



Cornhusker Economics

2022 Nebraska Ballot Issues

Three issues will be on the 2022 statewide ballot, one proposed by the Nebraska Unicameral and two added to the ballot by initiative petition. The three issues are: (1) public payments to expand commercial airline service; (2) requiring photo IDs for voting; and (3) increasing the Nebraska minimum wage from \$9/hour to \$15/hour.

Proposed Amendment No. 1: expanded commercial airline service payments

Many of the nine commercial airports in Nebraska struggle to persuade commercial airlines to offer more flights. One option to change that is for the airport to provide guaranteed minimum revenue for the new commercial flights. Amendment 1 would authorize any political subdivision (city, county, airport district, etc.) that owns or operates an airport to contract with a commercial airline to guarantee a specified amount of revenue to offer more flights. Amendment 1 -- proposed unanimously by the Unicameral -- does not limit how long such payments may be made or how much can be paid: those decisions would be made by the city council, county board, airport board, etc.

Initiative Measure 432: voting photo ID requirements

According to the National Council of State Legislatures (which is a major source for this discussion), 35 states have voter ID laws and 15 states do not. Of the 35 states with voter ID requirements, 18 have voter **photo ID** laws and 17 states have voter **non-photo ID** laws. Of the 18 states with photo ID laws, eight states (AR GA IN KA MI MO TN WI) have **strict** photo ID requirements and ten states (AL FL ID LA MI MO RI SC SD TX) have **non-strict** photo ID laws. Of the 17 states with non-photo voter ID laws, four states (AZ ND OH WY) have **strict** voter ID requirements, and 13 states (AS CO CN DL HA IA KY NH OK UT VA WA WV) have **non-strict** voter ID laws. The 12 strict voter ID states make it more difficult for those forgetting their required identification to vote, and the 23 non-strict states make it easier for voters who forget their ID to still vote. Nebraska is one of 15 states (CA IL ME MD MA MN NE NV NM NJ NY NC OR PA VT) plus the District of Columbia that require no voter identification to vote.

Because there is such a wide variety in state approaches to voter ID requirements, some background is useful. While the details of how each state implements its voter identification requirements vary considerably, a general understanding of the photo, non-photo, strict, and non-strict categories will help us appreciate what adopting Initiative 432 might mean in changing Nebraska voting requirements, as well as the broad policy choices available to the Unicameral in implementing Initiative 432 if it is approved by voters.

Photo & non-photo voter ID. In states with *photo* voter ID requirements, voters must present a valid identification document that has a photograph on it, such as a current driver's license, state-issued ID card, military ID, tribal ID, passport, or similar documents before casting their ballot. In states with *non-photo* voter ID requirements, voters must present an approved non-photo identification document such as a current bank statement, utility bill,

paycheck, government check or other government document with their name and current address on it in order to cast their ballot.

Strict & non-strict voter ID. In states with **strict** voter ID requirements, failing to have the required ID means the voter will have to make another trip to the election office to vote or for their provisional vote to count. In states with **non-strict** voter ID, voters without the required ID will not need to make a second trip.

In *strict* voter ID states, if the voter does not have the required identification document, they may be allowed to cast a provisional ballot and return later (after election day) to an election office with the required voter identification. If they don't make the second trip, their vote is not counted. Or, they might not be able to vote until they return to the polling site (on election day) or the election office (after election day) with the required ID.

In states with *non-strict* voter ID requirements, voters without the necessary voter ID may still be allowed to cast a ballot that will be counted without further action on the voter's part if they are otherwise eligible to vote. If the voter does not have the required identification (photo or non-photo), they may be allowed to cast a provisional ballot, and election officials can check after the election to see whether the voter was properly registered and eligible to vote. Typically this would involve comparing the voter's current signature with the signature on the voter's original voter registration form.

How do we do it in Nebraska? Voters give their name and address to the election official at their voting precinct. If the voter's name and address is on the precinct list of registered voters, the voter signs the precinct sign-in register and is eligible to vote. If problems arise, the signature on the precinct sign-in register can be compared with the voter registration form signature.

What does Initiative 432 say? "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."

What does this mean? If Initiative 432 is approved by voters, the Unicameral will specify in new legislation what specific valid photographic identification will be needed to vote in Nebraska. Initiative 432 is silent regarding whether Nebraska should follow the strict or non-strict approach when voters fail to bring the required ID.

In this regard, the Nebraska Constitution provides 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." This provision suggests that the Unicameral should provide multiple options for voters failing to meet the photo ID requirement to still be able to cast their ballot at least on a provisional basis until their voter registration status can be verified. Taking a more "non-strict" approach would be in the spirit of the current "all elections shall be free" constitutional provision.

What about mail-in ballots? The initiative 432 language suggests to me that photo ID would be required for all voting, including mail voting. So e.g. a xerox copy of the necessary photo ID would need to be submitted along with the mail ballot.

Initiative Measure 433: increasing the Nebraska minimum wage

The current Nebraska minimum wage is \$9.00 per hour. Initiative 433 would increase this by \$1.50 per hour over the next four years so that by 2026 the Nebraska minimum wage would be \$15 per hour.

Several groups are exempt from the minimum wage, including employers with no more than three employees (not including seasonal workers), agricultural workers, most baby-sitters, certain apprentices and trainees, and immediate family members. Initiative 433 would not affect these excluded groups.

Who are minimum wage workers in Nebraska? These include waiters and waitresses, fast food workers, some assembly line workers, home care aides, and school aides.

What is the annual income of a minimum wage worker? Assuming a 40 hour work week, \$18,720 (\$9/hour). If Initiative 433 were adopted

- in 2023 this would increase to \$21,840 (\$10.50/hour);
- in 2024, to \$24,960 (\$12/hour);
- in 2025, to \$28,080 (\$13.50/hour); and
- in 2026, to \$31,200 (\$15/hour).

Thereafter the Nebraska minimum wage would be indexed for inflation. For comparison, the 2022 federal poverty guidelines are for

- one person, \$13,590
- two persons, \$18,310
- three persons \$23,030
- four persons, \$27,750 and
- five persons, \$32,470.

Initiative 433 would amend section 48-1203 of Nebraska statutes, one of the sections dealing with the Nebraska minimum wage. If Initiative 433 is adopted by Nebraska voters, it would take a 2/3 vote of the Unicameral to change it in the future.

References

National Council of State Legislatures. *Voter ID Laws*. <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx> (visited October 6, 2022).

National Council of State Legislatures. *Voter Verification Without ID Documents*. <https://www.ncsl.org/research/elections-and-campaigns/voter-verification-without-id-documents.aspx> (visited October 6, 2022).

Nebraska Secretary of State. *Informational Pamphlet: Initiative Measures Nos. 432 & 433 Appearing on the 2022 General Election Ballot*. <https://sos.nebraska.gov/elections/2022-elections>

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