

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

April 11, 2005      LB 401

SENATOR REDFIELD:      Senator Schimek, the penalty here for election falsification is imprisonment for up to five years, or a fine not to exceed \$10,000, or both. This would be a fine or an imprisonment of someone who has never resided in the U.S. And I would ask you how we would enforce that penalty.

SENATOR SCHIMEK:      (Laugh) It might be difficult. But that person is a U.S. citizen, and so therefore are subject to the laws of the United States. Now, you could argue, I suppose, that this person has never been a resident of Nebraska, so how are you going to enforce it? I think that the idea here is that it is, like any other part of the Election Act, that it is a very serious offense, and we mean to tell people that. I don't seriously think this is going to apply to but a minuscule number of people. And so I wouldn't expect that that enforcement would be a really big problem.

SENATOR REDFIELD:      Well, I understand you're trying to be consistent with our penalties. But I think that we have to be sure that in fact we have enforceable penalties. Otherwise we somewhat make a mockery of those penalties.

SENATOR SCHIMEK:      And I see your point. And you might wish to ask Senator Beutler that question, because Senator Beutler has the penalty in here in his amendment.

SENATOR REDFIELD:      Thank you. Senator Beutler perhaps might have some comment or suggestions?

SENATOR CUDABACK:      Senator Beutler.

SENATOR BEUTLER:      Senator Redfield, I didn't look back at the penalty provisions, because there are penalty provisions that apply to these sections of law. So I didn't look to change the penalty provisions. But it would be difficult getting somebody back here to prosecute them, I'm sure. But I'm...I don't think that the difficulty of obtaining jurisdiction over them should mitigate against, or should argue against having the provision in law.