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February 9, 2005 LB 53

want to write a formal opinion which points out that a bill such as LB 53 is likely to be constitutional, based on decisions by the Nebraska Supreme Court. And as for Senator Smith continuing to say, erroneously, erroneously, absolutely and positively erroneously, that this bill suggests that everything is the same for a person who has been convicted of a felony, served all of his or her time, and waits two years before being granted the right to vote again, there are any number of disabilities that remain on a person convicted of a felony. One of the cases cited by the Attorney General dealt with a bill that would allow the courts to restore certain specified civil rights. A lower court judge said that that amounted to a pardon, or a partial pardon, which is prohibited. Only the Pardons Board can do such a thing. The Nebraska Supreme Court said explicitly -- and the Attorney General's Assistant had to acknowledge it -- that bill did not purport to restore all of the civil rights that a person had lost, only specified ones. Therefore, it was not a pardon, it was not a partial pardon, ...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and the person was not put in the status that Senator Smith erroneously thinks LB 53 is trying to do. If he had read that memo that I'm talking about, he would have seen where it was written that the only civil right this bill deals with is the right to vote. If a bill was held constitutional which restored a number of civil rights but not all of them, then you know this, which restores one, is also constitutional. The Nebraska Supreme Court would so rule, in my opinion. I just don't want errors in our discussion. People can be as erroneous as they want to. They can be as ignorant as they want to on this floor. They can stand and jump up and down for five minutes if they want to. But it's my responsibility and my job, as I perceive it, to point out errors when they are articulated, and correct them. I'm in favor of the committee amendment, and I will be in favor of LB 53 as amended by the committee amendment.

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: Thank you, Mr. President.