



From the Office of Secretary of State John A. Gale

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Sec. Gale: Ruling clarifies future action on proposed amendments

LINCOLN – Secretary of State John Gale welcomed a decision handed down by the Nebraska Supreme Court in the case of Loontjer v. Gale involving the placement of LR 41CA on the November ballot at the direction of the state legislature. That proposed amendment asked voters to approve or disapprove machines for gambling on replayed horse races.

Gale's decision to place the issue on the ballot was challenged as unconstitutional. In a written response, Gale had said he lacked the authority to reject the constitutional amendment from the ballot since the unconstitutionality was not patently clear. The Supreme Court spelled out in detail that his office has clear authority in the future to determine whether constitutional amendments proposed by the legislature qualify for inclusion on statewide ballots.

Gale said he appreciated the expeditious action taken by the Nebraska Supreme Court to resolve the issue prior to his office certifying the statewide ballots on September 12. "This is an example of how the process worked exactly as one would hope it might. The Supreme Court has always taken these election issues very seriously and given them highest priority with elections around the corner."

The court ruled that language in the proposed amendment violated the separate-vote provision of the state constitution – that it contained more than one subject for voters to decide. The court also determined that the Secretary of State's office had the duty and discretion to determine the legal sufficiency of certain constitutional amendments proposed by the legislature.

"This ruling clarifies my statutory and constitutional authority to decide if such proposed constitutional amendments meet all of the procedural requirements to be on the ballot" added Gale. "In short, the court has established that the standard which applies to voter-initiated amendments also applies to legislative-initiated amendments."

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