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absentee voter did comply substantially with the requirements of the statute and that by so doing the privilege became a right, that the failure to comply fully by the election clerk is an error on the part of the election clerk and should not be held against the absentee voter. To disallow or disenfranchise the voter by virtue of an error of the election clerk is to vest the punishment upon the innocent party and not to punish the party who did, in fact, commit the error. Therefore, I support Senator Hall's motion. I'm sure I can support Senator Warner's motion and I believe that given the tendency of society to date to be more and more mobile we will find in the future increased utilization of the absentee ballot and I believe it's important that we recognize that, as I said earlier, even though it may in some instances be considered a privilege that once the voter complies with the requirements of the statute, that the privilege then becomes an absolute right and cannot be denied to the voter. The Constitution guarantees that, and I believe in the final analysis, the constitutional guarantee overrides the statute.

SPEAKER BAACK: Thank you, Senator Schmit. Senator Hall, did you wish to be recognized?

SENATOR HALL: Mr. President, members, I would respectfully ask that the amendment be withdrawn. The problem is that although my amendment would improve the minority report, and I think there is support for that, the amendment that Senator Warner has offered is basically a substitute motion to the minority report. The individuals who drafted, offered the minority report are in support of Senator Warner's motion. We would basically be taking two votes when it would only be necessary to take one. Our concepts are not mutually exclusive. I have co-signed Senator Warner's substitute motion and would ask that that take the place at this point in time that we vote for that and on that with the consent of the body.

SPEAKER BAACK: The motion is withdrawn.

CLERK: Mr. President, in that event Senators Warner and Hall would now move to amend the minority report. (Warner and Hall amendment appears on page 727 of the Legislative Journal.)

SPEAKER BAACK: Senator Warner.

SENATOR WARNER: Well, Mr. President, I would move the adoption.