

SENATOR WARNER: Those ballots, as I recall, were changed in the sixties, and I know I introduced one of the bills that dealt with that issue because there was concern at some points that the very thing I suggested, people change their registration to qualify for the second party, the party not the same as the Governor's, and so the system was changed to the local or the county submitting names to be selected.

SENATOR CHAMBERS: Would you agree, Senator Warner, that if we put in Senator Schimek's amendment that would require this political party balance, that statutorily we could put some requirements in terms of how long a person must be a member of that party, or do similar to what...well, not necessarily require the party to make recommendations, but not go that far, but how long the person would have to have been a member of that political party for the purpose of appointment to this board?

SENATOR WARNER: I don't believe you could by statute. You might be able...I doubt if you could constitutionally put that kind of a limitation on any citizen...freedom of speech, a whole series of federal constitutional requirements I think you would run afoul to if you started to make that kind of restrictions, just as nationally there have been a lot of constitutionally things decided that the state cannot restrict people from voting or expressing their partisan position.

SENATOR CHAMBERS: The reason I mention that is because there is a law on the books right now in Nebraska which says that before a person can run as a candidate in a party's primary, that person must be a member of that party for a minimum period of time and such statutes have been upheld. Before you can run in that party's primary, you have to have been a member of that party for a certain period of time.

SENATOR WARNER: I would agree, Senator Chambers, at least as far as Federal Constitution's requirement, too, is that there is certain restrictions apparently that you can put on a partisan party by statute as long as you do not prevent others who are not members of that party being unable to run for that office. They have to have some means to get on the ballot, but they may well be prohibited as a candidate for a particular party.

SENATOR CHAMBERS: Let me ask you this. If, in your opinion, it wouldn't matter too much, and I may be oversimplifying it, if the people appointed by the Governor were all members of the