

February 19, 1991

two, to prevent a voter from voting more than once; and, three, to prevent any ballot from being counted more than once. In this contest no evidence exists that all three of these goals were not met, to the best of our knowledge. Therefore, the intent of the election law has been met. It is, therefore, incumbent upon me representing the rights of our citizens to honor the will of all of the voters and vote against this motion. Thank you. And I'd yield the rest of my time to Senator Hefner.

SPEAKER BAACK: Senator Hefner, you have about three and a half minutes.

SENATOR HEFNER: Mr. President and members of the body, I want to continue on with some of the depositions that were presented to us, and the third one I want to talk about is from a gentleman, from a military man, who voted absentee in Gage County. When the deposition was taken, he was stationed in Germany, and on election day in 1990, he was in Indiana at the Fort Benjamin Harris. So I ask you this morning, can we be justified in disqualifying his right to vote? And I am sure that there were other servicemen and women who voted absentee and expected their vote to be counted. Here we have...here we have the sheet of instructions that was put out by the Gage County clerk on absentee ballots, and like I said before, you have one of those on your desk. And nowhere, nowhere does it say on there that that ballot has to be initialed or signed by the election clerk. Now it looks to me like if you are going to give instructions to an absentee voter, well, then you should say, well, the ballot should have been signed by an absentee...by an absentee voter. Okay, I want to mention, too, just a few other things. Another section from our Constitution, Article VI, Section 3, it states, "Every elector in the military or naval service of the United States or of this state may exercise the right of suffrage at such place and under such regulations as may be provided by law." And the question that I ask you members of the Legislature today, will we also be in violation of this section today if we refuse to count the votes that are in question? I believe we were. Also I placed on your desk a letter from the Federal Voting Assistance Program, and this comes from the Office of the Secretary of Defense, and in there, Henry Valentino, who is the director says, "I am concerned that..."

SPEAKER BAACK: One minute.