



**LEAGUE OF WOMEN VOTERS®
OF NEBRASKA**

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**Testimony in Opposition to LB653
Executive Board of Nebraska Unicameral
February 13, 2017**

The League of Women Voters of Nebraska (LWVNE) testifies in opposition to LB653, Senator Murante’s redistricting bill. LWVNE conducted a study of redistricting that analyzed several states. Since that time, the League of Women Voters of Nebraska has approved that study and taken a position in support of a redistricting legislation that provides an outstanding process for shaping a map of districts in Nebraska.

Last year John Else, our Director of Social Policy, testified personally (rather than in behalf of the LWVNE), because that hearing occurred prior to official action by our annual meeting of the LWVNE. He testified in support of Senator Murante’s redistricting bill, because it represented major progress toward a substantive process for redistricting in Nebraska. He expressed a number of major reservations about the bill, however. The LWVNE believed that the amendments to the original bill, approved by the Executive Board, improved it significantly. However, that bill was vetoed by the Governor, and Senator Murante decided not to challenge that veto with an override effort.

LB653 is essentially the same bill that the Legislature passed last year. It does not address any of the four points raised by the Governor in his veto message. The Governor said:

1. LB580 “creates what could become a hyper-partisan unelected advisory commission that will likely be comprised of former policy party activists and former elected officials...which is outside the spirit and tradition of our non-partisan Unicameral Legislature.”
2. “Article III, Section 5 of Nebraska’s Constitution requires the Legislature to conduct legislative redistricting; not anyone else...Under LB580, only the unelected advisory commission can draft redistricting bills. Those bills do not receive a formal public hearing by a legislative committee—a requirement for all other legislative bills...While there is no bar in the Constitution precluding the Legislature from seeking input or advice, the bill presents an improper delegation of legislative power in violation of Article II, Section 1 of the Nebraska Constitution.”
3. LB580 requires the Secretary of State to provide formal opinions regarding the constitutionality of the proposed maps. “This is clearly a legal function; therefore the bill infringes on the actual and inherent duties of the Nebraska Attorney General...”
4. LB580’s timeline “increases the likelihood of needing a special session to be called for the purpose of enacting redistricting plans.”

In contrast to LB653, Senator Harr's LB 216 redistricting bill addresses each of these four issues raised by the Governor. In January, we testified in support of that bill:

LB216 creates a truly "non-partisan" commission composed of an equal number of Republican and Democratic members appointed by the party members of each Congressional Caucus, plus a non-partisan chair elected by those six members. This follows the best practices of state redistricting designs.

LB216 continues to delegate the preparation of maps to the legislative research bureau and the conduct of four hearings by the advisory commission. The bills are prepared by the legislative research bureau, not the advisory commission. These are not unconstitutional provisions, as the Governor claimed. The four public hearings specified in the bill are held in all three Congressional Districts, which increases the opportunities for citizen participation in responding to the maps. The results of those hearings are contained in a report that accompanies the bills to the Legislature. The Nebraska Constitution allows delegation of process. The Legislature's vote on the bills retains the central provisions of Article III, Sections 1 and 5. Furthermore, LB216 also provides that if the bills are not passed after the first two submissions, the Legislature assumes the responsibility for drawing the third set of maps.

LB216 removes any provision for the Secretary of State to provide formal opinions regarding the constitutionality of the proposed maps. It leaves this function with the Nebraska Attorney General.

LB216 avoids the timeline issue of LB580 by providing that if the Legislature does not pass either of the first two submission of the redistricting bills, the legislature assumes the responsibility for drawing the third set of maps.

We appreciate Senator Murante's continued interest in redistricting, but we are disappointed that he did not address the various issues raised by the Governor. Therefore, we cannot support his bill.

Sincerely,

John F. Else
Social Policy Director

Sherry Miller
President