

2024 Nebraska Ballot Issues

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Center for Agricultural Profitability

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overview

- Initiative 434 pro-life abortion constitutional amendment
- Initiative 435 private school scholarship funding repeal
- Initiative 436 paid sick leave
- Initiative 437 medical cannabis
- Initiative 438 medical cannabis regulatory system
- Initiative 439 pro-choice abortion constitutional amendment
- Neb Secretary of State pamphlet on the 2024 ballot issues is available on this webinar webpage and has more details regarding all of the ballot issues.



Initiative 434 pro-life abortion constitutional amendment

- **Protect Women & Children constitutional amendment**
- Initiative 434 would prohibit abortions in the second or third trimester (after 12 weeks) except
 - in the case of a medical emergency or
 - where the pregnancy was the result of sexual assault or incest
- Initiative 434 is the pro-life abortion proposal
- this is essentially current Nebraska statutory law
- the competing abortion measure, Initiative 439 would allow abortions up to fetal viability (~23-24 weeks) – pro-choice abortion proposal



Initiative 435 private school scholarship funding repeal

- **Private Education Scholarship Partial Referendum**
- Neb Const. art 7 sec. 11 prohibits appropriation of public funds for support of any private school
 - public education historically fundamental to US democracy
- 2023 LB753 authorized \$25 million/year in income tax credits for private school scholarships.
- Opponents got referendum petition on 2024 ballot to repeal LB753
- 2024 Unicameral repealed LB753, replaced it with \$10 million/year private school scholarship fund (\$100 million total).
- Initiative 435 would repeal the \$10 million private scholarship fund
- \$10 million = less than 1% of 2024-25 Neb state school aid



private school scholarship funding repeal: arguments in favor of repeal & against the scholarship program

- for repeal: [scholarship program possibly unconstitutional?]
 - public schools educate 90% of Nebraska children
 - private schools not subject to same taxpayer accountability & transparency as public schools
 - locally elected school boards, public meetings, etc.
 - selective admissions -- private schools can deny admission to some students; public schools cannot
 - over half of Nebraska counties do not have a private school
- **for & against arguments** taken from the Neb Secretary of State Informational Pamphlet on 2024 ballot issues



private school scholarship funding repeal: arguments against repeal & for the scholarship program

- school choice issue: scholarship program gives parents a choice of where they send their children to school –
 - if they can afford the tuition and/or receive full/partial scholarship for private school
 - “educational freedom”
- repeal would hurt students who could benefit from a new school setting where they would have a better chance to learn & succeed in school (bullying, etc.)
- **for & against arguments** taken from the Neb Secretary of State Informational Pamphlet on 2024 ballot issues.



Initiative 436 paid sick leave

- **Neb Healthy Families & Workplaces Act**
- currently employer option regarding any paid sick leave policies
 - 15 states have paid sick leave policies; Neb does not
- Under Initiative 436, all employees would accumulate 1 hour paid sick leave for each 30 hours worked up to a cap or limit
- small business (<20 employees) employee paid sick leave would be capped at 40 hours/year [5 days/year] unless employer chooses higher amount
- all other employees paid sick leave would be capped at 56 hours/year [7 days/year] unless employer chooses higher amount
- sick leave includes care of a family member
- would take effect October 2025
- would not apply to government employers.
- no explicit agricultural exemption



Initiatives 437 & 438 medical cannabis

- Initiative 437 **Nebraska Medical Cannabis Patient Protection Act** & Initiative 438 **Nebraska Medical Cannabis Regulation Initiative**.
- 2020 medical marijuana petition kept off ballot because Neb Supreme Court ruled it violated the “two subject” rule.
- So the 2024 version has two parts: (1) [#437] patient protection act would make small amount (5 oz) of medical cannabis possession & use legal if pursuant to written recommendation from health care professional & authorizes health care professionals to assist patients with medical cannabis acquisition & use &
- (2) [#438] regulatory oversight would make medical cannabis possession, manufacture, delivery & dispensing legal & establishes Neb Medical Cannabis Commission to regulate medical cannabis production & distribution



medical cannabis, con't

- health care professionals include:
 - licensed physicians
 - licensed osteopaths
 - are not chiropractors
 - licensed physician assistants &
 - licensed nurse practitioners
- Medical Cannabis Commission would include
 - 3 members of Liquor Control Commission &
 - up to additional 2 members nominated by Governor & confirmed by Unicameral
- parental consent required for patients under age 18



medical cannabis, con't

- medical cannabis includes:
 - marijuana
 - hashish
 - concentrated cannabis
- “cannabis” does not include hemp
- for: safer pain relief option (safer than opioids?)
- against: very difficult & expensive to police non-medical use of medical cannabis products
- possible petition circulation irregularities subject of Oct 29 trial. Go ahead & vote on ##437-438 if you want to.



Initiative 439 pro-choice abortion constitutional amendment

- **Protect the Right to Abortion constitutional amendment**
- Initiative 439 would provide a right to an abortion up until
 - fetal viability (~23-24 weeks) or
 - to protect the life or health of the pregnant woman
- Initiative 439 is the pro-choice abortion proposal
 - Initiative 434 is the 12-week pro-life abortion proposal
- the two abortion proposals are inconsistent so if they both win, the one with the highest vote total is the one that is adopted.



summary

- **Initiative 434 pro-life abortion constitutional amendment**
 - voting **for** #434 would put the current Nebraska 12 week abortion ban into the Nebraska constitution
 - voting **against** #434 would not put the current Nebraska 12 week abortion ban in the Neb constitution but would not otherwise affect the current statutory 12 week abortion ban.
 - remember Initiative 439 is the pro-choice “24 week” abortion ban
- **Initiative 435 private school scholarship funding repeal**
 - voting **for** #435 would remove the current \$10 million funding for the private school scholarship program
 - voting **against** #435 would keep the current \$10 million funding for the private school scholarship program



summary, con't

- **Initiative 436 paid sick leave**
 - voting **for** #436 would require employers to provide paid sick leave to employees effective October 2025
 - voting **against** #436 would not require employers to provide paid sick leave to employees
- **Initiative 437 medical cannabis**
 - voting **for** #437 would legalize medical cannabis products
 - voting **against** #437 would not legalize medical cannabis products
- **Initiative 438 medical cannabis regulatory system**
 - voting **for** #438 would establish a medical cannabis regulatory system
 - voting **against** #438 would not establish a medical cannabis regulatory system



summary, con't

- **Initiative 439 pro-choice abortion constitutional amendment**
 - voting **for** #439 would establish fetal viability/~24 week abortion ban in the Nebraska Constitution
 - & would override the existing statutory 12 week abortion ban
 - voting **against** #439 would not establish fetal viability/~24 week abortion ban in the Nebraska Constitution
 - & would maintain existing statutory 12 week abortion ban
- the two abortion proposals are inconsistent so if they both win, the one with the highest vote total is the one that is adopted.



for more information

- The Secretary of State pamphlet on the 2024 ballot issues is available on this webinar webpage at cap.unl.edu
- questions? 😊 Thank you! 😊

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