

February 20, 1991

SENATOR HALL: That is correct, the balance of Section 1 is struck.

SENATOR LAMB: And the balance...okay, and that remains and so as I read it the...I guess the crucial language in there is in number 3 that Dennis Byars be declared the duly elected senator for the 30th Legislative District and as such he be seated, and I assume, it says a member of the 92nd Legislature. I assume that means a permanent, you know he was conditionally seated. This would mean that he is permanently seated, in your opinion?

SENATOR HALL: Senator Lamb, I did not write the minority opinion, but I think that is what the intent was. I think that is the purpose we're here today. I think that is why we got started yesterday and I...you know, my opinions, just what you're paying for it, it would be yes.

SENATOR LAMB: Thank you. I also have a question for Senator Warner.

SPEAKER BAACK: Senator Warner, would you respond, please?

SENATOR WARNER: Yes.

SENATOR LAMB: If you would expand, Senator, on your statement. I believe you said that Senator Hall's amendment does not go far enough. Would you want to expand on that statement? I don't know what you mean there.

SENATOR WARNER: What I...the point I was trying to make that it gives no rationale whatsoever for the basis of the decision that the Legislature is making. I think for historical purposes, if this is to become a precedent and it will be argued, probably ignored, but argued in future election contests, there ought to be a very explicit finding that justifies the position that the Legislature wants to take. Essentially I can read what I have here in part. It goes through the similar...relates the events as they have occurred, but then it says for the reasons the 30th Legislative...excuse me, the 30th Legislative District for the reason that the endorsement of the absentee ballots through the use of initials by the election clerk or his employees substantially complies with that section, the references to the section which the election contest was filed.

SENATOR LAMB: That statement you just read is the motion that