

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

March 31, 2005 LB 682

But based on what the bill is attempting to do, I believe I support it. But what I want to take a second or two or more to comment on is a part of the theory that I'm going to use when I put together a challenge to the term limits proposition, not from the standpoint of the right of a person to serve, but the right of the people to vote. We're going to have to approach it from a federal right. Senator Schimek is right when she pointed out that the U.S. Constitution allows an appointment by the Governor to fill a vacancy that occurs in the Senate. As everybody knows, the Senate is where each state is represented as an entity; therefore, each state, regardless of size, receives two senators. The House, on the other hand, represents people or population. There can be no appointment by the Governor to fill that vacancy. It must be done by way of election, regardless of who the person is that might be seeking to fill that slot. So the founders, as they are called by some people, placed a tremendous amount of importance on the right to vote, the right of the people to choose whom they want to serve them, not a person selected by the Governor. On the Senate side, the Governor can appoint. When it comes to the right of the people to representation, they have a right to select a person of their choice. No individual or entity should arrogate to itself to determine for whom the people may be allowed to vote. Now, there are certain disqualifications to holding office, such as committing certain crimes or things of that nature. But when nothing growing out of the conduct of an individual is used to keep that person from holding an office, which the people who vote desired to put that person into, would be suspect. That's just one of the angles. But it's good sometimes to go back and look at what the U.S. Constitution has to say in trying to determine the value to be placed on certain rights and theories that can be used to try to make a point in a court of law. I'd like to ask Senator Schimek a question, though, now about the bill itself.

SENATOR CUDABACK: Senator Schimek, would you respond to a question?

SENATOR SCHIMEK: Yes. Thank you.

SENATOR CHAMBERS: Senator Schimek, if during this election,