

LEGISLATURE CANDIDATE FILING FORM

For Secretary of State Office's Use Only

Time: _____ **Initials:** _____

Instructions: Please complete the form in its entirety, by printing the information requested in the spaces provided. Incomplete forms could delay the effective date of your filing. Be sure the form is legible. Do not sign the form until you are in front of a notary public or elections official. **If you have any questions, contact the Elections Division Staff at the Secretary of State's Office at (402) 471-2555.**

*Pursuant to Nebraska State Statute §32-111, an incumbent is defined as a "person whom the canvassers or the courts declare elected to an elective office or who has been appointed to an elective office." A candidate who currently holds **any** elected office is considered an incumbent, therefore the incumbent deadline applies.

Filing Periods: INCUMBENT*: **DECEMBER 2, 2019** to **FEBRUARY 18, 2020**
 NONINCUMBENT: **DECEMBER 2, 2019** to **MARCH 2, 2020**

Check here if an incumbent*

Required Information

Registered Voter's Name: _____
(First, Middle Initial, Last) (County of Residence)

Registered Voter's Address: _____
(Street address where you reside & are registered to vote) (City) (State) (Zip)

Phone Number: _____ or _____
(Home) (Cellular)

I declare that I am a candidate for the office of **Legislature District** _____

for a term of **4** years and request that my name _____
(Print name as it is to appear on the ballot. - See reverse side for information.)

be placed on the official ballot for the primary election to be held the 12th day of May, 2020.

*To assist with proper pronunciation of your name on the ballot reading device, please provide the "rhymes-with" word or phonetic spelling or both.
 Ex.: Sue Jahn = Sue Hahn (rhymes with fawn) or William Mishaud = mee-SHO ('d' is silent) or Tanya Monte =TAWN -yuh (not TAN) mahn-TEA*

(Spoken Spelling Required)

By checking this box, I state that I do not owe civil penalties pursuant to the Nebraska Political Accountability and Disclosure Act; or, if civil penalties are owed, a surety bond has been filed pursuant to subdivision (4)(b) of section 32-602.

Optional Information for PUBLIC Candidate Filing List

Mailing Address: _____
(Street address or PO Box) (City) (State) (Zip)

(Alternate phone) (Email address)

STATE OF NEBRASKA)
) ss.
 COUNTY OF _____)

I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the primary and general elections, that I am a registered voter and qualified to be elected, and that I will serve if elected.

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, _____.
(Day) (Month) (Year)

Signature of Candidate

Subscribed in my presence and sworn to before me this

_____ day of _____, _____
(Day) (Month) (Year)

(SEAL)

Officer Administering Oath

Title (e.g., County Clerk, Notary Public)

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)

- (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. 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 December 1 and February 15 prior to the date of the primary election, except for candidates for election in 2013 to the board of education of a Class V school district. 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. Incumbent and nonincumbent candidates for election in 2013 to the board of education of a Class V school district and all other candidates shall file for office between December 1 and March 1 prior to the date of the primary election. **A candidate filing form may be transmitted by facsimile for the offices listed in subdivision (1) 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 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.**

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.

Instructions for Candidates Filing with the Secretary of State

Primary Election

Send to:
Secretary of State – Elections Division
1221 N Street, Suite #103
PO Box 94608
Lincoln, NE 68508

Filing Periods

- Incumbents: December 2, 2019 through February 18, 2020
- Non-incumbents: December 2, 2019 through March 2, 2020

The following are the requirements for each elected office:

United States Senator, United States House of Representatives:

- Submit partisan candidate filing form
- Submit the filing fee of \$1,740
- No Nebraska Accountability and Disclosure Commission C-1 form is required
- Contact the Federal Election Commission regarding their disclosure requirements for these offices:
www.fec.gov/help-candidates-and-committees/

Public Service Commissioner:

- Submit a partisan candidate filing form
- Submit the filing fee of \$750
- Submit the Nebraska Accountability and Disclosure Commission C-1 form to the NADC directly*

Board of Regents, State Board of Education:

- Must submit a nonpartisan candidate filing form
- Must submit the filing fee of \$25
- Must submit the Nebraska Accountability and Disclosure Commission C-1 form to the NADC directly*

Member of the Legislature:

- Submit a nonpartisan candidate filing form
- Submit the filing fee of \$120
- Submit the Nebraska Accountability and Disclosure Commission C-1 form to the NADC directly*

Community Colleges, Natural Resource Districts, Learning Communities:

- Must submit a nonpartisan candidate filing form
- No Nebraska Accountability and Disclosure Commission C-1 form is required*
- No filing fee is required

Public Power Districts grossing over \$40 million:

- Must submit a nonpartisan candidate filing form
- Must submit the filing fee of \$25 for the following districts grossing over \$40 million:
 - OPPD, NPPD, Southern, Loup River, Norris, & Dawson Power Districts
- Must submit the Nebraska Accountability and Disclosure Commission C-1 form to the NADC directly*

Metropolitan Utilities District:

- Must submit a nonpartisan candidate filing form
- Must submit the filing fee of \$25
- No Nebraska Accountability and Disclosure Commission C-1 form is required*

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

November 2019

***Nebraska Revised Statute Reference for the NADC C-1 Form:**

49-1494.

Candidates for elective office; statement of financial interest; filing; time; supplementary statements; failure to file; effect.

- (1) An individual who files to appear on the ballot for election to an elective office specified in section [49-1493](#) shall file a statement of financial interests for the preceding calendar year with the commission as provided in this section.
- (2) Candidates for the elective offices specified in section [49-1493](#) who qualify other than by filing shall file a statement for the preceding calendar year with the commission within five days after becoming a candidate or being appointed to that elective office.
- (3) If the candidate for an elective office specified in section [49-1493](#) files to appear on the ballot for election prior to January 1 of the year in which the election is held, the candidate shall file supplementary statements, covering the preceding calendar year, with the commission on or before March 1 of the year in which the election is held or, if the filing deadline for the elective office is after March 1 of the year in which the election is held, the candidate shall file such supplementary statements on or before the filing deadline for the elective office.
- (4) If the candidate for an elective office specified in section [49-1493](#) files to appear on the ballot for election during the calendar year in which the election is held, the candidate shall file a statement of financial interests for the preceding calendar year with the commission on or before March 1 of the year in which the election is held or, if the filing deadline for the elective office is after March 1 of the year in which the election is held, the candidate shall file such statement on or before the filing deadline for the elective office.
- (5) A candidate for an elective office specified in section [49-1493](#) who fails to file a statement of financial interests as required in subsection (1) or (2) of this section within five days after the deadline in subsection (3) or (4) of this section and section [49-1493](#) shall not appear on the ballot.
- (6) A statement of financial interests shall be preserved for a period of not less than five years by the commission.

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FILING FEE SCHEDULE FOR 2020

OFFICE	SALARY (\$)	FILING FEE (\$)
United States Senator.....	174,000.....	1,740
Representative in Congress	174,000.....	1,740
Public Service Commissioner	75,000.....	750
Member of the Legislature	12,000.....	120
Board of Regents.....		25
State Board of Education.....		25
Public Power & Irrigation Districts (OPPD, NPPD, Southern, Loup River, Norris, & Dawson Power Districts).....		25
Metropolitan Utilities District.....		25
Public Power & Irrigation District (all other power districts)		10
Reclamation Districts		10
Community Colleges.....		No filing fee
Natural Resource District		No filing fee
Educational Service Units.....		No filing fee
Learning Community Coordinating Council		No filing fee
County Offices		1% of salary
Municipal Offices (if salary exceeds 500 dollars).....		1% of salary
Delegate to Convention		No filing fee

32-608. Filing fees; payment; amount; not required; when; refund; when allowed.

(1) Except as provided in subsection (4) or (5) of this section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. For candidates who file in the office of the Secretary of State as provided in subdivision (1) of section 32-607, the filing fee shall be paid to the Secretary of State who shall remit the fee to the State Treasurer for credit to the Election Administration Fund. For candidates for any city or village office, the filing fee shall be paid to the city or village treasurer of the city or village in which the candidate resides. For candidates who file in the office of the election commissioner or county clerk, the filing fee shall be paid to the election commissioner or county clerk in the county in which the office is sought. The election commissioner or county clerk shall remit the fee to the county treasurer. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper payment or the proper receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the city or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) Except as provided in subsection (4) or (5) of this section, the filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county officers, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary as of November 30 of the year preceding the election for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

(c) For directors of reclamation districts, ten dollars; and

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(d) For Regents of the University of Nebraska, members of the State Board of Education, and directors of metropolitan utilities districts, twenty-five dollars.

(3) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within ten days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(4) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required for any candidate for membership on a school board, on the board of an educational service unit, on the board of governors of a community college area, on the board of directors of a natural resources district, or on the board of trustees of a sanitary and improvement district.

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

(a) Real property used as a home;

(b) Household goods of a moderate value used in the home; and

(c) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

(6) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the proper governing body prior to the date of the election. Upon approval of the claim by the proper governing body, the filing fee shall be refunded.

Source

- Laws 1994, LB 76, § 176;
- Laws 1997, LB 764, § 56;
- Laws 1998, LB 896, § 9;
- Laws 1998, LB 1161, § 12;
- Laws 1999, LB 272, § 16;
- Laws 1999, LB 802, § 13;
- Laws 2003, LB 537, § 1;
- Laws 2004, LB 323, § 2;
- Laws 2014, LB946, § 12.

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