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Chadrad Communications, Inc.
226 Bordeaux St - Chadron, NE 69337
308-432-5545 fax 308-432-5601
E-mail: kcsr@chadrad.com

(Neb.) - Gale Says Kerrey Fails on Residency, but Makes the Ballot

By: John Thayer Posted at: 03/16/2012 08:17 PM

Secretary of State John Gale today sustained in part, but overruled in part, an objection by the Nebraska State Republican Party to Bob Kerrey's presence on the ballot for the May 15th primary election and the November 6 general election ballot.

Gale ruled that Kerrey did not meet the statutory terms of required residency under Nebraska law at the time of filing his candidate ballot form on February 29. However, Nebraska law also prescribes the qualifications for a U.S. Senate candidate to be those of the U.S. Constitution. Following the less strict federal Constitution as required by state law, Gale ruled that Bob Kerrey's name can appear on the May 15th primary election ballot for United States Senate.

Gale's decision listed a number of resources he used in making his determination including the Republican Party's challenge letter, two written responses from Kerrey and his attorney which responded to a number of questions from the Secretary of State, Douglas County voter registration and property records, and state and federal law.

Gale said, "This situation was complicated by Mr. Kerrey's candidacy filing right before the deadline and right after filing two voter registration forms with different addresses within 24 hours."

Gale noted that usually "surrounding circumstances" can help resolve residency issues, but in this case, due to the short time frame, there was a limited amount of surrounding circumstances to consider.

Gale's ruling mentioned GOP allegations of criminal election falsification relating to the voter registration applications, but stated that any discussion or investigation into criminal charges were the responsibility of local law enforcement and county attorneys.

Kerrey will join Steven Lustgarten, Sherman Yates, Larry Marvin, and Chuck Hassebrook on the ballot for the Democratic nomination for US Senate. Hassebrook has previously stated that he was withdrawing from the race, but was too late to have his name removed.