**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF NEBRASKA**

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| **KENT BERNBECK, and MICHAEL WARNER,**  **Plaintiffs,**  **v.**  **JOHN A. GALE, Nebraska Secretary of State, in his official capacity,**  **Defendant.** | **Case No. 4:18-CV-3073**  **ORDER AND FINAL JUDGMENT** |

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) exceeds permissible signature requirements under the First Amendment. *Id.* The parties stipulated to the entry of a judgment, and of an order granting final declaratory and injunctive relief consistent with the Stipulation. *Id.* The Court concludes that the Stipulation should be approved, and judgment should be entered in favor of the Plaintiffs Bernbeck and Warner, and against Defendant Gale in his official capacity. Accordingly,

IT IS ORDERED:

1. The Court declares that:
   1. Section 2 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), codified at Neb. Rev. Stat. § 32-618(2), is unconstitional and § 32-618(2) (Supp. 2011) remains in full force and effect;
   2. 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);
   3. The remaining sections of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016), are severable;
2. The Defendant is permanently enjoined from taking any action to enforce Section 2 of Legislative Bill 874, 104th Leg. Sess. (Neb. 2016); and
3. The Plaintiffs’ Second Claim is dismissed without prejudice.

DATED this 13th day of June, 2018.

BY THE COURT: