

**INFORMATIONAL PAMPHLET
ON
INITIATIVE MEASURES
APPEARING ON THE 2000 GENERAL ELECTION BALLOT**



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SECRETARY OF STATE**

This pamphlet is intended to provide the voters of Nebraska with some additional information on measures proposed by the Initiative Petition process that will appear on the ballot on November 7, 2000.

Each measure contains three portions, the actual text of the measure, the ballot language which will appear on the ballot in November, and arguments supporting and opposing the measure. The arguments are derived from information received from supporters and opponents of the measures provided to the Secretary of State.

Additional copies of this pamphlet may be obtained through local election officials or the Office of the Secretary of State. This pamphlet may also be reproduced in whole or in part without prior permission.

INITIATIVE MEASURE 415

Text of Proposed Initiative Petition :

To add a new Section 12 to Article III:

III-12. (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

BALLOT LANGUAGE FOR INITIATIVE MEASURE NUMBER 415

A vote "FOR" will amend the Nebraska Constitution so as to limit members of the Nebraska Legislature to two consecutive terms. Under this amendment, no

person will be eligible to serve as a member of the Nebraska Legislature for four years after the completion of two consecutive legislative terms. Legislative service prior to January 1, 2001, will not be counted for calculating consecutive terms, and service in office for more than one-half of a term will be considered service for a full term.

A vote “AGAINST” will not amend the Nebraska Constitution so as to impose the legislative term limits described above.

Shall the Nebraska Constitution be amended to provide that no person shall be eligible to serve as a member of the Nebraska Legislature for four years after the expiration of two consecutive legislative terms? Legislative service prior to January 1, 2001, will not be counted for the purpose of calculating consecutive legislative terms, and service in office for more than one-half of a legislative term will be considered service for a full term.

For

Against

ARGUMENTS FOR AND AGAINST INITIATIVE 415

Supporters Contend:

Term limited legislators are more responsive to their constituencies and not beholden to special interest groups. Legislators would be able to focus more time to the job, rather than devoting time to getting re-elected.

Term limits are nothing new in Nebraska. We have had term limits on the Governor since Nebraska became a state.

Limiting terms of the Legislature will encourage capable people to run and serve who might otherwise be wary of running against a long term incumbent because of a disadvantage in name recognition and the ability to finance a competitive campaign. With more open seats, elections will be more competitive and allow for more discussion and new ideas.

The Nebraska Legislature was envisioned as a part time citizen legislature, not a career.

Opponents Contend:

Term Limits deny a citizen's right to vote for whom they choose and may prohibit a voter for voting for the candidate they believe is the most capable and qualified.

Limiting terms of legislative members will eliminate institutional memory and legislative history of the body and increase the influence of special interest lobbyists and staff. Special interest groups will have the same or increased role in the election process.

Limiting terms to eight years is not necessary as the current members have served on average less than eight years, and since the adoption of the Unicameral, the average has been less than six years.

The best approach is to limit terms the usual way, through the ballot box, and not artificially through this amendment.

INITIATIVE MEASURE NUMBER 416

Text of Proposed Initiative Petition :

To add a new section 29 to Article I:

I-29. Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.

BALLOT LANGUAGE FOR INITIATIVE MEASURE NUMBER 416

A vote “FOR” will amend the Nebraska Constitution to provide that only marriage between a man and a woman shall be valid or recognized in Nebraska, and to provide that the uniting of two persons of the same sex in a civil union, domestic partnership or other similar same-sex relationship shall not be valid or recognized in Nebraska.

A vote “AGAINST” will not amend the Nebraska Constitution in the manner described above.

Shall the Nebraska Constitution be amended to provide that only marriage between a man and a woman shall be valid or recognized in Nebraska, and to provide further that the uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska?

For

Against

ARGUMENTS FOR AND AGAINST INITIATIVE 416

Supporters Contend:

It has always been implied that marriage is a union between a man and woman. Now it's imperative to define it as such. The “full faith and credit” clause of the US Constitution allows for one state's marriages to be recognized in another. In the event that another state legalizes same-sex

marriages, Nebraska same-sex couples could get married there, return, and want the union recognized in Nebraska.

Congress gave states the ability to determine public policy regarding marriage through the 1996 Defense of Marriage Act. Thirty-three states have defined marriage. If Nebraska doesn't, there's a risk that another state could determine Nebraska's policy on this issue.

The amendment doesn't take away existing rights of individuals. It limits marriage and its benefits to married heterosexual couples.

Opponents Contend:

This amendment will limit and restrict the rights of individuals unnecessarily. Nebraska already does not allow same sex marriages and does not recognize domestic partnerships, civil unions or similar same sex relationships of other states.

The wording of this amendment is unclear. There are no legal definitions in Nebraska for some of the terms of the amendment. It may be used to restrict personal legal affairs not related to marriage such as wills, medical directives or powers of attorney. The result will be costly further court interpretation and legislative action necessary for implementation.

It is wrong to place this language in Nebraska's Bill of Rights portion of the constitution when all it does is limit the rights of individuals.

