

CLERK: Senator Bromm would move to amend the bill. (See AM1636 on page 1782 of the Legislative Journal.)

SPEAKER WITHEM: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker and Senators. My amendment is AM1636, which is being copied and distributed by the Pages, and I apologize for not having this more quickly, but this didn't come to my attention much before this. The amendment is to address a situation which Senator Dierks mentioned in his remarks about the Attorney General's Opinion. The Attorney General's Opinion indicates that Section 6 of LB 337, which is on page 7, is, in his opinion, unconstitutional. And the crux of his argument is that when you have a petition process, it should be...if we're trying to provide facilitation or process, we should provide for a presumption of validity rather than a presumption of invalidity. We have taken the old language in that part of the law and changed it from what I think is a positive presumption to a negative presumption, and I...and according to the Attorney General, I think if, and I wish I had had the time to read it sooner, but from what I have read it, I think if you read the opinion, I think it is saying, based on a prior case of Morris v. Marsh, that the presumption ought to be that acts performed in the circulation of petitions are legal rather than illegal or fraudulent. Now what my amendment does is simply in that...in Sections 10 through 21, to simply reinsert the old language and strike the new language. And so that it would, basically, read like it used to, that all signatures and addresses shall be presumed to be valid signatures and addresses, if the election commissioner or county clerk has found the signers to be registered voters on or before the date on which the petition was required to be filed with the Secretary of State, except the presumption shall not be conclusive and may be rebutted by any credible evidence which the election commissioner or county clerk finds sufficient. Now one of the arguments, of course, against putting this back to the old language will be that I think the Secretary of State has pointed out that you can have 93 different opinions about what is valid and what's invalid in our various counties, and that it is wiser to have the decision on that placed with the Secretary of State. And in a lot of respects, I certainly would agree with that, and due to the haste that I have prepared this amendment, I think there is a way to fix that, if that is the big objection to my proposal. There are words that could be changed which would allow the