

August 10, 1992 LB 7, 9

more just ask it...not ahead if you want to...or if you want to respond, that's fine too. If the amendment is not agreed to, then we'll have the bill that has been amended, LB 9, that would say the following. Anyone would be able to go...everyone would need to go through a petition process in order to be on the ballot in those areas that have been changed, boundaries that have been changed by the Legislature between the general...or primary and general election. And that would mean everyone would be able to do so, even if it was someone who had previously run and wanted to try again. Would that be fair...is that fair as to where we would be?

SENATOR CONWAY: That would be correct.

SENATOR BERNARD-STEVENS: Okay. Members of the body, I think one of things that I'm trying to do is, first of all, set a rationale for why we do the things that we are about to do. And whichever way the body goes, I think that will be a legitimate way. However, the body needs to understand that the petition process in whichever way we decide to go is again going to be fraught with some legal difficulties, particularly in regard to due process. And that's one of the things that's leading me more and more to the conclusion that given the legal problems that we're going to have regardless of what we do on LB 7, even if we make the change, those legal problems will be there, plus legal problems on the petition process. I'm beginning to feel more and more that the most judicious thing that we could do is to actively choose not to make a change at this time, let the process continue so we eliminate as many of those challenges as possible and let the thing fall where it may. I'm beginning to feel more and more that without a constitutional amendment the courts are going to decide this anyway. The choices before us, if the body choose to go yes, again, it simply says the following. Those people that have certified election certificates that say that they are going to be on the ballot, will be on the ballot, and anyone added new to the district would also have a chance to be on the ballot by petitioning on. A no vote will mean that those people that have certificate of election saying that they will be on the ballot will not be on the ballot, that somehow that will void that out and all people will then run to be...will need to petition onto the ballot in the general election regardless of whether they had previously run or not. Whether that gives somebody more chances and due process than someone else, I don't know, that would be for the courts to decide elsewhere. That is the choice that is between