

February 20, 1991

This refers to the Byars-Korslund debate relative to the issue of substantial compliance and I believe that if we go the other route and if we said, in effect, that the election clerks can by their action, invalidate an absentee voter ballot, we invite further problems rather than minimize them. I think that there are, I can imagine hundreds of instances where election officials, transportation of ballots from the precincts to the courthouse for example, could invite chicanery, has in the past in fact in many recorded instances changed the outcomes of elections. We do not want to encourage that. We want to encourage compliance and I know that no matter what we do there will be gaps in the statute that will allow for some errors. But I do not believe that an innocent victim of an election official's error should then therefore be disenfranchised. I think it is important and the argument was made yesterday about the importance of the secrecy of the ballot. I agree the secrecy of the ballot is very important, but if someone were to ask myself or if someone were to ask one of those service men or women...

SPEAKER BAACK: One minute.

SENATOR SCHMIT: ...who are overseas, would you prefer that your ballot be secret, open or not counted, I think it is pretty obvious they would prefer that it be counted. And so I would hope that you would not adopt the Chambers amendment because I believe in this instance the Warner language is specific. One more item, I think you will note that Senator Chambers has not been very active on the floor here. I think restrained is perhaps the best way to describe it. If you go back and read the language of the Carpenter-Nichol election contest you can understand why Senator Chambers is a little less vocal in this instance than he was at that time because he argued so eloquently at that time, Senator Chambers, I might add unsuccessfully also, for the constitutional guarantee of the vote. But in any case I do not agree with Senator Chambers in the wording of this language and I would ask that it be rejected.

SPEAKER BAACK: Time. We will now go...see, *Senator Crosby, did you wish to speak to the Chambers amendment? No. Senator Lamb, are you here? Did you wish to speak to the Chambers amendment, Senator Lamb. I'll leave your light on if you don't want to be recognized for this one. Senator Chambers, on your amendment.