

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB843

Hearing Date: Wednesday January 26, 2022
Committee On: Government, Military and Veterans Affairs
Introducer: Brewer
One Liner: Change provisions relating to elections

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

| | | |
|----------------------------|---|---|
| Aye: | 5 | Senators Brewer, Halloran, Lowe, McCollister, Sanders |
| Nay: | 2 | Senators Hansen, M., Hunt |
| Absent: | 1 | Senator Blood |
| Present Not Voting: | | |

Oral Testimony:

Proponents:

Dick Clark on behalf of Senator Tom Brewer
Doug Kagan
Wayne Bena
Tracy Overstreet
Westin Miller
Seth Paulson
Larry Storer
Beth Bazyn Ferrell
Rex Schroder
Fanchon Blythe

Representing:

Introducer
Nebraska Taxpayers for Freedom
Nebraska Secretary of State
Hall County Election Office
Civic Nebraska
Self
Self
Nebraska Association of County Officials (NACO)
Self
Self

Opponents:

Nick Grandgenett
Joey Litwinowicz

Representing:

Nebraska Appleseed
Self

Neutral:

Danielle Conrad
Jennifer Hicks

Representing:

ACLU of Nebraska
Self

Summary of purpose and/or changes:

This bill is the annual omnibus elections cleanup and update bill.

It includes numerous revisions to the Election Act including:

- a variety of definitions
 - procedures for accommodating voters with disabilities
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- procedures for appointing local election workers
- prescriptions to use Secretary of State-authorized forms for voter registration and requesting early ballots
- updates to a political party name
- voter list maintenance and distribution
- deadlines for ballot questions from political subdivisions
- deadlines for declining nomination for elective office
- polling place facility availability
- elections deadlines
- fulfillment of requests for replacement ballots
- public notice requirements
- resignations to avoid recall
- submission of final petition language
- limitations on electioneering and exit polling near secure ballot drop boxes

Explanation of amendments:

AM 2075 to LB 843:

The committee voted to adopt AM 2075 on a 5-2-0-1 vote

Voting Aye: Senators Brewer, Halloran, Lowe, McCollister, Sanders

Voting Nay: Senators M. Hansen, Hunt

Not Voting: None

Absent: Senator Blood

AM 2075 amends some provisions from LB 843 and adds material from six other bills relating to elections and election campaigns:

1. Senator Bostar's LB 849 with AM 1972

Election officials who (1) willfully engage in conduct prohibited by the Election Act or who (2) neglect or omit their duties under the Election Act are subject to conviction of a Class I misdemeanor. This bill would apply that same penalty to any member of a political subdivision governing body relating to their recall election duties under Neb. Rev. Stat. Section 32-1306(2).

The provisions of LB 849 incorporated in the committee amendment include procedural changes recommended by the Secretary of State.

Testifiers on LB 849:

Proponents:

Senator Eliot Bostar, Legislative District 29

Spike Eickholt, ACLU of Nebraska

Meg Mikolajczyk, Nebraska Civic Engagement Table

Opponents:

Wayne Bena, Nebraska Secretary of State office

Neutral:

None

2. Senator McCollister's LB 861 with AM 1835

The original version of LB 861 would require that candidate filing forms include an email address for the candidate.

With the changes proposed by AM 1835, the form would provide "email address" as an optional field but would not require that candidates have an email address as a qualification for office.

Testifiers on LB 861:

Proponents:

Senator John McCollister, Legislative District 20

Joanna Lindberg, League of Women Voters - Greater Omaha

Opponent:

None

Neutral:

None

3. Senator Clements' LB 858

This bill would prohibit the funding of elections from any source other than appropriations from the federal government, the State of Nebraska, and Nebraska political subdivisions. It includes exceptions for (1) "in-kind" contributions of food or beverages for election workers and (2) the use of buildings as polling places or election worker training sites.

Testifiers on LB 858:

Proponents:

Senator Robert Clements, Legislative District 2

Wayne Bena, Nebraska Secretary of State office

Doug Kagan, Nebraska Taxpayers for Freedom

Larry Storer, Self

George Boll, Self

Fanchon Blythe, Self

Opponents:

Joey Litwinowicz, Self

Westin Miller, Civic Nebraska

Danielle Conrad, ACLU of Nebraska

Neutral:

Sheri St Clair, Self

Jennifer Hicks, Self

4. Senator Sanders' LB 928 with AM 1863

LB 928 would require that candidates for certain elective offices make their campaign advertisements more accessible to persons with disabilities. This bill would forbid the dissemination of campaign advertisements (1) on television, unless the advertisement includes closed captioning or a transcript of the advertisement appears on the candidate's or campaign committee's website, and (2) on radio, unless a transcript of the advertisement is posted on the candidate's or campaign committee's website.

These requirements would apply to persons seeking election to any of the following offices: Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Auditor of Public Accounts, University of Nebraska Board of Regents, Public Service Commission, and Legislature.

Changes proposed in AM 1863 clarify that this new duty is specifically imposed on candidates and campaign committees

rather than on broadcasters or other third parties.

Testifiers on LB 928:

Proponents:

Senator Rita Sanders, Legislative District 45

John Wyvill, Nebraska Commission for the Deaf and Hard of Hearing (NCDHH)

Frank Daley, Nebraska Accountability and Disclosure Commission

Westin Miller, Civic Nebraska

Opponents:

None

Neutral:

None

5. Senator Clements' LB 1263 with AM 1718

This bill would amend the Election Act to provide requirements for secure ballot drop boxes. These include a requirement that dropboxes be securely anchored, locked, and in compliance with accessibility requirements under the Americans with Disabilities Act. The bill would require that dropboxes be opened to receive ballots no later than the sixth Friday preceding a primary or general election, and no later than the fourth Friday preceding a special election. The bill also mandates daily collection of ballots by election workers. The Secretary of State would be granted permissive authority to promulgate rules and regulations related to these requirements.

The changes proposed in AM 1718 clarify that the requirement to keep the dropboxes open and available to voters during an election only extends to the deadline for the receipt of ballots.

Testifiers on LB 1263:

Proponents:

Senator Robert Clements, Legislative District 2

Wayne Bena, Nebraska Secretary of State office

Edison McDonald, The Arc of Nebraska

Lorenzo Ortega III, Nebraska Voter Accuracy Project

Connie Reinke, Nebraska Voter Accuracy

Joanna Lindberg, League of Women Voters - Greater Omaha

Westin Miller, Civic Nebraska

Opponents:

Allie French, Nebraskans Against Government Overreach

Robert Borer, Self

Richard Jost, Self

Fanchon Blythe, Self

Neutral:

Beth Bazyn Ferrell, Nebraska Association of County Officials

Jennifer Hicks, Self

6. Senator Brewer's LB 841

This bill would allow emergency response providers who are responding to an emergency declaration by the President or Governor, including National Guard members, to simultaneously register to vote and to request ballots for all elections in a calendar year. Such voters would be able to make such a request via "facsimile transmission or electronic mail" on a form designated by the Secretary of State.

The provisions of LB 841 included in the committee amendment to LB 843 would be modified to also include utility workers and others participating in a mutual aid agreement relating to emergency response.

Testifiers on LB 841:

Proponents:

Senator Tom Brewer, Legislative District 43

Andrew Buller, Nebraska Secretary of State office

Ryan McIntosh, National Guard Association of Nebraska and Nebraska State Volunteer Firefighters Association

Westin Miller, Civic Nebraska

Beth Bazyn Ferrell, Nebraska Association of County Officials

Opponents:

None

Neutral:

None

7. Senator Brewer's LB 843

Section 35 of the original version of LB 843 would have required that the Secretary of State reject certain revisions of initiative or referendum language where such revisions differ from changes suggested by the Revisor of Statutes and from the initial filing. The committee amendment would authorize the Secretary's approval of such changes so long as they do not address "a subject that is substantially different in form or substance" from the initial filing.

Tom Brewer, Chairperson