

February 19, 1991

SENATOR SCHIMEK: Thank you, Mr. President, and members of the body, I stand in support of the Executive Committee decision. As a member of that committee, I can assure you that it wasn't any easier in committee than it is on the floor of this Legislature. And I think that I would give everybody high marks, both in the committee and on the floor today, for taking this matter very seriously. I have some problems with framing the issue justice versus the law. The only way that justice could really be served in this case is to send Senator Byars and Paul Korslund back through a time warp and let the whole election be held all over again with the proper procedures in place. In a sense, justice will not really be served no matter what we decide in this case, as Senator Lindsay said earlier, because the two contestants and their families have suffered long and hard over this issue through a long, tough fought election, through appeals to the court, through the Board of Canvassers' decision, through the Executive Committee hearings and now on the floor of this Legislature. I don't want it to happen again, not to any candidate or to any voters. Let me also say that justice has not really served the voters of District 30 because they are the losers. The election process in Gage County has been tainted because they may not be able to rely on the system in the future. Five hundred and three of them, or whatever the number is, 553, may also be losers if their vote doesn't count. But they will also be the winners and I say this sincerely no matter what we decide because the two gentlemen in this contest are both capable and honorable men. This is not an issue involving personalities or the qualifications of those candidates for their philosophies, their political parties or even, and I couldn't believe this, how they are going to vote on the gun control issue. Do we really want to leave the door open to this unfortunate situation being repeated in the future? What message do we send to election commissioners and county clerks? Is it necessary to follow the statutes or isn't it? If a full signature is not necessary, then what will the next question to be brought before us? Will the last name suffice? Will initials in written script be allowed? Will block letters be acceptable? And, finally, will no mark at all be acceptable? It's sort of like the, well, is 56 miles okay? If it is, well, then what about 57 miles? Well, if that's okay, then what about 58 miles? Where do you draw the line, ladies and gentlemen? I would caution us against taking such a loose attitude. It is of great concern to me that the depositions in this case indicated that statutes aren't being