

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 295

Introduced by Kauth, 31; Andersen, 49; Bostar, 29; Clouse, 37; DeKay, 40; Holdcroft, 36; Lippincott, 34; Lonowski, 33; Murman, 38.

RESOLUTION ADOPTING ARTICLES OF IMPEACHMENT

The Legislature finds:

1. Elizabeth O'Connor currently serves on the Board of Regents of the University of Nebraska, serving since 2019 and recently re-elected in 2024.

2. Elizabeth O'Connor was in a two-vehicle crash on May 21, 2025, in Omaha, Nebraska.

3. Elizabeth O'Connor was charged with driving under the influence (DUI) causing serious bodily injury, a Class IIIA felony, after law enforcement determined that she was operating a motor vehicle under the influence of alcohol and that she caused the crash.

4. Elizabeth O'Connor is a civil officer of this State and, as such, is liable to impeachment for any misdemeanor in office. Neb. Const. Art. IV, § 5.

5. The Legislature has "the sole power of impeachment." Neb. Const. Art. III, § 17. Impeachment occurs by the adoption, by a majority of the members of the Legislature, of a resolution setting forth articles of impeachment. The articles are then tried before the Nebraska Supreme Court.

6. Clear and convincing evidence exists to establish that Elizabeth O'Connor committed the offense identified in the articles of impeachment in this resolution. Furthermore, this is an impeachable offense. "[A]n impeachable high crime or misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the constitution, of law, of an official oath, or of duty by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives or for an improper purpose." State v. Douglas,

217 Neb 199, 202, 349 N.W.2d 870, 875 (1984) (quoting State v. Hastings, 37 Neb. 96, 114-15, 55 N.W. 774, 780 (1893)).

ACTS CONSTITUTING IMPEACHABLE OFFENSES:

Article 1: Driving Under the Influence Causing Serious Bodily Injury

(Neb. Rev. Stat. § 60-6,198)

1. On or about May 21, 2025, Elizabeth O'Connor was driving her motor vehicle near the area of North 63rd Street and Blondo Street in Omaha, Douglas County, Nebraska.

2. Elizabeth O'Connor was traveling eastbound on Blondo Street when her motor vehicle crossed over into the westbound lane and into oncoming traffic, where her motor vehicle collided with another motor vehicle.

3. Officers with the Omaha Police Department arrived and found Elizabeth O'Connor to be displaying obvious signs of intoxication. She displayed bloodshot and watery eyes, slurred speech, and the moderate odor of an alcoholic beverage emitting from her breath.

4. A half empty bottle of Fireball Cinnamon Whisky was found in Elizabeth O'Connor's vehicle.

5. Officers conducted Standardized Field Sobriety Testing on Elizabeth O'Connor and she displayed clear signs of intoxication.

6. As Elizabeth O'Connor appeared to have minor injuries, she was transported to the University of Nebraska Medical Center (UNMC).

7. Officer Keith Lambert filed an affidavit and application for a search warrant to obtain a sample of Elizabeth O'Connor's whole blood for chemical testing. That application was granted, a search warrant was issued, and officers obtained a sample of whole blood from Elizabeth O'Connor.

8. Tests were conducted on Elizabeth O'Connor's whole blood. It was determined that her blood alcohol concentration (BAC) at the time of the accident was 0.321 of one gram by weight of alcohol per one hundred milliliters of her blood. Elizabeth O'Connor's BAC was more than four times the legal BAC maximum of 0.08.

9. Officers determined that there were five individuals in the motor

vehicle struck by Elizabeth O'Connor's motor vehicle, including three children. The driver and the three children were also transported to UNMC.

10. The fifth individual in the victims' motor vehicle, Latonda Johnson, was in the front passenger seat. She was transported to UNMC in serious condition.

11. At UNMC, Latonda Johnson was found to have a broken back and broken pelvis. She has undergone several months of recovery and faces several more.

12. Elizabeth O'Connor's operation of a motor vehicle while under the influence of alcohol in violation of Neb. Rev. Stat. § 60-6,196 or § 60-6,197 did proximately cause serious bodily injury to Latonda Johnson in violation of Neb. Rev. Stat. § 60-6,198, a Class IIIA felony.

13. Elizabeth O'Connor's misconduct is related, but inimical, to her duties in office. Her misconduct was subversive of fundamental and essential principles of government and highly prejudicial to the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Elizabeth O'Connor, member of the Board of Regents of the University of Nebraska, is hereby impeached, saving unto the Legislature of the State of Nebraska at any time hereafter any further articles or other accusations or impeachment against Elizabeth O'Connor, and also of replying to her answers which she shall make to the articles herein preferred against her, and of offering proof to the same and every part thereof, and all and every other article, accusation, or impeachment which shall be exhibited as the case shall require.

2. That the Legislature demands that Elizabeth O'Connor be put to answer for the misdemeanor in office herein charged against her, and that such proceedings, examination, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.