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LB 729

officers, or executive or administrative functions requiring the exercise of quasi-judicial powers, does not conflict with the constitutional provisions regarding officers and bodies upon whom judicial power may be conferred. This is particularly true where such powers and duties relate to matters which are peculiarly affected with a public interest and where provision is made, where provision is made for appeal from decisions of such officers or agencies to the court. In our opinion," he goes on to say, "LB 729 properly gives the Secretary of State a quasi-judicial function consistent with the holdings of the Supreme Court." The essence of it then is that having the Secretary of State involved in this process is not a separation of powers issue. But even if it were, charging t's responsibility to the Attorney General still poses the same problem. He, too, is a member of the executive branch. I need to point out to you that the Secretary of State can ask the Attorney General for legal advice, should that be necessary. But remember, the expert attorney for election law issues is the legal counsel in the Secretary of State's Office. And remember also, the Secretary of State presently decides legal sufficiency. The Quandahl amendment really changes existing process...

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: ...and gives that authority to the Attorney General. The Quandahl amendment will add nothing to the bill, it will simply slow the process by ten additional days, it will add more time to it, and there is really no need to do this for as far as we know an opinion by the Attorney General is just that, an opinion. The final decision would always be rendered by the courts. However, I have to say this, however, it makes no discernible difference to me, personally, whether the Quandahl amendment is adopted or not. I hope that it's not, but I think that the bill would still go forward and still have merit, even if we did put the Attorney General and adopt the...put the Attorney General in charge and adopt the Quandahl amendment. It's not my preference.

SENATOR CUDABACK: Thank you, Senator Schimek. We are discussing the Quandahl amendment to LB 729. Senator Chambers, followed by Senator Quandahl. Senator Chambers.