



From the Office of Secretary of State

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Sec. Gale issues opinion in voter's registration inquiry

LINCOLN – Based upon an extensive review of public documents, news reports, and information furnished by a representative of Jamie Gutierrez, Secretary of State John Gale has concluded his inquiry with a 14 page opinion and a determination that Ms. Gutierrez was not domiciled in Douglas County on December 19, 2012, and therefore, not a properly registered voter in Douglas County under the Election Act of Nebraska.

Gale explained that while there were several factors that may have contributed to Ms. Gutierrez' belief that she could change her registration to Douglas County, those factors are not enough to establish that she was actually domiciled in Douglas County on December 19, 2012. "The term 'domicile' isn't used very commonly in normal speech," Gale acknowledged. "It has a much more precise meaning under the Election Act. A person can have multiple residences and only one domicile."

"Domicile in Nebraska is indicated by a person's presence at that location, the intent to remain there and the intent to abandon any previous domicile. Having significant contacts with a community, whether personal, business or civic, is meaningful when talking about someone's solid connections with a community, but that is very different when talking about the connections necessary for voter registration."

Based on the evidence collected, Gale said it does not appear that the property located at 5029 South 19th Street in Omaha qualified as the domicile of Ms. Gutierrez.

Gale went onto explain that abandonment of a prior residence where someone is registered to vote is a central factor in considering whether the voter registration at a new residence is legitimate and legal. "I've seen nothing to indicate that Ms. Gutierrez and her husband have any intention to abandon the settled connection with their residence at 107 Bellevue Blvd North in Bellevue."

“It’s possible to spend time at a second home, such as a lake home or a condo in Florida and in fact, many people do,” Gale observed. “However, that doesn’t mean that it is the person’s permanent and principal home. For the election process to be fair it is essential that people vote in the precinct where their permanent and principal home is located.”

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