STATE OF NEBRASKA

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NO.
STATE OF NEBRASKA
OFFICIAL
APR 10 1998
DEPT. OF JUSTICE

DATE: April 9, 1998

SUBJECT: Application of Neb. Rev. Stat. § 32-612(1) (Supp. 1997) and Change of Political Party Affiliation Timeframes to the Situation Where a Registered Voter Moves Out of a County and Wishes to File for Office as a Candidate of a Different Political Party in a New County

REQUESTED BY: Scott Moore
Nebraska Secretary of State

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Neb. Rev. Stat. § 32-702 (Cum. Supp. 1996) allows a political party in Nebraska to adopt rules which require that an individual whose name is placed on that party's partisan primary election ballot must be affiliated with that party. When such a party rule exists, Neb. Rev. Stat. § 32-610 (Cum. Supp. 1996) provides further that no person shall be allowed to file a candidate filing form as a partisan candidate for public office or to have his or her name placed on the primary election ballot of that political party unless that person is a registered voter of the political party in question.

You have now requested an opinion from this office with respect to the application of Neb. Rev. Stat. § 32-612(1) (Supp. 1997) in the context of the statutes cited above. Section 32-612(1) provides:

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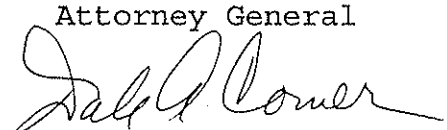
the clear intent of § 32-612(1), we believe that such a change in party affiliation should trigger application of the timeframes stated in that statute.

Sincerely yours,

DON STENBERG
Attorney General



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Assistant Attorney General

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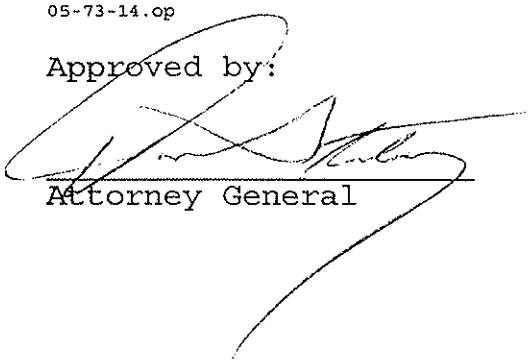

Attorney General