

February 19, 1991

case, and that is no matter which way we decide, voters are going to be disenfranchised, no matter which way you decide. If you throw out the 553 votes, certainly the argument could be made their intentions were known but it is not going to count. If, in fact, you vote to count the absentee, then we have to do so with the understanding that the numbers that we are using for this election result include 95 people, whose also intentions were known but whose ballots were thrown out because there were not two initials but just one. They went on election day, even if you argue it is a privilege for absentee, on election day they exercised their right to vote, and on a technicality those were thrown out and those are the ballots that this body will be throwing out as well. So regardless of how this body votes today, don't anyone walk away feeling that we have not disenfranchised voters. You can't escape it. It is going to happen. You are going to have to decide elsewhere. You are going to have to find another excuse, if you will, for your vote because that one won't wash. Senator Lindsay, I give you the rest of my time.

SPEAKER BAACK: Senator Lindsay, you have about two and a half minutes.

SENATOR LINDSAY: Thank you, Mr. Speaker. I'd like to just finish up on with the notes I had, and it gets us down, I guess, to the question of precedent. What we are doing today, I think Senator Coordsen again adequately explained that, what we are doing is monumental today. And I think we have to look at that in that respect. This issue goes beyond Dennis Byars and Paul Korslund, much beyond that. It goes to our system. And I think if we fail to adopt the majority report today, we then become a government of 49 individuals who will collectively decide by a 25 to 24...however votes...many it takes to win and that's how we start deciding elections. Our society has always...our government has always been a government of laws. It must remain a government of laws. Judges often say tough cases make bad law and that's because they decide a precedent. This is a tough case and depending on how we do it we can make bad law. Finally, if we fail to adopt the majority report in this case because we feel that we've pretty well complied with the statute or that maybe the statute isn't as fair as we would like it to be, we are then telling the men and women and children of this state if there is a law that you don't think is fair, or if you think that you've pretty well complied with...