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Gale issues statement on gambling initiatives

LINCOLN – Nebraska Secretary of State John Gale issued the following statement regarding initiative petitions dealing with gambling:

Today my office is releasing the camera-ready petition form to be used for collection of signatures in a statutory initiative regarding video keno.

Because of this initiative and two others dealing with gambling, the question has been raised whether I need to address two matters before sponsors start gathering signatures of registered voters.

The first issue deals with the provision of the Nebraska Constitution that says, “The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years.” Voters rejected initiatives dealing with expanded gambling in November 2004.

The second issue deals with the requirement of the Nebraska Constitution that an initiative petition be limited to a single subject.

After consultation with the Attorney General’s Office, which acts as legal counsel for the secretary of state, it has been determined that these issues are governed by a 1996 attorney general’s opinion issued to then-Secretary of State Scott Moore. I believe the opinion remains current and relevant today.

The opinion states the secretary of state “may have authority to refuse to place an initiative measure on the ballot if it is patently unconstitutional or clearly invalid on its face.” The opinion also states that the time to make such a determination would be when the petitions are presented to the Secretary of State’s Office for signature verification.

I plan to follow this opinion in dealing with initiatives. If petitioners submit sufficient signatures by the July 7 deadline, then I, acting with the advice of the Attorney General's Office, can rule on the outstanding issues of ballot eligibility.

I can fully understand the frustration of citizens who voted against expanded gambling in 2004 to find the question arising once more, and would like a decision now. Even some of the sponsors see the possibility of wasted effort by waiting.

However, the process and the law are complex. As a constitutional officer and chief election officer, I am bound by oath to faithfully discharge my duties under the law and Constitution.

I promise to apply the constitutional limitations strictly but fairly in any review, and will rely closely on the learned advice of the Attorney General's Office.

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