

opinion in one way, and the county attorney in that county had issued an opinion that was the reverse. It did go to court, and the county attorney was held up...was upheld, rather...and maybe I was right the first time, where the county attorney was upheld by the subsequent court proceedings. But nevertheless, it seems to me that it is logical, since the Attorney General's office would have the eventual responsibility of defending, that at least they be consulted, and if they strongly disagree, that they could issue an opinion to that fact. That's the purpose of the amendment.

SPEAKER BAACK: Thank you, Senator Warner. Senator Conway, did you wish to discuss the third part of the Warner amendment?

SENATOR CONWAY: Yes, sir. Thank you, Speaker Baack and members. The third section of Senator Warner's amendment, as far as I'm concerned, is probably the most disruptive of the whole concept of what we're talking about here. One of the considerations we had, and the committee had, when we put together LB 579 was, and what we heard from the county clerks, and the election commissioners, is that there was no single depository, no single place where they could go and get information to get legal opinions, and have someone there who had enough authority, enough responsibility that could react to their questions in a way that they could count on it. The Secretary of State has, I believe, three Attorney General's Opinions that, if I remember right now in our discussion with the Secretary of State was that they weren't formal written opinions, but opinions that various Attorneys General had rendered to him to tell him that he may advise the commission...the various commission members, the clerks and the like of certain legal questions, but he didn't have any authority. If the county attorney who they have concurrent jurisdiction with would overturn that, or have a differing opinion then his opinion was pretty much worthless in the process. And so part of the whole idea was to develop someone who had the ability, where the 93 different counties can call, could ask a specific question, that this person then could render a decision, and, by virtue of rendering that decision, instantaneously, in many cases on the phone, then follow it up with a formal written opinion to be filed later, that these people could then act and deal with the day-to-day operations of elections and election law. To have this person run to the Attorney General each and every time for an opinion, before it has any validity whatsoever, isn't much different than what we