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## **Gale suggests guidelines on proper petition conduct**

LINCOLN – Nebraska Secretary of State John Gale expressed concern today about the growing intensity of the debate over the proper conduct of petition circulators and so-called “petition blockers.”

As chief election officer, Gale said his role is to monitor what is happening, but his office does not have any law enforcement branch to investigate complaints.

“What we are seeing is a new phenomenon in petition circulation in Nebraska, but it is not new in other areas of the country,” Gale said. “With the appearance of opponents of various petitions on the sidewalks and public places in our communities along with the petition circulators, we have a clash of First Amendment rights.

“Unfortunately, Nebraska citizens are getting caught in the middle and are wondering what is going on.”

Gale said competing sides have appeared in other states, especially on proposals to limit government spending and taxes. He noted that friction and hostility got out of hand recently with the petition process in Nevada, and a court order was needed there to “cool off” the process.

“From what I hear from Nebraskans, the abuses that developed in Nevada have not been seen in Nebraska yet, but there is still time left until the July 7 deadline for signatures,” Gale said. “There is enough concern that I think we need to suggest some guidelines for the benefit of citizens who are potential signers, as well as for the circulators and blockers.”

He said his suggested guidelines for conduct are based on the Nevada court order and good Nebraska common sense:

1. Circulators have the right under state law and the federal First Amendment to address citizens and seek signatures on their petitions, and are not violating anyone's right of privacy by asking citizens to sign their petitions.
2. Circulators are required to follow state laws on how they approach citizens. They must read the object statement for each petition they present to citizens for signing. They are required to allow citizens to read the technical language if the citizens ask to do so. Each petition should indicate whether they are a paid or volunteer circulator.
3. Circulators and blockers should not yell at each other or at potential signers.
4. There should be no use of bullhorns, or other amplified speaking, in an effort to drown out the message of the other side.
5. Circulators and blockers should not touch the person or property of the other side. They should not damage or steal property of the other side.
6. Circulators and blockers should not flood an area with people to physically obstruct pedestrian traffic to achieve their goals.
7. Common courtesy should prevail at each location. This means that a circulator should be allowed to read the object statement or the blocker should be allowed to deliver the "stop, think and read" message without interruption, and answer any questions. Then, should the potential signer wish to talk to the other party, that conversation should also be conducted without interruption. The parties should remain at least an arm's length away from each other.
8. If any party becomes physical, such as pushing or touching, such conduct may be a criminal law violation and should be reported to local law enforcement. The same is true with regard to extreme conduct, such as loud and hostile shouting, anger or use of foul language, which can constitute assault under the law and should likewise be reported.
9. It is illegal for a circulator to offer anything of value to a signer, as well as illegal for a signer to accept anything of value for their signature on a petition.

"If we would just use common sense and good manners, we wouldn't experience any extremes of conduct," Gale said.

"If circulators and blockers just conduct themselves the way Nebraska fans conduct themselves with opposing teams and opposing team spectators, we would be honoring and respecting each other's constitutional rights, as well as allowing for fair and reasonable discussion of the important issues at stake with the petitions," he added.