

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

REPUBLICAN NATIONAL
COMMITTEE, JACK RIGGINS, and
PAMELA DINGMAN,

Plaintiffs,

v.

ROBERT B. EVNEN, Secretary of
State of the State of Nebraska, in his
official capacity,

Defendant.

Case No. CI 26 -

**VERIFIED
COMPLAINT**

COMES NOW Plaintiffs, Republican National Committee, Jack Riggins, and Pamela Dingman, and for their causes of action and claims for relief against Respondent, Robert B. Evnen, Secretary of State of the State of Nebraska, allege that Plaintiffs are entitled to declaratory relief declaring Neb. Rev. Stat. § 32-939(2) unconstitutional and injunctive relief requiring Respondent, in his capacity as Secretary of State, to not provide ballots to individuals who vote by virtue of the provisions of Neb.Rev.Stat § 32-939(2). In support of this, Plaintiffs hereby state and allege as follows:

PARTIES

1. Plaintiff Republican National Committee (the “RNC” or “Plaintiff”) is a national political committee that manages the Republican Party’s business at the national level, including the development and promotion of the Republican Party’s national platform and election strategies. The RNC nominates candidates for public office in state and federal elections across the country, including the forthcoming 2026 midterm elections in Nebraska. The RNC supports its nominees in Nebraska by dedicating significant resources to educate, mobilize, assist, and turn out voters. The RNC’s members also include Nebraska residents who regularly vote in Nebraska elections whose votes are subject to dilution by those who have never lived in the United States.

2. Plaintiff Jack Riggins (“Mr. Riggins” or “Plaintiff”) is a resident and registered voter of Lancaster County, Nebraska. Plaintiff Pamela Dingman (“Ms. Dingman” or “Plaintiff”) is a resident and registered voter of Lancaster County, Nebraska. Ms. Dingman is a candidate for the office of Lancaster County Engineer on the November 3, 2026, general election ballot. Mr. Riggins and Mrs. Dingman’s votes are subject to dilution by those who have never lived in the United States.

3. Respondent Secretary of State Robert B. Evnen (the “Secretary of State”) is the duly elected, authorized, and acting Secretary of the State of Nebraska. The Secretary of State is charged with the duty of registering voters and maintaining voter polls and administering election laws and with supervising the conduct of general elections. This action is brought against him in his official capacity. *See* Neb. Rev. Stat. §§ 32-201, 32-202.

NATURE OF THE MATTER

4. This is an action for declaratory relief brought under Neb.Rev.Stat. §§ 25-21,149 *et seq.* to determine the constitutionality of Neb.Rev.Stat. § 32-939(2) and for injunctive relief.

JURISDICTION AND VENUE

5. The District Court has jurisdiction over the parties pursuant to Neb.Rev.Stat. § 25-536.

6. The District Court has jurisdiction over the subject matter of this action pursuant to Neb.Rev.Stat § 24-302.

7. Venue is proper in the District Court of Lancaster County, Nebraska pursuant to Neb.Rev.Stat. § 25-403.01.

GENERAL ALLEGATIONS

8. Pursuant to Neb. Rev. Stat. § 32-202, the Secretary of State has, among his duties, the enforcement of the Election Act (Neb. Rev. Stat. §§ 32-101 to 32-1551).

9. LB 951 was introduced on January 14, 2010 to implement the requirements of the federal Military and Overseas Voter Empowerment Act (“MOVE Act”).

10. Neb. Rev. Stat. § 32-939 was amended to streamline the voting process for members of the armed forces and overseas citizens. LB 951 was signed into law on April 5, 2010, effectively amending Neb. Rev. Stat. § 32-939.

11. Neb. Rev. Stat. § 32-939(1) is a statutory provision to ease the voting process for members of the armed forces and overseas citizens who formerly resided in Nebraska. Plaintiffs explicitly do not challenge the constitutionality of § 32-939(1).

12. However, Neb. Rev. Stat. § 32-939(2) is a separate statutory provision and is unconstitutional because it allows for an individual who is a citizen of the United States, *who has never resided in the United States*, who has not registered to vote in any other state of the United States, and who has a parent registered to vote within this state of Nebraska to be eligible to register to vote and vote in a county of this state in which either one of his or her parents is a registered voter (emphasis added).

CAUSE OF ACTION

Violation of Article VI, Section 1 of the Nebraska Constitution

13. Plaintiffs incorporate the allegations contained in paragraphs 1 through 12 as though set forth here in full.

14. Article VI, Section 1 of the Nebraska Constitution governs qualifications of electors.

15. Among other limitations, Article VI, Section 1 of the Nebraska Constitution only allows citizens who have attained the age of eighteen years and who *have resided within the state* and the county and voting precinct for the terms provided by law to vote (emphasis added).

16. Neb. Rev. Stat. § 32-939(2) extends voter qualifications to individuals who never resided in Nebraska. This allows individuals who have never resided in Nebraska nor in the United States to vote in Nebraska's state and federal elections.

17. Neb. Rev. Stat. § 32-393(2) violates the Nebraska constitution and dilutes the votes of lawful Republican Voters including Plaintiffs Riggins and Dingman.

18. A present, actual, bona fide controversy exists as to the constitutionality of Neb.Rev.Stat. § 32-939(2).

19. The question of whether Neb.Rev.Stat. § 32-939(2) is a justiciable controversy and no other equally serviceable remedy is available.

20. Accordingly, Plaintiffs are entitled to a declaration that Neb. Rev. Stat. § 32-393(2) is unconstitutional and an injunction prohibiting its enforcement and implementation in Nebraska elections.

ADVANCEMENT ON THE DOCKET

21. Pursuant to Neb.Rev.Stat § 25-21,208, Plaintiffs respectfully request that the Court set this matter for hearing as soon as practicable and give it priority over other cases.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court grant relief as follows:

1. That the Court issue a briefing schedule as soon as possible, advance this matter on the docket, and hear and decide this matter in an expedited manner.

2. That the Court find and issue a judgment declaring that Neb. Rev. Stat. § 32-393(2) is unconstitutional and enter an order enjoining the implementation and enforcement in Nebraska elections and ordering Defendant Secretary of State Evnen to not provide ballots to individuals who vote by virtue of the provisions of Neb.Rev.Stat § 32-939(2).

3. That the Court grant such other and further relief as is appropriate in law and equity.

REPUBLICAN NATIONAL
COMMITTEE, JACK RIGGINS, and
PAMELA DINGMAN,
Plaintiffs.

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