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NEBRASKA REPUBLICAN PARTY, APPELLANT, V. ROBERT B. EVNEN, IN HIS OFFICIAL CAPACITY AS THE SECRETARY OF STATE OF NEBRASKA, ET AL., APPELLEES.

NEBRASKA DEMOCRATIC PARTY AND WORKING FAMILIES PARTY, APPELLANTS, V. ROBERT B. EVNEN, IN HIS OFFICIAL CAPACITY AS THE SECRETARY OF STATE OF NEBRASKA, ET AL., APPELLEES.

___ N.W.3d ___

Filed August 26, 2026. Nos. S-26-687, S-26-689.

1. **Statutes: Judgments: Appeal and Error.** The meaning and interpretation of a statute are questions of law for which an appellate court has an obligation to reach a conclusion independent from the conclusion made below.
2. **Legislature: Intent.** Legislative intention is to be determined from a general consideration of the whole act with reference to the subject matter to which it applies and the particular topic under which the language in question is found, and the intent as deduced from the whole will prevail over that of a particular part considered separately.
3. **Statutes.** Because statutes relating to the same subject are in pari materia, they should be construed together.
4. **Statutes: Appeal and Error.** Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.
5. **Statutes.** A statute is ambiguous when the language used cannot be adequately understood, because it is susceptible of more than one reasonable interpretation, either from the plain meaning of the statute or when considered in pari materia with any related statutes.
6. **Statutes: Legislature: Intent.** The fundamental objective of statutory interpretation is to ascertain and carry out the Legislature's intent.

7. **Constitutional Law: Statutes: Voting.** In construing the Nebraska election statutes, it is the duty of the courts to do so in light of the constitutional principle that all elections shall be free and that there shall be no hindrance or impediment to the right of the qualified voter to exercise the elective franchise.
8. **Statutes: Voting.** Statutes relating to election law must be liberally construed so as to promote, rather than defeat, candidacy for election.
9. **Voting: Limitations of Actions.** Neb. Rev. Stat. § 32-624 (Supp. 2025) sets forth the procedure for objecting to the party name used in petitions to establish a new political party for a ballot position in an upcoming election. This procedure includes a strict 7-day limitation period for filing an objection, which period commences upon the applicable deadline set forth in Neb. Rev. Stat. § 32-716(1) (Supp. 2025) for filing with the Secretary of State the signed petitions to form a new political party.
10. ____: ____. If a written objection under Neb. Rev. Stat. § 32-624 (Supp. 2025) to a new political party name is not filed within the 7-day limitation period from the deadline for filing the signed new-party petitions, the use of the new political party name in the election shall be deemed valid as a matter of law with respect to Neb. Rev. Stat. § 32-716(2) (Supp. 2025), though the Secretary of State must still carry out the ministerial duties of determining the validity and sufficiency of the signed petitions as set forth in Neb. Rev. Stat. § 32-717 (Supp. 2025).
11. **Statutes: Voting.** The strict statutory deadlines of the Nebraska election statutes were enacted to protect the qualified voter's right to exercise the elective franchise by safeguarding against uncertainty and disruption.
12. **Statutes: Appeal and Error.** Under the canon of superfluity, appellate courts will attempt to reconcile different provisions so they are consistent, harmonious, and sensible and will avoid rejecting as superfluous or meaningless any word, clause, or sentence, to give effect to all parts of a statute.
13. **Statutes: Voting.** Neb. Rev. Stat. § 32-716(2) (Supp. 2025) does not encompass a challenge that the name of a new political party overlaps with a slogan or ideals of a different political party in existence at the time of the new-party-formation petition.
14. **Statutes.** Under the legal principle of expressio unius est exclusio alterius (the expression of one thing is the exclusion of the others), an expressed object of a statute's operation excludes the statute's operation on all other objects unmentioned by the statute.

15. **Courts: Statutes.** Although courts can consider the purpose of a statute when deciding between multiple textually permissible readings of a statute, courts are merely to give effect to the text when the meaning of the text is plain, direct, and unambiguous.

Appeals from the District Court for Lancaster County: DARLA S. IDEUS, Judge. Affirmed.

Andrew La Grone and Julie Slama, of La Grone Slama, L.L.C., for appellant Nebraska Republican Party.

Robert W. Futhey, of Guinan O'Siochain Law Group, and Aria C. Branch, Christopher D. Dodge, Harleen K. Gambhir, and Walker McKusick, pro hac vice, of Elias Law Group, L.L.P., and Alex Rabb, pro hac vice, of Movement Building Law Project, P.C., for appellant Nebraska Democratic Party.

Michael T. Hilgers, Attorney General, Cody S. Barnett, and Zachary B. Pohlman for appellee Robert B. Evnen.

Jason W. Grams, of Grams Law, L.L.C., for appellees John Cartier and America First Party.

Dallas Jones, Jr., of Baylor Evnen Wolfe & Tannehill, L.L.P., for appellees Robin Richards and Nebraska Working People Party.

FUNKE, C.J., CASSEL, STACY, PAPIK, FREUDENBERG, BERGEVIN, and VAUGHN, JJ.

PER CURIAM.

INTRODUCTION

In these two appeals from orders of the district court for Lancaster County, we consider an objection by the Nebraska Republican Party to the use of the name "America First Party" and an objection by the Nebraska Democratic Party and the Working Families Party (Democratic Parties) to the use of the name "Nebraska Working People Party." Both objections

fall under Nebraska's Election Act.[1] We hold that the objection to the "Nebraska Working People Party" is untimely and that the objection to the "America First Party" is meritless. Accordingly, we affirm the district court's orders that denied relief to both the Nebraska Republican Party and the Democratic Parties.

BACKGROUND

A first step in forming a new political party in Nebraska is to gather, through petitions, registered voter signatures totaling not less than 1 percent of the total votes cast for Governor at the most recent general election.[2] Such petitions shall be filed with the Secretary of State on or before July 15 of that year "[i]f 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." A different new-party-formation petition filing deadline applies if the new political party wishes to be entitled to have a ballot position in the primary election of that year.

Petition to Form "Nebraska Working People Party"

On June 24, 2026, Robin Richards filed with the Secretary of State an affidavit declaring her intent to sponsor and circulate a petition to form a new political party bearing the name "Nebraska Working People Party." Along with her affidavit, Richards filed with the Secretary of State, as is required by § 32-716, a sample copy of the petitions for formation of a new political party.

Section 32-716(2) requires that the petition shall, among other things, "state its purpose and the name of the party to be formed." The purpose of the "Nebraska Working People Party,"

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[1] Neb. Rev. Stat. §§ 32-101 to 32-1552 (Reissue 2016, Cum. Supp. 2024 & Supp. 2025).

[2] § 32-716.

as set forth in the affidavit and the sample petitions, was as follows:

> [T]o provide Nebraska voters with a political organization dedicated to advancing the interests of working families, middle-class Nebraskans, rural communities, small businesses, farmers, ranchers, and individuals seeking practical solutions to improve economic opportunity, strengthen communities, and promote responsive and accountable government.

The Secretary of State did not raise any issues with the sample copy of the petitions, which were thereafter circulated to the public for registered voter signatures. Upon obtaining sufficient signatures, on July 14, 2026, all petition papers comprising a new political party petition in support of establishing the "Nebraska Working People Party" were filed with the Secretary of State for signature verification,[3] thereby meeting the deadline for a ballot position for the 2026 general election.

Petition to Form "American First Party"

On June 30, 2026, John Cartier filed with the Secretary of State an affidavit declaring his intent to sponsor the formation of a new political party bearing the name "America First Party." In the submitted sample copy of the petitions and in his affidavit, the purpose of the "America First Party" was set forth as follows:

> To provide voters with a political organization committed to putting Americans and Nebraskans ahead of all others by cracking down on out-of-control government spending and wasteful foreign aid, getting tough on illegal immigrants, standing up against abortion, and rigidly defending the Second Amendment.

The Secretary of State did not raise any issues with the sample copy of the petitions, which were thereafter circulated to the public for registered voter signatures. On July 15, 2026,

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[3] See § 32-716.

all petition papers comprising a new political party petition in support of establishing the "America First Party" were submitted to the Secretary of State for signature verification, thereby also meeting the deadline for a ballot position for the 2026 general election.

Nebraska Republican Party's and Nebraska Democratic Parties' Objections to Secretary of State

Section 32-624 describes the process for making objections to the Secretary of State. It sets forth that "[a] candidate filing form filed for the primary or general election pursuant to section 32-606 shall be deemed to be valid unless objections are made in writing within seven days after the filing deadline" and that "[o]bjections to the use of the name of a political party may also be made and passed upon in the same manner as objections to a candidate filing form or other acceptance of nomination."

On July 22, 2026, the Nebraska Republican Party filed a written objection with the Secretary of State regarding the "America First Party." The Democratic Parties similarly filed a written objection with the Secretary of State regarding the "Nebraska Working People Party." The Democratic Parties' objection was not filed until August 9.

The Nebraska Republican Party objected to the use of the name "America First Party" and asked that the Secretary of State decline to issue certification of the "America First Party" name and, alternatively, reject any candidate filing forms associated with the "America First Party." While the Nebraska Republican Party asserted such objection was expressly authorized by § 32-624, it expressed uncertainty regarding the event triggering the objection deadline. The Nebraska Republican Party asked, "[o]ut of an abundance of caution," that the Secretary of State treat its letter as a timely objection to any party formation petitions or certification documents to

establish the "America First Party" and to any future candidate filing forms to appear on the ballot under that designation.

Asserting tension between the sponsor's "record of leftist activism" and connotations to the words "America First," the Nebraska Republican Party argued that using the name "America First Party" was an attempt to create ballot confusion. It relied on § 32-716(2) as support for its position that such potential ballot confusion was grounds to prohibit use of the name "America First Party." Section 32-716(2) provides:

> (2) The petition shall conform to the requirements of sections 32-628 and 32-716.01. 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. Such name shall not be or include 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, and in order to avoid confusion regarding party affiliation of a candidate or registered voter, the name of the party to be formed shall not include the word "independent" or "nonpartisan".

On July 28, 2026, the Secretary of State responded to the Nebraska Republican Party, stating that although he agreed that the name "America First Party" was misleading, it "d[id] not run afoul" of § 32-716(2). The Secretary of State explained that there is no political party recognized in Nebraska with a name that includes the words "America" or "First" and that the proposed "America First Party" did not include the words "independent" or "nonpartisan." Therefore, he concluded that he lacked the authority to disqualify the use of the name "America First Party."

The Nebraska Democratic Parties' objection to the Secretary of State was similar. They also alleged that use of the new party name "Nebraska Working People Party" violated

§ 32-716(2). They asked that the Secretary of State decline to certify the "Nebraska Working People Party" and, alternatively, reject any candidate filing forms associated with the "Nebraska Working People Party."

The Democratic Parties alleged that the "Nebraska Working People Party" was backed by "Republican interests" and designed to mislead voters into thinking it is aligned with the Democratic Party, the Nebraska Working Families Party, and the candidates they support. The Nebraska Democratic Parties noted that the party name "Nebraska Working People Party" overlapped with a U.S. Senate candidate's messaging and slogan. The Nebraska Democratic Parties' primary objection, however, was that the "Nebraska Working People Party" name violated the express mandate in § 32-716(2) that no word overlap with the name of a preexisting political party—in this case, the word "working" of the "Working Families Party."

The Secretary of State responded to the objection the day after it was filed. By then, the Democratic Parties had already filed an application and alternative complaints in district court. The Secretary of State explained that "[u]nless and until a court of competent jurisdiction timely holds otherwise, . . . I will not disqualify the use of the name "'Working People Party.'"

August 7, 2026, Announcement by Secretary of State

On August 7, 2026, after the Nebraska Republican Party had made its objection with the Secretary of State but before the Democratic Parties had made theirs, the Secretary of State announced that both the "Nebraska Working People Party" and the "America First Party" met the necessary verified signature threshold for political party formation.

Relying upon § 32-717, the Secretary of State said he would issue a certification establishing the new parties so long as the requisite paperwork, which includes a party constitution, bylaws, and list of officers, is submitted by August 27, 2026.

Section 32-717(2) provides that "[u]pon receipt of the constitution and bylaws of such party, the Secretary of State shall issue a certification establishing the new political party," but "no certification shall be issued and the party shall not be considered properly established" if the constitution and bylaws of a new political party are not filed within 20 days after the Secretary of State's notification.

The record before us does not suggest that either the "America First Party" or the "Nebraska Working People Party" has yet submitted to the Secretary of State its constitution, bylaws, or names of officers. Nor has either submitted candidate filing forms, which, pursuant to § 32-621, must be filed no later than September 1 prior to the general election.

District Court Applications/Complaints

In case No. CI 26-2972, the Nebraska Republican Party filed in the district court for Lancaster County a verified application for leave to commence a special summary review proceeding and, in the alternative, a complaint for declaratory and injunctive relief. The Republican Party named as defendants Evnen, in his official capacity as the Secretary of State of Nebraska; Cartier; and America First Party.

In case No. CI 26-3002, the Democratic Parties filed in the district court for Lancaster County a verified application for leave to commence a special summary review proceeding and alternative complaints for declaratory and injunctive relief or for a petition for a writ of mandamus. The Democratic Parties named as defendants Evnen, in his official capacity as the Secretary of State of Nebraska; Richards; and Nebraska Working People Party.

The Nebraska Republican Party asked the district court to declare that the Secretary of State possesses the legal authority, under Nebraska law, including, but not limited to, §§ 32-716(2) and 32-624, to sustain its objection to the use of the name "America First Party." Reprising arguments

made to the Secretary of State, the Nebraska Republican Party argued that using the name "America First Party" was a "calculated" and "malicious[]" effort to confuse and "hijack[]" Republican Party voters.

The Democratic Parties similarly asked for an order requiring that the Secretary of State deny use of the name "Nebraska Working People Party." Alternatively, they sought a declaratory judgment,[4] asked for an injunction, and sought a writ of mandamus.[5] Reiterating the factual allegations of its objection to the Secretary of State, the Nebraska Democratic Parties argued that using the name "Nebraska Working People Party" was "an attempt to sabotage the Nebraska Democratic Party by misleading its members and supporters and detracting votes from its preferred candidates."

Further, the Democratic Parties asserted that allowing use of the name would harm the Working Families Party by keeping it from ever registering in Nebraska, because the "Nebraska Working People Party" would have taken the word "working." The Working Families Party does not currently maintain a chapter in Nebraska.

District Court's Decisions

After a hearing in case No. CI 26-3002, in which exhibits were received without objection, the court issued an order denying all three alternative claims by the Democratic Parties for relief, which the court summarized as asking the court to prohibit the Secretary of State from certifying the "Nebraska Working People Party" as a political party.

The court reasoned that the Democratic Parties had failed to make their objection within the 7-day objection period set forth in § 32-624(1), which the court said began to run from the July 15 filing deadline for a new political party wishing to have a ballot position for the general election of that year.

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[4] Neb Rev. Stat. §§ 25-21,149 to 25-21,164 (Reissue 2016).

[5] Neb. Rev. Stat. § 25-2156 (Reissue 2016).

The court rejected the Democratic Parties' argument that the sentence of § 32-624(1)—stating that "[o]bjections to the use of the name of a political party may also be made and passed upon in the same manner as objections to a candidate filing form or other acceptance of nomination"—refers to only a candidate's "use" of a new political party name in a candidate filing form and therefore runs from the candidate filing form deadline, which had not yet passed. The district court concluded that such a narrow reading of § 32-624(1) would render the sentence referring to the name of a political party unnecessarily duplicative of the prior sentence of the statute referring to objections to the validity of a candidate filing form. The court found that permitting declaratory relief or a writ of mandamus would render the deadlines of the Nebraska election statutes meaningless. Thus, it denied the Democratic Parties' application for leave to commence a special summary review proceeding and dismissed the alternative complaints for declaratory and injunctive relief and mandamus.

After a hearing in case No. CI 26-2972, the court also denied the Nebraska Republican Party's application for leave to commence a special summary review proceeding, and it dismissed the alternative claim for declaratory and injunctive relief. The court received exhibits over objections, stating the case turned on the meaning of the relevant statutes and not questions of fact, so the court would give the exhibits the "consideration and weight that they are due."

The court determined the Nebraska Republican Party's challenge fell under § 32-624 and the Nebraska Republican Party had timely made its objection, but that using the name "America First Party" did not violate § 32-716. The court rejected the Nebraska Republican Party's argument that § 32-716 offers mere examples of names that the Secretary of State may reject and "gestures at the Secretary's broader, implied power to stop parties from using names that might cause voter confusion." The court said this was contrary to

the canon that the expression of one thing is the exclusion of other objects unmentioned by the statute.

The court also was unpersuaded by the Nebraska Republican Party's argument that *Porter v. Flick*,[6] a decision from 1900 under a different version of the Nebraska election statutes, indicated that the Secretary of State had implied powers to prevent the kind of confusion the Nebraska Republican Party alleged, explaining that the facts of *Porter* were distinguishable and "the Secretary has the power to enforce the law, but not to enforce what he thinks should be the law."

APPEALS

The Nebraska Republican Party and the Democratic Parties timely appealed from the district court's orders. In both appeals, we granted bypass and expedited briefing.

ASSIGNMENTS OF ERROR

The Democratic Parties assign, consolidated and restated, that the district court erred by concluding that the objection procedure of § 32-624 applies to challenges to a new political party's name, with a strict 7-day objection period commencing on the deadline for filing with the Secretary of State the signed new-party petitions, and that the Democratic Parties' failure to object within 7 days of that deadline precluded their declaratory judgment action. They also assign that the district court erred by "failing to determine whether the Secretary's enforcement of an ex post facto objection deadline violated [the Democratic Parties'] due process rights, despite the Secretary's own concession that Section 32-624 fails to give clear warning of any exhaustion requirement or requisite deadline for objecting." (Emphasis omitted.)

The Nebraska Republican Party assigns, consolidated and restated, that the district court erred by (1) limiting its objection to voter confusion about the "America First Party" sponsor's

[6] *Porter v. Flick*, 60 Neb. 773, 84 N.W. 262 (1900).

affiliation, rather than affiliation of "America First Party" candidates; (2) determining that the Secretary of State lacked authority to grant the objection; (3) receiving evidence; and (4) to the degree the district court made a factual determination, not deferring to the Secretary of State's finding of fact that the "America First Party" name would confuse voters.

STANDARD OF REVIEW

[1] The meaning and interpretation of a statute are questions of law for which an appellate court has an obligation to reach a conclusion independent from the conclusion made below.[7]

ANALYSIS

These appeals present issues of statutory interpretation, for which we must adhere to well-established principles of statutory construction.

[2,3] Legislative intention is to be determined from a general consideration of the whole act with reference to the subject matter to which it applies and the particular topic under which the language in question is found, and the intent as deduced from the whole will prevail over that of a particular part considered separately.[8] Because statutes relating to the same subject are in pari materia, they should be construed together.[9]

[4,5] Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.[10] A statute is ambiguous when

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[7] See, e.g., *Nebraska Republican Party v. Shively*, 311 Neb. 160, 971 N.W.2d 128 (2022); *Adair Asset Mgmt. v. Terry's Legacy*, 293 Neb. 32, 875 N.W.2d 421 (2016).

[8] *Khaitov v. Greater Omaha Packing Co.*, 319 Neb. 932, 25 N.W.3d 739 (2025).

[9] See *Adair Asset Mgmt. v. Terry's Legacy, supra* note 7.

[10] *Heist v. Nebraska Dept. of Corr. Servs.*, 312 Neb. 480, 979 N.W.2d 772 (2022).

the language used cannot be adequately understood, because it is susceptible of more than one reasonable interpretation, either from the plain meaning of the statute or when considered in pari materia with any related statutes.[11]

[6-8] The fundamental objective of statutory interpretation is to ascertain and carry out the Legislature's intent.[12] In construing the Nebraska election statutes, it is the duty of the courts to do so in light of the constitutional principle that "all elections shall be free; and there shall be no hindrance or impediment to the right of the qualified voter to exercise the elective franchise."[13] Statutes relating to election law must be liberally construed so as to promote, rather than defeat, candidacy for election.[14]

Democratic Parties' Objection Was Untimely

[9,10] In case No. CI 26-3002, we hold that § 32-624 sets forth the procedure for objecting to the party name used in petitions to establish a new political party for a ballot position in an upcoming election. This procedure includes a strict 7-day limitation period for filing an objection, which period commences upon the applicable deadline set forth in § 32-716(1) for filing with the Secretary of State the signed petitions to form a new political party. If a written objection under § 32-624 to a new political party name is not filed within the 7-day limitation period from the deadline for filing the signed new-party petitions, the use of the new political party name in the election shall be deemed valid as a matter of law with respect to § 32-716(2), though the Secretary of State must still carry out the ministerial duties of determining

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[11] See *Mullins v. Box Butte County*, 317 Neb. 937, 13 N.W.3d 67 (2024).

[12] *Khaitov v. Greater Omaha Packing Co., supra* note 8.

[13] See *Nebraska Republican Party v. Shively, supra* note 7, 311 Neb. at 177, 971 N.W.2d at 142 (internal quotation marks omitted). Accord, *Davis v. Gale*, 299 Neb. 377, 908 N.W.2d 618 (2018); *Morrissey v. Wait*, 92 Neb. 271, 138 N.W. 186 (1912). See, also, Neb. Const. art. I, 22.

[14] See *Nebraska Republican Party v. Shively, supra* note 7.

the validity and sufficiency of the signed petitions as set forth in § 32-717.

[11] The strict statutory deadlines of the Nebraska election statutes were enacted to protect the qualified voter's right to exercise the elective franchise by safeguarding against uncertainty and disruption.[15] We disagree with the Democratic Parties' arguments that the requirement in § 32-624 that written objections must be made "within seven days after the filing deadline" does not apply to challenges to the use of a political party name that violates § 32-716(2), but instead applies only to the subsequent "use" of a new party name when filing the proposed new party's constitution and bylaws in order to be certified or when filing a subsequent candidate filing form. While it is true that the substantive rules governing new party formation are found in article 7 of the election statutes and not in article 6 where the 7-day limitation period is found, there is no provision in article 7 for challenging the new party's name. As the letters to the Secretary of State and the applications to the district court recognized, the only statute providing for objections to use of a party name is § 32-624. And § 32-624 states that "[o]bjections to the use of the name of a political party may also be made and passed upon in the same manner as objections to a candidate filing form or other acceptance of nomination."

[12] If we construe the phrase "use of the name of a political party" as narrowly referring only to its use in a candidate filing form, it would violate both the plain language of the statute and the canon of superfluity, under which we will attempt to reconcile different provisions so they are consistent, harmonious, and sensible and will avoid rejecting as superfluous or meaningless any word, clause, or sentence, to give effect to all parts of a statute.[16] Elsewhere in § 32-624(1), the

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[15] See *Nebraska Republican Party v. Gale*, 283 Neb. 596, 812 N.W.2d 273 (2012).

[16] See *MLB Advanced Media v. Nebraska Dept. of Rev.*, 321 Neb. 515, 36 N.W.3d 165 (2026).

Legislature describes objections to "[a] candidate filing form." When § 32-624(1) later states that "[o]bjections to the use of the name of a political party may *also* be made and passed upon *in the same manner as objections to a candidate filing form* or other acceptance of nomination," the use of the word "also" and the phrase "in the same manner as" plainly refers to the fact that "objections to the use of the name of a political party" are something different from "[o]bjections to a candidate filing form." (Emphasis supplied.)

Reading the election statutes in pari materia, the phrase "objections to the use of the name of a political party" must be understood together with the only other statute governing a new party name, which is the provision in § 32-716(2). Section 32-716(2) describes, as part of the requirements for petitions to form a new political party, requirements of "the name of the party to be formed." We have previously quoted the full statute. Regarding the new party's name, § 32-716(2) mandates:

> Such name shall not be or include 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, and in order to avoid confusion regarding party affiliation of a candidate or registered voter, the name of the party to be formed shall not include the word "independent" or "nonpartisan".

Reading the statutes together, a challenge to the name in the petition for formation of a new political party is a challenge to the "use of the name of a political party." The name of the new political party is being "used" in the new party formation petitions.

And it stands to reason that "the filing deadline" in § 32-624 for the name of a party in new-party-formation petitions is the deadline for submission of such signed petitions for the Secretary of State to determine their validity and sufficiency. Section 32-716 states: "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 July 15 of that year." Further, § 32-716 states:

> The sponsor or sponsors of the petition shall file, as one instrument, all petition papers comprising a new political party petition for signature verification with the Secretary of State. All signed petitions in circulation but not filed with the Secretary of State shall become invalid after July 15 in the year of the statewide general election.

Just as an objection to the name of a proposed political party is distinct from an objection to a candidate filing form, the deadline for filing a candidate filing form is distinct from the deadline for filing, as one instrument, all petition papers comprising a new political party petition.

Again, § 32-624(1) provides, in relevant part, that "[a] *candidate filing form* filed for the primary or general election *pursuant to section § 32-606* shall be deemed to be valid unless objections are made in writing within seven days after *the filing deadline*"; "[o]bjections to the use of the name of a political party may also be made and passed upon *in the same manner* as objections to a candidate filing form or other acceptance of nomination." (Emphasis supplied.) Reading these two sentences together, an objection to the "filing deadline" for a "candidate filing form" is clearly the date that commences the 7-day period to object to the candidate filing form. But by not explicitly stating, "the candidate filing form deadline," the Legislature was able to incorporate, by stating the objection to use of a party name shall be made "in the same manner," the applicable filing deadline for use of a new party name. And, indeed, the candidate filing deadline more specifically applicable to a new political party is not § 32-606, but, rather, § 32-621, which states:

> When a new political party has been properly established under section 32-716 prior to the general election and after the primary election of the same year, all candidates except candidates for President or Vice President

> of the United States shall pay the filing fee as provided in section 32-608, file a candidate filing form with the filing officer as provided in section 32-607 no later than September 1 prior to the general election accompanied by a petition of nomination containing the names of not less than twenty-five registered voters of the political party obtained from the appropriate jurisdiction, and comply with the Nebraska Political Accountability and Disclosure Act. The petition of nomination shall conform to the requirements of sections 32-617.01 and 32-628. If the filing officer verifies signatures in excess of one hundred ten percent of the number necessary to place the candidate upon the ballot, the filing officer may stop verifying signatures and consider the petition sufficient and valid.

We find no merit to the idea that the 7-day limitation period at issue does not begin to run until the candidate filing deadline for when a new political party has been properly established under § 32-716, which, pursuant to § 32-621, is not until September 1. After all, the provision of § 32-716(2) that the "Nebraska Working People Party" allegedly violated refers to a future event of "the party to be formed." By its plain language, this refers to a point in time before the candidate filing form. This is further evidenced by § 32-621, which states it is only after "a new political party has been properly established under section 32-716" that all candidates "shall . . . file a candidate filing form with the filing officer as provided in section 32-607 no later than September 1 prior to the general election."

Likewise, it makes little sense that the deadline in § 32-717(2) for filing with the Secretary of State the constitution and bylaws of the proposed political party, upon receipt of which, the "Secretary of State shall issue a certification establishing the new political party," would be the deadline that commences the 7-day objection period challenging a new political party name. Under § 32-717(2), this

deadline is 20 days after the Secretary of State has notified the person, group, or association forming the new political party that the petitions are sufficient and valid. No other date in the process of forming a new political party could be considered a "filing deadline."

Construing § 32-624(1) as establishing, for an objection to the name of a new political party to be formed, a strict 7-day objection period that runs from the deadline set forth in § 32-716(1) for filing "all petition papers comprising a new political party petition," carries out the intention of the statutory scheme to balance citizen policing against uncertainty and disruption of the qualified voter's right to exercise the elective franchise. In contrast, allowing objections to a new party name well after the new parties have been notified that their new party petitions were sufficient and valid would be more likely to defeat a new party's candidacy for election.[17]

Where § 32-716(1) requires petitions for the formation of a new political party to be filed on or before July 15, that date commences the 7-day period for filing an objection with the Secretary of State under § 32-624(1). Specifically, such July 15 deadline is for a new political party to have a ballot position for that year's general election. The Democratic Parties filed their objections after July 22, which was after the expiration of the 7-day period and were therefore filed out of time. We find no merit to the Democratic Parties' argument they are being subjected to an "ex post facto objection deadline" that violates due process rights. (Emphasis omitted.) It is only criminal punishment that the Ex Post Facto Clause prohibits.[18]

"America First Party" Name Does Not Violate § 32-716(2)

[13] In case No. CI 26-2972, we hold that the Nebraska Republican Party's objection that the "America First Party"

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[17] See *Nebraska Republican Party v. Shively, supra* note 7.

[18] *State v. Harris*, 284 Neb. 214, 817 N.W.2d 258 (2012).

name violates § 32-716(2), while timely, lacks merit. Section 32-716(2) simply does not encompass a challenge that the name of a new political party overlaps with a slogan or ideals of a different political party in existence at the time of the new-party-formation petition.

The restrictions on new party names set forth in § 32-716(2) are clear and are not open-ended. First, the name of the party to be formed "shall not be or include 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."[19] Second, "in order to avoid confusion regarding party affiliation of a candidate or registered voter, the name of the party to be formed shall not include the word 'independent' or 'nonpartisan.'"[20]

[14] While this second part of § 32-716 cites voter confusion as the reason why a new party shall not include either the word "independent" or "nonpartisan," it does not give a general power to the Secretary of State to refuse to permit circulation of a new-party-formation petition or to determine the petitions and signatures invalid because the name, which includes neither "independent" nor "nonpartisan," might create voter confusion. To imply such power from the statute violates the legal principle of expressio unius est exclusio alterius (the expression of one thing is the exclusion of the others), which is the general principle of statutory construction that an expressed object of a statute's operation excludes the statute's operation on all other objects unmentioned by the statute.[21] Since the Legislature expressed in § 32-716 the object of its operation as the use of the name "independent" or "nonpartisan" and as being or including "the name of any political party then in existence or any word forming any part of the name of any

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[19] § 32-716(2).

[20] *Id*.

[21] See *Pfizer v. Lancaster Cty. Bd. of Equal.*, 260 Neb. 265, 616 N.W.2d 326 (2000).

political party," it excluded from the statute's operation words forming parts of another party's ideals. Section 32-716(2) is not ambiguous, and we cannot read into it grounds for refusing a new political party formation that simply are not there.

The Republican Party's reliance on *Porter* is unavailing.[22] In *Porter*, decided more than a century ago, this court held that a district court erred when it concluded that a new political party was entitled to use the name "Populist" under a prior statute bearing some similarities to § 32-716. That statute prohibited new political parties from using "any of the old party names nor any part thereof."[23] This court concluded that the new party could not adopt the name "Populist" because an existing political party was "generally and popularly known, here and elsewhere as the 'Populist' party."[24] This court rejected an argument that the statute prohibited new political parties only from using "old party name[s]" that were "certified by the convention of an existing party to the proper officer for the purpose of being placed upon the official ballot."[25]

Although the statute at issue in *Porter* bears some similarities to § 32-716, that statute is not before us in this case. Moreover, unlike in *Porter*, the Republican Party's argument in this case is not that it or any other party in this state is "generally and popularly known" as "The America First Party." Rather, its argument is that recognition of the "America First Party" will confuse voters, who will incorrectly conclude, based on the party's name, that the party is aligned with certain political figures and causes. *Porter* does not address this circumstance.

The Republican Party relies on some language in *Porter* stating that the purpose of the statute at issue in that case was to prevent confusion of voters, which is similar to the

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[22] *Porter v. Flick, supra* note 6.

[23] *Id*. at 777, 84 N.W. at 263.

[24] *Id*. at 778, 84 N.W. at 263.

[25] *Id*.

purpose of § 32-716. The problem for the Republican Party's argument is that, as discussed, nowhere in § 32-716 is there language authorizing the Secretary of State to reject an application solely because the name of the party might result in voter confusion.

[15] In the absence of any language in the statutory text giving the Secretary of State the broad authority for which the Republican Party argues, we will not recognize such authority. As we have recently explained, "[a]lthough courts can consider the purpose of a statute when deciding between multiple textually permissible readings of a statute, courts are merely to give effect to the text when the meaning of the text is plain, direct, and unambiguous."[26] Because statutes are passed to achieve policies and purposes, "they do so through legislatively selected means."[27] "And if courts can identify and enforce what they believe to be the general purpose or policy behind legislation rather than the details actually enacted in the text, they are selecting their own means rather than respecting those chosen by the legislative branch."[28] "It is thus a mistake to assume that anything that furthers a statute's primary purpose is the law and anything that does not perfectly do so is not."[29]

There is no contention that the name "America First Party" includes the name of any political party in existence, any word forming any part of the name of any political party then in existence, the word "independent," or the word "nonpartisan." Thus, we affirm the district court's and the Secretary of State's denials of the Nebraska Republican Party's objection. And we affirm the district court's dismissal of the Nebraska

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[26] *State v. Clausen*, 318 Neb. 375, 385, 15 N.W.3d 858, 866 (2025).

[27] *Id.* at 385, 15 N.W.3d at 866.

[28] *Id*. at 386, 15 N.W.3d at 866.

[29] *In re Guardianship of Eliza W.*, 304 Neb. 995, 1005, 938 N.W.2d 307, 314 (2020). See, also, Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 63 (2012).

Republican Party's alternative complaint for declaratory and injunctive relief.

OTHER FORMS OF RELIEF

Although in the district court the parties also purported to assert theories based on declaratory, injunctive, or mandamus relief, the district court's orders were based solely on § 32-624, and we have limited our analysis accordingly. Nothing in this opinion should be read to address any claim that may have accrued after the Secretary of State's refusal or that may accrue hereafter.

CONCLUSION

For the foregoing reasons, the orders of the district court in cases Nos. CI 26-2972 and CI 26-3002 are affirmed.

AFFIRMED.