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March 1, 2023

Senator Tom Brewer, Chair, and Members of the Government, Military and Veterans Affairs Committee
State Capitol, Lincoln NE

RE: LB228 (Erdman) Create state holidays for statewide primary and general election days, require in-person voting, photographic identification to vote, counting of ballots on election day, and counting of ballots at the precinct level, and allow voting by mail for registered military personnel and residents of nursing homes and assisted-living facilities

OPPOSE – *Please include this testimony from the League of Women Voters of Nebraska as part of the public hearing record for LB228.*

Dear Senator Brewer and Members of the Government, Military and Veterans Affairs Committee:

The right of every citizen to vote has been a basic principle of the national League of Women Voters since its founding in 1920. The League has undertaken nationwide efforts to promote voter protection and education to prevent the development of processes and laws that threaten to disenfranchise voters, educate the public on new election procedures, and provide voters with the information they need to cast a vote and be sure that vote is counted.

In addition to being contrary to national League principles, the League of Women Voters of Nebraska opposes further action on LB228 because we believe it to be in violation of Article 1, Section 22, of the Nebraska State Constitution, which states that: "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."

Restricting voting to mandate in-person voting except for selected individuals is voter suppression. At the very least, requiring early voting to be completed at the office of the election commissioner or county clerk eliminates voters who have transportation issues. Individuals other than military personnel and residents of nursing home and assisted living facilities may also be unable to vote in person due a variety of reasons – such as health (theirs or family members), business or transportation issues.

Presentation of a photographic identification card is proposed for those voting in person or to be submitted with one's ballot. These cards are to be approved by the Secretary of State. To date, there is no approval process to make this requirement applicable.

Although the goal of a statewide Election Day holiday is laudable, it is unrealistic to expect all eligible voters to be able to vote in person on a specific day. For example, many businesses as well as hospitals require staffing of employees, as do polling locations.

Voters who prefer or need to vote by mail should not be required to also submit a photo ID with the mailed ballot. The National Conference of State Legislatures' recommendations regarding voting outside the polling place include: "Remove requirements for an affidavit or witness signature on absentee/mail in ballot requests and instead beef up signature verification."¹ We support training of election officials regarding signature verification for mailed ballots.

LB228 would also require counting of ballots at the precinct level. The appropriate hardware is simply not available in all 1,323 Nebraska precincts, which would force hand counting. This would result in counting ballots over and over and over – which is the reason why election officials use machines to help them count ballots. Post-election audits have confirmed the validity and accuracy of machine tabulation of paper ballots.

Like previous elections, Nebraska's 2022 election was safe, secure and certified by the Board of State Canvassers. Forty percent of voters cast their ballots early. The 11 counties that are all vote-by-mail again outpaced the Nebraska average in terms of turnout. These data clearly support continuation of early and by mail voting in Nebraska.

LB228 should not advance from the Government, Military and Veterans Affairs Committee.

Sincerely,

Sheri St Clair, Government Co-Director, LWVNE
Rachel Gibson, Vice President-Action, LWVNE
MaryLee Moulton, President, LWVNE

¹National Conference of State Legislatures. (2022, July 12). *Voting outside the polling place: Absentee, all-mail and other voting at home options*. <https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place>