

February 10, 1992 LB 989

assessment in the Byars contest. So that was just on the one side. So I...what I'm trying to get at is 10,000, is that a reasonable figure or will it discourage appropriate contests of election?

SENATOR BAACK: Well, I think it's a reasonable figure as far as providing protection for the state in these contests. I think it is a reasonable figure. I...I would be willing to look at those numbers in between now and Select File though, and if we decide that that is too much and it is going to preclude people from ever filing a contest, now I will be glad to visit with...with the clerk. I know that he has some numbers on that to better clarify why the \$10,000 was set, but I would be glad to do that, because I don't...I don't know that we necessarily want to preclude election contests but we certainly want to protect the interest of the state in these contests.

SENATOR WESELY: And you don't want the frivolous contest either so...

SENATOR BAACK: Yes.

SENATOR WESELY: ...that's appropriate. Did you look at, in the drafting of this bill, one of the questions that came up, as I recall, with the Byars-Korslund, was who was going to get seated and the board, the Canvassing Board had made a determination and did you look...that isn't addressed in this bill at this point, right?

SENATOR BAACK: No, it is not. And I think that, you know, I think it's very, very clear that, you know, the Legislature has the ultimate authority in this case and I think that that's...what we're trying to do in this bill is to clarify that we do have that ultimate authority and that's why, you know, with the...when we did have that...the board and stuff, when they...and then they took some of those decisions to court and this tries to clarify and keeps the courts out of that kind of system so that we are...we are strictly in charge of who...who is seated as members of this body.

SENATOR WESELY: I see.

SENATOR BAACK: I think it tries to clarify that.

SENATOR WESELY: So as far as the question of do you go with the