

SENATOR KRISTENSEN: And if, and the reason for the change in the law would be the Supreme Court cases would be the basis for the Legislature acting to nullify those certificates of nomination?

SENATOR CONWAY: Correct, in that I do not believe we would be here and taking up this issue if things would have progressed as maybe we all wish they would have, short of possibly the people in Senator Peterson's district, had they not raised the issue and had they not won a case on determination by the court on some other grounds away from what we are talking about here today.

SENATOR KRISTENSEN: Yes, that is correct but as we know, as a practical matter, because Madison County was successful in their challenge, we can't add on land to the State of Nebraska. It is similar to the analogy of the balloon that you used so well, that is you push somewhere, another bubble comes out. So no matter what the reasons were for meeting in special session to do redistricting, that necessitated moving other districts just because you did need to create another area.

SENATOR CONWAY: But we cannot comply with that judgment, as you aptly stated with the balloon example or analogy, we cannot comply with that determination without facing what we are facing today.

SENATOR KRISTENSEN: And that is my purpose of having this discussion with you is that your opinion would be that we do nothing because of the circumstances we are here with, the Supreme Court case, the Legislature giveth and can taketh away, that those certificates of elections are invalid just because of the change in the operation of the law, and my concern was that is that enough? That the Legislature may not be able to do that and maybe the proper body is the Secretary of State going and procedurally taking those certificates and saying those are invalid and the Secretary of State invalidating those nominations. Now we don't have any statutes for him to do that, or her to do that but, in effect, there is some precedent of that occurring in this state, and I guess I...these are things that I just as soon not have debated and discussed in the coffee shop, I would rather have them debated and discussed on the floor of the Legislature, to try to clearly define what we want to do and how we are going to do it. And that's...I give you