

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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canvassing board has no judicial power. The great weight of authority declares that the powers and duties of an election canvassing board are limited to the mechanical or mathematical function of ascertaining and declaring the apparent result of the election as shown by the returns before it and certifying the result. It goes on to say, if illegal votes have been cast or irregularities occurred, the law provides for contesting such election. And I would submit to you that since time immemorial that is how elections have been decided in Nebraska. You may think that an NRD race doesn't warrant a court case, but let's presume that this happens some time in a gubernatorial election or an election for Secretary of State or one of the major offices. Would you want the canvassing board to be making that decision, particularly when the canvassing board involves some of those same people who may have been running for the office? So, with that, I won't go into any more detail except I think it is a serious matter but one which is easily solved and which just says the Legislature, once again, says that the duty is ministerial. If there are other provisions that it wants to make about deciding elections it will do so in election law, and has done so on many occasions. Thank you very much.

SPEAKER KRISTENSEN: Before we move to the next item, Senator Smith has the following guest visiting the Legislature this morning. Greg Denver from Scottsbluff is under the south balcony, I believe. Would you please stand and be recognized by your Legislature. I also have three guests visiting the Legislature this morning, under the north balcony. They are Steve Lowe and his two children, Stephen and Kelly, from Kearney. Would you please stand and be recognized by your Legislature. Mr. Clerk, an amendment on the desk.

ASSISTANT CLERK: Senator Chambers would move to amend. (FA24 is found on page 609 of the Legislative Journal.)

SPEAKER KRISTENSEN: Senator Chambers, you're recognized to open on your amendment to LB 60.

SENATOR CHAMBERS: Thank you, Mr. Speaker and members of the Legislature. I have an amendment that I've discussed with Senator Schimek. Her amendment that she's offering to the statute should not be necessary. I agree with her that the law