

**SANDERS:** Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I am Senator Rita Sanders from Bellevue, representing District 45, and I serve as the Chair for this committee. This public hearing is our-- your opportunity to be part of the legislative process and express your position on the proposed legislation before us. Please note that due to the similar topics addressed by the bill, they all will be heard in a combined-- well, no, this one's not going to be heard combined-- hearing via the standard-- here we go. The purpose of the public hearing is an information-gathering endeavor in which senators on the committee are seeking information about the proposed legislation that they do not know or have enough thought about. It allows individuals representing themselves or a group to share their unique perspective on a proposed measure. It also serves, serves as a record about the for future historical and legal purposes. The key component of the process is the ability for senators to engage directly with the testifiers to ask questions and elicit clarification on information provided. The committee will take up bills in the order posted. If you are planning to testify today, please fill out one of the green testifier sheets for each of the bills that you will testify on. These are on the table at the back of the room. Be sure to print clearly and fill out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sheets in the back of the room on the table. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, tell us your name, and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by the proponents of the bill, then opponents and finally anyone wishing to speak in the neutral capacity. We will finish with a closing statement by the introducer, if they wish to give one. We will be using a three-minute light system for all testifiers. When you begin your state-- your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining. And the red light indicates your time has ended. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bill being heard. It's part of the process as senators have bills to introduce in other committees. A few

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final items to facilitate today's hearing. If you have any handouts of the testimony, please bring up at least 12 copies and give them to the page. If you do not have enough copies, the page will make sufficient copies for you. Please note that thumb drives, CDs and DVDs and oversized documents, books, lists of signatures and similar will not be accepted as exhibits for the record. Please silence or turn off your cell phones. You may see committee members using their electronic devices to access more information. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures of all committees state that written position comments on a bill to be included in the record must be submitted by 8:00 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [legislature.nebraska.gov](http://legislature.nebraska.gov). Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. I will now have the committee members with us today to introduce themselves, starting on my far right.

**HUNT:** Hi everybody, I'm Megan Hunt, and I represent District 8 in the northern part of Midtown Omaha.

**J. CAVANAUGH:** Good afternoon. John Cavanaugh, District 9: Midtown Omaha.

**ANDERSEN:** Good afternoon, Senator Bob Andersen from District 49, which is northwest Sarpy County in Omaha.

**F. MEYER:** Senator Fred Meyer, District 41, representing six counties north of Grand Island. Thank you for being here today.

**SANDERS:** Bob Anders-- Bob Anderson is the Vice Chair of the committee. Also assisting the committee today to my right is legal counsel, Dick Clark. And to my far left, our committee clerk today is not Julie Condon, it is Katie Coquat, that is here today standing in. And we have two pages for the committee today, they are Luke Perry from Gretna, if you would stand, who is a freshman at UNO and majoring in history and political science. Thank you. And Grace Harper from Loveland, Colorado, who is junior at UNL and majoring in political science. Thank you for your assistance today. With that, we will begin today's hearing on LB951. Senator Ballard, welcome.

**BALLARD:** Thank you, Madam Chair and members of the Government, Military, and Veterans Affairs. I believe this is my first time in front of this committee, so it's good to be here. My name is Beau Ballard, for the record, that is B-E-A-U B-A-L-L-A R-D, and I represent District 21 in northwest Lincoln and northern Lancaster County. LB951 is designed to solve a specific problem: the fact that thousands of Nebraskans are directly subject to regulation by government officials without the ability to vote for those public officials. I believe that this is a form of taxation without representation. It is inherently in conflict with our democratic values and has no place in Nebraska. LB951 resolves this problem in a very simple and low-cost way. It allows Nebraskans living in the so-called extraterritorial jurisdictions, or ETJs, to vote their elected representatives. Nebraska law currently establishes ETJ's, which are geographically zoned outside cities. These zones range from one to three miles. Within ETJs, cities can regulate, require inspections, require permitting of Nebraska citizens. To be clear, the main crux of my issue is not with the ETJs, because I believe they enable city officials to ensure areas adjacent to their geographies can grow and that is consistent with city future plans. These areas can be annexed on the road and building according to cohesive city growth plans makes some policy sense. However, the cities are using ETJs to obtain some benefit of annexation without the added expense. Those areas do not receive city services and so because they do not, it makes sense that they would not be taxed. However, the problem exists has nothing to do with direct taxation or city services. Instead, the problem with current law is that it enables citizens to be indirectly taxed without a say in the process. You may ask, how are they indirectly tax-- taxed? Local governments within their local control and the process have the ability to impose permits and inspection requirements, builders and homeowners are subject to the whim of regulat-- regulators and have to pay for that privilege. For example, the community I'm familiar with, the city of Lincoln, charges a cost for permits, plan review and inspection. These direct costs and the homeowners have no say in them. At the same time, inspections and plan reviews and permitted add time and expense, which itself is a cost. And these regulators can include the denial of permits, plots, and development rights that impair private property use. These undeniably are forms of taxation. Despite the fact, these citizens have no ability to hold decisionmakers politically accountable. They cannot vote for decisionmakers, and some elected

officials claim that ETJ residents can't attend public hearings, voice their opinions, or join a planning commission. And while that is all true, the ability to hold elected officials accountable at the ballot box ensures their concerns are taken seriously. LB951 is a simple way of resolving that problem to provide citizens in the ETJ the right to vote. Nothing can be more pro-democratic than that. I wanna add a couple concerns that you're going to hear today from opponents. First, the committee will hear that residents do not pay the same taxes as those within city limits. That is true, and we should insist that those that receive city services pay for those services. But that is a bit besides the point as ETJ residents are not asking for additional taxable services, such as water and sewer. The primary purpose of this bill is not to access services. ETJ residents do not access services today, and they will not access city services under LB951. Instead it's to give them the ability to hold elected officials accountable for decisions that they make for their private property. Second, you'll hear concerns about the cost of work associated with redistricting and implementation from the ETJ voting rules. We have testifiers here today that we are willing to work on some of the language to, to either stagger or implement-- delay the implementation after the 2030 redistricting. Third, LB951 does not take away local control. I repeat, it does not take away local control. Cities and local governments retain authority to craft and enforce regulations. The bill does not create a regulatory obligation or pose additional burdens on governments or residents. It simply ensures that those that live within the ETJ have the right to elect officials who write, write and enforce regulations on them. I will note the Secretary of State has pointed out a couple changes he would like to see, and I intend to work with his office on those changes. I'm grateful for all those that serve in our elections, our election community with those changes. Nothing could be more democratic than giving those that regulated the indirect tax the ability to have votes-- and who do not have the regulations. LB951 will restore fairness, accountability, and participation in a democratic process for thousands of Nebraskans. With that, I'd be happy to answer any of your questions.

**SANDERS:** Thank you, Senator Ballard. Thank you for bringing LB951 forward. Are there any-- Senator Cavanaugh has a question.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Senator Ballard. Welcome to the Government Committee.

**BALLARD:** Thank you.

**J. CAVANAUGH:** This is an interesting one. It's not something I had thought about, and you and I talked about it on the floor a little bit. So, and you addressed in your opening, so, folks-- at least I know in Omaha, and you can correct me if Lincoln is different-- folks who live in the ETJ of Omaha can serve on the planning board for Omaha?

**BALLARD:** Correct.

**J. CAVANAUGH:** Is that the same for other parts of the state?

**BALLARD:** That is my understanding. Yes.

**J. CAVANAUGH:** OK. And so they do have a say, as you said, in those sorts of decisions. So folks who live in the ETJ, do they all live in SIDs or are there other--

**BALLARD:** No, I'll just say I'm familiar with the City of Lincoln.

**J. CAVANAUGH:** OK.

**BALLARD:** I don't, I don't believe we have any SIDs. So our, you'll see on our map, our ETJ goes out three miles. So it goes in a-- I think I have the largest ETJ in the-- in Lancaster County, in my district. And so it goes a pretty, pretty good distance outside of the city of Lincoln.

**J. CAVANAUGH:** So, in those developments, how do they organize? How do they build roads and pay for it then, if you're not--

**BALLARD:** It's all, it mostly is county. It's all county.

**J. CAVANAUGH:** And the folks in the ETJ, they maybe pay the county property tax, but they wouldn't pay the city property tax.

**BALLARD:** Correct.

**J. CAVANAUGH:** Do they pay the wheel tax?

**BALLARD:** Outside the-- outside the city, no, they do not.

**J. CAVANAUGH:** So, I mean, I guess, I hear what you're saying about having a say, being able to have a say. But is there any thought on that, you know, giving somebody who is only subjected to one part, which is the zoning requirements, authority over the police, the fire, the trash pickup of everybody else? So you're saying they're not asking for the extension of services, but they are asking for authority over determination of the services that I would be provided as a taxpayer in the city.

**BALLARD:** Yeah, I'm fairly clear, I've been fairly consistent on I believe a fee is a tax. I'm assuming you have similar thoughts on that, and that is the only-- with this LB951, I'm saying that if you are taxed, you should have some say and the services that you're providing, such as garbage sewer, they're not getting those services. We have to pay for those outside the city. I grew up outside the city of Lincoln, and we had to pay for those on our own.

**J. CAVANAUGH:** Has anybody suggested creating, you know, since you're only subject to the jurisdiction of planning and zoning of a elected planning and zoning board, so they'd have some--

**BALLARD:** That's in--

**J. CAVANAUGH:** --legislative recourse just on the issue that that has jurisdiction over them?

**BALLARD:** That's an interesting thought. The only problem that those do go in front of the city and, city and mayor. You brought it-- bring up an interesting point of planning commission, or the planning commissioners. Those are all appointed by the mayor. And so in my thought, if you're-- if I live in an ETJ, as a mayor, I really don't like city regulations, that's my whole goal in becoming part of the planning commission, I don't think I'm gonna get appointed to the planning commission so. I don't-- I can't say for sure, but if I was a mayor, I would not appoint myself to the planning commission.

**J. CAVANAUGH:** All right, thanks.

**SANDERS:** Any other questions for Senator Ballard? Senator Andersen.

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**ANDERSEN:** Thank you, Chairwoman. Thank you, Senator Ballard, for being here. In looking through the bill, is it cities of all class? Is it applied to all--

**BALLARD:** Yes, the--

**ANDERSEN:** It articulates metro, primary, first--

**BALLARD:** Yes.

**ANDERSEN:** --and second.

**BALLARD:** The, the mileage changes by class, so metro and primary are three, first class is two, and second class and villages are one mile.

**ANDERSEN:** And villages are half a mile.

**BALLARD:** Half a mile, yes.

**ANDERSEN:** I didn't see villages in there.

**BALLARD:** Yes, yes.

**ANDERSEN:** Is there--

**BALLARD:** Under, yes, villages-- I'm sorry, power districts are half a mile, villages are one. And I can get those statute numbers for you.

**ANDERSEN:** OK. Thank you.

**SANDERS:** Are there any other questions for Senator Ballard? Seeing none, thank you.

**BALLARD:** Thank you, Chair.

**SANDERS:** Will you stay for closing?

**BALLARD:** I'll be here.

**SANDERS:** Thank you. We'll now move on to proponents on LB951. Good afternoon, welcome.

**DOUG PETERSON:** Thank you, Chairman Sanders. I appreciate the opportunity to testify. My name is Doug Peterson, D-O-U-G P-E-T-E R-S-O-N, and prior to LB951, I did not know, but I'm actually an EZG

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resident. I live just outside of the city limits, but within the three miles. And I'm speaking in support of LB951. And it basically is a, a fairly simple argument. But frankly the asset of my home and property is one of the larger assets that I have, and as a result, as you look at the legislation that now exists, there's quite a bit of authority that's given through the planning commission and, and through the city, direction given by the mayor, city direction by city council and the planning boards, that can have an impact. Whether that's growth, 5-, 10-year plans or other decisions made by the city can have a significant impact on those of us who have our residence just outside those city limits. And so therefore, I believe it's appropriate in light of the extent of impact and authority that the city has that we should be allowed to vote for city council and mayor positions. So pretty simple and straightforward argument, but I would appreciate support of LB951.

**SANDERS:** Thank you very much for attending and your testimony. Let's see if there are any questions for you. I see none. You got off pretty easy.

**DOUG PETERSON:** Thank you.

**SANDERS:** Thank you again, Attorney General, for your testimony. Any other proponents? Welcome, Mr. Secretary.

**BOB EVNEN:** Good afternoon, Madam Chair, members of the committee. My name is Bob Evnen, B-O-B E-V-N-E-N, I have the honor and privilege of serving as the Secretary of State of Nebraska. And it is certainly a, a delight to follow our former Attorney General who served with great honor and distinction when he held that office. I'm here as a proponent of the bill. It seems to me that it's fundamental that if a property owner has-- there's an elected body that can affect the rights of a property owner in terms of the disposition of that property, can regulate it, can control it, can affect its value, possibly diminish its value, that it's antithetical to the concept of a representative democracy to say to that property owner, you have no right to vote for the elected officials who affect that property that you own. That's just a disconnect in our representative democracy. The whole premise, the fundamental bedrock premise of it is that we don't have regul-- regulation without representation. If you feel that fees are taxes, we don't have taxation without representation. The idea of representation is fundamental in bedrock. And this bill will correct



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what I consider to be an anomaly in that principle in our state. Now, based on assurances that I've received, that the sponsor of the bill is entertaining some amendments to it with respect to election administration, I'm here to support the bill. And those specific changes will be described for the committee by the Deputy Secretary of State for Elections, Wayne Bena, whose testimony will follow mine today. So, with that, I'm pleased to sit before you in support of this bill.

**SANDERS:** Thank you, Secretary Evnen. See if there are any questions from the committee. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Mr. Secretary. Good to see you. I just kind of want to ask you the same question I asked Senator Ballard about so folks in the ETJ, I mean, you make-- your point is, I think, a valid one that people have an elected body exercising authority over them that they don't have a say in. But by adopting this, don't we potentially create an electorate who has a say over many more aspects of life in the city of Lincoln or the city Omaha, who are not subjected to those decisions?

**BOB EVNEN:** To me, the, the fundamental interest of the property owners is paramount. If, if, if the structure of governance is set up so that there's some body that, that controls the use of their property and ultimately its disposition and value, then the right of that property owner is paramount to have a say in who sits on those seats on that body that does that.

**J. CAVANAUGH:** But is there not the potential that you could elect a city council that is comprised of people that are entirely from outside the city limits and they would decide that the city of Omaha should not plow or expand their snowplow fleet or should not pick up the garbage and recycling or should not repave the streets and therefore adversely affect my property values and essentially making someone who is not subject to that decision making the decision for my property then?

**BOB EVNEN:** Well, it's a fascinating thought to consider that the citizens of the ETJ could control the composition of the city council. It doesn't seem like a likely outcome. But to the extent that that sensitizes the representatives to the interest and the concerns of the ETJ, that's not necessarily something that is-- that might be a

positive effect. That is, that would then-- the whole idea there is that the, the genuine interests of the ETJ will be considered by the representatives who control the dispos-- disposition of their property. So I, I consider the-- to me, that's the paramount consideration. And the, the political interchange that occurs as a result of that is something that's "salutory."

**J. CAVANAUGH:** How about the idea that I proposed to Senator Ballard and just brainstorming, you know, in a small venue where nobody's paying attention, it's OK to brainstorm. But creating some sort of elected body that represents the ETJs that is only sits, say, on the city council or planning as to the issues that would have authority over that?

**BOB EVNEN:** Well, the-- if you created some separate body of government that had the ultimate authority with respect to that, maybe that would be a possibility. But the idea that there's some subsidiary level of government and that the decision is ultimately still made by the city council means that it's the city council that, that the property owners in that ETJ would be interested in having an impact on.

**J. CAVANAUGH:** Thank you.

**SANDERS:** Any other questions for Secretary Evnen? Seeing none, you're off easy. Thank you.

**BOB EVNEN:** Thank you.

**SANDERS:** Welcome, Deputy. Mr. Bena.

**WAYNE BENA:** Good afternoon, Senator, members of the committee. My name is Wayne Bena, W-A-Y-N-E B-E-N-A, I serve as Deputy Secretary of State for Elections here on behalf of the Secretary of State in regards to LB951. The secretary clearly articulated his policy decisions, but with every policy comes administrative aspects. And so the Secretary asked me to, to take a look at this bill, consult with our county election officials. And we brought some concerns to the senator regarding this and he's open to working with us in regards to this. First, I will point out to Senator Andersen, villages are a part of this. Page 8 talks about first, second class and villages, so all cities and villages are-- would be affected by this bill. Specifically on page 9, a addition in subsection (3), it just says: on before January 1 of 2027, any city or village that elects members of its

governing board by district shall redraw their district boundaries. What we proposed to the senator is the cities and villages that have districts are not the only ones that are going to have to redraw their maps. Every city and village in the state, regardless of how they elect their representatives, are going have to provide new boundary maps with this new territory to their county election official so that we can program those additions into the voter registration system, so the right ballot goes to the right individual based upon where they live and what they are allowed to vote for. For some of these entities, especially villages, this may be the first time in multiple decades that they would have to actually do this because normally every 10 years, the village boundary doesn't change. Ditto to what it was 10 years ago. They haven't had to do that. So for many of these-- some of the cities and villages, it could be multiple decades that they've had to actually do something like this. So allowing them maybe a little extra time beyond January 1st, 2027 to get these maps done would be helpful. Because of how Nebraska elections are incredibly efficient, we don't have necessarily standing city elections in the off-year. So this could go into a little bit into 2027 unless there is a special election due to a vacancy or recall situation. But the only one that would be kind of on the gun in regards to this would be Lancaster County because they would be the only ones that do-- city of Lincoln that do have elections in 2027. Second, if we could also in regards to this have some cross references in 32-404 and 32-552, which are Election Act laws that govern how boundary lines are sent and the deadlines for those sent to the counties so they can be put into the voter registration system. And the last thing that was brought up, and I've learned a lot about ETJs in the last few weeks, is that there was just a concern of what happens and have a consistent policy of what happens when ETGs-- Js overlap one another. Because as cities start to grow out, there is going to be an overlap. I have learned, especially and folks behind me that are from Lancaster County, I've learned a lot from them, is that the first person that annexes, let's say a village or a city, that area and that ETJ gets that overlap to begin with. And I was shown a map of-- I'll stop there, if there's any questions--

**SANDERS:** Please continue.

**WAYNE BENA:** For example, the, the Roca. If you look at the map of Lincoln and Roca, you can see a nice little half dome around it because they annexed-- they had that property first before Lincoln came down. So they would have that jurisdiction for the village rather

than the city of Lincoln. I just wanna make sure that we take a look and make sure that this policy is consistent statewide. The larger the jurisdiction, especially the cities that can't annex one another because of population sizes, that's where you're going to start to see a little bit of consternation. I can remember as the former Sarpy County Election Commissioner, Gretna and Papillion had a lot of these conversations as they started to get closer to one another. And they made an, an agreement with each other what those boundaries were gonna be, and then said that they wouldn't have their ETJs overlap one another, and so there was a clear boundary. But that might not be the case in every situation. So a little-- any additional time you can give these villages and other cities, because there will be a cost to redraw maps and then the counties will then have to inform all these voters affected by some type of communication to let them know that they are now eligible to vote in those districts. And happy to answer any administrative questions to this bill that I can. Thank you.

**SANDERS:** Thank you, Deputy Bena. See if there are any questions for you. I see-- Senator Cavanaugh.

**J. CAVANAUGH:** I have one administrative question. Good to see you, Mr. Bena. Always a pleasure. What's an elector?

**WAYNE BENA:** There's a definition for elector. So elector is a resident of the state of Nebraska, a United States citizen, 18 years of age, or older.

**J. CAVANAUGH:** So they don't have to be a voter?

**WAYNE BENA:** What's that?

**J. CAVANAUGH:** Well, so this says: electors residing in the extraterritorial jurisdiction of the city of the metropolitan class, just picking one, shall be considered electors of such cities. So I just--

**WAYNE BENA:** So the elector is an individual eligible to register to vote and by registering to vote and being able to vote in that jurisdiction they would be able to vote. I do want to clarify you did have a question, I had it on my list to say. Because this-- there are statutes in regards to eligibility to hold office and residency would be one of that, unless that's clarified in this, you would have to be a resident of a jurisdiction to be able run for the office. So your

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scenario of an ETJ board wouldn't necessarily occur as written. Because while they have voting rights, they are not residents, so thus the eligibility requirements for the office of those offices would not be met by those individuals as written.

**J. CAVANAUGH:** So under this bill, folks in the ETJs of Omaha, we'll use as an example, would be able to vote for Omaha City Council and Omaha mayor, but would not be able run?

**WAYNE BENA:** Let me say I will-- I'm going to defer because Omaha has a charter. If the-- in any other office except Lancaster and Omaha, they run by state statute. It's chartered by Omaha and Lincoln. I know Lincoln is-- has residency. I'm assuming a city of Omaha is the same as well, but I would have to check their individual charter.

**J. CAVANAUGH:** I gotcha.

**WAYNE BENA:** But if the charter does say need to be a resident of the city of Omaha, then that would be correct.

**J. CAVANAUGH:** So an elector is somebody who's over 18, an American citizen, eligible to be a voter.

**WAYNE BENA:** Correct.

**J. CAVANAUGH:** I gotcha. Does not require that they be a property owner?

**WAYNE BENA:** No.

**J. CAVANAUGH:** So the elector can be someone who would not be subjected to these fine-- these fees and costs that are being talked about as born by--

**WAYNE BENA:** A rent-- a renter that would live in that jurisdiction would be able to vote under this. Yes.

**J. CAVANAUGH:** Yeah. OK, thank you

**SANDERS:** Any other questions? Seeing none, thank you, Deputy Bena. Thank you. Any other proponents for LB951? We'll try and do this one quietly. Just speak into the mic.

**ALLIE BUSH:** All right, Allie Bush, I'm representing a grassroots group, Nebraskans Against Government Overreach, A-L-L-I-E B-U-S-H. We absolutely support LB951. To us, it's a simple concept of reducing taxation without representation. There are many cities and villages that are affected by this. And so I will segue into I'd like to focus on a village like mine. I live in Prague, we have only about 370 or so residents. And when it comes time for elections, we often don't have enough people who want to run. So with the concept that if this extends to allow those in the ETJ to not only vote, but to actually run for a seat, it would open up the possibility for additional candidates and members of the community, even though they might be slightly outside, we all very much share in that same community and would open up the opportunity for them to do so. To Senator Cavanaugh's point of, well, you aren't subjected to the same taxation or fees, that might be true, but should that not be up to the village that's voting to determine whether they're OK with that? If everybody in the community agrees that a resident outside of in the extraterritorial zone is a phenomenal member of the community and would do a good job on the board, should they not be allowed to vote for said person, regardless of whether or not they are subjected to every single fee or taxation that is imposed by that community? I will say, in the case of our area, we are subject to some of the fees. If we want to use our village trash, we still have to pay for that. It's the only trash service really within 30 to 50 miles, so obviously we're going to utilize that service. So while I know that for many, this affects the larger cities, Omaha and Lincoln, I'd really also like you guys to look at this from the lens of the smaller villages as well, because this can open up a lot of opportunities for them. Thank you.

**SANDERS:** You're welcome. Hold on, let's just see if there's any questions for you. Any questions from the committee? Seeing none, good job, mom.

**ALLIE BUSH:** I know I got her to sleep, and that was a bonus.

**SANDERS:** Welcome.

**BO JONES:** Good afternoon, Senators, Madam Chair. My name is Bo Jones, B-O J-O-N-E-S, and I would like to talk today on-- in support of LB951 as a resident that lives within the three-mile jurisdiction of Lincoln, Nebraska. My angle today is to clear up a potential

misconception on the city sales tax that we pay and what we don't pay. The city sales tax is collected on items that we purchase within the city of Lincoln that's taken delivery within the city of Lincoln. The items that sales tax is not collected on are items that are delivered to our houses, such as Amazon deliveries, such as appliances or furniture that you purchase and have delivered to your house. But the single largest purchase is typically an automobile, and we don't pay the 1.75% Lincoln sales tax on those purchases. So I ran some quick numbers just to see what kind of impact that would have on a city sales tax, and my personal purchases over a year would equate to somewhere between \$400 and \$600 of sales tax that we quote-unquote save by living outside of the city of Lincoln. We do however go into Lincoln to purchase our clothing and other, other goods, most of the time. I would say a vast majority of our purchases are purchased in the city of Lincoln paying city sales tax. And the only savings we get are the items delivered to our house. And as it relates to my business, I drive from my house into Lincoln to purchase all of my materials for my construction company at which time I pay city sales taxes, and I have 12 vehicles licensed within the city of Lincoln for my business. We are very, very large contributors to the city sales tax and collection. I would like to have a vote on, on these items as a resident of Lancaster County and under the rule of the city of Lincoln and within the three-mile jurisdiction. So that is my support of LB951, and I would entertain any questions.

**SANDERS:** Thank you, Mr. Jones. We'll see if there are any questions for you from the committee. Seeing none.

**BO JONES:** Thank you.

**SANDERS:** Thank you for your testimony. Any other proponents? Welcome.

**LUKE WENZ:** Senator Sanders, members of the committee, thanks so much for the opportunity to be here and for holding this hearing. My name is Luke Wenz, it's L-U-K-E W-E-N-Z, and I'm here on behalf of the Platte Institute in support of LB951. At its core, this bill, as you all know, is about fairness, accountability, and transparency. When government directly affects people's property, their livelihoods, or the-- of the-- they have a-- deserve a seat at the table. LB951 addresses a real imbalance by ensuring that residents who live in areas subject to a city's extraterritorial-- I will say I really thought I was gonna say extraterrestrial-- extraterritorial zoning

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authority are included in the political process that governs those decisions. Today, Nebraskans living outside of this may still be subject to those zoning regulations, planning requirements, development rules, yet being-- despite being governed in that way, they lack the representation in municipal elections. LB951 corrects that by-- the disconnect by aligning authority with accountability. If a government exercises power upon you, that government should also be accountable to you. And I think that speaks directly to a simple and widely shared principle that if you have rules imposed upon you or levies opposed-- levied upon you, then you have both the right and the responsibility to engage in the political process. I don't think that this issue is a partisan one. I think it's foundational to a healthy democracy. Participation strengthens legitimacy-- legitimacy, and legitimacy strengthens trust. LB951 is not about expanding power, it's about responsible governance. It ensures that people-- that political representation keeps pace with governmental authority and that no group of Nebraskans is governed without a voice. For those reasons, fairness, accountability, transparency, and public trust, I respectfully ask you all to advance LB951. Thanks for your time, and more than happy to answer any questions, if you have any.

**SANDERS:** Thank you, Mr. Wenz. We'll see from the committee if there's any questions. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Mr. Wenz. I don't think I've met you, but--

**LUKE WENZ:** Nice to meet you, sir.

**J. CAVANAUGH:** Big fan of the Platte Institute. I've done a lot of work with, with Laura and Nicole.

**LUKE WENZ:** Yeah.

**J. CAVANAUGH:** Have you replaced Nicole?

**LUKE WENZ:** Yes, sir.

**J. CAVANAUGH:** OK. Well, welcome.

**LUKE WENZ:** Thank you.



**J. CAVANAUGH:** OK. So I kind of wanted to pose you the same question that I posed to, I think, Secretary Evnen and a little bit to Senator Ballard. You know, I, I think you make a good point about people being, you know, if you're subjected to some sort of authority, you should have a say in it. But it does cut both ways, right, where we are saying you get to vote in all city matters, even though the really city only has authority over you on these, these few specific things? So I guess don't-- I mean, one, do you, do you share my fear or do you have any thoughts on that idea that maybe we're adversely affecting the folks who live within the city by giving somebody else authority over them?

**LUKE WENZ:** Well, thank you for the question, Senator. I certainly recognize there has potential for an issue there. That being said, I think from the Platte Institute's perspective, what we look at is whether or not people are being regulated and whether or not they're given an opportunity to respond with their political voice. And right now, that's not happening, so that's why Platte supports the bill.

**J. CAVANAUGH:** Yeah. So then my second question was the other kind of hypothetical--

**LUKE WENZ:** Sure.

**J. CAVANAUGH:** --or brainstorming idea of like maybe just creating, say, and Omaha, of course, is my experience, but say a city council district that's entirely the ETJ, who sits on the city council only for matters of planning and zoning or something like that.

**LUKE WENZ:** Certainly would have to look at that and see if that's something that Platte would want to stand behind. But theoretically it's, in our from our perspective, it's whatever is being levied upon you for lack of a better term you should have a voice in that in that discussion. So if, if you were to come up with a different proposal that gave people the voice on the issues that are directly impacting them, I certainly think that's something worth talking about.

**J. CAVANAUGH:** Well thanks. Thanks for being here.

**LUKE WENZ:** Thank you, Senator.

**SANDERS:** Any other questions from the committee? Got off easy.

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**LUKE WENZ:** Thank you, Senator.

**SANDERS:** Thank you Mr. Wenz. Any other proponents on LB951? Any opponents on LB951? A proponent? Come on up.

**MIKE REZAC:** Good afternoon.

**SANDERS:** Afternoon. Welcome.

**MIKE REZAC:** My name is Mike Rezak, M-I-K-E R-E-Z-A-C. I'm here in support of LB951. I am a custom home builder, and, excuse me, and a land developer. I received my first building permit from the city of Lincoln in 1976. The majority of our work is outside the city of Lincoln, outside the city limits. I am currently developing The Bridges, a 130-home subdivision located near one-- Southwest 27th and West Denton Road within the three-mile radius jurisdiction of the city of Lincoln. Although, although this development lies outside the city of Lincoln, the city has complete authority over it. Street design, sidewalks, lighting, storm drainage, easements, tree sizes and placements, including all building codes and inspections. Every major decision is controlled by the city. When disagreement occurs, there is no independent body to appeal to, no elected officials representing the residents or the property owners affected by these decisions. At the same time, it may be up to 15 years or more before this development is annexed into the city of Lincoln and receives city services. I agree, it's important for the city to plan for future growth beyond its borders. But it's just as important for those living and investing in these areas to have a voice, a vote, have representation in those decisions that directly affect them. That's why I'm asking for your support today. Thank you for your time.

**SANDERS:** Thank you, Mr. Rezac, for your testimony. See if there's any questions from the committee. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Mr. Rezac. I appreciate, you know, it's great to hear people continuing to build and develop. So you bring up an interesting point though, this development, I'm sorry, what was it called, Bridges?

**MIKE REZAC:** Yes, sir.

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**J. CAVANAUGH:** When, you know, you're subject to all that zoning. When you started building it, where-- did nobody live there though, right?

**MIKE REZAC:** No.

**J. CAVANAUGH:** So who were the--

**MIKE REZAC:** Since we were within the three mile--

**J. CAVANAUGH:** Right.

**MIKE REZAC:** So the county, the county steps aside so your, your jurisdiction is 100% city jurisdiction. So you answer to the-- only to the city of Lincoln. So you are bound by all of their decisions, but you have no one to go to if you disagree. If you disagree, it comes down to it, you will either do it our way or we will not approve your plan.

**J. CAVANAUGH:** Yeah. No, I get-- I understand the frustration. I'm just wondering who are the people that would be voting then that-- if nobody lives there yet?

**MIKE REZAC:** This subdivision was started in 2008. So there's 70 residents now.

**J. CAVANAUGH:** OK. So the folks who live there now would be voting the recourse against the city election in interest of the future development?

**MIKE REZAC:** No, I'm not understanding. They would have the right to vote. They would have a say in the city's decisions that affect their daily lives.

**J. CAVANAUGH:** But the decisions were made before they lived there, is what I'm asking, I guess. Or am I misunderstanding?

**MIKE REZAC:** Decisions are happening every day.

**J. CAVANAUGH:** OK.

**MIKE REZAC:** I deal with building and safety, and, and every, every plat that's approved, we have city decisions that are affecting those residents, affecting them by cost.

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**J. CAVANAUGH:** But who's the resident that lives on the plat when that decision is being made?

**MIKE REZAC:** Say again, sir?

**DAVID CARY:** Who lives on that plat of land that's being, the decision is being made?

**MIKE REZAC:** The residences of the subdivision.

**J. CAVANAUGH:** OK, so when somebody lives there, there is still an effect on them from the city's zoning and planning, is what you're saying?

**MIKE REZAC:** Absolutely.

**J. CAVANAUGH:** OK, that's what I'm trying to understand.

**MIKE REZAC:** Yeah, absolutely.

**J. CAVANAUGH:** When you build a new subdivision, you are of course subjected, you're saying the streets and things like that to the city, right?

**MIKE REZAC:** Yes.

**J. CAVANAUGH:** Once it's built, what is the city exercising over you?

**MIKE REZAC:** Well, they all-- anything that is built. So they're buying the ground. So they're purchasing, if they're going to build a house, they're subject to all of city of Lincoln's codes, building codes and restrictions.

**J. CAVANAUGH:** OK.

**MIKE REZAC:** And zoning.

**J. CAVANAUGH:** I got you. Thank you.

**SANDERS:** Senator Meyer.

**F. MEYER:** Thank you. But you intend for the city to annex that property how soon?

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**MIKE REZAC:** I'm guessing, but it'll probably be, you know, for them to extend city services to that point, I believe it's going to require a new sewage treatment facility, so easily 10, 15, 20 years.

**F. MEYER:** So, so those residents that are there now in those 130 homes, they have all those utilities now, but they are-- how are they serviced now?

**MIKE REZAC:** No, they all have, they all have their own wells.

**F. MEYER:** OK.

**MIKE REZAC:** We have a community sewer system, so we are not receiving any city services now.

**F. MEYER:** OK, very good. Thank you.

**SANDERS:** Senator Guereca.

**GUERECA:** Sort of following up on-- well, sir, thank you for being here for your testimony. Following up on my colleague Senator Meyers' question, what oversight currently does the city of Lincoln have over the residents of your sub-development?

**MIKE REZAC:** Over-- well, they have total zoning, everything is zoning. So I mean, from a development side, they tell us what size, you know, the street sizes, lighting--

**GUERECA:** Specifically to your residents though, sir. The ones that, that have moved in.

**MIKE REZAC:** Residences, it's all from, once they purchase a lot, then it would be shifting to the code side, you know what their home, how the home is built, what code requirements, setbacks.

**GUERECA:** OK, so, but fire and police is serviced by--

**MIKE REZAC:** By, by, South-- it's by Southwest Rural, so we'd have none of the city services.

**GUERECA:** Gotcha.

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**MIKE REZAC:** So that's Lancaster County Sheriff's Department and Southwest Rural Fire.

**GUERECA:** OK. Thank you, sir.

**SANDERS:** Any other questions from the committee? Seeing none, thank you for your testimony.

**MIKE REZAC:** Thank you.

**SANDERS:** Thank you, any other proponents? Welcome.

**SAM SWARTZ:** Thank you. Thank you senators for the opportunity. My first time ever doing anything like this, so I appreciate this.

**SANDERS:** Take a deep breath.

**SAM SWARTZ:** Yeah, this will be fun. Hello, my name is Sam Swartz, spelled S-A-M S-W-A-R-T-Z. I'm here in support of the bill. I want to speak from personal experience about how the city's three-mile jurisdiction affects real people, real business, and real development decisions within-- without our representation. I'm the owner of True North Custom Homes, and a few years ago, my company built my family's personal home. Although it is located just outside of the city limits, we are legally required to follow all of the same building regulations as those enforced by the city of Lincoln, as if the home were within the city limits. Since I live just a few blocks east of Lincoln, the city limits near 98th and Old Cheney, I cannot vote for the city council, the mayor, or any other city officials. Yet the city of Lincoln exercises direct authority over my property, my livelihood through this three-mile jurisdiction. The authority does, does not just affect housing development, it affects my personal home. The city's planning rules, zoning standards, regulatory decisions apply to where my family lives and my company builds, even though I have no vote over choosing the officials. True North, when building my personal home and a home for others, is required to follow all of the city's development rules. The rules encompass city building codes, inspections, permitting requirements, and fees, but also additional infrastructure costs. Due to the city requiring neighborhoods in a three-mile district to be built to city standards, in my case, may never be annexed, we're required to pay for things like public sidewalks, streets, which all add to the cost of the land that we bought before building our home. Those requirements add real

meaningful costs to our home, costs driven up by city policy, yet I have no representation in the decisions that are required. Over the years, I've built dozens of homes for families in the same three-mile jurisdictions. All of those families are subject to the same rules and the same inflated fees for their lots and their land to build on, all without a vote. They pay the costs, they live with the outcomes, but they have no say. Please consider the effect of this. This disconnect directly impacts housing affordability with standards not-- the standards for lot design, infrastructure, building codes, and permitting timelines where without representations from people paying for them, the results are higher costs, longer delays, and few-- fewer attainable housing options for families. The issue here is not regulation, it's just representation and accountability. If the city is going to exercise full authority over my land use, building standards and fees in the three-mile area, then the people who live there and build there should have either a say or not be subject to it. Right now, landowners and homeowners in the three-mile area are governed by officials but cannot vote. I believe this is not fair. This bill is important towards correcting that imbalance, whether the solution removing the three-mile jurisdiction or providing representations for those affected by it. I respectfully ask the committee to advance the bill, and I thank you for your time.

**SANDERS:** Good job for your first testimony.

**SAM SWARTZ:** Thanks.

**SANDERS:** Thank you for that.

**SAM SWARTZ:** I didn't even see lights.

**SANDERS:** You're right there at the edge there.

**SAM SWARTZ:** All right, sorry about that.

**SANDERS:** OK, let's see if there are any questions from the committee. Senator Guereca.

**GUERECA:** Oh, sir, thank you for being here. Thank you for engaging in the democratic process. This is a, it's a big part of our democracy here. So I'm just trying to wrap my head around-- and I get what you're saying from a zoning perspective, right? As a developer, then you, you have to adhere to certain regulations. But let's say the

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person buys your house, right, buys a house in your development. Sort of similar to the question I asked the previous gentleman, who-- so you personally live in an extrajurisdictional area, correct?

**SAM SWARTZ:** Yes, sir.

**GUERECA:** Who provides your sewer, water, police and fire?

**SAM SWARTZ:** Same, same as before. So sewer is a lagoon that is-- and then a well, and then we're volunteer fire departments and then the sheriff is--

**GUERECA:** OK.

**SAM SWARTZ:** --our jurisdiction, even though we're-- I believe we're two miles over the, the city's line, if you will.

**GUERECA:** So the, the actual impact, not, not to you as a developer, to you, as, as a citizen living in your house, it would be any further development on your house. Say you want to build an extra bedroom or add a floor, then you're subject to the regulations, the housing regulations of the city of Lincoln, correct?

**SAM SWARTZ:** Yeah, an addition that I might want to put on or anything like that after I've been in the home, absolutely. But also just the, the impact. The building codes are different, and where the city of Lincoln has a different level of code that they've enacted versus let's say the city of Waverly or somebody else would have. There are different levels of codes. So being as close as I am to the city, I'm automatically brought up to the codes of the city with, with no say in who's deciding those codes, which yeah.

**GUERECA:** You as a company wouldn't have a say, it would be the residents that are buying the houses in your-- in the development, right?

**SAM SWARTZ:** Yeah. And speaking from experience that was, yeah, very much when I just built my home a couple years ago. So yeah, it's kind of both sides of it.

**GUERECA:** Right, right.

**SAM SWARTZ:** But yes, you're correct.



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**GUERECA:** OK. Thank you, sir. Thank you for being here.

**SAM SWARTZ:** Thank you.

**SANDERS:** Any other questions from the committee? Seeing none, got off easy. And let's do it again. Thank you. Any other proponents?

**BRETT QUINN:** Good afternoon.

**SANDERS:** Welcome.

**BRETT QUINN:** I'm a first-timer as well.

**SANDERS:** Oh.

**BRETT QUINN:** Good afternoon, members of the committee. Thanks for the opportunity. My name is Brett Quinn, B-R-E-T-T Q-U-I-N-N, and I'm a resident in the ETJ as well. First became aware of this issue more than 20 years ago when a friend of mine purchased an outbuilding, which is like a simple storage structure for his acreage, he was surprised to find out when it arrived that it did not meet standards for the reasons that we're talking about now, the increased standards for the city had imposed on his area. Even though his address looked like he was out of town. Fast forward, I ran into the same situation, was fortunate enough to get a building for myself, something I'd been excited about for a long time, and found out that's gonna cost me quite a bit more because of where I was. So that's kind of the Cliff's Notes when we talk about being affected by this. It's not temporary. I learned about it 20 years ago and I've now been, excuse me, in this 30-years-plus. So it's not a, it's not something that kind of passes and we're just going to deal with it. Last part is, I think it's important when we are affected by our government, we need to be able to have the ability to vote for the elected officials. It's just that simple. And we're not. The message to me is, yes, you are affected. Yes, you will be affected in the future. And no, you're not allowed to vote on anything. So that's it. Welcome any questions.

**SANDERS:** Good job.

**BRETT QUINN:** Thank you.

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**SANDERS:** Thank you very much. Are there any questions from the committee? That's, that's way too easy for your first time.

**BRETT QUINN:** No, no, that's all right. I'll take it for my first time.

**SANDERS:** Please come back again.

**BRETT QUINN:** OK.

**SANDERS:** Thank you, Mr. Quinn--

**BRETT QUINN:** Thank you.

**SANDERS:** --for your testimony. Thank you. Are there are any other proponents on LB951? Seeing none, any opponents on LB951? Welcome.

**MATT KUHSE:** Thank you. Good afternoon. My name is Matt Kuhse, M-A-T-T K-U-H-S-E, I'm the city attorney for the city of Omaha. I'm here on behalf of the city Omaha in opposition to LB951. I am not an expert in the ETJ. There's the planning director from Lincoln can testify far better on that, but Senator Ballard accurately stated the benefits of why cities have an ETJ. I have basically a philosophical issue and then two practical issues with this bill. Given what I've been hearing from the proponents' testimony, yes, the ETJ does subject people who live in there to regulations by zoning, land use, things of that. However, that's a very small part of what a municipality such as the city of Omaha does, and I don't think that that small segment should justify allowing people who don't have the benefit of being in the city, having city services, dealing with issues that the city deals with to vote in an election. As an aside before I forget with Senator Cavanaugh's question, the city charter of Omaha would prohibit anybody in the ETJ for running for elected office. They could not run for mayor or city council on there. Extending voting rights to people who don't live in the city would give them a voice in things that don't affect them directly. Again, I'm not diminishing the role that the Planning Department has with regards to this, but cities do so much more, and it creates a disparity between electors who live in the city and electors who don't live in the city. And those people have different viewpoints. And as the people who live in the city pay taxes to the city, of which people in the ETJ do not, should have a voice in who governs the city's leadership with regards to mayors, city council members. I would also point out that this would give them a voting right in bond issuances done by cities and also, cases of only Omaha

and Lincoln, charter amendments to people's home rule charters. The two practical issues that I have with it, one's already been addressed by the Secretary of State's Office, so I hope that it is changed, amended, if this bill moves forward. There are concurring ETJs with, at least in Omaha, with Valley, with Bennington, with Waterloo, the smaller communities. There are overlaps, and I don't think it's the intent that both should be able to vote in both elections. Also, as we annex, as we do in Omaha, this would require us to constantly evaluate our council districts, moving them west or north. We can't go south and we can't east. And that can create a problem if we ever run into a system-- system where we are constantly having to review that, make these changes for council members, expanding their districts, because I do have to keep them proportionally similar. And the nightmare scenario would be if I ever had to push the boundaries so much that it boots an existing council member from his or her district. Those are some practical issues that come up with this kind of bill. I do think that this is a solution in search of a problem. I do not think that is an issue of importance to the extent that we should allow people to vote in these types of elections. And I'm happy to answer any questions the committee may have.

**SANDERS:** Thank you very much for your testimony. See if there's any questions from the committee. Senator Guereca.

**GUERECA:** Thank you for being here, city attorney. Seems to me like most of the proponents of the bill had concerns over the planning and zoning, which are very legitimate concerns. Absolutely. What is the composition of the planning commission of the city of Omaha?

**MATT KUHSE:** The planning commission, I think it's seven, and one of those members is outside of the city limits within the ETJ, in the county. And I think one thing to consider when we're talking about that is, at least in Omaha and Douglas County, I can't speak for Lincoln and Lancaster County and the rest of the state, Douglas County has planning regulations. And those planning regulations and requirements are not that dissimilar from Omaha. So a lot of these places have already been subjected to zoning and other planning-type regulations by the county before they're ever annexed into the city or as we move out pushed into our ETJ. So there already is representation for folks living in ETJ--

**MATT KUHSE:** Correct.

**GUERECA:** --on the planning commission?

**MATT KUHSE:** There is one person on the planning commission who by our rules is specifically to be outside of the city limits.

**GUERECA:** Got it. Thank you, sir.

**SANDERS:** Thank you. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Mr. Kuhse. I couldn't pass up an opportunity to try and give you a hard time.

**MATT KUHSE:** I'm sure you're relishing this opportunity [INAUDIBLE]. The circle is now complete.

**J. CAVANAUGH:** [INAUDIBLE]. Can you just kind of walk us through something goes to the planning and zoning board-- in Omaha, is there-- is it two separate things, is planning and zoning one thing?

**MATT KUHSE:** No, it's just the planning board handles all of those matters.

**J. CAVANAUGH:** OK. And this is, and you can correct me if I'm wrong, but the planning board say makes some sort of decision and then that goes to the city council for ultimate approval?

**MATT KUHSE:** Correct.

**J. CAVANAUGH:** And then the mayor has to sign off on it?

**MATT KUHSE:** The way it works is we'll just pick a development, a new development is coming in, they present their case to the planning department, planning department-- and our public works department as well since we're talking about streets and sewers possibly as well-- look at it, work on it. They work with the developer, it then eventually goes to the planning board. It's presented to the planning board, they vote on it however they vote in it, but then the ultimate authority after that is it goes to city council. If they recommend approval, then the council can pass it by a majority vote. If they are recommending denial, it would have to be approved by a super majority

of the council. Following however the council decides it, if they would approve, it then it goes to the mayor for signature review.

**J. CAVANAUGH:** And can the city council-- so, OK, so if they recommend denial then the city council doesn't need a supermajority, that's what I was gonna ask. So can they--

**MATT KUHSE:** Correct. The planning board is not the final say.

**J. CAVANAUGH:** Can the city council make amendments or changes to it?

**MATT KUHSE:** In some circumstances, yes, they can. But depending on what the council would do, it could result in it having to go back to the planning department for a vote on it depending on what type of change they would be making to, let's just say a plat or something like that. It would then have to go back to the planning board for them to then review and vote on again. So it, it would have to come back and then come back up again depending on what type changes the council would make.

**J. CAVANAUGH:** Is there an opportunity for the advocate, whoever the developer, to say no, the city council has asked for this change. We would like to [INAUDIBLE]? Or is that--

**MATT KUHSE:** To ask for it, certainly. But just because they ask for it doesn't mean it would happen. I would think that the council would take that into consideration in terms of how they would vote on a matter, as any legislative body would do. But just because a developer says, no, I want this to go back to planning board, that doesn't necessarily happen. And honestly, by the time it's made its way to the planning board and then eventually to the city council, sufficient and a lot of conversations have taken place in between those kind of final two steps of the process.

**J. CAVANAUGH:** Thank you.

**SANDERS:** Senator Andersen.

**ANDERSEN:** Thank you, Chairwoman. Thank you for-- thank you for being here. I'm one of those people, I live in an ETJ. I didn't live in an ETJ, but I do now. When you talk about the one person being an ETJ rep

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with Omaha, that's because that's the way their charter is written? Is that right?

**MATT KUHSE:** I think it's in the charter. It also could be in one of the ordinances. I-- again, I'm not the expert on ETJs. But I know it's a requirement that we have. And it's not necessarily, just to correct it, not necessarily that you have to be in the ETJ, but that you'd have to in the county.

**ANDERSEN:** OK.

**MATT KUHSE:** Because our ETJ is constantly changing, at least in Omaha. As we annex, the ETJ moves out. So one day you could be in the ETJ and one day you could not.

**ANDERSEN:** Yeah, that's inherently part of the problem, I think, one of the challenges-- I mean, not a problem, challenge, is one day I am subject to Sarpy County regulations, and then the next day I'm subject to a city's regulations. One, I didn't choose that. Somebody chose that for me, so now it's imposed on me. Good, bad or indifferent. But now I don't have a choice. I can't move my house. And this is, this is the back and forth in my own head on this dialogue is the city annexes more property and therefore they encroach on the ETJ on more property to have greater influence, even though you didn't choose it. It almost seems like regulation without representation to a certain extent. Plus, you don't have the option for the city services. You can't opt in to city services, and they can't tax you. And even though they have zoning and jurisdictional control over you, you have no influence of who's actually controlling you-- but making the control over you, the impact on you. And I guess that's the challenge that I have. I'm not sure what the right solution of this is. I think it's a-- as I was talking to Senator Ballard earlier, this is more complex, more far-reaching than I think most people see at the surface level. So I thank you for being here. I appreciate your time.

**MATT KUHSE:** Thank you.

**SANDERS:** Are there any other questions? Seeing none, thank you very much for your testimony.

**MATT KUHSE:** I appreciate my fellow opponents letting me go first so I can get back to Omaha.

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**SANDERS:** Thank you, drive safe. Any other opponents on LB951? Welcome, Mayor.

**MIKE EVANS:** Hello, everybody. I'm Mayor Mike Evans from the city of Gretna, M-I-K-E E-V-A-N-S. And good afternoon, Chairperson Sanders and distinguished members of the Unicameral. I appreciate you guys being here. Anyway, Sarpy County, we're a really fast-growing county. You probably know maybe one of the fastest one. Hopefully, we'll be able to bring Bucky's brisket to you guys on the way back to Omaha here soon. But anyway, our, our respective municipalities are expecting continued growth and the development in the foreseeable future. And most likely, that'll include expanding our borders. That includes Papillion, Bellevue, La Vista, Springfield, and obviously Gretna. So as you know, the ETJs are kind of a buffer surrounding a city corporate limits, where it can exercise a limited amount of regulatory powers primarily related to planning and development. Those purposes is to manage a consistent manner the city standards and make sure we apply these, because we generally are going to annex those as, especially in Omaha, these SIDs kind of remove some of the debt that they carry. As a note, this oversight does not apply to like the larger acres and buildings primarily used for farm land. This is primarily the density in the cities and in farm land, some of these standards don't apply. Currently those living in ETJs only contribute to the city's revenue through sales tax paid when making a purchase or a transaction at a business within the city limits. So in Gretna, for example, the Hy-Vee is not in the city limits, you don't pay a city sales tax there. So a lot of places that you consider in a city limits really aren't. And obviously when you go to Kansas City or Denver, you pay their city sales taxes as well. So they don't pay property taxes and businesses in the ETJs do not pay a city occupation tax either. So this bill, however, it's proposed that the individuals living outside of city limits who do not pay any form of local tax, there's these fees, but does not impose tax, be granted the right to vote the city laws, decisions regarding funding, bond issues, significant incentive initiatives by the city ballot. So but statute 19-926 and 19-908 establish requirements for representation on the board of adjustments and the planning commission based on the size of city, and the counties less than a thousand have another process where it allows them some feedback. But in Gretna, the city of the first class, we have two members on our board of-- planning commission and one on the board of adjustments. So we feel we do give people the right to talk

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and have viewpoints and representation on these planning and development issues. So here's the interesting thing, and I would take a little-- apologize from some of the previous people, but in Gretna, our city population within the city limits is 9,300 people, give or take. Outside of our city limits, but within the ETJ, there's over 12,000 people. The people in this ETJ can effectively tell our citizens what to do, how much taxes they pay, and real-- regulate our community without any form of tax payment, which goes back to the point of that it seems like representation without taxation. So, for example, Mr. Andersen, you know, he doesn't live here, but he would end up paying-- you know, being able to elect and apply taxes on some of our community, which I don't think that's the point. Introduction of the bill raises questions about the purposes as a resident of the ETJ if they're already represented on various boards and commissions that influence zoning. The current system effectively provides taxation without representation by being here, but if you do this, it's the opposite. It's representation without taxation. And you're going to be able to directly impact the affordability, the quality of life, and the voice of our citizens. And, you know, they're driving on our roads and use our parks, but we don't charge for that either. So I really think in this case, the ETJs, every municipality is different throughout our state. We have a huge state, and every town is different. But especially in the metropolitan Omaha area, essentially these ETJs can have a bigger vote than our citizens. And I'll be answering any questions.

**SANDERS:** Thank you, Mayor Evans, for your testimony. See if there are any questions from the committee. We've got a possible question?

**GUERECA:** No, no.

**SANDERS:** OK, I see no questions. You got off easy.

**MIKE EVANS:** Thank you, Senator.

**SANDERS:** Thank you for your testimony.

**MIKE EVANS:** Thank you, everybody

**SANDERS:** Are there any other opposition to LB951? Welcome.

**DAVID CARY:** Good afternoon, Senator Sanders and members of the committee and Senator Ballard. I am David Cary, D-A-V-I-D C-A-R-Y, I'm



the director of the Lincoln Lancaster County Planning and Development Services Department, and I'm here to testify in opposition to LB951. I think I can speak to some of the questions that have been brought up about how this works, especially here in Lincoln and Lancaster County. I would like to start off by saying that the ETJ, as far as how it works for Lincoln and Lancaster county, is a good example of how it works well. So I, I just want to hit on that point here today that this tool that the state Legislature provided us as cities many, many decades ago is a good tool for us. Because what it does, it allows us to smartly plan for our growth as it is happening and so that the future areas of our county are prepared better for the growth as it happens. And so that is exactly what we do here in Lincoln and Lancaster County, and I want to kind of put a plug in for the ETJ tool in that sense as we're, as we're talking about it. Really what this does is it allows us to annex and grow into areas that are planned better for that to happen. And a good example of that is to make sure that we do not have disrupting type of activities such as large lots with, with expensive homes in the way of what otherwise will be eventually urban development at higher density, so that the growth that we want to see happen in our state and our communities can happen efficiently. Instead, we can provide urban services currently and in the future in an as efficient manner as possible. And that's really the way that we look at it and the way I look at it when we do our work in trying to make sure that we're planning for our growth. Another point that I want to make, that I wanted to kind of explain how it works here for us anyways in Lincoln and Lancaster County, is that we are a joint planning department. We serve the entire county as well as the city of Lincoln. And so when we are making decisions through our planning commission and through the staff work that happens with our developers and people that want to invest in our community, we are representing and thinking about the entirety of the population. We do not just think about the city or just the county. So we think that's a very good model to, to work with, and it makes us a little unique in that sense. So that we're making sure that those decisions are not being thought about whether you're a voter in the city limits or not a voter. And a good example of that is our public hearings at the planning commission, they are taking action based on the merit of the proposal, and anyone can come and testify. And the merit of that testimony is taking into account whether you're a voting citizen in the city limits or not. So that's something to think about as well, as far as we're concerned. I would like to say that we also

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have, because we are a joint city and county planning department, we do have similar permitting processes and zoning efforts that happen, whether you're inside the city limits or not. Even out in the rural areas of the county, we have zoning, we have permit requirements for building. So we have a consistency across the board. So there wouldn't be that big of a difference, whether you live in the city of Linc-- Lincoln or not, or in the ETJ. And finally, what I would like to say is that we do have representation on our planning commission from the county representation. So our county board does actually appoint one of our nine members of our planning commission. We have thought about this a little bit. We, we do make sure that the county interests are represented in that appointed body. So that's just something to, to make sure that you're aware of as well. And with that, I'll end my testimony and see if you have any questions.

**SANDERS:** Thank you, Mr. Cary. See if there are any questions from the committee. Senator Guereca.

**GUERECA:** Thank you, Madam Chair. And thank you for being here, Mr. Cary. Are you the only joint city-county planning entity in the state?

**DAVID CARY:** I can't definitively say that we are the only joint one, but I do think we are one of the very few in the state.

**GUERECA:** Gotcha. Thank you, sir.

**SANDERS:** Senator Meyer.

**F. MEYER:** This has been a very fascinating conversation here, and, and I think both sides want the best of both worlds. Do you have any idea what the total dollar amount, amount is of the look-back sales tax that you get to the city that is generated from the EST-- or from the ETJ? I should have asked the mayor.

**DAVID CARY:** I-- sitting here today, I don't think I could give you the most accurate answer to that.

**F. MEYER:** But it's significant.

**DAVID CARY:** I, I wouldn't say it's insignificant.

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**F. MEYER:** So, so the city has a definite benefit by, by those people living in that ETJ.

**DAVID CARY:** I think when we talk about that topic we talk about the benefit that people living just outside our city are coming into the city most likely for their employment and even for possibly school as well as to get services, and so I think that there's-- it goes both ways for sure.

**F. MEYER:** Yeah, it's a mutual benefit for sure. Thank you.

**SANDERS:** Any other questions? Senator Guereca.

**GUERECA:** Folks that live in the ETJ, do they have representation on the school board?

**DAVID CARY:** There are areas of the LPS, I guess is what you focused on, public schools-- there are areas of LPS, not very many of them, outside of the city limits. But I don't-- again, I'm not an expert on that. I wouldn't wanna say-- give you an answer that might not be correct.

**GUERECA:** OK, thank you, sir.

**SANDERS:** Any other questions? Thank you very much.

**DAVID CARY:** Thank you.

**SANDERS:** Thank you for your testimony. Any other opposition on LB951. Welcome.

**LYNN REX:** Thank you. Senator Sanders, members of the committee, my name is Lynn Rex, L-Y-N-N R-E-X, representing the League of Nebraska Municipalities. We're here today respectfully opposing LB951. We do have concerns somewhat of those that have been ex-- expressed by others that have testified before me. First and foremost, I think what's important to note is that what a municipality does in total, and the-- let's take a percentage. And this is obviously a little bit anecdotal. But as a former mayor, I know you can relate to this. What the city does in terms of its budget, which is the primary document indicating what the priorities are for the city, is incredibly important. This would allow folks that aren't paying for all of those services to basically have influence over someone that would be voting

on the budget. In addition, what a municipality controls within the ETJ compared to what they do in terms of streets, roads, police, fire, everything else is, and I'm not saying it's insignificant, but it's not that significant compared to the overall mission of, of a municipality in the state of Nebraska. And that would include a city or a village. So I do understand why I think it's important in so many municipalities and required to basically have a member of the ETJ that serves on the planning commission. Some of them require two, some only one. It depends on the size of city and everything else that comes into play, so that they have a voice. And I think too, just to underscore the importance as well under the Open Meetings Act, anyone, you don't even have to be a citizen of the ETJ or a municipality, certainly can come forward and provide testimony at a city council meeting, a village board meeting, and weigh in. We don't think that the issues here that are brought forward in terms of fees and everything else, we understand those can be significant. We understand the permitting and everything is significant. But I think what's also important to note is that these are areas that ultimately-- this is a planning tool-- are intended to become at some point part of a municipality. That's one of the reasons why municipalities want to make sure that there are requirements in terms of how the streets are built, how the houses are built, to make sure that things meet code. Because eventually, those should become part of a municipality, and eventually will be. And usually, we've got areas throughout the state where they want to be part of the municipality. So I think that's all part of it. And to your point, Senator Meyer, clearly, it's a mutual benefit. I mean, those cities contribute to the local option sales tax base for those municipalities that have local option sales tax, but as noted, I think by David Cary also, just the services that municipalities provide all around that others have benefit to that they don't have to pay for when they come into the city. I'm happy to respond to any questions that you might have.

**SANDERS:** See if there are any questions from the committee. You're off easy today, too.

**LYNN REX:** Yes, thank you for your consideration.

**SANDERS:** Thank you for your testimony.

**LYNN REX:** Thank you.

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**SANDERS:** Thank you very much. Are there any other opposition to LB951? Any in the neutral? Welcome. Good afternoon.

**TODD WILTGEN:** Good afternoon, Senator Sanders, members of the committee. My name is Todd Wiltgen, T-O-D-D W-I-L-T-G-E-N, and I am the Lancaster County Election Commissioner, as well as a former Lancaster County commissioner in a prior life. And I'm just here to answer any questions you may have. Lancaster County is unique in Nebraska, in that we hold elections every year. We have the statewide election, the primary and generals in the even-numbered years, but also we have the municipal elections in the odd-numbered years in the spring. And we also, Senator Guereca, to answer your question, we do administer the LPS elections simultaneously with the city of Lincoln elections in those spring elections. There are 3,500 LPS voters who live outside the city of Lincoln who do vote in LPS. So they are two separate political subdivisions. There's kind of a misconception about one city, one school district, in that if you live in the city Lincoln, you are a member of the-- you are part of LPS. But if you're in LPS, you don't necessarily have to be a Lincoln resident. There are county residents who are LPS voters. And I don't know if anybody else had any other questions. I'd be more than happy to-- my counterpart, Mr. Bena, I stole a lot of my thunder. So I won't bother repeating a lot of these comments but--

**SANDERS:** We appreciate you being here too, Todd.

**TODD WILTGEN:** And if you have any questions, let me know.

**SANDERS:** Thank you. Let's see if there are any questions from the committee. I see none.

**TODD WILTGEN:** Thank you.

**SANDERS:** Thank you for being here. Are there any other testimonies in the neutral? Seeing none, Senator Ballard, would you like to close?

**BALLARD:** I would. I appreciate the committee and their, their patience. This has been a fun conversation, as Senator Meyer said. I'd like to thank all the proponents and the opposition. This is an important issue in my district. As I said in my intro, I think I have the largest area mass of ETJs in Lancaster County. So I hear this from constituents on a daily basis, that they have frustration with zoning and planning and they have no say in the process. So it is, I know

everyone on this committee cares about affordable housing, I think this is an issue that goes down to affordable housing. It's gonna be fun, next week I get to see most of these folks again in Revenue when we talk about different zoning and ordinances for city, city planners. So I want to boil down the conversation in two points. So one, you heard the proponents say, this is a problem. I live in an ETJ. I build homes in ETJs. This is a problem. On the other side, you hear the opposition say, this is a solution in search of a problem. There's, there's a missing point somewhere. And so I hope this is what the committee does: it, it looks at the merits of the bill. I believe that this is about fairness, transparency, and accountability. That fees are taxes. And that if we are going to impose a tax on individuals, they should have a say in their elected, elected representatives. But actually, the most interesting thing to me was actually the argument in reverse. It is rule-- it's ETJ residents shouldn't get a vote because it impacts urban. But it's city residents. But city residents should impact ETJs for the benefit of the city. So it's-- this kind of public policy hypotheticals is very interesting. So but to me, it just boils down to fairness, accountability, and transparency. And that if you are taxed, you should have the right to hold yours-- your taxing authority accountable. So with that, I'd be happy to answer any questions.

**SANDERS:** Thank you, Senator Ballard. Senator Guereca.

**GUERECA:** Thank you, Madam Chair. Sorry I missed most of your intro, Senator Ballard. A fair couple of the opponents said this was, was a planning tool, where the ETJ was imagined up to be a planning tool to make sure that areas that were inevitably going to be annexed met the city's code. What would happen to a subdivision that wasn't up to code? Let's say we pass this, and there's an ETJ that-- or what would happen if an ETJ gets absorbed and that isn't up to code, right? Would they then be subject to that municipality's planning regulations?

**BALLARD:** If they're annexed and provided services?

**GUERECA:** Yeah.

**BALLARD:** Yes, I believe so. Yeah, and that's part of the, I talked to [INAUDIBLE]. I do believe ETJs are important. That's not, that's not what LB951's about at all. This doesn't touch local control. This doesn't talk about where you should plan or zone. It's just all about

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if you have those regulations, you should have a say. That's all, that's all this is about.

**GUERECA:** Thank you.

**BALLARD:** Yes.

**SANDERS:** Thank you. Any other questions? See none. Thank you for your test--

**BALLARD:** Thank you. I appreciate it.

**SANDERS:** Thank you for bringing the bill. Before we close, we will make sure that the position comments for the hearing record: proponents, 6, opponents, 3, and 0 in the neutral. And this concludes LB951. We'll move on to LR283, Senator DeKay. Welcome.

**DeKAY:** Welcome.

**SANDERS:** Cleared out of the room. The floor is yours, Senator DeKay.

**DeKAY:** Thank you. Good afternoon, Chairwoman Sanders and members of the Government, Military, and Veteran Affairs Committee. For the record, my name is Senator Barry DeKay, spelled B-A-R-R-Y D-E-K-A-Y. I represent District 40 in northeast Nebraska. I am here today to introduce LR283CA, a proposed constitutional amendment resolution which would amend Article VI, Section 1 of the Nebraska Constitution. Article VI, Section 1 is fairly short, so I will read it aloud and quote. "Every citizen of the United States who has attained the age of 18 years on or before the first Tuesday after the first Monday in November, and has resided within the state and the country [SIC] and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector for the calendar year in which a such citizen has attained the age of 18 years and for all succeeding calendar years," end quote. LR283CA would strike the word "every" and replace it with the phrase "only a," so that Article VI, Section 1, instead opens by stating that quote. Only a citizen of the United States, end quote, shall be an elector. This change would make it ambiguously clear that only the U.S. Citizen shall be an elector in Nebraska. It is made clear by the Illegal Immigration Reform and Immigration [SIC] Responsibility Act of 1996 that non-citizens cannot vote in federal elections. Additionally, Nebraska laws include Sections 32-1530 make clear that a non-citizen cannot

vote in state or local elections. A non-citizen who is caught voting can face a slew of state or federal criminal charges as well as face immigration consequences including deportation. Those penalties deter illegal non-citizen voting which is why data from a multitude of sources like the Heritage Foundation shows that illegal non-citizen voting is rare. So why do we need this legislation? As those here may be aware, elsewhere in the nation, municipalities in the states of California, Maryland, and Vermont, as well as Washington, D.C., permit non-citizens to vote in local elections. If a non-citizen voting were hypothetically be allowed in Nebraska like in those jurisdictions, that would mean that printing of two or more types of ballots in primary and general elections: one for citizen and one for non-citizens. That is because again federal law prohibits non-citizen voting, so federal races would have left off of a non-citizen ballot. That would be a cost to the county, government, and an open door for more confusion. Again Nebraska law makes clear that a non-citizen cannot vote in state or local elections. However, with several jurisdictions in the United States now permitting non-citizens to vote and others considering this policy, there is now a patchwork of laws which can create confusion or leave room open for misinterpretation, especially from individuals coming from jurisdictions where non-citizen voting is allowed. It is prudent to be proactive on this issue in Nebraska to ensure that there is absolute clarity with regard to our own state's constitution and election laws, that only citizens may lawfully register and vote. I will also add that 18 states, including neighboring Colorado, Iowa, Missouri, and Wyoming have recently amended their constitutions to clarify and affirm their existing state laws that non-citizens cannot vote in their jurisdictions. South Dakota and Wyoming will decide whether to amend their constitutions with this change as well. Passing of LR283CA as a practical matter reinforces in the constitution, what both state law here in Nebraska as well as federal law already say, that being it is presently illegal for a non-citizen to vote in this state. This is consistent with what many have long-assumed the law already says. Regardless of how you feel about the current election system, there should be absolute clarity about who is eligible to register and vote. Rules work best when they are explicit, durable, and beyond legal ambiguity. Clarification is not redundancy, it is a proactive step to avoid future confusion. Ultimately, LR283CA helps take all of the room for misinterpretation by specifying that only a United States citizen



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is eligible to vote in Nebraska. With that, I would be happy to try to answer any questions. Thank you.

**SANDERS:** Thank you, Senator DeKay. We have a question from Senator Guereca.

**GUERECA:** Thank you, Madam Chairwoman. Thank you, Senator, for being here, for bringing forward this LR. So let me pull up. So the LR struck-- it's, it's pretty simple. Strikes one word and adds an "only a," right? Strikes the "every," adds "only a." And you said, you brought up the example of various other states and the District of Columbia that allow for non-citizen voting in certain, usually municipal and local elections. What is the structure of their constitution compared to our constitution? Because from my reading of this, the letter from senator-- Secretary of State Evnen is that per his reading and the reading of every other Secretary of State, non-citizen voting would be not allowed by the structure our constitution. So do those other states have a different structure, a different wording in the constitution that would allow that sort of wiggle room?

**DeKAY:** I would have to check their constitutions closer, but right now I think the states that are working with this, this section of the constitution would probably parallel to what a lot of other states have done or and possibly what other states are considering doing going forward.

**GUERECA:** Yeah, I'm curious to see what the states that do allow for non-citizen voting, what, what the wording of their is when it comes to who is an elector. Yeah. Thank you. If you could get back to me on that, I appreciate it.

**DeKAY:** Yeah.

**SANDERS:** Any other questions? Senator Lonowski.

**LONOWSKI:** Thank you, Chair Sanders. Thank you, Senator DeKay, for bringing this, this resolution. Is there a difference between lector-- elector and voter? It was in a different, a different hearing, and I had to leave. So I just wondered if that's the same.

**WAYNE BENA:** No, it's the same meaning.

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**LONOWSKI:** OK. OK, thanks.

**SANDERS:** Any other questions from the committee? Got off easy. You're going to stay for closing?

**DeKAY:** Yes.

**SANDERS:** All right. We'll check to see if there are any proponents on LR283.

**SANDERS:** Welcome, good afternoon.

**BUD SYNHORST:** Good afternoon, Senator Sanders-- Chairwoman Sanders, excuse me, and members of the Government, Military, and Veterans Affairs Committee. My name is Bud Synhorst, that's B-U-D S-Y-N-H-O-R-S-T, and I'm appearing today as the registered lobbyist for Americans for Citizen Voting. LR283CA is pretty straightforward. It's a one-word change in the Nebraska Constitution. As Senator DeKay mentioned in his opening statement, this would just change Article VI, Section 1 of the Nebraska Constitu-- excuse me, Constitution, and strike the word "every" and change to "only." And I think there's just a little bit of a core difference between those two words, and I think it-- what we're really doing is getting rid of some of the ambiguity that could be out there. And I think that's part of what Secretary Evnen was addressing in his letter. Currently, 21 states across the United States have implemented only-citizen voting. Four states plus the District of Columbia do allow foreign citizens to vote in their elections. And you'll also see in the handouts that I provided, there are some cities and municipalities around the country, I think there's about 22 of them, that are in one of those lists. And as you can also see, this has been a pretty bipartisan issue when it's come across to the voters. If you look at the way it's passed in those states throughout the country, red states, blue states, purple states, it's been a pretty overwhelming thing just to make that adjustment. And so-- and Senator Guereca, most of those other states that have that do have it kind of similar wording to ours. It's not exactly the same. Just to answer your question, because I knew you'd asked that of Senator DeKay. But most of them are like that so. And I mean, it's a pretty simple straightforward change. We get rid of some of the ambiguity between "every" and "only," and we go from there. So thank you very much.

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**SANDERS:** All right. Thanks. Any other questions? Give Senator Guereca a moment to review. You have any questions for [INAUDIBLE]?

**BUD SYNHORST:** Hopefully the handouts are helpful.

**GUERECA:** Yeah, I have, I have a handout.

**SANDERS:** Oh, you do?

**GUERECA:** Yeah.

**SANDERS:** I didn't think you got one.

**GUERECA:** No, no, no. There's plenty of handouts.

**SANDERS:** Perfect.

**GUERECA:** No, I think-- yeah, that was my-- pass that down--

**BUD SYNHORST:** Did you not get the whole set?

**GUERECA:** I did, I did, I did.

**BUD SYNHORST:** OK, I'm sorry.

**GUERECA:** No, no, you're fine. And I mean, I think that was my question is, is there something about those other states that would allow for non-citizen voting and [INAUDIBLE]?

**BUD SYNHORST:** They're fairly similar-written. I mean, they're not, like I said, they are not exact. But it's fairly similar.

**GUERECA:** OK. It just-- the letter from the Secretary of State sort of sparked that.

**BUD SYNHORST:** Yeah.

**GUERECA:** That in his opinion and every other Nebraska Secretary of State has said non-citizen voting would not be allowed here.

**BUD SYNHORST:** It just kind of gets rid of some of the ambiguity too, when you get rid of every-- drop "every" and use "only," I think is part of it, is the other reason too.

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**GUERECA:** I'm not a grammar expert so I don't know. Or a legal one so.

**BUD SYNHORST:** I don't even want to try to be a grammar expert, so. And I'll stay even further away from trying to be a legal expert. I'll leave that to the lawyers--

**GUERECA:** My colleague, Senator Cavanaugh--

**BUD SYNHORST:** --like Mr. Park.

**GUERECA:** --for a legal analysis of the wording.

**SANDERS:** Since he just rushed in from a bill of his own.

**GUERECA:** That's why I was vamping a little bit, to give him time to catch up.

**BUD SYNHORST:** Fillibustering to get [INAUDIBLE].

**J. CAVANAUGH:** I can ask questions for sure, of course.

**SANDERS:** Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. And Mr.-- is it Synhorst?

**BUD SYNHORST:** Synhorst, yes, sir.

**J. CAVANAUGH:** Yeah. So, I think Senator Guereca just sort of mentioned this. I asked Mr. Bena what is an elector in the state of Nebraska. And he said it's a U.S. citizen over the age of 18 who resides here. So, what-- I mean, you know, a classic "legislativism" is a solution in search of a problem. So what problem--

**BUD SYNHORST:** I think the thing is just we're getting rid of any kind of ambiguity because I think you could do different interpret. Again, I'm not a lawyer and I'm a grammar expert, but I think there's some interpretations if you look up kind of the difference between every and only, you're, you're making it exclusive when you use only, I think is the big difference. And so, it's-- again, it's been, you know, something that's happened in states around the country.

**J. CAVANAUGH:** The, the change has?

**BUD SYNHORST:** Yes, so there's a-- and one of the handouts shows the different states where it's happened there, Senator--

**J. CAVANAUGH:** So that, that's kind of my next question is it's clarifying that, I mean, it-- I agree with you, I think, not being a grammar expert myself, but that "only" is probably more prescriptive than "every." But are there people-- is there a movement to say every citizen includes non-citizens?

**BUD SYNHORST:** Well, I think if you look at-- which handout is it here, I'll look at the right page. But it lists a bunch of different municipalities around the country that have actually passed that because of the way that it's written with the "every."

**J. CAVANAUGH:** It's on page 3, 4.

**BUD SYNHORST:** It's on that last page, but there's several different cities where have-- and actually there's one other one. I'll email-- if I can, I'll email it to the committee. I left one of the handouts back at the office-- if that's OK.

**J. CAVANAUGH:** That's all right.

**BUD SYNHORST:** But it lists a bunch of the different cities. I think there was 22 or 24 cities around the country that have actually allowed non-citizens to vote in their school board elections, city council elections, you know different things like that. And I think that's what the, the change is to avoid that.

**J. CAVANAUGH:** And do you know off the top of your head whether those places-- I'm looking at that last page, will say places that allow non-citizen voting. So California of course, the great boogeyman that we all like to pick on, do you know if their const-- their state constitution says "every?"

**BUD SYNHORST:** I think that they-- I'd have to go back and look, Senator. I'm sorry, I don't have that with me. But I think they do have that in theirs.

**J. CAVANAUGH:** OK, thank you.

**SANDERS:** I think we have something from Dick Clark.

**J. CAVANAUGH:** I just got it here.

**SANDERS:** Got it?

**J. CAVANAUGH:** United States, yeah, a United States citizen, 18 years of age, and a resident in the state may vote is the California constitution. So I guess theirs doesn't say every or only. 50 states, 51 ways to write a constitution.

**BUD SYNHORST:** 150 ways probably, Senator, if we're being honest.

**J. CAVANAUGH:** Yeah. Thanks for being here.

**BUD SYNHORST:** Thank you.

**SANDERS:** All right, are there any other questions for Mr. Synhorst? See none.

**BUD SYNHORST:** Thank you very much.

**SANDERS:** Thank you very much for your testimony. Are there are any other proponents on LR283? Seeing none, any opponents on LR283? Good afternoon, welcome.

**KIERAN KISSLER:** Good afternoon. My name is Kieran Kissler, that is K-I-E-R-A-N K-I-S-S-L-E-R, and I'm the director of public policy at Civic Nebraska. Civic Nebraska is a non-partisan organization that exists to create a more modern and robust democracy for all Nebraskans. I'm also recovering from the same cold that I think everyone in the city has, so please excuse any sniffles or stuffiness today. We oppose LR283CA, and we urge the committee to vote against sending it to the floor for debate. We do appreciate Senator DeKay's intention to keep our elections secure. However, we stand opposed to this legislation as it is redundant in nature, is not responsive to Nebraska's election integrity, and it furthers dangerous myths about widespread voter fraud. I think the previous testifiers have spoken to the change in wording, and we do find that redundant in that it doesn't have any consequential nature to what-- who would be an elector. As this stands today, it, it requires certification of eligibility under perjury to register to vote. And registering as a non-citizen is a criminal, potentially deportable, offense. In an era of heightened immigration enforcement, disincentive for law enforcement contact, the measures that are already in place are

adequate safeguards. There are also neither verifiable nor factual claims of widespread voter fraud perpetuated by non-citizens. The Heritage Foundation, as referred to earlier, analyzed elections from 1982 to 2025 in each state, looking for instances of voter fraud committed by non-citizens. There were zero such instances in the state of Nebraska across their 43-year study. In March of 2025, a spokesperson for the Secretary of State's Office stated that they had not removed anyone from the voter rolls due to their status as a non-citizen, nor do they believe there are instances where such a person is registered to vote. There just simply isn't evidence to support the need for this legislation. One of the best measures of civic engagement is voter registration and electoral participation, but those indicators aren't ultimate. Across the state, immigrants are contributing to our communities in meaningful ways outside of the ballot box, as parents, coaches, neighbors, and long-time community members. Civic Nebraska values the contribution of our immigrants in this state and we stand firmly opposed to any rhetoric that vilifies them. We urge you to vote against this legislation and spare the voters from an undue ballot measure. Thank you and I'm happy to answer any questions.

**SANDERS:** Any questions from the committee? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. I thought you forgot my name.

**SANDERS:** No, I was just-- you weren't quite sure if you were going to raise your hand. Please.

**J. CAVANAUGH:** I'm trying to formulate my question while I'm, you know, raising my hand. Thanks for being here. I, this is-- I appreciate this. I don't know if I, because I walked in late, did somebody else reference this study that shows that there was no-- zero instances of in Nebraska in 43 years?

**KIERAN KISSLER:** I think there was a mention of the Heritage Foundation in the opening, and the Heritage foundation has largely looked at voter fraud in each state. And so on a state-by-state basis, you know, there are different instances. It just has not happened in Nebraska with this specific population.

**J. CAVANAUGH:** And the intention of the change is specifically to address people who are not citizens voting.

**KIERAN KISSLER:** Correct.

**J. CAVANAUGH:** It doesn't address other people who may commit other types of fraud.

**KIERAN KISSLER:** Correct.

**J. CAVANAUGH:** OK. I don't know if-- were you here earlier today when we had the other hearing?

**KIERAN KISSLER:** I was.

**J. CAVANAUGH:** And a lot of conversation about people being subject to the laws of a jurisdiction and it being really important that they be able to vote?

**KIERAN KISSLER:** Sure, yeah.

**J. CAVANAUGH:** That's not a question. Do you have a comment? I guess I have to technically ask a question.

**KIERAN KISSLER:** I don't have a comment. It's not currently in Civic Nebraska's like policy platform to have legal or lawful permanent residents vote. I think we know that the elections in Nebraska are working well and they are safe and secure. So to that extent, no comment with that comment.

**J. CAVANAUGH:** And this is probably not what you came to testify about, but is there a cost associated with this to the state if we put this on the ballot?

**KIERAN KISSLER:** I'm sure there's administrative costs, right? Someone has to print the ballot. We have to make sure that there's enough staff there to make sure it's administered correctly. I'm not in the fiscal department, so I can't say for sure what it would be, but it'd be hard to imagine there's zero.

**J. CAVANAUGH:** OK, thank you.

**SANDERS:** Are there any other questions? Seeing none, thank--

**KIERAN KISSLER:** Thank you.



**SANDERS:** --you very much for your testimony. Are there other opposition opponents to LR283? Good afternoon.

**GAVIN GEIS:** Good afternoon, Senator Sanders, members of the Government Committee. My name is Gavin Geis, that is spelled G-A-V-I-N G-E-I-S, and I'm the Executive Director for Common Cause Nebraska, testifying here in opposition today to LR283CA. As it was noted before, this would largely be a symbolic change. Nebraska law already requires citizenship to be able to vote. Our Secretary of State has confirmed as much. It's required when you register to vote, it's listed on the Secretary of the State's website. And the federal government already requires it for voting in federal elections. So in large part-- not in large parts, in total, this is already a requirement. By my reading, this would not change the Constitution's requirement for citizenship whatsoever. It may make some people feel better about it, but in terms of legal interpretation here, citizenship is still gonna be required under this section of the law, whether we change it or not. So this is, like I said, mostly symbolic if you were to pass it. I think it would be largely confusing for Nebraska's voters. If we send this to voters, they are going to think this is not already the law and they're gonna have questions about why this is happening. It's going to lead to basically the assumption that this isn't how we're doing things and have been doing things for decades. So it's gonna be confusing on that front. It's also gonna be on the front that there's a problem here, that there are mass numbers of non-citizens voting in our elections, which the introducer has noted is not the problem that we're trying to, to fix here. So that, that would be doubly confusing, right? Why are we changing this? Is there a problem? No, there's not a problem. So what are we doing? Non-citizen voting? OK, well, I took a quick look at other states that are doing non-citizens voting, and they are very distinct from Nebraska when it comes to the constitution. Most of the states that allow for non-citizen voting allow for home rule for cities. And now that comes in a variety of different forms, but basically they give cities the ability to choose how they govern their elections. Quickly, Maryland allows for it, and that is because state and local elections are viewed as distinct under their constitution. They're given home rule to decide how they govern their own city elections. Vermont does it, and that is because of an ambiguity in their constitution that it specifically states in their voting rights provision, "citizens of the state." We don't do that in ours, there's no specific state reference. And so I think it should be

that is providing-- applying broadly to all elections in Nebraska, not just those of the state. You also have California, which again, this is a home rule situation where you have charter cities that the court has said those provisions in our constitution don't apply to the charter cities. They're home rule areas and they have their own say in city elections. And D.C. is another home rule situations where they're allowed to make up the rules that govern their own city elections. That is not the case in Nebraska, right? For most of our cities, we are not a home rule. We-- this, the laws of the state apply to the city. There are some home rule situations, but because of the traditional way we've applied this section and because our Secretaries of State over the years have said that citizenship is a requirement, I cannot see our courts coming down on the side of Omaha has decided non-citizens can vote. It's OK, because we allow them some home rule provisions. I don't think they're gonna open up elections when we've applied it this way for so long. I just don't think this non-citizen voting issue is gonna come to Nebraska. I think our Constitution is clear and I think this is a waste of time and money. Thank you. I'm done.

**SANDERS:** Thank you for your testimony. Are there any questions for Mr. Geiss? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Mr. Geiss. You said waste of time, time and money. So I don't-- I just like, I don't think there's a fiscal note but, you know, so I brought a bill to allow us to move the city elections for the city of Omaha and the city of Lincoln.

**GAVIN GEIS:** Right.

**J. CAVANAUGH:** And the savings for the city of Omaha was about \$900,000, obviously a standalone whole election [INAUDIBLE] ballots. But I also got into when Omaha does charter amendments on the ballot or bond issues, the city does pay for that ballot space.

**GAVIN GEIS:** Absolutely.

**J. CAVANAUGH:** And so I don't see a fiscal note here. Maybe I'll ask Senator DeKay if he's looked into it, but do you have any thought on what a state-wide ballot spaced costs to the state of Nebraska?

**GAVIN GEIS:** That's better asked by others, but I would add to you're absolutely right, there would be cost. And I think the cost of all of your time to debate this issue here and then on the floor and spend time on it is also a cost, especially this session when there is much else to discuss. So yes, absolutely the ballot. But your time actually has value too, despite what some may think. So I think there's a lot of, of, of value lost on moving this forward.

**J. CAVANAUGH:** Buttering us up. Well, I appreciate your, your research on those other states. That is really interesting. And not to put you, you know, put you on the spot, but I was just reading the Constitution here and thinking about ambiguity, right?

**GAVIN GEIS:** Yes.

**J. CAVANAUGH:** Attempting to achieve a-- clarifying the ambiguity. So it currently reads: Every citizen in the United States who has attained the age of 18 years on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in Section 2 of this Article, be an elector for the calendar year in which the citizen has attained age of eighteen and all succeeding years. And then change that to "only" a person who's done these things. So I guess my one question then, just thinking through ambiguity, doesn't that mean somebody could achieve that standard and then they're an elector for all 16 years even though they maybe renounced their U.S. citizenship and then subsequently become not a U. S. citizen would still be eligible to vote in the United States or vote in Nebraska in this?

**GAVIN GEIS:** I, I, I would say that these provisions would still apply, right? As an elector, you still would have to be a citizen. Like this would not stop applying if you wanted to vote as a non-citizen suddenly because you had before. But then again, I haven't parsed out the, the, the sentence enough. Maybe you're seeing something here I'm not.

**J. CAVANAUGH:** Well, it does say all people-- all citizens who have attained these, these standards shall be an elector for that year and all succeeding years. It doesn't say that there has to be a maintenance of the circumstances.

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**GAVIN GEIS:** You've posed a new idea to me here. I don't know. I, I'm not touching that yet. I need to read it.

**J. CAVANAUGH:** It's a dangerous situation when you start wanting to clarify ambiguities.

**GAVIN GEIS:** It leads you down a path.

**J. CAVANAUGH:** Yeah, thank you.

**GAVIN GEIS:** Absolutely.

**SANDERS:** Senator Lonowski.

**LONOWSKI:** Thank you, Chair Sanders. Thank you for your testimony. So people in Vermont, they can be a citizen of the state and not be a citizens of the United States?

**GAVIN GEIS:** They can-- they are allowed to vote in local elections. I believe that those are just school boards, but they might be municipality as well. That they can be a citizen, yes. They can be non-citizen, a legal resident, a legal alien resident and vote in those local elections, yes.

**LONOWSKI:** OK. And that doesn't seem, seem ambiguous to anyone else? To me, that--

**GAVIN GEIS:** I mean under that state-- of course we're talking about two constitutions, right?

**LONOWSKI:** Sure.

**GAVIN GEIS:** And that's confusing for us because our constitution is not theirs. So I agree.

**LONOWSKI:** So help me understand, we say there's not a problem, but yet we're afraid to move this forward. And we say, well, it's, it's a solution looking for a problem. But at the same time, just with the experience of Senator DeKay living in this state for, for all these years, the reason for legislation is maybe to ward off problems before they exist. I'm just trying to wrap my head around what some of these other states do and--

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**GAVIN GEIS:** Yeah, and, and I would just say that their constitutions have been ambig-- are ambiguous or allow for things that ours does not. And so I don't think we have the same risks that they do. If we were in a situation where we had Vermont's constitution, I may agree with you. But I think because of the interpretations of our constitution for the last several decades, I think we're squarely in a camp of that's not possible here. But I understand why looking out, outside at other sets of law can sometimes feel intimidating and say, well, when's that coming here? But I don't think it is.

**LONOWSKI:** Sure. OK, thank you.

**GAVIN GEIS:** Absolutely.

**SANDERS:** Any other questions? See none.

**GAVIN GEIS:** Thank you.

**SANDERS:** Thank you, Mr. Geiss. Are there any other opponents on LR283? Any testifiers in the neutral on LR283? Senator DeKay, welcome to close. And before you close, our position comments for the hearing record. Proponents, 17. Opponents, 9. And 1 in the neutral.

**DeKAY:** OK, thank you. Appreciate it. Thank you for the questions. We, we started off talking about ambiguity and where we're at with this. And the question was asked by Senator Guereca, what other-- what-- in regards to what other secretaries of state have said, and so with that, just as, you know, Mr. Synhorst said the constitution in other states that allow non-citizen vote are usually phrased as "every citizen in the United States" or words to that effect? Yes, Secretary Evnen and prior Secretaries of State interpret the Nebraska Constitution as not allowing non-citizen voting. However that does not mean this interpretation could change, whether it be by a new Secretary of State or court cases in the future. This change just addresses potential for ambiguity. And when we're talking about ambiguity, I've got a bill to clarify in statute that NRDs have the power to educate people on soil health. I've a got a bill to affirm the order of operations for when nameplate tax is distributed because what is long-standing precedent and practice is being questioned. This is because there is perceived ambiguity, and sometimes we as a legis-- Legislature have to clarify that. So this is not a question of integ-- or election law integrity, this is just clarifying who can vote. And

being a U.S. citizen clarifies what the intent is. This should be a simple, common-sense approach for U. S. citizens living in Nebraska. And yes, costs could escalate if more ballots have to be issued and more people have to work polling places to carry out different elections. So there is a cost by not clarifying and having more ballots come from citizens versus non-citizen ballots in the state. So there, there could be the-- that cost could be incurred by the state. So with that, I appreciate your time. I would say being a United States citizen should mean something. And the right to vote should be a big part of it, and I think that is very special to any citizen of the United States. So I appreciate your time. Thank you. I'll try to answer any questions.

**SANDERS:** Thank you, Senator DeKay. Senator Guereca.

**GUERECA:** Thank you, Madam Chair. Thank you, Senator. I certainly understand the spirit in which you're trying to bring this, but I think I have to push back on Mr. Synhold [SIC] in that these constitutions that do allow for non-citizen voting in local elections, the wording isn't the same. I mean, the California constitution says: a United States citizen, 18 years of age and resident in this state may vote. "May" is pretty ambiguous. The previous testifier talked about Vermont with their citizen of Vermont. But you don't have to be a U.S. citizen to be citizen of a Vermont. That, that's pretty ambiguous. You know, I again, I see a hard time, even if somehow in the future we do have a Secretary of State that somehow looks at this Constitution and says, well, that "every," you know, maybe we can let non-citizens vote. I think, you know, I don't know, in 436 or something Secretary of State, I think the, the, the precedent is there to say non-citizens cannot vote in this state. Not really a question, but that's just sort of how I'm reading it, and that there isn't really that much ambiguity in our Constitution as opposed to some of the other states that do things their own way. But that's not how we do things in Nebraska.

**DeKAY:** I appreciate that. I will say to that that regardless if it's the District of Columbia, California, Maryland or Vermont, non-citizens are not permitted to vote in federal and state elections. When it comes to local elections or municipalities these four-- these three states and the District Of Columbia allow for non-citizen voting in different school boards, power boards, whatever local elections. And this-- what I'm trying to clarify is that for whatever election,

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I, I personally think you should be a U.S. citizen to vote-- have the right to vote. And that should give people incentive that come to be U. S. citizen and be a part of our electoral [SIC] process so.

**GUERECA:** I think, think that's how we do things in Nebraska. But thank you, sir.

**SANDERS:** Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Senator DeKay. I apologize for missing your opening. So if I'm retreading old territory, I apologize. But first, I just want to say, so a lot of people miss that this-- Vermont is one of the few states in our country that was its own country. So that could be an explanation for why it has the constitution that says "citizen of Vermont." I don't know that off the top of my head, but just having gone, gone to school in Vermont, I know that they're very proud of the fact that they were once the Vermont Republic there. And there's a political party in Vermont dedicated to returning to such status. So, so just fun facts for everybody. If we-- I'll bring it back up when we get to floor debate. So I, you know, and I, I missed the beginning of this, and the lack of clarity. So it's your position that currently, as the Nebraska Constitution is written, non-citizens can vote? Non-citizens of the United States can vote in the state of Nebraska?

**WAYNE BENA:** It's no-- and right now in the state of Nebraska, non-citizens cannot vote. But as what was testified earlier, in states like Vermont, California, Maryland, District of Columbia, there are local elections that are starting to take place that are filtering in non-citizens being able to vote for this. This is a proactive approach to keep non-citizens from voting in state, federal, and local elections in the state of Nebraska. And I would-- if I could ask, the citiz-- the political group that wanted to make Vermont its own-- how'd that work out for them?

**J. CAVANAUGH:** They still exist, they're campaigning.

**DeKAY:** Vermont's still a state, so.

**J. CAVANAUGH:** They are a small, but vocal political party in the state of Vermont. Not that you're supposed to ask-- you're not supposed to ask us questions--

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**DeKAY:** I'm sorry.

**J. CAVANAUGH:** --but I'll take it as rhetorical. So, OK, so just to clarify. Say the town of Royal decided they wanted to let non-citizens vote. Your position is the Constitution of Nebraska, as written, would allow the town of Royal, Nebraska, to allow non-citizens to vote in their local elections?

**DeKAY:** Right now there might be a gray area there, whether they're vote-- able to vote in town ordinance matters or what. This just brings clarity if they can or cannot vote on the local election for the metropolitan area of Royal.

**J. CAVANAUGH:** OK. So, so if somebody-- if we don't pass this, the-- any local entity, school board, county, municipality would potentially be within their rights to attempt to give-- allow voting in those local elections?

**DeKAY:** Potentially, possibly, I don't know. We haven't had this issue. This is a proactive approach to why we want to put the clarification in so that the potential there and the arguments that could ensue in the future are diffused before they have a potential to happen. And it gives clarity to everybody that is a citizen or not a citizen, do I have the right to go to the polling place or do I not and do I work toward that right?

**J. CAVANAUGH:** And, and again, I missed your opening, so you may-- you referenced this Heritage Foundation study. Do you agree that the Heritage Foundation studies shows that in their 43 years of study, there's been no voter fraud committed by non-citizens in Nebraska?

**DeKAY:** I would have to look into that. I don't have any reason to not believe what they've said. So since I referenced them in my opening.

**J. CAVANAUGH:** All right. Thank you.

**SANDERS:** Any other questions for Senator DeKay? I see none. Thank you for bringing LR283. We will now close on LR283.

**DeKAY:** Thank you.



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**SANDERS:** Thank you. We'll now open on LR284CA. Welcome, Senator McKinney.

**McKINNEY:** Thank you, Chair Sanders. And good afternoon, Government, Military, and Veterans Affairs committee. My name is Terrell McKinney, T-E-R-R-E-L-L, M-C-K-I-N-N-E-Y, and I represent District 11 in the Legislature, and I'm here to present LR284CA. LR284CA proposes a constitutional amendment of our Constitution to permit individuals who have attained the age of 16 on or before the first Tuesday after the first Monday in the November-- in November to vote in the calendar year in which they turn 16. If approved by the Legislature, the proposed amendment would be submitted to Nebraskan voters at the November, 2026, general election for approval or rejection. Under current law, the Nebraska Constitution limits voting eligibility to citizens who have attained the age of 18. This resolution would amend that provision to allow 16- and 17-year-olds to participate in our elections subject to the same residency and registration requirements that apply to other voters. The purpose of this resolution is to give Nebraskans the option to expand our voting base to younger voters. This could increase civic engagement, strengthen civic education, and promote lifelong participation in the voting process. LR284CA does not enact statu-- statutory changes, rather it places a question before the voters of Nebraska, consistent with the constitutional amendment process. This hearing provides an opportunity to hear testimony on the potential impacts, benefits, and concerns associated with lowering the voter age, including considerations related to civic readiness, election administration, and democratic participation. I have read the online comments, and I find a lot of the arguments, if not all of them-- not all them, but some of them-- against this resolution hypocritical. First, I question, why do we allow youth age 16 and, and younger to drive on our roads, considering the dangers of driving and the comments about immaturity of our youth? Second, if 16-year-olds are considered immature and unable to make adult decisions, then why are we lowering-- are we lowering the age and allowed to try 16-year-olds as adults in the criminal law? They also pay taxes. Lastly, there are places globally that allow youth 16 to 17 years old to vote, such as the UK, Germany, and Greece. And for me, it's about finding ways to, to empower our youth as much as possible. I personally think too many decisions are made by old people. And when I mean old people, even myself, I'm 35 years old. But a lot of the impact of our decisions fall back on younger people. And I think a lot

decisions that were made when I was their age, it fell on us to try to correct. And I would have loved to be a part of the processes at those ages. So that's why I brought this in. I think it's worthy for discussion, and I'll open for any questions.

**SANDERS:** OK, let's see if there are any questions. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for bringing this bill, Senator McKinney. I've got a few questions, but I'll start with, you and I talked about this already, but when the U.S. Constitution was amended to allow 18-year-olds to vote, down from 21, it was to do with the Vietnam War and the fact that folks were being drafted and subjected to the actions of the government but didn't have a say in it. I don't know if you got here earlier today, we had-- the first bill was a conversation about folks who were subjected to the regulations--

**McKINNEY:** Yeah.

**J. CAVANAUGH:** --of the ETJ and should therefore be able to vote in it. And you addressed driving, but it seem-- do you think it's fair that 16-year-olds are, like you said, taxpayers, driving, but subjected to the carceral system-- and it's the adult carceral system and they have no say in that?

**McKINNEY:** No, I don't think it's fair. If we're going to say on one hand that if a 16-year-old commits an offense, that whether heinous or not, they should be charged as an adult, we should treat them as such and we don't recognize that they're youth, we can't say on this hand that they're immature, their minds aren't ready, and to try to justify why saying no. If we're going to argue that a 16-year-old could sit in our state prison, then we also should be open to a 16-year-old voting, in my opinion.

**J. CAVANAUGH:** Yeah, they, if they're mature enough to spend the rest of their life in prison, then maybe they're mature enough in the city election?

**McKINNEY:** Yes.

**J. CAVANAUGH:** Just like somebody who lives in the ETJ. So my other question just, you know, first thing that comes to mind looking at this, you and Senator DeKay are amending the same section. Senator DeKay and I talked about the cost of putting this on the ballot. What

are your thoughts about just putting the two together as one proposed amendment and having it on the ballot?

**McKINNEY:** Whatever works the best, I'm open to it.

**J. CAVANAUGH:** Well, so that of course then that the pulling the thread of ambiguity as I'm sitting here, reading: every citizen of the United States who has attained the age of 18 as written is currently-- years on or before the first Tuesday of the first Monday, residing within the state, you know, shall be, what is it, except-- shall be an elector for the calendar year in which there's-- so my question, I mean, just looking at this, it says everybody who is above this age is, is eligible. It is non-exclusive. So have you looked at the idea that it-- amending it as Senator DeKay has suggested would be "only," which then would be exclusive not only as to citizenship, but as to age, right? And so if you grant Senator DeKay's premise that this is ambiguous and allows for that, has anybody proposed the idea of not a constitutional amendment, but a statutory change that would say everybody that's above 18 is eligible, but people under 16 are eligible in these circumstances?

**McKINNEY:** No, I don't think that was brought to me. No, but I'm open to that too, but yeah.

**J. CAVANAUGH:** Well, when you start spot-- I mean, somebody brings up ambiguity, and it's just like, that's where my mind is going now. I'm looking for everything that's ambiguous.

**McKINNEY:** I understand.

**J. CAVANAUGH:** Thanks.

**McKINNEY:** Yeah.

**SANDERS:** Any other questions from the committee?

**LONOWSKI:** Thank you, Chair Sanders. Thank you for this idea. Can you tell me, Senator, who brought this to you, or is this just like your own idea?

**McKINNEY:** It's more so my own idea. What was it, a couple years ago, I went to Europe for a trip to like, I think Romania, Croatia, Hungary, and we met with a lot of elected officials there. And this was

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something that kept coming up about allowing 16-year-olds to vote in elections. And that's kind of where the thought came from. I didn't introduce it last year but it was something that stuck with me. And then, you know, going into this year, knowing that it's going to be hard to pass anything that has a fiscal note necessarily, why not try these type of ideas and see where we get. But I do think it's a valid thing to be considered.

**LONOWSKI:** Sure. I looked up as we were sitting here, 86% of 16-year-olds get their news from social media. I would use that except for I'm sure probably a large percentage of adults do the same. So and, and I certainly understand your point with if we're charging a kid as an adult when he commits murder then we're saying 16-year-olds are adults. I get that. I'm just a little leery to, to lower this to 16. Is there a reason you just skipped over 17? Or are you just looking at what other countries are doing?

**McKINNEY:** Well, I think 16 is kind of where I think juveniles and youth start to kind of transition into adulthood or young adulthood. They start getting their licenses, they start getting cars. That's usually around the time you start to see like a shift. So that's why.

**LONOWSKI:** Yeah, we do give a lot of freedoms at 16.

**McKINNEY:** Yeah.

**LONOWSKI:** Thank you.

**McKINNEY:** No problem.

**SANDERS:** Any other questions from committee? See none.

**McKINNEY:** Thank you.

**SANDERS:** For your closing, you'll stay?

**McKINNEY:** Yes, I will.

**SANDERS:** All right, we'll go ahead and open to any proponents on LR284. Good afternoon. Welcome.

**HOLLY BOWEN:** Good afternoon. Thank you for this opportunity. My name is Holly Bowen, H-O-L-L-Y B-O-W-E-N, and I'm a junior at Lincoln Southeast High School. I'm here in support of Senator McKinney's

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constitutional amendment to lower the voting age to 16. I will be 18 on December 9th of this year, and that's about 20 to 25 days after the general election. This means that for the first four years of my adulthood and for every year of my undergraduate education, I will be subject to the policies and leadership of politicians I did not get a say in electing. The Nebraska government has taken a recent interest in higher education, something I have a lot riding on. The decisions made in the next four years will have a huge impact on my future. Shouldn't I get to be a part of that? Thinking about education, I'm aware of the Governor's recent goal to provide more scholarships for Nebraska residents based on ACT scores. While I'm already eligible for some of these scholarships, I am taking the ACT for a second time in April in an effort to further improve my score. This being said, I don't know if I would be able to consider committing to Nebraska if the state I grew up in still doesn't want to hear my voice. Not only am I a busy high school student, I'm also a lifeguard and an afterschool supervisor for Lincoln Parks and Rec. This means I work to protect and uplift my community, especially its youth. If the people of Nebraska can trust me with their children, shouldn't they trust me with my vote? I know we mentioned earlier news from social media. And I would just like to add, young people everywhere aren't given enough credit for their knowledge of current events. I cannot speak for everyone, but my public school education has more than prepared me to be an active member of our democracy. From current event assignments in my AP language and composition class, to understanding the different parts of our economy in AP macroeconomics, and even getting off task and going over recent news with my pre-calculus teacher, educators are doing their part. The teens of Nebraska are subject to a government they did not ask for. We drive these streets, we work for this community, we attend these schools, and we want our voice to be heard. I'm asking the committee to advance LR284CA to the Legislature for General File debate. Thank you for your time.

**SANDERS:** Thank you, Holly, that was great. Have you testified in front of a committee before?

**HOLLY BOWEN:** No, I haven't.

**SANDERS:** Congratulations.

**HOLLY BOWEN:** Thank you.

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**SANDERS:** Well done. Are there any questions for Ms. Holly Bowen?

**HOLLY BOWEN:** Yeah.

**SANDERS:** Senator Guereca.

**GUERECA:** Thank you, Ms. Bowen, for coming in. Thank you for engaging the democratic process. So you said you're a lifeguard for the city of Lincoln.

**HOLLY BOWEN:** Mm-hmm.

**GUERECA:** Do you pay taxes in that capacity?

**HOLLY BOWEN:** Yeah.

**GUERECA:** Do you have your driver's license?

**HOLLY BOWEN:** I do.

**GUERECA:** So you're subject to the rules and regulations-- rules of the road as set by the Nebraska Legislature?

**HOLLY BOWEN:** Yes.

**GUERECA:** Do you get to say who represents you in the Nebraska Legislature?

**HOLLY BOWEN:** No.

**GUERECA:** Thank you.

**SANDERS:** Any other questions from the committee? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here. I just want to know what colleges you're looking at.

**HOLLY BOWEN:** Honestly, I'm pretty undecided right now, sort of everywhere at this point. I've got a college visit basically every weekend. I, I think I want to stay somewhere in the Midwest, but I honestly have been too busy to do a ton of the research, so I think it's all up in the air right now. Yeah.

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**J. CAVANAUGH:** Gotcha. Well, you've got a bright future. Thanks for being here.

**HOLLY BOWEN:** Thank you, I appreciate that.

**SANDERS:** Seeing no other questions. Get off easy. Thank you very much for your testimony.

**HOLLY BOWEN:** Thank you.

**SANDERS:** Are there any other proponents on LR284CA? Good afternoon and welcome.

**NORA WESSEL:** Good afternoon. Chairwoman Sanders and members of the Government, Military, and Veterans Affairs Committee. My name is Nora Wessel, N-O-R-A W-E-S-S-E-L. I'm speaking on behalf of NEw Voices, a youth-led, nonpartisan civic engagement organization working to expand democratic participation across Nebraska. You can find out more about us in the one-pager. I'm here today in strong support of LR284CA, the constitutional amendment that would lower Nebraska's voting age to 16. At NEw Voices, we believe that democracy is strongest when all voices are included, especially those of young people who are directly affected by decisions made at every level of government. At 16, Nebraskans are working jobs, paying taxes, driving, and contributing to our communities in meaningful ways. LR284CA takes a common-sense step to align civic responsibility with civic power. Lowering the voting age will increase Nebraskan civic participation, empower youth voices, and foster lifelong engagement in democracy. Research shows that when people begin voting at a younger age, they are far more likely to become consistent voters throughout their lives. This amendment is not about partisanship. It's about strengthening our democratic fabric by making it more inclusive, representative, and responsive to the next generation of Nebraskans. I also want to point out, for a resolution focusing on young people, having this hearing during the school day makes it especially challenging for us to make our voices heard on this issue. We know that young people are ready and eager to participate. Across Nebraska, high schoolers are organizing voter registration drives, educating peers on civic issues, and taking leadership roles in their communities. LR284CA simply ensures that our laws reflect this growing civic readiness. For these reasons, NEw Voices respectfully urges the committee to advance LR284CA and give Nebraska voters the opportunity to expand voting

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rights to 16- and 17-year-old citizens. Doing so will help strengthen civic engagement, encourage early democratic participation, and ensure our government reflects the voices and interests of all Nebraskans.  
Thank you.

**SANDERS:** Thank you very much for your testimony. Are there any questions for Nora Wessel? Senator Lonowski.

**LONOWSKI:** Thank you, Chair Sanders. Thank you for your testimony. We really appreciate that. I want to state for the record, I'm not going to come at night just because you're not in school to listen, because I need my sleep. So would you be OK with adding the draft or serving in the military to age 16 as well?

**NORA WESSEL:** I think for me right now I just am focusing on the issue of voting.

**LONOWSKI:** OK, well, so when you sign up to vote as an 18-year-old, you're also registering-- even though we don't-- we haven't drafted anyone for, for decades. I was just curious. So are you also in high school right now?

**NORA WESSEL:** Yes, I am.

**LONOWSKI:** OK. So do you, I assume, if you work, you pay income taxes. Do you pay any-- do you live with your parents or--

**NORA WESSEL:** I live with my parents, yes.

**LONOWSKI:** OK, all right. Thank you. I appreciate your answers.

**SANDERS:** Are there any other questions from the committee? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Ms. Wessel. I'm sorry, did you say where you went to school?

**NORA WESSEL:** I go to Omaha Central.

**J. CAVANAUGH:** Omaha Central, Beautiful school. And what year are you?

**NORA WESSEL:** I'm a junior this year.



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**J. CAVANAUGH:** All right. I just-- my daughter just toured Lewis and Clark and that's where we'll be next year. So, you know, there's some conversation about the U.S. Constitution, and U.S. law requires, and these other places have these bifurcated elections. Do you think, hypothetically, not asking you to, to opine on the legality of this, but if it was determined that we could only say 16-year-olds could vote in state, local elections, do you think that's worthwhile change, even if we still can't, can't vote in the federal elections?

**NORA WESSEL:** I think so. I think any opportunities where 16- and 17-year-olds can make their voices heard through elections is important.

**J. CAVANAUGH:** Yeah. When I was 18-- I turned 18, I should have told Ms. Bowen this, so I registered to vote on January 1st, 1998, because I could vote by October of 1998. So I feel bad for you that you missed that opportunity. But to Senator Lonowski's, I registered for the draft on October 6th, 1998. So they were not the same event. But thank you for being here.

**SANDERS:** Any other questions from the committee? Senator Guereca.

**GUERECA:** I just wanted to say, as the senator who has Omaha Central in his district, thank you for coming out and making a long drive during the school day to have your voice heard and involved. Is this your first time testifying for a committee?

**NORA WESSEL:** Yes, it is.

**GUERECA:** Thank you for being involved in the democratic process.

**NORA WESSEL:** Thank you.

**SANDERS:** Senator Meyer.

**F. MEYER:** Yeah, I guess after listening to the testimony on other bills as well as this one today that we pretty well established 250 years ago that there's no connection between paying taxes and voting. So I guess I'm a little bit-- I feel bad that that topic keeps coming up because there's no connection there. And we've, you know, I have to state that for the record that that's, that's the way our Constitution is worded. If you're a citizen, you can vote. If you pay taxes, has no connection with voting. I know you'd like to think that all the people

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that were here before that were affected by subdivision rules can't vote in those elections. So now we're talking about paying withholding tax and ought to be able to vote. Well, I see kind of a disconnection there. School bond issues across Nebraska and across this country for the last 150 years have involved people who pay taxes but yet can't vote on that issue because of where their land lies. So paying taxes and voting is not directly connected. Being a citizen and voting is, so I just wanted to make that clarification I guess that--

**SANDERS:** Thank you, Senator Meyer. Senator Cavanaugh.

**J. CAVANAUGH:** I just have-- I'm passing along a message. Senator Hunt is watching. She's still under the weather. She wanted to say that she appreciates you. Thanks for being here.

**NORA WESSEL:** Thank you.

**SANDERS:** All right, great job. Hope to see you back here again.

**NORA WESSEL:** Yes.

**SANDERS:** Thank you very much. Drive safe.

**NORA WESSEL:** Thank you.

**SANDERS:** Are there any other proponents on LR284? Good afternoon, welcome.

**OLIVIA WILLIAMS:** Good afternoon, Chairwoman Sanders and members of the Government, Military, and Veterans Affairs Committee. Good afternoon. My name is Olivia Williams, and I am a student at Omaha Central as well. I'm a sophomore.

**SANDERS:** Hold on just a second please. We need you to slow down and spell your name.

**OLIVIA WILLIAMS:** Oh, spell my name. O-L-I-V-I-A W-I-L-L-I-A-M-S.

**SANDERS:** Perfect. Thank you.

**OLIVIA WILLIAMS:** And I am also a student at Omaha Central. I'm going-- I am a sophomore this year going to my junior year next year. I am testifying in support of the LR284CA to lower Nebraskans' voting age to 16. So as teenagers in today's political climate, we regularly

observe legislation being passed that directly affects our lives both now and in the future. Many policies enacted by this body have significant impacts on young people. However, teenagers currently have no voice in these decisions due to solely their age. This lack of representation results in the misinterpretation, misunderstanding, and miscommunication of these needs of our demographic. One example is the Fair Labor Standards Act, which limits the number of hours teenagers may work on school days and restricts the type of work that they are permitted to do. While these regulations are intended to protect the youth workers, they are to demonstrating how these policies affect teenagers are often created without direct input from these people. Additionally, many 16- and 17-year-olds carry adult responsibilities. A large number of teenagers are employed, pay taxes, and may be prosecuted as adults within the legal system. And society expects young people to contribute economically and to conform to adult legal standards, it is reasonable that they should also have a say in what laws govern them. Lowering the voting age would improve communication between lawmakers and adolescents, ensuring that adolescent voices are represented in discussions on issues that significantly affect them. Expanding voting rights to include 16- and 17-year-olds would make our democracy more representative of all age groups, not solely [INAUDIBLE] while also encouraging early civic engagement and lifelong participation in the democratic process. For these reasons, I respectfully urge you to support the amendment. Thank you for your time and consideration.

**SANDERS:** Thank you for your testimony.

**OLIVIA WILLIAMS:** Thank you.

**SANDERS:** Is this your first time?

**OLIVIA WILLIAMS:** Yes, it is.

**SANDERS:** Well, congratulations. Thanks for being here. Let's check to see if there's any questions from the committee. Senator Guereca.

**GUERECA:** I just wanted to say thank you for coming all the way from Omaha Central and being involved in the democratic process.

**GUERECA:** Thank you.

**SANDERS:** Are there any questions? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you. Thanks for being here, Ms. Williams. So, well, I'm just going to generally ask you, where'd you go to middle school?

**OLIVIA WILLIAMS:** I went to Lewis and Clarke.

**DAVID CARY:** Lewis and Clarke.

**OLIVIA WILLIAMS:** Yes, I did.

**J. CAVANAUGH:** Good school.

**OLIVIA WILLIAMS:** Great school.

**J. CAVANAUGH:** All right, well, my daughter seems to want to go there, so it's closer to my house than the other schools.

**OLIVIA WILLIAMS:** Not mine, I live in Blair.

**J. CAVANAUGH:** Oh, wow.

**OLIVIA WILLIAMS:** Yeah.

**J. CAVANAUGH:** So it's that good?

**OLIVIA WILLIAMS:** Yes.

**J. CAVANAUGH:** Thank you.

**SANDERS:** Are there any other questions or comments, statements? See none, you're getting off pretty easy.

**OLIVIA WILLIAMS:** Thank you.

**SANDERS:** Thank you for being here. Thank you for your testimony.

**OLIVIA WILLIAMS:** Appreciate it.

**SANDERS:** Are there are any other proponents on LR284? Welcome back.

**KIERAN KISSLER:** My name is Kieran Kistler, that is K-I-E-R-A-N K-I-S-S-L-E-R, I'm the Director of Public Policy at Civic Nebraska. And I drew the short straw of following those three who did an

excellent job. Civic Nebraska supports this policy and thanks Senator McKinney for introducing it. Much of what is in my written comments has been touched on today already, but I do want to highlight a few things. In the countries where this has been passed, Britain notably being the most recent in July of this past year, as well as countries in South America, and then some local cities within the United States, there is a greater turnout in the youth ages 16 and 17 than their peers in the 18- to 21-year-old age. We also know that the younger someone begins voting, the more likely they are to embrace it as a habit. So, when youth begin voting younger, we see it as lifelong trend. It also causes what we would call like a trickle-up effect. So if you are sitting in the dinner table talking to your family, as we want to see in Nebraska, families engage with each other, you're more likely to encourage the adults in your household to vote as well and to think critically about those decisions. Then to the point about teenagers and social media, I, I think that's fair and I think that's fair for all of us. I have a couple of aunts that fall into that category. Teenagers are impulsive and we know that. However, voting is not an impulsive behavior. It's methodical, and it's a step-by-step process, right? It takes several things. Registration, locating your voting place, going to the voting place, identification, researching and reading your ballot, and then voting. And we don't have a scoreboard like at the voting places that shows the direct causation from your ballot to like the effect of it, right? So the reward centers in the brain that are rewarded by impulsive behaviors are not rewarded by voting. So we do know with research that also the ability to take in information, weigh the facts, think critically about the decisions, that's developed by age of 16. And so we do think youth have the skills to do this. So we urge you to send this out to the floor. I trust 16-year-olds, I also trust Nebraskans to weigh this on the ballot this year.

**SANDERS:** Thank you for your testimony. See if there's any questions. Senator Guereca.

**GUERECA:** There may not be a scoreboard, but you get those cool stickers, so.

**KIERAN KISSLER:** That is true.

**GUERECA:** Take that into consideration.

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**SANDERS:** Are there any other questions from the committee? See none. Thank you very much for your testimony.

**KIERAN KISSLER:** Thank you. Appreciate it.

**SANDERS:** OK. Are there any other proponents on LR284? Any opponents on LR284? Any neutral testimonies on LR284? Seeing none, Senator McKinney, if you'd like to close. Oh, and while you're closing, we have for the position on Government record, we have proponents, 11. Opponents, 22. And 0 in the neutral.

**McKINNEY:** Thank you, Chairwoman Sanders and members of the committee for listening to this. And thank you to the students and others for coming to testify. Just in closing, I think I'm just a person-- maybe because I work with kids, a lot, lot of youth and teenagers that I just see their worth and their value in society, just speaking with them and understanding them a little more sometimes. And, you know, although Senator Meyer, you brought up taxes. The reason why I used it and the reason why I brought it up, because going through a lot of the comments I've seen on the bill in opposition, a lot of it was pertaining to taxes. And saying that-- basically alluding that youth at 16 don't pay taxes. So my counter was to say yes, they do pay taxes, not to say that taxes and voting had anything to do with each other, but just to kind of highlight-- to, to counter that point that people were making in the online comments. And I, I just think it would be good, something good to explore, you know. And we could see whether Nebraskans want this or not. I think, you know any time we put something in the hands of voters, it's always a good opportunity. It probably might get shot down, might not, you know, but at least Nebraskan's, not us as senators, are the ones deciding this. Because it's something that important. But, you know, overall, it's always a good opportunity to especially hear from our youth and just kind of listen to them speak and their minds, and see how much, you know, potential they have and what they could bring to our society. Thank you.

**SANDERS:** Thank you, Senator McKinney. Are there any questions, comments? Senator Cavanaugh.

**J. CAVANAUGH:** I'll try and keep mine as questions. So just my favorite thing to do is go read all the political coverage from the Omaha Public Library's website. Get a public library membership and go back

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and read. So I'm reading about the 1998 primary in which I voted. So you heard talk about it so the Constitution, as it's written now, means if you're 18 by election day.

**McKINNEY:** Yep.

**J. CAVANAUGH:** So this year, 2026, somebody-- I registered in January of 1998 because I was 18 by November of 1998, so somebody could register this year. But what that means is that somebody can vote in the primary when they're 17. And so, you know, it's not this absolute people are not competent to vote because they're under 18, right?

**McKINNEY:** Right.

**J. CAVANAUGH:** So that's already the state of the law. I guess, are you aware of that?

**McKINNEY:** Yes, I'm aware of that, for sure.

**J. CAVANAUGH:** And, you know, not to build up strawman arguments for people and then knock them right back down, but there would be those who would probably say, yes, you get to vote in the primary because you get choose who's going to be on the ballot in November. So there's a logical connection there. But are you aware that there are elections on the primary that are the final election?

**McKINNEY:** Yes, I am.

**J. CAVANAUGH:** And as one example, that I, I grew up in District 66. The District 66 school board election is on the primary ballot.

**McKINNEY:** Yeah, and there's for city elections there, I think there are charter issues that are final on in the primary too. If I-- I might be wrong, but I think so.

**J. CAVANAUGH:** Omaha city has been known to put--

**McKINNEY:** Yeah.

**J. CAVANAUGH:** --those on the lower turnout ballots. You know, not a pointed question there. So yeah, that's my mind, of course. I appreciate this hearing because it makes you think about things in a different way than you've thought about. And, you know, appreciate Senator DeKay's hearing as well for that reason and Senator Ballard's.

But the law, the current state of the law is that 17-year-olds can vote in the state of Nebraska in certain elections. And I asked, I think it was, Ms. Wessels, I think, if there was a constraint that was put upon it that said you can vote at 16 but only in municipal, school board, local elections but not federal. Do you think, would that be worth doing or would you be willing to go forward on that path?

**McKINNEY:** Yeah, I think that would be fine too. I'm not, you know, either or is cool with me, and I think I'd be good. It probably would, you know, bring less heartburn for some people if it's just local elections, so yeah.

**J. CAVANAUGH:** Thank you.

**McKINNEY:** No problem.

**SANDERS:** OK. Senator Lonowski.

**LONOWSKI:** Thank you, Chair. And thank you. This is, is an intriguing topic, I think. So, first of all, I noticed all your testifiers are bright young ladies, so I just want to point out that men mature slower than women as far as mental things. I was a teacher, and yes, yes. And but I also acknowledge that kids are much smarter today. So I think, I don't know about Senator Cavanaugh, he's pretty young, but some of us older people, our problem was to find our information. And now I think the problem is how to thin through the information and figure out what's relevant. So, so it's kind of a different aspect. So one thing I, I mean, when we relate it to driving, when you get to the sticks of Nebraska, we have driver's permits and learner's permits, and we have 14-year-olds--

**McKINNEY:** Yep.

**LONOWSKI:** --driving to school. And that, it scares me when they're on the gravel road going the opposite direction of me. And so I hate to, even though driving's a great responsibility, I just don't want to tie the two together. And finally, my last comment is you kind of cheated and brought a loaded bullpen. So I just wanted, wanted that to be on the record. You've got some pretty intelligent people to testify. But thank you for this, bill. I find it intriguing.

**McKINNEY:** No problem, thank you.



**SANDERS:** Any other comments or questions from the committee? Seeing none, thank you for bringing LR284.

**McKINNEY:** Thank you.

**SANDERS:** Thank you all for that were here to testify. Appreciate it. This closes our hearing on LR284CA.