

SENATOR WITHEM: Yeah, Madam Chair, I will try to be brief here. I support the rule suspension although this is my bill. My bill originally as introduced was a fairly minor bill dealing with a uniform registration form. It has been amended by Senator Conway, Senator Baack, Senator Schimek and I to be this election commission bill. Senator Conway gave some excellent rebuttals, I think, to both Senator Pirsch's remarks and to those of the Attorney General. To reiterate those, because we have people in and out and there isn't a lot of rapt attention given to the speakers but maybe a repeating of the arguments would be beneficial, the Attorney General's arguments, as I saw it, had two principles to it. One was by saying that we submit a list of potential appointees to the Governor and ask the Governor to choose from that list unconstitutionally infringes on the Governor's rights to a point. As Senator Conway has pointed out, we do that all the time in lots of other legislation. If that is an unconstitutional restriction on the Governor's appointment power, it would have been challenged a long time ago or it will be challenged on those other measures. It is something legislators in the past have felt is valid in terms of making sure we have qualified people appointed. There is nothing in this bill that requires the Governor to appoint from that list. He can reject all, ask for more names to be appointed. So I don't think that's a problem. The other one...and I would be interested in hearing some attorneys argue this but, gosh, when I read it it seemed to be the most far-reaching in the sense of attempting to find something that I had never heard of by saying that by taking the Secretary of State off the Board of Canvassers, even though that's not mentioned anywhere in the Constitution because he was there on that when the Constitution was written this somehow infringes on common law. It just...not being an attorney I still cannot quite comprehend what that is all about. Doesn't seem to be any big deal. The election commissioners and county clerks have been contacting a lot of you in opposition to this. I would give three quick responses back to you. Number one, they're saying we should have rewritten the election laws as opposed to setting up this election board. We, that looked into the situation, that heard people testifying, that investigated the problems, we, frankly, came to the conclusion that the biggest problem is the administration of elections. That needs to be addressed first. If that doesn't get addressed first, I don't really know where their rewrite of election laws is going to be. It's our vision that if they want that rewrite of election laws, it really needs to go with the input of this new election board.