

to show conflicting means of filing an election contest. Whereas nobody's being asked to rule on the constitutionality of this section, you can rule on the applicability. The applicability of this Statute in a way that would defeat the constitutional requirement to hear the election, I think, is wrong and it cannot be supported. Five, and this is crucial, and I'm getting mine set into the record and to the people, "that the filing of a bond is procedural due process to be accorded to the contestee and cannot be abridged." That is totally unjustified according to any interpretation of any law and they should have talked to an attorney or to a judge, or anybody else to find out what a bond is. You can make an analogy to a criminal case where if I am accused of a crime and a bond is placed on me, that bond has nothing to do with the right of the individual I am supposed to have harmed, that right is to assure that I will appear for the trial. It has nothing to do with the right of the wronged party. So this is not a procedural due process provision that the contestee or Mr. Nichol is entitled to. Without the filing of the bond, none of his rights are abridged. So I think number five is the weakest of the lot. Number six and seven can be taken together and I want you to take these against the background of what the committee did, "it is mandatory for the Legislature to follow the law. Sections 32-1001 through 32-1001.38 constitute a comprehensive act dealing with election contests and the Legislature cannot make only partial use of those sections dealing with a contested legislative seat." I already told you where their own counsel told them that sections of the statutes from this very area could be ignored and no member of the committee took issue. Points eight and nine are just discourse. They have no meaning with reference to the resolution of this particular motion. I feel that we have an obligation as this Legislature to look at the ballots cast by those people in the 48th Legislative District. Anything less than this denies the right to vote to those people. We're not voting on whether Senator Nichol has ingratiated himself to various members of the Legislature. We're not voting on whether Senator Carpenter has dominated and put terror into the hearts of certain members of the Legislature. We're voting on whether or not the people of the 48th District have a right to choose who will sit in this body to represent them as opposed to the Legislature making that decision, based on bias' prejudices, fears and a Lilliputian philosophy. I offer you a backbone and a bowl of oatmeal.

PRESIDENT: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, if this Legislature were to consider the whole matter, look at the ballots, and then vote to reject Senator Carpenter, I have no doubt, and I've discussed this with Senator Luedtke and some other lawyers, I have no doubt that the court would then say the matter was closed. But I think, at this point with the factual issue of these two Statutes and the fact that a bond has been filed, I think you now open it up to guarantee the case will go on and not be resolved. The