

February 19, 1991

adopted in 1984, it made it (interruption)...

SPEAKER BAACK: Time.

SENATOR WARNER: ...plain that the full signature, the full name was what was required in order to ensure the integrity of the process of elections, and I feel compelled to follow that mandate.

SPEAKER BAACK: Thank you, Senator Warner. We will now go to Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I was one of the three senators that filed the minority report because I felt that we had more important things to deal with, and this was the Constitution rather than the law. But let me first tell the body that we have a very important task before us this morning, and that is who should be declared the winner of the 30th Legislative District. And being a member of the Executive Board, I had an opportunity to analyze all the briefs, all the information that we had received, and a four or four and a half or five hour session by the attorneys of both contestants, both candidates. And each attorney did an outstanding job of presenting their side to us, and I want to commend them for it. They were very detailed, very thorough. They cited many cases of the various courts and various things that went on before. I hope by now you have had a chance to read both the majority report by the Executive Board, by a 6 to 3 vote, and also the minority report. If you haven't, these are found on page 697, 698, 699, and 700. The first thing that you should note is that the majority based their findings on a statute, and you just heard Senator Warner say that. This statute was not properly carried out by election officials in Gage County. Are we going to penalize those absentee voters because it wasn't carried out by election officials? We must remember that these election officials are only human, and when humans deal with the law, sometimes they are not carried out as we think they should be. Also, in the Journal, you should note that the minority report is based on the Constitution, based on our Constitution that we took an oath to uphold, not a statute. Everyone agrees that the statute was not followed correctly, and I certainly do too. That is not in dispute. We also know, incidentally, that this same statute was not followed correctly in other counties. There were six counties that I know of, but there have not been any contest filed in those races, mainly because the outcome