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February 28, 2024

Senator Tom Brewer, Chair, and Members of the Government, Military and Veterans Affairs
Committee
State Capitol, Lincoln NE

RE: LB1382 (Hansen) – Prohibit paying petition circulators based on the number of signatures and
prohibit certain contributions to ballot question committees

OPPOSE – *Please include this testimony from the League of Women Voters of Nebraska as part of the
public hearing record for LB1382.*

Dear Senator Brewer and Members of the Government, Military and Veterans Affairs Committee:

The League of Women Voters of Nebraska opposes LB1382, which would prohibit the paying of
petition circulators based upon the number of signatures as well as provide limits on contributions
to ballot committees.

Protecting the ability of citizens to engage their government via the petition process is an important
part of the League's advocacy to ensure voters are able to engage in direct democracy via ballot
initiatives, a process that has recently been under threat in several states.

In response, state Leagues have challenged legislation that placed restrictions on the ballot initiative
process. In January 2023, a federal district court in South Dakota struck down a law that imposed
state residency requirements for petition circulators that had been challenged by the LWV of South
Dakota and other organizations.¹ In *League of Women Voters of Michigan v. Secretary of State*, the
Michigan Court of Appeals found that a set of restrictions enacted by the legislature on the ballot
initiative process, including new requirements on paid signature gatherers, were
unconstitutional.² This week, a county circuit court in Arkansas will hear oral arguments in a lawsuit
brought by the state League of Women Voters and a Republican state senator asserting that new
restrictions on ballot initiative petitions enacted by the legislature in 2023 violate the state's
constitution.^{3,4}

The League of Women Voters of Nebraska believes that impeding compensation for signatures
gathered for initiative, referendum or recall petitions could interfere with and have a chilling effect
on citizens' right of direct legislation through the initiative and referendum process. We are
concerned that LB1382 would promote inequity by driving up costs of the initiative process in a
manner that favors wealthy interests. There is no compelling evidence of significant fraud resulting
from a per-signature-payment system.

Nebraska has a number of laws and procedures in place to govern the initiative process. Nebraska's ban on the per-signature-payment method was imposed by LB39 in 2008. In 2015, LB367 removed the state's ban on pay-per-signature practices. It is unclear why prohibition on this practice is proposed at this time. Of the 26 states that provide for an initiative or referendum process, 17 allow campaigns to make payments to signature gatherers based on the number of signatures collected.

The League of Women Voters of Nebraska supports limits on election spending to protect the democratic process and limit election influence. In spite of multiple attempts to limit campaign contributions in Nebraska, none have been enacted. It would seem unfair to limit contributions for ballot initiatives when no such limits exist for contributions to those running for public office

LB1382 should not advance from the Government, Military and Veterans Affairs Committee.

Sincerely,

Sheri St Clair, Government Co-Director, LWWNE

Rachel Gibson, Vice President-Action, LWWNE

MaryLee Moulton and Janelle Stevenson , Co-Presidents, LWWNE

¹League of Women Voters of South Dakota vs. Noem. (2023, February 2). <https://www.lwv.org/legal-center/league-women-voters-south-dakota-v-noem>

²Harvard Law Review (2020, February 21). Recent case: League of Women Voters of Michigan v. Secretary of State. https://harvardlawreview.org/blog/2020/02/recent-case-_league-of-women-voters-of-michigan-v-secretary-of-state_/

³King vs. Thurston. (2023, March 24). <https://www.lwv.org/legal-center/king-v-thurston>

⁴Early, N. (2024, February 23). Oral arguments set in lawsuit challenging signature requirement for ballot access for propose constitutional amendments. *Arkansas Democrat Gazette*. <https://www.arkansasonline.com/news/2024/feb/23/oral-arguments-set-in-lawsuit-challenging/?news-arkansas>