

February 20, 1991

SENATOR WARNER: The guidance? Well the guidance would say that the Legislature majority, if this is what is adopted, felt that initials were adequate for substantial compliance where the statute said full name and signature.

SENATOR SCHIMEK: So in effect what we're saying to them is they don't have to use a full signature anymore that initials will comply.

SENATOR WARNER: I doubt that that would be the precedent the Legislature set. I doubt seriously that that would be...I don't know, I guess I should say, whether that would be a decision where a judicial decision was made because obviously there is many elections as there was this time that did not involve a member of the Legislature.

SENATOR SCHIMEK: And, Senator, would this be scripted initials or block initials or I think you see what I am driving at and I'm very concerned how election commissioners and county clerks are going to deal with this issue. In Government Committee last week, Senator Withem and I had each introduced a bill that essentially had some of the same elements that would establish a committee or an advisory committee to help write some written procedures and standards for county clerks and election commissioners and that would write some guidelines for the Secretary of State of use when an election process was in question when there was a recount. On the floor, or during the committee hearing I asked the Secretary of State what the statute meant that said, and this is 32-1051, the Secretary of State shall decide disputed points of election law which decision shall have the force of law until changed by the courts and the Secretary of State's response to me, after numerous questions, was essentially that he didn't think he had that power and that three Attorney Generals had so said to him in opinions. When I questioned him more closely, those turned out to be pretty much oral opinions. Ladies and gentlemen, we have a situation where the Secretary of State is not making some of those critical decisions. We have a situation where the Legislature is now saying to those county clerks, maybe in some instances you don't have to comply with the law as we read it...

SPEAKER BAACK: One minute.

SENATOR SCHIMEK: ...and frankly I'm seriously concerned about how many more messes we're going to be creating here. I'm not