

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 26-2329

**AMENDED
COMPLAINT**

Plaintiffs Republican National Committee, Jack Riggins, and Pamela Dingman bring this complaint for declaratory and injunctive relief against Defendant Robert B. Evnen, Secretary of State of the State of Nebraska. Because Neb. Rev. Stat. § 32-939(2) allows non-residents to vote in Nebraska elections in violation of Article VI, Section 1 of the Nebraska Constitution, Plaintiffs are entitled to declaratory relief declaring § 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 § 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. *Cf. Nat’l Republican Senatorial Comm. v.*

FEC, 607 U.S. ___, 2026 WL 1868932, at *14 (2026). 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. Moreover, as a candidate, Ms. Dingman “ha[s] a concrete and particularized interest in the rules that govern the counting of votes in [her] election[], regardless whether those rules harm [her] electoral prospects or increase the cost of [her] campaigns,” because that interest “extends to the integrity of the election—and the democratic process by which [she] earn[s] or lose[s] the support of the people [she] seek[s] to represent.” *Bost v. Illinois State Bd. of Elections*, 607 U.S. 71, 82 (2026). In short, Ms. Dingman has “an obvious personal stake in how the result” of the November election “is determined and regarded” by the people of Nebraska. *Id.* at 79.

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 401 was introduced on January 12, 2005, to allow the Secretary of State to designate any or all precincts in a county with a population of less than 7,000 as a mail in only precinct.

10. LB 401 was amended by AM1145 on April 11, 2005, which included the language at issue in this complaint.

11. LB 401 was passed by the Nebraska Legislature on May 9, 2005, and codified as Neb. Rev. Stat. § 32-915.

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

13. LB 951 recodified the “who has never resided in the United States” provision of LB 401 into Neb. Rev. Stat. § 32-939.

14. 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).

15. However, Neb. Rev. Stat. § 32-939(2) is a separate statutory provision and is unconstitutional because it allows 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

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

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

18. 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).

19. 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.

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

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

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

23. 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 Eymen 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.

By: /s/ J.L. Spray
J.L. Spray, #18405
Stephen D. Mossman, #19859
Andrew R. Spader, # 27099
Mattson Ricketts Law Firm, LLP
2077 N Street, Ste. 320
Lincoln, NE 68510
Phone: (402) 475-8433
sdm@mattsonricketts.com
jls@mattsonricketts.com
ars@mattsonricketts.com

Certificate of Service

I hereby certify that on Friday, July 10, 2026 I provided a true and correct copy of the Amended Complaint to the following:

Evnen,Robert,B represented by POHLMAN, ZACHARY B (Bar Number: 27376) service method: Electronic Service to zachary.pohlman@nebraska.gov

Republican National Committee represented by Mossman,Stephen,D (Bar Number: 19859) service method: Electronic Service to sdm@mattsonricketts.com

Dingman,Pamela, represented by Mossman,Stephen,D (Bar Number: 19859) service method: Electronic Service to sdm@mattsonricketts.com

Riggins,Jack, represented by Mossman,Stephen,D (Bar Number: 19859) service method: Electronic Service to sdm@mattsonricketts.com

Signature: /s/ Spray,J,L (Bar Number: 18405)

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