

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 475

Introduced by Wishart, 27; Hansen, M., 26; Hunt, 8; Morfeld, 46.

Read first time January 15, 2021

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to initiative and referendum petitions; to
- 2 amend section 32-1405, Revised Statutes Cumulative Supplement, 2020;
- 3 to require the Attorney General to issue an opinion with respect to
- 4 whether an initiative measure contains more than one subject as
- 5 prescribed; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-1405, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-1405 (1) Prior to obtaining any signatures on an initiative or
4 referendum petition, a statement of the object of the petition and the
5 text of the measure shall be filed with the Secretary of State together
6 with a sworn statement containing the names and street addresses of every
7 person, corporation, or association sponsoring the petition.

8 (2) Upon receipt of the filing, the Secretary of State shall
9 transmit the text of the proposed measure to the Revisor of Statutes. The
10 Revisor of Statutes shall review the proposed measure and suggest changes
11 as to form and draftsmanship. The revisor shall complete the review
12 within ten days after receipt from the Secretary of State. The Secretary
13 of State shall provide the results of the review and suggested changes to
14 the sponsor but shall otherwise keep the proposed measure and the review
15 confidential for five days after receipt of the review by the sponsor.
16 The Secretary of State shall then maintain the proposed measure and the
17 opinion as public information and as a part of the official record of the
18 initiative. The suggested changes may be accepted or rejected by the
19 sponsor.

20 (3) Upon receipt of the review of the proposed measure from the
21 Revisor of Statutes, the Secretary of State shall, immediately upon
22 receipt of written notice from the sponsor of which recommendations of
23 the Revisor of Statutes the sponsor has incorporated into the proposed
24 measure, transmit the text of the proposed measure, with any changes from
25 the Revisor of Statutes the sponsor has incorporated into the proposed
26 measure, to the Attorney General. The Attorney General shall issue,
27 without fee, a legal opinion in writing as to whether the proposed
28 measure contains a single subject as required by Article III, section 2,
29 of the Constitution of Nebraska. If the Attorney General determines that
30 the proposed measure contains more than one subject, the Attorney General
31 shall issue a written opinion suggesting changes to divide such proposed

1 measure into separate and distinct subjects within the proposed measure.
2 The Attorney General shall complete the legal opinion within ten days
3 after receipt from the Secretary of State. Any changes to the proposed
4 measure by the Attorney General may be accepted or rejected by the
5 sponsor. In any action brought pursuant to section 32-1412, any proposed
6 measure that is consistent with the opinion of the Attorney General with
7 respect to the one-subject requirement is presumed constitutional and all
8 reasonable doubts will be resolved in favor of its constitutionality.

9 (4) ~~(3)~~ The Secretary of State shall prepare five camera-ready
10 copies of the petition from the information filed by the sponsor and any
11 changes accepted by the sponsor and shall provide the copies to the
12 sponsor within five business days after receipt of the review required in
13 subsection ~~(3)~~ ~~(2)~~ of this section. The sponsor shall print the petitions
14 to be circulated from the forms provided. Prior to circulation, the
15 sponsor shall file a final blank copy of the petition to be circulated
16 with the Secretary of State.

17 Sec. 2. Original section 32-1405, Revised Statutes Cumulative
18 Supplement, 2020, is repealed.