

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB566

Chairperson: Senator Bill Avery

Committee: Government, Military and Veterans Affairs

Date of Hearing: March 02, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Article III Sections 2 & 3 of the Nebraska Constitution reserve to the people the rights of Initiative Petition and Referendum. Such rights are exercised by petitions signed by the constitutionally defined requisite number of signatures. Historically these rights have been considered basic in Nebraska, and more so since the Legislature became a single house. The Legislature is empowered to facilitate those rights.

LB 566 addresses some of the impediments to the petition process associated with collection of manual petition circulation and defined over the last two decades. Such impediments have functionally driven the cost of exercising the right to petition so high that it is available only to a select few who are usually associated with significant out of state financial interests.

LB 566 provides an optional way to collect signatures by using much the same mechanisms as are widely used for electronic signature of other government documents and in commerce. LB 566 proposes a means to allow qualified signers to peaceably and privately review petition content and comments through a secure web site on the Internet and to enter an array of identifying information. Under the bill that information is compared to the voter records in the Secretary of State's office, and upon confirmation of a match with those records, is further compared with data from independent state or financial databases to confirm the signer's identity.

The requirements of identity confirmation proposed by LB 566 exceed those in use in the traditional signature gathering process. The bill proposes upon such confirmation, the signer enters data signifying his or her electronic signature, such signature is contemporaneously processed as a validated signature, and notice of the signature count by county is made public. Additionally, the signer is mailed a post card confirming the signature with an opportunity to repudiate the signature. Criminal penalties are provided for anyone engaging in fraud.

The bill also clears up ambiguity regarding who is a petition sponsor, forces disclosure of the persons behind the financial interests supporting or opposing the petition, and raises revenue to offset the cost of the process. Finally, LB 566 significantly reduces the county expenses (estimated at 80¢ to \$1.00 per signature) for verification of manual signatures.

Principal Introducer: _____

Senator Paul Schumacher