

February 20, 1991

election contest was filed and then it would indicate that the majority of the Legislature, should it be adopted, found that there was substantial compliance by the use of initials.

SENATOR HEFNER: Okay, thank you. Now I have a question of the Chair. Should this amendment to Senator Hall...if Senator Hall's amendment fails, would Senator Warner's motion be a form of reconsideration?

SPEAKER BAACK: No. Senator Warner then could make his own motion to amend at that point. It would not have to be in the form of reconsideration, no, because it is a different amendment.

SENATOR HEFNER: Okay. Thank you.

SPEAKER BAACK: We now go to Senator Hall.

SENATOR HALL: I'll just close.

SPEAKER BAACK: Senator Hall waives until closing. Senator Schmit, on the Hall motion.

SENATOR SCHMIT: Mr. President and members, I rise again and I will support the Hall motion and I believe that I can support the Warner motion. I believe Senator Warner has properly outlined the importance of a record and I'm not in total agreement with the language that relates to absentee voting, but I do believe, as I stated yesterday, that absentee voting, in the case of those individuals who are in the service, is an absolute right. I do not believe that we can deny that right to individuals in the service. To carry it further as I expressed yesterday, I believe that the privilege of absentee voting can become converted to an absolute right when the citizen carries out all of the instructions to the absentee voter and the matter of substantial compliance is upheld. As nearly as I can tell the only discrepancy that could be held against the absentee voter in this particular instance is that the absentee voter did not read the statute carefully enough to know that the election clerk should have signed the ballot with her full signature, but the absentee voter did comply with all other requirements. In my way of thinking that would be substantial compliance. I think it is also important to separate the compliance of the various individuals that are involved. I think it is obvious to myself and hopefully to a majority of this body that the