

February 20, 1991

or how much contempt I've spoken with about the Legislature, I'm a part of it. And as a part of it, and an active member I would like to have it function in a certain way, if I can cause that to happen. That's why I offer the motion. It will, at the bottom line, as people say, result in the seating of Senator Byars by a formal vote of the Legislature. And there will be something that will give a record of what it was that we did and why.

SPEAKER BAACK: Thank you, Senator Chambers. I have a number of lights on. I'm going to go through these and see if you want to speak to this amendment. Senator Lindsay. Senator Lindsay waves off. Senator Chambers, did you want, your light is next, did you want to speak? Senator Hall. Senator Hall, no. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, by way of explaining my position, I guess, I didn't speak on the motion to overrule the Chair. I had my light on, but many of us wanted to speak. But I voted to sustain the Chair, and I think in doing that the motion, in effect, was withdrawing the issue before the Legislature, the same as if some other motion might have been made. But my rationale for doing it was, again, at least as I would interpret the statute and decide about withdrawal, but under the statute at least election contests are framed by the individual filing that election contest. Under the statutes the legislative jurisdiction is limited by what is filed. And there is, I believe, under those premise a right of that individual who is filing it probably exceeds any other right as far as what can be brought to the Legislature or taken away for our consideration. And I'm inclined to take the position that Mr. Korslund did have that authority to withdraw it, and once that was done the jurisdiction, by statute at least, no longer existed and the matter is closed. I do not look on this last two days as a waste of time, or these last few weeks for that matter. For one thing, we learned to work with a law is a lot more difficult than to write one. And there have been a number of comments made about the need for changing election laws. And if anything we have learned is indeed we do need to make some changes, and indeed we did learn, we did learn when you start to apply words to specific facts, or specific cases it's not so simple. So I think there was a lot of benefit. Now I also am of the opinion that a precedent that some of us have spoken about maybe isn't there either by failure to have pursued this to a final matter as far as election