

SENATOR CONWAY: Correct.

SENATOR WEHRBEIN: And if there were appeals, beyond the election commissioner, it would go to district court?

SENATOR CONWAY: Correct.

SENATOR WEHRBEIN: And on up the line. So the central authority really is the election commissioner.

SENATOR CONWAY: Correct.

SENATOR WEHRBEIN: And would continue there.

SENATOR CONWAY: Right. We don't have any concurrent opinions out there under this language. We simply say that if the commissioner rules, that will be the law, regardless of opinion by the county attorney or anyone else, that will be the law, unless it moves then to the courts.

SENATOR WEHRBEIN: Okay. And it could end up, in our case the Legislature, that issue could end up in here again, even under this, ultimately.

SENATOR CONWAY: Correct, or the Legislature ultimately could come back with a statutory change, in terms of some disputed point, and ultimately make a clear statement even to the courts, which probably wouldn't be binding on past situations but on future.

SENATOR WEHRBEIN: Okay. One other question. Maybe I haven't read all 220 pages of the amendment, but penalties...if county clerks or election commissioners, however, don't follow what the intent of the law is, in other words they say, we've been using this form for 50 years, we want to continue, what penalties are there to force them into compliance, or is that in there somewhere?

SENATOR CONWAY: That's not in here. But there are penalties and provisions associated with the conduct of our county officials all over the statutes.

SENATOR WEHRBEIN: Okay.