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Gale says signatures on casino petition will be verified

LINCOLN – Nebraska Secretary of State John Gale said today that signatures on a petition initiative to allow three casinos in Nebraska will be verified in the wake of a court ruling.

Lancaster County District Judge Karen Flowers overruled Gale's decision that the constitutional initiative to allow casino gambling was ineligible for the Nov. 7 ballot. However, Flowers upheld Gale's decision that a companion statutory initiative directing how gambling tax receipts would be distributed was ineligible for the ballot.

Gale on July 12 decided that the measures had the same essential substance as gambling initiatives that appeared on the 2004 ballot, thus violating a provision of the Nebraska Constitution that says the "same measure, either in form or essential substance," shall not be submitted to voters by the initiative process more than once in three years.

As a result of the court ruling, Gale said, his office will ask county election officials to expedite signature verifications on the petition to see if it has enough valid signatures to qualify for the ballot.

The Attorney General's Office, which is representing Gale, is appealing Flowers' decision on the three-casino initiative.

While an appeal would stay Flowers' ruling, Gale said, he believes it is prudent to go ahead and verify the signatures to protect the petition process. He said he is taking this course due to the time constraints in checking signatures and the anticipated length of the appellate review.

“I may not agree with Judge Flowers’ decision on the three-casino measure, but I recognize that this is a novel issue in that this is the first court test of Nebraska’s resubmission rule,” Gale said.

“We do appreciate that Judge Flowers has provided some guidance for us to follow in the future to determine the eligibility of petitions,” he said.

A casino gambling group, led by the Committee for Better Schools and More Jobs in Nebraska, submitted signatures on three petition measures – a constitutional initiative to allow three casinos, a statutory initiative to direct how gambling tax receipts would be distributed and a statutory initiative to create a gambling regulatory board. However, the petition to create a regulatory board was not part of the lawsuit.

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