

LEGISLATIVE RESOLUTION 248

Passed by the Legislature March 25, 1988

Introduced by Hall, 7; Chambers, 11

A Resolution to propose amendments to Article III, sections 2 and 3, and Article VI, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETIETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1988 there shall be submitted to the electors of the State of Nebraska for approval the following amendments to Article III, sections 2 and 3, and Article VI, section 1, of the Constitution of Nebraska, which are hereby proposed by the Legislature:

CIII-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven ~~per cent~~ percent of the ~~electors registered voters~~ registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten ~~per cent~~ percent of such ~~electors registered voters~~ registered voters. In all cases the ~~electors registered voters~~ registered voters signing such petition shall be so distributed as to include five ~~per cent~~ percent of the ~~electors registered voters~~ registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State, who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, ~~oftener~~ more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature

shall apply to those enacted by the initiative."

CIII-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five ~~per cent~~ percent of the ~~electors~~ registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked, and in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked, as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten ~~per cent~~ percent of the ~~electors~~ registered voters of the state, distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

CVI-1 "Every citizen of the United States, who has attained the age of eighteen years, on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms ~~provide~~ provided by law, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years."

Sec. 2. The proposed amendments shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendments shall be placed upon the ballot in the following forms:

"A constitutional amendment to provide that only registered voters, instead of electors, may sign petitions for initiatives or

referendums.

For

Against".

"A constitutional amendment to permit persons who have attained the age of eighteen years on or before the first Tuesday after the first Monday in November to vote in the calendar year in which such persons attain the age of eighteen years.

For

Against".

Sec. 3. That each of the proposed amendments, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim them as part of the Constitution of Nebraska.