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Cara Ullman, appellant, v. Robert Evnen, in his official capacity as Nebraska Secretary of State, and Robert Schafer et al., appellees.

___ N.W.3d ___

Filed October 16, 2026. No. S-26-753.

1. **Judgments: Appeal and Error.** On questions of law, an appellate court is obligated to reach a conclusion independent of the decision by the trial court.
2. **Statutes: Appeal and Error.** Statutory interpretation is a question of law that an appellate court resolves independently of the trial court.
3. **Constitutional Law: Initiative and Referendum.** The Nebraska Constitution reserves the right of the people to enact constitutional amendments by initiative.
4. ____: ____. The Nebraska Constitution authorizes legislation to facilitate the operation of the initiative process.
5. **Public Officers and Employees: Initiative and Referendum.** Nebraska law imposes on the Secretary of State a nondiscretionary duty to determine the legal sufficiency of ballot measures and withhold any legally insufficient measure from the ballot.
6. **Initiative and Referendum: Statutes: Pleadings.** Questions dealing with statutory provisions concerning the form of a petition and the technical requirements of the sponsors affect the legal sufficiency of an initiative.
7. **Statutes: Appeal and Error.** Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.
8. **Statutes.** A statute is ambiguous when the language used cannot be adequately understood, because it is susceptible of more than one reasonable interpretation, either from the plain meaning of the statute or when considered in pari materia with any related statutes.

9. ____. It is not within the province of a court to read a meaning into a statute that is not warranted by the language; neither is it within the province of a court to read anything plain, direct, or unambiguous out of a statute.
10. ____. To give effect to all parts of a statute, a court will attempt to reconcile different provisions so they are consistent, harmonious, and sensible and will avoid rejecting as superfluous or meaningless any word, clause, or sentence.
11. **Constitutional Law: Statutes.** It is the duty of a court to give a statute an interpretation which meets constitutional requirements if it can reasonably be done.
12. **Constitutional Law: Initiative and Referendum.** The right of initiative is precious to the people and one which the courts are zealous to preserve to the fullest tenable measure of spirit as well as letter.
13. **Initiative and Referendum.** The power of initiative must be liberally construed to promote the democratic process.
14. **Initiative and Referendum: Statutes.** Statutory provisions authorizing initiative petitions should be construed in such a manner that the legislative power reserved in the people is effectual and should not be circumscribed by restrictive legislation or narrow and strict interpretation of the statutes pertaining to its exercise.
15. **Initiative and Referendum.** Neb. Rev. Stat. § 32-1401 (Reissue 2016) does not require an object statement to summarize all major provisions of an initiative.
16. **Injunction: Proof.** The party seeking an injunction must establish by a preponderance of the evidence every controverted fact necessary to entitle him or her to relief.

Appeal from the District Court for Lancaster County: Lori A. Maret, Judge. Affirmed.

Sydney L. Hayes, Daniel J. Gutman, and Shayna N. Prickett, of Gutman Law Group, for appellant.

Andrew La Grone and Julie Slama, of La Grone Slama, L.L.C., for appellees Robert Schafer, Julie Slama, and Elizabeth Nunnally.

Michael T. Hilgers, Attorney General, Zachary B. Pohlman, and Cody S. Barnett for appellee Robert Evnen.

James A. Campbell and Tavia Bruxellas McAlister for amicus curiae Alliance Defending Freedom.

Funke, C.J., Cassel, Stacy, Papik, Freudenberg, and Vaughn, JJ., and Freeman, Judge.

Vaughn, J.

I. INTRODUCTION

Cara Ullman filed a complaint seeking injunctive relief to prevent the "Fairness for Girls" constitutional amendment initiative measure (Initiative) from being placed on the 2026 general election ballet. She asserts that the Initiative fails to meet the statutory requirements for placement on the ballot. The district court dismissed Ullman's complaint. Ullman appeals. Pursuant to Neb. Rev. Stat. § 24-1106(3) (Cum. Supp. 2024), we moved the case to our docket. For the following reasons, we affirm.

II. BACKGROUND

1. Ballot Initiative

In February 2026, the Initiative sponsors—Robert Schafer, Julie Slama, and Elizabeth Nunnally (collectively the Sponsors)—filed with the Nebraska Secretary of State (Secretary) the text of the proposed Initiative, an object statement, and the Initiative petition signature sheet marked "SAMPLE." The filed object statement stated, "The object of this petition is to amend the Nebraska Constitution to establish constitutional protections for sex-separate athletics to ensure equal access to athletic opportunities for females." The Initiative reads as follows:

> **Article VII of the Constitution of Nebraska shall be amended by adding a new section 16 as shown:**
>
> Art. VII § 16. Equal access to athletic opportunities for females.
>
> (1) Schools must expressly designate each athletic team or sport as one of the following based on biological sex:

(a) Males, men, or boys; (b) females, women, or girls; or (c) coed or mixed.

(2) Athletic teams or sports designated for females, women, or girls pursuant to subsection (1) of this section shall not be open to students of the male sex.

(3) For purposes of this section, "schools" shall mean interscholastic, intercollegiate, and intramural athletic teams or sports that are sponsored by a common school of this state, a public postsecondary educational institution of this state, or any school or institution of learning in this state not owned or exclusively controlled by the state or a political subdivision thereof whose athletic teams or sports compete against a common school or public postsecondary educational institution of this state.

(4) This section shall be self-executing, but legislation may be enacted to facilitate its operation. If any part of parts of this section are found to conflict with federal law or the Constitution of the United States, this section shall be implemented to the maximum extent permitted by federal law and the Constitution of the United States. Any provision held invalid shall be severable from the remaining portions of this section.

The object statement was printed at the top of the Initiative petition signature sheet, along with a statement directing potential signers to the reverse side for the "actual text of measure." The full text of the Initiative appeared on the reverse of the Initiative petition signature sheet.

In June 2026, the Sponsors submitted to the Secretary the Initiative petition containing signatures from Nebraska voters. In August 2026, the Secretary announced that the Initiative would be certified for placement on the November 3, 2026, general election ballot.

2. Ullman's Complaint

In September 2026, Ullman filed a complaint naming the Sponsors and the Secretary as defendants. Ullman's complaint

alleged that the Initiative failed to meet the statutory requirements for ballot placement because its object statement did not comply with the requirements set forth in Neb. Rev. Stat. § 32-1401 (Reissue 2016) and Neb. Rev. Stat. § 32-1405 (Cum. Supp. 2024). Thus, Ullman asserts the Secretary was required to withhold the Initiative from the ballot. Specifically, Ullman alleges the object statement fails to describe the "legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters" as required by § 32-1401. Ullman's complaint requested that the district court enjoin the Secretary from certifying the Initiative and order that it be withheld from the ballot, pursuant to Neb. Rev. Stat. § 32-1412 (Cum. Supp. 2024). Ullman's complaint also contained a request for "such other and further relief as the Court deems just and equitable."

3. District Court Order

A hearing was held at which the district court received evidence, heard arguments, and took the matter under advisement. Prior to the hearing, Schafer and Nunnally filed a motion to dismiss and the Secretary filed a motion for judgment on the pleadings. On September 8, 2026, the district court issued an order dismissing Ullman's complaint on the merits, based on the undisputed facts presented by the parties. Specifically, the district court held that the Initiative's object statement is "a concise statement of the legal effect of the filing of the petition and the object sought to be secured" and satisfies § 32-1401. The district court also concluded that like the statute at issue in *Chaney v. Evnen*, 307 Neb. 512, 949 N.W.2d 761 (2020), § 32-1401 only requires that a "petition 'substantially' comply with the object-statement requirement" and that "a strict interpretation would unduly restrict the power of the initiative." Ullman appeals.

III. ASSIGNMENTS OF ERROR

Ullman assigns, restated, that the district court erred by (1) finding that the object statement for the Initiative complied

with the requirements of §§ 32-1401 and 32-1405, (2) finding the Sponsors need only substantially comply with the object-statement requirements of §§ 32-1401 and 32-1405, and (3) determining that the Initiative is legally sufficient and failing to enjoin the Secretary from placing the Initiative on the ballot.

IV. STANDARD OF REVIEW

[1,2] On questions of law, an appellate court is obligated to reach a conclusion independent of the decision by the trial court. See *State ex rel. Lemon v. Gale*, 272 Neb. 295, 721 N.W.2d 347 (2006). Statutory interpretation is a question of law that an appellate court resolves independently of the trial court. *Jacobson v. Shresta*, 288 Neb. 615, 849 N.W.2d 515 (2014).

V. ANALYSIS

Given the interdependent nature of Ullman's assigned errors, they will be analyzed together. Ullman assigns the district court erred by finding the Initiative legally sufficient and failing to enjoin the Secretary from placing the Initiative on the ballot. Although the Initiative had already been placed on the ballot, if found to be legally insufficient, this court can "direct the legal removal of the petition from the ballot even if [it can] not direct its physical removal." *Chaney*, 307 Neb. at 519, 949 N.W.2d at 768. We will first discuss the background law and then Ullman's challenge to the legal sufficiency of the Initiative. We assume, for purposes of this opinion, that a petition that fails to comply with the object statement requirement is legally insufficient.

1. Background Law

[3,4] The Nebraska Constitution reserves the right of the people to enact constitutional amendments by initiative. See Neb. Const. art. III, § 2. It also authorizes legislation to facilitate the operation of the initiative process. See Neb. Const. art. III, § 4. The constitutional provision authorizing

the Legislature to enact laws to facilitate the operation of the initiative power means that it may enact reasonable legislation to prevent fraud or to render intelligible the purpose of the proposed law or constitutional amendment. *Loontjer v. Robinson*, 266 Neb. 902, 670 N.W.2d 301 (2003).

[5,6] Nebraska law imposes on the Secretary a nondiscretionary duty to determine the legal sufficiency of ballot measures and withhold any legally insufficient measure from the ballot. *State ex rel. Wagner v. Evnen*, 307 Neb. 142, 948 N.W.2d 244 (2020). "On a showing that an initiative . . . petition is not legally sufficient, the court, on the application of any resident, may enjoin the [Secretary] from certifying or printing on the official ballot . . . the ballot title and number of such measure." § 32-1412. Questions dealing with statutory provisions concerning the form of a petition and the technical requirements of the sponsors affect the legal sufficiency of an initiative. *Loontjer, supra*.

2. Legal Sufficiency of Initiative

Ullman argues that the Secretary should have withheld the Initiative from the ballot because the Sponsors did not comply with the statutes governing enactment of constitutional amendments by initiative, resulting in the Initiative's being legally insufficient. Likewise, Ullman argues that the district court erred in not enjoining the Secretary from placing the Initiative on the ballot. Specifically, Ullman asserts that the Initiative was legally insufficient because it did not comply with §§ 32-1401 and 32-1405. Thus, this court's determination of whether the district court erred in finding the Initiative legally sufficient necessarily hinges on the resolution of Ullman's other assigned errors.

Section 32-1405 provides that "[p]rior to obtaining any signatures on an initiative or referendum petition, a statement of the object of the petition and the text of the measure shall be filed with the Secretary of State." Section 32-1401 states, in part, that "[t]he form of a petition for initiating any law

or any amendment to the Constitution of Nebraska . . . shall be substantially as follows:" and then goes on to provide an initiative petition form that provides for inclusion of an object statement. The initiative petition form provides the following standard object statement: "The object of this petition is to ____ (Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters)." § 32-1401.

Ullman does not dispute that the Initiative's object statement was a concise statement that was submitted to the Secretary and was printed in large type on the petition signature pages. Instead, Ullman asserts that the Initiative's object statement is insufficient because it omits major provisions contained in the Initiative's text and does not accurately reflect the text of the Initiative. As a result, Ullman argues that the Initiative's object statement does not comply with § 32-1401's requirement that it include "the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters." First, this court will set forth applicable principles of statutory interpretation. We then will address the two requirements individually.

(a) Principles of Statutory Interpretation

[7,8] Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. *Nebraska Republican Party v. Evnen, ante* p. 79, 38 N.W.3d 658 (2026). A statute is ambiguous when the language used cannot be adequately understood, because it is susceptible of more than one reasonable interpretation, either from the plain meaning of the statute or when considered in pari materia with any related statutes. *Id*.

[9-11] It is not within the province of a court to read a meaning into a statute that is not warranted by the language; neither is it within the province of a court to read anything plain, direct, or unambiguous out of a statute. *Flinn v. Strode*,

320 Neb. 813, 30 N.W.3d 661 (2026). To give effect to all parts of a statute, a court will attempt to reconcile different provisions so they are consistent, harmonious, and sensible and will avoid rejecting as superfluous or meaningless any word, clause, or sentence. *State v. Jones*, 317 Neb. 559, 10 N.W.3d 747 (2024). It is the duty of a court to give a statute an interpretation which meets constitutional requirements if it can reasonably be done. See *State ex rel. Stenberg v. Beermann*, 240 Neb. 754, 485 N.W.2d 151 (1992).

[12-14] The right of initiative is precious to the people and one which the courts are zealous to preserve to the fullest tenable measure of spirit as well as letter. See *State ex rel. Davis v. Evnen, ante* p. 256, ____ N.W.3d ____ (2026). The power of initiative must be liberally construed to promote the democratic process. *Id*. Statutory provisions authorizing initiative petitions should be construed in such a manner that the legislative power reserved in the people is effectual and should not be circumscribed by restrictive legislation or narrow and strict interpretation of the statutes pertaining to its exercise. See *Chaney v. Evnen*, 307 Neb. 512, 949 N.W.2d 761 (2020).

(b) Legal Effect of the Filing of the Petition Requirement

Ullman argues that the Initiative's object statement failed to adequately specify the legal effect of the filing of the petition. The Sponsors argue that the portion of the Initiative's object statement that states the Initiative would "amend the Nebraska Constitution" satisfies § 32-1401's requirement that the object statement include the "legal effect of the filing of the petition." We agree with the Sponsors.

Nebraska's constitution allows the people to enact laws and amend the constitution through the initiative process. *State ex rel. Davis, supra*. The power of referendum provides people the "'power . . . to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature.'" See *Pony Lake Sch. Dist. v. State Committee for Reorg.*, 271

Neb. 173, 192, 710 N.W.2d 609, 625 (2006) (quoting Neb. Const. art. III, § 1). Referendum petitions, petitions for enactment of laws, and petitions for amendment of the Nebraska Constitution all contain the same object statement requirement—"a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters." Compare § 32-1401 with Neb. Rev. Stat. § 32-1402 (Reissue 2016).

When the Legislature enacted the current statutory language, the word "effect" was defined as "[t]hat which is produced by an agent or cause; a result, outcome, or consequence." Black's Law Dictionary 532 (7th ed. 1999). The language "legal effect of the filing of the petition" contained in § 32-1401 does not require an initiative's object statement to set forth every consequence that would result from the initiative measure should it be adopted by voters. Instead, based on its plain language, it requires only that the object statement informs potential petition signers whether the legal effect of the petition is a referendum, enactment of a law, or a constitutional amendment. Thus, the Initiative's object statement satisfies § 32-1401's "legal effect of the filing of the petition" requirement.

(c) Object Sought to Be Secured by Submitting the Measure to the Voters Requirement

Ullman argues that the Initiative's object statement is insufficient because it omits major provisions contained in the Initiative's text, is vague, and is misleading. Specifically, Ullman asserts that the object statement fails to inform voters that the initiative (1) imposes requirements based on biological sex; (2) prohibits male students from participating in sports and teams designated for female students; (3) applies to public schools, colleges, and universities, as well as private schools, colleges, and universities that compete against public schools; (4) applies to recreational intramural sports, as well as interscholastic and intercollegiate sports; and (5) does not

require any teams or sports be designated for female students. Ullman also argues the Initiative does not actually guarantee equal access to athletic opportunities.

The Sponsors and Secretary argue that the "object sought to be secured by submitting the measure to the voters" requirement of § 32-1401 is satisfied by the language in the Initiative's object statement stating it is "to establish constitutional protections for sex-separate athletics to ensure equal access to athletic opportunities for females." The Sponsors also argue that adopting Ullman's interpretation requiring the object statement to include a summary of an initiative's major provisions adds a new substantive requirement to § 32-1401 and confuses the word "object" with the means selected to pursue it. We agree.

When the Legislature enacted the current statutory language, the word "object" was defined as "[s]omething sought to be attained or accomplished; an end, goal, or purpose." Black's Law Dictionary, *supra* at 1101. In addition, this court has on numerous occasions discussed the distinction between a statute's purpose or object and the specific means employed to attempt to achieve that purpose or object. See, e.g., *State v. Clausen*, 318 Neb. 375, 385-86, 15 N.W.3d 858, 866 (2026) (observing that "[b]ut while statutes are passed to achieve policies and purposes, they do so through legislatively selected means"); *Planned Parenthood of the Heartland v. Hilgers*, 317 Neb. 217, 235, 9 N.W.3d 604, 616 (2024) (observing that "[p]rior cases have also emphasized that a bill may enact multiple policies, so long as those policies are united under a common purpose or object"); *Trumble v. Trumble*, 37 Neb. 340, 344, 55 N.W. 869, 870 (1893) (observing that law may have single object but "require any number of details to accomplish the object"). We understand § 32-1401's use of the phrase "object sought to be secured" to mean that an object statement must identify only an initiative petition's overall purpose or object and not all of the specific means chosen to attempt to achieve that purpose or object.

This interpretation is supported not only by what was included in § 32-1401 but also by what was excluded. The intent of the Legislature is generally expressed by omission as well as by inclusion. *State v. Bryant*, 311 Neb. 206, 971 N.W.2d 146, (2022). Some states have enacted statutes that require more than the disclosure of an initiative petition's legal effect and the object sought to be achieved. For example, Arizona requires petitions to contain a description "'of the principal provisions of the proposed measure,'" along with a disclaimer that the description "'may not include every provision contained in the measure.'" *Molera v. Hobbs*, 250 Ariz. 13, 19, 474 P.3d 667, 673 (2020) (quoting Ariz. Rev. Stat. Ann. § 19-102(A) (2014)). Section 32-1401 contains no language similar to that required by the initiative statute in Arizona requiring a description of principal provisions or a disclaimer.

[15] Section 32-1401 does not require an object statement to summarize all major provisions of an initiative. Requiring a summary of the Initiative's major provisions would require this court to read a meaning into a statute that is not warranted by the language, which is not permissible under the rules of statutory interpretation. See *Flinn v. Strode*, 320 Neb. 813, 818, 30 N.W.3d 661, 666 (2026) ("[i]t is not within the province of a court to read a meaning into a statute that is not warranted by the language").

While § 32-1401 does require that the object statement include an identification of what an initiative petition seeks to accomplish, we believe the object statement before us complied with this requirement. By stating that the petition sought "to establish constitutional protections for sex-separate athletics to ensure equal access to athletic opportunities for females," the object statement identified an overall purpose or goal that was consistent with the text of the Initiative. The Initiative establishes constitutional limits on male participation in female-designated sports. A potential signer interested in learning exactly how the Initiative sought to achieve

this purpose need only flip over the page to read the proposed Initiative's full text. Considering the plain language of § 32-1401, the object statement informed potential signers of what was sought to be attained or accomplished, and it was not misleading.

[16] For these reasons, we conclude that the Initiative's object statement complied with the object statement requirements in §§ 32-1401 and 32-1405 and that, as a result, Ullman was not entitled to an injunction. See *ConAgra Foods v. Zimmerman*, 288 Neb. 81, 85, 846 N.W.2d 223, 227 (2014) ("party seeking an injunction must establish by a preponderance of the evidence every controverted fact necessary to entitle him or her to relief").

Given this court's determination that the Initiative's object statement complies with the object statement requirement in § 32-1401 and, thus, the requirements of § 32-1405, it is not necessary for this court to determine whether substantial compliance would have been sufficient.

VI. CONCLUSION

For each of the foregoing reasons, the judgment of the district court is affirmed.

Affirmed.

Bergevin, J., not participating.