

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

April 12, 2006 LR 449

this end can be achieved if...the sources of funding and the use of that funding in campaigns are fully disclosed."

5) The people of Nebraska have determined that only persons elected lawfully, following fair, legally conducted campaigns may serve as civil officers of this state. This determination is expressed in the state's constitution; it prescribes a mandatory oath of office which requires one who prevails in an election for the office of University Regent to swear or affirm that he or she has "not improperly influenced in any way the vote of any elector." This Legislature has an obligation in matters of impeachment to protect, defend, and preserve the credibility of this constitutional oath.

6) A constitutional officer is bound by the oath of office to comply with both federal and state law.

7) Candidates who are not incumbents seeking election as a civil officer owe the public the same duty to avoid corruption, illegality, and fraud as does an incumbent civil officer seeking reelection to the public office in Nebraska.

8) C. David Hergert may not be lawfully elected to office or serve after committing violations of Nebraska's election law so flagrant as to subvert fundamental and essential principles of government or be highly prejudicial to the public interest. To permit an official misdemeanant to hold office would improperly provide a model of behavior and conduct that would, if emulated by the university students or others, foster and encourage fraud, cheating, lying, plagiarism, false pretense, or other acts and omissions subversive of the daily educational processes and integrity of the university, and the laws of the state of Nebraska.

9) Clear and convincing evidence persuades the Legislature that C. David Hergert violated Nebraska's laws and did so by committing misdemeanors in office, including acts or omissions affecting his service as a University Regent. C. David Hergert's offending conduct is so inimical to his duties as to render him unfit to hold office. Clear and convincing evidence persuades the Legislature that C. David Hergert's acts and