

to be done by the Secretary of State. And in that Attorney General's Opinion they talk about the fact that we, as a Legislature, can't overturn common law. The heck we can't. That's what we do every day. We can't overturn or get in the way of constitutional law but common law is not a precedence that we have to recognize and not...and cower to under that provision. So I don't know where that particular provision came in. I'm not concerned with the constitutionality in that we have lots of other commissions and situations that follow the same situation. Going back to the attorney...the county attorneys, Secretary of State Beermann came in and testified that decisions that he makes are basically concurrent with any of the county attorneys. We have counties in this state that via the county attorney's opinion have yet to count, and probably never will, obviously, the...the primary election returns that were contested back last May in the primary and so that decision was made and locks those people out. Because of such a system and because of that autonomy, naturally the county attorneys would like to keep their authority in each and every county. But when it comes to statewide election, I'm not sure that we can afford to have that...that pleasure of them making these decisions based upon cost, based upon a specific opinion and not having a place to turn to that has any superseding authority over the top of those people. So this is the creation of this. We also hear from the county clerks and I'm a little bit appalled, messages were coming to me that the...that through PROF notes, through the central lien filing system that messages are being sent out to county clerks to contact their senators, to contact the Governor and things of this nature. Senator Lynch, a little earlier, seemed to be appalled at McCartney...Commissioner McCartney's getting involved in this process. Here is another situation where it's more blatant and I think considerably less desirable in that regard trying to get this communication system out that this bill is not wanted. Why wouldn't the county clerks like such a thing? Because all of a sudden they're going to take directions from some centralized base rather than running to a county attorney and getting the opinion that they want. Another major concern that I think in many cases, as we've had these contests, we've looked around the state, literally every place there has been a contest we found a major error in their interpretation and/or their application of the law. Any time there is a contest, you open up the books, a county attorney...or I mean an attorney for the contestant might walk in and he's going to find all kinds of things they're doing where they're just simply ignoring the law and they know all