

SENATOR KRISTENSEN: Thank you. Now let me, just to set the process in motion here, we're talking about signatures on the petition when they get turned into a county clerk and we're talking about the presumption of whether those signatures, at the time they're turned in, are valid or invalid based upon how they're signed. Let's use the "Cap" Dierks example. The clerk takes a look at that, it is signed "Cap" but it's not Merton and so the presumption under the Schimek amendment, the way it is right now, is that's invalid. That can be rebutted by credible evidence by the Secretary of State. Is that the way it is right now?

SENATOR BROMM: I believe it is.

SENATOR KRISTENSEN: Okay. And then, with your amendment though, you do away with that presumption, so it doesn't matter what the presumption is at the Secretary of State level, what's important is the presumption at the county clerk level, isn't it? Because how...does the county clerk count that vote or not, or that signature, and that's where it's so important to have a presumption is to give that ministerial duty some direction and then you rebut the presumption. And as I read what you're doing here is you move the...you put a substantial compliance factor in at the Secretary of State which is probably okay, which is what they're going to do anyway, but, in effect, you've done away with all presumptions at the county level and that's where it is important because you need to give some direction to that clerk whether they count the signature or not. But am I off base on that?

SENATOR BROMM: Well, at first, I thought just as you did and when I talked to the Secretary of State and read it again, I think the Secretary of State's interpretation is that that language we're dealing with in this amendment refers and was intended to refer to the Secretary of State. If you back up to line 10 or the beginning of the prior sentence, Senator Kristensen,...

SENATOR KRISTENSEN: Okay.

SENATOR BROMM: ...there is a presumption there and it says, the signature and address shall be presumed to be valid, presumed to be valid if the election commissioner or county clerk finds the printed name, street and number or voting precinct, city,