

Bond Case Briefs

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State ex rel. McNally v. Evnen

Supreme Court of Nebraska - September 10, 2020 - N.W.2d - 307 Neb. 103 - 2020 WL 5505918

Sponsors of three proposed initiatives relating to gaming devices petitioned for writ of mandamus to compel Secretary of State to place initiatives on ballot in general election.

The Supreme Court issued alternative writ requiring Secretary of State to place initiatives on ballot.

The Supreme Court held that:

- Supreme Court would exercise its original jurisdiction over petition for writ of mandamus
- As matter of first impression, it was appropriate to review each initiative individually, rather than as whole, even if each initiative bore connection to others;
- Initiative to amend state constitution's prohibition against gambling by creating exception that would authorize games of chance conducted within licensed racetrack enclosures did not violate single subject rule;
- Initiative to amend constitution did not present risk of impermissible logrolling;
- Alleged impact on gaming at tribal casinos from proposed ballot initiative to amend constitution was not relevant to whether initiative violated requirement that it contain single subject;
- Initiative for enactment of statute allowing games of chance to be conducted by licensed racetrack enclosures and for establishment of Nebraska Gaming Commission to regulate same did not violate single subject rule; and
- Initiative for enactment of statutes establishing annual tax on gross revenues generated by games of chance within licensed racetrack enclosures, which would distribute 70% of tax revenue to provide property tax relief, did not violate single subject rule.