



From the Office of Secretary of State
John A. Gale
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For your planning purposes, Sec. Gale will be unavailable for comment until he returns to the office on Thursday, September 11.

Sec. Gale accepts nomination; Foley's name to appear on ballot

LINCOLN – Secretary of State John Gale says he will accept Pete Ricketts' nomination of Mike Foley as his running mate. As a result, Mike Foley's name will appear on the ballot as the lieutenant governor nominee.

Gale received Lt. Governor Lavon Heidemann's declination yesterday as the running mate in the Republican campaign for governor. He also received the filing of Mike Foley who was named as the new running mate by Ricketts.

While acknowledging that state statute only provides for the removal of a candidate on the statewide ballot by September 1, Gale said that it was his duty as chief election administrator to supervise the conduct of elections in the state to insure the accuracy of the ballot and prevent voter confusion. "In addition, a gubernatorial candidate has the sole constitutional right to designate his or her running mate for the ballot. This constitutional right must be heavily weighed against any statutory deadline."

Gale noted that there is judicial case law in Nebraska which allowed for a substitution of a candidate after a withdrawal deadline, which was September 1 in this case, and indicated that the constitutional argument presented by the Ricketts' campaign was persuasive. Neb. Const. art. IV §1 vests exclusive authority in the candidate for governor to select a person to be the candidate for lieutenant governor on the general election ballot. Given that the ballot for the November 4, 2014 general election has not been certified, the refusal to accept Rickett's

selection for lieutenant governor could be viewed as a direct violation of his constitutional rights under Article IV, §1 of the Nebraska Constitution.

In addition, the Nebraska Supreme Court recently confirmed the scope of Gale's authority when interpreting the appropriateness and inclusion of ballot issues. "There is no issue of greater importance than ensuring the accurate reflection of candidates on the ballot. And for that reason, I feel compelled to act."

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