

February 19, 1991

SPEAKER BAACK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, you will find the minority report on page 698 and 699. I move for the adoption of this report. And what we're saying in this report is that the absentee ballots in Gage County should be counted. There has been much discussion about that this morning but I definitely feel, along with Senator Wehrbein, Senator Haberman, who also signed the minority report, that they should be counted because it was no fault of their own that they were thrown out and we believe that it should be kept. The three members agreed that the absentee ballots do not agree...do not fully comply with state statutes but we feel that in this case that the Constitution prevails. There is, as we can see, substantial compliance. There is no fraud. Both sides have said that they could see no fraud at all in the absentee ballots. So I feel that they should be counted. It was mentioned in the closing about you really didn't get a feel for this until you read the 900 or maybe it's up to a 1,000 now or maybe more than a 1,000 pages. I spent a lot of time reading this. I even talked my wife into driving home so that I would have the time that I could take a couple extra hours and read it again. And I don't know how many hours I spent reading this but, like I said in my statement previously that both sides did a very thorough and detailed job on this. And it isn't an easy decision to make and so here, this afternoon, I would encourage you to support and vote for the minority report on this election contest. Thank you.

SPEAKER BAACK: Thank you, Senator Hefner. I'm going to erase all the lights and then people that want to speak on this issue may put their lights on. Okay, I've got all the lights off. Do people...anyone that wishes to speak may speak now. Senator Dierks. No. Senator Abboud. Senator Abboud waives off. Is there anyone who wishes to speak on the minority report? Seeing no one...no, Senator Withem.

SENATOR WITHEM: Mr. Speaker, I do not wish to speak, I wish to make an inquiry of the Chair or maybe if Senator Warner would be the appropriate one, I don't know who I would direct this to. But we are now in a position, as I understand it, where the majority report has been voted down. This body...and I was trying to find the statement in the Legislative Journal on the first day, as I recall, we made a provisional seating of Senator Byars until...and I can't figure out until when is what I was