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Gale feels redeemed with gambling decision

LINCOLN – Nebraska Secretary of State John Gale said he was pleased that the Nebraska Supreme Court today reversed the district court and sustained his earlier ruling that a casino-gambling petition was not eligible for the Nov. 7 ballot.

The Supreme Court ruled that a constitutional initiative to allow three casinos in Nebraska and a companion statutory initiative providing for the distribution of gambling tax receipts were not eligible for the ballot.

The court said the two measures violated 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.

The court ruled that the 2006 proposals constituted the “essential substance” of two measures on the November 2004 ballot.

“I feel redeemed that the Supreme Court has accepted my interpretation of the resubmission clause,” Gale said.

“This ruling allows an analysis of the object and purpose of each initiative measure to determine if it qualifies for the ballot,” he said. “I believe the court was right to reject an interpretation that would have required a strict analysis to determine if specific provisions in one measure differed from those of the other.”

Gale said it was entirely appropriate for the issue to be contested in the courts. “This is a novel issue in that this is the first court test of Nebraska’s resubmission rule,” he said.

“We greatly appreciate that the Supreme Court has provided concrete guidance for us to follow in the future to determine the eligibility of petitions,” he said.

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