



## **Qualifications - §32-602**

(1) Any person seeking an elective office shall be a registered voter at the time of filing for the office pursuant to section 32-606 or 32-611.

(2) Any person filing for office shall meet the constitutional and statutory requirements of the office for which he or she is filing. If a person is filing for a partisan office, he or she shall be a registered voter affiliated with the appropriate political party if required pursuant to section 32-702. If the person is required to sign a contract or comply with a bonding or equivalent commercial insurance policy requirement prior to holding such office, he or she shall be at least nineteen years of age at the time of filing for the office.

(3) A person shall not be eligible to file for an office if he or she holds the office and his or her term of office expires after the beginning of the term of office for which he or she would be filing. This subsection does not apply to filing for an office to represent a different district, ward, subdistrict, or subdivision of the same governmental entity as the office held at the time of filing.

(4)(a) Except as provided in subdivision (b) of this subsection, a person shall not be eligible to file for an office until he or she has paid any outstanding civil penalties and interest imposed pursuant to the Nebraska Political Accountability and Disclosure Act. The filing officer shall determine such eligibility before accepting a filing. The Nebraska Accountability and Disclosure Commission shall provide the filing officers with current information or the most current list of such outstanding civil penalties and interest owed pursuant to subdivision (13) of section 49-14,123.

(b) A person owing a civil penalty to the commission shall be eligible to file for an office if:

- (i) The matter in which the civil penalty was assessed is pending on appeal before a state court; and
- (ii) The person files with the commission a surety bond running in favor of the State of Nebraska with surety by a corporate bonding company authorized to do business in this state and conditioned upon the payment of the civil penalty imposed under the Nebraska Political Accountability and Disclosure Act.

(5) The governing body of the political subdivision swearing in the officer shall determine whether the person meets all requirements prior to swearing in the officer.

## **Candidate filing form; filing period - §32-606(1)**

Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 32-607. Except as otherwise provided in subsection (4) of this section, if a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between January 5 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office between January 5 and March 1 prior to the date of the primary election. **A candidate filing form and a copy of payment of the filing fee, if applicable, may be transmitted by facsimile for the offices listed in subdivision (2)(a) of section 32-607 if (a) the transmission is received in the office of the filing officer by the filing deadline and (b) the original filing form and payment of the filing fee, if applicable, is mailed to the filing officer with a legible postmark bearing a date on or prior to the filing deadline and is in the office of the filing officer no later than seven days after the filing deadline.**

**If faxing, please send to (402) 471-7834. Please see above for faxed candidate filing requirements.**

### **Names - Answers taken from AGO 10001 (2010-01-05)**

1. May a candidate have her name printed on the ballot as "Mrs. John \_\_\_\_\_"?

It is our opinion that "Mrs. \_\_\_\_\_" is "in apparent conformity" as a name and will be valid unless objection is properly made as provided by statute.

2. May a candidate have his or her name printed on the ballot as "Dr. J. W. \_\_\_\_\_"?

"Dr." is an example of what we feel is too clearly a title to become a question of fact as to whether it is part of a name. A title may be part of the full description by which a person is known in the community, and yet never become part of the name. Our conclusion in this regard may be said to apply to such titles as Colonel, Professor, or similar others. It is our conclusion that the above designations are not "in apparent conformity" as names, and the Secretary of State, County Clerk or Election Commissioner shall refuse to certify them, even though objection is not made.

3. May a candidate have his or her name printed on the ballot as "John G. 'Jack' \_\_\_\_\_"?

This type of filing is an obvious attempt to add to the person's name an additional identification, not a part of the name. Once again, there may be a question of fact arise where the candidate expresses the desire to be listed upon the ballot as "Jack \_\_\_\_\_". The determinative factor, again, is whether that is the name by which he calls himself, and is generally known in the community. "John G. 'Jack' \_\_\_\_\_" is not in "apparent conformity" as a name, and the Secretary of State, County Clerk or Election Commissioner shall refuse to certify it, even though no objection is made. "Jack \_\_\_\_\_" raises a question of fact, and the Secretary of State, County Clerk or Election Commissioner may not refuse to certify it, in the absence of properly made objections."

4. May a candidate with a hyphenated last name use only a portion of the last name on the ballot?

It is our opinion that the name which should be placed on the candidate filing form and on the ballot for a particular candidate is the name ordinarily used for the person, by which he or she is known in the community, and by which he or she is distinguished from others. A hyphenated name or portions thereof may be used on the candidate filing form and on the ballot. If a person with a hyphenated last name is known in the community by only a portion of his or her last name, then it is permissible to place that name on the ballot.

5. May a candidate who usually uses her husband's last name, use her maiden name on the filing form and on the ballot?

Again, the correct name for a candidate is the name by which he or she is known in the community, and by which he or she is distinguished from others. As a result, a married woman may use her maiden name, her own Christian name and her husband's surname, a hyphenated name or portions thereof.