

Bond Case Briefs

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REFERENDA - NEBRASKA

Christensen v. Gale

Supreme Court of Nebraska - September 12, 2018 - 301 Neb. 19 - 917 N.W.2d 145

Current and former state senator brought declaratory action against Secretary of State and sponsors of initiative petition seeking to expand Medicaid coverage, challenging the validity of the petition.

Secretary of State and sponsors moved for summary judgment. The District Court granted the motion. State senators appealed.

The Supreme Court of Nebraska held that:

- Fact that sponsor of initiative petition was a service mark registered by entity did not require that petition list entity as a sponsor;
- Initiative petition seeking to expand Medicaid coverage did not violate single-subject provision of state constitution; and
- Challenges to initiative petition as an unconstitutional delegation of legislative authority and as violating the criteria for appropriations were not ripe for judicial review.

Fact that sponsor of initiative petition to expand Medicaid coverage was a service mark registered by entity did not require that petition list entity as a sponsor; sponsor was a registered political committee and all its controlling members were named in the petition's sworn statement.

Initiative petition seeking to expand Medicaid coverage did not violate single-subject provision of state constitution, despite fact that it both expanded Medicaid and provided that such expansion would be funded, as much as possible, by the federal government; general subject of the petition was Medicaid expansion, and maximizing federal funding for that expansion was a detail related to the singleness of purpose of expanding Medicaid.

State senators' challenges to initiative petition seeking to expand Medicaid coverage as an unconstitutional delegation of legislative authority and as violating the criteria for appropriations were not ripe for judicial review; challenges were substantive challenges to the initiative and were not justiciable before the measure was adopted by voters.