

February 19, 1991

the Constitution. If we don't follow the law, ladies and gentlemen, why are we here? Why do we have an election contest before us? Because of the laws, because they're allowed for in the statutes of the State of Nebraska. If we don't deal with those statutes, if we don't look at that as the statutes spell them out, then I would argue that we are much like the fictitious character that Senator Crosby talked about, we are an ass. And that's the reason that I have to vote this way. I do not like the way I have to cast my vote today. I do not like it.

SPEAKER BAACK: One minute.

SENATOR HALL: I was an absentee voter this past election. I happened to be out of the state. I feel that that right was mine. I chose to exercise it but I also know that guarantees that are placed in the statutes to protect that right have to be followed. I would hate to be disenfranchised, just as these voters will hate to be disenfranchised should the majority report be adopted. But that's the law, ladies and gentlemen, that's the law.

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

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I, like you, have wrestled with this. It's a close and difficult question. This whole voter intent argument, there are three arguments. One, voter intent; two, it's constitutionally required; and, three, there's substantial compliance. This whole voter intent argument is a muddy mire. It will give you no answer to the conclusion. Everything that Senator Hefner says about the 550 votes is also true about the 95 votes and they won't get counted. Voter intent won't get listened to. Everything that Senator Schmit says about the 550 ballots is also true about the 95 that have been thrown out, you won't get voter intent. Everything that Senator Robinson says about the virtue of those votes by absentee are true but they're both about both groups and we can't get one and not the other. We will be caught in the conundrum between the two, we can't get all the voter intent in the 30th District, it's not before us, as Senator Kristensen pointed out. It's not party election contest. Ninety-five votes were thrown out on a technicality which has not been challenged. You can't get to a majority vote in the 30th District. The difference between the two is less