

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KENT BERNBECK and MICHAEL  
WARNER,

Plaintiffs,

vs.

JOHN GALE, Nebraska Secretary of  
State, in his official capacity,

Defendant.

4:18-CV-3073

ORDER

This matter is before the Court on the parties' Stipulation ([filing 13](#)). The parties have agreed that Neb. Rev. Stat. § 32-618(2) (Reissue 2016) is unconstitutional and exceeds the signature requirements permissible under the First Amendment. [Filing 13 at 1](#). The parties have stipulated to the entry of a judgment, and of an order granting final declaratory and injunctive relief consistent with the Stipulation. [Filing 13 at 1-2](#). The Court will approve the Stipulation, order declaratory and injunctive relief, and enter judgment in favor of the plaintiffs.

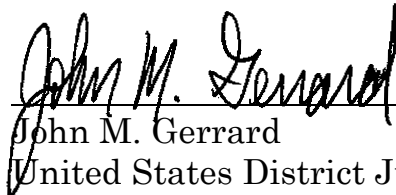
IT IS ORDERED:

1. The parties' Stipulation ([filing 13](#)) is approved.
2. Section 2 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), codified at Neb. Rev. Stat. § 32-618(2) (Reissue 2016), is unconstitutional.

3. Section 11 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), is unconstitutional to the extent it authorizes the repeal of original § 32-618(2).
4. Section 32-618(2) (Cum. Supp. 2014) remains in full force and effect.
5. The remaining sections of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), are severable.
6. The defendant is permanently enjoined from taking any action to enforce Section 2 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016).
7. The plaintiffs' second claim is dismissed without prejudice.
8. A separate judgment will be entered.

Dated this 14th day of June, 2018.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge