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News Release
Aug. 23, 2006

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Gale disallows Democratic nomination of Witek

LINCOLN – Nebraska Secretary of State John Gale announced today that he was disallowing the Nebraska Democratic Party’s nomination of Kate Witek for Auditor of Public Accounts for the Nov. 7 general election.

Gale said the attempt by the Democratic Party appears to be circumventing the intent and spirit of the statewide primary election system.

However, Gale said Witek, the current auditor, could become a candidate for auditor via the petition process.

Witek last week announced that she was switching from the Republican Party to the Democratic Party.

She did not seek re-election as auditor in May on the Republican primary ballot. Instead, she actively campaigned as the proposed lieutenant governor candidate with Tom Osborne, who lost in the Republican primary for governor

She was nominated to the auditor’s position by the Democratic Party’s state convention on Aug. 19 in Grand Island. The Democratic Party did not nominate a candidate for auditor at the May primary election.

In a letter to Democratic officials, Gale said there was a statutory provision that says a “vacancy” shall exist on the general-election ballot when “no person was nominated for the office in the primary election.” However, he said another provision states, “No vacancy on the ballot shall be deemed to have occurred if a political party makes no nomination of a candidate at the primary election for the office.”

The Democratic Party's nomination of Witek as its auditor candidate "cannot qualify if it is an attempt to fill a 'vacancy,' as such act is not allowed by law since no vacancy on the ballot exists," Gale said.

"By having the choice of presenting candidates to their general registered membership in the May primary, and waiving it, and then attempting to select a statewide candidate, or candidates, at the post-primary political convention, the Nebraska Democratic Party appears to be circumventing and thwarting the intent and spirit of the statewide primary election system established by law in Nebraska in 1907," he said.

Witek actively campaigned as the proposed lieutenant governor candidate with Osborne, but she was not on the primary ballot, Gale said.

Although Witek had a filing deadline of Feb. 15 as an incumbent, that requirement only applied to her willingness to participate in the May primary election, he said. She was not on the primary ballot for the office of auditor or for any other office.

Gale said Witek could run as a petition candidate in the general election because she was not a defeated candidate in the primary election.

To qualify as a petition candidate, she would need to file the verifiable signatures of 2,000 registered voters along with filing fees by Sept. 1.

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