

that was lifted, and if it's bad language our intent is not to give...

PRESIDENT MOUL: One minute.

SENATOR CONWAY: ...them any other duty other than to make sure that they cooperate in the sense of the delegate ballots and the like that are associated with the party, that that the Secretary of State does now.

PRESIDENT MOUL: Thank you, Senator Warner. Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Madam Speaker and members, Senator Conway, I assume these questions will both be for you. One is a point of clarification, I'm on the bottom of page 6, on the disputed points of the election law. Is that, to clarify that, is that simply saying that the procedure is basically the same today in terms of, let's use the election in Gage County as a potential point of contention. Would that simply go through the same process today?

SENATOR CONWAY: No, under this provision, this is a substantive change. As we heard, via testimony in the Government Committee hearing, with the many bills we had coming in and people trying to correct various errors and technicalities they saw in the Gage County situation, was that we had somewhat of a dual force involved. We had the Secretary of State who could offer opinion, but we also have a concurrent jurisdiction with respect to a local county attorney. Hence, there was some of the confusion that came about, because of who really has the authority to actually make that statement. I believe over in your neighborhood there was some ballots that weren't counted because the county attorney, in the primary, after the primary election, and the county attorney decided that it was best for him to instruct that county election commissioner, or county clerk in that case not to reopen the ballots, whereas other attorneys instruct them, do it. That was where we lost a lot of the consistency. And what we're putting in here is that the commissioners, the commission and this board have the authority to be the final authority, unless it's taken up to a higher level, that being the courts or to the Legislature.

SENATOR WEHRBEIN: So, in this case then, under this scenario here they would, the authority would be the election commissioner, not the county attorney?