

February 19, 1991

totality of the Gage County electorate or another set of votes that, again, do not constitute the totality of the Gage County electorate. Given that case, I think I'm going to have to make the regrettable decision to follow what the law of the State of Nebraska has to say. With that, Senator Chambers, not Senator Ashford, I would give you the rest of my time.

SPEAKER BAACK: You have about two minutes, Senator Chambers.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'm going to try to make one point in this two minutes. All that the State Canvassing Board is supposed to do is accept the returns brought to them by the appropriate official in the county of the vote or the total number of votes cast. That's what was done in this case. Based on what the judge ruled, the State Canvassing Board was given a vote total which would have declared Mr. Korslund the winner. Three defeated politicians, former Governor Orr, former Treasurer Frank Marsh, former Auditor Johnson voted three against two, the two being the Secretary of State and Attorney General who were charged under the law with interpreting and enforcing the election laws. Those two voted to go along with what the judge had ruled, judges, that those ballots should not be counted, that Mr. Korslund was, in fact and law, the winner. These three, based on what one of the district judges said,...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...went contrary to the law. They had no authority to go back and add this number of votes. As Senator Withem pointed out, those votes that they added had not been recounted so there is no assurance that the total was what the Canvassing Board indicated it was. So it's clear that a political decision was made at that point. The members of the Board of Canvassers, at the state level, went beyond what the law allowed them to do, so there was a violation and disregard of the law. Now the Legislature is being asked by some to violate and disregard the law. As a Legislature, we're something like the king who is above the law except not to that extent but, in this instance, as the judges of this election, we hold a similar position. Those who would say, disregard the law today should consider what they have said if a similar issue, not in the context of an election contest, arises again before the session is over.