

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 3, 2005

LB 53

these words impressed themselves on my mind: For the time being, he's a congressional candidate wannabe; in a relatively short time, a congressional candidate he's "gonna-be." When they reach out for these individual cases in their area that they can use when they decide to run for office formally and officially, it is not something that ought to determine how we establish public policy. If Senator Smith would take the time to acquaint himself with the area of law that he is expounding on, he would know that the Legislature cannot pass a constitutional bill that would say every civil right is restored. That is the act which only the Pardons Board can do. What the Nebraska Supreme Court has said is that the Legislature can, by legislation, restore selected rights that were forfeited when a person was convicted of a felony. To require people to wait ten years before applying to a Pardons Board when they still may not be allowed to vote is totally unreasonable. As far as Senator Foley's comments and Senator Louden's comments, they don't understand the nature of the law as it relates to what we're doing. Deprivation of the right to vote upon being convicted of a felony is not penal in nature. It is not a part of the punishment that the Legislature prescribes for any offense. You will not find a felony listed where a part of the punishment is to lose the right to vote. The U.S. Supreme Court itself has said that restoration of the right to vote can be done because it is not a penal action. It is not designed to punish. It is not a part of the legislatively prescribed punishment for an offense. So for people to stand on the floor and talk about horrendous crimes that they're aware of and say, because there are people who committed those crimes who may someday be released we should not have a bill such as this, is to go after the wrong end of the snake. The Legislature prescribes the punishments. The right to vote being taken away or suspended is not a criminal punishment. Let Senator Foley be as angry as he wants to be. Let Senator Louden be as outraged as he feels about some of these things that they have mentioned. But they have nothing to do with what we're talking about here. When a person has completed his or her sentence, that means the person has done everything that the Legislature required that person to do as a part of the punishment. To continue in a vindictive, spiteful, petty mode after that is okay on a personal level, because people do it all the time. But we as lawmakers are