

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

March 10, 2005      LB 53

SENATOR BROWN: Mr. President and members, I can only echo what Senator Brashear has said. And I will acknowledge that part of my change on this issue and on some other issues are the discussions that we've had on the floor, many of those led by Senator Brashear, about our corrections system and what we can do to make individuals who have offended against society a part of society again. And with that, I would yield the rest of my time to Senator Schimek, to continue the discussion about the constitutional issues which I think we do need to have a little bit of a discussion about today. And then I would hope that we can move forward on this override. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Senator Schimek, you have about four minutes.

SENATOR SCHIMEK: Thank you, Mr. President, and thank you, Senator Brown. I appreciate that. And I won't be lengthy on this because, let's face it, I'm no attorney and I'm not going to be able to explain all of the intricacies of the law. But what I can explain to you is that there recently have been two court cases which led our committee counsel--first, I have to give her a lot of credit--and then a professor at the University of Nebraska, and the Brennan Center from out of state who looked at this issue, too, led us all to believe that, yes indeed, this is...at least there is a strong argument that this is constitutional. One never knows until one goes to court whether it is or isn't. But in the case...in the first case that I want to mention to you, it's Ways v. Shively, and in that case Mr. Ways wanted to compel the election commissioner here in Lancaster County to allow him to register to vote, even though he was an ex-felon. And the court found that Mr. Ways, indeed, was not entitled to vote under current law, but the court stated in that decision, and I want you to listen carefully to this; the court stated that "restoration of the right to vote is implemented through statute." That's as simple as I can make it, and I think it speaks loudly and clearly. The second thing I wanted to go over, and it's a little bit more complicated, is that one of the arguments made against restoring felons' voting rights through statutory changes is that the Board of Pardons is the entity authorized to grant reprieves, respites, pardons, or