



**From the Office of Secretary of State  
Robert B. Evnen**

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**Contact:**

Cindi Allen

402-471-8408

**Statement of Secretary of State Bob Evnen  
Concerning the Appointment of Election Commissioners**

LINCOLN- Yesterday, Nebraska Attorney General Doug Peterson issued an opinion that Nebraska statutes providing for the appointment by the Governor of election commissioners in Douglas, Sarpy and Lancaster counties, and appointment by county boards in certain other counties, is “constitutionally suspect.”

Secretary of State Bob Evnen issued the following statement today concerning the Attorney General’s opinion:

“I have the utmost respect for the Attorney General and his staff. As he noted in his opinion, the statute calling upon the Governor to appoint certain county election commissioners dates back to 1913 – more than 100 years ago. This and the election commissioner appointment statutes that followed have been the law of our State for more than a century. The Nebraska Supreme Court itself has decided at least one case in reliance on one of these statutes without a hint that the statute was unconstitutional.

“There were sound policy reasons supporting the enactment of the appointment statutes. They remain the law unless and until they are overturned by our courts, or legislation is enacted that changes these statutes. I am committed to following the law, and I intend to continue to observe these long-standing statutes as long as they are in place.”

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