



STATE OF NEBRASKA

ROBERT B. EVNEN
SECRETARY OF STATE

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A Trio of Gambling Initiatives will not make the November Ballot.

LINCOLN- Nebraska Secretary of State Robert B. Evnen announced today that he has determined that each of the three initiative petitions relating to Games of Chance fail to comply with the single subject rule in the Nebraska Constitution and are confusing, and therefore will not place the measures on the November 2020 General Election Ballot.

Nebraska Revised Statute 32-1409 (3) requires the Secretary of State to determine if constitutional and statutory requirements of the initiative petitions have been met prior to placing the initiatives on the ballot. The initiative petitions include a proposed state constitutional amendment to legalize casino gambling at racetracks, along with two proposed laws that would regulate and tax casino gaming.

Three Nebraska citizens wrote to the Secretary objecting to the gambling initiatives. After receiving letters from attorneys for the three citizens and from attorneys for the sponsors of the petitions, Evnen issued his decision today in a letter sent to the lawyers for the parties.

Evnen concluded that the three initiatives all had the same primary purpose, which is to permit currently prohibited games of chance to be conducted in Nebraska.

The first initiative states that games of chance would be allowed only at racetracks. Evnen found this to be materially misleading to voters, because the effect of the initiative would be to allow any games of chance also to be conducted on tribal lands whether or not at a racetrack.

The third initiative contains provisions for property tax relief, but they would only come into effect if the first initiative expanding gaming was enacted. Evnen found this to be an effort at logrolling, which the Nebraska Supreme Court has repeatedly prohibited.

The second initiative also caused confusion, Evnen decided.

Evnen wrote: "The Constitutional right to bring forward initiative petitions for a vote of the people is fundamental to our state governance and is to be zealously protected...Part of the protection of the right of initiative is to assure that such petitions are neither misleading nor manipulative."

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The required number of signatures have been verified in support of all three initiatives. Based on his determination that the gambling initiatives are legally insufficient, however, Evnen announced that he will withhold all three of the Initiatives from the ballot unless the courts order otherwise.

Court review of Secretary Evnen's decision appears likely. The Secretary is required by statute to certify the November ballot by September 11.

Keep the Money in Nebraska, Inc., the Nebraska Horsemen's Benevolent & Protective Association, Ho-Chunk, Inc., and Omaha Exposition & Racing, are the sponsors of the three gambling initiatives.

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