

Bond Case Briefs

Municipal Finance Law Since 1971

BALLOT INITIATIVE - NEBRASKA

State ex rel. Brooks v. Evnen

Supreme Court of Nebraska - September 13, 2024 - N.W.3d - 317 Neb. 581 - 2024 WL 4178278

Objectors brought mandamus proceeding and also requested a declaratory judgment to challenge voter ballot initiative that proposed to amend State Constitution to include a right to abortion, alleging violation of the single subject rule of the Constitution.

The Supreme Court held that:

- Availability of mandamus remedy precluded declaratory relief on same issue of alleged single subject rule violation, and
- Ballot initiative did not violate the single subject rule.

Declaratory relief was not available to objector who claimed that voter ballot initiative proposing to amend State Constitution to include a right to abortion violated the single subject rule of the Constitution, where objector also requested a writ of mandamus premised on a determination that the initiative violated the single subject rule, and mandamus was an equally serviceable remedy provided by law.

Voter ballot initiative that proposed to amend State Constitution to include a right to abortion did not violate the single subject rule of the Constitution, where initiative was not complex, proposed constitutional amendment contained two sentences, including one of which defined a key term used in other sentence, and initiative did not contain multiple subjects that were not naturally and necessarily connected to the general subject.