

February 19, 1991

Byars. It was talked earlier, by members of this body, that we are sitting here today as a judge, to judge who should be seated. We didn't hear any testimony, as I recall anyway, on the 95 votes. The 95 votes was not raised by either...by either...by either side, by either attorney. What we're talking here today is the 508 absentee ballots, and so I think we ought to stick to that. Senator Schmit, did you say you wanted some of my time? So I would urge this body not to overrule the Chair.

SPEAKER BAACK: Senator Schmit, you...

SENATOR SCHMIT: Thank you, Senator Byars (sic). I would just make a brief comment. The question was raised relative to whether or not Senator Nichol voted in his seating procedure. As I recall we never really got to a vote there. The decision was made, somewhere in the discussion, that Senator Carpenter had not properly posted a bond, and therefore the legal time for his challenge had expired. I would suggest respectfully that perhaps that is the same with the 95 votes here, that I do not believe that you can bring up those 95 votes at this time. I think that the question as to whether or not Senator Korslund is seated, I think that was decided, the majority of this body voted not to seat Mr. Korslund. And I really didn't think that it was necessary to have a vote to adopt the minority report, but I believe that we should support the Chair and not amend this motion and then hopefully be able to vote on the minority report, since that seems to be the route we have taken this morning.

SPEAKER BAACK: Thank you, Senator Schmit. We'll now go to Senator Robinson.

SENATOR ROBINSON: Mr. President, members of the body, in your closing remarks, Mr. Speaker, you talked about the "Rs" and the "Ds". I don't have any idea what those were, but I didn't have an R or a D contact me. So I don't know what that tells you. But in my previous remarks to the body, I said that I couldn't go up and tell those 416 absentee voters up in my district that their ballots would not count. I have a question for you, Mr. Speaker. Mr. Speaker, I have a question for you. If the Chair is overridden, does the...can the Legislature mandate that the ninety some ballots in Gage County be counted, and are they available to be counted?