

February 19, 1991

oppose the majority report.

SPEAKER BAACK: Senator Ashford waives off. Okay, we will now proceed to Senator Withem.

SENATOR WITHEM: Mr. Speaker and members of the body, I'm going to speak very briefly and give my time to Senator Ashford. Senator Robinson, I would agree with your speech. Pardon me? Oh, I certainly am not going to give it to Senator Ashford, thank you, Senator Chambers, I was going to give it to. Never mind. Never mind, Senator Ashford. Senator Robinson, I would probably agree with you if we were treating every vote in Gage County exactly the same way but that's my concern. I think Senator Hefner, a few moments ago, made an error in his statement where he said that those 95 voters ruined their own ballots. They didn't ruin their own ballots. Read the record, Senator Hefner. An election official made a mistake. They did not have two sets of initials. They only had one set of initials, some cases no initials, ergo those votes weren't counted. Ninety-five people walked into the voting place, did not have their votes counted because an election official made a mistake, yet we're not counting those. A second thing I don't think has been brought out, and that's why I did want to speak, is Mr. Korslund was afforded, by statutes, the right for a recount. When the ballots were to be recounted, a judge, in Gage County, said you cannot recount the absentee ballots. They shall not be recounted because they were not cast properly. The canvass board, when it took the results from Gage County, took the official canvass which had Mr. Korslund declared the winner because the absentee ballots were not counted, those votes had been counted and he had had his right to a recount. They added to those the additional ballots that...the absentee ballots that had not been recounted and that's another factor nobody has considered yet is Mr. Korslund has not been afforded his right to a recount of these votes. We don't know if they were accurately counted the first time or not. And, in addition, he has not been afforded his right to have the 95 ballots that were discounted through election error, through election official error, at the polls on election day. Now, personally, if I could make a perfect situation here, which I cannot, we would go back, we'd count the 95 votes, we'd recount them, we would recount the votes that were cast by absentee, we would add those to the other votes and we would find out who actually was the winner. But that's not the choice we have before us. We have a choice of accepting some votes that don't total...make the