

February 19, 1991

how it is important that we count those ballots. What Senator Hefner has not mentioned, of the 95 nameless faceless individuals who went to the ballots...went to the ballot box, took the time out of work or out of whatever else they did to do their duty, and those ballots were thrown out. Ninety-five ballots were thrown out on the day of the election, and regardless of what we do here today, those ballots will not be counted. That is the election process. We try to do the best we can,...

SPEAKER BAACK: One minute.

SENATOR LINDSAY: ...but we have to follow the statutes. The standard that we have to apply I think is substantial compliance. Senator Chambers has very adequately explained what that substantial compliance means. The Supreme Court has done so also. In Rasp vs. McHugh, the court told us that "Mrs. Thomas" written on the back of a ballot would not be considered substantial compliance. How then can we consider a blank ballot to be considered substantial compliance. I don't think if we honestly want to apply the law that we can do that. We don't operate in a vacuum here in the Legislature. We do have to consider statutes. We do have to consider case law. We have to adhere to the law that this body, in its collective wisdom, seeks to impose on the rest of our electorate. If we don't follow that law, how can we expect anybody in this state to do so?

SPEAKER BAACK: Time. Thank you, Senator Lindsay. We will now proceed to Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. I will make a couple of brief remarks and then I will yield the rest of my time to Senator Lindsay, if he needs further time. Members of the body, I can't particularly add more to this debate than what has already been put into the record, but one of the things Senator Lindsay said that struck me that I want to emphasize very quickly, and that is there has been a lot of discussion this morning about the disenfranchisement of voters, and I think...and some senators have talked about people that have called over the weekend and this type of thing, I doubt very few people in the public have taken the time to read through the volumes of depositions and information that I am sure you did as I did this weekend and spent the majority of the time just reading. But the one thing is very, very clear on the whole