

February 19, 1991

SENATOR HEFNER: ...the Nebraska Legislature may discard many absentee votes cast by its citizens in the military, who have no other way to participate in our democratic process. It is inconceivable that these very citizens who are prepared to give their life to protect our democratic process would be denied their right to vote, would be denied their right to vote because of a questionable, simple, administrative error." I contend that there has been substantial compliance made with the law and, therefore, that the absentee voters ballots should count. Thank you.

SPEAKER BAACK: Time. Thank you, Senator Hefner. Now we will go to Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I rise in opposition to confirmation of the Executive Board's report and I do so with some reluctance because I know that all members of the board anguished long and hard over the decision which was reached by that board and I appreciate their efforts. I have sent around to each of you a copy of the letter which I have addressed to Senator Warner. I read Senator Warner's missive with some degree of interest and I can say that I understand. Again, Senator Warner has, I believe, started out down the right path, but I believe that from a purely legal standpoint, once having started down that path, has then left that path and has erred in his final decision. Let me just read a little from my statement. First of all, "I would not agree that absentee voting is, in all instances, a privilege." I agree with what Senator Hefner has said that in some instances, particularly those of the military, that absentee voting is an absolute right. I received the same letter that Senator Hefner has sent out, and I assume Senator Smith has received the letter also because I know that she has a son in the service and I have a daughter overseas, and it would be totally irresponsible to expect those individuals to comply with the voting statutes, since they through no choice of their own are not in their own voting precinct. But I will concede to Senator Warner that voting by absentee is a privilege in this instance, and I would do that, and I want then to tell you that when we consider it to be a privilege, that allows us, as a Legislature, to require additional criteria of the absentee voter. Those criteria, again as pointed out by Senator Hefner, are very specific as applied to the voter. Senator Crosby has sent around a copy of the ballot of that district, and it even includes a little box