



**No Directors' Meeting this week due to evening Council Meeting
This report is in lieu of an agenda for December 15, 2025**

Next Directors' Meeting – 2 p.m. Monday, January 5, 2026

City Correspondence

City Clerk	City Council Action 12/8/25
Urban Development	FW: December 8 Neighborhood Roundtable Meeting
Planning & Development	Administrative Approvals
"	BP260109-1 MPO Officials Committee
LES	LES Administrative Board Agenda - December 19, 2025
"	LES Financial Statements - November 2025
City Attorney	Claims against the City set for Public Hearing 12/15/2025

Constituent Correspondence

Rosina Paolini	Wilderness Crossing, Developments, and Floodplains
Robert Borer	Taiwan's election process
Anonymous	Law enforcement corruption and lack of accountability in regards to illegal alien foreign national immigrants

From: [Chris A. Sison](#)
To: ["KOLN/KGIN"](#); [Aishah S. Witte](#); [Angela Quinn](#); [Anthony J. Leetch](#); [Barb D. McIntyre](#); [Benjamin A. Sobel](#); [Bennie R. Shobe](#); [Brenda J. Thomas](#); [Brodey B. Weber](#); [Carl J. Steffen](#); [Chad D. Mohr](#); [Cheri L. Howard](#); [Chris J. Connolly](#); [Chris S. Jones](#); [City Clerk All](#); [Claire Y. Oglesby](#); [Cynthia J. Roth](#); [Daley C. ElDorado](#); [Daniel K. Marvin](#); [David R. Cary](#); [David T. Engler](#); [Elizabeth D. Elliott](#); [Geri K. Rorabaugh](#); [Hallie E. Salem](#); [Holly L. Lewis](#); [James M. Bowers](#); [Jamie Phillips](#); [Jenni R. Ryan](#); [Jennifer L. Mommens](#); [Jessica Loos](#); [Jocelyn W. Golden](#); [Jon D. Carlson](#); [Joseph P. Dondlinger](#); [Justin P. Carlson](#); [Karen Eurich](#); [Kasey L. Simonson](#); [Kerry L. Kernen](#); [Kristi K. Nydahl](#); [Laura A. Tinnerstet](#); [Lin Quenzer](#); [Liza A. Alderman](#); [Maggie J. Stuckey-Ross](#); [Marcia L. Huenink](#); [Mary E. Lowe](#); [Mayor](#); [Melissa M. Ramos-Lamml](#); [Michele M. Abendroth](#); [Michon Morrow](#); [Peter A. Kroll](#); [Philip L. Dush](#); [Randall S. Jones](#); [Rhonda M. Haas](#); [Ron L. Cane](#); [Ryan S. Wieber](#); [Sandra J. Washington](#); [Sara J. Hoyle](#); [Scott Parker](#); [Sharon R. Mulder](#); [Shelli K. Reid](#); [Shelly L. Dostal](#); [Sherry Wolf](#); [ssahling](#); [ssprackling](#); [Steve R. Owen](#); [Tammy B. Wissing](#); [Thomas A Schaffer](#); [Tim L. Byrne](#); [Tom Duden](#); [Tom J. Beckius](#); [Vanessa A. Cruz](#)
Subject: City Council Action 12/8/25
Date: Tuesday, December 9, 2025 7:14:50 AM
Attachments: [Action120825.docx](#)
[Action120825.pdf](#)

Good morning - Attached is the action from the City Council meeting 12/8/25.



Chris Sison
Office Specialist
City of Lincoln
Office of the City Clerk

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555 S 10th St, Rm 103
Lincoln, NE 68508
lincoln.ne.gov/Clerk

**ACTION FROM THE REGULAR CITY COUNCIL MEETING HELD MONDAY,
DECEMBER 8, 2025 3:00 PM**

ALL MEMBERS PRESENT

**DUE TO THE CHRISTMAS & NEW YEAR HOLIDAYS, CITY COUNCIL
WILL NOT MEET ON DECEMBER 22 & 29, 2025.**

PUBLIC HEARING - CONSENT AGENDA

Anyone wishing to address an item on the Consent Agenda may do so at this time.

1. REPORTS OF CITY OFFICERS

1.a. 25R-506

Reappointing Eric Hoke and Patrick Finnegan to the Citizen Police Advisory Board for terms to expire November 17, 2028. **(ADOPTED, 7-0; A-95482)**

1.b. 25R-527

Resolution levying the assessments approved by the City Council sitting as the Board of Equalization on November 24, 2025 and setting the interest rate on those assessments for the costs of the improvements in the Downtown Management Business Improvement District, Downtown Core Management Business Improvement District, Downtown Maintenance District, and the West Haymarket/Downtown Maintenance District. **(ADOPTED, 7-0; A-95483)**

1.c. Lincoln Electric Financial and Operating Statement for October 2025. (PLACED ON FILE)

1.d. Clerk's Letter & Mayor's Approval of Resolutions and Ordinances passed by City Council on November 20, 2025. (PLACED ON FILE)

2. PETITIONS & COMMUNICATIONS

2.a. PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment 25038, to Special Permit 15035, The Knolls Senior Living Community, was approved by the Planning Director on November 17, 2025, to enlarge the existing stormwater detention cell and modify the outlet control structure, generally located at Norman Road and Old Cheney Road.

Administrative Amendment 25040, to Special Permit 20047A, Fire Ridge Community Unit Plan, was approved by the Planning Director on November 24, 2025, to alter the lot configuration in Blocks 5 and 6 and modify the phasing plan and parking exhibits, generally located at S 102nd Street and Van Dorn Street.

Administrative Amendment 25033, to Use Permit 04003, Ashley Heights Commercial Center, was approved by the Planning Director on November 24, 2025, to split Lot 4 into two separate lots, generally located at 4646 W Huntington Avenue.

Administrative Amendment 25042, to Special Permit 16018, Pemberley Place, was approved by the Planning Director on November 25, 2025, to increase the number of

permitted residents from 120 to 132, generally located at S 75th Street and Archer Place.

3. MISCELLANEOUS REFERRALS – NONE.

- VOTE ON CONSENT ITEMS -

4. PUBLIC HEARING - RESOLUTIONS

4.a. 25R-504

Assessing the costs incurred for cutting, clearing, and removing weeds against the various benefitted properties for the period of November 1, 2024 through October 31, 2025. **(MTA#1 ADOPTED, 7-0; ADOPTED AS AMENDED, 7-0; A-95484)**

4.b. 25R-505

Approving the Consultant Agreement between the City of Lincoln and Continuum Employee Assistance, Training Consultant to provide a comprehensive employee assistance program to the employees of the City of Lincoln and Lancaster County, for a five (5) year term for a sum not to exceed \$405,856.70 for the term of the contract. **(ADOPTED, 7-0; A-95485)**

4.c. 25R-507

Accepting and approving the report of new and pending claims against the City for November 1 through November 15, 2025. **(MTA#1 ADOPTED, 7-0; ADOPTED AS AMENDED, 7-0; A-95486)**

4.d. 25R-508

Comprehensive Plan Conformance 25011 - Application of the People's City Mission Home to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a proposed conservation easement to preserve flood storage capacity on the property generally located 110 Q Street. **(ADOPTED, 7-0; A-95487)**

- VOTE ON RESOLUTIONS -

5. PUBLIC HEARING - ORDINANCES 2ND READING & RELATED RESOLUTIONS (ITEMS 5.a. THROUGH 5.m. HAD 2ND READING)

5.a. 25-116

Text Amendment 25013 - Application of Clark and Enersen amending Lincoln Municipal Code Section 27.61.010 Continuation of Nonconforming Use and Section 27.61.040 Extension or Enlargement to allow more flexibility for structural alterations for the reuse of existing buildings.

5.b. 25R-509

Comprehensive Plan Conformance 25010 - Application of Franklin Hargitt to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a proposed conservation easement to preserve flood storage capacity and natural

resources within the Pine Woods Planned Unit Development, on property generally located at 6511 Pine Lake Road. **(Related Items: 25R-509, 25-118) (Action Date: 12/15/25)**

- 5.c.** 25-118
Change of Zone 08041G - Application of Franklin Hargitt to amend the Pine Woods Planned Unit Development to allow an increase in the commercial floor area by 5,760 square feet, expand the existing contractor services use, and update grading and drainage plans and hydraulic report in the flood plain, on property generally located at 6511 Pine Lake Road. **(Related Items: 25R-509, 25-118)**
- 5.d.** 25-119
Approving the Equipment Lease Agreement between the City of Lincoln and Exchange Bank for the lease and financing of 262 golf carts for a 57 month term.
- 5.e.** 25-120
Approving the Lease Agreement between the City of Lincoln and Lincoln Trap and Skeet Club for the lease of the southwest portion of the N. 48th Street Solid Waste Management Facility for competition sporting clay events and general member use for a ten year term.
- 5.f.** 25-121
Amending Lincoln Municipal Code Chapter 23.10, the Electrical Code, to adopt the 2023 Edition of the National Electrical Code, as specifically amended by Chapter 23.10 of the LMC, by amending Sections 23.10.010, 23.10.040, 23.10.120, 23.10.140, 23.10.160, 23.10.190, and 23.10.290 to incorporate revisions necessitated by the adoption of the 2023 Edition.
- 5.g.** 25-122
Amending Lincoln Municipal Code Chapter 25.06, Lincoln Mechanical Code, to adopt the 2021 edition of the International Mechanical Code as part of the Lincoln Mechanical Code.
- 5.h.** 25-123
Amending Lincoln Municipal Code Chapter 25.12, Lincoln Fuel Gas Code, to adopt the 2021 edition of the International Fuel Gas Code as part of the Lincoln Fuel Gas Code.
- 5.i.** 25-124
Amending Lincoln Municipal Code Chapter 24.12, Lincoln Plumbing Code, to adopt the 2021 edition of the Uniform Plumbing Code as part of the Lincoln Plumbing Code.
- 5.j.** 25-125
Amending Lincoln Municipal Code Chapter 20.06, Lincoln Building Code, to adopt the 2021 edition of the International Building Code regulating and governing the conditions and maintenance of all property, buildings and structures.

- 5.k.** 25-126
Amending Lincoln Municipal Code Chapter 20.08, Lincoln Existing Building Code, to adopt the 2021 edition of the International Existing Building Code regulating and governing minimum requirements for existing buildings.
- 5.l.** 25-127
Amending Lincoln Municipal Code Chapter 20.12, Lincoln Residential Building Code, to adopt the 2021 edition of the International Residential Code regulating and governing one- and two-family dwellings and townhouses in the City.
- 5.m.** 25-128
Amending Lincoln Municipal Code Chapter 19.03, Fire Code, to adopt the provisions of the 2021 edition of the International Fire Code.

- END PUBLIC HEARING -

6. ORDINANCES - 3RD READING & RELATED RESOLUTIONS

- 6.a.** 25-112
Amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Sections 8.20.030, 8.20.070, 8.20.080, 8.20.130, and 8.20.220 to be consistent with the State's adoption of the 2022 FDA Food Code. **(PASSED, 7-0; #21807)**
- 6.b.** 25-113
Annexation 25009 - Application of SW Folsom Development, LLC, to annex approximately 9.80 acres, more or less of property generally located at the southeast corner of W Old Cheney Road and SW 12th Street. **(Related Items: 25-113, 25-114) (PASSED, 7-0; #21808)**
- 6.c.** 25-114
Change of Zone 25024 - Application of SW Folsom Development, LLC, to change the zoning designation from AG Agricultural District to R-3 Residential District on approximately 9.80 acres, more or less, on property generally located at the southeast corner of W Old Cheney and SW 12th Street. **(Related Items: 25-113, 25-114) (PASSED, 7-0; #21809)**

7. RESOLUTIONS - 1ST READING (ITEMS 7.a. THROUGH 7.k. HAD 1ST READING)

- 7.a.** 25R-516
Appointing Donna Garden to the Lincoln Electric System Administrative Board for a term set to expire December 31, 2028.
- 7.b.** 25R-517
Reappointing Eric Schafer and Kate Bolz to the Lincoln Electric System Administrative Board for terms set to expire December 31, 2028.

- 7.c.** 25R-518
Reappointing Kim Morrow to the District Energy Corporation for a term set to expire December 31, 2027.
- 7.d.** 25R-519
Reappointing Gail Perry and Kathy Campbell to the Charter Revision Commission for terms set to expire July 15, 2029.
- 7.e.** 25R-520
Reappointing Ingrid Kirst to the Keno/Human Services Board for a term set to expire December 31, 2028.
- 7.f.** 25R-521
Approving the Supplemental Agreement between the City of Lincoln and Nebraska Department of Transportation (NDOT) for the 84th St. & US-6 (Cornhusker Hwy.) Intersection Safety Project, State Project No. HSIP-5249(9), Control No. 13450, City Project No. 705299.
- 7.g.** 25R-522
Approving a Professional Services Agreement Supplement No. 1 between the City of Lincoln and Alfred Benesch & Company, to add construction engineering service for the street paving rehab project at Adams Street, 36th to 49th Street, Project No. LCLC5250(4), City Project No. 702976, Control No. 13440.
- 7.h.** 25R-523
Approving the On-Call Professional Services Task Order Agreement between the City of Lincoln and Speece Lewis Engineers, LLC, a Bowman Company, to provide preliminary engineering services for the 27th Street Bridge, South of Rokeby Rd, Project No. LCLC-55(199), City Project No. 705712, Control No. 13621
- 7.i.** 25R-524
Approving the On-Call Professional Services Task Order Agreement between the City of Lincoln and Felsburg Holt & Ullevig for environmental services for the 27th Street Bridge, South of Rokeby Rd., Project No. LCLC-55(199), City Project No. 705712, Control No. 13621
- 7.j.** 25R-525
Accepting and approving the report of new and pending claims against the City for November 16 through November 30, 2025.
- 7.k.** 25R-526
Approving the Arbor Road Water Main and Water Pump Agreement between the City of Lincoln and Agate, LLC., to construct a water main and water pump station for the property approximately located from N. 27th Street and Arbor Road to approximately N. 40th Street and Arbor Road.

8. ORDINANCES - 1ST READING & RELATED RESOLUTIONS (ITEMS 8.a. THROUGH 8.d. HAD 1ST READING)

8.a. 25-129

Amending Lincoln Municipal Code Section 2.62.020 Definitions and Section 2.65.020 Definitions to add back reference to federal regulation that was previously deleted; by amending Section 2.76.010 Purpose of Rules to replace layoff with reduction in force; by amending Section 2.76.040 Definitions to replace the definition for layoff with a definition for reduction in force; by amending Section 2.76.100 Classification Plan; Administration to replace layoff with reduction in force and to change Human Resources Director references to director; by amending Section 2.76.145 Compensation Plan; Merit Pay Plan; Administration and Requirements for Advancement to rename the section Compensation Plan; Merit Pay Plan; Requirements for Advancement; Permanent Pay Increases for Exceptional Service and to change Human Resources Director reference to director; by amending Section 2.76.150 Compensation Plan; Merit Pay Plan; Pay increases for Exceptional Service to rename the section Compensation Plan; Merit Pay Plan; Temporary Pay Increases for Exceptional Service and to revise the conditions for temporary pay increases for exceptional service; by amending Section 2.76.160 Compensation Plan and Variable Merit Pay Plan - W Pay Ranges to replace layoff with reduction in force and to change Human Resource Director references to director; by amending Section 2.76.275 Examinations; Notification of Examination Results to rename the section Examinations; Notification of Status and Right to a Review and to update the candidate hiring appeal process; by amending Section 2.76.280 Discrimination to rename the section Nondiscrimination, to replace layoff with reduction in force and to clarify the language and add protected classes for veteran status, military status, and pregnancy; by amending Section 2.76.341 Promotions to add the M class; by amending Section 2.76.380 Sick Leave with Pay to rearrange paragraphs, replace layoff with reduction in force, to clarify F and M classes shall earn sick leave for each full month of service, and to specify that the percentage of accumulated sick leave for E, X, or W classifications will be paid in cash upon resignation; by amending Section 2.76.385 Bereavement Leave to combine M class with E, X, and W class conditions for bereavement leave and updating the language to be consistent with the LMCEA labor negotiations; by amending Section 2.76.400 Unauthorized Absences, Job Abandonment, Leave Without Pay to add conditions for seniority and performance eligibility during unpaid leave; by repealing Section 2.76.430 Leaves of Absence; Length of Service; by amending Section 2.76.435 Resignation to update the language to reflect the current practice; by amending Section 2.76.460 Demotion to replace layoff with reduction in force; by amending Section 2.76.470 Reduction in Force; Layoff to replace layoff with reduction in force and to update the language to align with the HR policy bulletin.

8.b. 25-130

Amending the pay schedule for employee group whose classification is assigned to the pay range which prefixed by the letter "C" by changing pay range for Class 3140 "Police Records Supervisor" from C26 to C28.

- 8.c. 25-131
Amending the pay schedule for the employee group whose classifications are assigned to the pay range prefixed by the letter "N" by deleting the classification for "Gatehouse Attendant I."
- 8.d. 25-132
Authorizing the issuance of Tax Supported Lease Rental Revenue Bonds for the Lincoln-Lancaster County Public Building Commission not to exceed \$19,200,000.

9. **PENDING LIST (EXTENDED ONE WEEK)**

- 9.a. 24-130
Change of Zone 24018 - Application of Sesostris Temple Holding Corp., to change the zoning designation from AG Agricultural District to H-4 Highway Commercial District, on approximately 15 acres on the property generally located north of the O Street and Anthony Lane intersection. **(Related Items: 24-130, 24R-526, 24R-527) (11/18/24 - Verbal Motion to Delay with continued Public Hearing & Action two weeks to 12/2/24) (12/2/24 - Verbal Motion to Delay with continued Public Hearing & Action two weeks to 12/16/24) (12/16/24 - Verbal Motion to Delay and Move to Pending List No Date Certain)**
- 9.b. 24R-526
Special Permit 24030 - Application of Sesostris Temple Holding Corp., to allow a planned service commercial development with associated waivers on the property generally located north of the O Street and Anthony Lane intersection. **(Related Items: 24-130, 24R-526, 24R-527) (Action Date: 12/2/24) (11/18/24 - Verbal Motion to Delay with continued Public Hearing & Action two weeks to 12/2/24) (12/2/24 - Verbal Motion to Delay with continued Public Hearing & Action two weeks to 12/16/24) (12/16/24 - Verbal Motion to Delay and Move to Pending List No Date Certain)**
- 9.c. 24R-527
Approving the Conditional Zoning Agreement between the City and Sesostris Temple Holding Corp., for the property generally located at 95th and O Street. **(Related Items: 24-130, 24R-526, 24R-527) (Action Date: 12/2/24) (11/18/24 - Verbal Motion to Delay with continued Public Hearing & Action two weeks to 12/2/24) (12/2/24 - Verbal Motion to Delay with continued Public Hearing & Action two weeks to 12/16/24) (12/16/24 - Verbal Motion to Delay and Move to Pending List No Date Certain)**

PUBLIC COMMENT

Anyone wishing to address the council on a matter not on this agenda, and not planned to appear on a future agenda, may do so at the open microphone session. Individuals are allowed a total of 5 minutes to speak regardless of the number of topics. For the month of December, open microphone sessions will be held Dec. 15, 2025.

ADJOURNMENT – 3:51 P.M.

The Lincoln City Council meets every Monday at 3 p.m. except for the last Monday of the month which begins at 5:30 p.m. All City Council meetings are aired live on LNKTv City and re-aired later. For a schedule, visit lincoln.ne.gov (keyword: LNKTv). LNKTv City can be found on all three cable television systems: ALLO Channel 2; Spectrum Channel 1300; Kinetic Channel 1005. Meetings are also streamed live at lincoln.ne.gov (keyword: LNKTv) and available later at youtube.com/LNKTvcity.

LNKTv, the City government access group of channels, is now available on Roku and Apple TV. The free apps allow people without cable and those living outside of Lincoln to view livestreamed and archived LNKTv City, Health, and Education programs. Residents with Roku or Apple TV devices will find LNKTv in the channel guide or app store.

The City Council Agenda and Action Sheet may be accessed on the Internet at: lincoln.ne.gov

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511 as soon as possible before the scheduled meeting date in order to make your request.

From: [Stephanie L. Rouse](#)
Cc: [Jacob R. Schlange](#); [Steve S. Henrichsen](#)
Subject: FW: December 8 Neighborhood Roundtable Meeting
Date: Tuesday, December 9, 2025 4:13:32 PM

Hello everyone,

Thank you for your feedback at last night's Mayor's Neighborhood Roundtable meeting. You can find the meeting notes below along with all the links and attachments discussed during the meeting.

As a reminder, please email me any updates to your neighborhood organization contact list. If you haven't looked at the contact list in a while, please [follow this link](#) to the web map and check who is listed.

- December 8 Meeting Notes:
<https://www.lincoln.ne.gov/files/sharedassets/public/v/1/urban-development/neighborhoods/roundtable/2025-dec-8-mayors-neighborhood-roundtable-meeting-notes.pdf>

Stephanie Rouse, AICP
Urban Development Manager
City of Lincoln
Urban Development

Office: 402-441-8211
Mobile: 531-350-0783

From: Stephanie L. Rouse <SLRouse@lincoln.ne.gov>
Sent: Monday, December 1, 2025 8:55 AM
Cc: Jacob R. Schlange <JSchlange@lincoln.ne.gov>; Steve S. Henrichsen <shenrichsen@lincoln.ne.gov>
Subject: December 8 Neighborhood Roundtable Meeting

Hello Mayor's Neighborhood Roundtable Representatives,

As you will recall, we are continuing the conversation on the Accessory Dwelling Unit text amendment for our December 8th meeting. The agenda is below along with the meeting notes from our November meeting.

- December 8 Agenda: <https://www.lincoln.ne.gov/files/sharedassets/public/v/1/urban->

[development/neighborhoods/roundtable/2025_dec-8-mayors-neighborhood-roundtable-agenda.pdf](https://www.lincoln.ne.gov/files/sharedassets/public/v/1/urban-development/neighborhoods/roundtable/2025_dec-8-mayors-neighborhood-roundtable-agenda.pdf)

- November 10 Notes: https://www.lincoln.ne.gov/files/sharedassets/public/v/1/urban-development/neighborhoods/roundtable/2025_nov-10-mayors-neighborhood-roundtable-meeting-notes.pdf



Stephanie Rouse, AICP

Urban Development Manager

City of Lincoln

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From: [Laura A. Tinnerstet](#)
To: [Benjamin A. Sobel](#)
Cc: [Steve S. Henrichsen](#); [David R. Cary](#)
Subject: Administrative Approvals
Date: Wednesday, December 10, 2025 3:05:45 PM

Good afternoon,

There were no Administrative Approvals this week.

Thank you,



Laura Tinnerstet

Administrative Aide II

Lincoln-Lancaster County

Planning and Development

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Lincoln, NE 68508

lincoln.ne.gov/PlanDev

From: [Laura A. Tinnerstet](#)
To: [Benjamin A. Sobel](#)
Cc: [David R. Cary](#); [Shelli K. Reid](#)
Subject: BP260109-1 MPO Officials Committee
Date: Friday, December 12, 2025 8:11:24 AM
Attachments: [BP260109-1-MPO Official's Committee.pdf](#)

Good morning,

Please see attached.

Thanks,



Laura Tinnerstet

Administrative Aide II

Lincoln-Lancaster County

Planning and Development

Office: 402-441-6365

555 S 10th St, Ste 213

Lincoln, NE 68508

lincoln.ne.gov/PlanDev



Lincoln Metropolitan Planning Organization

County-City Building
555 South 10th Street - Suite 213
Lincoln, Nebraska 68508
(402) 441-7491

To: Officials Committee Members
From: Pam Dingman, Technical Committee Chair
Subject: Technical Committee Meeting

Date: January 9, 2026 [rescheduled from December 5, 2025]
Time: 2:00 p.m.
Place: Council Chambers, County-City Building

Meeting Agenda:

Roll call and acknowledge the "Nebraska Open Meeting Act"

1. Review and action on the draft minutes of the [September 12, 2025](#) Officials Committee meeting
2. Action to remove Federal Highway Administration (FHWA) Lincoln MPO Planning (PL) funds from the FY 2026-2029 TIP as approved with Resolution 2025-11 on September 12, 2025
3. Consent Agenda (Public Hearing and Action)
 - a. [Review and action](#) on revisions to the [FY 2026 Unified Planning Work Program \(UPWP\)](#)
 - i. Include updated funding amounts for FTA Section 5303 in the Transit Planning Work Program
 - b. Review and action on revisions to the [FY 2026-2029 Transportation Improvement Program \(TIP\)](#)
 - i. State of Nebraska Department of Transportation program:
 1. District 1 Dynamic Message Signs (DMS) Retrofit – revise funding source for Construction/Construction Engineering phase in FY 2026

2. I-180, I-80 - Cornhusker Highway – note project as “UNDER CONTRACT” and reprogram funds from FY 2026 to Historical years
- ii. Lancaster County Engineering program:
 1. 98th Street, A Street to O Street – reprogram Right-of-Way/Utilities phase from Historical Years to FY 2026
 2. S. 68th Street, Firth Road to Stagecoach Road – reprogram Right-of-Way/Utilities phase from Historical Years to FY 2026 and convert a portion of Surface Transportation Block Grant funding for the Construction/Construction Engineering phase to Advanced Construction
 3. Arbor Road Bridge Replacement – reprogram Right-of-Way phase from Historical Years to FY 2026
 4. Fletcher Avenue, 84th Street to 148th Street – increase cost for the Right-of-Way/Utilities phase and reprogram from Future Years to FY 2026, increase cost for the Construction/Construction Engineering phase and reprogram from Future Years to FY 2028, and reflect award of U.S. Housing and Urban Development Department Community Project Funding
- iii. Lincoln Transportation and Utilities – Transportation program:
 1. A Street 6th to 17th – add a Right-of-Way phase in FY 2026
- iv. Pedestrian, Bike and Trails program:
 1. Rock Island Trail Undercrossing at Old Cheney Road– reprogram Right-of-Way/Utilities phase from Historical Years to FY 2026
 2. Beal Slough Trail Project – reprogram Construction and Construction Engineering phases from Historical Years to FY 2026
4. Items removed from Consent Agenda
5. Review and action on revisions to the [FY 2026-2029 Transportation Improvement Program \(TIP\)](#)
 - a. State of Nebraska Department of Transportation program:
 - i. In Emerald – remove project due to scheduling delay

- ii. US-77 & S55H Restricted Crossing U-Turn (RCUT) – remove project due to scheduling delay

6. Other topics for discussion

- a. Staff update on the 2050 Long Range Transportation Plan Update and Lincoln Mobility Plan

7. Public Comment

Anyone wishing to address the committee on a matter not on this agenda, and not planned to appear on a future agenda, may do so.

ACCOMMODATION NOTICE: *The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511, as soon as possible before the scheduled meeting date in order to make your request.*

If information is needed in another language, please contact mpo@lincoln.ne.gov
Si necesita información en otro idioma, envíe un correo electrónico a mpo@lincoln.ne.gov

如果您需要其他语言的信息，请发送电子邮件至 mpo@lincoln.ne.gov

Nếu bạn cần thông tin bằng ngôn ngữ khác, vui lòng gửi email mpo@lincoln.ne.gov

mpo@lincoln.ne.gov إذا كنت بحاجة إلى معلومات بلغة أخرى، يرجى إرسال بريد إلكتروني

หากคุณต้องการข้อมูลในภาษาอื่น โปรดส่งอีเมล mpo@lincoln.ne.gov

mpo@lincoln.ne.gov ئەگەر پێویست بە زانیارییە بە زمانێکی تر، تکایە ئیمەیل بنێرە

From: [Kellie Cave](#)
To: [Benjamin A. Sobel](#)
Subject: LES Administrative Board Agenda - December 19, 2025
Date: Friday, December 12, 2025 9:22:09 AM
Attachments: [December 19, 2025 Final Agenda.pdf](#)

Good morning, Ben!

The full agenda and support materials can be found at www.les.com.

Take good care,
Kellie

Kellie Cave | Senior Executive Assistant



Office: 402-473-3382
Mobile: 402-802-0749

LES.com | 9445 Rokeby Rd. | Lincoln, NE 68526





AGENDA
LES ADMINISTRATIVE BOARD

Friday, December 19, 2025
9:30 a.m.
Kevin Wailes Operations Center
9445 Rokeby Road

Virtual Access Information

Virtual access: The meeting may be accessed virtually at the Microsoft Teams link or by phone via the number listed below.

Microsoft Teams Meeting
+1 402-979-7656 United States, Omaha (Toll); Conference ID: 725 019 915#

9:30 A.M.

- 1. Call to Order, Safety Briefing, and Board Member Duties & Responsibilities**
- 2. *Approval of Minutes of the November 21, 2025 Regular Meeting of the LES Administrative Board**
- 3. Comments from Customers**
- 4. Appointment of Nominating Committee**
- 5. Committee Reports**
 - A. Finance Committee
 - B. Operations and Power Supply Committee
 - C. Quarterly DEC Update
 - D. Legislation and Governmental Affairs Committee
 1. *Approval of 2026 Legislative Guidelines
- 6. CEO Reports**
 - A. 2026 Legislative Outlook
- 7. *Recognition of Karen Griffin, LES Resolution 2025-16**
- 8. Other Business**
 - A. Monthly Financial and Power Supply Reports
 - B. Miscellaneous Information
- 9. Adjournment**

***Denotes Action Items**

Next Regular Administrative Board Meeting Friday, January 16, 2026.

From: [Nick Wolf](#)
To: [Benjamin A. Sobel](#)
Subject: FW: Lincoln Electric System Financial Statements - November 2025
Date: Friday, December 12, 2025 11:06:44 AM
Attachments: [Nov 2025 LES FOS - External.pdf](#)

You don't often get email from nwolf@les.com. [Learn why this is important](#)

Hi Ben,

Please see attached.

Thanks,
Nick

Nicholas Wolf | Controller



Office: 402-473-3297
Mobile: 402-805-7276

From: Nick Wolf <nwolf@les.com>
Sent: Friday, December 12, 2025 10:07 AM
To: Nick Wolf <nwolf@les.com>
Cc: Emily Koenig <ekoenig@les.com>
Subject: Lincoln Electric System Financial Statements - November 2025

Good Morning,

Attached are Lincoln Electric System's November 2025 financial statements.

Please let me know if you have any questions.

Thanks,
Nick

Nicholas Wolf | Controller



Office: 402-473-3297
Mobile: 402-805-7276

[LES.com](https://www.les.com) | 9445 Rokeby Rd. | Lincoln, NE 68526



LINCOLN ELECTRIC SYSTEM

FINANCIAL AND OPERATING STATEMENT

November 2025



INDEX

REVENUE & EXPENSE STATEMENT - CURRENT MONTH -----	1
REVENUE & EXPENSE STATEMENT - YEAR-TO-DATE -----	2
REVENUES, ENERGY & CUSTOMERS - CURRENT MONTH-----	3
REVENUES, ENERGY & CUSTOMERS - YEAR-TO-DATE -----	4
OPERATING EXPENSE STATEMENT - CURRENT MONTH-----	5
OPERATING EXPENSE STATEMENT - YEAR-TO-DATE -----	6
BALANCE SHEET-----	7
STATEMENT OF CASH FLOWS-----	8
DEBT SERVICE COVERAGE-----	9

NOTE: Federal Energy Regulatory Commission accounting guidance for the Southwest Power Pool Integrated Market (SPP IM) transactions (purchases, sales and other charges) requires netting together these transactions based on the time increments. If, during the time increment, sales to SPP are greater than purchases from SPP, the net amount is recorded as wholesale revenue. If, during the time increment, purchases from SPP are greater than sales to SPP, the net amount is recorded as purchased power cost. Because of this netting process, the energy (MWH's) amounts no longer directly correlate to wholesale revenue.



REVENUE & EXPENSE STATEMENT

CURRENT MONTH

NOVEMBER 2025

DESCRIPTION	CURRENT MONTH ACTUAL	CURRENT MONTH BUDGET	VARIANCE FROM BUDGET AMOUNT	%	LAST YEAR MONTH ACTUAL	VARIANCE FROM LAST YEAR AMOUNT	%
OPERATING REVENUES							
1. Retail	\$23,462,607	\$21,241,166	\$2,221,441	10.5%	\$21,439,794	\$2,022,813	9.4%
2. Wholesale	2,555,127	1,430,365	1,124,762	78.6%	4,403,971	(1,848,844)	-42.0%
3. Other Revenue	723,601	726,611	(3,010)	-0.4%	1,176,799	(453,198)	-38.5%
4. CDFUO (a)	1,216,965	1,230,172	(13,207)	-1.1%	1,118,550	98,415	8.8%
5. Total Operating Revenues	27,958,300	24,628,314	3,329,986	13.5%	28,139,114	(180,814)	-0.6%
OPERATING EXPENSES							
6. Purchased Power	6,531,126	5,511,489	1,019,637	18.5%	4,719,062	1,812,064	38.4%
7. Produced Power	4,495,049	4,902,075	(407,026)	-8.3%	4,888,382	(393,333)	-8.0%
8. Operations	1,939,816	2,316,395	(376,579)	-16.3%	2,267,004	(327,188)	-14.4%
9. Maintenance	712,378	1,147,798	(435,420)	-37.9%	760,366	(47,988)	-6.3%
10. Admin. & General	4,583,721	5,540,014	(956,293)	-17.3%	4,700,579	(116,858)	-2.5%
11. Depreciation	3,407,178	3,550,313	(143,135)	-4.0%	2,990,413	416,765	13.9%
12. Total Operating Expenses	21,669,268	22,968,084	(1,298,816)	-5.7%	20,325,806	1,343,462	6.6%
13. OPERATING INCOME	6,289,032	1,660,230	4,628,802	278.8%	7,813,308	(1,524,276)	-19.5%
NONOPERATING EXPENSES (INCOME)							
14. Interest Expense (b)	1,471,142	1,367,885	103,257	7.5%	1,365,420	105,722	7.7%
15. PILOT (c)	1,124,966	1,088,064	36,902	3.4%	988,720	136,246	13.8%
16. CDFUO Expense (a)	1,274,197	1,230,172	44,025	3.6%	1,143,204	130,993	11.5%
17. Other Expense	0	0	0	- -	0	0	- -
18. Total Other Nonoperating Expense	3,870,305	3,686,121	184,184	5.0%	3,497,344	372,961	10.7%
19. Other (Income)	(42,536)	(38,908)	(3,628)	9.3%	(2,471)	(40,065)	1621.4%
20. Interest (Income)	(627,023)	(289,311)	(337,712)	116.7%	(638,840)	11,817	-1.8%
21. Total Other Nonoperating (Income)	(669,559)	(328,219)	(341,340)	104.0%	(641,311)	(28,248)	4.4%
22. Total Nonoperating Expenses (Income)	3,200,746	3,357,902	(157,156)	-4.7%	2,856,033	344,713	12.1%
23. Income Before Contributions	3,088,286	(1,697,672)	4,785,958	281.9%	4,957,275	(1,868,989)	-37.7%
CONTRIBUTED CAPITAL							
24. Contributed Capital Received	(146,886)	50,167	(197,053)	-392.8%	850,742	(997,628)	-117.3%
25. Contributed Capital Used (d)	146,886	(50,167)	197,053	392.8%	(850,742)	997,628	117.3%
26. Net Contributed Capital	0	0	0	- -	0	0	- -
27. CHANGE IN NET POSITION	\$3,088,286	(\$1,697,672)	\$4,785,958	281.9%	\$4,957,275	(\$1,868,989)	-37.7%

(a) City Dividend for Utility Ownership.

(b) Bond Interest \$1,400,608 + Software Agreements Interest \$10,983 + Variable Interest \$309,520 + Amortization of Issuance Costs on Outstanding Debt \$112,048 + Amortization of Loss on Refunded Debt \$71,093 - Amortization of Discount/

(c) Payment In Lieu of Tax.

(d) Reduction of Plant Costs Recovered through Contributions.



REVENUE & EXPENSE STATEMENT

YEAR-TO-DATE

NOVEMBER 2025

DESCRIPTION	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	VARIANCE FROM BUDGET AMOUNT	%	LAST YEAR YEAR TO DATE ACTUAL	VARIANCE FROM LAST YEAR AMOUNT	%
OPERATING REVENUES							
1. Retail	\$298,978,904	\$289,141,853	\$9,837,051	3.4%	\$276,950,355	\$22,028,549	8.0%
2. Wholesale	38,163,623	21,626,862	16,536,761	76.5%	36,933,739	1,229,884	3.3%
3. Other Revenue	8,948,844	7,532,047	1,416,797	18.8%	8,700,486	248,358	2.9%
4. CDFUO (a)	12,601,165	12,673,016	(71,851)	-0.6%	12,030,713	570,452	4.7%
5. Total Operating Revenues	358,692,536	330,973,778	27,718,758	8.4%	334,615,293	24,077,243	7.2%
OPERATING EXPENSES							
6. Purchased Power	80,234,036	67,462,098	12,771,938	18.9%	69,813,781	10,420,255	14.9%
7. Produced Power	61,605,398	58,089,008	3,516,390	6.1%	57,593,039	4,012,359	7.0%
8. Operations	27,064,866	26,202,105	862,761	3.3%	25,522,507	1,542,359	6.0%
9. Maintenance	13,765,626	12,880,316	885,310	6.9%	12,959,618	806,008	6.2%
10. Admin. & General	57,354,824	61,134,457	(3,779,633)	-6.2%	54,346,313	3,008,511	5.5%
11. Depreciation	37,358,015	38,852,995	(1,494,980)	-3.8%	32,776,348	4,581,667	14.0%
12. Total Operating Expenses	277,382,765	264,620,979	12,761,786	4.8%	253,011,606	24,371,159	9.6%
13. OPERATING INCOME	81,309,771	66,352,799	14,956,972	22.5%	81,603,687	(293,916)	-0.4%
NONOPERATING EXPENSES (INCOME)							
14. Interest Expense (b)	15,887,899	15,873,072	14,827	0.1%	15,550,712	337,187	2.2%
15. PILOT (c)	13,891,960	14,078,914	(186,954)	-1.3%	12,915,554	976,406	7.6%
16. CDFUO Expense (a)	12,968,223	12,836,148	132,075	1.0%	11,800,724	1,167,499	9.9%
17. Other Expense	102,315	0	102,315	- -	3	102,312	3410400.0%
18. Total Other Nonoperating Expense	42,850,397	42,788,134	62,263	0.1%	40,266,993	2,583,404	6.4%
19. Other (Income)	(487,483)	(459,338)	(28,145)	6.1%	(457,577)	(29,906)	6.5%
20. Interest (Income)	(7,319,048)	(3,783,216)	(3,535,832)	93.5%	(7,058,051)	(260,997)	3.7%
21. Total Other Nonoperating (Income)	(7,806,531)	(4,242,554)	(3,563,977)	84.0%	(7,515,628)	(290,903)	3.9%
22. Total Nonoperating Expenses (Income)	35,043,866	38,545,580	(3,501,714)	-9.1%	32,751,365	2,292,501	7.0%
23. Income Before Contributions	46,265,905	27,807,219	18,458,686	66.4%	48,852,322	(2,586,417)	-5.3%
CONTRIBUTED CAPITAL							
24. Contributed Capital Received	26,645,597	552,165	26,093,432	4725.7%	3,509,797	23,135,800	659.2%
25. Contributed Capital Used (d)	(26,645,597)	(552,165)	(26,093,432)	-4725.7%	(3,509,797)	(23,135,800)	-659.2%
26. Net Contributed Capital	0	0	0	- -	0	0	- -
27. CHANGE IN NET POSITION	\$46,265,905	\$27,807,219	\$18,458,686	66.4%	\$48,852,322	(\$2,586,417)	-5.3%

(a) City Dividend for Utility Ownership.

(b) Bond Interest \$16,021,974 + Software Agreements Interest \$112,437 + Variable Interest \$2,852,958 + Amortization of Issuance Costs on Outstanding Debt \$922,988 + Amortization of Loss on Refunded Debt \$1,075,488 - Amortization of Discount/

(c) Payment In Lieu of Tax.

(d) Reduction of Plant Costs Recovered through Contributions.



REVENUES, ENERGY & CUSTOMERS

CURRENT MONTH

NOVEMBER 2025

DESCRIPTION	CURRENT MONTH ACTUAL	CURRENT MONTH BUDGET	VARIANCE FROM BUDGET AMOUNT	%	LAST YEAR MONTH ACTUAL	VARIANCE FROM LAST YEAR AMOUNT	%
REVENUE							
1. Residential	\$10,216,647	\$10,391,311	(\$174,664)	-1.7%	\$9,795,259	\$421,388	4.3%
2. Commercial & Street Light	10,416,452	8,826,814	1,589,638	18.0%	8,975,900	1,440,552	16.0%
3. Industrial	<u>2,829,508</u>	<u>2,023,041</u>	<u>806,467</u>	39.9%	<u>2,668,635</u>	<u>160,873</u>	6.0%
4. Total Retail	23,462,607	21,241,166	2,221,441	10.5%	21,439,794	2,022,813	9.4%
5. SPP Sales	2,183,177	891,474	1,291,703	144.9%	3,323,171	(1,139,994)	-34.3%
6. Contract Sales	<u>371,950</u>	<u>538,891</u>	<u>(166,941)</u>	-31.0%	<u>1,080,800</u>	<u>(708,850)</u>	-65.6%
7. Total Wholesale	<u>2,555,127</u>	<u>1,430,365</u>	<u>1,124,762</u>	78.6%	<u>4,403,971</u>	<u>(1,848,844)</u>	-42.0%
8. Total	\$26,017,734	\$22,671,531	\$3,346,203	14.8%	\$25,843,765	\$173,969	0.7%
ENERGY (MWH'S)							
9. Residential	85,785	87,490	(1,705)	-1.9%	83,081	2,704	3.3%
10. Commercial & Street Light	116,756	112,654	4,102	3.6%	105,839	10,917	10.3%
11. Industrial	<u>34,595</u>	<u>31,354</u>	<u>3,241</u>	10.3%	<u>37,063</u>	<u>(2,468)</u>	-6.7%
12. Total Retail	237,136	231,498	5,638	2.4%	225,983	11,153	4.9%
13. SPP Sales	39,860	21,250	18,610	87.6%	35,213	4,647	13.2%
14. Contract Sales	<u>7,082</u>	<u>19,803</u>	<u>(12,721)</u>	-64.2%	<u>24,137</u>	<u>(17,055)</u>	-70.7%
15. Total Wholesale	<u>46,942</u>	<u>41,053</u>	<u>5,889</u>	14.3%	<u>59,350</u>	<u>(12,408)</u>	-20.9%
16. Total	284,078	272,551	11,527	4.2%	285,333	(1,255)	-0.4%
CUSTOMERS - AT MONTH END							
17. Residential	137,526	137,816	(290)	-0.2%	135,697	1,829	1.3%
18. Commercial & Street Light	18,071	18,639	(568)	-3.0%	17,974	97	0.5%
19. Industrial	<u>236</u>	<u>239</u>	<u>(3)</u>	-1.3%	<u>234</u>	<u>2</u>	0.9%
20. Total Retail	155,833	156,694	(861)	-0.5%	153,905	1,928	1.3%
21. Wholesale	<u>5</u>	<u>4</u>	<u>1</u>	25.0%	<u>6</u>	<u>(1)</u>	-16.7%
22. Total	155,838	156,698	(860)	-0.5%	153,911	1,927	1.3%



REVENUES, ENERGY & CUSTOMERS

YEAR-TO-DATE

NOVEMBER 2025

DESCRIPTION	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	VARIANCE FROM BUDGET AMOUNT	%	LAST YEAR YEAR TO DATE ACTUAL	VARIANCE FROM LAST YEAR AMOUNT	%
REVENUE							
1. Residential	\$140,295,522	\$137,123,792	\$3,171,730	2.3%	\$129,845,723	\$10,449,799	8.0%
2. Commercial & Street Light	126,700,527	123,422,735	3,277,792	2.7%	116,128,816	10,571,711	9.1%
3. Industrial	<u>31,982,855</u>	<u>28,595,326</u>	<u>3,387,529</u>	11.8%	<u>30,975,816</u>	<u>1,007,039</u>	3.3%
4. Total Retail	298,978,904	289,141,853	9,837,051	3.4%	276,950,355	22,028,549	8.0%
5. SPP Sales	29,092,730	13,292,073	15,800,657	118.9%	27,337,633	1,755,097	6.4%
6. Contract Sales	<u>9,070,893</u>	<u>8,334,789</u>	<u>736,104</u>	8.8%	<u>9,596,106</u>	<u>(525,213)</u>	-5.5%
7. Total Wholesale	<u>38,163,623</u>	<u>21,626,862</u>	<u>16,536,761</u>	76.5%	<u>36,933,739</u>	<u>1,229,884</u>	3.3%
8. Total	\$337,142,527	\$310,768,715	\$26,373,812	8.5%	\$313,884,094	23,258,433	7.4%
ENERGY (MWH'S)							
9. Residential	1,247,500	1,220,322	27,178	2.2%	1,185,491	62,009	5.2%
10. Commercial & Street Light	1,404,810	1,400,478	4,332	0.3%	1,355,527	49,283	3.6%
11. Industrial	<u>413,946</u>	<u>412,655</u>	<u>1,291</u>	0.3%	<u>436,858</u>	<u>(22,912)</u>	-5.2%
12. Total Retail	3,066,256	3,033,455	32,801	1.1%	2,977,876	88,380	3.0%
13. SPP Sales	373,482	188,150	185,332	98.5%	317,971	55,511	17.5%
14. Contract Sales	<u>194,880</u>	<u>244,734</u>	<u>(49,854)</u>	-20.4%	<u>241,042</u>	<u>(46,162)</u>	-19.2%
15. Total Wholesale	<u>568,362</u>	<u>432,884</u>	<u>135,478</u>	31.3%	<u>559,013</u>	<u>9,349</u>	1.7%
16. Total	3,634,618	3,466,339	168,279	4.9%	3,536,889	97,729	2.8%
CUSTOMERS AVERAGE							
17. Residential	136,787	136,902	(115)	-0.1%	134,810	1,977	1.5%
18. Commercial & Street Light	18,021	18,516	(495)	-2.7%	17,912	109	0.6%
19. Industrial	<u>236</u>	<u>239</u>	<u>(3)</u>	-1.3%	<u>237</u>	<u>(1)</u>	-0.4%
20. Total Retail	155,044	155,657	(613)	-0.4%	152,959	2,085	1.4%
21. Wholesale	<u>5</u>	<u>4</u>	<u>1</u>	25.0%	<u>6</u>	<u>(1)</u>	-16.7%
22. Total	155,049	155,661	(612)	-0.4%	152,965	2,084	1.4%



OPERATING EXPENSE STATEMENT

CURRENT MONTH

NOVEMBER 2025

DESCRIPTION	CURRENT MONTH ACTUAL	CURRENT MONTH BUDGET	VARIANCE FROM BUDGET AMOUNT	%	LAST YEAR MONTH ACTUAL	VARIANCE FROM LAST YEAR AMOUNT	%
POWER COST							
1. SPP Purchased Power	\$1,134,597	\$617,166	\$517,431	83.8%	\$196,624	\$937,973	477.0%
2. Non-Owned Asset Power	5,396,529	4,894,323	502,206	10.3%	4,522,438	874,091	19.3%
3. Total Purchased Power	6,531,126	5,511,489	1,019,637	18.5%	4,719,062	1,812,064	38.4%
4. Produced Power	4,495,049	4,902,075	(407,026)	-8.3%	4,888,382	(393,333)	-8.0%
5. Total Power Cost	11,026,175	10,413,564	612,611	5.9%	9,607,444	1,418,731	14.8%
OPERATION & MAINTENANCE (O&M)							
6. Energy Delivery	1,405,622	2,316,419	(910,797)	-39.3%	1,985,253	(579,631)	-29.2%
7. Transmission	1,246,572	1,147,774	98,798	8.6%	1,042,117	204,455	19.6%
8. Total O & M Expense	2,652,194	3,464,193	(811,999)	-23.4%	3,027,370	(375,176)	-12.4%
ADMINISTRATIVE & GENERAL (A&G)							
9. Administration	218,424	331,994	(113,570)	-34.2%	276,674	(58,250)	-21.1%
10. Communication & Corporate Records	166,538	216,948	(50,410)	-23.2%	170,656	(4,118)	-2.4%
11. Corporate Operations	741,266	1,298,625	(557,359)	-42.9%	1,086,771	(345,505)	-31.8%
12. Customer Services	1,061,078	1,074,570	(13,492)	-1.3%	882,754	178,324	20.2%
13. Financial Services	492,107	533,083	(40,976)	-7.7%	485,042	7,065	1.5%
14. Power Supply	428,588	518,510	(89,922)	-17.3%	400,653	27,935	7.0%
15. Technology Services	1,475,720	1,566,284	(90,564)	-5.8%	1,398,029	77,691	5.6%
16. Total A & G Expense	4,583,721	5,540,014	(956,293)	-17.3%	4,700,579	(116,858)	-2.5%
17. DEPRECIATION	3,407,178	3,550,313	(143,135)	-4.0%	2,990,413	416,765	13.9%
18. TOTAL OPERATING EXPENSE	\$21,669,268	\$22,968,084	(\$1,298,816)	-5.7%	\$20,325,806	\$1,343,462	6.6%



OPERATING EXPENSE STATEMENT

YEAR-TO-DATE

NOVEMBER 2025

DESCRIPTION	YEAR TO DATE ACTUAL	YEAR TO DATE BUDGET	VARIANCE FROM BUDGET		LAST YEAR YEAR TO DATE ACTUAL	VARIANCE FROM LAST YEAR	
			AMOUNT	%		AMOUNT	%
POWER COST							
1. SPP Purchased Power	\$20,331,708	\$10,639,649	\$9,692,059	91.1%	\$16,508,389	\$3,823,319	23.2%
2. Non-Owned Asset Power	59,902,328	56,822,449	3,079,879	5.4%	53,305,392	6,596,936	12.4%
3. Total Purchased Power	80,234,036	67,462,098	12,771,938	18.9%	69,813,781	10,420,255	14.9%
4. Produced Power	61,605,398	58,089,008	3,516,390	6.1%	57,593,039	4,012,359	7.0%
5. Total Power Cost	141,839,434	125,551,106	16,288,328	13.0%	127,406,820	14,432,614	11.3%
OPERATION & MAINTENANCE (O&M)							
6. Energy Delivery	28,075,590	26,393,101	1,682,489	6.4%	26,769,459	1,306,131	4.9%
7. Transmission	12,754,902	12,689,320	65,582	0.5%	11,712,666	1,042,236	8.9%
8. Total O & M Expense	40,830,492	39,082,421	1,748,071	4.5%	38,482,125	2,348,367	6.1%
ADMINISTRATIVE & GENERAL (A&G)							
9. Administration	3,478,554	3,710,747	(232,193)	-6.3%	2,962,421	516,133	17.4%
10. Communication & Corporate Records	2,295,205	2,715,105	(419,900)	-15.5%	2,402,460	(107,255)	-4.5%
11. Corporate Operations	11,146,131	13,856,150	(2,710,019)	-19.6%	11,229,974	(83,843)	-0.7%
12. Customer Services	12,123,682	11,992,039	131,643	1.1%	11,786,893	336,789	2.9%
13. Financial Services	5,741,546	5,698,334	43,212	0.8%	5,390,067	351,479	6.5%
14. Power Supply	5,248,742	5,677,442	(428,700)	-7.6%	4,772,336	476,406	10.0%
15. Technology Services	17,320,964	17,484,640	(163,676)	-0.9%	15,802,162	1,518,802	9.6%
16. Total A & G Expense	57,354,824	61,134,457	(3,779,633)	-6.2%	54,346,313	3,008,511	5.5%
17. DEPRECIATION	37,358,015	38,852,995	(1,494,980)	-3.8%	32,776,348	4,581,667	14.0%
18. TOTAL OPERATING EXPENSE	\$277,382,765	\$264,620,979	\$12,761,786	4.8%	\$253,011,606	\$24,371,159	9.6%



BALANCE SHEET
NOVEMBER 2025

ASSETS & DEFERRED OUTFLOWS OF RESOURCES

LIABILITIES, DEFERRED INFLOWS OF RESOURCES & NET POSITION

DESCRIPTION	END OF MONTH BALANCE	VARIANCE SINCE JANUARY 1	DESCRIPTION	END OF MONTH BALANCE	VARIANCE SINCE JANUARY 1
CURRENT ASSETS:			CURRENT LIABILITIES:		
1. Revenue Fund (includes CDFUO)	\$91,832,367	\$48,321,940	OTHER LIABILITIES		
2. Payment in Lieu of Tax Fund	12,527,814	(161,042)	1. Accounts Payable	\$23,281,836	(\$2,056,705)
3. Rate Stabilization Fund	43,118,248	1,761,697	2. Accrued Payments in Lieu of Taxes	13,626,273	(78,144)
4. Bond Principal & Interest Funds	13,611,517	(4,295,002)	3. City Dividend for Utility Ownership Payable	3,822,591	(750,225)
5. Other Restricted/Designated Funds (a)	3,618,177	(539,756)	4. Commercial Paper Notes	150,000,000	84,500,000
6. Restricted/Designated Funds Total	60,347,942	(3,073,061)	5. Accrued Software Interest	73,525	43,786
7. Total Current Asset Funds (b)	164,708,123	45,087,837	6. Accrued Liabilities	19,421,218	993,552
8. Receivables Less Uncollectible Allowance	29,433,382	3,386,824	7. Total Other Liabilities	210,225,443	82,652,264
9. Unbilled Revenue	17,976,242	(31,066)	CURRENT LIABILITIES - RESTRICTED ASSETS		
10. Accrued Interest Receivable	611,662	(131,938)	8. Current Portion of Long-Term Debt	37,580,000	1,840,000
11. Materials, Supplies & Fuel Inventory	36,002,239	1,068,260	9. Accrued Interest	4,376,651	(1,576,771)
12. Plant Operation Assets	21,726,443	105,252	10. Other Current Liabilities (d)	1,088,909	70,292
13. Other Current Assets	7,595,190	1,819,153	11. Total Current Liabilities - Restricted Assets	43,045,560	333,521
14. Total Current Assets	278,053,281	51,304,322	12. Total Current Liabilities	253,271,003	82,985,785
NONCURRENT ASSETS:			NONCURRENT LIABILITIES:		
15. Bond Reserve Funds	9,052,758	(344,841)	13. 2013 Bonds	0	(12,385,000)
16. Self-Funded Benefits Reserve Fund (IBNP)	1,215,426	322,906	14. 2015A Bonds	69,775,000	(830,000)
17. Segregated Funds (c)	19,934,738	(5,187,395)	15. 2016 Bonds	65,960,000	0
18. Restricted Funds Total (b)	30,202,922	(5,209,330)	16. 2018 Bonds	114,900,000	(6,305,000)
19. Unamortized Debt Expense	1,478,762	(275,270)	17. 2020A Bonds	70,740,000	(1,460,000)
21. Accrued Lease Interest	180,580	47,663	18. 2020B Bonds	136,540,000	(14,760,000)
22. Other Noncurrent Assets	6,729,292	35,198	19. Total Revenue Bonds	457,915,000	(35,740,000)
23. Total Noncurrent Assets	\$46,232,377	(\$4,603,411)	20. Less Current Maturities	37,580,000	1,840,000
CAPITAL ASSETS:			21. Less Unamortized Discounts/Premiums	(23,701,393)	5,097,947
24. Utility Plant in Service	1,892,273,599	20,067,044	22. Note Purchase Agreement	0	0
25. Accumulated Depreciation & Amortization	(1,000,685,833)	(33,818,588)	23. Revolving Credit Agreement	0	0
26. Construction Work in Progress	208,392,376	50,905,006	24. Net Long Term Debt	444,036,393	(42,677,947)
27. Total Capital Assets	1,099,980,142	37,153,462	25. Liabilities Payable from Segregated Funds (e)	20,134,513	(4,985,010)
DEFERRED OUTFLOWS OF RESOURCES:			26. Asset Retirement Obligation	2,817,950	(155,153)
28. Deferred Loss on Refunded Debt	5,758,422	(1,075,488)	27. Software Liabilities	2,989,902	557,106
29. Deferred Costs for Asset Retirement Obligations	2,817,950	(155,153)	28. Other Noncurrent Liabilities	19,294,213	0
30. Total Deferred Outflows of Resources	8,576,372	(1,230,641)	29. Total Liabilities	742,543,974	35,724,781
			DEFERRED INFLOWS OF RESOURCES:		
			30. Deferred Inflow of Resource	6,933,687	633,046
			31. Total Deferred Inflows of Resources	6,933,687	633,046
			NET POSITION:		
			32. Net Investment in Capital Assets	478,010,905	(9,466,022)
			33. Restricted for Debt Service	9,883,978	(2,601,605)
			34. Restricted for Employee Health Insurance Claims	2,418,010	(338,664)
			35. Unrestricted	193,051,618	58,672,196
			36. Total Net Position	683,364,511	46,265,905
31. TOTAL ASSETS & DEFERRED OUTFLOWS OF RESOURCES	\$1,432,842,172	\$82,623,732	37. TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES & NET POSITION	\$1,432,842,172	\$82,623,732



STATEMENT OF CASH FLOWS
NOVEMBER 2025

	CURRENT MONTH	YEAR-TO-DATE
CASH FLOW FROM OPERATING ACTIVITIES:		
1. Received from Sales to Customers and Users	\$33,275,285	\$363,575,345
2. Sales Tax Receipts	\$1,307,967	\$16,726,750
3. Paid to Suppliers for Goods & Services	(\$14,498,380)	(\$197,671,420)
4. Paid to Employees for Services	(\$3,586,437)	(\$45,968,415)
5. Payments for Sales Tax	(1,565,589)	(16,666,117)
6. Cash Flow from Operating Activities (a)	14,932,846	119,996,143
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:		
7. Payment in Lieu of Tax	0	(13,970,105)
8. City Dividend for Utility Ownership Payments	0	(13,718,448)
9. Other	0	0
10. Cash Flow from (used for) Noncapital Financing Activities	0	(27,688,553)
CASH FLOWS FROM INVESTING ACTIVITIES:		
11. Net (Purchases) Sales of Investments	(14,554,556)	(9,819,568)
12. Interest Income	514,579	7,253,227
13. Cash Flow from (used for) Investing Activities	(14,039,977)	(2,566,341)
CASH FLOWS FROM CAPITAL FINANCING ACTIVITIES:		
14. Acquisition and Construction of Capital Assets	(7,848,321)	(103,143,986)
15. Salvage on Retirement of Plant	0	39,747
16. Cost of Removal of Property Retired	(68,100)	(2,136,910)
17. Debt Issuance Cost Paid	0	0
18. Debt Premiums Collected	0	0
19. Net Capital Contributions	52,889	17,660,586
20. Capital Contributions Recv'd in Advance	0	0
21. Cash Received from Leases	41,526	472,294
23. Net Proceeds from Issuance of Long-Term Debt	0	0
24. Proceeds from Commercial Paper Issuance	42,500,000	84,500,000
25. Principal Payments on Long-Term Debt	0	(35,740,000)
26. Interest Payments on Debt	(374,777)	(20,451,701)
27. Cash Flow from (used for) Capital Financing Activities	34,303,217	(58,799,970)
27. Cash Flow from (used for) Capital Financing Activities	35,196,086	30,941,279
28. Net Increase (Decrease) in Cash and Cash Equivalents	42,230,526	47,367,673
29. Cash and Cash Equivalents Beginning of Period	\$77,426,612	\$78,308,952
STATEMENT OF CASH FLOW FOOTNOTES		
(a) Reconciliation of operating income to cash flows from operating activities		
1. Net Operating Revenue	\$6,289,032	\$81,309,771
2. Noncash items included in operating income	3,513,192	38,558,626
3. Changes in Assets & Liabilities Increase/(Decrease)	5,130,622	127,746
4. Net cash flows from operating activities	\$14,932,846	\$119,996,143
(b) Cash and cash equivalents are defined as cash and investments with original maturities of three months or less.		



**DEBT SERVICE COVERAGE
NOVEMBER 2025**

DESCRIPTION	----- CURRENT MONTH -----			----- YEAR-TO-DATE -----		
	ACTUAL THIS YEAR	BUDGET THIS YEAR	ACTUAL LAST YEAR	ACTUAL THIS YEAR	BUDGET THIS YEAR	ACTUAL LAST YEAR
1. Total Operating Revenues	\$27,958,300	\$24,628,314	\$28,139,114	\$358,692,536	\$330,973,778	\$334,615,293
2. Total Operating Expenses	21,669,268	22,968,084	20,325,806	277,382,765	264,620,979	253,011,606
3. Less Depreciation	(3,407,178)	(3,550,313)	(2,990,413)	(37,358,015)	(38,852,995)	(32,776,348)
4. Operating Expense Net of Depreciation	18,262,090	19,417,771	17,335,393	240,024,750	225,767,984	220,235,258
5. Net Operating Revenue for Debt Service	9,696,210	5,210,543	10,803,721	118,667,786	105,205,794	114,380,035
6. Interest Income (a)	463,460	213,557	436,143	5,403,317	2,926,929	5,330,896
7. Other Income	42,536	38,908	2,471	487,483	459,338	457,577
8. Rate Stabilization Fund	0	0	0	0	1,350,000	0
9. AVAILABLE FOR DEBT SERVICE	10,202,206	5,463,008	11,242,335	124,558,586	109,942,061	120,168,508
10. DEBT SERVICE (b)	\$4,532,275	\$4,532,273	\$4,455,852	\$49,243,640	\$49,243,625	\$50,824,484
11. DEBT SERVICE COVERAGE	2.25	1.21	2.52	2.53	2.23	2.36

(a) Excludes Interest from Rate Stabilization Fund.

(b) Includes Bond Principal & Interest only.

From: [Sue K Burgason](#)
To: [Benjamin A. Sobel](#)
Cc: [Yohance L. Christie](#); [Abigail F. Littrell](#); [Nicholas T. Bussey](#)
Subject: Claims against the City set for Public Hearing 12/15/2025
Date: Wednesday, December 10, 2025 3:56:05 PM
Attachments: [25R-525 Resolution.pdf](#)
[25R-525 Claims Report.pdf](#)
[Letter to Laura Rhinehart re Claim 12.04.2025.pdf](#)
[Letter to Shadi Khoshnaw re Claim 12.01.2025.pdf](#)
[Letter to Joe Borer re Claim 12.04.2025.pdf](#)
[Letter to Northeast YMCA re Claim 12.04.2025.pdf](#)
[Letter to Amy Colwell-Townsley re Claim 12.04.2025.pdf](#)

Ben: Attached is Resolution and Claims Report that is set for public hearing on December 15, 2025, and letters to claimants that are on the list of denied claims.



Susan Burgason

Paralegal

City of Lincoln

Office of the City Attorney

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Lincoln, NE 68508

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RESOLUTION NO. A-_____

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
2 That claims against City of Lincoln listed in attached report marked as Exhibit
3 "A" dated December 1, 2025, of new and pending tort claims filed with the Office
4 of City Attorney or the Office of City Clerk, as well as claims which have been
5 disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905
6 (Reissue 1997). The dispositions of claims by the Office of City Attorney as
7 shown in attached report are hereby approved:

8	<u>DENIED CLAIMS</u>		<u>SETTLED CLAIM</u>
9	Laura Rhinehart	\$ 300.00	Zakia Moussaid \$44,000.00
10	Shadi Khoshnaw	1,500.00	
11	Joe Borer	1,962.46	
12	Northeast YMCA	183.30	
13	Amy Colwell-Townsley	Unspecified Amount	

14 The City Attorney is hereby directed to mail to claimants listed herein a
15 copy of this resolution which shows final disposition of their claim.

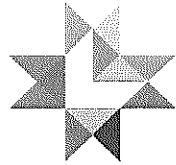
Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2025:

Mayor



LINCOLN

December 1, 2025

Mayor & City Council
Lincoln, Nebraska

RE: Report of Claims Against City of Lincoln for November 16 through November 30, 2025

Dear Mayor & Council:

The following is a report of claims against City of Lincoln which have been disposed of, or are pending, for period of November 16 through November 30, 2025. This report will describe claims and dispositions or status of these claims.

DENIED CLAIMS:

Laura Rhinehart filed claim during the month of November 2025 in the amount of \$300.00 for damage to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

Shadi Khoshnaw filed claim during the month of November 2025 in the amount of \$1,500.00 for damage to vehicle as the result of accident involving a StarTran bus. This claim has been reviewed by this office and has been **denied**.

Joe Borer filed claim during the month of November 2025 in the amount of \$1,962.46 for damage to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

Northeast YMCA filed claim during the month of November 2025 in the amount of \$183.30 for damage to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Amy Colwell-Townsley filed claim during the month of November 2025 in an unspecified amount for damage to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

ALLOWED AND SETTLED CLAIMS:

Zakia Moussaid filed claim during the month of June 2024 in an unspecified amount for injury as the result of accident involving police vehicle. In August 2025, settlement demand was made in the amount of \$100,000. This claim has been reviewed by this office and has been **settled** in the amount of \$44,000.

PENDING CLAIMS:

Joshua James Smallfoot filed claim during the month of February 2023 in the amount of \$50,000 alleging excessive force by Lincoln police. This claim is under review and is pending.

Temple Baptist Church filed claim during the month of June 2023 in an unspecified amount for alleged damage incurred when L.E.S. was boring for installation of electrical conduit. This claim is pending review and ratification by L.E.S. Administrative Board.

CMR on behalf of Windstream filed claim during the month of June 2023 in an unspecified amount for alleged damage to Windstream cable during installation of electrical lines. This claim is pending review and ratification by L.E.S. Administrative Board.

CMR on behalf of Windstream filed claim during the month of August 2023 in an unspecified amount for alleged damage to Windstream cable during installation of electrical lines. This claim is pending review and ratification by L.E.S. Administrative Board.

Jack Wickline filed claim during the month of October 2023 in the amount of \$50,100 for alleged injury incurred when arrested by Lincoln police. This claim is under review and is pending.

Progressive Insurance as subrogee of Corey Allmendinger filed subrogation claim during the month of November 2023 in the amount of \$3,845.47 for damage to insured's vehicle as the result of fallen tree limb. This claim is under review and is pending.

April Kohl filed claim during the month of December 2023 in an unspecified amount for alleged injury incurred while claimant was passenger on StarTran bus. This claim is under review and is pending.

Yolanda Edmiston filed claim during the month of February 2024 in the amount of \$500,000 for alleged injury incurred when claimant was passenger on StarTran bus. This claim is under review and is pending.

Amica Insurance as subrogee of Patrick Wingfield filed subrogation claim during the month of March 2024 in the amount of \$1,697.04 for damage to vehicle when struck by police vehicle. This claim is under review and is pending.

Jamaal McNeil filed claim during the month of March 2024 in the amount of \$25,050,000 for alleged damages relating to his arrest. This claim is under review and is pending.

U.S. Property Inc. filed claim during the month of March 2024 in the amount of \$10,818.50 for costs incurred in capping leaking water line. This claim is under review and is pending.

Theresa Lemons filed claim during the month of April 2024 in the amount of \$100,000 for alleged injury incurred when claimant's scooter tipped over while she was passenger on StarTran bus. This claim is under review and is pending.

Kyra Miller filed claim during the month of April 2024 in the amount of \$12,500 for vehicle sold at police auction. This claim is under review and is pending.

Joe Hofmeister filed claim during the month of May 2024 in an unspecified amount for alleged damage to trees as the result of sewer main replacement project. This claim is under review and is pending.

RG Hall LP filed claim during the month of May 2024 in an unspecified amount for damage to property as the result of fallen tree. This claim is under review and is pending.

Evan LaBouef filed claim during the month of June 2024 in the amount of \$50.00 for loss incurred due to disconnection of electrical power in error. This claim is pending review and ratification by L.E.S. Administrative Board.

Mackenzie Quinn filed claim during the month of June 2024 in an unspecified amount for injury incurred as the result of accident involving a Health Department vehicle. This claim is under review and is pending.

Optum on behalf of Auto Owners Insurance as subrogee of Laurie Chrastil filed subrogation claim during the month of August 2024 in the amount of \$28,859.16 for damage to insured's vehicle when struck by fallen tree near Pioneers Park Golf Course. This claim is under review and is pending.

Lucas Long filed claim during the month of August 2024 in an unspecified amount for damage to vehicle as the result of fallen tree limb. This claim is under review and is pending.

Mark Bosak filed claim during the month of August 2024 the amount of \$5,104.73 for damage to vehicle and unspecified amount for injury incurred as the result of accident involving StarTran bus. **Progressive Insurance** filed subrogation claim during the month of November 2025 in the amount of \$4,911.21 for damage to insured's vehicle and \$1,258.62 for medical payments made on behalf of insured as a result of the accident. These claims are under review and are pending.

Joelle Paige filed claim during the month of September 2024 in an unspecified amount for alleged injury incurred when claimant fell as she was exiting StarTran bus. This claim is under review and is pending.

Eric Baer filed claim during the month of September 2024 in an unspecified amount for damage to vehicle when struck by StarTran bus. This claim is under review and is pending.

Lisa Study filed claim during the month of September 2024 in an unspecified amount for damage allegedly incurred to property during police investigation. This claim is under review and is pending.

Laura Marshall filed claim during the month of September 2024 in an unspecified amount for alleged damages incurred due to claimant's arrest by Lincoln police. This claim is under review and is pending.

Foundation for Education Services filed claim during the month of October 2024 in the amount of \$10,305.32 for damage incurred in basement of building due to flooding that occurred in an L.E.S. vault during a heavy rainstorm. This claim is pending review and ratification by L.E.S. Administrative Board.

Kayla Lee filed claim during the month of October 2024 in the amount of \$11,357.00 for property damage and alleged emotional distress incurred as the result of no-knock warrant executed by Lincoln police. This claim is under review and is pending.

Lee Cosby filed claim during the month of November 2024 in the amount of \$800,000 for alleged damages incurred as the result of his arrest. This claim is under review and is pending.

Kristopher Cody Koebel filed nine claims during the month of December 2024 totaling \$26,500,000 alleging excessive force and unlawful conduct by Lincoln police and other law enforcement agencies. This claim is under review and is pending.

Old Dominion Freight Line filed claim during the month of February 2025 in the amount of \$12,195.79 for property damage incurred as the result of the accident involving StarTran bus. This claim is under review and is pending.

Kathleen Pfeffer filed claim during the month of March 2025 in the amount of \$110.00 for out-of-pocket expenses incurred as the result of claimant's fall as she was getting on a StarTran bus. This claim is under review and is pending.

First Dakota Indemnity Company as third party administrator of The Bridge of Nebraska Inc. filed claim during the month of March 2025 for workers compensation benefits paid on behalf of injured employee LaNita Nelson as the result of trip and fall on sidewalk. This claim is under review and is pending.

Nubia Albayero filed claim during the month of April 2025 in an unspecified amount for alleged injury incurred as the result of accident involving L.E.S. vehicle. This claim is under review and is pending.

William Burda filed claim during the month of April 2025 in the amount of \$105.50 for damage to sprinkler system during L.E.S. pole installation. This claim is pending review and ratification by L.E.S. Administrative Board.

Auto Owners Insurance as subrogee of Sam and Ashley Myhre filed claim during the month of May 2025 in the amount of \$278,391.24 for damage to insured's home as the result of fallen tree limb. This claim is under review and is pending.

Pamela Prater filed claim during the month of May 2025 in the amount of \$8,218.09 for damage to property as the result of sewer back-up. This claim is under review and is pending.

CMR on behalf of Windstream filed claim during the month of May 2025 in an unspecified amount for damage to Windstream property. This claim is pending review and ratification by L.E.S. Administrative Board.

Theresa Bredehop filed claim during the month of May 2025 in the amount of \$1,000,000 for alleged injury incurred when claimant was passenger on StarTran bus. In August 2025, settlement demand was made in the amount of \$375,000. This claim is under review and is pending.

Gregory Smith filed claim during the month of June 2025 in the amount of \$9,297.35 for damage to sewer line. This claim is pending review and ratification by L.E.S. Administrative Board.

Jim Haas filed claim during the month of June 2025 in the amount of \$1,640.00 for damage to tree. This claim is pending review and ratification by L.E.S. Administrative Board.

Christine Grandgenett filed claim during the month of July 2025 in the amount of \$1,000,000 for injury incurred as the result of accident involving Lincoln police vehicle. This claim is under review and is pending.

Allstate Insurance as subrogee of Hoi Wong and Er Fong Wong filed claim during the month of July 2025 in an unspecified amount for medical payments on behalf of insured's driver as the result of accident involving Parks vehicle. This claim is under review and is pending.

Catherine Corbet filed claim during the month of July 2025 in the amount of \$112.00 for damage to sprinkler system by L.E.S. This claim is pending review and ratification by L.E.S. Administrative Board.

Claudia Perez filed claim during the month of July 2025 in an unspecified amount for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is pending.

Nathan and Amy Green filed claim during the month of July 2025 in the amount of \$1,312.54 for damage to pool equipment as the result of power surge. This claim is pending review and ratification by L.E.S. Administrative Board.

Arianna Banspach filed claim during the month of July 2025 in the amount of \$201.30 for damage to tire as the result of pothole. This claim is under review and is pending.

State Farm Insurance as subrogee of Derek Harris filed claim during the month of July 2025 in the amount of \$6,716.40 for damage to insured's property as the result of fallen tree limb. This claim is under review and is pending.

Geury Brito filed claim during the month of August 2025 in the amount of \$1,680.00 for damage to windshield of vehicle that claimant was transporting when it was struck by tree limb overhanging street. This claim is under review and is pending.

Jeffrey-Luis Lopez filed claim during the month of August 2025 in the amount of \$250,000 alleging unlawful arrest and excessive force by Lincoln police. This claim is under review and is pending.

Yosha Brown filed claim during the month of August 2025 in the amount of \$6,500 for injury incurred to daughter when scooter she was riding flipped on an uneven sidewalk. This claim is under review and is pending.

Dylan Kitchen filed claim during the month of August 2025 in the amount of \$185.52 for damage to fence as the result of fallen tree limb. This claim is under review and is pending.

Robin Lynne Jones filed claim during the month of August 2025 in an unspecified amount for tree limb removal expense and damage to property as the result of fallen tree limb. This claim is under review and is pending.

James William Quinn filed claim during the month of August 2025 in the amount of \$284.95 for damage to fence as the result of fallen tree limb. This claim is under review and is pending.

Ali Muhammed filed claim during the month of August 2025 in the amount of \$4,521.65 for damage to vehicle as the result of fallen tree limb. This claim is under review and is pending.

Marie Pulcherie Mbizi filed claim during the month of August 2025 in the amount of \$5,625.25 for tree limb removal expense and damage to fence as the result of fallen tree limb. This claim is under review and is pending.

Michael Price filed claim during the month of August 2025 in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus that was involved in an accident. This claim is under review and is pending.

Trenton Rohde filed claim during the month of August 2025 in the amount of \$150,000 for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is pending.

State Farm Insurance as subrogee of Lionel Brown filed claim during the month of August 2025 in the amount of \$1,300.00 for proceeds from sale of vehicle at auction. This claim is under review and is pending.

Zachary Coburn filed claim during the month of September 2025 in the amount of \$2,015.16 for damage to vehicle as the result of fallen tree limb. This claim is under review and is pending.

Hannah Middleton filed claim during the month of September 2025 in an unspecified amount for alleged injury incurred as the result of accident involving police vehicle. This claim is under review and is pending.

Joe Miller filed claim during the month of September 2025 in the amount of \$12,708.91 for damage to fence and shed as the result of fallen tree. This claim is under review and is pending.

Christopher Johnson (JCJ Holdings LLC) filed claim during the month of September 2025 in the amount of \$1,300.00 for damage to property as the result of fallen tree limb. This claim is under review and is pending.

Lannette Griffin-Mack filed claim during the month of September 2025 in the amount of \$1,250.00 for tree limb removal expense and damage to two vehicles as the result of fallen tree limb. This claim is under review and is pending.

Catherine Garcia filed claim during the month of September 2025 in the amount of \$3,033.00 for damage to vehicle as the result of fallen tree limb. This claim is under review and is pending.

Ian Duane Larson filed claim during the month of September 2025 in the amount of \$10,000 for damage to sign and vehicle when struck by City vehicle. This claim is under review and is pending.

Donna Akiyama filed claim during the month of September 2025 in the amount of \$980.00 for tree limb removal expense and damage to property as the result of fallen tree limb. This claim is under review and is pending.

Hunter Robertson filed claim during the month of September 2025 in the amount of \$2,065.74 for medical expenses incurred while claimant was in police custody. This claim is under review and is pending.

Ronald Pointer filed claim during the month of September 2025 in an unspecified amount for alleged illegal tow of vehicle and false incarceration. This claim is under review and is pending.

Ronald Pointer filed claim during the month of September 2025 in an unspecified amount for alleged failure by Lincoln police to investigate an assault that claimant reported to Lincoln police. This claim is under review and is pending.

Becky Barnes filed claim during the month of September 2025 in the amount of \$400.00 for damage to fence as the result of fallen tree. This claim is under review and is pending.

Charles Rethmeier filed claim during the month of September 2025 in the amount of \$2,027.89 for damage to vehicle when struck by mower. This claim is under review and is pending.

Rick Hart filed claim during the month of September 2025 in the amount of \$7,965.00 for damage to sewer line as the result of roots from City tree. This claim is under review and is pending.

Jack Kirkland Jr. filed claim during the month of September 2025 in the amount of \$5,170.00 for tree limb removal expense and damage to property as the result of fallen tree limb. This claim is under review and is pending.

Jeffrey Lamb filed claim during the month of October 2025 in the amount of \$156.00 for expense incurred for removal of fallen tree limb. This claim is under review and is pending.

Nathaniel Furr filed claim during the month of October 2025 in the amount of \$8,242.43 for damage to vehicle as the result of fallen tree limb. This claim is under review and is pending.

Dawn Giebler filed claim during the month of October 2025 in the amount of \$806.00 for damage to property when struck by L.E.S. vehicle. This claim is pending review and ratification by L.E.S. Administrative Board.

Brett Joseph filed claim during the month of October 2025 in the amount of \$3,375.37 for damage to sewer line when struck by L.E.S. This claim is pending review and ratification by L.E.S. Administrative Board.

Richard Lespreance filed claim during the month of October 2025 in the amount of \$892.32 for damage to vehicle when struck by debris from a blown fuse from L.E.S. pole. This claim is pending review and ratification by L.E.S. Administrative Board.

Thomas Hudson filed claim during the month of October 2025 in the amount of \$7,500.00 for damage to vehicle as the result of fallen tree limb. This claim is under review and is pending.

Craig Connelly filed claim during the month of October 2025 in the amount of \$350.00 for damage to property that occurred when L.E.S. was trimming trees. This claim is pending review and ratification by L.E.S. Administrative Board.

Terreno, Johnston and Jay Sean Hill filed claim during the month of October 2025 in an unspecified amount for alleged injuries incurred while claimants were passengers on StarTran bus. This claim is under review and is pending.

Kenneth Burley filed claim during the month of October 2025 in the amount of \$150,000 for alleged injury incurred while claimant was passenger on StarTran bus. This claim is under review and is pending.

Dillon Ballagh filed claim during the month of October 2025 in the amount of \$250,000 for alleged injury incurred as the result of fall from wheelchair while claimant was passenger on StarTran van. This claim is under review and is pending.

Olga Kanne filed claim during the month of October 2025 in the amount of \$1,452.00 for damage to driveway and sidewalk as the result of tree removal. This claim is under review and is pending.

Nicholas Furchert filed claim during the month of October 2025 in the amount of \$100 for loss of food when electrical power was turned off. This claim is pending review and ratification by L.E.S. Administrative Board.

Tom Cabela filed claim during the month of October 2025 in the amount of \$576.92 for damage to property as the result of fallen tree limb. This claim is under review and is pending.

Brittney Clark filed claim during the month of November 2025 in the amount of \$105.79 for loss of food when electrical power was turned off. This claim is pending review and ratification by L.E.S. Administrative Board.

Marcellin Logsdon filed claim during the month of November 2025 in an unspecified amount for damage to vehicle when struck by City vehicle. This claim is under review and is pending.

Sharon Schmidt filed claim during the month of November 2025 in an unspecified amount for damage to vehicle when struck by City vehicle. This claim is under review and is pending.

Sharon Baker filed claim during the month of November 2025 in the amount of \$815.90 for damage to vehicle when struck by StarTran bus. This claim is under review and is pending.

David Donald filed claim during the month of November 2025 in the amount of \$5,000 for alleged injury incurred while claimant was passenger on StarTran bus. This claim is under review and is pending.

Lindsey Korgor filed claim during the month of November 2025 in the amount of \$3,115.00 for damage to rental property as the result of action by Lincoln police. This claim is under review and is pending.

Jackie Prater filed claim during the month of November 2025 in an unspecified amount for damage to fence when allegedly struck by City mower. This claim is under review and is pending.

NEW CLAIMS FILED DURING PERIOD OF NOVEMBER 16 THROUGH NOVEMBER 30, 2025:

Carl Armstrong filed claim in the amount of \$2,500.00 for damage to vehicle when struck by StarTran bus. This claim is under review and is pending.

Ace Electric filed claim in the amount of \$1,986.00 for damage to property by L.E.S. This claim is pending review and ratification by L.E.S. Administrative Board.

Terry Herman filed claim in the amount of \$2,317.05 for damage to vehicle when struck by concrete. This claim is under review and is pending.

AAA Pawn filed claim in the amount of \$820.00 for property not returned to AAA Pawn after being released from Lincoln Police Property Unit. This claim is under review and is pending.

Lakeisha Thomas filed claim in an unspecified amount for alleged injury incurred when claimant was exiting StarTran bus. This claim is under review and is pending.

Jamel Murad filed claim in an unspecified amount for damage to vehicle when struck by fallen tree branch. This claim is under review and is pending.

Vandoreyah Watson filed claim in the amount of \$700.00 for loss of cell phone as the result of action by Lincoln police. This claim is under review and is pending.

PENDING TORT LITIGATION:

Marc Timmins filed claim during the month of February 2024 in the amount of \$500,000 for damages incurred as the result of motor vehicle accident that claimant alleges occurred due to lack of signage and street lighting at a roundabout. Claim was withdrawn and suit was filed in Lancaster County District Court. Litigation is pending.

Lisa Schwartz filed claim during the month of February 2024 in the amount of \$29,000 for damages to claimant's property as the result of flooding that occurred as the result of L.E.S. breaching pipe. This claim was withdrawn and suit was filed in Lancaster County District Court. Litigation is pending.

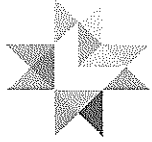
Kalyn Thomson and Adam Thomson filed claim during the month of October 2024 in the amount of \$500,000 for injury incurred as the result of accident involving police vehicle. This claim was withdrawn and suit was filed in Lancaster County District Court. Litigation is pending.

Fernando Figueroa filed claim during the month of November 2024 in the amount of \$50,000 for alleged injury incurred as the result of accident involving StarTran bus. **Cannon Cochran Management Services, Inc. on behalf of Old Dominion Freight Line** filed a subrogation claim in the amount of \$27,767.86 for workers compensation benefits paid as the result of injury sustained by Fernando Figueroa who was an employee/driver of semitruck owned by Old Dominion Freight Line that was involved in the accident. This claim was withdrawn and suit was filed in Lancaster County District Court. Litigation is pending.

Brendan Welch filed claim during the month of March 2025 in the amount of \$2,342.58 for damage to vehicle as the result of accident involving StarTran bus. Suit was filed in Lancaster County Court. Litigation is pending.

Nathan Hinds filed claim during the month of October 2024 in the amount of \$1,000,000 for injury incurred as the result of accident involving an alleged vehicle pursuit by Lincoln police. Suit was filed in Lancaster County District Court. Litigation is pending.

Submitted by City Law Department



City of Lincoln
**OFFICE of THE
CITY ATTORNEY**

December 4, 2025

Laura Rhinehart
12001 Havelock Ave.
Lincoln, NE 68527
laura@recne.net

RE: Claim Against the City of Lincoln

Dear Ms. Rhinehart:

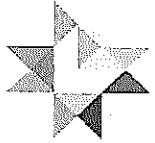
This is in response to your claim against the City of Lincoln received in this office on November 4, 2025, for damage to your vehicle as the result of a pothole in the vicinity of Havelock Avenue near the bridge in front of the northeast entrance to Sandhills Event Center on November 4, 2025. It is this office's responsibility to investigate the merits of claims that are filed against the City of Lincoln and make a recommendation to the Lincoln City Council.

The City understands the inconvenience and financial impact of this incident. However, the City is not an insurer for damage caused by potholes on City streets. This office can only recommend the payment of claims when the City fails to act reasonably when notified of problems or issues with City streets. I have reviewed your claim with Lincoln Transportation and Utilities personnel, who report that LTU temporarily repaired the subject pothole with cold mix on October 30, 2025, and a more permanent repair was completed on November 7, 2025. Because the City acted reasonably to address the subject pothole, I cannot conclude that the City was negligent and, accordingly, I must forward your claim to the Lincoln City Council with a recommendation that it be denied.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on December 15, 2025, at 5:30 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by email at council@lincoln.ne.gov. **If you do intend to appear at the City Council meeting in person, please advise this office prior to Friday, December 12, 2025, by phone at 402-441-7281.**

Sincerely,

Abigail F. Littrell
Assistant City Attorney



City of Lincoln
**OFFICE of THE
CITY ATTORNEY**

December 1, 2025

Shadi Khoshnaw
501 Lamont Dr.
Lincoln, NE 68528
shadiaso2008@gmail.com

RE: Claim Against the City of Lincoln

Dear Mr. Khoshnaw:

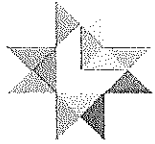
This is in response to your claim against the City of Lincoln received in this office on November 20, 2025, regarding an accident involving a City of Lincoln StarTran handi-van that occurred on November 13, 2025. It is this office's responsibility to investigate the merits of claims that are filed against the City of Lincoln and make a recommendation to the Lincoln City Council.

In order for a claim to be authorized for payment from public funds, it must be shown that there exists a legal basis for such authorization. I have had an opportunity to evaluate your claim. After reviewing the accident report completed by the Lincoln Police Department, I cannot recommend that the City of Lincoln assume liability for this accident. Because there is no evidence to support the conclusion that the City driver was negligent, I am referring this claim to the Lincoln City Council with a recommendation that the claim be denied.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on December 15, 2025, at 5:30 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by emailing the City Council, at council@lincoln.ne.gov. **If you do intend to appear at the City Council meeting in person, please advise this office prior to Friday, December 12, 2025, at 402-441-7281.**

Sincerely,

Nicholas T. Bussey
Assistant City Attorney



City of Lincoln
**OFFICE of THE
CITY ATTORNEY**

December 4, 2025

Joe Borer
1200 Beechcraft Rd.
Lincoln, NE 68527
jborer8@hotmail.com

RE: Claim Against the City of Lincoln

Dear Mr. Borer:

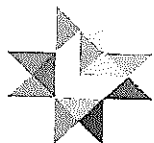
This is in response to your claim against the City of Lincoln received in this office on November 21, 2025, for damage incurred to your vehicle as the result of a pothole. It is this office's responsibility to investigate claims that are filed against the City of Lincoln and make a recommendation to the Lincoln City Council.

It has been determined that the location of the pothole described in your claim is outside the limits of the City of Lincoln, and therefore the maintenance of this roadway would be the responsibility of Lancaster County. Accordingly, your claim against the City of Lincoln will be forwarded to the Lincoln City Council with a recommendation that the claim be denied.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on December 15, 2025, at 5:30 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by email at council@lincoln.ne.gov. **If you do intend to appear at the City Council meeting in person, please advise this office prior to Friday, December 12, 2025, by phone at 402-441-7281.**

Sincerely,

Nicholas T. Bussey
Assistant City Attorney



City of Lincoln
**OFFICE of THE
CITY ATTORNEY**

December 4, 2025

Luke Stege-Tompsett
Northeast YMCA
2601 N. 70th Street
Lincoln, NE 68507
lstege-tompsett@ymcalincoln.org

RE: Claim Against the City of Lincoln

This is in response to your claim against the City of Lincoln received in this office on December 1, 2025, for damage to mailbox as the result of snow removal on or about November 29, 2025. It is this office's responsibility to investigate the merits of claims that are filed against the City of Lincoln and make a recommendation to the Lincoln City Council.

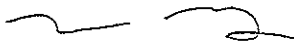
In order for a claim to be authorized for payment from public funds, it must be shown that there exists a legal basis for such authorization. The City of Lincoln is responsible for maintaining City streets during winter weather, which includes the removal of snow. In recognition that damage may occur to mailboxes or other structures in the sidewalk space during snow removal, ordinances have been enacted which exempt the City from liability. Lincoln Municipal Code § 14.80.020(f) provides in relevant part:

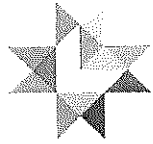
The City of Lincoln is released from any and all liability and responsibility for any damage to any non-organic mulch, **mailboxes and supporting structures**, surfacing materials, and/or any item or material not authorized pursuant to this section, located in the sidewalk space by the abutting property owner which might occur during maintenance or repair work performed by the City, . . . including, but not limited to, street maintenance and repair, [or] **snow removal**

The City of Lincoln understands the inconvenience and financial impact from this incident. However, because the City is not liable for this type of claim under the above Lincoln Municipal Code section, your claim will be forwarded to the Lincoln City Council with a recommendation that it be denied.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on December 15, 2025, at 5:30 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by email at council@lincoln.ne.gov. **If you do intend to appear at the City Council meeting in person, please advise this office prior to Friday, December 12, 2025, by phone at 402-441-7281.**

Sincerely,


Nicholas T. Bussey
Assistant City Attorney



City of Lincoln
**OFFICE of THE
CITY ATTORNEY**

December 4, 2025

Amy Colwell-Townsley
7821 S. Hazelwood Dr.
Lincoln, NE 68507
lovethatisland@yahoo.com

RE: Claim Against the City of Lincoln

Dear Ms. Colwell-Townsley:

This is in response to your claim against the City of Lincoln received in this office on December 1, 2025, for damage to mailbox as the result of snow removal on or about November 30, 2025. It is this office's responsibility to investigate the merits of claims that are filed against the City of Lincoln and make a recommendation to the Lincoln City Council.

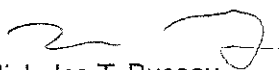
In order for a claim to be authorized for payment from public funds, it must be shown that there exists a legal basis for such authorization. The City of Lincoln is responsible for maintaining City streets during winter weather, which includes the removal of snow. In recognition that damage may occur to mailboxes or other structures in the sidewalk space during snow removal, ordinances have been enacted which exempt the City from liability. Lincoln Municipal Code § 14.80.020(f) provides in relevant part:

The City of Lincoln is released from any and all liability and responsibility for any damage to any non-organic mulch, **mailboxes and supporting structures**, surfacing materials, and/or any item or material not authorized pursuant to this section, located in the sidewalk space by the abutting property owner which might occur during maintenance or repair work performed by the City, . . . including, but not limited to, street maintenance and repair, [or] **snow removal**

The City of Lincoln understands the inconvenience and financial impact from this incident. However, because the City is not liable for this type of claim under the above Lincoln Municipal Code section, your claim will be forwarded to the Lincoln City Council with a recommendation that it be denied.

The Lincoln City Council will consider your claim at its regularly scheduled meeting on December 15, 2025, at 5:30 p.m. in the Council Chambers, 555 South 10th Street, Suite 112. You may appear in person at that date and time to discuss your claim and/or you may contact the City Council in writing prior to that date by email at council@lincoln.ne.gov. **If you do intend to appear at the City Council meeting in person, please advise this office prior to Friday, December 12, 2025, by phone at 402-441-7281.**

Sincerely,


Nicholas T. Bussey
Assistant City Attorney

From: [OpenForms](#)
To: [Benjamin A. Sobel](#)
Subject: Council Comment - Rosina Paolini
Date: Monday, December 8, 2025 6:28:47 AM
Attachments: [SubmissionReceipt-SubmitAComment-225.pdf](#)



Council Comment - Rosina Paolini

Rosina Paolini has submitted a comment for Council. Please see the attached comment

Name	Rosina Paolini
Phone number	[REDACTED]
Email address	[REDACTED]
Your comment	<p>Dear Council Members,</p> <p>We've been here before, all you need do is look at Wilderness Crossing to see the impact of a poorly, designed development. Flood patterns due to more impermeable surfaces will change the flow of the Salt Creek not yet seen. At some point the Salt Creek which is nearly dammed up in many areas, will not hold the water. Please hike the creek with me so you can see what I see.</p> <p>The more you build along the Salt Creek, the more likelihood of displacing people down the creek in the future.</p> <p>We've not seen a flood in sometime. We know predictions are not accurate due to unpredictable volatile storms. Missing this</p>

re-zoning proposal in the Wilderness Crossing development proposal is a mistake not to be made again.

I am sure there are plenty of other places to re-zone for development.

Thank you for your service,

*rosina

Rosina Paolini

From: [Robert Borer](#)
To: [REDACTED]
Subject: Taiwan's election process
Date: Monday, December 8, 2025 11:27:16 AM

Greetings-

The co-called Secretary of State of Nebraska posted a picture a few days ago with Debby Huang, Director General for Taiwan in Denver. In the post, he stated that Debby:

"stopped by to discuss a \$10.6 billion deal with U.S. states for the purchase of U.S. beef and ag commodities. This presents important opportunity [sic] for Nebraska to fulfill a growing demand for grain and beef from Nebraska in Taiwan. We also discussed semiconductors, a top export for Taiwan. Having visited Taiwan in 2024 for a trade mission promoting Nebraska education, engineering, health, com and beef, I hope to see Nebraska expand this mutually beneficial trade partnership in the near future."

[REDACTED]

Now for the irony:

Taiwan exclusively uses hand-marked paper ballots that are counted manually at polling stations. This process is a deliberate choice to ensure transparency and security, particularly against potential foreign interference.

The key features of Taiwan's election process include:

- **In-Person Voting:** There is no absentee, early, proxy, or electronic voting. All eligible citizens must cast their ballot in person on Election Day at their registered polling station.
- **Public Hand Count:** Immediately after polls close, each polling station is rearranged for vote counting. Polling staff read out each vote aloud and display the ballot to the public and press who are encouraged to observe the process.
- **Transparency and Trust:** The manual, public counting method is widely praised by international observers for its high level of transparency, making it very difficult to manipulate the results.

In Taiwan, an average of approximately 1,100 voters are registered per polling station, meaning election workers typically count the ballots of several hundred people at each location.

Based on data from the 2024 general election:

- There were approximately 19.5 million eligible voters.
- A total of 17,795 polling stations were set up nationwide.
- Turnout is often high, at around 75% in recent elections, meaning a significant majority of registered voters cast their ballots.

Each voter typically casts multiple ballots simultaneously (e.g., one for president, and two for legislators), so the total number of physical ballots counted is even higher per station. The

manual counting process, open to public observation, usually takes a few hours, with most results known by 8 p.m. on Election Day.

Voters in Taiwan do not have to actively register to vote. Taiwan has a comprehensive household registration system (similar to a national population registry). The government's Household Registration Offices automatically compile the voter lists for elections based on this system. Here are the key points:

- * Automatic Registration: If you are an eligible citizen (meeting age and residency requirements) with household registration in Taiwan, you are automatically registered to vote at your registered address.

- * The Exception: The only major exception is for citizens residing overseas who wish to vote in the Presidential and Vice Presidential election. These voters must submit an application to return and vote.

- * Residency Requirement: To vote in legislative and local elections, a citizen must have been residing in the associated electoral district for at least four consecutive months.

So, for most residents, the system is automatic, eliminating the need for a separate voter registration process.

On election day, voters must bring three specific items to their designated polling station:

1. Their National Identity Card

This is the primary form of identification. It confirms the voter's identity and their eligibility based on the automatic household registration.

2. Their Voter Notification Form

This is a notice sent by the election commission that confirms the voter's polling station, which is based on their registered address.

3. Their Personal Chop (Seal)

This is the most unique requirement. A "chop" is a personal stamp with the voter's name carved into it.

It is used:

- * To sign or stamp the official ledger when picking up the ballots (acting as a personal signature).

- * Important Note: While the voter brings their personal chop to pick up the ballots, they do not use their personal chop to mark the ballot itself. Instead, the polling booth provides an official stamp (often a red circle or oval) specifically for marking the candidates.

This process ensures high security and accountability, as voters must be physically present with their specific, government-issued ID and officially-notified polling station information.

The procedure for marking their ballot is highly standardized and simple:

1. The Official Stamp

- * Inside the voting booth, there is a large, official stamp (often a red circle or oval) and an inkpad.

- * The voter must use this official stamp to mark their choice. They must not use their personal chop, a pen, or any other mark, as this would invalidate the ballot.

2. Marking the Ballot

- * The voter is required to press the stamp into the designated blank space next to their chosen candidate's or party's name.

- * The stamp should be placed clearly within the box or next to the chosen candidate's name to indicate the vote.

3. Rules for a Valid Vote

A vote is typically counted as valid if:

- * The official stamp provided in the booth is used.
- * The stamp is placed clearly in the box or next to only one candidate/party.

A vote is considered invalid (or a "spoiled ballot") if:

- * It contains any personal mark (like a signature, a fingerprint, or the voter's personal chop).
- * The voter marks more than one choice.
- * The mark is outside of the designated space and cannot clearly be associated with a candidate.
- * The ballot is torn, soiled, or otherwise compromised.

This system of using a single, clear official stamp is designed to simplify the hand-counting process that immediately follows the poll closing, as there is less room for debate over a voter's intent compared to handwritten marks.

No one trusts our SoS office (nor our local Lancaster Co election office, nor any of the other county election offices) and their secret, private, corporate, nontransparent, unverifiable (by We the People to whom elections belong) computerized "voting" system.

No one.

If someone claims they do "trust" our SoS and county election offices, they're either lying (to provide cover for nefarious activity) or confusing "trust" with gullibility and credulity, and our SoS is taking advantage of that gullibility and credulity. No one can truly trust a person who hasn't proven they are trustworthy. And Evnen has done nothing of the sort. Neither has ES&S.

The Salvation of the State is Watchfulness in the Citizen, *not trust or belief.*

Have a *bad* day, as long as you continue to let our Constitutions (the foundations of which are verifiably honest elections) die from lack of support.

Robert J. Borer
bcc: undisclosed recipients

Council Comment -

has submitted a comment for Council. Please see the attached comment

Name	Phone number	Email address
<p>Law enforcement corruption and lack of accountability in regards to illegal alien foreign national immigrants</p> <p>=====</p> <p>Police Corruption and Misconduct, History, Contemporary Problems, Further Readings</p> <p>The violation of state and federal laws or the violation of individuals' constitutional rights by police officers; also when police commit crimes for personal gain.</p> <p>Police misconduct and corruption are abuses of police authority. Sometimes used interchangeably, the terms refer to a wide range of procedural, criminal, and civil violations. Misconduct is the broadest category. Misconduct is "procedural" when it refers to police who violate police department rules and regulations; "criminal" when it refers to police who violate state and federal laws; "unconstitutional" when it refers to police who violate a citizen's CIVIL RIGHTS; or any combination thereof. Common forms of misconduct are excessive use of physical or DEADLY FORCE, discriminatory arrest, physical or verbal harassment, and selective enforcement of the law.</p> <p>Police corruption is the abuse of police authority for personal gain. Corruption may involve profit or another type of material benefit gained illegally as a consequence of the officer's authority. Typical forms of corruption include BRIBERY, EXTORTION, receiving or fencing stolen goods, and selling drugs. The term also refers to patterns of misconduct within a given police department or special unit, particularly where offenses are repeated with the acquiescence of superiors or through other ongoing failure to correct them.</p> <p>Safeguards against police misconduct exist throughout the law. Police departments themselves establish codes of conduct, train new recruits, and investigate and discipline officers, sometimes in cooperation with civilian complaint review boards which are intended to provide independent evaluative and remedial advice. Protections are also found in state law, which permits victims to sue police for damages in civil actions. Typically, these actions are brought for claims such as the use of excessive force ("police brutality"), false arrest and imprisonment, MALICIOUS PROSECUTION, and WRONGFUL DEATH. State actions may be brought simultaneously with additional claims for constitutional violations.</p> <p>Through both criminal and civil statutes, federal law specifically targets police misconduct. Federal law is applicable to all state, county, and local officers, including those who work in correctional facilities. The key federal criminal statute makes it unlawful for anyone acting with police authority to deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States (Section 18 U.S.C. § 241 [2000]). Another statute, commonly referred to as the police misconduct provision, makes it unlawful for state or local police to engage in a pattern or practice of conduct that deprives persons of their rights (42 U.S.C.A. 14141 [2000]).</p> <p>Additionally, federal law prohibits discrimination in police work. Any police department receiving federal funding is covered by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the Office of Justice Programs statute (42 U.S.C. § 3789d[c]), which prohibit discrimination on the basis of race, color, national origin, sex, and religion. These laws prohibit conduct ranging from racial slurs and unjustified arrests to the refusal of departments to respond to discrimination complaints.</p> <p>Because neither the federal criminal statute nor the civil police misconduct provision provides for lawsuits by individuals, only the federal government may bring suit under these laws. Enforcement is the responsibility of the JUSTICE DEPARTMENT. Criminal convictions are punishable by fines and imprisonment. Civil convictions are remedied through injunctive relief, a type of court order that requires a change in behavior; typically, resolutions in such cases force police departments to stop abusive practices, institute types of reform, or submit to court supervision.</p> <p>Private litigation against police or departments is difficult. Besides time and expense, a significant hurdle to success is found in the legal protections that police enjoy. Since the late twentieth century, many court decisions have expanded the powers of police to perform routine stops and searches. Plaintiffs generally must prove willful or unlawful conduct on the part of police, showing mere NEGLIGENCE or other failure of due care by police officers often does not suffice in court.</p> <p>Most problematically of all for plaintiffs, police are protected by the defense of immunity—an exemption from penalties and burdens that the law generally places on other citizens. This IMMUNITY is limited, unlike the absolute immunity enjoyed by judges or legislators. In theory, the defense allows police to do their job without fear of REPRISAL. In practice, however, it has become increasingly difficult for individuals to sue law enforcement officers for damages for allegedly violating their civil rights. U.S. Supreme Court decisions have continually asserted the general rule that officers must be given the benefit of the doubt that they acted lawfully in carrying out their day-to-day duties, a position reasserted in Saucier v. Katz, 533 U.S. 194, 121 S. Ct. 2151, 150 L. Ed. 2d 272 (2001).</p> <p>Police Corruption</p> <p>=====</p> <p>Police Corruption</p> <p>Police Corruption Analysis</p> <p>=====</p> <p>Police corruption is a complex phenomenon, which does not readily submit to simple analysis. It is a problem that has and will continue to affect us all, whether we are civilians or law enforcement officers.</p> <p>Since its beginnings, many aspects of policing have changed; however, one aspect that has remained relatively unchanged is the existence of corruption.</p> <p>An examination of a local newspaper or any police-related publication on any given day will have an article about a police officer that got busted committing some kind of corrupt act.</p> <p>The danger of corruption for police, and this is that it may invert the formal goals of the organization and may lead to "the use of organizational power to encourage and create crime rather than to deter it" (Sherman 1978: p 31)</p> <p>General police deviance can include brutality, discrimination, sexual harassment, intimidation, and illicit use of weapons. However, it is not particularly obvious where brutality, discrimination, and misconduct end and corruption begins.</p> <p>Essentially, police corruption falls into two major categories—external corruption which concerns police contacts with the public, and internal corruption, which involves the relationships among policemen within the works of the police department.</p> <p>The external corruption generally consists of one or more of the following activities: 1) Payoffs to police by essentially non-criminal elements who fail to comply with stringent statutes or city ordinances; [for example, individuals who repeatedly violate traffic laws]. 2) Payoffs to police by individuals who continually violate the law as a method of making money [for example, prostitutes, narcotics addicts and pushers, & professional burglars]. 3) "Clean Graft" where money is paid to police for services, or where courtesy discounts are given as a matter of course to the police.</p> <p>*Police officers have been involved in activities such as extortion of money and/or narcotics from narcotics violators to avoid arrest; they have accepted bribes; they have sold narcotics. They have known of narcotics violations and have failed to take proper enforcement action. They have entered into personal associations with narcotics criminals and in some cases have used narcotics.</p> <p>They have given false testimony in court in order to obtain dismissal of the charges against a defendant." (Sherman 1978: p 129) A scandal is perceived both as a socially</p>		

constructed phenomenon and as an agent of change that can lead to realignments in the structure of power within organizations.

Police Corruption

"Cops don't want to turn in other cops," he said. "Cops don't want to be a rat." And even when honest cops are willing to blow the whistle, there may not be anyone willing to listen. (New York Times, Mar. 29, 1993: p. 14)

Is there a solution to the police corruption problem? Probably not because since its beginnings, many aspects of policing have changed, but one thing that has not is the existence of corruption. Police agencies, in an attempt to eliminate corruption have tried everything from increasing salaries, requiring more training and education, and developing policies which are intended to focus directly on factors leading to corruption. What have all these changes done to eliminate or even decrease the corruption problem? Little or nothing. Despite police departments' attempts to control corruption, it still occurs.

Regardless of the fact, police corruption cannot simply be overlooked. Controlling corruption is the only way that we can really limit corruption, because corruption is the by-product of the individual police officer, societal views, and, police environmental factors. Therefore, control must come from not only the police department, but also must require the assistance and support of the community members.

Controlling corruption from the departmental level requires a strong leadership organization, because corruption can take place anywhere from the patrol officer to the chief. The top administrator must make it clear from the start that he and the other members of the department are against any form of corrupt activity, and that it will not be tolerated in any way, shape, or form. If a police administrator does not act strongly with disciplinary action against any corrupt activity, the message conveyed to other officers within the department will not be that of intimidated nature.

In addition, it may even increase corruption, because officers feel no actions will be taken against them. Another way that police agencies can control its corruption problem starts originally in the academy. Ethical decisions and behavior should be promoted, because failing to do make officers aware of the consequences of corruption does nothing but encourages it.

Bad Cops

It's hard to prosecute police officers. There are two main reasons for this: The first is the special deference that jurors, judges, and prosecutors show officers thanks to the widespread perception that they are heroic public figures valiantly trying to protect us.

The second is the bevy of special laws around the country that are designed to shield police officers from the very tactics the police regularly use on ordinary suspects. For example, in most states, law enforcement officers cannot be questioned until they have been given a few days to get their stories straight. These two factors can make convicting police officers extremely difficult, and it is no accident; it is the direct result of the sustained effort by police unions to protect officers from even the most deserved discipline or prosecution.

Finally, many police departments, especially large ones, have an Internal Affairs unit that operates to investigate improper conduct of police departments.

Although the police agency should be the main source of controlling its own corruption problem, it also requires some support and assistance from the local community. It is important that the public be educated about the negative effects of corruption on their police agency. They should be taught that even "graduates" (the most basic and common form of police corruption) is only a catalyst for more and future corruption.

The community may even go as far as establishing review boards, and investigative bodies to help keep a careful eye on the agency. If we do not act to try and control it, the costs can be enormous, because it affects not only the individual, his department, the law enforcement community as a whole, but society as well. Police corruption can be controlled; it just takes a little extra effort. And in the long run, that effort will be well worth it to both the agency and the community.

The powers given by the state to the police to use force have always caused concern. Although improvements have been made to control corruption, numerous opportunities exist for deviant and corrupt practices. The opportunity to acquire power in excess of that which is legally permitted or to misuse power is always available.

As mentioned from the very beginning of this report the problem of police deviance and corruption will never be completely solved, just as the police will never be able to solve the crime problem in our society. One step in the right direction, however, is the monitoring and control of the police and the appropriate use of police style to enforce laws and to provide service to the public.

Foreign Agents Registration Act

About

The Foreign Agents Registration Act (FARA) was enacted in 1938. FARA requires certain agents of foreign principals who are engaged in political activities or other activities specified under the statute to make periodic public disclosure of their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities. Disclosure of the required information facilitates evaluation by the government and the American people of the activities of such persons in light of their function as foreign agents. The FARA Unit of the Counterintelligence and Export Control Section (CES) in the National Security Division (NSD) is responsible for the administration and enforcement of FARA.

Public information relating to FARA may be obtained in person at the FARA Unit Public Office located at:

Department of Justice/NSD
FARA Unit
175 N Street, NE
Constitution Square, Building 3 - Room 1.204
Washington DC 20002

Hours of Operation:

Public Office: Monday - Friday, 11:00 a.m. - 3:00 p.m.
Delivery: Monday - Friday, 8:30 a.m. - 5:00 p.m.

8 USC 1325: Improper entry by alienText contains those laws in effect on August 24, 2025

From Title 8-ALIENS AND NATIONALITYCHAPTER 12-IMMIGRATION AND NATIONALITYSUBCHAPTER B-IMMIGRATIONPart VIII-General Penalty Provisions
Jump To:Source CreditMiscellaneousAmendmentsEffective Date

§1325. Improper entry by alien

(a) Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts

Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both.

(b) Improper time or place; civil penalties

Any alien who is apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty of-

(1) at least \$50 and not more than \$250 for each such entry (or attempted entry); or

(2) twice the amount specified in paragraph (1) in the case of an alien who has been previously subject to a civil penalty under this subsection.

Civil penalties under this subsection are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.

(c) Marriage fraud

Any individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

(d) Immigration-related entrepreneurship fraud

Any individual who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined in accordance with title 18, or both.

(June 27, 1952, ch. 477, title II, ch. 8, §275, 66 Stat. 229 ; Pub. L. 99-639, §2(d), Nov. 10, 1986, 100 Stat. 3542 ; Pub. L. 101-649, title I, §121(b)(3), title V, §543(b)(7), Nov. 29, 1990, 104 Stat. 4994 , 5059; Pub. L. 102-232, title III, §306(c)(3), Dec. 12, 1991, 105 Stat. 1752 ; Pub. L. 104-208, div. C, title I, §105(a), Sept. 30, 1996, 110 Stat. 3009-556 .)

Editorial Notes

Amendments

1996-Subsecs. (b) to (d). Pub. L. 104-208 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1991-Subsec. (a). Pub. L. 102-232 substituted "fined under title 18" for "fined not more than \$2,000 [or, if greater, the amount provided under title 18]".

1990-Subsec. (a). Pub. L. 101-649, §543(b)(7), inserted "or attempts to enter" after "(1) enters" and "attempts to enter or" after "or (3)", and substituted "shall, for the first commission of any such offense, be fined not more than \$2,000 [or, if greater, the amount provided under title 18] or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years" for "shall, for the first commission of any such offenses, be guilty of a misdemeanor and upon conviction thereof be punished by imprisonment for not more than six months, or by a fine of not more than \$500, or by both, and for a subsequent commission of any such offenses shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years, or by a fine of not more than \$1,000".

Subsec. (c). Pub. L. 101-649, §121(b)(3), added subsec. (c).

1986-Pub. L. 99-639 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

Effective Date of 1996 Amendment

Pub. L. 104-208, div. C, title I, §105(b), Sept. 30, 1996, 110 Stat. 3009-556 , provided that: "The amendments made by subsection (a) [amending this section] shall apply to illegal entries or attempts to enter occurring on or after the first day of the sixth month beginning after the date of the enactment of this Act [Sept. 30, 1996]."

Effective Date of 1991 Amendment

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of this title.

Effective Date of 1990 Amendment

Amendment by section 121(b)(3) of Pub. L. 101-649 effective Oct. 1, 1991, and applicable beginning with fiscal year 1992, see section 161(a) of Pub. L. 101-649, set out as a note under section 1101 of this title.

Amendment by section 543(b)(7) of Pub. L. 101-649 applicable to actions taken after Nov. 29, 1990, see section 543(c) of Pub. L. 101-649, set out as a note under section 1221 of this title.

Abolition of Immigration and Naturalization Service and Transfer of Functions

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

8 USC 1327: Aiding or assisting certain aliens to enterText contains those laws in effect on August 24, 2025From Title 8-ALIENS AND NATIONALITYCHAPTER 12-IMMIGRATION AND NATIONALITYSUBCHAPTER II-IMMIGRATIONPart VIII-General Penalty Provisions
Jump To:Source CreditMiscellaneousAmendmentsEffective Date

§1327. Aiding or assisting certain aliens to enter

Any person who knowingly aids or assists any alien inadmissible under section 1182(a)(7) (insofar as an alien inadmissible under such section has been convicted of an aggravated felony) or 1182(a)(3) (other than subparagraph (E) thereof) of this title to enter the United States, or who conspires or conspires with any person or persons to allow, procure, or permit any such alien to enter the United States, shall be fined under title 18, or imprisoned not more than 10 years, or both.

(June 27, 1952, ch. 477, title II, ch. 8, §277, 66 Stat. 229 ; Pub. L. 100-690, title VII, §7346(a), (c)(1), Nov. 18, 1988, 102 Stat. 4471 ; Pub. L. 101-649, title V, §543(b)(4), title VI, §603(a)(16), Nov. 29, 1990, 104 Stat. 5059 , 5084; Pub. L. 104-208, div. C, title III, §308(d)(3)(A), Sept. 30, 1996, 110 Stat. 3009-617 .)

Editorial Notes

Amendments

1996-Pub. L. 104-208 substituted "inadmissible" for "excludable" in two places.

1990-Pub. L. 101-649, §603(a)(16), substituted "1182(a)(7) (insofar as an alien excludable under such section has been convicted of an aggravated felony) or 1182(a)(3) (other than subparagraph (E) thereof) for "1182(a)(9), (10), (23) (insofar as an alien excludable under any such paragraph has in addition been convicted of an aggravated felony), (27), (28), or (29)".

Pub. L. 101-649, §543(b)(4), substituted "shall be fined under title 18, or imprisoned not more than 10 years" for "shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years".

1988-Pub. L. 100-690 substituted "certain aliens" for "subversive alien" in section catchline and inserted "(9), (10), (23) (insofar as an alien excludable under any such paragraph has in addition been convicted of an aggravated felony)," after "1182(a)".

Statutory Notes and Related Subsidiaries

Effective Date of 1996 Amendment

Amendment by Pub. L. 104-208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of this title.

Effective Date of 1990 Amendment

Amendment by section 543(b)(4) of Pub. L. 101-649 applicable to actions taken after Nov. 29, 1990, see section 543(c) of Pub. L. 101-649, set out as a note under section 1221 of this title.

Amendment by section 603(a)(16) of Pub. L. 101-649 applicable to individuals entering United States on or after June 1, 1991, see section 601(e)(1) of Pub. L. 101-649, set out as a note under section 1101 of this title.

Effective Date of 1988 Amendment

Pub. L. 100-690, title VII, §7346(b), Nov. 18, 1988, 102 Stat. 4471, provided that: "The amendment made by subsection (a) [amending this section] shall apply to any aid or assistance which occurs on or after the date of the enactment of this Act [Nov. 18, 1988]."

Criminal Resource Manual
CRM 1500-1999

1911. 8 U.S.C. 1325 -- Unlawful Entry, Failure To Depart, Fleeing Immigration Checkpoints, Marriage Fraud, Commercial Enterprise Fraud

Section 1325 sets forth criminal offenses relating to (1) improper entry into the United States by an alien, (2) entry into marriage for the purpose of evading immigration laws, and (3) establishing a commercial enterprise for the purpose of evading immigration laws. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) amended 8 U.S.C. § 1325 to provide that an alien apprehended while entering or attempting to enter the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty.

Comment: Further discussion of these offenses is set forth in Chapter 4 of Immigration Law, published as part of the Office of Legal Education's Litigation Series, and as part of the USABook computer library.

[cited in JM 9-73.200]

Criminal Resource Manual
CRM 1500-1999

1912. 8 U.S.C. 1326 -- Reentry After Deportation (Removal)

After the amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), subsection 1326(a) now makes it an offense for any alien who has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States, unless prior to the alien's reembarkation at a place outside the United States or his application from foreign contiguous territory, the Attorney General has expressly consented to such alien's for admission, or such alien shall establish that he was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act.

The basic statutory maximum penalty for reentry after deportation is a fine under title 18, imprisonment for not more than 2 years, or both. However, with regard to an alien whose "removal" was subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), the statutory maximum term of imprisonment is 10 years. Moreover, if deportation was subsequent to conviction for an aggravated felony, the statutory maximum term of imprisonment is 20 years.

Although subsection 1326(a) now refers to any alien who has been "denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation, or removal is outstanding," subsections 1326(b)(1) and (b)(2), relating to aliens with prior criminal convictions, refer only to aliens "whose removal was subsequent to a conviction." Read together, subsections 1326 (a) and (b) appear to suggest that the term "removal" in subsections 1326(b)(1) and (b)(2) includes the terms "denied admission," "excluded," "deported," "removed," and "departed the United States while an order of exclusion, deportation, or removal is outstanding," as set forth in subsection 1326(a). Section 309(d) of the IIRIRA seems to support this conclusion, providing "any reference in law to an order of exclusion and deportation or an order of deportation." Nevertheless, 8 U.S.C. § 1326 does not define "removal," nor does do subsections 1326(b)(1) and (2) specifically provide that removal is synonymous with "denied admission," "excluded," "deported," and "departed the United States while an order of exclusion, deportation, or removal is outstanding." In view of this apparent uncertainty, some United States Attorneys expressed concern that, for example, that a criminal alien prosecuted under § 1326(b) might argue that he is not subject to enhanced punishment because he had been "deported," not "removed."

To foreclose possible litigation in this area, the Department is considering proposing a technical amendment whereby the language in subsections 1326(b)(1) and (2) would track the language in subsection 1326(a).

[cited in JM 9-73.200] [updated September 2008]

Criminal Resource Manual
CRM 1500-1999

1914. 8 U.S.C. 1328 -- Importing Aliens For Immoral Purposes

Section 1328 prohibits three kinds of sexual activities with respect to aliens: (1) importing aliens for prostitution, (2) holding aliens for prostitution, and (3) keeping, maintaining, controlling, supporting, employing, or harboring aliens for prostitution. Each of the three is a separate crime. See Dalton v. Hunter, 174 F.2d 633 (10th Cir., cert. denied, 338 U.S. 906 (1949)).

The phrase, "in pursuance of such illegal importation," was added to § 1328 in 1910 to establish an interstate commerce nexus because the Supreme Court had held that the statute infringed on state police powers. See Keller v. United States, 213 U.S. 138 (1909). Also, "alien" was substituted for "woman or girl" to make it clear that the statute applied to both sexes. The phrase, "or for any other immoral purpose," probably includes only immoral purposes relating to sex, and not, for example, the selling of babies. See United States v. Baker, 136 F. Supp. 546, 549-550 (S.D.N.Y. 1955).

For a definition of "hold" see United States v. Giuliani, 147 F. 594, 596, 600 (D.Del. 1906). See also 18 U.S.C. § 2424, which provides penalties for failure to register a female brought to the United States from certain countries for immoral purposes.

[cited in JM 9-73.200]

Criminal Resource Manual
CRM 1500-1999

1915. Willful Failure Or Refusal To Depart

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) amended 8 U.S.C. § 1253 to make it a criminal offense for an alien to willfully fail or refuse to depart from the United States within 90 days of a final administrative or judicial order of removal. It is also an offense to willfully fail to make timely, good faith application for travel documents necessary for departure, to take action designed to prevent such alien's departure, or to willfully fail or refuse to appear for removal. The basic penalty provision is a fine under title 18, United States Code, imprisonment for up to 4 years, or both. Enhanced penalties are applicable to aliens deportable based on criminal convictions or security related grounds.

[cited in JM 9-73.200]

Criminal Resource Manual
CRM 1500-1999

1916. High Speed Flight From Immigration Checkpoint

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) added a new 18 U.S.C. § 758, which makes it an offense to flee or evade a checkpoint operated by the Immigration and Naturalization Service, or any other federal law enforcement agency, in a motor vehicle and thereafter flee from Federal, State, or local law enforcement agents in excess of the legal speed limit. Such offense is punishable by a fine under title 18, imprisonment for not more than five years, or both.

[cited in IM 9-73.200]

Criminal Resource Manual
CRM 1500-1999

1917. Arrest, Search, And Seizure By Immigration Officers

The general rules concerning arrest, search and seizure applicable to other federal officers are, of course, applicable to immigration officers. The Immigration and Naturalization Act, 8 U.S.C. §§ 1101 et seq., authorizes immigration officers to make arrests either for the purpose of holding an alien for civil administrative proceedings or for a crime, or both. Title 8 U.S.C. § 1225 provides that all aliens arriving at United States ports must be examined by immigration officers who are authorized, without a warrant, to board and search any conveyances believed to carry aliens, and to detain for further inquiry anyone "who may not appear . . . at the port of arrival to be clearly and beyond a doubt entitled to land." Title 8 U.S.C. § 1252(a) authorizes the arrest upon warrant of the Attorney General of any alien, pending a determination of his/her deportability. Title 8 U.S.C. § 1252(c) authorizes arrest of an alien at any time within six months after a final order of deportation has been entered. Title 8 U.S.C. § 1324(b) authorizes immigration officers to seize, without a warrant, conveyances used to transport illegal aliens. Title 8 U.S.C. § 1357 sets out their authority to interrogate, arrest, search, and seize aliens without a warrant.

Subsection 1357(a)(1) of Title 8, authorizing immigration officers "to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," has a deceiving simplicity. It is deceiving because in practice the courts have strained to give the section a reasonable and meaningful interpretation in light of the Fourth Amendment. The appellate courts have evinced a reluctance to believe that such interrogations occur without a detention, however brief. Since there is usually some kind of stop or detention, the question arises as to whether immigration officers may stop persons reasonably believed to be aliens when there is no reason to believe they are illegally in the country. The Supreme Court has declined to give that question a general answer. See *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 n. 9 (1975). However, it has answered the question with respect to "factory surveys," that is, worksite inspections to discover illegal aliens. See *Immigration and Naturalization Service v. Delgado*, 466 U.S. 210 (1984).

The "open fields" doctrine, which defines the rights of law enforcement officers to enter or observe open fields and certain non-residential structures without a search warrant is often relevant to INS enforcement efforts. The doctrine is discussed in *United States v. Dunn*, 480 U.S. 294, 107 S.Ct. 1134 (1987); *Dow Chemical Co. v. United States*, 476 U.S. 227 (1986); and *California v. Ciraolo*, 476 U.S. 207 (1986). However, the 1986 amendments added new subsection 8 U.S.C. § 1357(d) which prohibits INS officers from entering a farm without a search warrant.

The INS Office of General Counsel has available for distribution its memorandum entitled, "The Law of Arrest, Search, and Seizure for Immigration Officers," Publication No. M-69.

COMMENT: Further discussion of the authority of Immigration Officers is set forth in Chapter 10 of Immigration Law, published as part of the Office of Legal Education's Litigation Series, and as part of the USABook computer library.

[cited in IM 9-73.300]

Criminal Resource Manual
CRM 1500-1999

1918. Arrest Of Illegal Aliens By State And Local Officers

Subsection 1324(c) of Title 8 specifically authorizes state and local officers "whose duty it is to enforce criminal laws" to make arrests for violations of 8 U.S.C. § 1324. There is also a general federal statute which authorizes certain local officials to make arrests for violations of federal statutes, 18 U.S.C. § 2041. The Fifth Circuit Court of Appeals has held that 18 U.S.C. § 2041 authorizes those local officials to issue process for the arrest, to be executed by law enforcement officers. See *United States v. Bowdach*, 561 F.2d 1160, 1168 (5th Cir. 1977).

Rule 4(a)(1) of the Federal Rules of Criminal Procedure provides that an arrest warrant "shall be executed by a marshal or by some other officer authorized by law." The phrase, "some other officer," includes state and local officers. *Bowdach*, supra.

Section 439 of the Antiterrorism and Effective Death Penalty Act of 1996 added a new 8 U.S.C. § 1252c which provides that notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who (1) is an alien illegally present in the United States; and (2) has previously been convicted of a felony in the United States and deported and left the United States after such conviction, but only after the State or local law enforcement officials obtain appropriate confirmation from the Immigration and Naturalization Service of the status of such individual and only for such period of time as may be required for the Service to take the individual into federal custody for purposes of deporting or removing the alien from the United States.

In the absence of a specific federal statute, the validity of an arrest without a warrant for violation of federal law by local peace officers is to be determined by reference to local law. See *Miller v. United States*, 357 U.S. 301, 305 (1958); *United States v. Di Re*, 332 U.S. 581, 589 (1948).

In approving a state trooper's arrest of persons who appeared to be illegal aliens, the United States Court of Appeals for the Tenth Circuit held, simply, as follows: "A state trooper has general investigative authority to inquire into possible immigration violations." See *United States v. Salinas-Calderon*, 728 F.2d 1298, 1301, n. 3 (10th Cir. 1984).

The United States Court of Appeals for the Ninth Circuit held, in *Gonzales v. City of Peoria*, 722 F.2d 468 (9th Cir. 1983), that the structure of the Immigration and Nationality Act does not evidence an intent to preclude local enforcement of the act's criminal provisions. Id. at 474. Based on the pertinent legislative history, the court of appeals rejected the argument that since 8 U.S.C. § 1324(c) specifically authorizes local officers to make arrests for violations of 8 U.S.C. § 1324(a), and 8 U.S.C. §§ 1325(a) and 1326 contain no comparable provision, Congress must have intended that local officers be precluded from making arrests for violations of 8 U.S.C. §§ 1325(a) and 1326. Id. at 475. The decision warns, however, that the first violation of 8 U.S.C. § 1325(a) is a misdemeanor, and that if applicable state law authorizes law enforcement officers to arrest for misdemeanors only if committed in their presence, they would not be authorized to arrest aliens for illegal entry (unless the officers should happen to know that the alien had previously been convicted of illegal entry) unless they saw him/her cross the border.

The disappointing aspect of *Gonzales* is the statement that an alien's "inability to produce documentation does not in itself provide probable cause (to arrest)." See *Gonzales v. City of Peoria*, supra, at 16. Pursuant to 8 U.S.C. § 1304(e), aliens are issued registration cards and must carry such cards with them at all times. Aliens who gain entry without the requisite inspection, and who therefore are not issued such cards, violate 8 U.S.C. § 1325. Consequently, a law enforcement officer confronting an alien who is unable to produce documentation arguably has probable cause to believe that a violation of 8 U.S.C. § 1304(e) (failure to possess documents or 8 U.S.C. § 1325(a) (entry without inspection)) has occurred. (If the alien is undocumented and has been in the United States for longer than 30 days, he or she has also violated 8 U.S.C. § 1306(a)).

[cited in IM 9-73.300]

18 USC 611: Voting by aliensText contains those laws in effect on October 26, 2025From Title 18-CRIMES AND CRIMINAL PROCEDUREPART I-CRIMESCHAPTER 29-ELECTIONS AND POLITICAL ACTIVITIES
Jump To:Source CreditMiscellaneousPrior ProvisionsAmendmentsEffective Date

§611. Voting by aliens

(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless-

(1) the election is held partly for some other purpose;

(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.

(b) Any person who violates this section shall be fined under this title, imprisoned not more than one year, or both.

(c) Subsection (a) does not apply to an alien if-

(1) each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization);

(2) the alien permanently resided in the United States prior to attaining the age of 16; and

(3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.

(Added Pub. L. 104-208, div. C, title II, §216(a), Sept. 30, 1996, 110 Stat. 3009-572 ; amended Pub. L. 106-395, title II, §201(d)(1), Oct. 30, 2000, 114 Stat. 1635 .)

Editorial Notes

Prior Provisions

A prior section 611, acts June 25, 1948, ch. 645, 62 Stat. 774 ; Feb. 7, 1972, Pub. L. 92-225, title II, §206, 86 Stat. 10 ; Oct. 15, 1974, Pub. L. 93-443, title I, §5101(c)(2), 103, 88 Stat. 1267 ; 1272, prohibited campaign contributions by government contractors, prior to repeal by Pub. L. 94-283, title II, §201(a), May 11, 1976, 90 Stat. 496 . See section 30119 of Title 52, Voting and Elections.

Amendments

2000-Subsec. (c), Pub. L. 106-395 added subsec. (c).

Statutory Notes and Related Subsidiaries

Effective Date of 2000 Amendment

Pub. L. 106-395, title II, §201(d)(3), Oct. 30, 2000, 114 Stat. 1636 , provided that: "The amendment made by paragraph (1) [amending this section] shall be effective as if included in the enactment of section 216 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-572). The amendment made by paragraph (2) [amending section 1015 of this title] shall be effective as if included in the enactment of section 215 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-572). The amendments made by paragraphs (1) and (2) shall apply to an alien prosecuted on or after September 30, 1996, except in the case of an alien whose criminal proceeding (including judicial review thereof) has been finally concluded before the date of the enactment of this Act [Oct. 30, 2000]."

Foreign nationals

Federal law prohibits contributions, donations, expenditures (including independent expenditures) and disbursements solicited, directed, received or made directly or indirectly by or from foreign nationals in connection with any federal, state or local election. This prohibition includes advances of personal funds, contributions or donations made to political party committees and organizations, state or local party committees for the purchase or construction of an office building funds under 11 CFR 300.35, and contributions or disbursements to make electioneering communications.

Foreign nationals are also prohibited from, directly or indirectly, donating to an inaugural committee; and it is a violation of federal law to knowingly accept such donations from a foreign national.

Your
comment

Prohibitions on participation in decision-making

In addition, foreign nationals are prohibited from participating in decisions involving election-related activities. A foreign national may not direct, dictate, control or directly or indirectly participate in the decision-making process of any person (such as a corporation, labor organization, political committee or political organization) with regard to the person's federal or nonfederal election-related activities. This includes decisions concerning the making of contributions, donations, expenditures or disbursements in connection with any federal state or local election or decisions concerning the administration of a political committee.

Prohibition on providing substantial assistance

Furthermore, it is a violation of federal law to knowingly provide substantial assistance in the making, acceptance or receipt of contributions or donations in connection with federal, state or local elections, to a political party committee or for the purchase or construction of an office building by a state or local party committee. Similarly, it is a violation to provide substantial assistance in the making of a disbursement to make electioneering communications, or an expenditure, independent expenditure or disbursement in connection with a federal, state or local election. This prohibition includes, but is not limited to, acting as a conduit or intermediary for foreign national contributions and donations.

Prohibition of knowing acceptance

For the purposes of this section, knowingly means that a person must:

Have actual knowledge that the source of the funds solicited, accepted or received is a foreign national;

Be aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national; or

Be aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry.

Pertinent facts that satisfy the "knowing" requirement include knowledge of:

Use of a foreign passport or passport number for identification purposes;

Use of a foreign address;

A check or other written instrument drawn on an account or wire transfer from a foreign bank; or

Contributor or donor living abroad.

Definition of foreign national

A foreign national is:

An individual who is: (1) not a citizen of the United States and (2) not lawfully admitted for permanent residence (as defined in 8 U.S.C. § 1101(a)(20)); or

A foreign principal, as defined in 22 U.S.C. § 611(b). Section 611(b) defines a foreign principal as a foreign government or political party; or a partnership, association, corporation, organization, or other combination of persons organized under the laws of a foreign country or whose principal place of business is in a foreign country.

"Green Card" exception

An individual who is not a citizen of the United States is eligible to make a contribution if he or she has a "green card" indicating that he or she is lawfully admitted for permanent residence in the United States.

Determining nationality of contributor

In Advisory Opinion (AO) 1998-14, the Commission stated that the use of any surname on a contribution check (or similar instrument) would not, by itself, give any reason to inquire as to the person's nationality.

Nonetheless, the Commission advised the committee to take the following minimally intrusive steps to ensure that the contributions it received did not come from foreign nationals:

Ensure that public political ads and solicitations directed to audiences outside the U.S. contain a summary of the foreign national prohibition of 52 U.S.C. § 30121.

Make further inquiry into the nationality of the contributor if the committee receives a contribution postmarked from any non U.S. territory.

Make further inquiry into the nationality of the contributor if the committee receives a contribution indicating that either the bank or the account owner has a foreign address.

In all of these instances, if the contribution is submitted along with credible evidence (for example, a copy of a valid U.S. passport) that the contributor is a U.S. citizen, a U.S. national or a permanent resident alien, no further inquiry need be made. However, if the committee has actual knowledge that the contributor is a foreign national, it may not rely on these documents as a defense. See also AO 2016-10 (setting forth the duty of an individual fundraiser to determine the nationality of contributors).

Domestic subsidiaries of foreign corporations

The Commission has said that a foreign corporation may not establish and administer a separate segregated fund. However, a United States domestic corporation that is a subsidiary of a foreign corporation may establish and administer a separate segregated fund which can make contributions to federal candidates as long as:

The domestic corporation is a discrete entity incorporated under the laws of any state within the United States, and its principal place of business is within the United States.

The foreign parent does not finance election-related contributions or expenditures either directly or through the subsidiary, including through subsidizing the subsidiary's business operations, unless the subsidiary can demonstrate by a reasonable accounting method that it has sufficient funds from its own domestic operations to make any contributions or expenditures.

All decisions concerning the administration of the domestic subsidiary's separate segregated fund are made by U.S. citizens or permanent residents.

Partnership or LLCs with foreign national partners/members

Similarly, because contributions from foreign nationals are prohibited, a partnership or LLC may not attribute any portion of a contribution to a partner or member who is a foreign national, nor may any partner who is a foreign national participate directly or indirectly in decisions regarding the making of contributions or donations in connection with any federal, state or local election in the United States.

- FEC Record: Outreach

Foreign nationals

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June 23, 2017

The FEC often receives questions about the rules governing foreign nationals' participation in U.S. elections. While this article responds to some of the most common questions, it does not cover all aspects of foreign national activity. Readers should consult the Federal Election Campaign Act (the Act) and Commission regulations, advisory opinions, and relevant case law for additional information. For questions involving proposed activity for which there may not be clear guidance, you may consider requesting your own advisory opinion (AO) from the Commission. Please note, however, that the Commission's jurisdiction is limited to provisions of the Act and does not include other laws that may also apply to foreign national activity.

The Act and Commission regulations include a broad prohibition on foreign national activity in connection with elections in the United States. 52 U.S.C. § 30121 and generally, 11 CFR 110.20. In general, foreign nationals are prohibited from the following activities:

- Making any contribution or donation of money or other thing of value, or making any expenditure, independent expenditure, or disbursement in connection with any federal, state or local election in the United States;
- Making any contribution or donation to any committee or organization of any national, state, district, or local political party (including donations to a party nonfederal account or office building account);
- Making any disbursement for an electioneering communication;
- Making any donation to a presidential inaugural committee.

Persons who knowingly and willfully engage in these activities may be subject to an FEC enforcement action, criminal prosecution, or both.

Definition

The following groups and individuals are considered "foreign nationals" and are subject to the prohibition:

- Foreign citizens (not including dual citizens of the United States);
- Immigrants who are not lawfully admitted for permanent residence;
- Foreign governments;
- Foreign political parties;
- Foreign corporations;
- Foreign associations;
- Foreign partnerships; and
- Any other foreign principal, as defined at 22 U.S.C. § 611(b), which includes a foreign organization or "other combination of persons organized under the laws of or having its principal place of business in a foreign country."

Individuals: The "green card" exception

The Act does not prohibit individuals with permanent resident status (commonly referred to as "green card holders") from making contributions or donations in connection with federal, state or local elections, as they are not considered foreign nationals.

Participation by foreign nationals in decisions involving election-related activities

Commission regulations prohibit foreign nationals from directing, dictating, controlling, or directly or indirectly participating in the decision-making process of any person (such as a corporation, labor organization, political committee, or political organization) with regard to any election-related activities. Such activities include, the making of contributions, donations, expenditures, or disbursements in connection with any federal or nonfederal elections in the United States, or decisions concerning the administration of any political committee. Foreign nationals are also prohibited from involvement in the management of a political committee, including any separate segregated fund (SSF), nonconnected committee, or the nonfederal accounts of any of these committees. See Explanation and Justification for 11 CFR 110.20 at 67 FR 69946 (November 19, 2002) [PDF].

The Commission has pursued a number of enforcement actions related to this prohibition. For example, in Matter Under Review (MUR) 3460, the Commission reached a conciliation agreement with a U.S. subsidiary of a foreign corporation and four of its foreign national directors. The directors, along with one director who was not a foreign national, passed a resolution authorizing a "contribution committee" to make political and charitable donations from a special account, and capitalizing the committee with \$50,000 in corporate funds. The one director who was not a foreign national was appointed as the sole member of the committee. The contribution committee subsequently made contributions to state and local candidates. The foreign nationals' involvement in the decision to establish and fund the "contribution committee" meant that its subsequent contributions violated the ban on foreign nationals participating directly or indirectly in the making of contributions and donations in connection with elections. The corporation and the foreign national directors paid a civil penalty.

Volunteer activity

Generally, an individual (including a foreign national) may volunteer personal services to a federal candidate or federal political committee without making a contribution. The Act provides this volunteer "exemption" as long as the individual performing the service is not compensated by anyone. The Commission has addressed applicability of this exemption to several situations involving volunteer activity by a foreign national, as explained below.

In AO 2014-20 (Make Your Laws PAC), the Commission concluded that a political action committee could accept assistance from a foreign national in developing intellectual property for the PAC, such as trademarks, graphics, and website design because the services accepted by the PAC would fall under the volunteer exemption. Similarly, in AO 2004-26 (Weller), the Commission held that a foreign national could attend, speak at campaign events for a federal candidate, and solicit contributions to the campaign. However, the Commission cautioned that the foreign national could not manage or participate in any of the campaign committee's decision-making processes. See also AOs 2007-72 (Hurysz) and 1987-25 (Otaola).

In MUR 5987, the Commission examined a situation in which a foreign national provided an uncompensated musical concert performance as a volunteer for a federal candidate's campaign as part of a fundraising event. The candidate's campaign had paid all of the costs of hosting the concert, including the rental of the venue and equipment and providing security. The performer had merely provided his uncompensated volunteer services to the campaign and had not participated in any of the campaign's decision-making. Based on these facts, the Commission found no reason to believe that the foreign national or the federal candidate's committee had violated the Act's foreign national prohibition.

Non-election activity by foreign nationals

Despite the general prohibition on foreign national contributions and donations, foreign nationals may lawfully engage in political activity that is not connected with any election to political office at the federal, state, or local levels. The Commission has issued advisory opinions that help to define the parameters of that activity.

In AO 1989-32 (McCarthy), the Commission concluded that a foreign national could not contribute to a ballot measure committee that had coordinated its efforts with a nonfederal candidate's re-election campaign. Also, in AO 1984-41 (National Conservative Foundation), the Commission allowed a foreign national to underwrite the broadcast of apolitical ads that attempted to expose the alleged political bias of the media. The Commission found that these ads were permissible because they were not "election influencing" in that they did not mention candidates, political offices, political parties, incumbent federal officeholders or any past or future election.

In a decision that was later affirmed by the Supreme Court, the U.S. District Court for the District of Columbia ruled that the foreign national ban "does not restrain foreign nationals from speaking out about issues or spending money to advocate their views about issues. It restrains them only from a certain form of expressive activity closely tied to the voting process—providing money for a candidate or political party or spending money in order to expressly advocate for or against the election of a candidate." *Bluman v. FEC*, 800 F. Supp. 2d 281, 290 (D.D.C. 2011), *aff'd* 132 S. Ct. 1087 (2012).

Providing assistance with foreign national election activity

Under Commission regulations, it is unlawful to knowingly provide "substantial assistance" to foreign nationals making contributions or donations in connection with any U.S. election. Further, no person may provide substantial assistance in the making of any expenditure, independent expenditure, or disbursement by a foreign national. "Substantial assistance" refers to active involvement in the solicitation, making, receipt or acceptance of a foreign national contribution or donation with the intent of facilitating the successful completion of the transaction. This prohibition includes, but is not limited to individuals who act as conduits or intermediaries. See Explanation and Justification for 11 CFR 110.20 at 67 FR 69945-46 (November 19, 2002).

Soliciting, accepting, or receiving contributions and donations from foreign nationals

The Act prohibits knowingly soliciting, accepting or receiving contributions or donations from foreign nationals. In this context, "knowingly" means that a person:

- Has actual knowledge that the funds solicited, accepted, or received are from a foreign national;
- Is aware of facts that would lead a reasonable person to believe that the funds solicited, accepted, or received are likely to be from a foreign national; or
- Is aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national.

Pertinent facts that should cause the recipient of a contribution or donation to question whether it was given by a foreign national include, but are not limited to the following: a donor or contributor uses a foreign passport, provides a foreign address, makes a contribution from a foreign bank, or resides abroad. Commission regulations provide for a safe harbor: obtaining a copy of a current and valid U.S. passport would satisfy the duty to inquire whether the funds solicited, accepted, or received are from a foreign national.

In AO 2016-10 (Parker), the Commission determined that a U.S. citizen living abroad could solicit contributions on behalf of federal candidates and committees from other U.S. citizens residing abroad. She was required to ascertain the citizenship of the individuals whom she might solicit if she were aware of facts that would lead a reasonable person to inquire or believe that those individuals were foreign nationals. However, the Commission advised the requestor, "Limiting your solicitations to friends and family who live in the U.S. and who have not, to your knowledge, lived abroad, would not obligate you to conduct further inquiry about citizenship status due to the residence of the individuals whom you solicit." If, however, she were to obtain a copy of a valid U.S. passport, she would be covered by the safe harbor provision noted above.

In MUR 4834, an individual admitted knowingly and willfully soliciting a contribution from a foreign national and causing a foreign contribution to be made falsely in the name of a U.S. citizen. The individual also admitted that at the time of the solicitation, he knew that the person he was soliciting was a foreign national and that contributions from foreign nationals were prohibited. The Commission entered into a conciliation agreement with the individual, and he agreed to pay a civil penalty.

In MUR 4638, the Commission found reason to believe that a law firm had violated the Act by knowingly solicited and provided "substantial assistance" to a foreign national making donations. Individuals at the firm participated in conversations with a known foreign national and his agents that resulted in his making donations to state and local candidates. As a result of the Commission's finding, the firm entered into a conciliation agreement with the Commission and agreed to pay a civil penalty.

Monitoring prohibited contributions

When a federal political committee (a committee active in federal elections) receives a contribution it believes may be from a foreign national, it must:

- Return the contribution to the donor without depositing it; or
- Deposit the contribution and take steps to determine its legality, as described below.

Either action must be taken within 10 days of the treasurer's receipt.

If the committee decides to deposit the contribution, the treasurer must make sure that the funds are not spent because they may have to be refunded. Additionally, he or she must maintain a written record explaining why the contribution may be prohibited. The legality of the contribution must be confirmed within 30 days of the treasurer's receipt, or the committee must issue a refund.

Evidence of legality may include a written statement from the contributor explaining why the contribution is legal (e.g., donor has a green card or provides a copy of his or her valid U.S. passport), or an oral explanation that is recorded in memorandum.

If the committee deposits a contribution that appears to be legal, but later discovers that the deposited contribution is from a foreign national, it must refund the contribution within 30 days of making the discovery. If a committee lacks sufficient funds to make a refund when a prohibited contribution is discovered, it must use the next funds it receives.

In MUR 4530 and several related MURs (MURs 4531, 4587, 4642, 4909, and 5295), the Commission found that several foreign nationals and corporations had made prohibited contributions to a federal candidate committee and to a national party committee. Several committees were assessed civil penalties for failing to issue refunds when they became aware that the funds were illegal.

Domestic subsidiaries and foreign-owned corporations

A U.S. subsidiary of a foreign corporation or a U.S. corporation that is owned by foreign nationals or by a foreign parent corporation may be subject to the prohibition, as discussed further below.

PAC contributions for federal activity

Based on a series of FEC advisory opinions, domestic subsidiaries of foreign corporations may establish federal political action committees (known as separate segregated funds or SSF's) for the purpose of make federal contributions and expenditures, so long as:

1. The foreign parent corporation does not finance the SSF's establishment, administration, or solicitation costs through the subsidiary; and
2. Individual foreign nationals:

- Do not participate in the operation of the PAC;
- Do not serve as officers of the PAC;
- Do not participate in the selection of persons who operate the PAC; and
- Do not make decisions regarding any PAC contributions or expenditures.

For example, in AO 2000-17 (Extendicare), the Commission determined that a U.S. subsidiary of a foreign corporation could establish an SSF even though the subsidiary's board of three directors included only one U.S. citizen because the committee established to oversee all of the SSF's operations comprised only U.S. citizens or permanent residents. See also AOs 2009-14 (Mercedes Benz USA/Sterling), 1999-28 (Racardi-Martini), 1995-15 (Allison Engine PAC), and 1990-08 (CIT).

Corporate donations and disbursements for nonfederal activity

A domestic subsidiary of a foreign corporation (or a domestic corporation owned by foreign nationals) may make donations and disbursements in connection with state or local elections (if permissible under state and local law) provided that:

- These activities are not financed in any part by the foreign parent or owner; and
- Individual foreign nationals are not involved in any way in the making of donations to nonfederal candidates and committees.

For example, in AO 2006-15 (TransCanada), the Commission concluded that two wholly-owned U.S. subsidiaries of a foreign corporation could make donations and disbursements in connection with state and local elections so long as the funds used were generated by the U.S.-based subsidiary's operations and not from the foreign parent and that all decisions regarding political donations would be made by U.S. citizens or permanent residents. Since the domestic subsidiaries maintained bank accounts in the U.S. that were separate from the foreign parent and did not receive subsidies from the foreign parent or from any other foreign national, the Commission concluded that the proposal was permitted under the Act.

Similarly, in AO 1992-16 (Nansay Hawaii, Inc.), the Commission considered a situation in which a foreign parent corporation provided "regular subsidies [to its domestic subsidiary] in the form of loans or [donations] to capital..." The Commission determined that the domestic subsidiary could make state and local donations, provided that all decisions as to political donations were made by U.S. citizens or permanent residents and also that the subsidiary be able to demonstrate through a reasonable accounting method that it had sufficient funds in its account (other than funds given or loaned by its foreign national parent) from which the donations were made. The Commission explicitly cautioned that, "[t]he amount that the foreign parent distributes to the subsidiary cannot replenish all or any portion of the subsidiary's political [donations] during the period since the preceding subsidy payment."

In contrast, in AO 1989-20 (Kuilima Development Company, Inc.), the Commission declined to approve a U.S. company's plan to donate to state and local candidates using a PAC funded primarily by donations from its foreign parent corporation. The Commission held that this arrangement was prohibited by the Act and Commission regulations. See also AOs 1989-29 (GEM of Hawaii, Inc.), 1985-03 (Dindon), and 1982-10 (SynTex).

In MUR 2897, the Commission entered into conciliation agreements with a number of respondents, including foreign individuals and businesses, who agreed to pay civil penalties for violations of the Act that involved prohibited contributions made to state and local candidates through U.S. corporations owned by foreign corporations or by foreign individuals. In this particular case, the Commission found reason to believe that the donations in question violated the foreign national prohibition because they were allegedly financed directly by the foreign parent/owner or because individual foreign nationals were allegedly involved in making decisions concerning the contributions. (See also MURs 2864 and 3004.)

Relevant citations

22 U.S.C. § 611(b)

Foreign principal definition

52 U.S.C. § 30121

Contributions and donations by foreign nationals

11 CFR 100.74

Uncompensated services by volunteers

11 CFR 103.3(b)

Deposit of receipts and disbursements

11 CFR 110.20

Prohibition on contributions, donations, expenditures, independent expenditures, and disbursements by foreign nationals (52 U.S.C. § 30121, 36 U.S.C. § 510)

67.3 Million in the United States Spoke a Foreign Language at Home in 2018 In nine states, one in four residents now speaks a language other than English at home

By Karen Zeigler and Steven A. Camarota on October 29, 2019

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Karen Zeigler is a demographer and Steven A. Camarota is the director of research at the Center.

Based on analysis of newly released Census Bureau data for 2018, the Center for Immigration Studies finds that 67.3 million residents in the United States now speak a language other than English at home, a number equal to the entire population of France. The number has nearly tripled since 1980, and more than doubled since 1990. The growth at the state level is even more pronounced. All language figures in Census Bureau data are for persons five years of age and older.

Among the findings:

- In 2018, a record 67.3 million U.S. residents (native-born, legal immigrants, and illegal immigrants) spoke a language other than English at home. The number has more than doubled since 1990 and almost tripled since 1980.
- Since 1980, the number who speak a foreign language at home grew nearly seven times faster than the number who speak only English at home. Even since 2010, when the number speaking a foreign language at home was already very large, the number of foreign-language speakers increased more than twice as fast as that of English speakers.¹
- As a share of the population, 21.9 percent of U.S. residents speak a foreign language at home — more than double the 11 percent in 1980.
- In nine states, more than one in four residents now speaks a language other than English at home. These nine states account for two-thirds of all foreign-language speakers. In contrast, in 1980 foreign-language speakers were one in four residents in just two states (New Mexico and Hawaii); and these two states accounted for just 3 percent of all foreign language speakers.
- The states with the largest share of their populations speaking a foreign language at home in 2018 were California (45 percent), Texas (36 percent), New Mexico (34 percent), New Jersey (32 percent), New York and Nevada (each 31 percent), Florida (30 percent), Arizona and Hawaii (each 28 percent), and Massachusetts (24 percent).
- States with the largest percentage increase in those speaking a foreign language at home from 1980 to 2018 are Nevada (up 1,088 percent), Georgia (up 952 percent), North Carolina (up 802 percent), Virginia (up 488 percent), Tennessee (up 459 percent), Arkansas (up 445 percent), Washington (up 432 percent), South Carolina (up 398 percent), Florida (up 393 percent), Utah (up 383 percent), and Oregon (up 380 percent).
- States with the largest percentage increase in the number of those speaking a foreign language at home since 2010 are North Dakota (up 63 percent), Utah (up 29 percent), Iowa (up 24 percent), Florida, Minnesota, Oklahoma, Washington, Maryland and Nevada (each up 23 percent), Oregon and Tennessee (each up 22 percent), North Carolina and Kentucky (each up 21 percent), and South Carolina (up 20 percent).
- In America's five largest cities, just under half (48 percent) of residents now speak a language other than English at home. In New York City it is 49 percent; in Los Angeles it is 59 percent; in Chicago it is 36 percent; in Houston it is 50 percent; and in Phoenix it is 38 percent.²
- In 2018, there were 90 cities and Census Designated Places (CDP) with populations of at least 63,000 in which a majority of residents spoke a foreign language at home. These include Hialeah, Fla., and Laredo, Texas (each 89 percent); East Los Angeles (88 percent); and Passaic, N.J. (78 percent).³
- In 2018, there were 229 cities and CDPs in which more than one in three residents spoke a language other than English at home. Some of these places may be surprising: Providence, R.I. (50 percent); Allentown, Pa. (48 percent); Germantown, Md. (46 percent); Centerville, Va. (44 percent); New Rochelle, N.Y. (42 percent); West Valley City, Utah (39 percent); Springdale, Ark. (35 percent); and Troy, Mich. (34 percent).
- The largest numerical increases in those who speak a language other than English at home between 2010 and 2018 were among speakers of Spanish (up 4.5 million), Chinese (up 663,000), Arabic (up 394,000), Hindi (up 265,000), Tagalog (up 187,000), Telugu (up 177,000), Vietnamese (up 161,000), Bengali (up 152,000), Portuguese (up 128,000), and Tamil (up 124,000). Telugu and Tamil are spoken in India, Tagalog is the national language of the Philippines, and Bengali is spoken in India and is also the national language of Bangladesh.
- Languages with more than a million people who speak it at home in 2018 were Spanish (41.5 million), Chinese (3.5 million), Tagalog (1.8 million), Vietnamese (1.5 million), Arabic (1.3 million), French (1.2 million), and Korean (1.1 million).
- There are now more people who speak Spanish at home in the United States than in any country in Latin America with the exception of Mexico, Colombia, and Argentina.
- Of those who speak a foreign language at home, 25.6 million (38 percent) told the Census Bureau that they speak English less than very well. This figure is entirely based on the opinion of the respondent; the Census Bureau does not measure language skills.⁴
- Of those who speak a foreign language at home, 45 percent were born in the United States.

Data Source. In September 2019, the Census Bureau released some of the data from the 2018 American Community Survey (ACS). The survey reflects the U.S. population as of July 1, 2018. The ACS is by far the largest survey taken by the federal government each year and includes over two million households.⁵ The Census Bureau has posted some of the results from the ACS to the Bureau's website.⁶ It has not released the public-use version of the ACS for researchers to download and analyze. Unless otherwise indicated, the information in this analysis comes directly from the Bureau's website.

There are three language questions in the ACS for 2010 and 2018. The first asks whether each person in the survey speaks a language other than English at home. Second, for those who answer "yes", the survey then asks what language the person speaks. Third, the survey also asks how well the person speaks English. Only those who speak a language at home other than English are asked about their English skills. The 1980, 1990, and 2000 decennial censuses (long form) asked almost the exact same questions.

In this report we provide some statistics for the immigrant population, referred to as the "foreign-born" by the Census Bureau. The foreign-born population is comprised of those individuals who were not U.S. citizens at birth. It includes naturalized citizens, legal permanent residents (green card holders), temporary workers, foreign students, and illegal immigrants. It does not include those born to immigrants in the United States, including to illegal immigrant parents, nor does it include those born in outlying U.S. territories such as Puerto Rico. Prior research by the Department of Homeland Security and others indicates that some 90 percent of illegal immigrants respond to the ACS.⁷

End Notes

1 In 1980 there were 23.06 million who spoke a foreign language at home and 187.19 million who spoke only English at home. In 2018, there were 67.27 million people who spoke a foreign language at home and 240.25 million who spoke only English at home. This means that the number of foreign-language speakers increased 192 percent between 1980 and 2018, compared to a 28 percent increase for those who speak only English. It also means the number of foreign-language speakers increased 13 percent between 2010 and 2018 and the number who speak only English increased 5 percent. All figures are for persons five years of age and older.

2 Figures for 552 cities and CDP are shown in Table 5, available here. The 48 percent is based on the entire population of these five cities. If the share for each city is averaged together without regard to each city's size, then 46 percent speak a language other than English at home.

3 The Census Bureau at census.data.gov reports population figures for 629 cities and CDPs. Of these, language data is available for the 552 shown in Table 5. The total population (not just those 5 and older) in the smallest of these cities was slightly over 63,000.

4 There is some other data that does measure the English language ability of U.S. residents, including those who speak a foreign language at home. The Program for the International Assessment of Adult Competencies (PIAAC) measured English literacy among a representative sample of Americans between 2012 and 2014. Publicly available data from the PIAAC shows that among people who speak a foreign language most often at home, 49 percent scored "below basic" on an objective test of English literacy — including immigrants and the native-born. "Below basic" has been likened to functional illiteracy. It seems likely that the self-assessment reported in the ACS overstates English language ability while the PIAAC does a better job of capturing language ability. However, the PIAAC data must be interpreted with caution due to differences in question wording. The PIAAC asks which language is spoken most often at home, whereas the Census simply asks if a non-English language is spoken at home. Furthermore, about a third of PIAAC participants did not answer the question about language use at home, for reasons that are unclear. See Jason Richwine, "Immigrant Literacy: Self-Assessment vs. Reality", Center for Immigration Studies, June 21, 2017.

5 Detailed information on the survey methodology, questions, and other information on the American Community can be found here.

6 ACS data on the Census Bureau's website can be found at data.census.gov.

7 See Table 2 on page 5 in Bryan Baker, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2014", Department of Homeland Security, Office of Immigration Statistics, July 2017.

Immigration Status Revised JULY 13, 2015 any states recognize that expanding immigrants' access to driver's licenses is a matter of public safety, since it is in the public interest for drivers to be trained, tested, licensed, and insured. As a result, eight states, plus the District of Columbia and Puerto Rico, passed laws in 2013 authorizing issuance of licenses that do not require proof of lawful immigration status.¹ The licenses available under the new laws, passed to comply with the federal REAL ID Act of 2005, are marked as not valid for federal official purposes or are otherwise distinguishable from regular licenses. These laws provide an avenue for eligible undocumented drivers to obtain a license,² but the marked licenses are not proof that a driver is undocumented. Here's why: Citizens or lawfully present immigrants may be eligible for the marked licenses. States have chosen a variety of approaches in deciding who is eligible for a marked license. Some states (e.g., Vermont) explicitly allow U.S. citizens to obtain such licenses, and some (e.g., Colorado) require many lawfully present immigrants—such as people who are in the U.S. on business or professional visas, or who have been granted withholding of removal, or who were paroled into the U.S. for humanitarian reasons—to obtain them. Some people who were issued a marked license when they were ineligible for a regular license might have since acquired an eligible immigration status or proof of U.S. citizenship. The immigration status process is fluid. A person may have been issued a marked license when she was undocumented, or when her immigration status entitled her only to a marked license, or when she could not yet prove that, though born abroad, she had derived U.S. citizenship from, for example, being the child of a U.S. citizen. But when her immigration status changes and she is able to prove that she is eligible for a regular license, or she obtains proof of U.S. citizenship, she may still have a marked license. The U.S. Dept. of Homeland Security (DHS) has made clear that no conclusions about a person's citizenship or immigration status can be drawn based on the type of license the person has. Having a non-REAL ID-compliant or a marked license does not indicate that the license-holder is not lawfully present. As DHS explains, there are a variety of reasons why a person may not have or obtain a REAL ID-compliant license: A "Not for Federal Identification" or a similar mark means that the issuing state offers its residents the option to obtain a driver's license or identity card which is not compliant with 1. New Mexico, Utah, and Washington were already issuing driver's licenses or driving privilege cards to immigrants regardless of their immigration status. Oregon's law, enacted in 2013, was repealed by referendum in 2014. 2 The laws are permissible under the REAL ID Act, which sets standards, including proof of lawful presence, for driver's licenses to be accepted for official federal purposes. For more information about REAL ID, see www.nilc.org/document.html?id=1040. MNATIONALIMMIGRATIONLAWCENTER|WWW.NILC.ORG A "Marked" License Is Not Proof of Immigration Status PAGE 2 of 2 REAL ID and that the license holder has chosen to exercise that option. A variety of reasons may underlie that choice, including personal preference, religious conviction, or the inability or decision not to provide original documents needed to verify identity, citizenship, or lawful status in the United States. No inferences or assumptions should be drawn about the particular reason an individual possesses a card with this mark, including inferences or assumptions about the person's citizenship or immigration status.³ Presentation of a "marked" license is acceptable as an identification document for employment purposes, as long as it is accompanied by current proof that the person is work-authorized. U.S. Citizenship and Immigration Services (USCIS) recognizes that a marked license is acceptable to prove a new hire's identity when completing the I-9 employment eligibility verification process (the process for verifying whether a newly hired employee is authorized to work in the U.S.). . . . The notation "FEDERAL LIMITS APPLY." "NOT ACCEPTABLE FOR OFFICIAL FEDERAL PURPOSES" or a similar notation on the front or back of a state-issued driver's license indicates it does not meet the standards for the issuance and production of a compliant card under the REAL ID Act. . . . A driver's license with this type of notation is, however, an acceptable List B document if it contains a photograph or identifying information such as name, date of birth, sex, height, color of eyes, and address. An employer must examine the document presented by its employee and determine whether it meets Form I-9 requirements. . . . 4 Of course, the employer must also require that the new employee present proof that he or she is work-authorized, but the employer may not assume that the worker is undocumented simply because he or she has a marked license, and may not refuse to accept a marked license as proof of identity. 5 The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) has warned employers that concluding that a person with a marked license is undocumented may constitute discrimination: To the extent a driver's license or state identification card presented for I-9 purposes satisfies the criteria to be considered a List B document, and is paired with an unexpired List C document, an employer is cautioned against concluding that an individual is not legally authorized to work in the United States based on a perception that a List B document is "statistically issued to predominantly undocumented individuals." An employment-authorized individual whose List B document was rejected because an employer made this assumption may allege discrimination on the basis of national origin or citizenship status in violation of the antidiscrimination provision by filing a discrimination charge with OSC.6 THEREFORE, GOVERNMENT AND PRIVATE AGENCIES, entities, or individuals should not make any assumptions about the citizenship or immigration status of people whose driver's licenses are "marked," and should not discriminate against them on that basis. 3 REAL ID Frequently Asked Questions for the Public (DHS, Jan. 11, 2015), www.dhs.gov/real-id-public-faq, emphasis added. 4 Frequently Asked Questions: I-9 Central: List B Documents—Identity (USCIS, Nov. 6, 2014), www.uscis.gov/faq-page/9-central-list-b-documents-identity#117079n48243. 5 Id. 6 Letter to Nataliya Birshteyn, Esq., from Office of Special Counsel for Immigration-Related Unfair Employment Practices, U.S. Dept. of Justice, Feb. 7, 2014, [REDACTED]

NAFTA's Legacy: Lost Jobs, Lower Wages, Increased Inequality The North American Free Trade Agreement (NAFTA) was sold to the U.S. public in 1993 with grand promises. The deal would create 200,000 new U.S. jobs per year in its first five years alone, according to President Clinton.¹ That projection was based on a study by the Peterson Institute for International Economics (PIIE) that modeled how NAFTA's elimination of Mexican and Canadian tariffs would result in growth of U.S. exports that would outpace growth in imports from the other NAFTA countries.² By expanding our pre-NAFTA trade surplus with Mexico and improving the U.S. trade balance with Canada (with which the United States had a small pre-NAFTA deficit), NAFTA would create numerous U.S. jobs. But instead of an improved trade balance with Canada and Mexico, NAFTA resulted in an explosion of imports that led to a huge new U.S. NAFTA trade deficit. More than 980,000 specific U.S. jobs have been certified by the U.S. Labor Department as lost to NAFTA outsourcing and import floods under just one narrow program.³ This is a significant undercount of the job loss, given that the program, Trade Adjustment Assistance (TAA), excluded many categories of workers during NAFTA's first decade of damage, and reporting is voluntary, so only those who know about the program and do the work to apply are even considered. The mass outsourcing of American jobs was the outcome about which NAFTA opponents had warned. At the heart of NAFTA are special protections that make it cheaper and safer for corporations to outsource U.S. jobs to low-wage Mexico. These investor protections provide special benefits to firms that relocate and eliminate many of the usual risks that make corporations think twice about moving production to another country. With Mexican manufacturing workers paid a fraction of what U.S. workers are paid, some U.S. companies had begun to relocate production to Mexico before NAFTA. Many of these jobs were in industries, such as apparel, that did not require major investments to open a factory. But NAFTA's investor protections made it safe for U.S. firms to relocate high-end manufacturing jobs. And because Mexico did not have independent unions, the U.S. corporations could rely on wages staying low. U.S. auto, electronics, appliance, heavy equipment and other manufacturers built high-tech, multi-million dollar plants in Mexico. Mexican workers making less per day than their U.S. counterparts had made per hour toiled to make products that were then sent back to the United States for sale. Mexican workers were not paid enough to buy the cars, televisions and other goods they produced. And many of the U.S. workers who used to make these goods – many in union factories – could only find new jobs that paid much less. Companies' profits exploded, while U.S. workers lost jobs and faced declining wages, fueling increasing income inequality. Source: U.S. International Trade Commission DataWeb Huge New NAFTA Trade Deficit Emerges The U.S. goods trade deficit with Canada of \$31 billion and the \$2.7 billion surplus with Mexico in 1993 (the year before NAFTA took effect) turned into a combined NAFTA goods trade deficit of \$218 billion by 2018, as indicated in the graph above.⁴ This represents a 584 percent increase in the U.S. goods trade deficit with NAFTA countries. These numbers are inflation-adjusted, meaning the difference is not due to inflation, but an increased deficit in real terms. The U.S. goods trade deficit with Mexico and Canada has worsened considerably more than the U.S. goods trade deficit with countries with which we have not signed NAFTA-style deals. Since NAFTA, the annual growth of the U.S. goods trade deficit has been 51 percent higher with Mexico and Canada than with countries that are not party to NAFTA.⁵ The U.S. NAFTA goods trade deficit has continued to increase during the Trump presidency: The deficit for the first eight months of 2019 was up by 10.5 percent over the same period in 2018.⁶ The growth in the U.S. service sector surplus with NAFTA countries has not offset the much larger growth in the goods trade deficit. Service exports were supposed to do particularly well under NAFTA, but the U.S. growth in services trade surplus with Mexico and Canada has slowed: the surplus quadrupled in the five years before NAFTA, but only doubled in the 25 years since.⁷ If you include the relatively small U.S. service sector trade surpluses with Mexico and Canada, the combined U.S. goods and services trade deficit with Mexico and Canada rose (in inflation-adjusted terms) from \$10.5 billion before NAFTA in 1993 to \$182 billion in 2018.⁸ Source: Bureau of Economic Analysis Defenders of NAFTA argue that the NAFTA deficit is really only due to fossil fuel (oil, coal, and gas) imports. For instance, in 2016 the USTR website noted: "The largest factor affecting the trade balance with NAFTA countries is the importation of fossil fuels and their byproducts. If those products are excluded, there is no deficit. In fact, the United States has a large and growing trade surplus in goods." That is simply false: even if one removes all fossil fuel categories, the 2018 NAFTA goods trade deficit was still \$178 billion.⁹ Contrary to the myth that energy imports represent a large share of the NAFTA deficit, which they once did, today the U.S. exports more energy to Mexico than it imports. The U.S. trade deficit with NAFTA countries is largely in manufactured goods. As a result, minus fossil fuels our NAFTA goods and services deficit in 2018 was still \$142 billion.¹⁰ U.S. manufacturing and services exports grew more slowly after NAFTA took effect. Since then, annual growth in U.S. manufacturing exports to Canada and Mexico has fallen 72.7 percent below the annual rate in the years before NAFTA.¹¹ Annual growth of U.S. services exports to Mexico and Canada since NAFTA has fallen to less than half the pre-NAFTA rate.¹² Massive U.S. Jobs Losses Due to NAFTA The Economic Policy Institute (EPI) estimates that the rising U.S. trade deficit with Mexico and Canada under NAFTA had already eliminated about one million net jobs in the United States by 2004.¹³ EPI estimates that about one third of the jobs lost due to the rising trade deficit under NAFTA's first decade were in non-manufacturing sectors of the economy, including service sector jobs, which suffered as closed factories no longer demanded services.¹⁴ EPI further calculated that the ballooning trade deficit with Mexico alone destroyed about 850,000 net U.S. jobs between NAFTA's implementation and 2013.¹⁵ This toll has likely grown since 2013, as the non-fossil fuel U.S. trade deficit with Mexico has risen.¹⁶ Moreover, data from the U.S. Bureau of Labor Statistics reveal that nearly 4.3 million U.S. manufacturing jobs have been lost overall since NAFTA took effect.¹⁷ Obviously, not all of these lost U.S. manufacturing jobs – one out of every four of our manufacturing jobs – are due to NAFTA. The United States entered the World Trade Organization (WTO) in 1995, China joined the WTO in 2000, and the U.S. trade deficit with China soared thereafter, contributing to the manufacturing job loss.¹⁸ To see a state-by-state breakdown of manufacturing job losses since enactment of NAFTA and the WTO, visit Public Citizen's job loss map at www.citizen.org/job-loss-map. While EPI's estimates of the job losses resulting from NAFTA summarize the overall effect of the growing NAFTA trade deficit, the government itself tracks some of the layoffs known to have specifically occurred due to imports or outsourcing through TAA. As mentioned above, the TAA program is quite narrow, so NAFTA TAA numbers significantly undercount NAFTA job loss. Still, more than 980,000 workers have been certified as having lost their jobs due to imports from Canada and Mexico or the relocation of factories to those countries.¹⁹ To see the full set of TAA-certified job losses – searchable by company, product, congressional district and city – visit Public Citizen's TAA database at www.citizen.org/taadatabase. Wages Decline Due to NAFTA Trade affects the composition of jobs available in an economy. The aggregate number of jobs available can be better explained by fiscal and monetary policy, the impacts of recessions and other macroeconomic realities. The United States lost millions of manufacturing jobs during the NAFTA era, but overall unemployment has been largely stable (excluding the fallout of the Great Recession) as new low-paying service sector jobs have been created. Proponents of NAFTA raise the quantity of jobs to claim that NAFTA has not hurt U.S. workers. But what they do not mention is that the quality of jobs available, and the wages most U.S. workers can earn, have been degraded. According to the U.S. Bureau of Labor Statistics, two out of every five displaced manufacturing workers who were rehired in 2017 experienced a wage reduction. One out of every four displaced manufacturing workers took a pay cut of greater than 20 percent.²⁰ For the average worker earning the median manufacturing wage of \$39,500 per year, this meant an annual loss of at least \$7,900.²¹ When manufacturing workers lose jobs to trade and seek new jobs available to those without a college degree, they add to the supply of U.S. workers available for non-offshorable, non-professional jobs, for instance in hospitality, retail and health care. For example, between 1993 and 2018, the manufacturing sector lost about 4.3 million jobs. At the same time, the leisure and hospitality sector gained 6.2 million jobs, which has an average wage of \$16 an hour, almost half that of the average wage in the manufacturing sector.²² U.S. Economic Inequality Reaches New Extremes There is abroad academic consensus that trade flows have contributed to rising U.S. income inequality. The only debate is the extent of trade's role in creating a situation in which the richest 10 percent of Americans are now taking more than half of the economic pie, while the top 1 percent is taking more than one-fifth. Since NAFTA's implementation, the share of national income collected by the richest 10 percent has risen by 24 percent, while the top 1 percent's share has shot up by 55 percent.²³ NAFTA has placed downward pressure on wages for the middle and lower economic classes by forcing decently-paid U.S. manufacturing workers to compete with imports made by poorly-paid workers abroad. The resulting displacement of those decently-paid U.S. workers has further depressed middle-class wages by adding to the surplus of workers seeking lower-paying service sector jobs. NAFTA also contributes to rising inequality by enabling employers to threaten to move their companies overseas during wage bargaining with workers. For instance, a Cornell University study commissioned by the NAFTA Labor Commission found that, after the passage of NAFTA, as many as 62 percent of U.S. union drives faced employer threats to close, many to re-locate abroad, and the factory shutdown rate following successful union certifications tripled.²⁴ NAFTA-style deals also deepen middle class wages by waiving the government procurement rules in place since the New Deal that required the government to reinvest tax dollars into purchasing American-made goods. NAFTA and pacts like it also forbid federal and state governments from requiring that only U.S. workers perform the jobs created by the outsourcing of government work. Under NAFTA, Mexican and

Canadian firms – and goods from those countries – must be treated as if they were American. Waiving Buy American procurement policies means our tax dollars are outsourced rather than reinvested to create jobs here. And, NAFTA's limits on permissible procurement policy also subject prevailing wage laws (designed to ensure good wages for construction work) and other conditions for receiving government contracts to challenge in NAFTA tribunals as violations of the agreement.²⁵ Even proponents of NAFTA admit that trade pressures have likely contributed to today's historic degree of inequality. The pro-NAFTA Peterson Institute has estimated that 39 percent of observed growth in U.S. wage inequality is attributable to trade trends.²⁶ Wage Losses Outweigh Cheaper Consumer Prices Under NAFTA-style Trade Many proponents of NAFTA-style trade pacts acknowledge that they will cause the loss of some U.S. jobs, but argue that U.S. workers still win overall by being able to purchase cheaper goods imported from abroad. First, this promise has failed to materialize for many critical consumer items, such as food. Despite a 290 percent rise in food imports from Canada and Mexico under NAFTA²⁷ the average nominal price of food in the United States has jumped 75 percent since the deal went into effect.²⁸ Second, even those reductions in prices that have materialized have not been sufficient to offset the losses in wages under NAFTA. The Center for Economic and Policy Research discovered that when comparing the lower prices of cheaper goods to the income lost from low-wage competition under current trade policy, the trade-related wage losses outweigh the gains in cheaper goods for the vast majority of U.S. workers. U.S. workers without college degrees (66 percent of the workforce) have likely lost an amount equal to 12.2 percent of their wages under NAFTA-style trade even after accounting for the benefits of cheaper goods.²⁹ That translates to a net loss of more than \$4,000 per year for a worker earning the median annual wage of \$32,838.30 ENDNOTES 1Robert L. Jackson, "Clinton Sees NAFTA Gains, Urges Foes to Dismiss Fears," Los Angeles Times, Nov. 14, 1993. Available at: [REDACTED] 2Gary Clyde Hufbauer and Jeffrey J. Schott, NAFTA: An Assessment, (Washington, D.C.: Institute for International Economics, 1993), at 14. 3 Public Citizen, Trade Adjustment Assistance Database, 2018, accessed Oct. 10, 2018. Available at: [REDACTED] 4 For this paragraph and the accompanying graph: U.S. International Trade Commission, "Interactive Tariff and Trade Dataweb," accessed Oct. 9, 2019. Available at: [REDACTED] Exports are domestic exports and imports are imports for consumption. Figures are adjusted to 2017 dollars using the CPI-U-RS from the Congressional Budget Office. 5U.S. International Trade Commission, "Interactive Tariff and Trade Dataweb," accessed Oct. 10, 2019. Available at: [REDACTED] Data is a comparison of the compound annual growth rates of the combined balance of the respective countries from 1993 through 2018. For NAFTA trade data, exports are domestic exports and imports are imports for consumption, adjusted for inflation. For all other countries, exports are total exports and imports are general imports, adjusted for inflation. 6 Public Citizen, "A Year After Deal Announced, NAFTA Deficit Up 10% as Trump Sidelines Reform with Refusal to Cut USMCA Pharma Terms that Lock in High Drug Prices," Press Release, Oct. 4, 2019. Available at: [REDACTED] 7 U.S. Bureau of Economic Analysis, "International Transactions, International Services, and International Investment Position Tables," accessed Feb. 8, 2018. Available at: [REDACTED] 8 Goods data derives from U.S. International Trade Commission, "Interactive Tariff and Trade Dataweb," accessed Feb. 8, 2018. Available at: [REDACTED] Services data derives from U.S. Bureau of Economic Analysis, "International Transactions, International Services, and International Investment Position Tables," accessed Oct. 10, 2019. 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Exports are domestic exports and imports are imports for consumption. Fossil fuels is defined as HS 27. 18 U.S. Bureau of Labor Statistics, Current Employment Statistics survey, series ID CES3000000001, manufacturing industry, U.S. Department of Labor, extracted Oct. 10, 2019. Available at: [REDACTED] 19 See Robert Scott and Zane Mokhiber, "The China Toll Deepens: Growth in U.S.-China Trade Deficit Between 2001 and 2017 Cost 3.4 Million Jobs, With Losses in Every State and Congressional District," Economic Policy Institute, Oct. 23, 2018. Available at: [REDACTED] 20 Public Citizen, Trade Adjustment Assistance Database, accessed Oct. 10, 2019. Available at: [REDACTED] 21 U.S. Bureau of Labor Statistics, "Displaced Workers Summary," U.S. Department of Labor, Aug. 25, 2016. 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Available at: [REDACTED] 27 William Cline, Trade and Income Distribution, (Washington, D.C.: Peterson Institute for International Economics, 1997). For analysis of this and other studies on trade and income inequality, see: [REDACTED] 28 U.S. International Trade Commission, "Interactive Tariff and Trade Dataweb," accessed Oct. 10, 2019. Available at: [REDACTED] "Food" includes the following HTS 2-digit codes: meat/poultry, fish/seafood, dairy, vegetables, fruits/nuts, coffee/tea/spices, milling products, meat/fish preparations, animal/vegetable fats, sugars/confectionary, cocoa products, cereal/flour preparations, vegetable/fruit/nut preparations, miscellaneous edible preparations and beverages. 29 Bureau of Labor Statistics, "Consumer Price Index Database," CPI for food at home for all urban consumers, Series ID CUUS00005SAF11, U.S. Department of Labor, extracted Oct. 10, 2019. Available at: [REDACTED] 30 Dean Baker and Mark Weisbrot, "Will New Trade Gains Make Us Rich?" Center for Economic and Policy Research (CEPR) Paper, Oct. 2001. Available at: [REDACTED] The share of workforce without a college degree comes from U.S. Census Bureau, "Educational Attainment in the United States: Table 2. Educational Attainment of the Population 25 Years and Over, by Selected Characteristics: 2017," accessed Feb. 12, 2018. Available at: [REDACTED] 31 Median wage information comes from Social Security Administration, "Wage Statistics for 2018," accessed Oct. 10, 2019. Available at: [REDACTED] For more information, please visit Public Citizen's Global Trade Watch at www.TradeWatch.org [REDACTED]