

the door shut on himself because of any way that he filed his challenge to the election. So the two cases are not the same at all. I didn't hear everything that Senator Moore had said, but I think his arguments may have been similar to those of Senator Byars. It should be kept in mind what this amendment will do. It will make it possible for the court to get to the merits of this case in the same way that the Legislature got to the merits of Senator Byars' challenge. I think justice and equity are involved in this situation. We're not talking about Jones v. Smith, where you have two individuals who are similarly situated. You are talking about a system of education which is organized and authorized under the statutes of this state. When an individual has been wronged as a result of the actions of that system, or its agents, we have an unequal situation in the first place. So, with the passage of Senator Beutler's amendment, all that will happen is that the matter can go to the Supreme Court where the individual had a right to take it anyway. I hope that you will look at the equities of the situation. Look at the injustice which will result, if this person is denied the opportunity even to get into court. If he takes his case into court, and the Supreme Court looks at the matter before it and rules against him, that's what happens when you go to court. But we ought not to allow the courts to have their doors slammed in this fashion. If you want to talk about a technicality determining the outcome of a lawsuit, this case does involve a technicality. Were it based on a provision of the Constitution, that is not a technicality, whatever somebody might call it. I hope that you will consider what is just. This is an individual...

PRESIDENT MOUL: One minute.

SENATOR CHAMBERS: ...who has been wronged, in his opinion, by the system. To attempt to have the matter resolved, he wants to take it to the organ of government whose responsibility it is to resolve such matters. As the Legislature, all we need to do is open the door to the court to allow that individual in. Had the Legislature slammed the door on Senator Byars, he could say the situations are parallel. That was not the case. So I hope that you will adopt Senator Beutler's amendment.

PRESIDENT MOUL: Thank you, Senator Chambers. Senator Kristensen. Okay, do I see sufficient seconds? I do. We will now vote on the motion to call the question. All those in favor please vote aye, opposed nay. Have you all voted? Have you all