

February 19, 1991

SPEAKER BAACK: Thank you, Senator Chambers. We'll go to Senator Hall.

SENATOR HALL: Thank you, Mr. President. I rise in support of the majority report. I sat on the Executive Board as a member that listened to all the issues that were presented. I speak only on my basis, my reasoning for supporting that majority report. I have to tell you that I went into the hearings, went into this issue predisposed to support the issue of those absentee voters. It was something that I think I stated more than once to a number of people that I found it very difficult to disenfranchise those voters. But after listening to the arguments, after looking at the case law, after reading the statutes, I was left with no choice but to follow the law. Were it a decision as simple as who gets the seat, I would flippantly say, let's just flip a coin and decide it. But it is not that easy, ladies and gentlemen, it is not that easy. This is something that, basically, transcends that. We talked about the Constitution and the sanctity of the right to vote and that is truly an issue. But the Constitution is not the only document that embodies that sanctity of right to vote. The statutes of the State of Nebraska do as well. We do it in other areas. If you read the Constitution and you look at the initiative petition process, and the referendum process, those are the rights that the people are guaranteed by the Constitution to petition their government or to strike laws that we've put in place. Follow those and follow that we place requirements in statute with regard to how those are going to be done, and if they're not done properly, those signatures on those petitions don't count. It's very similar in comparison to the requirements that we place in statute with regard to our election laws. It cannot be ignored, for my purposes today it cannot be ignored. We talked about fairness and intent today. Clearly, this issue is one that is not fair for somebody. When we get around to voting, somebody is disenfranchised whether it be one of the individuals in the election contest, whether it be the voters, whether it be one of us voting in the minority. When we bring this issue to a head, somebody is disenfranchised, somebody feels that they've been cheated, they haven't been dealt with fairly. But we pass statute, we pass law as a guidepost, Senator Kristensen said, and we do that because if we don't, what do we follow? What do we follow? The Constitution is a broad application and the statutes are the narrow guideposts by which we must follow, those broad applications, those rights that are entrusted to us and to the voters through