

NEBRASKA DELEGATE SELECTION PLAN

FOR THE 2008 DEMOCRATIC NATIONAL CONVENTION

ISSUED BY THE NEBRASKA DEMOCRATIC PARTY

APRIL 2007

THE NEBRASKA DELEGATE SELECTION PLAN
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SECTION I

INTRODUCTION & DESCRIPTION OF DELEGATE SELECTION PROCESS

A. INTRODUCTION

1. Nebraska has a total of 31 delegates and 4 alternates. (Call, I. & Appendix B.)
2. The delegate selection process is governed by the *Charter and Bylaws of the Democratic Party of the United States*, the *Delegate Selection Rules for the 2008 Democratic National Convention* (“Rules”), the *Call for the 2008 Democratic National Convention* (“Call”), the *Regulations of the Rules and Bylaws Committee for the 2008 Democratic National Convention* (“Regs.”), the rules of the Democratic Party of Nebraska (NDP), the Nebraska election code, and this Delegate Selection Plan. (Call, II.A.)
3. Following the adoption of this Delegate Selection Plan by the State Party Committee, it shall be submitted for review and approval by the DNC Rules and Bylaws Committee (“RBC”). The State Party Chair shall be empowered to make any technical revisions to this document as required by the RBC to correct any omissions and/or deficiencies as found by the RBC to ensure its full compliance with Party Rules. Such corrections shall be made by the State Party Chair and the Plan resubmitted to the RBC within 30 days of receipt of notice of the RBC’s findings. (Regs. 2.5, 2.6 & 2.7)
4. Once this Plan has been found in Compliance by the RBC, any amendment to the Plan by the State Party will be submitted to and approved by the RBC before it becomes effective. (Reg. 2.9)

B. DESCRIPTION OF DELEGATE SELECTION PROCESS

1. Nebraska will use a proportional representation system based on the results of the Caucus for apportioning delegates to the 2008 Democratic National Convention.
2. The “first determining step” of Nebraska’s delegate selection process will occur February 9, 2008, with a Precinct Caucus.
3. Voter Participation in Process
 - a. Participation in Nebraska’s delegate selection process is open to all voters who wish to participate as Democrats. “Democrats” are those persons of legal voting age who are registered in Nebraska as Democrats or who register as Democrats at the Precinct Caucus.
 - b. At no stage of Nebraska’s delegate selection process shall any person be required, directly or indirectly, to pay a cost or fee as a condition for participating. Voluntary contributions to the Party may be made, but under no circumstances shall a contribution be mandatory for participation (Rule 2.D. & Reg. 4.4.)
 - c. No persons shall participate or vote in the nominating process for the Democratic presidential candidate who also participates in the nominating process of any other party for the corresponding elections. (Rule 2.E.)
 - d. No person shall vote in more than one meeting which is the first meeting in the delegate selection process. (Rule 3.E. & Reg. 4.6.)

SECTION II

PRESIDENTIAL CANDIDATES

A. BALLOT ACCESS

A presidential candidate is eligible to participate in Nebraska's February 9, 2008 first-tier caucuses as a candidate for consideration by the caucus by filing a letter of intent to be a candidate or causing such a letter to be filed with the Nebraska Democratic Party on or before 5 pm on January 11, 2008.

"Uncommitted" will automatically be a "candidate". During the caucus meeting a caucus attendee may also nominate someone to be considered as a candidate. (RULES 11.B., 14.A., 14.B., 14.D., 14.E., & 14.H.)

B. Each presidential candidate shall certify in writing to the State Democratic Chair, the name(s) of his or her authorized representative(s) by March 31, 2008. (Rule 12.D.(1))

C. Each presidential candidate (including uncommitted status) shall use his or her best efforts to ensure that his or her respective delegation within the state delegation achieves the affirmative action goals established by this Plan and is equally divided between men and women. (Rule 6.I.)

SECTION III

SELECTION OF DELEGATES AND ALTERNATES

A. DISTRICT-LEVEL DELEGATES AND ALTERNATES

1. Nebraska is allocated 16 district-level delegates and 3 district-level alternates. (Rule 8.C., Call, I.B. & I.I.)
2. District-level delegates and alternates are designated by a three-part caucus/convention system. The First Part is the Precinct Caucuses which will be held on February 9, 2008. County Convention Delegates and Alternates committed to presidential candidates (including Uncommitted) will be elected by each Precinct Caucus to fairly reflect the presidential preferences of the participants of that Precinct Caucus. Each Precinct shall have at least two delegates to the County Convention with additional delegates allocated to precincts based upon votes for the Democratic presidential candidate in the last presidential general election. The County Delegates and Alternates will be elected upon a presidential preference process with a minimum viability requirement of 15%. Hence realignment may be required. The Second Part will be the County Convention. The County Delegates elected at the Precinct Caucus will elect Delegates and Alternates to the State Convention. The County Conventions will be held between June 1 and June 10, 2008 (by state law). The County Convention Delegates will caucus by their presidential preference (from the Precinct Caucus) to elect their allocated number of State Delegates and Alternates. A minimum viability requirement of 15% will be in place. Viability and candidate withdrawals may require realignment. State Delegate and Alternate positions will be allocated in advance among the Counties in accordance with the Bylaws of the NDP according to the weighted average of three criteria: (1) the number of votes cast for the Democratic nominee in the immediately preceding presidential election (Kerry, 2004); (2) the number of votes cast for the Democratic nominee in the immediately preceding gubernatorial election (Hahn, 2006); and (3) the number of registered Democrats as of January 1 of the election year (2008). The exact number of State Delegates and Alternates awarded to each county is determined by the State Central Committee of the Nebraska Democratic Party

and will be approved prior to the Precinct Caucus. The Third Part will be the election of the National Convention Delegates and Alternates at the State Convention. The State Convention Delegates from each District will caucus by their presidential preference (as reflected by the results of Precinct Caucuses) to elect their allocated number of State Delegates and Alternates. A minimum viability requirement of 15% will be in place. Viability and candidate withdrawals may require realignment. The Convention will be held on June 28, 2008.

3. Apportionment of District-Level Delegates and Alternates

Nebraska’s district-level delegates and alternates are apportioned among the districts based on a formula giving One-third (1/3) weight to each of the formulas in items 1, 2, and 3 below: (Rule 8.A.; Regs. 4.11., 4.12. & Appendix A)

Equal weight to total population and to the average vote for the Democratic candidates in the 2000 and 2004 presidential elections.

Equal weight to the vote for the Democratic candidates in the 2004 presidential and the most recent gubernatorial elections.

Equal weight to the average of the vote for the Democratic candidates in the 2000 and 2004 presidential elections and to Democratic Party registration or enrollment as of January 1, 2008.

The state’s total number of district-level delegates will be equally divided between men and women. (Rule 6.C.(1) & Reg. 4.8.)

The district-level delegates and alternates are apportioned to districts as indicated in the following chart:

District	Delegates			Alternates		
	Males	Females	Total	Males	Females	Total
#1	3	3	6		1	1
#2	3	3	6	1		1
#3	2	2	4		1	1
Total	8	8	16	1	2	3

In the Nebraska caucus/convention system, Nebraska law requires at least two delegates per precinct. Additional delegates per precinct may be allocated based upon the number of votes cast for the Democratic candidate in the last Presidential election. Allocation of delegates from county to state must be in accordance with the Bylaws of the NDP (see Part A.2 above). (Rule 8.B.)

4. District-Level Delegate and Alternate Filing Requirements
 - a. A district-level delegate and alternate candidate may run for election only within the district in which he or she is registered to vote. (Rule 12.H.)
 - b. An individual can qualify as a candidate for district-level delegate or alternate to the 2008 Democratic National Convention by filing a statement of candidacy designating his or her presidential (or uncommitted) preference and a signed pledge of support for the presidential candidate (including uncommitted status) with the State Party. Delegate and alternate statements of candidacy are available from the Nebraska Democratic Party office on February 4, 2008. Statements must be returned and filed with the Party at the Party office by the end of the business day on May 22, 2008. . (Rules 12.B. & 14.F.)
 - c. All candidates considered for district-level alternate positions must meet the same requirements as candidates for district-level delegate positions (Rule 12.C.)
5. Presidential Candidate Right of Review for District-Level Delegates and Alternates

The State Democratic Chair shall convey to the presidential candidate, or that candidate's authorized representative(s), not later than May 27, 2008 at 5 PM, a list of all persons who have filed for delegate or alternate pledged to that presidential candidate. (Rules 12.D. & 12.F.) (Reg. 4.22.)

Each presidential candidate, or that candidate's authorized representative(s), must then file with the State Democratic Chair by June 6, 2008 at 5 PM, a list of all such candidates he or she has approved, provided that approval be given to at least three (3) times the number of candidates for delegate men and three (3) times the number of candidates for delegate women, and three (3) times the number of candidates for alternate men and three (3) times the number of alternate women to be selected. (Rule 12.E.(1), Reg. 4.23.)

Failure to respond will be deemed approval of all delegate and alternate candidates submitted to the presidential candidate unless the presidential candidate, or the authorized representative(s), signifies otherwise in writing to the State Democratic Chair not later than June 6, 2008 at 5 PM.

National convention delegate and alternate candidates removed from the list of bona fide supporters by a presidential candidate, or that candidate's authorized representative(s), may not be elected as a delegate or alternate at that level pledged to that presidential candidate (including uncommitted status). (Rule 12.E. & Reg. 4.23.)

The State Democratic Chair shall certify in writing to the Co-Chairs of the DNC Rules and Bylaws Committee whether each presidential candidate (including uncommitted status) has used their best efforts to ensure that their respective district-level delegate candidates and district-level alternate candidates meet the affirmative action and inclusion considerations and goals detailed in the Affirmative Action section of this Plan within three (3) business days of returning the list of approved district-level delegate candidates and district-level alternate candidates as indicated in section III.A.5.b of this Plan.

Fair Reflection of Presidential Preference

Caucus/Convention B Proportional Representation Plan (Rules 13.A., 13.B. & 13.D.)

Nebraska is a caucus/convention state. Accordingly, delegate and alternate positions shall be allocated so as to fairly reflect the expressed presidential preference or uncommitted status of the caucus participants in each district. Therefore, the national convention delegates elected at the district level shall be allocated in proportion to the percentage of the caucus vote won in that district by each preference, except that preferences falling below a 15% threshold shall not be awarded any delegates or alternates. *[Percentages of presidential preference shall be determined on the Precinct Level.]* (Rule 13.B.)

- a. Within a district, if no presidential preference reaches a 15% threshold, the threshold shall be the percentage of the vote received in that district by the front-runner minus 10%. (Rule 13.F.)
- b. The Nebraska presidential caucus is a binding caucus. This means that the presidential preferences rendered at the caucus must be observed throughout. Hence, delegate and alternate positions at succeeding levels (county, district and state) must reflect the preference results of that caucus. Persons selected to any of those delegate and alternate positions may be required to sign statements of support for their presidential preference. However, should a preference fall below the 15% threshold at any level, then those in that preference group may elect to join another preference, including “uncommitted”. (Rule 12.G.)

6. Equal Division of District-Level Delegates and Alternates

- a. In order to ensure the district-level delegates are equally divided between men and women, delegate positions within each district will be designated by presidential preference beginning with the highest vote-getting presidential preference. This assignment of delegate positions, alternating by sex as mathematically practicable, will continue with the next highest vote-getting preferences in descending order until the gender of each position has been assigned. (Rule 6.C.(1) & Reg. 4.8.)

The delegate positions shall be pre-designated by coin toss by the chair with the call to be made by the designated representative of the candidate so that the gender of the first position to be filled by the winning presidential candidate is predetermined. Once the allocation of district delegates among presidential preference(s) has been calculated, the remaining delegate positions can be assigned to the presidential preference(s), in order of vote won, alternating by gender.

- b. After the delegates are selected, the alternates will be awarded, using the same process described above.

7. The State Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee (DNC) the election of the state’s district-level delegates and alternates to the Democratic National Convention within three (3) days after their election. (Rule 8.C. & Call, IV.A.)

B. UNPLEDGED DELEGATES

Unpledged Party Leaders and Elected Officials

- a. The following categories (if applicable) shall constitute the Unpledged Party Leaders and Elected Official delegate positions:

- (1) Members of the Democratic National Committee who legally reside in the state; (Rule 9.A.(1), Call, I.F., J., K., & Reg. 4.13.)
 - (2) All of Nebraska's Democratic Members of the U.S. House of Representatives and the U.S. Senate; (Rule 9.A.(3), Call I.G. & K.)
 - (3) The Democratic Governor (if applicable); (Rule 9.A.(4), Call I.G. & K.)
 - (4) "Distinguished Party Leader" delegates who legally reside in the state (if applicable); (Rule 9.A.(5), Call I.K., and Reg. 4.13.)
- b. The certification process for the Unpledged Party Leader and Elected Official delegates is as follows:
- (1) Not later than March 1, 2008, the Secretary of the Democratic National Committee shall officially confirm to the State Democratic Chair the names of the unpledged delegates who legally reside in Nebraska. (Rule 9.A.)
 - (2) Official confirmation by the Secretary shall constitute verification of the unpledged delegates from the categories indicated above. (Call, IV.B.1.)
8. Unpledged Add-On Delegates
- a. Nebraska will select 1 unpledged add-on delegate. (Rule 9.B., Call, I.I. & Reg. 5.1.)
 - b. The procedures to be used in selecting the 1 unpledged add-on delegate will be as follows:
 - (1) Selection of the unpledged add-on delegate will occur on 6/28/08 at the Nebraska Democratic State Convention, which is after the election of district delegates and alternates and prior to the selection of the pledged Party Leader and Elected Official delegates. (Rule 9.B.(1))
 - (2) This delegate will be selected by the state convention, which is the same selecting body used to select the At-Large delegates and alternates. (Rule 9.B.(1))
 - (3) The equal division and affirmative action provisions of Rule 10.A. apply to the selection of this unpledged add-on delegate. (Rule 9.B.(2))
 - (4) Individuals are nominated for this position by having their names submitted by the State Chair or by being nominated from the floor of the convention (Reg. 4.14.)
 - (5) The list from which the selecting body chooses the unpledged add-on delegate shall contain at least two (2) names. (Rule 9.B.(3))
 - (6) Unpledged add-on delegate candidates may be selected whether or not they previously filed a statement of candidacy for a delegate position or submitted a pledge of support for a presidential candidate. (Rule 9.B.(5) & Reg. 4.14.)
 - c. The unpledged add-on delegate, selected pursuant to Rule 9.B., shall be certified in writing by the State Democratic Chair to the Secretary of the Democratic National Committee within three (3) days after the selection. (Call, IV.B.2.)

C. PLEDGED PARTY LEADER AND ELECTED OFFICIAL (PLEO) DELEGATES

1. Nebraska is allotted 3 pledged Party Leader and Elected Official (PLEO) delegates. (Call, I.D. & E.)
2. Pledged PLEO Delegate Filing Requirements
 - a. Individuals shall be eligible for the pledged Party Leader and Elected Official delegate positions according to the following priority: big city mayors and state-wide elected officials (to be given equal consideration); state legislative leaders, state legislators, and other state, county and local elected officials and party leaders. (Rule 9.C.(1) & Reg. 4.15.)
 - b. An individual can qualify as a candidate for a position as a pledged PLEO delegate by filing a statement of candidacy with the Nebraska Democratic Party at its official office by May 22, 2008, at 5:00 P.M. (Rules 9.C.(3), & 14.G., Reg. 4.16.)
 - c. If persons eligible for pledged PLEO delegate positions have not already made known their presidential preference (or uncommitted status) as candidates for district-level or at-large delegate positions, their preference shall be ascertained through the following alternative procedure: the state party will require a signed pledge of support for a presidential candidate pursuant to state and federal party guidelines. The deadline for submitting a pledge of support shall be after the selection of all district-level delegates has been completed and no less than fifteen minutes before the selection of the pledged party leader and elected official delegates. (Rule 9.C.(3) & Reg. 4.16.)
3. Presidential Candidate Right of Review
 - a. The State Democratic Chair shall convey to the presidential candidate, or that candidate's authorized representative(s), not later than May 27, 2008 at 5PM, a list of all persons who have filed for a party and elected official delegate pledged to that presidential candidate. (Rules 9.C.(3) & 12.D.)
 - b. Each presidential candidate, or that candidate's authorized representative(s), must file with the State Democratic Chair, by June 6, 2008 at 5 PM, a list of all such candidates he or she has approved, as long as approval is given to at least two (2) names for every position to which the presidential candidate is entitled. (Rule 12.E.(2) & Reg. 4.23.)
 - c. Failure to respond will be deemed approval of all delegate candidates submitted to the presidential candidate unless the presidential candidate or the authorized representative(s) signifies otherwise in writing to the State Democratic Chair not later than June 6, 2008 at 5 PM.
 - d. The State Democratic Chair shall certify in writing to the Co-Chairs of the DNC Rules and Bylaws Committee whether each presidential candidate (including uncommitted status) has used their best efforts to ensure that their respective pledged PLEO delegate candidates meet the affirmative action and inclusion considerations and goals detailed in the Affirmative Action section of this Plan within three (3) business days of returning the list of approved pledged PLEO candidates as indicated in section III.C.3.b of this Plan.
4. Selection of Pledged Party Leader and Elected Official Delegates
 - a. The pledged PLEO slots shall be allocated among presidential preferences on the same basis as the at-large delegates. (Rule 9.C.(2), 10.C., 13.E. & F.)

- b. Selection of the pledged PLEO delegates will occur on 6/28/08 at the Nebraska Democratic Party's State Convention after the election of district-level delegates and alternates and the unpledged add-on delegates and prior to the selection of at-large delegates and alternates. (Rule 9.C.)
- c. These delegates will be selected by the State Convention (Rule 9.D.)
1. The State Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the election of the state's pledged Party Leader and Elected Official delegates to the Democratic National Convention within three (3) days after their election. (Rule 8.D. & Call, IV.A.)

D. AT-LARGE DELEGATES AND ALTERNATES

1. The state of Nebraska is allotted 5 at-large delegates and 1 at-large alternate. (Rule 8.C., Call, I.B. & I.)
2. At-Large Delegate and Alternate Filing Requirements
 - a. Persons desiring to seek at-large delegate or alternate positions may file a statement of candidacy designating their presidential or uncommitted preference and a signed pledge of support for the presidential candidates (including uncommitted status) with the State Party by May 22, 2008 at 5 PM. (Rules 12.B. & 14.G.; Regs. 4.22. & 4.27.)
 - b. The statement of candidacy for at-large delegates and for at-large alternates will be the same. After the at-large delegates are elected by the State Convention those persons not chosen will then be considered candidates for at-large alternate positions unless they specify otherwise when filing. (Rule 18.A.)
3. Presidential Candidate Right of Review
 - a. The State Democratic Chair shall convey to the presidential candidate, or that candidate's authorized representative(s), not later than May 27, 2008 at 5 PM, a list of all persons who have filed for delegate or alternate pledged to that presidential candidate. (Rule 12.D.) (Reg. 4.22. & 4.27.)
 - b. Each presidential candidate, or that candidate's authorized representative(s), must then file with the State Democratic Chair, by June 6, 2008 at 5 PM, a list of all such candidates he or she has approved, provided that, at a minimum, two (2) names remain for every national convention delegate or alternate position to which the presidential candidate is entitled. (Rule 12.E.(2) & Reg. 4.23.)
 - c. Failure to respond will be deemed approval of all delegate candidates submitted to the presidential candidate unless the presidential candidate or the authorized representative(s) signifies otherwise in writing to the State Democratic Chair not later than June 6, 2008 at 5 PM.
 - d. The State Democratic Chair shall certify in writing to the Co-Chairs of the DNC Rules and Bylaws Committee whether each presidential candidate (including uncommitted status) has used their best efforts to ensure that their respective at-large delegate candidates and at-large alternate candidates meet the affirmative action and inclusion considerations and goals detailed in the Affirmative Action section of this Plan within

three (3) business days of returning the list of approved at-large delegate candidates and at-large alternate candidates as indicated in section III.D.3.b of this Plan.

4. Fair Reflection of Presidential Preference

- (a) At-large delegate and alternate positions shall be allocated among presidential preferences according to the division of preferences among convention participants, provided that no person participating shall automatically serve by virtue of holding a public or Party office. (Rule 9.E. & Reg. 4.18.)
- b. Preferences which have not attained a 15% threshold on a state-wide basis shall not be entitled to any at-large delegates. (Rule 13.E.)
- c. If no presidential preference reaches a 15% threshold, the threshold shall be the percentage of the statewide vote received by the front-runner, minus 10%. (Rule 13.F.)
- d. If a presidential candidate is no longer a candidate at the time of selection of the at-large delegates, then those at-large slots that would have been allocated to the candidate will be proportionally divided among the remaining preferences entitled to an allocation. (Rule 10.C.)
- e. If a given presidential preference is entitled to one or more delegate positions but would not otherwise be entitled to an alternate position, that preference shall be allotted one at-large alternate position. (Rule 18.B., Call, I.J. & Reg. 4.30. & 4.33.)

5. Selection of At-Large Delegates and Alternates

- a. The selection of the at-large delegates and alternates will occur on June 28, 2008 at the state convention, which is after all unpledged delegates and pledged Party Leader and Elected Official delegates have been selected. (Rule 8.D. & Call, III.)
- b. These delegates and alternates will be selected by the state convention. (Rules 10.B. & 8.D.)
- a. Priority of Consideration
 - (1) In the selection of the at-large delegation priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women. (Rule 6.A.)
 - (2) In order to continue the Democratic Party's ongoing efforts to include groups historically under-represented in the Democratic Party's affairs and to assist in the achievement of full participation by these groups, priority of consideration shall be given other groups by virtue of race/ethnicity, age, sexual orientation or disability. (Rules 5.C., 6.A.(3), & Reg. 4.7.)
 - (3) The election of at-large delegates and alternates shall be used, if necessary, to achieve the equal division of positions between men and women, and may be used to achieve the representation goals established in the Affirmative Action section of this Plan. (Rule 6.A.)
 - (4) Delegates and alternates are to be considered separate groups for this purpose. (Rules 6.A.(3), 10.A. & Regs. 4.8 & 4.19.)

6. The State Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the election of the state's at-large delegates and alternates to the Democratic National Convention within three (3) days after their election. (Rule 8.C. & Call, IV.A.)

E. REPLACEMENT OF DELEGATES AND ALTERNATES

1. A pledged delegate or alternate may be replaced according to the following guidelines:

Permanent Replacement of a Delegate: (Rule 18.D.(2))

A permanent replacement occurs when a delegate resigns or dies prior to or during the national convention and the alternate replaces the delegate for the remainder of the National Convention.

Any alternate permanently replacing a delegate shall be of the same presidential preference (including uncommitted status) and sex of the delegate he/she replaces, and to the extent possible shall be from the same political subdivision within the state as the delegate.

- (a) In the case where the presidential candidate has only one alternate, that alternate shall become the certified delegate.
- (b) If a presidential candidate has only one alternate, and that alternate permanently replaces a delegate of the opposite sex, thereby causing the delegation to no longer be equally divided, the delegation shall not be considered in violation of Rule 6.C. In such a case, notwithstanding Rule 18.D.(2), the State Party Committee shall, at the time of a subsequent permanent replacement, replace a delegate with a person of the opposite sex, in order to return the delegation to equal division of men and women. (Reg. 4.32.)

b. Temporary Replacement of a Delegate: (Rule 18.D.(3))

- (1) A temporary replacement occurs when a delegate is to be absent for a limited period of time during the convention and an alternate temporarily acts in the delegate's place.
- (2) Any alternate who temporarily replaces a delegate must be of the same presidential preference (including uncommitted status) as the delegate he/she replaces, and to the extent possible shall be of the same sex and from the same political subdivision within the state as the delegate.

c. The following system will be used to select permanent and temporary replacements of delegates in order of priority: (Rule 18.D.(1))

- (1) The delegate chooses the alternate.
- (2) The delegation chooses the alternate.
- (3) The alternate who receives the highest number of votes becomes the delegate.

- d. Certification of Replacements
 - (1) Any alternate who permanently replaces a delegate shall be certified in writing to the Secretary of the DNC by the State Democratic Chair. (Rule 18.D.2.)
 - (2) Permanent replacement of a delegate (as specified above) by an alternate and replacement of a vacant alternate position shall be certified in writing by the Nebraska's Democratic Chair to the Secretary of the Democratic National Committee within three (3) days after the replacement is selected. (Call, IV.C.1.)
 - (3) Certification of permanent replacements will be accepted by the Secretary up to 48 hours before the first official session of the Convention is scheduled to convene. (Call, IV.C.1. & Reg. 4.32.)
 - (4) In the case where a pledged delegate is permanently replaced after 48 hours before the time the first session is scheduled to convene or, in the case where a pledged delegate is not on the floor of the Convention Hall at the time a roll call vote is taken, an alternate may be designated (as specified above) to cast the delegate's vote. In such case, the Delegation Chair shall indicate the name of the alternate casting the respective delegate's vote on the delegation tally sheet (Call, VIII.F.3.d., VIII.F.3.b. & Reg. 5.4.)
 - e. A vacant alternate position shall be filled by the delegation. The replacement shall be of the same presidential preference (or uncommitted status), of the same sex and, to the extent possible, from the same political subdivision as the alternate being replaced. (Rule 18.F.)
2. Unpledged delegates shall not be entitled to a replacement, nor shall the state be entitled to a replacement, except under the following circumstances: (Rule 18.E. & Reg. 4.33.)
 - a. Members of Congress and the Democratic Governor shall not be entitled to name a replacement. In the event of changes or vacancies in the state's Congressional Delegation, following the official confirmation and prior to the commencement of the National Convention, the DNC Secretary shall recognize only such changes as have been officially recognized by the Democratic Caucus of the U.S. House of Representatives or the Democratic Conference of the U.S. Senate. In the event of a change or vacancy in the state's office of Governor, the DNC shall recognize only such changes as have been officially recognized by the Democratic Governors' Association. (Call, IV.C.2.a.)
 - b. Members of the Democratic National Committee and unpledged add-on delegates shall not be entitled to a replacement, nor shall the state be entitled to a replacement, except in the case of death of such delegates. In the case where the state's DNC membership changes following the DNC Secretary's official confirmation, but prior to the commencement of the 2008 Democratic National Convention, acknowledgment by the Secretary of the new DNC member certification shall constitute verification of the corresponding change of unpledged delegates. (Call, IV.C.2.b.)
 - c. Unpledged distinguished Party Leader delegates allocated to the state pursuant to Rule 8.A.(5), shall not be entitled to name a replacement, nor shall the state be entitled to name a replacement. (Call, IV.C.2.c.)
 - d. In no case may an alternate cast a vote for an unpledged delegate. (Call, VIII.F.3.d.)

SECTION IV

CONVENTION STANDING COMMITTEE MEMBERS

A. INTRODUCTION

1. Nebraska has been allocated 1 member(s) on each of the three standing committees for the 2008 Democratic National Convention (Credentials, Platform and Rules), for a total of 3 members. (Call, VII.A. & Appendix D.)
2. Members of the Convention Standing Committees need not be delegates or alternates to the 2008 Democratic National Convention. (Call, VII.A.3.)
3. These members will be selected in accordance with the procedures indicated below. (Rule 1.G.)

B. TEMPORARY STANDING COMMITTEE MEMBERS

1. Temporary members for the Convention Standing Committees will be selected by the State Central Committee at the fourth quarter, 2007 meeting. The meeting shall be open to the public and well publicized in accordance with the Affirmative Action program in this Plan. Members of the State Central Committee shall receive timely notice of the meeting, in accordance with State Party rules. (Call VII.G.(2) and Reg. 5.8.)
2. Any Democrat may apply for a position as a temporary member of the standing committees. Persons wishing to be considered must submit an application with name, address, phone number and reason of interest, including the committee or committees for which they wish to be considered, not later than 10 days before the State Central Committee meeting.
3. A separate election shall be conducted for membership on each of the standing committees. The membership of the standing committees shall be as equally divided as possible under the state allocation; if the number is even, the membership shall be equally divided between men and women; if the number is odd, the variance between men and women may not exceed one (1), and the advantaged gender must not remain constant for the three standing committees (Call VII.E.(1))
4. Temporary members serve only in the event that the respective standing committee is called to meet prior to completion of the state's delegate selection process (and subsequent selection of permanent standing committee members), and no temporary member may continue to serve after the selection of the permanent standing committee members unless he or she is elected as a permanent member. (Call VII.G.(3))
5. The State Chair shall certify the temporary standing committee members in writing to the Secretary of the Democratic National Committee within three (3) days after their election. Substitutions in a state's list of temporary members may only be made up to ten (10) days prior to the time the standing committee meets. Substitute temporary standing committee members will be selected at a meeting of the State Central Committee in accordance with the provisions outlined above. (Call VII.B.(3) and G.(3))

C. PERMANENT STANDING COMMITTEE MEMBERS

1. Selection Meeting

- a. The members of the standing committees shall be elected by a quorum of Nebraska's National Convention delegates, at a meeting to be held on June 29, 2008 at the conclusion of the State Convention (Call, VII.B.1.)
- b. All members of the delegation shall receive adequate notice of the time, date and place of the meeting to select the standing committee members. (Call, VII.B.1.)

2. Allocation of Members

- a. The members of the standing committees allocated to Nebraska shall proportionately represent the presidential preference of all candidates (including uncommitted status) receiving the threshold percentage used in the state's delegation to calculate the at-large apportionment pursuant to Rule 13.E. of the Delegate Selection Rules. (Call, VII.C.1. & Reg. 5.7.)
- b. The presidential preference of each candidate receiving the applicable percentage or more within the delegation shall be multiplied by the total number of standing committee positions allocated to Nebraska. If the result of such multiplication does not equal 0.455 or above, the presidential preference in question is not entitled to representation on the standing committee. If the result of such multiplication is 0.455 but less than 1.455, the presidential preference is entitled to one (1) position. Those preferences securing more than 1.455 but less than 2.455 are entitled to two (2) positions, etc. (Call, VII.C.2.)
- c. Where the application of this formula results in the total allocation exceeding the total number of committee positions, the presidential candidate whose original figure of representation is farthest from its eventual rounded-off total shall be denied that one (1) additional position. Where the application of this formula results in the total allocation falling short of the total number of committee positions, the presidential candidate whose original figure of representation is closest to the next rounding level shall be allotted an additional committee position. (Call, VII.C.3.)
- d. Standing committee positions allocated to a presidential candidate shall be proportionately allocated, to the extent practicable, to each of the three standing committees. When such allocation results in an unequal distribution of standing committee positions by candidate preference, a drawing shall be conducted to distribute the additional positions. (Call, VII.C.4.)

3. Presidential Candidate Right of Review

- a. Each presidential candidate, or that candidate's authorized representative(s), shall be given adequate notice of the date, time and location of the meeting of the state's delegation authorized to elect standing committee members. (Call, VII.D.1.)
- b. Each presidential candidate, or that candidate's authorized representative(s), must submit to the State Democratic Chair, by June 29, 2008 at 8AM a minimum of one (1) name for each slot awarded to that candidate for members of each committee. The delegation shall select the standing committee members from the names submitted by the presidential candidates (including uncommitted status). Presidential candidates shall not be required

to submit the name of more than one person for each slot awarded to such candidate for members of standing committees. (Call, VII.D.2.)

4. Selection Procedure to Achieve Equal Division

- a. Presidential candidates (including uncommitted status) shall use their best efforts to ensure that their respective delegation of standing committee members shall achieve Nebraska's affirmative action goals and that their respective members are equally divided between men and women. (Rule 6.I. & Reg. 4.9.)
- b. Each position on each standing committee shall be assigned by gender. For example, the first position on the Credentials Committee of the presidential candidate with the most standing committee positions shall be designated for a male, the second position for a female, and the remaining positions shall be designated in like fashion, alternating between males and females. Positions for presidential candidates on each committee shall be ranked according to the total number of standing positions allocated to each such candidate. After positions on the Credentials Committee are designated by sex, the designation shall continue with the Platform Committee, then the Rules Committee.
 - (1) A separate election shall be conducted for membership on each standing committee.
 - (2) The membership of the standing committees shall be as equally divided as possible under the state allocation; if the number is even, the membership shall be equally divided between men and women; if the number is odd, the variance between men and women may not exceed one (1), and the advantaged gender must not remain constant for the three standing committees. (Call, VII.E.1.)
 - (3) The positions allocated to each presidential candidate on each committee shall be voted on separately, and the winners shall be the highest vote-getter(s) of the appropriate sex.

5. Certification and Substitution

- a. The State Democratic Chair shall certify the standing committee members in writing to the Secretary of the Democratic National Committee within three (3) days after their selection. (Call, VII.B.3.)
- b. No substitutions will be permitted in the case of standing committee members, except in the case of resignation or death. Substitutions must be made in accordance with the rules and the election procedures specified in this section, and must be certified in writing to the Secretary of the Democratic National Committee within three (3) days after the substitute member is selected. (Call, VII.B.4.)

SECTION V

THE DELEGATION

- A. NEBRASKA will select one (1) person to serve as Delegation Chair and 2 to serve as Convention Pages. (Call, IV.D., E.1. & Appendix C.)
- B. DELEGATION CHAIR

1. Selection Meeting
 - a. The Delegation Chair shall be selected by a quorum of the state's National Convention Delegates, at a meeting to be held on June 29, 2008 at the conclusion of the State Convention (Call, IV.D.)
 - b. All members of the delegation shall receive timely notice of the time, date and place of the meeting to select the Delegation Chair. (Rule 3.C.)
2. The State Democratic Chair shall certify the Delegation Chair in writing to the Secretary of the Democratic National Committee within three (3) days after his or her selection. (Call, IV.D.)

C. CONVENTION PAGES

1. 2 individuals will be selected to serve as Nebraska's Convention Pages by the State Democratic Chair in consultation with the members of the Democratic National Committee from the state. This selection will take place June 29, 2008. (Call, IV.E.3. & Reg. 5.5.)
2. The Convention Pages shall be as evenly divided between men and women as possible under the state allocation and shall reflect as much as possible, the Affirmative Action guidelines in the Affirmative Action Plan. (Reg. 5.5.A.)
3. The State Democratic Chair shall certify the individuals to serve as Nebraska's Convention Pages in writing to the Secretary of the Democratic National Committee within three (3) days after the selection. (Call, IV.E.3. & Reg. 5.5.B.)

SECTION VI

GENERAL PROVISIONS AND PROCEDURAL GUARANTEES

- A. The NEBRASKA Democratic Party reaffirms its commitment to an open party by incorporating the 'six basic elements' as listed below. These provisions demonstrate the intention of the Democratic Party to ensure a full opportunity for all minority group members to participate in the delegate selection process. (Rules 4.A. & C.)
1. All public meetings at all levels of the Democratic Party in Nebraska should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status or physical disability (hereinafter collectively referred to as "status"). (Rule 4.B.(1))
 2. No test for membership in, nor any oaths of loyalty to the Democratic Party in Nebraska should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination based on "status." (Rule 4.B.(2))
 3. The time and place for all public meetings of the Democratic Party in Nebraska on all levels should be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons. (Rule 4.B.(3))

4. The Democratic Party in Nebraska, on all levels, should support the broadest possible registration without discrimination based on "status." (Rule 4.B.(4))
 5. The Democratic Party in Nebraska should publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party officers and representatives on all levels. Publication of these procedures should be done in such fashion that all prospective and current members of each State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization. (Rule 4.B.(5))
 6. The Democratic Party in Nebraska should publicize fully and in such a manner as to assure notice to all interested parties, a complete description of the legal and practical qualifications of all positions as officers and representatives of the State Democratic Party. Such publication should be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within each State Democratic Party will have full and adequate opportunity to compete for office. (Rule 4.B.(6))
- B. Discrimination on the basis of 'status' in the conduct of Democratic Party affairs is prohibited. (Rule 5.B.)
- C. NEBRASKA's delegation shall be equally divided between delegate men and delegate women, and alternate men and alternate women. Such goal applies to the entire delegation, which includes all pledged delegates and alternates and all unpledged delegates. Delegates and alternates shall be considered separate groups for purposes of achieving equal division. (Rule 6.C.)
- D. All delegate and alternate candidates must be identified as to presidential preference or uncommitted status at all levels which determine presidential preference. (Rule 12.A.)
- E. No delegate at any level of the delegate selection process shall be mandated by law or Party rules to vote contrary to that person's presidential choice as expressed at the time the delegate is elected. (Rule 12.I.)
- F. Delegates elected to the national convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them. (Rule 12.J.)
- G. All delegates, alternates and standing committee members must be bona fide Democrats who have the interests, welfare and success of the Democratic Party of the United States at heart, who subscribe to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith. (Rule 12.H. & Reg. 4.23.)
- H. Forty percent (40%) of the members of any Party body above the first level of the delegate selection process shall constitute a quorum for any business pertaining to the selection of National Convention delegates, alternates, standing committee members, and other official Convention participants. (Rule 15)
- I. Unless otherwise provided in the Constitution or Bylaws, an accredited participant in a caucus, convention or committee meeting, after having appeared at such meeting and having established credentials, may register a non-transferable proxy with another duly accredited participant at that meeting (except where an accredited alternate is present and eligible to serve as a replacement), provided that no individual may hold more than three (3) proxies at one time. (Rule 16 & Reg. 4.28.)
- J. The unit rule, or any rule or practice whereby all members of a Party unit or delegation may be required to cast their votes in accordance with the will of a majority of the body, shall not be used at any stage of the delegate selection process. (Rule 17.A.)

- K. Any individual or group of Democrats may sponsor or endorse a slate of candidates for convention delegates. But no slate may, by virtue of such endorsement, receive a preferential place on a delegate selection ballot or be publicly identified on the ballot as the official Democratic Party organization slate, and all slates must meet identical qualifying requirements for appearing on a ballot at all levels of the delegate selection process. (Rule 17.B.)
- L. All steps in the delegate selection process, including the filing of presidential candidates, must take place within the calendar year of the Democratic National Convention, except with respect to the implementation of the Affirmative Action Plan. (Rules 1.F. & 11.B.)
- M. In electing and certifying delegates and alternates to the 2008 Democratic National Convention, NEBRASKA thereby undertakes to assure all Democratic voters in the state full, timely and equal opportunity to participate in the delegate selection process and in all Party affairs and to implement affirmative action programs toward that end, and that the delegates and alternates to the Convention shall be selected in accordance with the Delegate Selection Rules for the 2008 Democratic National Convention, and that the voters in the state will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by said Convention, and for electors pledged formally and in good conscience to the election of these Presidential and Vice Presidential nominees, under the label and designation of the Democratic Party of the United States, and that the delegates certified will not publicly support or campaign for any candidate for President or Vice President other than the nominees for the Democratic National Convention. (Call, II.B.)

SECTION VII

AFFIRMATIVE ACTION, OUTREACH AND INCLUSION PLAN

A. STATEMENT OF PURPOSE AND ORGANIZATION

1. Purpose and Objectives

- a. In order that the Democratic Party at all levels be an open Party which includes rather than excludes people from participation, a program of effective affirmative action is hereby adopted by Nebraska. (Rule 5.A.)
- b. Discrimination on the basis of “status” in the conduct of Democratic Party affairs is prohibited. (Rule 5.B.)
- c. All public meetings at all levels of the Democratic Party in Nebraska should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status or physical disability (hereinafter collectively referred to as “status”). (Rule 4.B.(1))
- d. Consistent with the Democratic Party’s commitment to including historically under-represented in the Democratic Party’s affairs, by virtue of race/ethnicity, age, sexual orientation, or disability, Nebraska has developed Party outreach programs. Such programs include recruitment, education and training, in order to achieve full participation by such groups and diversity in the delegate selection process and at all levels of Party affairs for 2008. (Rule 5.C & Reg. 4.7.)

- e. In order to encourage full participation by all Democrats in the delegate selection process and in all Party affairs, the Nebraska Democratic Party has adopted and will implement programs with specific goals and timetables for African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women. (Rule 6.A.)
 - (1) The goal of the programs shall be to encourage participation in the delegate selection process and in Party organizations at all levels by the aforementioned groups as indicated by their presence in the Democratic electorate. (Rule 6.A.(1))
 - (2) This goal shall not be accomplished either directly or indirectly by the Party's imposition of mandatory quotas at any level of the delegate selection process or in any other Party affairs. (Rule 6.A.(2))
 - f. In order to achieve full participation of other groups that may be under-represented in Party affairs, including members of the LGBT community and people with disabilities, the Nebraska Democratic Party has adopted and will implement Inclusion Programs. The Nebraska Democratic Party recognizes that youth have been under-represented in party participation. (Rule 7)
2. Organizational Structure
- a. An Affirmative Action Committee was appointed by the State Democratic Chair on March 1, 2007. (Rule 6.F.)
 - b. The Committee shall consist of members from each delegate district representing the Democratic constituency groups set forth in the Introduction to the Affirmative Action Plan.
 - c. The Affirmative Action Committee shall be responsible for:
 - (1) Reviewing the proposed Delegate Selection and Affirmative Action Plans and making recommendations to the State Democratic Chair.
 - (2) Reviewing the proposed Inclusion Programs and making recommendations to the State Democratic Chair.
 - (3) Directing the implementation of all requirements of the Affirmative Action section of this Plan.
 - (4) Implementing a financial assistance program for delegates and alternates. (Rule 6.G.)
 - (5) Ensuring, on behalf of the State Party Committee, that district lines used in the delegate selection process are not gerrymandered to discriminate against African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women. (Rule 6.E.)
 - d. Financial and staff support for the Affirmative Action Committee shall be provided by the State Party Committee to the greatest extent feasible, including, but not limited to, making available on a priority basis, the State Party staff and volunteers and covering all reasonable costs incurred in carrying out this Plan.

3. Implementation of the Affirmative Action Plan shall begin on September 16, 2007 with the distribution of the press kits, and will continue through the end of the delegate selection process. (Rule 1.F.)

B. EFFORTS TO EDUCATE ON THE DELEGATE SELECTION PROCESS

1. Well publicized educational workshops will be conducted in each of the delegate districts beginning in September 2007. These workshops will be designed to encourage participation in the delegate selection process, including apprising potential delegate candidates of the availability of financial assistance. These workshops will be held in places which are easily accessible to persons with physical disabilities. The times, dates, places and rules for the conduct of all education workshops, meetings and other events involved in the delegate selection process shall be effectively publicized by the party organization and include mailings to various organizations representative of the Democratic voting populace. (Rules 3.A. & 3.C.)
2. A speakers bureau of volunteers from the Affirmative Action Committee comprised of individuals who are fully familiar with the process, will be organized to appear before groups as needed, to provide information concerning the process.
3. The State Party's education efforts will include outreach to community leaders within the Democratic Party's constituencies and making sure that information about the delegate selection process is available to Democratic clubs and Party caucuses representing specific constituencies.
4. The State Party will publish and make available at no cost: a clear and concise explanation of how Democratic voters can participate in the delegate selection process; an explanation of how, where and when persons can register to vote; and delegate district maps. As well, the State Party shall also make available copies of the State Party Rules, the Delegate Selection Plan (and its attachments), the Affirmative Action Plan, and relevant state statutes at no cost. Copies of documents related to the state's delegate selection process will be prepared and the Affirmative Action Committee will distribute them in the various delegate districts not later than October 1, 2007. (Rule 1.H.)
5. The State Party shall take all feasible steps to encourage persons to register and to vote as Democrats and will seek to ensure simple and easy registration procedures. (Rule 2.C.)

C. EFFORTS TO PUBLICIZE THE DELEGATE SELECTION PROCESS

1. Special attention shall be directed at publicizing the delegate selection process in the state. Such publicity shall include information on eligibility to vote and how to become a candidate for delegate, the time and location of each stage of the delegate selection process and where to get additional information. The foregoing information will also be published in the State Party newspaper. The Party organization, official, candidate, or member calling a meeting or scheduling an event, shall effectively publicize the role that such meeting or event plays in the selection of delegates and alternates to the Democratic National Convention. (Rules 3.C. and 3.D.)
2. Newspapers, radio and television will be utilized to inform the general public how, when and where to participate in the delegate selection process. Specifically, this information should provide details as to how to qualify to run as a delegate candidate. Special effort shall be directed to the major daily newspapers, radio and television stations by the State Democratic Chair, Affirmative Action Committee members and staff. Regular releases during the delegate

selection process to all other media sources, weekly newspapers, and wire services should complete timely coverage. (Rules 4.B.(3) & 6.D.)

3. A priority effort shall be directed at publicity among the Democratic Party’s constituencies.
 - a. Information about the delegate selection process will be provided to minority newspapers and radio stations, ethnic press, Native American, Asian/Pacific American, Spanish-speaking and other non-English press, radio stations and publications, and women’s organizations, student newspapers, gay and lesbian press, disability press, and any other specialty media in the state that is likely to reach the Democratic constituency groups set forth in the Introduction of this Affirmative Action Plan.
 - b. The State Party shall be responsible for the implementation of this publicity effort. For purposes of providing adequate notice of the delegate selection process, the times, dates, places and rules for the conduct of caucuses, conventions, etc. shall be effectively publicized, bilingually where necessary, to encourage the participation of minority groups. (Rule 6.D.)
4. Not later than September 16, 2007 a press kit shall be made and provided to each daily and weekly newspaper as well as to the electronic media. The press kit will include:
 - a. a summary of all pertinent rules related to the state’s delegate selection process;
 - b. a map of delegate districts and how many delegates will be elected within each district;
 - c. a summary explaining the operation and importance of the 2008 Convention; and
 - d. materials designed to encourage participation by prospective delegate candidates.

D. REPRESENTATION GOALS

1. The State Party has determined the demographic composition of African Americans, Hispanics, Native Americans, and Asian/Pacific Americans in the state’s Democratic electorate. These constituency percentages shall be established as goals for representation in the state’s convention delegation. (Rule 6.A.)
2. The State Party has not determined the demographic composition of members of the LGBT community, people with disabilities, and youth in the state’s Democratic electorate. However, the State Party has chosen to establish these numbers as goals for representation in the state’s convention delegation.

	African Americans	Hispanics	Native Americans	Asian/Pacific Americans	LGBT Americans	People with Disabilities	Youth
% in Democratic Electorate	4.4%	5.5%	0.9%	1.7%	NA	NA	NA
Numeric Goals for Delegation	1	2	1	1	1	1	1

3. When selecting the at-large portion of the delegation, the demographic composition of the other delegates (district-level, pledged PLEO, and unpledged) shall be compared with the State

Party's goals in order to achieve an at-large selection process which helps to bring about a representative balance.

4. Use of the at-large delegation to achieve the affirmative action goals established by this Plan does not obviate the need for the State Party to conduct outreach activities such as recruitment, education and training. (Rule 6.A.(3))

E. OBLIGATIONS OF PRESIDENTIAL CANDIDATES TO MAXIMIZE PARTICIPATION

1. Presidential candidates shall assist the Nebraska Democratic Party in meeting the demographic representation goals reflected in the Affirmative Action Plan. (Rule 6.H.)
2. Each presidential candidate must submit a written statement to the State Democratic Chair by March 1, 2008 which indicates the specific steps he or she will take to encourage full participation in Nebraska's delegate selection process, including, but not limited to, procedures by which persons may file as candidates for delegate or alternate. (Rule 6.H.(1))
3. Each presidential candidate must submit demographic information with respect to all candidates for delegate and alternate pledged to them. Such information shall be submitted in conjunction with the list of names approved for consideration as delegate and alternate candidates pledged to the presidential candidate. (Rule 6.H.(2))
4. Presidential candidates (including uncommitted status) shall use their best effort to ensure that their respective delegations within the state's delegate, alternate and standing committee delegations shall achieve the affirmative action goals reflected in the Affirmative Action Plan and that the respective delegations of each presidential candidate shall be equally divided between men and women. Furthermore, presidential candidates shall use their best efforts at the district level to approve delegate and alternate candidates who meet applicable equal division and affirmative action considerations in order to achieve the affirmative action goals and equal division for their respective delegations. (Rule 6.I. & Reg. 4.9.)

F. INCLUSION PROGRAMS

1. In order to achieve full participation of other groups that may be under-represented in Party affairs, including members of the LGBT community and people with disabilities, the Nebraska Democratic Party has adopted and will implement Inclusion Programs.
2. The State Party has taken reasonable steps to determine the composition of members of the LGBT community, people with disabilities, and youth in the state's Democratic electorate.
3. In securing this level of full participation, the State Party will conduct the education and publicity outreach efforts outlined in Sections B and C of this Section respectively.
4. The State Party will make accommodations to facilitate greater participation by people with disabilities.

SECTION VIII

CHALLENGES

A. JURISDICTION & STANDING

1. Challenges related to the delegate selection process are governed by the *Regulations of the DNC Rules and Bylaws Committee for the 2008 Democratic National Convention* (Regs., Sec. 3.), and the “Rules of Procedure of the Credentials Committee of the 2008 Democratic National Convention.” (Call, Appendix A.)
2. Under Rule 20.B. of the *2008 Delegate Selection Rules*, the DNC Rules and Bylaws Committee has jurisdiction over challenges pertaining to the submission, non-implementation and violation of state Delegate Selection and Affirmative Action Plans. (Rule 20.B.)
3. The Rules and Bylaws Committee has jurisdiction to hear and decide any challenge provided it is initiated before the 56th day preceding the date of the commencement of the 2008 Democratic National Convention. (Call, Appendix A. & Reg., 3.1.)
4. Challenges to the credentials of delegates and alternates to the 2008 Democratic National Convention initiated on or after the 56th day preceding the date of commencement of the Democratic National Convention shall be processed in accordance with the “Rules of Procedure of the Credentials Committee of the 2008 Democratic National Convention.” (Call, Appendix A)
5. Any challenge to the credentials of a standing committee member shall be considered and resolved by the affected standing committee in accordance with Appendix A of the *Call for the 2008 Democratic National Convention*. The Rules and Bylaws Committee shall have jurisdiction over challenges brought before the 56th day preceding the date of the commencement of the Democratic National Convention. (Call, VII.B.5.)
6. Copies of the Regulations of the Rules and Bylaws Committee and/or the Call for the 2008 Democratic National Convention, including the Rules of Procedure of the Credentials Committee (Appendix A), shall be made available by the State Party upon reasonable request.
7. Any group of fifteen Democrats with standing to challenge as defined in Reg. 3.2 or the Call (Appendix A, Sec. 2.A.), may bring a challenge to this Plan or to the implementation of this Plan, including its Affirmative Action provisions.

B. CHALLENGES TO THE STATUS OF THE STATE PARTY AND CHALLENGES TO THE PLAN

1. A challenge to the status of the State Party Committee as the body entitled to sponsor a delegation from that state shall be filed with the Rules and Bylaws Committee not later than thirty (30) calendar days prior to the initiation of the state’s delegate selection process. (Rule 20.A. & Reg. 3.4.A.)
2. A challenge to the state’s Delegate Selection Plan shall be filed with the Chair of the Nebraska Democratic Party and the Co-Chairs of the Rules and Bylaws Committee within fifteen (15) calendar days after the adoption of the Plan by the State Party. (Reg. 3.4.B.)

3. A challenge to a Plan must be brought in conformity with the Rules and the Regs., which should be consulted for a detailed explanation of challenge procedures.

C. CHALLENGES TO IMPLEMENTATION

1. A challenge may be brought alleging that a specific requirement of an approved Plan has not been properly implemented. Jurisdiction over all challenges initiated in a timely fashion shall reside with either the Rules and Bylaws Committee or the Credentials Committee of the National Convention (See Section VII.A. above). However, the Rules and Bylaws Committee may provide advice, assistance or interpretations of the Delegate Selection Rules at any stage of the delegate selection process. (Reg. 3.1.C.)
2. An implementation challenge brought before the Rules and Bylaws Committee is initiated by filing a written challenge with the State Party Committee and with the Rules and Bylaws Committee not later than fifteen (15) days after the alleged violation occurred. The State Party has twenty-one (21) days to render a decision. Within ten (10) days of the decision, any party to the challenge may appeal it to the Rules and Bylaws Committee. If in fact, the State Party renders no decision, any party to the challenge may request the Rules and Bylaws Committee to process it. The request must be made within ten (10) days after expiration of the above twenty-one (21) day period. (Regs. 3.4.C., E., & H.)
3. Performance under an approved Affirmative Action Plan and composition of the convention delegation shall be considered relevant evidence in the challenge to any state delegation. If a State Party has adopted and implemented an approved affirmative action program, the State Party shall not be subject to challenge based solely on delegation composition or primary results. (*Rule 6.B.*) The procedures are the same for challenges alleging failure to properly implement the Affirmative Action section of a Plan, except that such challenges must be filed not later than thirty (30) days prior to the initiation of the state's delegate selection process. (Reg. 3.4.C.)
4. Depending on the appropriate jurisdiction (see Section VIII.A. above), implementation challenges must be brought in conformity with the Regulations of the Rules and Bylaws Committee or the Rules of Procedure of the Credentials Committee, which should be consulted for a detailed explanation of challenge procedures.

SECTION IX

SUMMARY OF PLAN

A. SELECTION OF DELEGATES AND ALTERNATES

Nebraska will use a proportional representation system based on the results of the Caucus apportioning its delegates to the 2008 Democratic National Convention.

The "first determining step" of Nebraska's delegate selection process will occur on February 9, 2008, with a Caucus.

Delegates and alternates will be selected as summarized on the following chart:

Type	Delegates	Alternates	Date of Selection	Selecting Body
				Filing Requirements and Deadlines
District-Level Delegates District-Level Alternates	16	3	6/28/08 6/28/08	<i>Selecting Body: State Convention</i> Statements of candidacy will be available from the offices of the Nebraska Democratic Party on February 4, 2008. The deadline for submission to the Nebraska Democratic Party will be May 22, 2008. (for details see the Plan).
Unpledged Party Leader and Elected Official Delegates*	6	n/a	n/a	Automatic by virtue of respective public or Party office as provided in Rule 8.A. of the 2008 Delegate Selection Rules.
Unpledged Add-on Delegates**	1	n/a	6/28/08	<i>Selecting Body: State Convention</i> Statements of candidacy will be available from the offices of the Nebraska Democratic Party on February 4, 2008. There is no deadline for submission and the add-on delegate may be selected without a statement of presidential preference.
Pledged Party Leaders and Elected Officials (PLEOs)	3	***	6/28/08	<i>Selecting Body: State Convention</i> Statements of candidacy will be available from the offices of the Nebraska Democratic Party on February 4, 2008. The deadline for submission to the Nebraska Democratic Party will be May 22, 2008. (for details see the Plan). Alternative procedure deadline will be 15 minutes prior to the election of PLEO delegates on June 21, 2008.
At-Large Delegates At-Large Alternates	5	1	6/28/08 6/28/08	<i>Selecting Body: State Convention</i> Statements of candidacy will be available from the offices of the Nebraska Democratic Party on February 4, 2008. The deadline for submission to the Nebraska Democratic Party will be May 22, 2008. (for details see the Plan).
TOTAL Delegates and Alternates	31	4		

* Unpledged Party Leader and Elected Official (PLEO) delegates includes the following categories, if applicable, who legally reside in the state: the Democratic National Committee Members, the Democratic President, the Democratic Vice President, all Democratic Members of Congress, the Democratic Governor, and any other Distinguished Party Leader as specified in Rule 9.A. of the *2008 Delegate Selection Rules*. The exact number of Unpledged PLEO Delegates is subject to change due to possible deaths, resignations, elections or special elections.

** Unpledged Add-on delegates refers to those delegates chosen according to Rule 9.B. of the *2008 Delegate Selection Rules*.

*** Pledged Party Leader and Elected Official (PLEO) alternates are selected with the At-Large alternates.

B. SELECTION OF STANDING COMMITTEE MEMBERS (FOR THE CREDENTIALS, PLATFORM AND RULES COMMITTEES)

Standing committee members will be selected by the state's National Convention delegates as summarized below:

Members Per Committee	Total Members	Selection Date	Filing Requirements and Deadlines
1	3	6-29-2008	Presidential Candidates must submit at least one name for each committee by 8am on June 22, 2008. The delegates select the members from this list.

C. SELECTION OF DELEGATION CHAIR AND CONVENTION PAGES

The Delegation Chair will be selected by the National Convention Delegates on 6-29-2008.

2 Convention Pages will be selected by the State Democratic Chair on 6-30-2008.

D. PRESIDENTIAL CANDIDATE FILING DEADLINE

Presidential candidates must certify the name of their authorized representative(s) to the State Democratic Chair by 1-7-2008.

E. TIMETABLE

Date	Activity
2007	
February 25	Delegate Selection Affirmative Action Committee members are appointed by the State Chair.
March 27	Proposed Delegate Selection and Affirmative Action Plans are tentatively approved for public comment by State Party Rules Committee Chairman.
March 28	Public comments are solicited on the proposed Delegate Selection and Affirmative Action Plans. Press releases are emailed announcing the public comment period.
April 26	Period for public comment on state Plan is concluded. Responses are compiled for review by the State Party Committee.
April 28	State Party Executive Committee, as authorized by the State Central Committee, reviews public comments and adopts revised Delegate Selection and Affirmative Action Plans for submission to DNC Rules and Bylaws Committee. Press releases are emailed announcing the approval of the Plan.
April 30	Delegate Selection and Affirmative Action Plans are forwarded to the DNC Rules and Bylaws Committee.
September 16	State Party begins implementation of the Affirmative Action Plan. Press kits, as described in the Affirmative Action Plan, are sent to all state media.
2008	
January 11	Deadline for Presidential candidate to file or cause to be filed a letter of intent to be a candidate in the Precinct Caucus
February 4	Delegate and alternate candidates may obtain the statement of candidacy and pledge of support forms and filing instructions from State Party Committee Headquarters, in person, by mail, or from State Party's web site at [www.nebraskademocrats.org] .
February 9	Precinct Caucus; presidential preference poll

Date	Activity
March 31	Presidential candidate deadline for certifying the name(s) of their authorized representative(s) to the State Party.
May 22	District-level delegate and alternate deadline for filing the statement of candidacy and pledge of support forms with State Party. Pledged PLEO and at-large delegate or alternate candidate deadline for filing the statement of candidacy and pledge of support forms with State Party.
May 27	State Party provides list of district-level delegate and alternate candidates to the respective Presidential candidates. State Party provides list of PLEO and at-large delegate and alternate candidates to the respective Presidential candidates.
June 6	Presidential candidates provide list of approved district-level delegate and alternate candidates to State Party. Presidential candidates provide approved list of pledged PLEO delegate candidates to State Party. Presidential candidates provide approved list of at-large delegate and alternate candidates to the State Party.
June 1 - 10	County conventions are held; delegates selected for state convention.
June 28 - 29	State Convention convenes. District level delegates and alternates are chosen by congressional district caucus. Unpledged add-on, pledged PLEO delegates, and at-large delegates and alternates are selected by the State Convention.
June 29	Presidential candidates submit lists of candidates for standing committee members to State Party by 8am National Convention delegation meeting. Delegate select National Convention standing committee members and delegation chair.
June 30	State Party certifies elected district-level delegates and alternates to the Secretary of the Democratic National Committee. State Chair names convention pages.
June 24	State Party certifies remainder of elected delegates and alternates (Unpledged add-on, PLEOs, and at-large), along with standing committee members, delegation chair, and convention pages.

EXHIBITS TO THE AFFIRMATIVE ACTION PLAN

A. MEMBERS OF THE AFFIRMATIVE ACTION COMMITTEE

Cynthia LaMere (Female, Native American) 600 Pioneer Place - South Sioux City, NE 68776

Chris Rodgers (Male, African-American) 2616 N. 32nd Ave.
Omaha, NE 68111

Lanny Munson (Male, White) 2320 S 32nd Ave - Omaha, NE 68105-3114

Athena Ramos (Female, Latino-American) 3006 Webster St.- Omaha, NE 68131

Linda Quenzer (Female, White, LGBT) 727 S 18th St Lincoln, NE 68508-3714

Robin A. Quarles (Female, African-American, Youth) 3196 Larimore Ave - Omaha, NE 68111-2360

James M. Dake (Male, White, Physical Disability) 1738 County Road 15 - Ames, NE 68621-2124

B. MEDIA OUTLETS TO BE CONTACTED REGARDING THE DELEGATE SELECTION PROCESS

1. Major Daily Newspapers, Radio and Television Stations

Every media outlet in the state has been and will be provided in the future with information regarding the Affirmative Action Plan and the Delegate Selection Process by means of mass-faxing service and/or e-mail and regular postal service. In addition to the state party officers and staff, county party officers have been delegated with the joint responsibility to insure that local media outlets are informed of the Affirmative Action Plan and the Delegate Selection Plan and Process. County party officers will be provided with copies of all relevant press releases and documents.

2. Constituency and Specialty Media Outlets and Targeted Groups

Prensa Latina, 405 West Third Street, Grand Island, NE 68801 (308-384-7191) (Hispanic)

Nuestro Mundo, 1518 "Z" Street, Omaha, NE 68107 (402-731-6210) (Hispanic)

Omaha Star, 2216 North 24th Street, Omaha, NE , PO Box 11128 (402-346-4041) (African-American)

Jewish Press, 333 South 132nd Street, Omaha, NE 68154 (Jewish)

USA Asian Newspaper, 3976 Iowa Street, PO Box 12207, Omaha, NE 68112 (402-457-6767)
(Asian-American)

Winnebago Indian News, Walker Office Bldg., Hwy. 77, Box 687, Winnebago, NE 68071 (Native-American)

American Indian Radio on Satellite, 1800 N. 33rd, ETV Bldg., Box 83111, Lincoln, NE 68501 (Native-American)

The Daily Nebraskan, 1400 R Street, Lincoln, NE 68508 (Youth)

Omaha Reader Newspaper, 5015 Underwood Ave., Suite 200, Omaha, NE 68132 (Youth, Alternative)

City Weekly, 1307 Leavenworth Street, Omaha, NE 68102 (Youth, Alternative)

Comments Received During 30-day Public Comment Period

Democratic National Committee LGBT Americans Caucus

April 17, 2007

Steven Achelpohl, Chair
Nebraska Democratic Party
1823 Harney Street
Omaha, NE 68102
402/346-1900 Fax 402/346-1925

Dear Steve:

On behalf of the Democratic National Committee's LGBT Americans Caucus and Nebraska LGBT Democrats, I want to express our appreciation that the Nebraska Democratic Party has determined to establish LGBT goals for representation in the state's national convention delegation under the "Rules" established by the Democratic National Committee.

In adopting the new Rule 7, the Democratic National Committee recognized that the LGBT Democratic community has been historically under-represented in Party affairs and the national delegate selection process. Therefore, we believe state party should take all affirmative steps and actions to guarantee "fair" representation of LGBT Democrats in the development of a state's plan.

However, after reviewing Nebraska's state Affirmative Action section we see that you indicated no percentage LGBT size of the Democratic electorate and a numerical goal of 1. We offer you LGBT exit polling and other data that will supply you with a truer picture of LGBT voters in Nebraska, and with that information urge to make a slight adjustment in your goal number.

Edison Media Research, Inc. was used by the consortium of CNN, MSNBC, CBS, ABC, FOX, and National Journal for exit polling in the 2004 and 2006. We attach information for Nebraska showing demographic exit polling information in the 2004 presidential vote, where 3% voters considered themselves a Lesbian or Gay voter and 70% voted Democratic. In 2006 lesbian and gay voters exit polling was compiled regionally, and it showed that 3% of all voters identified as GLBT who voted 71% Democratic. In addition, UCLA's School of Law and Politics respected Williams Institute had a study released that estimated the size of the Gay and Lesbian 2005 adult population by state, with Nebraska's estimated at 42,934 gay adults or 3.4% percent of the total adult population.

We have done an analysis of every state, and since Nebraska did not indicate the Democratic size of the LGBT Electorate or the methodology used for other constituencies, the following is our Nebraska's analysis, which could supply you with an estimated size and, therefore, a more adequate goal:

	2004 Exit Vote	Exit Dem Vote	% of <i>Exit for Dem</i>	<i>Est % Size of Dem Elec</i>	Share of 31 Dels	Possible Goal	2008 NE Plan Goal
White	95%	33%	31.35%	88.83%	27.537		
AA	2%	94%*	1.88%	5.33%	1.652	2	1
H/L	2%	69%*	1.38%	3.91%	1.21	1	2
Asian/Other	1%	68%*	.68%	1.93%	.598	1	2
Totals	100%		35.29%	100%	108.27		
Kerry Vote			33%				

*used 2006 regional exit poll for these constituencies

LGBT (V1)	3%	70%	2.10%	5.95%	1.845	2	1
LGBT (V2)	3.4%	71%	2.42%	5.50%	1.705	2	1

Version 1 used 2004 Kerry Nebraska exit poll & 2006 regional exit data against 35.29%

Version 2 used 2006 Williams Institute population & Midwest Regional exit poll data against Nebraska U.S. House Democratic Vote Average of 44%

We believe that with this new LGBT demographic information and perspective, you should consider making a corrective change to your draft plan in regard to the LGBT % in Democratic electorate to a figure between 5% and 6% and a numeric goal of 2.

I am happy to discuss this at any opportunity and offer my assistance to make sure Nebraska's LGBT Democrat goals are accurate and representative under Rules 6 and 7 and Regulation 4.7. I can be reached at 612-728-9495 or via e-mail at rickatmpls@msn.com.

Sincerely,

Rick Stafford, Chair
DNC GLBT Americans Caucus
DNC member, Minnesota

Cc: Matt Connealy, NEDP Executive Director
Linda Quenzer, NEDP State Affirmative Action Committee
Phil McNamara, Director, DNC Party Affairs
Brian Bond, Director, DNC G/L Leadership Council
Brad Martin, DNC Northwest Political Director
Jo Wyrick, National Stonewall Democrats
Barb Baier, Nebraska Stonewall Democrats

Edison Media Research, Inc.'s Election Consortium of CNN, MSNBC, ABC, CBS, FOX, and National Journal Exit Poll for the following elections:

2004 Presidential Vote in Nebraska (Kerry vs Bush)

48% Male of which 33% voted Democratic
 52% Female of which 34% voted Democratic
 95% White of which 33% voted Democratic
 2% African American/Black (sample too small to determine party vote)
 2% Hispanic/Latino (sample too small to determine party vote)
 0% Asian (sample too small to determine party vote)
 0% Other (sample too small to determine party vote)
 3% identified as Gay or Lesbian of which 70% voted Democratic
 17% were Age 18-29 of which 38% voted Democratic
 25% were Age 30-44 of which 27% voted Democratic
 17% 65-plus of which 3648% voted Democratic
 24% identified as a Democrat
 Kerry carried 33% of the vote

2006 Governor's Vote in Nebraska (Hahn)

52% Male of which 25% voted Democratic
 48% Female of which 26% voted Democratic
 96% White of which 24% voted Democratic
 1% African American/Black (sample too small to determine party vote)
 2% Hispanic/Latino (sample too small to determine party vote)
 1% Asian (sample too small to determine party vote)
 1% Other (sample too small to determine party vote)
 3% identified as Gay or Lesbian of which 70% voted Democratic
 17% were Age 18-29 of which 38% voted Democratic
 25% were Age 30-44 of which 27% voted Democratic
 17% 65-plus of which 36% voted Democratic
 27% identified as a Democrat
 Democrat Hahn carried 24% of the vote
 Democrat average of three U.S. House races 44%

House of Representatives Exit Polling in 2006 with GLB regional data

Nationwide Vote by Party Identification:

Democrat	38%
Republican	36%
Independent	26%

Nationwide Demographic Groupings:

10% African Am voters	89% Democratic
4% LGBT voters	76% Democratic***
8% Latino voters	70% Democratic
2% Asian voters	62% Democratic
Other voters	

MidWestern Region Vote:

8% (94% Democratic)
4% (69% Democratic)
1% (68% Democratic)
1% (47% Democratic)

*** By Region LGBT voters:

East	4% (81% Democratic)
South	3% (74% Democratic)
Midwest	3% (71% Democratic)
West	4% (75% Democratic)

University of California Los Angeles (UCLA) School of Law and Politics' Williams Institute study estimating the size of the adult gay and lesbian population nationwide and by state (using 2000 and 2002-2006 U.S. Census data) estimated **Nebraska's 2005 gay and lesbian population as 42,934 or 3.4% of the total adult population.**

MEMORANDUM

April 22nd, 2007

To: Nebraska Democratic Party
CC: NDP 2008 Affirmative Action Committee; NDP Executive Committee
Re: 2008 Delegate Selection Plan

Nebraska Young Democrats' Response

Submitted by: Kyle Michaelis, NYD President

(402) 202-9683

kyle@nebraskayoungdemocrats.org

INTRO

Nebraska Young Democrats thank the Nebraska Democratic Party for recognizing the importance of bringing young people into the democratic process and into Democratic politics in its 2008 Delegate Selection Plan's Affirmative Action program (Section VII). We must take issue, however, with the plan's arbitrary and somewhat insulting goal of sending a single (1) youth delegate to the 2008 DNC Convention.

This goal is wholly insufficient and does not come close to meeting the intentions of the Affirmative Action Plan. It not only (i) **fails to reflect young voters' representation in the Democratic electorate** but also (ii) **shows no appreciation whatsoever for the vital role youth participation plays in our party's long-term organizational and leadership development.**

As an NDP Caucus, NYD represents Young Democrats under the age of 36, but we ask that - for purposes of the Affirmative Action Plan - Youth representation should be defined as those delegates and alternates under the age of thirty (18-29 year olds). This conforms to the commonly accepted definition of the "Youth Vote" as a voting demographic and is used as such in all below statistics and attached documentation.

The importance of youth representation has been recognized in the delegate selection process in the DNC Charter since 1974. As an under-represented minority, Youth have not traditionally received the same priority as race- and gender-based classifications. But, for a party that recognizes Youth as its future and that understands *the goals* set forth in its Affirmative Action Plan are non-binding, it is foolish, short-sighted and unprincipled to so undervalue the importance of Youth representation with the current goal of only one (1) delegate or alternate.

FACTS

In the last two Presidential elections (2000 & 2004), 17 – 18% of voters nationally were under the age of 30. The 2004 LA Times Exit Poll even put the youth vote as a percentage of the total electorate at 20%, a full 1/5th of the voting population. This compares to the 2004 Nebraska figures that showed Youth as 18% of the vote.

Even more importantly for our purposes, however, are the facts that show young voters identify with the Democratic Party and vote for Democratic candidates at rates higher than any other demographic. The National Election Pool's 2006 Exit Polling shows Youth voting for Democratic candidates in the House, the Senate, and Governorships at rates of 58, 60, and 55%, respectively. This compares to the population as a whole voting Democratic at rates of 52, 54, and 51% in those same elections.

In Nebraska, 2006 Census estimates put Youth as 22.6% of potential voters. While David Hahn received only

24% of the total vote for Governor, CNNs exit polling showed that Hahn received 29% of the youth vote. While Sen. Nelson received 64% of the total vote in his landslide re-election, he is estimated to have won a full 70% of the youth vote. Results for John Kerry in 2004 showed a similar differential in Nebraska, with Kerry receiving 38% from Youth but only 33% across the entire state.

It's also worth noting that, nationwide, Youth were the only age-based demographic to support Kerry - giving the Democratic candidate for President a commanding 54% of their votes. In 2006, 43% of Young voters identified themselves as Democrats, compared to 38% of the total electorate. So, **the numbers definitely support any true measure of our voice in the Democratic Party being greater than our 18-20% of the total electorate.**

Beyond election results, there is a dual purpose in increased youth representation because the young population is more diverse as a whole. Hence, goals of increased youth representation encourage rather than come at the expense of greater representation of minorities. As CIRCLE's analysis of the 2006 electorate reveals:

Young voters (ages 18 to 29) are more racially and ethnically diverse than older voters, according to the exit polls. Eleven percent classified themselves as Hispanic/Latino, larger than the proportion in the electorate as a whole (6%). Thirteen percent of young voters self-identified as Black, compared to 10% of all voters. Five percent identified as gay, lesbian, or bisexual, compared to three percent of the whole electorate.

RECOMMENDATIONS

Because of the weight of the above evidence, Nebraska Young Democrats propose the following changes to the NDPs Delegate Selection Plan:

Page 9 - III (D) (5) (c) (1) – Youth representation should receive specific mention in the “Priority of Consideration” Subsection for the “Selection of At-Large Delegates and Alternates”.

Recommended language: *“(1) In the selection of the at-large delegation priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian/Pacific Americans, **youth** and women.”*

Pages 20-21 – VII (D) (1), (2) and Chart - A determination should be made of the demographic composition of Youth as a calculated percentage of the Democratic electorate, using the above sources to establish legitimate, fact-based goals for Youth in our 2008 delegation.

Recommended Youth “% in Democratic Electorate”: **18 – 20%**

Recommended Youth “Numeric Goals for Delegation”: **7 Delegates and/or Alternate under the age of 30.**
Keep in mind the increased diversity of Youth across other under-represented groups and the fact that these “goals” do not serve as quotas.

Page 21 – VII (F) (1) – The need for Youth-targeted “Inclusion Programs” should be specifically recognized, along with efforts to reach LGBT and disabled communities.

Recommended language: *“1. In order to achieve full participation of other _____ groups that may be under-represented in Party affairs, including **Youth**, _____ members of the LGBT community and people with disabilities, the _____ Nebraska Democratic Party has adopted and will implement Inclusion Programs.”*

Page 27- Exhibits (B) (3) – “Constituency and Speciality Media Outlets” should include media targeted at Youth.

Recommended additions: *Daily Nebraskan, Omaha City Weekly, The Reader.*

ATTACHMENTS

Nebraska 2004 Exit Polling, National Election Pool, 2004. (see Column 37 on page 23, as defined on page 3)

Youth Fact Sheet 2006, “*Young Voters in the 2006 Elections*”, The Center for Information & Research on Civic Learning & Engagement (CIRCLE), 2006. (see Tables 1 & 2 on pages 2 & 3)

2004 Youth Votes Stats, “*Youth Voting in the 2004 Election*”, The Center for Information & Research on Civic Learning & Engagement (CIRCLE), 2004. (see Table 1 on page 1, Table 2 on page 5, and Diversity discussion on page 4)

Nebraska 2006 Predictions, “*Quick Facts about Young Voters in Nebraska: The Midterm Election Year 2006*”, The Center for Information & Research on Civic Learning & Engagement (CIRCLE), 2006. (see Table 1 on page 2)

REFERENCES

CNN Election Results and Exit Polling Data, 2006. <http://www.cnn.com/ELECTION/2006/>

CNN Election Results and Exit Polling Data, 2004. <http://www.cnn.com/ELECTION/2004/>

32-102**Act; applicability; how construed.**

The Election Act shall apply to all elections held in the state unless otherwise specifically provided. The act shall be liberally construed so that the will of the registered voters is not defeated by an informality or a failure to comply with the act with respect to the giving of any notice or the conducting of any election or the certifying of the results of the election.

Source: Laws 1994, LB 76, § 2.

32-202**Secretary of State; duties.**

In addition to any other duties prescribed by law, the Secretary of State shall:

- (1) Supervise the conduct of primary and general elections in this state;
- (2) Provide training for election commissioners, county clerks, and other election officials in providing for registration of voters and the conduct of elections;
- (3) Enforce the Election Act;
- (4) With the assistance and advice of the Attorney General, make uniform interpretations of the act;
- (5) Provide periodic training for the agencies and their agents and contractors in carrying out their duties under sections 32-308 to 32-310;
- (6) Develop and print forms for use as required by sections 32-308, 32-310, 32-320, 32-329, 32-955, 32-956, and 32-958;
- (7) Contract with the Department of Administrative Services for storage and distribution of the forms;
- (8) Require reporting to ensure compliance with sections 32-308 to 32-310;
- (9) Prepare and transmit reports as required by the National Voter Registration Act of 1993, 42 U.S.C. 1973gg et seq.;
- (10) Develop and print a manual describing the requirements of the initiative and referendum process and distribute the manual to election commissioners and county clerks for distribution to the public upon request;
- (11) Develop and print pamphlets described in section 32-1405.01;
- (12) Adopt and promulgate rules and regulations for elections conducted under sections 32-952 to 32-959; and
- (13) Establish a free access system, such as a toll-free telephone number or an Internet web site, that any voter who casts a provisional ballot may access to discover whether the vote of that voter was counted and, if the vote was not counted, the reason that the vote was not counted. The Secretary of State shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system. Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

Source: Laws 1994, LB 76, § 22; Laws 1995, LB 337, § 2;

Laws 1996, LB 964, § 2; Laws 2003, LB 358, § 5.
Effective date August 31, 2003.

32-203

Secretary of State; powers.

In addition to any other powers prescribed by law, the Secretary of State may:

- (1) Inspect, with or without the filing of a complaint by any person, and review the practices and procedures of election commissioners, county clerks, their employees, and other election officials in the conduct of primary and general elections and the registration of qualified electors;
- (2) Employ such personnel as necessary to efficiently carry out his or her powers and duties as prescribed in the Election Act; and
- (3) Enforce the act by injunctive action brought by the Attorney General in the district court for the county in which any violation of the act occurs.

Source: Laws 1994, LB 76, § 23.

32-206

Official election calendar; publish; contents; filing or other acts; time.

(1) The Secretary of State shall publish an official election calendar by December 1 prior to the statewide primary election. Such calendar, to be approved as to form by the Attorney General, shall set forth the various election deadline dates and other pertinent data as determined by the Secretary of State. The official election calendar shall be merely a guideline and shall in no way legally bind the Secretary of State or the Attorney General.

(2) Except as provided in sections 32-302 and 32-306, any filing or other act required to be performed by a specified day shall be performed by 5 p.m. of such day, except that if such day falls upon a Saturday, Sunday, or legal holiday, performance shall be required on the next business day.

Source: Laws 1994, LB 76, § 26.

32-613

President; nominating petition; consent of candidate required; form of petition.

Any petition to place a person's name on the primary election ballot for President of the United States shall contain the names of not less than one hundred voters registered with the appropriate political party from each congressional district of the state. The name of the candidate for President shall be placed upon the ballot only when written consent of such person has been filed with the Secretary of State not less than sixty days before the primary election. The form of the petition shall comply with the requirements of section 32-628 and shall as nearly as possible conform to the form prescribed by the Secretary of State.

Source: Laws 1994, LB 76, § 181; Laws 1997, LB 764, § 59.

32-614**President; petition candidates or advocated or recognized candidates; placing on ballot; affidavit of rejection of candidacy; purged candidate, when.**

The names of persons in the political party

(1) who are presented by petition of their supporters to be party candidates for President of the United States or (2) who have been determined by the Secretary of State to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the primary election ballot for the office of President of the United States.

If a person does not want his or her name on the Nebraska primary election ballot, he or she shall, by March 10 of the presidential election year, execute and file an affidavit with the Secretary of State stating without qualification that he or she is not now and does not intend to become a candidate for office of President of the United States at the next presidential election in Nebraska or any other state. If a presidential candidate files such affidavit removing his or her name and subsequently becomes a presidential candidate in another state, the candidate's affidavit in Nebraska shall be purged and shall have no force and effect. The Secretary of State shall then place such candidate's name on the primary election ballot.

Source: Laws 1994, LB 76, § 182; Laws 1997, LB 764, § 60.

32-615**Write-in candidate; requirements.**

Any candidate engaged in or pursuing a write-in campaign shall file a notarized affidavit of his or her intent together with the receipt for any filing fee with the filing officer as provided in section 32-608 no later than ten days prior to the election. A candidate who has been defeated as a candidate in the primary election or defeated as a write-in candidate in the primary election shall not be eligible as a write-in candidate for the same office in the general election unless a vacancy on the ballot exists pursuant to section 32-625. A candidate who files a notarized affidavit shall be entitled to all write-in votes for the candidate even if only the last name of the candidate has been written if such last name is reasonably close to the proper spelling.

Source: Laws 1994, LB 76, § 183; Laws 2002, LB 251, § 4;

Laws 2003, LB 537, § 2.

Effective date August 31, 2003.

32-620**President and Vice President; candidates; certification; new political party; how treated; requirements.**

Partisan candidates for the offices of President and Vice President of the United States on the general election ballot shall be certified to the Governor and Secretary of State by the national nominating convention as provided by law. Candidates for the offices of President and Vice President of the United States of newly established political parties or of nonpartisan status may obtain general election ballot position by filing with the Secretary of State:

(1) An application containing:

- (a) The name or names to be printed on the ballot;
 - (b) The status of the candidacy, whether nonpartisan or partisan;
 - (c) The written consent of the designated vice-presidential candidate to have his or her name printed on the ballot; and
 - (d) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates; and
- (2) A petition signed by not less than two thousand five hundred registered voters. Such petitions shall conform to the requirements of section 32-628 and shall not be circulated until after the date of the primary election in that election year. Registered voters who voted in the primary election of any political party that held a presidential preference primary election that year shall be ineligible to sign the petitions of any other candidate for president.

Source: Laws 1994, LB 76, § 188; Laws 1997, LB 764, § 64.

NOTE (Annotations):

This statute is unconstitutional as relates to requirements for independent candidates for President and Vice President of United States. *MacBride v. Exon*, 558 F.2d 443 (8th Cir. 1977). Although Nebraska's statutes unconstitutionally deny an independent candidate access to appear on the ballot in presidential elections, the court directed the independent be included upon a determination he was a serious candidate, truly independent, with a satisfactory level of community support. *McCarthy v. Exon*, 424 F.Supp. 1143 (D. Neb. 1976).

32-701

President; preference vote.

When candidates for the office of President of the United States are to be nominated, every registered voter of a political party shall have the opportunity to vote his or her preference on his or her party nominating ballot for his or her choice for one person to be the candidate of his or her political party for President of the United States by writing the name of the person of his or her choice for President in the blank space to be left upon the ballot for such purpose and making a cross or mark in the square or oval opposite the written name or by making a cross or mark in the square or oval opposite the printed name of the person of his or her choice.

Source: Laws 1994, LB 76, § 201.

Annotations:

The expression of a preference for President by those voting at primary election does not control presidential electors, and is only morally binding on delegates to national party conventions. State ex rel. Nebraska Rep. State C. Com. v. Wait, 92 Neb. 313, 138 N.W. 159 (1912), 43 L.R.A.N.S. 282 (1912).

32-702

Partisan primary election; candidate; affiliation required; when.

Any political party may, by the adoption of a rule, require that any individual whose name is placed on such party's partisan primary election ballot be a registered voter affiliated with such party.

Source: Laws 1994, LB 76, § 202.

32-703**Delegates to national convention; selection or election; national party rules; state political party; duty.**

In each presidential election year, the total number of delegates and alternate delegates representing this state at the national conventions of the political parties and their method of selection or election shall be determined by the rules of the national political party holding the convention. The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of the Election Act, including ballot preparation, separation of ballots, and ballot instructions, to comply with and carry out the intent of national political party rules and court decisions. Whenever the act is in conformity with national political party rules as to the election of delegates, the election procedures found in the act shall be followed. The state political party shall furnish a copy of the national political party rules regarding selection of delegates to the Secretary of State no later than February 1 of each presidential election year.

Source: Laws 1994, LB 76, § 203; Laws 1997, LB 764, § 68.

32-704**Candidates; delegate to national convention; filing form; contents; Secretary of State; duties.**

The filing form for nomination of a candidate for election as a delegate to the national convention of a political party shall (1) contain a statement of the candidate's preference for the candidacy for the office of President of the United States or that he or she is uncommitted, (2) include a pledge that the candidate, if elected, will use his or her best efforts at the convention for the candidate indicated as his or her preference for the office of President until (a) such candidate receives less than thirty-five percent of the votes for nomination by such convention or releases the delegate from such pledge or (b) two convention nominating ballots have been taken, and (3) be filed with the Secretary of State. No filing form for nomination shall be accepted unless signed by the candidate. The Secretary of State shall prescribe the filing form for nomination.

Source: Laws 1994, LB 76, § 204.

Annotations:

The expression of a preference for President by those voting at primary election does not control presidential electors, and is only morally binding on delegates to national party conventions. State ex rel. Nebraska Rep. State C. Com. v. Wait, 92 Neb. 313, 138 N.W. 159 (1912), 43 L.R.A.N.S. 282 (1912).

32-705**Delegates to national convention; certificates of election; Secretary of State shall issue.**

The Secretary of State shall issue certificates of election to persons elected as delegates to national conventions of the political parties. The certificate shall show the number of votes received in the state by each

candidate of the political party for President represented by such delegate.

Source: Laws 1994, LB 76, § 205.

32-706

Alternate delegates to national convention; procedure for selection; certification.

Alternate delegates to the national political convention of a political party shall be selected in accordance with procedures adopted by the state central committee of each political party. A statement setting forth such procedure and certifying its adoption shall be filed in the office of the Secretary of State by the state chairperson of the political party not later than February 15 of each presidential election year. The names of those selected as alternate delegates shall be certified to the Secretary of State by the state chairperson immediately following their selection.

Source: Laws 1994, LB 76, § 206.

32-707

County postprimary conventions; time; place; transaction of business.

(1) The county postprimary convention of a political party shall be held in the courthouse or other suitable place at the county seat any time during the first ten days in June following the statewide primary election at an hour and place to be designated by the chairperson of the county central committee of a political party. The county central committee chairperson shall, after appropriate consultation with the central committee, certify the date, time, and location of the convention to the election commissioner or county clerk not later than the first Tuesday in May preceding the primary election. The election commissioner or county clerk shall issue certificates of election to each person elected delegate to the county postprimary convention of a political party and shall notify each person elected of the time and place of the holding of such county postprimary convention. The county central committee chairperson shall cause to be published, at least fifteen days prior to the date of the county postprimary convention, an official notice of the date, time, and place of the convention in at least one newspaper of general circulation within the county.

(2) The election commissioner or county clerk shall deliver to the temporary secretary of each county postprimary convention of a political party the roll, properly certified, showing the name and address of each delegate elected to such convention. Upon receipt of such roll, the convention shall organize and proceed with the transaction of business which is properly before it. A county chairperson, secretary, treasurer, and other officials may be elected. The authority reposed in delegates to the county postprimary convention by reason of their election shall be deemed personal in its nature, and no such delegate may, by power of attorney, by proxy, or in any other way, authorize any person in such delegate's name or on such delegate's behalf to appear at such county postprimary convention, cast ballots at the convention, or participate in the

organization or transaction of any business of the convention. In case of a vacancy in the elected delegates, such elected delegates present shall have the power to fill any vacancy from the qualified registered voters of the precinct in which the vacancy exists.

Source: Laws 1994, LB 76, § 207; Laws 1997, LB 764, § 69.

32-708

County postprimary conventions; basis of representation; selection of delegates to state and congressional district conventions.

The county central committee of a political party shall fix the representation in the county postprimary conventions for the various precincts of the county on the basis of the vote cast for the political party's candidate for President of the United States at the preceding presidential election. Each precinct shall be entitled to at least two delegates to the county postprimary convention. If any precinct does not have a full quota of delegates at the county postprimary convention, the delegates at the convention may fill the quota from the registered voters of such precinct. The county postprimary convention shall select delegates to the state and congressional district conventions of a political party. If the county central committee fails to fix the representation at the county postprimary convention by proper certification to the election commissioner or county clerk of the respective counties by February 1 of each election year, there shall be two delegates from each precinct.

Source: Laws 1994, LB 76, § 208.

32-709

County conventions; delegates; precinct caucuses.

Delegates to county conventions of political parties may be elected at precinct caucuses held in each presidential election year. The state central committee of each political party shall set the date for the caucus, and the county chairperson for each party shall issue the call. Each county chairperson shall file with the election commissioner or county clerk notice of the meeting place of such caucus at least ten days prior to the date of the caucus. The state central committee of each party shall draft rules of procedure to be followed at each caucus.

For purposes of this section, caucus shall mean a meeting of the legal voters of any political party assembled for the purpose of choosing delegates to the county convention.

Source: Laws 1994, LB 76, § 209.

32-710

State postprimary conventions; when held; organization; platform; selection of presidential electors.

Each political party shall hold a state postprimary convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions. Such nominations shall be certified to the

Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

Source: Laws 1994, LB 76, § 210; Laws 1997, LB 764, § 70.

Annotations:

Political parties at their conventions select candidates for office of presidential electors. State ex rel. Beeson v. Marsh, 150 Neb. 233, 34 N.W.2d 279 (1948).

This statute is unconstitutional as relates to requirements for independent candidates for President and Vice President of United States. MacBride v. Exon, 558 F.2d 443 (8th Cir. 1977).

Although Nebraska's statutes unconstitutionally deny an independent candidate access to appear on the ballot in presidential elections, the court directed the independent be included upon a determination he was a serious candidate, truly independent, with a satisfactory level of community support. McCarthy v. Exon, 424 F.Supp. 1143 (D. Neb. 1976).

32-711

Congressional district postprimary conventions; time; place; delegates; transaction of business.

Each political party shall hold a congressional district postprimary convention in even-numbered years. The convention shall be held at the same place as and immediately after the adjournment of the state postprimary convention. The delegates selected to the state postprimary convention for the district shall be the delegates to the congressional district postprimary convention. The congressional district postprimary convention shall transact the business which is properly before it.

Source: Laws 1994, LB 76, § 211.

32-712

President and Vice President; candidates; certification of names and addresses; time; Secretary of State; place names on ballot.

At least sixty days prior to any general election at which candidates for President and Vice President of the United States are to be voted upon by the registered voters of the state, the appropriate officers of the various national political party conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The Secretary of State shall then take appropriate steps to place the names of the presidential and vice-presidential candidates on the ballot.

Source: Laws 1994, LB 76, § 212.

Annotations:

Although Nebraska's statutes unconstitutionally deny an independent candidate access to appear on the ballot in presidential elections, the court directed the independent be included upon a determination he was a serious candidate, truly independent, with a satisfactory level of community support. McCarthy v. Exon, 424 F.Supp. 1143 (D. Neb. 1976).

32-713**Presidential electors; notice of appointment; meeting.**

The certificates of appointment for presidential electors shall be served by the Governor on each person appointed. The Governor shall notify the presidential electors to be at the State Capitol at noon on the first Monday after the second Wednesday in December after appointment and report to the Governor at his or her office in the capitol as being in attendance. The Governor shall serve the certificates of appointment by registered or certified mail. The presidential electors shall convene at 2 p.m. of such Monday at the Governor's office in the capitol.

Source: Laws 1994, LB 76, § 213.

Annotations:

Governor appoints presidential electors in accordance with return of state canvassing board. State ex rel. Beeson v. Marsh, 150 Neb. 233, 34 N.W.2d 279 (1948).

32-714**Presidential electors; vacancies; how filled; meeting; procedure.**

The Governor shall provide each presidential elector with a list of all the electors. If any elector is absent or if there is a deficiency in the proper number of electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect by 3 p.m. of such day, the Governor shall fill the vacancies by appointment. After all vacancies are filled, the college of electors shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the Constitution and laws of the United States. Each at-large presidential elector shall cast his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state. Each congressional district presidential elector shall cast his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district.

Source: Laws 1994, LB 76, § 214.

Annotations:

This section provides procedures for meeting of presidential electors. State ex rel. Beeson v. Marsh, 150 Neb. 233, 34 N.W.2d 279 (1948).

32-715**Presidential electors; compensation.**

The Secretary of State shall incorporate in his or her budget the sum of five hundred dollars for the payment of requests for payment or reimbursement presented by the presidential electors of the electoral college. The electors shall receive compensation of five dollars for each day of attendance and shall be reimbursed for mileage as provided in section 81-1176.

Source: Laws 1994, LB 76, § 215; Laws 1997, LB 764, § 71.

32-716

New political party; formation; petition; requirements.

(1) Any person, group, or association desiring to form a new political party shall present to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for Governor at the most recent general election for such office. The signatures of registered voters on such petitions shall be so distributed as to include registered voters totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts in this state. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The petitions shall be filed with the Secretary of State no later than February 1 before any statewide primary election for the new political party to be entitled to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary election of that year, the petitions shall be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of petitions to form a new political party, a sample copy of the petitions shall be filed with the Secretary of State by the person, group, or association seeking to establish the new party. The sample petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association sponsoring the petition to form a new political party.

(2) The petition shall conform to the requirements of section 32-628. The Secretary of State shall prescribe the form of the petition for the formation of a new political party. The petition shall be addressed to and filed with the Secretary of State and shall state its purpose and the name of the party to be formed, but the name of any political party then in existence or any word forming any part of the name of any political party then in existence shall not be adopted. The petition shall contain a statement substantially as follows:

We, the undersigned registered voters of the State of Nebraska and the county of, being severally qualified to sign this petition, respectfully request that the above-named new political party be formed in the State of Nebraska, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of and am qualified to sign this petition; and my date of birth and city, village, or post office address and my street and number or voting precinct are correctly written after my name.

Source: Laws 1994, LB 76, § 216; Laws 1997, LB 460, § 4.

Annotations:

A candidate for a newly formed political party need not comply with the provisions of section 32-515. State ex rel. Chambers v. Beermann, 229 Neb. 696, 428 N.W.2d 883 (1988).

This section authorizes and outlines the procedure for formation of new political parties. State ex rel. Beeson v. Marsh, 150 Neb. 233, 34 N.W.2d 279 (1948).

The method that the statute provides for the formation of a new political party is mandatory. State ex rel. Nelson v. Marsh, 123 Neb. 423, 243 N.W. 277 (1932).

Under the prior law, a state convention to form a new political

party required five hundred electors to be present at a mass convention. State ex rel. Stephens v. Marsh, 117 Neb. 579, 221 N.W. 708 (1928).

This statute is unconstitutional as relates to requirements for independent candidates for President and Vice President of United States. MacBride v. Exon, 558 F.2d 443 (8th Cir. 1977). Portion of subsection (1) of this section governing formation of new political parties which required signatures equal to one percent of persons voting in most recent gubernatorial race to be distributed among at least one-fifth of counties in state and which required signers of petitions for formation of new parties to pledge to support party, to support its candidates, and to change their registration to affiliate with petitioning party was unconstitutional and void. Portion of subsection (3) of this section requiring petition circulators to be registered voters and residents of state and county in which they were circulating petitions to get party on ballot was valid exercise of state's power to protect its compelling interest in maintaining integrity of election process. Libertarian Party of Nebraska v. Beermann, 598 F.Supp. 57 (D. Neb. 1984).

32-717

New political party; validity of petition signatures; certification of establishment; copy of constitution and bylaws; filed.

Within ten days after all the petitions to form a new political party which contain signatures are filed with the Secretary of State, he or she shall determine the validity and sufficiency of such petitions and signatures. Clerical and technical errors in a petition shall be disregarded if the forms prescribed by the Secretary of State are substantially followed. If the petitions are determined to be sufficient and valid, the Secretary of State shall issue a certification establishing the new political party. Copies of such certification shall be issued to the person, group, or association forming the new political party. Within twenty days after the certification of establishment of the new political party by the Secretary of State, the person, group, or association forming the new political party or its new officers shall file with the Secretary of State the constitution and bylaws of such party along with a certified list of the names and addresses of the officers of the new political party.

Source: Laws 1994, LB 76, § 217.

32-718

New political party for congressional district, county, or city; formation; procedures.

New political parties may be formed for a congressional district, a county, or a city. Any person desiring to form a new political party for a congressional district, a county, or a city shall follow the procedures set out in section 32-716, except that:

- (1) The requirement for signatures to be obtained from registered voters in each of the three congressional districts shall not apply to this section;
- (2) Petitions for new county or city political parties shall be filed with the election commissioner or county clerk, and the election commissioner or county clerk shall perform the duties imposed upon the Secretary of State by section 32-717; and
- (3) Petitions for formation of a new city political

party shall be filed no later than February 1 before the city primary.

Source: Laws 1994, LB 76, § 218.

32-719

County, congressional district, and state conventions; individual vote; unit voting prohibited.

At all county, congressional district, and state political party conventions held under sections 32-707 to 32-711, each delegate shall be entitled to register his or her individual vote, and it shall be unlawful to attempt to bind any delegate by any political party or convention rules requiring the delegates from any political subdivision to such convention to vote as one unit.

Source: Laws 1994, LB 76, § 219.

32-720

Division of political party ballot; preference; how determined.

In case of a division of any political party, the Secretary of State shall give the preference of party name to the convention held at the time and place designated in the call of the regularly constituted political party authorities, and if the other faction presents no other party name, the Secretary of State shall select a name or title and place the same on the ballot before the list of candidates of such faction. The action of the preceding national convention of such party, regularly called, shall determine the action of the Secretary of State or the court in its decision. The Secretary of State may be compelled by peremptory order of mandamus to perform such duty.

Source: Laws 1994, LB 76, § 220.

32-801

Official ballot; certifications required.

At least fifty days before any statewide primary or general election, the Secretary of State shall transmit in ballot form to each election commissioner or county clerk a certification of the candidates, offices, and issues that appear on the state ballot. The certification prior to the primary election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate for whom candidate filing forms or petitions have been filed in the office of the Secretary of State and who is entitled to be voted for at such primary election, and the party affiliation or nonpartisan status of each candidate. A separate statement of the city or village of residence of each candidate shall be included with the certification, but the city or village of residence shall not appear on the official ballot. The certification prior to the general election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate who was nominated at the primary election or who filed by petition as shown by the records in the office of the Secretary of State and who is entitled to be voted for at the general election, and the party affiliation or nonpartisan status of each candidate for partisan offices.

Source: Laws 1994, LB 76, § 222; Laws 1997, LB 764, § 72.

32-802**Notice of election; contents.**

The notice of election for any election shall state the date on which the election is to be held and the hours the polls will be open and list all offices, candidates, and issues that will appear on the ballots. The notice of election shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. In the case of a primary election, the notice of election shall list all offices and candidates that are being forwarded to the general election. The notice of election shall only state that amendments or referendums will be voted upon and that the Secretary of State will publish a true copy of the title and text of any amendments or referendums once each week for three consecutive weeks preceding the election. Such notice of election shall appear in at least one newspaper designated by the election commissioner, county clerk, city council, or village board no later than forty days prior to the election. The election commissioner or county clerk shall, not later than forty days prior to the election, (1) post in his or her office the same notice of election published in the newspaper and (2) provide a copy of the notice to the political subdivisions appearing on the ballot. The election commissioner or county clerk shall correct the ballot to reflect any corrections received within ten days after mailing the notice as provided in section 32-819. The notice of election shall be posted in lieu of sample ballots until such time as sample ballots are printed. If joint elections are held in conjunction with the statewide primary or general election by a county, city, or village, only one notice of election need be published and signed by the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 223; Laws 2002, LB 935, § 6.

Effective date July 20, 2002.

32-803**Sample of official ballot; publication; requirements; rate; limitation.**

A sample of the official ballot shall be printed in one or more newspapers of general circulation in the county, city, or village as designated by the election commissioner, county clerk, city council, or village board. The sample shall be printed in English and in any other language required pursuant to the Voting Rights Language Assistance Act of 1992. Such publication shall be made not more than fifteen nor less than two days before the day of election, and the same shall appear in only one regular issue of each paper. The form of the ballot so published shall conform in all respects to the form prescribed for official ballots as set forth in sections 32-806, 32-809, and 32-812, but larger or smaller type may be used. When paper ballots are not being used, a reduced-size facsimile of the official ballot shall be published as it appears on the voting system. Such publication shall include suitable instructions to the voters for casting their ballots using the voting system being used at the election. The rate charged by the newspapers and paid by the county board for the publication of such sample

ballot shall not exceed the rate regularly charged for display advertising in such newspaper in which the publication is made.

Source: Laws 1994, LB 76, § 224; Laws 1997, LB 764, § 73; Laws 2003, LB 358, § 10.
Effective date August 31, 2003.

32-804

Sample ballots; distribution.

If in the judgment of the election commissioner, county clerk, or city or village clerk the sample ballot published in the newspaper will not be seen by the voters generally, sample ballots may be printed on light red, light green, or light pink paper. The sample ballots shall be distributed not less than three nor more than thirty-five days before the election in an amount not to exceed ten percent of the total number of votes cast in such county, city, or village at the immediately preceding general election. The separate sample ballots shall be of the exact size and form as the official ballot.

Source: Laws 1994, LB 76, § 225.

32-805

Ballots; preparation; contents; posting.

The election commissioner or county clerk shall prepare the necessary ballots for every election in which candidates for elective office are certified to or filed with the election commissioner or county clerk or whenever any question is to be submitted to a vote of the registered voters of any locality and not to the state generally. The ballots shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. If a question is submitted to the registered voters of any city or village alone, the city or village clerk shall provide the necessary ballots. Sample ballots shall be prepared for each precinct and shall be the same as the official ballots for the precinct. The official ballot shall be headed with the words Official Ballot, and the sample ballot shall be headed with the words Sample Ballot. All official and sample ballots shall be in the possession of the election commissioner, county clerk, or city or village clerk at least ten days before the election and subject to inspection by the candidates or their agents. One set of sample ballots shall be posted in the office of the election commissioner or county clerk not later than ten days prior to the election. Two sample ballots shall be posted at each polling place in each precinct on the morning of election day by the judges and clerks of election at or near the polling place. Additional sample ballots may be printed. No person other than an election commissioner, county clerk, or city or village clerk shall print or cause to be printed or distributed any ballot marked Official Ballot.

Source: Laws 1994, LB 76, § 226.

Annotations:

The arrangement of party names on the ballot is a matter within the discretion of the county clerk provided that each candidate is given the designation to which he is entitled. Woods v. State ex rel. McNerney, 44 Neb. 430, 63 N.W. 23 (1895).

32-806**Official ballots; color; type style and size.**

All official ballots prepared pursuant to the Election Act shall be white in color, except that the election commissioner, county clerk, or city or village clerk may designate a distinctive color of ballot or ink for city, village, or school elections or, when authorized by the Secretary of State, for elections of any other political subdivision. If a distinctive color is designated, the color of the ballot shall not be the same as the sample ballots as provided in section 32-804. The style and size of type on official ballots shall be as close as possible to the style used on the ballots furnished by the Secretary of State.

Source: Laws 1994, LB 76, § 227.

32-807**Ballots; number; printing and delivery.**

The election commissioner, county clerk, or city or village clerk shall print and deliver to each precinct or district in the county, city, or village an approximate number of ballots based upon what would appear sufficient at the time the ballots are to be printed. Such totals shall take into consideration increases in registration, absentee voting, annexations, changes in boundaries, spoiled ballots, and any other factor that may influence the total number of ballots needed. Additional ballots shall be printed to meet any contingency in order to provide a sufficient number of ballots for each precinct or district in the county, city, or village.

Source: Laws 1994, LB 76, § 228.

Annotations:

Under this section, the number of ballots to be printed is not a fixed and certain quantity, but is the result of computation by the clerk and is subject in some degree to his discretion. *Wahlquist v. Adams County*, 94 Neb. 682, 144 N.W. 171 (1913).

32-808**Absentee ballots and applications; delivery; special absentee ballot; publication of application form.**

(1) Absentee ballots and applications shall be ready for delivery to registered voters at least thirty-five days prior to each statewide primary or general election and at least fifteen days prior to all other elections.

(2) Notwithstanding subsection (1) of this section, upon request for a ballot, an absentee ballot shall be forwarded to each voter meeting the criteria of section 32-939 at least forty-five days prior to any election. The election commissioner or county clerk shall not forward any absentee ballot or special absentee ballot if the election to which such ballot pertains has already been held. If the absentee ballot has not been printed in sufficient time to meet the requirements of this subsection, the election commissioner or county clerk shall issue a special absentee ballot at least fifty-seven days prior to an election to each voter meeting the criteria of section 32-939 upon the written request by such voter requesting the special absentee ballot. A complete list of the nominated candidates and issues to be voted upon by a voter meeting the criteria of such section shall be included with the special absentee ballot by the election commissioner or county clerk. A notice shall be sent

with the primary election ballot stating that the absentee voter must request a general election ballot unless such voter has requested both the primary and general election ballots. If the voter has requested both ballots, a notice shall be sent with the primary election ballot stating that the general election ballot will be sent to the same address unless otherwise notified.

(3) For purposes of this section, a special absentee ballot shall mean a ballot prescribed by the Secretary of State which contains the titles of all offices being contested at such election and shall permit the voter to vote by writing in the names of the specific candidates or the decision on any issue.

(4) The election commissioner or county clerk shall publish in a newspaper of general circulation in the county an application form to be used by registered voters in making an application for an absentee ballot after the ballots become available. The publication of the application for an absentee ballot shall not be required if the election is held by mail pursuant to sections 32-952 to 32-959.

Source: Laws 1994, LB 76, § 229; Laws 1996, LB 964, § 4;

32-809

Statewide primary election; official ballot; form; contents.

(1) The form of the official ballot at the statewide primary election shall be prescribed by the Secretary of State. At the top of the ballot and over all else shall be printed in boldface type the name of the political party, Official Ballot, Primary Election 20... Each division containing the names of the office and a list of candidates for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and subdistrict candidates under appropriate headings.

(2) All proposals for constitutional amendments, candidates for delegates to the national political party conventions, and candidates on the nonpartisan ballot shall be submitted on a ballot where bold lines separate one office or issue from another. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211. Each candidate for delegate to the national political party convention shall have his or her preference for the candidacy for the office of President of the United States or the fact that he or she is uncommitted shown on the ballot in parenthesis and indented on the line immediately below the name of the candidate. All constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires the ballot after being voted to be folded before being deposited in a ballot box. When an optical-scan ballot is used which requires a ballot envelope or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, constitutional amendments may be printed on either side of the ballot and shall be separated from other offices or issues by a bold line. Constitutional amendments so arranged shall constitute a separate ballot.

(3) The statewide primary election ballot shall contain the name of every candidate filing under sections 32-606, 32-611, and 32-613 and no other names. No name of a candidate for member of the Legislature or an elective office described in Article IV, section 1, of the Constitution of Nebraska shall appear on any

ballot or any series of ballots at any primary election more than once except for the names of candidates for the office of delegate to a county, state, or national political party convention. When two or more of the last names of candidates for the same office at the primary election are the same in spelling or sound, the official ballots may, on the request of any such candidate, have his or her address printed immediately below his or her name in capital and lowercase letters in lightface type of the same size as the type in which the name of the candidate is printed.

Source: Laws 1994, LB 76, § 230; Laws 2003, LB 358, § 11.
Effective date August 31, 2003.

32-810

Primary election ballot; arrangement of names and proposals.

(1) The election commissioner or county clerk shall place the names of all partisan candidates certified to him or her by the Secretary of State and of those partisan candidates filing in his or her office on a primary election ballot headed with the political party designation. The names of each nonpartisan candidate certified by the Secretary of State and of each nonpartisan candidate filing in the office of the election commissioner or county clerk shall be placed on the primary election ballot headed by the words Nonpartisan Ticket.

(2) If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if an optical-scan ballot is used. All proposals on the ballot submitted by a political subdivision shall follow all offices on the ballot for such political subdivision.

(3) The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. At the primary election, on the first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour as certified by the Secretary of State and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk. When there are more candidates than vacancies for the same office, the names of all partisan and nonpartisan candidates at a primary election shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

Source: Laws 1994, LB 76, § 231; Laws 1997, LB 764, § 75; Laws 1999, LB 571, § 4; Laws 2003, LB 358, § 12.
Effective date August 31, 2003.

32-811

Political subdivisions; political party convention delegates;

names not on ballot; when.

(1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, directors of reclamation districts, members of the boards of governors of community college areas, members of the boards of Class III school districts which nominate candidates at a primary election, and officers of cities of the first or second class and cities having a city manager plan of government do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 32-814.

(2) Candidates shall not appear on the ballot in the primary election for the board of directors in public power districts receiving annual gross revenue of less than forty million dollars, for county weed district boards, and for the board of trustees in villages.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Source: Laws 1994, LB 76, § 232; Laws 1995, LB 194, § 8; Laws 1997, LB 764, § 76; Laws 2003, LB 15, § 1.
Effective date August 31, 2003.