

February 19, 1991

clear state, and the Legislature determines not to follow those laws, such a decision is what creates chaos and offers the opportunity for total irregularity and arbitrariness because the law does not even then stand as a guide. There were cases and there were cites from the Constitution by those who spoke earlier, but I want to emphasize for the record that the county clerk in Gage County threw out 90 something votes that were cast because they did not have I think two judges signing or only the initials, only one set of initials instead of two. It had nothing to do with fraud. It had nothing to do with the voter's intent not being known, but because there was one set of initials instead of two, the ballots were thrown out and nobody objected because the statute requires two sets of initials. So why is it appropriate and unchallenged to throw out those ballots, which lacked two sets of initials, but it is not appropriate to follow the very clear statement of the statute with reference to these absentee ballots. There was a case called Rasp vs. McHugh. and this is where the clerk wrote her...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...name as Mrs. Thomas, not just initials. The court said that does not comply with the law. These ballots have to be thrown out because those requirements of the law are mandatory. Because of those challenged absentee ballots, two elections were changed in terms of their outcome, that of the Beatrice Mayor, and that of the Gage County Assessor. So if the court did not allow those ballots to be counted, and as a result the outcome of two elections were changed so that the winners were declared the losers, and the losers the winners, the Legislature cannot disregard the law and go contrary to not only the statute, not only Supreme Court cases in this state, but the decision of two district judges dealing with this specific issue.

SPEAKER BAACK: Time. Thank you, Senator Chambers. Now we will go to Senator Crosby.

SENATOR CROSBY: Thank you, Mr. Speaker and members. Senator Schmit mentioned, and others have too, that I sent around a copy of the absentee ballot, which from Gage County from this election that we are talking about, and it is significant to me that at the bottom there is that square at the right hand side that says...uses the term, judges initials. And I won't say anything further. I think that is self-explanatory. Along with