

The Basic Steps To Do An Initiative In Nebraska Statutes And Amendments – Direct Initiative Process

Basic Procedures: Once a sponsor has decided to begin an initiative petition effort, the first step is to deliver, to the Secretary of State's office, a copy of the language that they want to see in the statutes or in the constitution and the object clause for the petition. The object clause is a brief statement of what the proposal will accomplish. The sponsor also needs to provide a list of the sponsors of the petition at that time.

From there, the Secretary of State sends the language to the Revisor of Statutes who reviews the submitted language. The Revisor has 10 days to review the language and suggest changes to make the language fit into the constitution or statutes clearly and uniformly. When the suggested changes are returned to the Secretary of State, the sponsors are informed and may accept or reject any suggestions made by the Revisor. The suggested changes are confidential for five days after returned from the Revisor. The sponsor then provides the final language to the Secretary of State and he or she places the language and object clause onto a petition form. The Secretary of State provides 5 camera-ready copies of the form to the sponsor within 5 days. The form must contain a statement in red and 16 pt. type that the petition is circulated by either a paid or volunteer circulator as the case may be.

Once the final form is given to the sponsors the language of the measure may not be changed or amended. However, if a change in the language becomes necessary, sponsors may stop collecting signatures on the petition and begin the process again with revised language.

The procedures for the filing of a referendum petition are very similar to an initiative. Instead of submitting the proposed initiative language, the sponsors submit a copy of the recently passed law along with a statement of the object of the petition. The proposed referendum follows the same path through the Revisor and Secretary of State as an initiative.

Once the sponsors have received the camera-ready copies of the form, they may print or copy the form and begin collecting signatures from registered voters in the state.

Date initiative language can be submitted to the state for the 2002 ballot:
Any time.

Signatures are tied to vote of which office: Number of registered voters.

Current signatures total requirements: For statutes 7% of registered voters at the time signatures are submitted and for amendments 10% of the registered voters and for a popular referendum 5%. For a referendum that suspends a law from taking effect, 10% of the registered voters must sign the petition. The exact number needed is hard to calculate, as it depends on the number of registered voters there are in the future – at the time the

signatures are submitted. However, as an estimate 76,000 signatures will be needed for a statute and 108,500 for amendment. (These estimates are based on the number of registered voters in November of 2000.)

Distribution Requirement: 5% must be gathered in 38 of 93 counties.

Circulation period: 1 year

Do circulators have to be residents: No

Date when signatures are due for certification: Initiative petition signatures must be submitted to the Secretary of State no later than four months prior to the general election. July 5, 2002 for the 2002 election.

Signature verification process: Petitions are turned into the Secretary of State, who then gives the petitions to the respective counties to verify the signatures. Each signature is compared with the voter registration records.

Single-subject requirement: Nebraska has a strict single-subject requirement.

Legislative tampering: Legislature can repeal and amend initiatives.

General Comments: The legislature can repeal and amend initiative statutes by a simple majority. There is also a statutory restriction on the use of the initiative for issues that interfere with the Legislature's prerogative to raise the necessary revenue for the state and its political subdivisions. In addition, the same measure may not be placed on the ballot more often than once in three years.

When the petition is submitted for verification, the Secretary of State will deliver a copy of the measure to the Attorney General. The Attorney General will write a ballot question or title that summarizes (in 100 words or less) the purpose of the measure. In addition, the Attorney General will provide material that explains the effect of a vote for or against the measure. These items will appear on the ballot.

If anyone believes that the ballot language is not sufficient or fair, they may file in District Court asking for the language to be changed. This must be filed within 10 days after the language is delivered to the Secretary of State.

The final language (either from the Attorney General or the District Court) is sent by the Secretary of State to each local official for placement on the ballot. The language on the ballot will indicate that the voter is to vote either "For" or "Against" an initiative measure and "Repeal" or "Retain" on a referendum.

Prior to the election, there are three informational mechanisms used by the Secretary of State.

The first is the publication of a pamphlet that contains the ballot title and arguments for and against the measure. The pamphlet is available from local election officials and is available at least six weeks prior to the election. Proponents and opponents of the measure may submit suggestions on material to be included in the pamphlet. It should be noted however that the pamphlet is written and produced by the Secretary of State and any submitted material may or may not be used at his or her discretion.

Second, the Secretary of State conducts public hearings on the measures with a public hearing in each congressional district. These hearings occur no more than 8 weeks prior to the general election. Proponents and opponents are encouraged to attend to provide their views on the measure.

The final information source is the publication of the entire text in all legal newspapers in the state once each week for the three weeks prior to the election.