



**Pete Ricketts**  
Governor

## STATE OF NEBRASKA

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April 18, 2016

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 580 without my signature and with my objections.

The legislation has been described as an effort to remove partisanship from the redistricting process by creating and authorizing a so-called "Independent Redistricting Citizen's Advisory Commission" to perform this constitutionally required function.

LB 580 presents serious concerns regarding the partisan political nature of the newly created commission and raises significant constitutional questions. The bill creates what could become a hyper-partisan, unelected advisory commission that will likely be comprised of former political party activists and former elected officials.

Under the Nebraska Constitution, the people's elected representatives in our non-partisan Legislature are required to redistrict every ten years. While redistricting can be a tough process, handing this vital authority over to an unelected board -- which will be appointed by legislative caucuses based upon partisan political party affiliation -- is outside the spirit and tradition of our non-partisan Unicameral Legislature.

Article III, Section 5 of Nebraska's Constitution requires the Legislature to conduct legislative redistricting; not anyone else. The bill does not merely delegate details of the redistricting process to an administrative advisory agency, rather it improperly delegates nearly all of the actual aspects of redistricting authority to an "advisory commission."

Under LB 580, only the unelected advisory commission can draft redistricting bills. Those bills do not receive a formal public hearing by a legislative committee -- a requirement for all other legislative bills. Instead, the highly substantive and politically sensitive redistricting plans are placed immediately on General File for the first round of debate.

While there is no bar in the Constitution precluding the Legislature from seeking input or advice, the bill presents an improper delegation of legislative power in violation of Article III, Section 1 of the Nebraska Constitution.

The Legislature may not properly delegate to an advisory commission power that is solely conferred upon the Legislature by the Constitution. The Legislature is granted the explicit authority to draw district boundaries for the U.S. House of Representatives, the Legislature, State Supreme Court, Board of Regents, Public Service Commission, and the State Board of Education.

Another constitutional problem with LB 580 is its requirement to have the Secretary of State provide formal opinions regarding the constitutionality of the proposed maps. This is clearly a legal function; therefore, the bill infringes on the actual and inherent duties of the Nebraska Attorney General as set forth in Article IV, Section 1 of the Constitution. The Legislature may not delegate duties or powers of one constitutional officer to another officer or agency.

Pragmatic considerations also exist with the actual structure of the bill. The timeline in it presents challenges and increases the likelihood of a needing a special session to be called for the purpose of enacting redistricting plans.

LB 580 proposes a major policy shift that violates several provisions of Nebraska's Constitution. At stake are the voting rights of all Nebraskans. Contemplating a better way to do redistricting than has been done in the past is not a bad thing. Doing redistricting as proposed in LB 580 is unworkable.

For each of these reasons, I respectfully urge you to sustain my veto of LB 580.

Sincerely,

A handwritten signature in black ink that reads "Pete Ricketts". The signature is written in a cursive, flowing style.

Pete Ricketts  
Governor