

February 20, 1991

SENATOR CHAMBERS: So to you a signature, initials are the same as a signature.

SENATOR SCHMIT: Senator, yes, and because...

SENATOR CHAMBERS: Okay.

SENATOR SCHMIT: ...many times I've used them in that manner.

SENATOR CHAMBERS: Okay, that's all I need to know. You all can see that Senator Schmit is taking a position different than that taken by Senator Byars' lawyer. The law, whether you find it in statute, whether you find it in cases indicate that initials are not a signature. That is why there had to be all of this talk of substantial compliance. Those ballots do not comply with the law, and what is wrong with having a statement that reflects the record? There is nothing tricky here? The trick is to indicate that they somehow do comply with the law. I should ask Senator...Senator Schmit, I'd like to ask you another question because I think you're the one who said that this is specific to this particular contest, this statement that is being offered. Did you say that so that I won't attribute to you?

SENATOR SCHMIT: That is right, Senator.

SENATOR CHAMBERS: Okay. Then you mean to tell me that if we have another election and initials are used instead of a signature and it comes before us, we will not follow this, we will then say that the initials are not a signature?

SENATOR SCHMIT: Senator Chambers, you and I both know that that will be another Legislature and those legislators will decide that issue and not this Legislature.

SENATOR CHAMBERS: That's why I want your opinion for the record that we're establishing on the issue before us. Is it your intent to say that should another contest of this kind arise, what we're doing here should not serve as a precedent? Is that what you're saying?

SENATOR SCHMIT: If you promise not to interrupt me, Senator, I will give you a reply, okay.

SENATOR CHAMBERS: Well not if you're going to talk all my time, take all my time. So give it a try and if I see you're going