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Nebraska Democratic Party, applicant, v. Robert B. Evnen, in his official capacity as the Secretary of State of Nebraska, respondent, and Robin F. Richards, interested party.

___ N.W.3d ___

Filed September 8, 2026. No. S-26-747.

Special proceeding before Stephanie F. Stacy, Justice of the Nebraska Supreme Court. Judgment entered.

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., for applicant.

Michael T. Hilgers, Attorney General, Zachary B. Pohlman, and Dallas Jones, Jr., of Baylor Evnen Wolfe & Tannehill, L.L.P., for respondent.

Stacy, J.

The Nebraska Democratic Party objected to including the name of Robin F. Richards as a candidate for the U.S. Senate on the November 2026 general election ballot, and the Nebraska Secretary of State (the Secretary) denied the objection. The Nebraska Democratic Party then filed a verified petition for a special proceeding and summary order before a single judge of the Nebraska Supreme Court, pursuant to Neb. Rev. Stat. § 32-624 (Supp. 2025). An expedited response was ordered, a joint response was filed the next day, and the matter was deemed submitted without oral argument.

The narrow question presented is whether the provisions of Neb. Rev. Stat. § 32-616(1) (Reissue 2016) apply to a general election candidate who has been nominated by a new political party under the provisions of Neb. Rev. Stat. § 32-621 (Supp. 2025). Because settled principles of statutory construction persuade me that § 32-621 is the more specific statute, I conclude the Secretary properly denied the objection based on § 32-616(1).

BACKGROUND

The relevant facts are undisputed. In the May 2026 primary, Richards was registered as a member of the Nebraska Democratic Party and ran as a write-in candidate for the Nebraska Legislature. She did not advance to the general election.

In June 2026, Richards filed a petition to form a new political party named the "Nebraska Working People Party"; the new party was eventually established and certified prior to the 2026 general election and after the 2026 primary election.[1]

On September 1, 2026, Richards submitted a candidate filing form for the office of U.S. Senate. Attached to Richard's candidate filing form was a signed and notarized "Certificate of Nomination," stating she had been nominated by the Nebraska Working People Party to be placed on the November 2026 general election ballot for the office of U.S. Senate. The certification also stated that the Nebraska Working People Party had been "duly certified and established as a new political party . . . after the primary election but before the general election."

On September 2, 2026, the Nebraska Democratic Party (hereafter the objector) made a written objection to Richard's candidate filing form in a letter to the Secretary. Relying exclusively on the provisions of § 32-616(1), which generally

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[1] See, Neb. Rev. Stat. §§ 32-716 and 32-717 (Supp. 2025); *Nebraska Republican Party v. Evnen, ante* p. 79, ___ N.W.3d ___ (2026).

addresses the procedure for petitioning onto the general election ballot for a partisan office, the objector stated:

> Richards is not eligible to be nominated as a U.S. Senate candidate for the general election by the [Working People Party] because she (1) was a "candidate in the primary election" held on May 12, 2026, and (2) was a registered member of the Nebraska Democratic Party at or around that time, and therefore was "registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election."

The objector argued that either of these alleged "violations" of § 32-616(1) were "independently sufficient to prohibit her candidacy," and it asked the Secretary to sustain the objection and decline to include Richards' name on the 2026 general election ballot.

The Secretary denied the objection in a letter dated September 4, 2026. Later that same day, the objector requested and was granted leave to file, in the Nebraska Supreme Court, a verified petition for special proceeding and summary order pursuant to § 32-624.

The verified petition alleged that the Secretary's decision to overrule the objection was incorrect as a matter of law. It alleged that although Richards' candidate filing form relied on § 32-621 for placement on the general election ballot, she "fails to satisfy the plain terms of [§] 32-616(1), which supplies the relevant requirements for new parties' general election candidates." The petition described the provisions of § 32-616(1) as "preconditions for pursuing 'other methods' of nomination" to the general election ballot, and it asserted that such preconditions apply "to candidates for new political parties like Richards." The petition requested an expedited review and a summary order, entered no later than September 9, 2026, reversing the Secretary's decision and prohibiting him from placing Richards on the November general election ballot.

The same day the petition was filed and docketed in this court, an order was entered expediting the matter and directing the Clerk of the Supreme Court to provide notice of the proceedings. The order also directed the Secretary and Richards to file an expedited response to the petition.

On September 5, 2026, the Secretary and Richards (collectively the respondents) filed a joint response. Their response, summarized, asserts that the objector is not entitled to relief for two reasons. The first reason is jurisdictional and asserts that § 32-624 does not authorize a special proceeding and summary order to challenge candidate filing forms of new political party candidates filed pursuant to § 32-621. The second reason addresses the merits and asserts that § 32-616(1) does not apply to a general election candidate who has been nominated by a new political party under the provisions of § 32-621.

JURISDICTION

Because I understand the respondents' first argument to suggest there is no jurisdiction for this special statutory proceeding under § 32-624, I consider that issue as a threshold matter. Section 32-624 provides, in relevant part:

> (1) 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. . . .
>
> (2) The filing officer with whom the candidate filing form was filed shall determine the validity of such objection, and his or her decision shall be final unless an order is made in the matter by a judge of the county court, district court, Court of Appeals, or Supreme Court on or before the fifty-fifth day preceding the election. Such order may be made summarily upon application of any political party committee or other interested party and upon such notice as the court may require. The order of the court shall be binding on all filing officers.

We have held that when properly invoked, § 32-624 provides the necessary jurisdictional authority for a single judge of the Nebraska Supreme Court to enter an order summarily upon application in a special statutory proceeding.[2] A proceeding under § 32-624 is not a trial, and the issue is limited to the validity of a candidate filing form.[3] Such a proceeding, '"being in the nature of a summary review, is essentially appellate.'"[4]

The respondents' jurisdictional challenge is focused on the first sentence of § 32-624(1), which refers to candidate filing forms "filed for the primary or general election pursuant to section 32-606." They contend that because Richards' candidate filing form was submitted pursuant to § 32-621, rather than § 32-606, the statutory procedure in § 32-624 for making and passing upon objections has no application. I disagree.

Although it is undisputed that Richards' candidate filing form was submitted pursuant to § 32-621, I conclude such a form is nevertheless subject to the procedure in § 32-624 for making and passing upon objections. That is so because the procedure in § 32-621 expressly requires the filing of a "candidate filing form with the filing officer as provided in section 32-607." And Neb. Rev. Stat. § 32-607 (Supp. 2025), which applies broadly to "[a]ll candidate filing forms,"[5] expressly states: "Objections to the name of a candidate submitted on a candidate filing form may be made and passed upon in the same manner as objections to a candidate filing form pursuant to section 32-624."[6] Because the procedures in § 32-624 for making and passing upon objections apply to the candidate

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[2] See *Davis v. Gale*, 299 Neb. 377, 908 N.W.2d 618 (2018).

[3] See *Nebraska Republican Party v. Shively*, 311 Neb. 160, 971 N.W.2d 128 (2022).

[4] *Id.* at 176, 971 N.W.2d at 141.

[5] § 32-607(1).

[6] § 32-607(3).

filing form that Richards used here, I reject the respondents' argument to the contrary.

For the sake of completeness, I note an additional matter that can impact a judge's authority to enter an order under § 32-624(2)—such an order must be made "on or before the fifty-fifth day preceding the election."[7] Because the 2026 general election is November 3, and this decision is issued on September 8, 2026, that statutory timeframe has not expired.

Having assured myself that I have authority under § 32-624 to do so, I turn to the merits of this special proceeding. The objection raised here was based solely on § 32-616(1), and I limit my analysis to the validity of that objection only.[8] I begin by summarizing the arguments of the parties.

ARGUMENTS OF PARTIES

The objector argues that the provisions of § 32-616(1) represent statutory "preconditions" that apply to all candidates seeking placement on the general election ballot for a partisan office using a method other than winning the primary election. And the objector argues that § 32-616(1) "directly applies to candidates for new political parties like Richards, as it cross-references [§] 32-621." Contending that Richards cannot satisfy the requirements of § 32-616(1) because she was a candidate in the primary election and was registered to vote with a party affiliation during the relevant time period, the objector argues she should not be placed on the general election ballot for U.S. Senate, and therefore the Secretary erroneously denied the objection.

The respondents argue in their joint response that the objector fundamentally misunderstands the purpose of § 32-616(1):

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[7] See *Nebraska Republican Party v. Gale*, 283 Neb. 596, 599, 812 N.W.2d 273, 276 (2012) (dismissing special proceeding brought pursuant to § 32-624 because "no relief may be afforded to the party" after 55th day).

[8] See *State, ex rel Brazda, v. Marsh*, 141 Neb. 817, 823, 5 N.W.2d 206, 210 (1942) (holding objection presented to Secretary must be "essentially the same" as objection presented to reviewing tribunal).

> The [objector's] central argument supporting its [§] 32-616(1) theory is that the statute describes who may *not* be a general election candidate. . . . That gets the statute backwards. Section 32-616(1) describes the ways a registered voter "may have his or her name placed on the general election ballot." . . . In other words, the statute is permissive; it explains ways *other* than the primary-election process that a voter "may" appear on the ballot. What it does not do is exclude other routes to the general election ballot.

The respondents acknowledge that § 32-616(1) cross-references "sections 32-617 to 32-621,"[9] but they argue in their response that such reference should not be read to suggest that "*all* new party candidates under [§] 32-621 must independently satisfy [§] 32-616(1)." The respondents observe that § 32-621 makes no reference to § 32-616(1), and they argue that the plain text of § 32-621 imposes the only requirements that must be met for placement on the general election ballot when a new political party is established after the primary election but before the general election. The respondents argue that it is undisputed Richards met the express requirements of § 32-621 and that therefore, the Secretary correctly denied the objection.

ANALYSIS

The primary issue in this special proceeding is whether the provisions of § 32-616(1) apply to a general election candidate who has been nominated by a new political party under the provisions of § 32-621. This presents a question of statutory interpretation, but it also presents a matter of first impression. Research reveals no reported appellate opinion construing the current language of either § 32-616(1) or § 32-621, and the parties cite to none.

Although my summary order will apply settled rules of statutory construction to resolve the novel question presented in this special statutory proceeding, it is worth noting that a

[9] § 32-616(1).

single-judge opinion "does nothing more than memorialize the single judge's analysis and order,"[10] and a decision by one judge of the Nebraska Supreme Court is neither binding on the court nor eligible to be cited as precedent.[11]

The fundamental objective of statutory interpretation is to ascertain and carry out the Legislature's intent.[12] But when considering the meaning of election statutes, this court has long applied special rules of construction:

> [I]t is the duty of the courts, in construing statutes providing for printing the names of candidates of both old and new political organizations upon the ballot, 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]

Nebraska case law has also recognized that statutes relating to election law must be liberally construed to promote, rather than defeat, candidacy for elective office.[14]

I also consider by the general principles of statutory construction that apply to all statutes. In construing a statute, the 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.[15] Statutes pertaining to the same subject matter should be construed together; such statutes, being in pari materia, must be construed as if they were one

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[10] *State v. Chambers*, 242 Neb. 124, 126, 493 N.W.2d 328, 329 (1992).

[11] See *State v. White*, 220 Neb. 527, 371 N.W.2d 262 (1985).

[12] *Nebraska Republican Party v. Evnen, supra* note 1.

[13] *Nebraska Republican Party v. Shively, supra* note 3, 311 Neb. at 177, 971 N.W.2d at 142 (internal quotation marks omitted).

[14] See, *id.*; *Davis v. Gale, supra* note 2.

[15] *Martinez v. Jensen*, 320 Neb. 996, 32 N.W.3d 251 (2026).

law, and effect must be given to every provision.[16] To give effect to all parts of a statute, a court will attempt to reconcile different provisions so they are consistent, harmonious, and sensible.[17] But to the extent there is a conflict between two statutes on the same subject, the specific statute controls over the general.[18]

With these principles in mind, I turn to the text of relevant election statutes. Section 32-616(1) provides:

> Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in sections 32-617 to 32-621 or by nomination by political party convention or committee pursuant to section 32-627 or 32-710.

And § 32-621 provides:

> 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

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[16] *Id*.

[17] *Id*.

[18] *TDP Phase One v. The Club at the Yard*, 307 Neb. 795, 950 N.W.2d 640 (2020). See, also, *Johnson v. Village of Polk*, 319 Neb. 352, 23 N.W.3d 96 (2025).

> 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.

Both § 32-616(1) and § 32-621 generally set out methods other than a primary election for candidates to be placed on the general election ballot, but the specific circumstances addressed by the two statutes are notably different. Section 32-616(1) addresses the specific circumstance where a registered voter was not a candidate in the primary election and was not registered to vote with a party affiliation between March 1 and the general election, and it sets out the procedure to be followed under that circumstance. Section 32-621 addresses the specific circumstance where a new political party was established prior to the general election and after the primary election of the same year, and it sets out the procedure to be followed under that circumstance.

On the facts of this case, I conclude that § 32-621 is the more specific statute and, therefore, it controls the procedure for Richards' placement on the general election ballot. This construction is also consistent with the principle that election statutes must be liberally construed to promote, rather than defeat, candidacy for elective office. Given this construction, there is no merit to the objection based on § 32-616(1), and it was properly denied.

CONCLUSION

The Secretary properly denied the objection based on § 32-616(1).

JUDGMENT ENTERED.