, the committee held a confirmation for the appointment of Russell Kreachbaum of Central City. He's filling a vacancy and will serve until November 23, 2023. He's filling a county board seat, and has served as a member of the Merrick County Board for the last nine years. He's also a retired 32 year employee of the Union Pacific Railroad. He appeared before the commission and responded to all questions. The committee voted to recommend the appointment of Russell Kreachbaum without dissent. And I would ask the Legislature to vote to confirm that appointment.

DORN: Thank you, Senator Moser. Seeing no one else in the queue, you're recognized to close. Senator Moser waives. Colleagues, the question before the body is the adoption of the Board of Public Roads Classification and Standards Committee report. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

CLERK: 36 ayes, 0 nays on adoption of the report, Mr. President.

DORN: The confirmation report is approved. Mr. Clerk, for items.

CLERK: Mr. President, next item on the agenda. The Transportation and Telecommunications Committee would report favorably on the gubernatorial appointment of John C. Ernst to the Nebraska Motor Vehicle Industry Licensing Board.

DORN: Senator Moser, you're recognized to open on your report.

MOSER: Thank you. The Transportation and Telecommunications Committee held a public hearing Monday, February 13, to consider the appointment of John Ernst to the Nebraska Motor Vehicle Industries Licensing Board. It's a ten member group that is with-- that has the duty to license and regulate motor vehicles, trailers and motorcycle dealers. It also licenses manufacturers and distributors and their representatives. They license wreckers, salvage businesses, auto auctions, and additionally, they consider consumer complaints against licensed auto dealers. The board has ten members and they serve three year terms. The chair of the board is the director of Motor Vehicles. On Monday, February 13, we held a confirmation hearing for the

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appointment of John Ernst. He's filling a full three-year term, and he would be the First Congressional District new car dealer representative. He serves as the dealer principal for the Ernst Auto Center in Columbus and Ernst Toyota in Columbus. He appeared before the committee and responded to all questions. The committee voted to recommend the appointment 7-0-1. And I would encourage the Legislature to vote to confirm the Governor's appointment.

DORN: Seeing no one else in the queue, Senator Moser, you're recognized to close. Senator Moser waives. The question before the body is the adoption of the Nebraska Motor Vehicles Licensing Board confirmation report. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

CLERK: 35 ayes, 0 nays on adoption of the report.

DORN: The report is adopted.

CLERK: Mr. President, next item, the Transportation and Telecommunications Committee reports favorably on the gubernatorial appointment of James Ediger to the Nebraska Information Technology Commission.

DORN: Senator Moser, you're recognized open on your report.

MOSER: Mr. President, are we going to consider each of these individually or are we going to consider this as a group of five?

DORN: Mr. Clerk.

CLERK: Senator, we had these reported out of committee individually, so we'll take them up individually.

MOSER: Individually. OK. All right. We have the nomination of James Ediger from Aurora. In addition to Kirk Langer, who was presented earlier, the committee met and conducted a public hearing on February 21 and advanced the appointment of five individuals to the Nebraska Information Technology Commission. It's a nine member group that provides advice, strategic direction, and accountability on information technology investments within state government. They provide biennial recommendations to the Governor and the Legislature, and they adopt technical standards, guidelines and architectures. The NITC is assisted by six advisory groups, the Community, Education, E-health, GIS, State Government Council, and a technical panel. And the first of these nominations is James Ediger of Aurora. He's being nominated for a four year term representing the general public. He is

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general counsel for Hamilton Communications. I would encourage the adoption of this part of the report.

DORN: Seeing no one else in the queue, Senator Moser, you're recognized to close. Senator Moser waives. Colleagues, the question before the adop-- before the body is the adoption of the report. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, report-- record.

CLERK: 38 ayes, 0 nays on adoption of the report, Mr. President.

DORN: The confirmation report is adopted.

CLERK: Mr. President, next item. The Transportation Telecommunications Committee report favorably on the appoint-- gubernatorial appointment of Leah Barrett to the Nebraska Information Technology Commission.

DORN: Senator Moser, you are recognized to open.

MOSER: The second of the nominations in this group is Leah Barrett of Norfolk. She would be serving a four year term representing Nebraska communities. She's from Norfolk and she's president of Northeast Community College. I would appreciate your vote in supporting the committee on this nomination report.

DORN: Seeing no one else in the queue, Senator Moser, you're recognized to close. Senator Moser waives. Colleagues, the question before the body is adoption of the confirmation report. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

CLERK: 34 ayes, 0 nays on adoption of the report, Mr. President.

DORN: The confirmation report is adopted.

CLERK: Mr. President, next item, The Transportation Telecommunications Committee report favorably on the gubernatorial appointment of Bret R. Blackman to the Nebraska Information Technology Commission.

DORN: Senator Moser, you're recognized to open.

MOSER: Thank you. This is the third of five nominations for Bret Blackman of Omaha. It's a four-year term representing postsecondary education, and he's the CIO officer at UNO. I-- the committee would greatly appreciate your support in adopting this report.

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DORN: Thank you, Senator Moser. Seeing no one else in the queue, you're recognized to close. Senator Moser waives. Colleagues, the question before the body is the adoption of the confirmation report. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

CLERK: 31 ayes, 0 nays on adoption of the report. Mr. President.

DORN: The confirmation report is adopted.

CLERK: Mr. President, next report, the Transportation Telecommunications Committee report favorably on the gubernatorial appointment of Katie Niemoller to the Nebraska Information Technology Commission.

DORN: Senator Moser, you're recognized to open on your report.

MOSER: Thank you, Mr. President. This is the fourth of five nominations. Katie Niemoller is from Papillion. She would have a four year term representing the general public. She is a registered nurse at Children's Hospital where she focuses on clinical, clinical information assist, which I assume is a technical kind of GIS, or kind of an information technology job. We looked at her nomination favorably in committee. We would appreciate your support in approving this part of the committee report.

DeBOER: Thank you, Senator Moser. Seeing no one else in the queue, Senator Moser, you're recognized to close. Senator Moser waives closing. The question before the body is the adoption of the Transportation and Telecommunications Confirmation report. All those in favor vote aye, all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record.

CLERK: 36 ayes, 0 nays on adoption of the report, Madam President.

DeBOER: The report is adopted.

CLERK: Madam President, next item. The Transportation Telecommunications Committee report favorably on the appointment of Zachary J. Mellender, Mellender to the Nebraska Information Technology Commission.

DeBOER: Senator Moser, you're welcome to open on the confirmation report.

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MOSER: Thank you, Madam President. This is the fifth and final nomination to be approved. Zachary Mellender is from Omaha. He would serve a four-year term representing the general public. He is business systems and analytics manager for the Omaha Zoological Society. All of these individuals appeared before the committee and responded to questions, and the committee, without dissent, recommends confirmation of all five. We would appreciate the adoption of the committee report.

DeBOER: Thank you, Senator Moser. Senator McDonnell, you're recognized. Seeing no one else in the queue. Senator McDonnell waives. Senator Moser, you're recognized to close. Senator Moser close-- waives closing. The question is the adoption of the Transportation and Telecommunications Committee report. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of the report, Madam President.

DeBOER: Thank you, Mr. Clerk.

CLERK: Madam President, next item, The Business and Labor Committee report favorably on the gubernatorial appointment of John Albin to the-- as Commissioner of the Department of Labor.

DeBOER: Senator Riepe, you're welcome to open on the confirmation report.

RIEPE: Mr. President, colleagues, John Albin is a reappointment as the Commissioner of the Nebraska Department of Labor, a position he has-- was first appointed to by Governor Ricketts and this body back in 2015. Mr. Albin has a personal history, with the Legislature working as a legislative aide, committee counsel, and builder after-- before entering into the practice of law. Mr. Albin earned his jurisdictional-- J.D. from the University of Nebraska College of Law, and joined the Department of Labor in 1990 as an administrative law judge, followed by a move to the legal division in 1993, and became general counsel in 2000. In 2014, he received a Legal Award of Merit from the National Association of Workforce Agencies Legal Issues Forum for his contributions to the unemployment insurance program. He also led the Department of Labor's reemployment program, and a night-- and a 2016 Full Employment Best Practices award. The pandemic presented the Department of Labor with multiple unprecedented challenges, including historic levels of unemployment claims and benefit payments. The department saw nearly seven times as many claims filed in the year 2020. That was 298,793 initial claims. I have shared with you a bar graph of the claims filed during the pandemic as an explanation as to

why the unemployment workload challenged. I'd like to repeat a little bit on that because the claims on that went from, in 2019 was \$64.4 million, and in 2020, it went up to \$1.2 billion. Mr. Albin led the department in the proce-- in processing these claims, citing it in his testimony to the committee that it truly was a team effort that led to the success in keeping the department working. I might add, given the number of-- given the number of claims, they were working weekends and evenings and make a yeoman's effort in terms of, of keeping up. Commissioner Albin has been criticized for failing to respond to audit reports on the Department of Labor. Commissioner Albin has responded to each comment of the audit and organized collective action plans as appropriate. The Department of Labor has recently partnered with DHHS and Blue Cross Blue Shield to launch the Ignite Nebraska program, which helps underemployed and unemployed individuals to find jobs in the information technology field. The department also paired with DHHS to create the SNAP Next Step program, which assist SNAP recipients in finding new or higher paying employment through job training and work research-- search assistance. Mr. Albin believes the Department of Labor can only expec-- expand upon the success of these programs in the coming years, specifically already launching plans for a process improvement for the unemployment benefits system. There are no letters in opposition to Mr. Albin's appointment, as well as no testimony opposed out of committee. For these reasons, the Business and Labor Committee has advanced John Albin appointment-- his appointment as commissioner of the Nebraska Department of Labor. Thank you, Ms. President.

DeBOER: Thank you, Senator Riepe. Senator Blood, you're recognized.

BLOOD: Thank you, Madam President. Friends, I want to tell you that I do not take this lightly, that I know I am talking about somebody's employment. But there are things that we need to get on record that do not pertain necessarily to only the time of pandemic, but prior and after as well. And I want to say that I want to, to tell you that I actually applaud the employees and how hard they worked and the long hours that they worked. And I want to make sure that they know that that was not unnoticed. But we are talking about leadership today. In fact, it was many of the staff members who brought the the department to light showing that they knowingly overpaid and wrongly approved claims, by the way. I want to talk about leadership, because if we expect a department to function properly, it starts at the top. And so for those of you that didn't put it into your recycling bins, I gave you many handouts today. And one of them was the audit that Senator Riepe mentioned. And by the way, this came out 6-2. It did not come out 8-0 That was not mentioned in Senator Riepe's introduction. And I

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was one of the two that voted against it. And I'm hoping the other senator will also speak. So I'm going to walk you through a few things, and I'm going to talk several times on the mike. It's unfortunate we don't have more people in the room right now, but at the very least, we need to bring these things to light, and you need to be aware of what you're voting on today. So if you look at your audits, December 16, 2020, there's a cover letter and an audit from the State Auditor at that time, Charlie Janssen, and referenced the Nebraska Department of Labor and Commissioner John Albin. And it's noted in that report that certain internal control or compliance matters related to the activities of the Nebraska Department of Labor were very concerning to our State Auditor's Office. So you can start with inadequate controls, improper payments and possible fraudulent claims. The APA, which is the Auditor of Public Accounts, if you don't know what that acronym is for, sent confirmation requests to a small group of claimants and employers in response to fraud concerns related to the CARES Act. The procedure revealed the following: failure to perform key control procedures, potential fraudulent claims based on confirmation responses, ineligible payments to inmates, payment to individuals with excessive wages. And you can find all of this, by the way, on page two of that audit that is on your desk, for those of you who did not already place the reports in recycling. Additionally, as noted on page five of your audit, it was noted that due to the lack of controls, there was an increased risk for fraudulent claims, fraudulent claims, and improper benefits paid during the last quarter of fiscal year 2020. Again, the Auditor Office did a risk analysis of a small demographic. For those that responded, 157 received benefits, 24 did not receive benefits, 65 of the mailed items were undeliverable, which flags the state having inaccurate or false mailing addresses, and 250 received no responses, responses which smells of further potential fraud. But the magnitude of that potential fraud is unknown. If you move to page seven of the audit, it was discovered that an APA staff member, so somebody in the Auditor's Office, had a fraudulent claim filed in her name. Even though the DOL received a letter from the auditor's office responding that the person was still employed, the DOL sent back a response saying they were eligible for benefits. Additionally, 36 state employees were randomly checked and out of those 36 employees, they found three more claimants that were identified and still employed. So right here in our own house. If we roll forward to page nine, you'll note that PU-- PUA federal requirements were not met for all applicants for unemployment, and the department lacked controls to ensure the claimants were eligible, which unfortunately opened us up--

DeBOER: One minute.

BLOOD: --to more potential fraud. On page 11 of the audit, you'll note that the department stopped wage cross mass-- matched procedures, and I understand they did that to speed things up. But what happened was, it was noted in the audit that 25 of 60 random claims tested had wages in excess of 25 percent of the weekly benefit amount. In other words, the numbers were wrong. There are many concerns that are documented in this Auditor's report, enough that you would hope a department head would take immediate actions going above and beyond to make sure that these issues did not continue and to better lock down our security. However, historically, that did not happen. And I'll speak more on it on my next time on the mike.

DeBOER: Thank you, Senator Blood. Senator Blood, you're next in the queue, however.

BLOOD: Thank you, Madam President. So if you've not done so already, you need to look at the audit from cover to cover. Many of you remember several public hearings that were held in reference to the Department of Labor, and how certain issues were handled during the pandemic. One of the hearings was for LR158. This interim study examined the accuracy of payments by the Department of Labor to recipients of state and federal payment programs, including, but not limited to, unemployment insurance. The intent was to examine policies and procedures of both state and federal agencies when benefits are overpaid, and how the decisions are made to recoup those payments. During that hearing, Commissioner Albin was clear that until the pandemic, the department was not using dual authentication. Now, that's a security issue. If you're not familiar with it, Google it so you know what it means. Frankly, when you're dealing with tens of millions of dollars on a regular basis, it's common practice that government entities utilize multifactor authentication. The three reasons that you do this is because you want to build a stronger defense against cyber controls, cyber, cyber security insurance now requires that, and you want to streamline the login process. So ten months later, after this conversation, the Nebraska Department of Labor's web vendor, Geographic Solutions, was hit with a cyber attack and taken offline, which also took us out of business for a couple of days, so people couldn't get their claims filed, nor could they get their payments. The security breach impacted those who depend on unemployment benefits to make ends meet, as Nebraska had to stop providing benefits until this was corrected. Now you may ask why I'm concerned about our vendors. This is another example of DOL's lack of knowledge when it comes to cyber ke-- security. And like it or not,

these are issues that prove over and over to be a hurdle to this department's success. Although I am clearly not an employee of the executive branch, I stay informed when it comes to cybersecurity issues. During the pandemic and before, fraudsters had shared on social media and the dark web, which states-- Nebraska was an easy mark. Nebraska was one of those states specifically mentioned. And to be frank, one of the reasons we were not hit as much by cyber criminals was because our payouts, compared to other vulnerable states, were lower. And so although we were an easy mark, we were not as inviting as some of the other states that were targeted. The cyber criminals are very specific in their method, such as selecting fulls from key states that have the highest probability of paying the benefit. For those of you not familiar, fulls is a slang term used by hackers, and data resellers, and other criminals, and refers to packages of individuals' identifying information, in other words, their full information. Hence the slang word fulls. Fulls usually contains an individual's name, social security number, birth date, and account numbers. By the way, if you are on social media and share your birth day and high school, for example, and then are also on a site like ancestry.com, you have pretty much made almost all security question answers available to those ne'er do wells. Add in the ability to purchase this information packets on the dark web with cryptocurrency and you've got a very lucrative business. You add in things like the Equifax breach, and we know that Nigerian crime rings and the Russian mafia fork out \$2 in cryptocurrency on the dark web to help file these fraudulent claims. And what DOL seemed unaware of in the April 26, 2021 hearing, is that CAPTCHA, which is also used by Nebraska, is easily bypassed with the use of software. This is likely also a DHHS problem, but that is not the topic today. In January, Commissioner Albin came to a hearing for his reappointment. During that time, he self-promoted ways which you heard from Senator Riepe. He felt the department had improved. During that presentation, he stated the department would be utilizing LexisNexis. LexisNexis--

DeBOER: One minute.

BLOOD: --is an analytics company, and there has been widespread concerns about the data that they glean from their clients. They will be gleaning a lot of information from Nebraskans using the DOL portal. When asked if there is an opt out option for consumers, Commissioner Albin was not sure in his response according to the transcripts. Verbatim, There are provision in the agreement about the data, and the protection of the data, and the sharing of the data, but I haven't read through the contract lately so, exact quote. And I'll continue on my next turn on the mike.

DeBOER: Thank you, Senator Blood. Senator Blood, you're next in the queue. And this is your third opportunity.

BLOOD: Thank you, Madam President. And I'm hoping that one of my peers will yield me time so we can finish. Friends, when folks are in charge of tens of millions of taxpayer dollars, you should have definitive answers on questions such as I previously mentioned, because we all know that most companies that glean data, even though they say there are no secondary things that they do with that data, ultimately do share and sell your data as that is how they generate income. It's not the software, it's the data. Consumers are often not aware that they can opt out, and it should be our priority when we protect Nebraskans to negotiate that in any contract we do, that we make sure that not only is there an opt out opportunity, that we actually just don't allow anything as far as data sharing goes here in Nebraska. But I can tell you that we do that at multiple levels of government. So I do appreciate the follow up letter that I received from the commissioner. But again, the response tells me that the same knowledge that I've had since coming to this Legislature is that the DOL is yet again one more government agency who relies too heavily on others to tell them what they need technology-wise, and not having the experience to ask the right questions. I ask you today, where does the buck stop? Many of you have given speeches about not wasting taxpayer dollars. These were taxpayer dollars. Be they state or be they federal, these tax dollars are still collected "majorily" from the working men and women of Nebraska. It is ultimately the commissioner's job to be responsible for the quality of the instruction, research, and extension programs conducted within this department. And yes, people make mistakes, but it's my expectation that people learn from those mistakes. Instead, we received answers like, well, it happened in other states, too. And not once did I ever hear the commissioner take any personal responsibility. What I continually heard were reports on how he felt things were going, and when asked questions on technology, he was unaware of the definitive answer. When you write a business plan, you always include, or should include, worst case scenarios that may affect the success of your business. And I can tell you that your municipalities that do actual strategic planning always include worst case scenarios. For example, in Bellevue, we had a plan when the river floods into our community. Everyone has a role to play. We know where the command station will be, and who to contact for that information. We should expect no less from our executive branch, and the fact that the Department of Labor was so unprepared for the pandemic tells me that they did not have a what-if plan put into place for emergencies. And as they moved forward, there were plenty of mistakes that were

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made as is pointed out in the audit shared with you, and on the mor-- multiple articles that I shared with you today, including the one, again, where staffers pointed out that they were knowingly overpaying and wrongly approving claims. Regardless of the circumstances, people knowingly made mistakes over and over and over again. And ultimately, it is your department head, it is the commissioner who is responsible for those actions, because that is supposed to be where the buck stops. If you were being hacked, you should not then hire a contractor to provide you with bodies that had also recently been hacked. But the DOL did just that. Although under the gun--

DeBOER: One minute.

BLOOD: Thank you, Madam President. --to move things out quickly, not properly training those you hire or contracted created a disservice to Nebraskans. Those that were hung up on, disconnected, not paid, overpaid, given the runaround, and more, while many Nebraska families were in a state of panic needing this support. Other advanced frauds-- fraudsters leveraged social engineering to research additional data on persons behind the fulls they are intending to use, like extracting their employer information. They usually use LinkedIn searches to do that. In order to append falsified historical W-2 forms in attempts to validate the account's legitimacy. Many victims only discovering their information was compromised upon receiving 1099-G forms in their fiscal mailbox come January for taxes owed-- owed on benefit compensation that they never received.

DeBOER: Time, Senator.

BLOOD: Thank you, Madam President.

DeBOER: Thank you, Senator Blood. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. I would yield my time to Senator Blood if she would so like it.

DeBOER: Senator Blood, you're yielded 4:55.

BLOOD: Thank you, Senator Cavanaugh. And thank you, Madam President. Commissioner Albin likes to drop the names of software but doesn't come to understand their weaknesses. In April of 2021, he brought up participating in the Suspicious Actor Registry as one of the new efforts to protect the integrity of their system data, and using IDH, which is Integrity Data Hub (I'm not always very good with acronyms, so you may want to look that one up) for security measures, but the

average person understands that data integrity may be compromised through human error, whether malicious or unintentional; transfer errors, including unintended alterations or data compromised during transfer from one device to another; bugs; viruses; malware; hacking; and a long list of other cyber threats. And having the hub is not going to change that. Friends, I know you've been given a pile of data, and most of you are milling around, so I don't know if you've actually looked at it or not, but you need to decide when, when is enough actually enough, and where does the buck stop? Do you believe that the heads of our departments under the executive branch are ultimately responsible for how the department is ran? And if so, is it your expectation that they take responsibility for their department failures or that they show us that they have learned from their mistakes? Or are you OK with people trying to minimize their mistakes? Do you-- excuse me, do we or do we not expect someone to put on their big boy pants and say, I've made a mistake and this is what I've learned? Or do you want to continue to hear excuses and grandiose explanations about software that they can't even practically explain to our body when asked? I don't have high expectations that I've changed anyone's mind today. However, we're now-- we've now got a smattering of my concerns on the record. And I hope moving forward that you consider setting the bar higher for our well-paid department heads. As of 2022, Commissioner Albin had alary-- an annual salary of \$147,522, according to public records. The salary is 204 percent higher than average, and 247 percent higher than the median salary of those hard working people in the Department of Labor. Friends, if we raise the bar, raise our standards, we will receive better outcomes for all Nebraskans. When are we finally going to start taking these appointments more seriously, and truly address, in many of these appointments, the years of bad decisions and lack of learning from one's mistakes when we vote for these department heads and their appointments. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh and Senator Blood. Senator Conrad, you're recognized.

CONRAD: Thank you. Madam President, I was going to yield some time to my friend Senator Blood, if she would so desire, but I think she may have concluded her remarks. OK. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Senator Raybould, you're recognized.

RAYBOULD: Thank you, Madam President. I also wanted to yield time to Senator Blood if she required more time.

DeBOER: Senator Blood, you're recognized for 4:48.

BLOOD: Thank you. Madam President, I was going to pass on that time, but I think I'll just wrap it up so anybody else wants to yield me time, this will be my last time on the mike, but thank you for that. It's unfortunate when we hand out things at your desks and they aren't read. I did see some people take pictures of them and text them to whomever. Which I'm sure is, how can we have this graph? I don't take what I did today lightly, but I can tell you that if you follow the history of this department, both before, during, and after the pandemic, you'll see that there are reasons to be concerned. And I've heard many of you say, well, everybody makes a mistake. Yes, people make mistakes. But the one thing that I always tell people is that you should always fall forward fast. And the reason I say that is because if you don't do that, you can't learn from your mistakes, because you can't grow as a person, you can't grow as a leader, you can't grow as a supervisor unless you are learning from the mistakes that you made. And there was not a single hearing or interim study where I heard those words from the commissioner's mouth. There is finger pointing, as I noted earlier, well, it happened in other states. But we're talking about Nebraska. And yes, it did happen in other states because there's a big cybersecurity issue in government across the United States. To talk about data and how they-- excuse me, talk about technology and how they're going to fix something. That's great. But if you don't know how the fix is really going to work, you shouldn't be talking about it. You should have a staff person who maybe is more qualified with IT to come and talk to us. I can drop words and sound important, but it doesn't mean I know what I'm talking about. And I would be the first to know, even though it sounds like I'm very techie, and I am, and I know a lot about technology, I clearly only know enough to be dangerous. But I know that I know a lot more than a lot of people in this body. Just like, you know a lot more about things that I don't know about. But we are talking about the leaders of our departments. And we know during the pandemic there are a lot of employees that did work really hard, and they had to work really hard because they didn't have the what-if plan. Because they didn't have the worst case scenario plan. I don't know if you remember when Ebola was an issue, and they started bringing people to Nebraska, to the Med Center? But I, at that time, wondered if that was going to be our pandemic, because it had been in other countries. We never know what's going to happen in Nebraska, be it fli-- fire, be it flood, be it famine. But I do know as a government entity, it is their job to have a what-if plan. And we were unprepared. And not only were we unprepared, but we continue to make mistake after mistake after

mistake, and digging the hole deeper and deeper and deeper. Leadership is about learning from your mistakes and you can say, well, the pandemic's over, so everything is going to be great, and everything's going to be cool. It's not. Because these issues, when it came to cybercriminals, started before the pandemic. And if a 62-year-old grandmother can find things on the dark web that shows that we're an easy mark, then I'm guessing any general hacker could easily figure it out as well. Because believe it or not, it's not rocket science to hack. You could Google it right now and teach yourself in about 30 minutes. Please don't do that. Don't tell them Carol Blood sent you.

DeBOER: One minute.

BLOOD: But seriously, I don't have high hopes that anybody listened. I don't have high hopes that anybody read the information on their desks. But I ask you to think about what you're voting for, and maybe just not vote at all. Because we cannot keep rewarding folks who are not doing their job at a level where we have an expectation that they will be doing a much better job. Thank you, Madam President.

DeBOER: Thank you, Senator Raybould and Blood. Seeing no one else in the queue, Senator Riepe, you're recognized to close on the committee re-- am-- confirmation report.

RIEPE: Thank you, Mr. President. I would like to say this. If Senator Blood is on your committee, you're a fortunate committee. She's always well-prepared, she does her homework, and she knows what she's talking about, and so I commend her for that. One little detail that I think she missed on, she said that the the vote that I had reported was was not an 8-0, but it was a 6-2. And the fact is, there's only seven votes on the committee, so it must have been a 6-1. So I would like to correct that. Also, John Albin is not a perfect candidate. It was a very difficult situation, and one of the things that I did want to bring forward was for a year ending, fiscal year ending of 9/30/22 the fraud rate, and this is nothing necessarily to be proud about, but the fra-- fraud rate for like organizations nationally was 6.76 percent, Nebraska was 3.1. Improper payment rate nationally was 19.2 and Nebraska was 16.0. So, well, we had our shortcomings. We also performed better than than the national standard. With that, I would encourage my fellow senators to vote for for John Albin's confirmation with a green light. Thank you.

DeBOER: Thank you, Senator Riepe. The question is the adoption of the report offered by the Business and Labor Committee. All those in favor

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vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 2 nays on the adoption of the report.

DeBOER: The report is adopted, Mr. Clerk, for the next item.

ASSISTANT CLERK: Madam President, the next report is from the Health and Human Services Committee regarding the Commission for the Blind and Visually Impaired.

DeBOER: Senator Hansen, you're recognized to open on the committee report.

HANSEN: Thank you, Madam President. Well, we had the fortunate task of having quite a few committee reports here, and so in total, I have 21 members. But luckily we as a committee voted these out in blocs. And so what I will end up doing is going through each one of these categories in turn and reading each of the members that were in each one of these categories. Then we'll vote on each one of them as a whole. So the first one that we have here is a Commission for the Blind and Visually Impaired. The Health and Human Services Committee is reporting, Miguel Rocha, for a confirmation by the Legislature to the Nebraska Commission for the Blind and Visually Impaired. Mr. Rocha holds qualifications as a certified vocational rehabilitation counselor for the blind and as well as a vending facility certification all from this very commission. Mr. Rocha has also served as a mentor in the community and holds a genuine passion for making as positive of an impact as possible. I would ask for your green vote to approve Miguel Rocha to the commission. Thank you.

DeBOER: Thank you, Senator Hansen. Seeing no one in the queue, Senator Hansen, you're recognized too close. Senator Hansen waives closing. The question is the adoption of the report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Madam President, the next report from the Health and Human Services Committee is for the Nebraska Child Abuse Prevention Fund Board.

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DeBOER: Senator Hansen, you're recognized to open on the committee report.

HANSEN: Thank you, Madam President. In this one we have two candidates. The Health and Human Services Committee is reporting Georgina Scurfield for confirmation by the Legislature to the Nebraska Child Abuse Prevention Fund Board. Ms. Scurfield graduated high school in the United Kingdom before coming to Omaha and obtaining a master's in social work from UNO. She has spent nearly two decades as a director of Court Appointed Special Advocates, or CASA, as it's more commonly known. It was during this work that she recognized a need for local support in order to better child welfare in our state. We would ask your green for-- vote to approve Georgina Scurfield. And then the second one in that category is Deacon Donald Blackbird, Jr. Deacon Blackbird, Jr. is currently serving on the board and is just completing his first term. In his professional life, he is the current principal for Saint Augustine Elementary School in Winnebago. In addition, Deacon Blackbird, Jr. Holds several leadership roles in community, state, and national organizations. We would also ask for your green vote to approve Deacon Blackbird, Jr. to the Nebraska Child Abuse Prevention Fund Board. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Seeing no one in the queue, Senator Hansen, you're recognized to close. Senator Hansen waives closing. The question before the body is whether or not to adopt the committee report-- or the confirmation report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for the next item.

ASSISTANT CLERK: Next report from the Health and Human Services Committee is three appointees to the Health Information Technology Board.

DeBOER: Senator Hansen, you're recognized to open on the committee confirmation report.

HANSEN: Thank you, Madam President. Yes, as stated, this one will include, include three candidates, and this is for the Health Information Technology Board. First up is Dr. Douglas Haas for confirmation by Legislature. Dr. Douglas Haas received his BSN, MSN, PMC and DNP, all from UNMC College of Nursing, finishing up in 2020.

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Professionally, he is currently employed as a clinical assistant professor at the UNMC College of Nursing, Kearney Division, where he primarily teaches the adult Gerontology Acute Care Nurse Practitioner courses in the spring and fall semesters. Dr. Haas also teaches in the Accelerated BSN program and traditional BSN externship, externship during the summer, and is the Kearney Division SNA advisor throughout the school history. We would ask for your green vote, vote to approve Dr. Douglas Haas. Next up-- Maybe make sure I get that right. I was right, just a typing error. Next up is Dr. Mark Latta for confirmation to the Health Information Technology Board. Mark A. Latta, D.M.D., M.S. professor of general dentistry, served as dean of Creighton University School of Dentistry from 2011 to 2021. Prior to the Dean's appointment, he served as the Associate Dean for Research at Creighton University School of Dentistry since 1995. We would also ask for your green vote to approve Dr. Mark Latta. Next up, third up, is Phillip Vuchetich for confirmation. Dr. Vuchetich practiced pharmacy in Nebraska for over two decades after receiving his degree from Creighton University School of Pharmacy in 1989. Currently, Dr. Vuchetich is the president of Arxsine, a Nebraska based health care information company established in 2011. Dr. Vuchetich brings a unique expertise in technology and medicine, making him an excellent appointment to the Health Information Technology Board. And we would ask for your green vote to also approve Dr. Phillip Vuchetich to the Health Information Technology Board. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Seeing no one else in the queue, Senator Hansen waives closing. The question is the adoption of the report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for the next item.

ASSISTANT CLERK: Next report from Health and Human Services Committee is for appointees of the Nebraska Rural Health Advisory Commission.

DeBOER: Senator Hansen, you're welcome to open on your committee confirmation report.

HANSEN: Thank you, Madam President. This-- yes, this is for the Nebraska Rural Health Advisory Commission, and there are four applicants on this one. We will have one more later just because that one was a later confirmation that we voted out separately. We'll get

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to that one in a little bit. But first up is Myra Stoney to the confirmation Legislature-- to the Rural Health Advisory Commission. Myra Stoney is currently serving as the health director for the Southwest Nebraska Public Health Department, based in McCook, Nebraska. Ms. Stoney holds a long career in health care administration, previously serving rural health clinic manager, as well as a nursing home administrator. She has previously served on the Nebraska Immunization Advisory Board and will bring a great mix of administrative and practical experience to the Rural Health Advisory Commission. We would ask for your green vote for Ms. Stoney. Next up out of the four is Dr. Kate Hesser. Dr. Hesser lives and works as a family physician in Crete, Nebraska. She is currently the chief of staff at Crete Area Medical Center, as well as the official town doctor for the city of Crete. We believe the commission will benefit greatly from excellent academic and professional accolades, as well as her previous experience with the commission as a resident doctor. I would ask for your green vote to approve Dr. Kate Hesser. Third-- if I get these right here. OK, I'll go third up here. We do have April Dexter for confirmation to the Rural Health Advisory Commission. Mrs. Dexter grew up in rural Nebraska, and currently lives on a ranch in rural northeast Nebraska, where she works as family nurse practitioner for a critical access hospital and health clinic in Atkinson, Nebraska. We believe the commission will benefit greatly from her passion for rural health care and previous experience as a member of the Rural Health Commission. We would ask her your vote to approve April Dexter on the floor today. Just to make sure I report the names outright. It's a typing error here on this one. One was Doctor Catherine Kusek, and the other one is Kate Hesser, and third is April Dexter and fourth is Myra Stoney. Those are the four candidates for the Nebraska Rural Health Advisory Commission. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Seeing no one in the queue, Senator Hansen, you're recognized to close. Senator Hansen waives closing. The question is the adoption of the report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for the next item.

ASSISTANT CLERK: Madam President, the next report is eight appointees to the Board of Emergency Medical Services.

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DeBOER: Senator Hansen, you're welcome to open on the committee confirmation report.

HANSEN: Thank you, Madam President. Yes, and this is for the Board of EMS or Emergency Medical Services, and we have eight candidates in this one where we'll be voting on as a group. So I will touch on each one of them here briefly. The first one up is Ryan Batenhorst, and Mr. Batenhorst has had nearly 30 years of experience in several aspects of emergency medical services, including paid and volunteer emergency response, non-emergent and emergent patient transport in and out of hospital patient care, and over the last ten years has served as program director for the Southeast Community College paramedic program. He is currently enrolled in a Doctor of Education degree in Interdisciplinary Leadership at Creighton University, where he also serves as a paramedic program coordinator of the Creighton University EMS program. Next up is Karen Bowlin. Karen Bowlin is currently serving on the EMS board. She has a current Nebraska EMT license, and has been an EMS instructor since 1989. She's been a volunteer for the American Heart Association, Nebraska State Volunteer Firefighters Association, and Nebraska Emergency Medical Services Association, and has received the statewide EMS Conference Kenneth Kimball Award, and Statewide EMS Greg Chamberlain Memorial Award. Next up is Prince Harrison. Mr. Harrison has worked at the University of Texas at Austin Dell Medical School, Dell Children's Medical Center, where he achieved the Pediatric Emergency Medicine Fellowship. He has worked at the Children's Hospital in Omaha since 2-- 2018, and has also attended an advocacy training session for the Pediatric Emergency Medicine Fellowship in Arlington, Virginia. Next is Lynda Jensen. Lynda Jensen is a registered nurse in Nebraska. She currently is a physician surrogate for volunteer rescue squads in Fort Calhoun, Irvington, and Ponca Hills. In addition, she has held positions as EMS coordinator, staff nurse, and clinical supervisor at Emanuel Medical Center emergency department. Next is Jonathan L. Killstrom. Jonathan Killstrom received his B.S. in, in EMS at Creighton University and MPAC in physician assistant studies at Union College. He is currently an instructor at the Yale University School of Medicine in New Haven, Connecticut, and is currently a certified physician assistant. Next up is Brent E. Lottman. Mr. Lottman currently serves-- currently is the Nemaha County Sheriff, adjunct instructor of criminal Justice at Peru State College, and EMS instructor at Southeast Community College. He received his master's degree in Legal Studies from the University of Illinois and Bachelor of Science in Mathematics from Peru State College. Next up is James Smith. Dr. Smith is a residency trained, a board certified emergency medicine physician. He is a medical director

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for several BLS agencies and inter-facility of transport agency, and a critical care flight team. Dr. Smith has served on the EMS board for 15 years, and has been the chairman since 2015. Last but not least, is Leslie L. Vaughn, Jr. Leslie Vaughn, Jr. is the executive director of the Emergency Responders Benefits Association, and has served as the CEO of EMS Billing Services Inc. He has received biology and civil engineering degree from the University of Nebraska at Omaha, and construction management from the Metro Community College at Omaha, Nebraska. He also is licensed with the state of Nebraska in life and annuities. So with that, I would encourage my colleagues to vote green on this group of eight for the Board of Emergency Medical Services. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Madam President. I just want to speak a word on Dr. Smith's nomination. I've worked with Dr. Smith over the last seven years, probably, on EMS issues. He's been one who supports rural Nebraska. He understands rural Nebraska and the needs that we have across the state, how to meet those needs. We made significant changes, I think, to the EMS programs as well as the training and the needs we have across the state. He's done a world of good, I think, for the EMS program and serving on the board as president. Whenever I have a question that need answers, I can, I can call him and he responds to that. He is a valuable member, I think, to the board, especially understanding the needs of rural Nebraska and as well as urban Nebraska. But it really helps, I think, having him in his function with the hospitals out in North Platte and the areas that he serves out there, to have him on the board. And I encourage your green vote. Thank you, Madam President.

DeBOER: Thank you, Senator Bostelman. Seeing no one else in the queue, Senator Hansen waives closing. The question before the body is the adoption of the report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: The next report from Health and Human Services is for one appointee to the Nebraska Rural Health Advisory Commission.

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DeBOER: Senator Hansen, you're recognized to open on the confirmation report.

HANSEN: Thank you, Madam President. This is that fifth candidate for the Rural Health Advisory Commission that I mentioned earlier that we voted out separately. Dr. Fattig has served on the Rural Health Advisory Commission for nearly 20 years. Being originally appointed on 2004, he currently serves as chairman of the Commission. In addition to his service, he also works as a minister and chief executive of the Nemaha County Hospital in Auburn, Nebraska. He has been a tremendous asset to the Commission and our state's rural health care industry. So I would ask for your green vote to approve him to the Rural Health Advisory Commission. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Seeing no one in the queue, Senator Hansen waives closing. The question is the adoption of the report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for the next item.

ASSISTANT CLERK: Madam President, the next report from Health and Human Services is one appointment to the State Board of Health.

DeBOER: Senator Hansen, you're recognized to open on the confirmation report.

HANSEN: Thanks again, Madam President. The next two candidates for the State Board of Health we did vote out separately. So the first one is Heather Cramer for, for your nomination for Legislature's-- the State Board of Health. Heather Cramer has been active for over 25 years with a broad range of nursing experience, including ICU, emergency department, interventional, radiology and medical surgical. She has been an active volunteer and coach for the Leukemia and Lymphoma Society. So with that, I would ask for your green vote to approve Heather, Heather Cramer to the State Board of Health. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Seeing no one in the queue, Senator Hansen waives closing. The question before the body is the adoption of the report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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ASSISTANT CLERK: 29 ayes, 10 nays on the adoption of the report, Madam President.

DeBOER: The report is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Madam President, the second report from the Health and Human Services Committee is Jaime Kent Dodge to the State Board of Health.

DeBOER: Senator Hansen is recognized to open on the commin-- confirmation report.

HANSEN: Thank you, Madam President. Last, but not least, is Dr. Jaime Kent Dodge for confirmation by the Legislature to the State Board of Health. Dr. Dodge is the physician owner of practicing outpatient family medicine. He received his Doctor of Medicine and residency from the University of Nebraska College of Medicine. He also practiced as hospitalist at Bryan Medical Center in Lincoln, and was the associate director of Suitland Medical Education Foundation. I would ask for your green vote to approve Dr. Jaime Kent Dodge to the State Board of Health. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. I rise in opposition to Dr. Dodge's confirmation. Dr. Dodge is been on the Board of Health and sat on the Board of Health this year when testifying in support of LB574, and then working with Senator Kauth and other members of the Board of Health to collude on a document that they pushed forward to show support of LB574. I think it shows a pattern of politicizing the position, and also a disregard for their own process. Members of the Board of Health should have recognized that they were circumventing their own process of a scope of practice credentialing review, or something that we call the 407 process. And instead of acknowledging that they were circumventing their own process, he instead participated in what is only-- can be described as hyper partisan politics at the expense of the health and well-being of children and parental rights in this state. I have very grave concerns over the ability for Dr. Dodge to serve in this capacity, and I encourage everyone in here to not support his nomination and confirmation to the Board of Health. I always appreciate individuals in the State's willingness to serve our state in any capacity. But when somebody takes that position and abuses it, I feel obligated to stand up and speak in opposition to that. I have other concerns about Dr. Dodge's

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credentials and judgment, but essentially I think that he has tainted the waters of what the Board of Health is intended to do and how it's intended to operate, and has allowed the Board of Health to be used in political games. And I think that that is something that should concern everyone in this body. So I encourage you colleagues to not vote for Mr. Dodge's confirmation to the Board of Health and to vote red. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh. Senator Hunt, you're recognized.

HUNT: Thank you, Madam Chair. I'm a hard no on this appointee. I think that we have a deep problem in this body of political appointees in positions where folks should really just be using their best medical, scientific, professional judgment. But instead, we're putting people in these positions to act politically. And I know that-- I actually I don't know. I think that you guys got the text of the FOIA results from our inquiry into the Board of Health after they released that letter about LB574, and specifically what Jaime Dodge said, just to get it on the record. This is a text between him and Senator Kathleen Kauth. She said, Jaime, this was on March 15 in Kathleen's Kauth, Senator Kauth said, Jamie, I've been talking to Speaker Arch today. Unfortunately, he is going to put LB574 on the agenda for next Tuesday. We will not have the votes. We actually have senators missing. So he's going to try and clear the logjam with it. And he does not think sports and spaces is going to have time to be heard, so that was going to stay in committee. So next year we can just bring it on the floor anyway. Bummed. But hopefully the medical board can do something about it. But I could talk to you soon. Bye. And that was Senator Kauth's text to Jaime, this appointee. And in this text, you know, we reveal that Senator Arch is helping to schedule LB574 in a way that will help it pass. And also that Senator Arch has said that the sports and spaces, the bathroom bill, will just come up next year and they'll have to wait for that, and that Kathleen Kauth is disappointed about it, and she wants this doctor's help to get a nudge from the Board of Health to get this bill passed. He replied with three voice notes that totaled about 45 seconds. So we you know, we don't know what his response was because he didn't type it out. He put it in a voice note. And Senator Kauth replied to those voice notes, if you could get it for Monday's meeting so I can present it Tuesday, that would be pretty amazing. But I know that-- and then it cuts off. Sure enough, on Sunday, the Board of Health met and produced a letter with no public notice, no public hearing, supporting the ban on trans health care, LB574. Another text from-- between John Kuehn and Jaime. Jaime asks John, or actually this was John Kuehn asking Jaime, what do

you think about it? Meaning the statement. He says. I thought it looked a little bit slow. This is Jaime. This is who we are voting on. He says, I thought it (the statement) looked a bit slow rolling, and procedurally I had questions since Doug wasn't Chair when it carried. I don't know how much to press the issue. Important thing is, senators can look at it now. So because the Board of Health jammed this letter through when they didn't release a letter on motorcycle helmets, or any of the other things that had been coming before the body, they made sure that their political view, not their professional view, not their medical view, not their scientific view, but their political view was here for us to consider. And then John Kuehn replied to that. Principled conservative wins on these big social issues are few and far between. This was a really heavy lift, referring to the letter and I think a significant victory today.

DeBOER: One minute.

HUNT: Listen, five years ago, or even just a few years ago, for that matter, the Board of Health taking a position of this nature would have been unthinkable. Great work. Takes some time to enjoy the win, then get back to work fighting for the cause. John Kuehn, a veterinarian, says that this Jaime guy is fighting for the cause, the cause being discrimination against trans Nebraskans. Screw this guy, man. I think he's a quack. I think that he should probably lose his license for this type of political collusion, and he is not worthy of this position. Thank you, Madam Chair.

DeBOER: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam Chair. I agree with Senator Hunt that he should not be appointed to this position, and I think it is incumbent upon this body to ensure that when we confirm gubernatorial appointments that they meet a certain standard. And one of the standards should be does this person openly discriminate against a minority population? And if the answer is yes, then we probably shouldn't confirm them to a gubernatorial appointed position. And in this instance, the answer is yes. Yes. Jaime Dodge openly discriminates against the LGBTQ community. He did so in numerous avenues. He did it through his testimony at LB574. He did it through his work at the Board of Health. He did it in colluding with Senator Kathleen Kauth to ensure that the document came out of the Board of Health. Quickly jammed through, jammed through. So much so that the potential chief medical officer who had his confirmation hearing last week was apparently unaware of the document, and didn't know that it

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hadn't been well vetted because it was pushed through so quickly within the same day of a subcommittee. I think it is important that we maintain some level of integrity in the institutions in this state. And the Board of Health, for all its many problems, is an institution in this state that we should be protecting, and we should be attempting to instill some amount of integrity. We tasked them with making decisions about health care in our state, about rules and regulations, and there should be integrity in that. There should be honor in that. And this individual has shown a pattern of behavior of, at the very least, poor judgment. That's being very generous. So I hope that, colleagues, you stand against the confirmation of Jaime Dodge to the Board of Health and we can move forward with our day. Thank you.

DeBOER: Thank you, Senator Machaela Cavanaugh. Senator Fredrickson, you're recognized.

FREDRICKSON: Thank you, Madam President. I, too, am rising in opposition to this appointment and this nomination. I-- you know, today I think it's it's difficult because obviously the context of this, and specifically the context of what we're talking about here is LB574. And that's something that no one wants to talk about ever again. But I think that if we look at this kind of more globally, if we take out LB574 and we just look at sort of what happened through the FOIA request here, this is something I think we need to pay attention to as a legislative body. We are a check and balance on these nominations. And I believe that based on the FOIA request, this is clearly showed in my opinion, that this is an individual who is not always going to be listening to the best professional judgment, and situations that will put their personal judgment above their professional knowledge. And that in and of itself, I think, is a cardinal sin when it comes to medicine. And this is a obviously powerful position, and that is going to have impact on our state in a number of different ways. So taking these specific issues out of it, I think this is something that we need to, as the body that votes to confirm these appointments, we need to be considering what are the values of the people we are putting in these positions. Is there integrity that is in place, and are we doing what is best for Nebraskans, and are we making responsible choices here? So I will not be supporting this nomination. Thank you, Madam President.

DeBOER: Thank you, Senator Fredrickson. Seeing no one else in the queue, Senator Hansen waves closing, and the question is the adoption of the report offered by the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. There's been a

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request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 29 ayes, 3 nays to go under call.

DeBOER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Briese, please return to the Chamber. The House is under call. All unexcused senators have returned to the Chamber. Senator Hansen, would you be willing to accept call-in votes? So we are accepting call-in votes now.

ASSISTANT CLERK: Senator Lowe voting yes. Senator Arch voting yes. Senator Briese voting yes. Senator Holdcroft voting yes, Senator Linehan voting yes. Senator Brewer voting yes. Senator Ballard voting yes. Senator Hardin voting yes. Senator Hughes voting yes. Senator Murman voting yes. Senator Ibach voting yes.

DeBOER: Record, Mr. Clerk.

ASSISTANT CLERK: 30 ayes, 10 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for the next item. I raise the call.

ASSISTANT CLERK: Madam President, the next report from the Government, Military and Veterans Affairs Committee is to the Accountability and Disclosure Commission.

DeBOER: Senator Brewer, you're recognized to open on the confirmation report.

BREWER: Thank you, Madam President. The Government Committee held a hearing for Janet Chung on March 23. She is a new appointment and she will be replacing Ann Ashford. She will be appointed to the Nebraska Accounting [SIC] and Disclosure Commission. It was an excellent hearing. She was able to answer all questions to satisfaction. We believe that Ms. Chung will faithfully carry out the duties of Nebraska Accounting and Disclosure Commission. The Government Committee recommends her confirmation. Thank you, Mr. President.

DeBOER: Seeing no one in the queue, Senator Brewer, you're recognized to close. Senator Brewer waives closing. The question is the adoption

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of the report offered by the Government Committee. The-- all those in favor vote aye; all those opposed vote nay. Have you all voted who would care to? Record, Mr. Clerk.

ASSISTANT CLERK: 39 ayes, 1 nay on the adoption of the report.

DeBOER: The report is adopted. Next item.

ASSISTANT CLERK: Madam President, the next report, this one from the Education Committee, is two appointees to the Board of Trustees of the Nebraska State Colleges.

DeBOER: Senator Murman, you're recognized to open on the committee report.

MURMAN: Thank you, Madam President. The first candidate is Carter Peterson, Peterson. And he's a candidate for the Board of Trustees of Nebraska State Colleges. He was voted 7-0 out of the Education Committee. Mr. Carter was appointed by Governor Pillen, January 26, 2023. He's a grad-- graduate of Wayne State College. He began his career as a teacher and a coach at Winside High School. He has served on the Board of Trustees of the Nebraska State Colleges for 18 years and has also served on the Wayne High School Board of Education for 12 years. Additionally, Mr. Carter serves on the Wayne State Foundation Board as an executive member. Our state has been well served by Mr. Carter and we are confident in his continued efforts. I'd appreciate a green vote for Carter Peterson.

DeBOER: Thank you, Senator Murman. Seeing no one else in the queue, Senator Murman, you're recognized to close. Senator Murman waives closing. The question is the adoption of the report offered by the Education Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Next report from the Education Committee is for two appointees to the Nebraska Telecommunications Commission.

DeBOER: Senator Murman, you're recognized to open on the confirmation report.

MURMAN: The first nomination is Daniel O'Neill. His term of service was from-- is from August 30, 2022 to January 12, 2026. He was voted

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7-0 by the Education Committee. Mr. O'Neill is a graduate of Sumner-Eddyville-Miller High School and the University of Nebraska-Kearney. He is the president and CEO of Quick Shop-- Quick Stop Convenience Stores, a privately, privately-owned chain of 27 stores in Nebraska and Colorado. Mr. O'Neill has served his community in several roles during his career, such as Nebraska Public Media Foundation Board, Museum of Nebraska Art Board of Directors, UNMC Board of Counselors, Great Plains Health Board of Directors, Mid-Nebraska Community Foundation Board of Directors, UNL Board of Trustees. I encourage you to vote in affirmative for Mr. O'Neill's continued service.

DeBOER: Thank you, Senator Murman. Senator Murman, was this report for two nominees or just the one?

MURMAN: We also have Courtney Wittstruck for the Nebraska Educational Telecommunications Commission. Her term of service is from August 30, 2022 to January 12, 2023, and she was voted 7-0 by the Education Committee.

DeBOER: Thank you, Senator Murman. Seeing no one in the queue, Senator Murman, you're recognized to close on the committee report on these two nominations. Senator Murman waives closing. The question is the adoption of the report offered by the Education Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Mr. Clerk, please record.

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for the next item.

ASSISTANT CLERK: Next report, Madam President, is two appointments to the Coordinating Commission for Postsecondary Education.

DeBOER: Senator Murman, you're recognized to open on both appointments.

MURMAN: Thank you, Madam President. Yeah. We have two appointments for the Coordinating Commission for Postsecondary Education. First one is Molly O'Holleran and her term of service is January 1, 2022 to January 1, 2028. She was voted 7-0 by the Education Committee. Ms. O'Holleran is a graduate of the UNL and a former English teacher at high schools in Nebraska and Kansas, as well as Mid-Plains Community College in North Platte, Nebraska. She has served her community and state in a variety of ways to include State Board of Education, District 7, National Association of State Boards of Education, chairman on the

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Government Affairs Committee, North Platte Public Schools Board of Education president, North Platte Public Schools Foundation, Nebraska Association of School Boards Legislative Committee, Nebraska Council of Teacher Education. The other nomination is Tamara D. Weber. Her term of service is February 6, 2023 to January 1, 2027. She was voted 7-0 by the Education Committee. Ms. Weber is a native of Shelby, Nebraska, and received, received a bachelor's degree from UNL in Business Administration, as well as an MBA from Wayne State College. She currently serves as co-chair for the Association of Women in Energy for the state's largest public power utility. She also serves as a board member for the Nebraska Energy Federal Credit Union and is a member of the policy committee. Previously, she served as the president of the St. Bonaventure Home and School Association. I encourage a green vote for both of these nominations.

DeBOER: Thank you, Senator Murman. Seeing no one in the queue, Senator Murrnan, you're recognized to close on these two nominations. Senator Murman waives closing. The question is the adoption of the report offered by the Education committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for the next item.

ASSISTANT CLERK: Madam President, the Education Committee would report on two appointees to the Board of Educational Lands and Funds.

DeBOER: Senator Murman, you're recognized to open on the two nominations.

MURMAN: Yes, we have two nominations for the Board of Educational Lands and Funds. The first one is Robert H. Kobza. His term of service is October 2, 2022 October 1, 2027. He was voted 7-0 out of the Education Committee. Robert Kobza is a native of David City, Nebraska, and owns Kobza Ag and Home, a real estate auction and sales company. Mr. Kobza serves his community as a member of the Butler County Development Board. Additionally, he is a two-time recipient of the Nebraska 4-H Supportive Business Award. The other nomination is Jerald Meyer. He was voted also 7-0 out of the Education Committee. Mr. Meyer currently serves as the chairperson of the Board of Education [SIC] Lands and Funds. He previously served for eight years on the Pawnee City School Board and also served as chairperson of the Leadership Council of the University of Nebraska Newman Center. We would be well-served to vote in the affirmative on both of these nominations.

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DeBOER: Thank you, Senator Murman. Seeing no one in the queue, Senator Murman, you're recognized to close. Senator Murman waives closing. The question is the adoption of the committee report offered by the Education Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted, Mr. Clerk, for the next item.

ASSISTANT CLERK: Next report from the Education Committee is for one appointee to the Technical Advisory Committee for Statewide Assessment. Senator, this is the one for Joshua Fields.

DeBOER: Senator Murman, you are recognized to open on this confirmation report.

MURMAN: Yes. We have two nominations for the Technical Advisory Committee on Statewood Assessment-- Statewide Assessment. The first one is Joshua P. Fields. His term of service would be November 23, 2022 to July 18, 2025. He was voted out of the Education Committee. Mr. Fields has a doctorate in education from the University of Missouri, Kansas City, and currently serves as the superintendent of public schools in Seward, Nebraska. He has served as a leader in public education for over 25 years and has compiled a list of accomplishments too long to list. The second nomination is Dr. Chad Buckendahl. He was voted 7-0 out of the Education Committee. Dr. Bucken--

DeBOER: Senator Murman, Senator Murman, I think we're just doing Mr. Fields in this particular vote.

MURMAN: Oh. OK.

DeBOER: Thank you, Senator Murman.

MURMAN: Appreciate your green vote for Joshua P. Fields.

DeBOER: Seeing no one in the queue, Senator Murman, you are recognized to close on the committee confirmation report on Mr. Fields. Senator Murman waives closing-- closing. And the question is the adoption of the report offered by the Education Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the report.

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DeBOER: The report is adopted. Mr. Clerk, for the next item.

ASSISTANT CLERK: Madam President, the next report regarding the Technical Advisory Committee for Statewide Assessment, Chad Buckendahl.

DeBOER: Senator Murman, you're recognized to open on this committee report.

MURMAN: Thank you, Madam President. I didn't think you'd notice I didn't have my jacket on. I didn't know that that meant I was waiving clothing. But considering Chad Buckendahl for the Technical, Technical Advisory Committee on Statewide Assessment. He was voted 7-0 out of the Education Committee. Dr. Buckendahl earned a physical doctor in education psychology in 2000 from UNL, in addition to a master's of legal studies in 1996, also from UNL. He currently serves on the Educational Assessment and Accountability Advisory Committee for multiple states and for the Standards and Testings Agency in the United Kingdom. Dr. Buckendahl has made a career as an educational assessment expert and has dozens of publications to his credit. We would benefit from someone of his expertise while serving the Technical Advisory Committee on Statewide Assessment. I'd appreciate your green vote.

DeBOER: Thank you, Senator Murman. Seeing no one in the queue, Senator Murman, you're welcome to close on the confirmation report. Senator Murman waives closing. The question is the adoption of the report offered by the Education Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Mr. Clerk, please record.

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the report.

DeBOER: The report is adopted. Mr. Clerk, for some items.

ASSISTANT CLERK: Thank you, Madam President. LB562, LB562A, LB705, LB705A, were presented to the Governor today at 3:26 p.m. I have a motion to reconsider the vote on the confirmation of Jason Hayes to the Public Employees Retirement Board. Motions to override vetoes: Senator Walz to LB814; Senator Conrad to LB814-- two motions from Senator Conrad. An amendment to be presented to LB514 from Senator Brewer. Name adds: Senator Fredrickson to LB157, Senator Vargas to LB531, Senator Vargas to LB562 and Senator Riepe to withdraw from LB575. That's all I have at this time.

DeBOER: Thank you, Mr. Clerk. Sen-- Speaker Arch, for an announcement.

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ARCH: Thank you, Madam President. As previously announced, we will now stand at ease while the Revisor's Office engrosses legislative bills advanced this morning on Select File. These bills will need to be read across today to allow for the constitutionally required layover day before we take them up on Final Reading on Thursday, so we will now stand at ease. Thank you.

DeBOER: Thank you, Mr. Speaker.

[EASE]

ARCH: Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB50A, LB157, LB514 and LB514A and LB531A as correctly engrossed and placed on Final Reading. Notice that the Executive Board will have a meeting tomorrow in room 1525 at 8:30 a.m. Executive Board meeting tomorrow, room 1525 at 830 a.m. Additionally, the General Affairs Committee will meet for an executive session tomorrow under the north balcony at 9:15. Exec session, General Affairs, tomorrow under the north balcony at 9:15. Mr. President, a priority motion. Senator Ballard would move to adjourn the body until Wednesday, May 31, 2023, at 9:00 a.m.

ARCH: Senators, you've heard the motion. All those in favor say aye; all those opposed, nay. We are adjourned.