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**Capitol View**

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**The Petition Process Is Alive and Well in Nebraska**

Grassroots government is thriving in Nebraska.

There are eight petitions circulating with hopes of making the 2024 General Election ballot, according to Secretary of State Bob Evnen. The action is guaranteed by the First Amendment to the U.S. Constitution, which gives people the right to “petition the government for a redress of grievances.”

From the old familiar legalizing medical marijuana to an exemption of grocery items from sales tax, various groups or individuals are seeking the signatures of registered voters to support their cause. Evnen’s office will eventually consider what meets well-established criteria and makes the ballot.

“You have a number of people who come in and submit petitions,” Evnen told a reporter from KOLN-KGIN TV. “Not all of those are going to be successful.” Case in point, there were 16 petitions circulating for the 2022 ballot. Only two had enough signatures to make it.

Still, Evnen said petitioning is “absolutely essential in a representative democracy that the voters themselves as a whole have the right to go amend their constitution or repeal a statute or add a new one.”

In Nebraska, the number of required signatures is tied to the number of registered voters in the state at the deadline for filing signatures. So, petitioners have to get extra signatures.

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For example, based on voter registrations of 1,239,599 from July 1, 2022, an initiated constitutional amendment would require 10 percent or 123,960 signatures. An initiated state statute would require 7 percent or 86,772 signatures. A veto referendum (to remove a law) would take 5 percent or 61,980 signatures. It would take 10 percent (123,960 signatures) to suspend that law until voters decide its fate.

The deadline for submitting signatures to get an initiative or referendum on the ballot for a particular general election is four months before that election. The deadline for veto referendums is 90 days after the final adjournment of the state legislative session at which the targeted bill was passed.

So, what’s being circulated?

-- Amend the Constitution of the State of Nebraska by adding a new Article XIX, which states that all persons have the right to use all plants in the genus Cannabis. Dude, that’s recreational marijuana. Bob Dylan was right, “everybody wants to get stoned.” Ask your neighbors in Colorado how that’s working out.

-- Enact a statute that makes penalties inapplicable under state and local law for the use, possession, and acquisition of limited quantities of cannabis for medical purposes by a qualified patient with a written recommendation from a health care practitioner, and for a caregiver to assist a qualified patient in these activities. This one has almost made it several times and has merit. If properly regulated, this could apparently be beneficial for some people.

-- Enact a statute that makes penalties inapplicable under state law for the possession, manufacture, distribution, delivery, and dispensing of cannabis for medical purposes by registered private entities, and establishing a Nebraska Medical Cannabis Commission to regulate such entities. Similar approach to the one above.

-- An initiative to ban surgical and pharmaceutical abortions except when necessary to save the life of the mother. Expect this issue to surface in the Legislature with or without this initiative.

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-- Repeal LB 753, passed by the 108th Nebraska Legislature in 2023, which (1) authorizes certain nonprofit organizations to provide scholarships to eligible students to attend a qualified private elementary or secondary school, and (2) provides individuals and corporations tax credits for financial contributions to these organizations. Critics say it benefits too few people, mostly the rich. The state teachers’ union doesn’t like it. What makes this law highly suspect, IMHO, is that proponents of keeping it on the books have hired “blockers” to interfere and keep people from signing.

-- A Constitutional Amendment to restrict governmental entities in Nebraska to imposing only retail consumption taxes and excise taxes. This amendment will eliminate Nebraska personal and real property taxes; personal and corporate income taxes; sales taxes and inheritance taxes. Has this thing not gone away yet? It has been bantered about in the Legislature before and not gone anywhere. Ask folks what happened before when people did away with taxes and state government had no money.

-- A Constitutional Amendment allowing the Legislature to authorize governmental entities to impose consumption taxes on services and new goods with the limitation that only grocery items purchased for off-premises consumption may be exempted from the tax.

-- Enact a statute to provide eligible employees the right to earn paid sick time for personal or family health needs and to specify conditions for accruing and using earned paid sick time, to prohibit retaliation against an employee for exercising rights granted under the statute, to adopt certain notice and documentation requirements, and to establish enforcement powers and a civil cause of action for violations of the statute. Why not?

Pay attention. Stay informed. We’ll see what makes it to the ballot.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*