

the various problems that are here and trying to put some organization to them, and the conclusion really is for me that there is no clear answer. Probably not a surprise to you, and you probably don't have a clear answer either. But the haunting question that keeps bothering me as I look at this map, and I have looked at it and looked at it, is that you have two individuals who won a primary. They followed the statute. They did everything correctly. They were correctly filed. They were given certificates of nomination and of election, and they have a right to be on the general election in some manner. And how do you get away and how do you do away with their right because really what the body would like to do is do away with that district, and we are talking about Ms. Carlson and Mr. Pick. I can't keep track of the numbers. I have to use names. But you have got those two individuals who I think have certificates of elections that are valid. And so we, my office did some work and tried to look and see what rights do they really have. And courts in other states have looked at this and say, well, they don't have a full right. A full right would be like a teacher's contract, where if you are going to take away their teaching job, you have got to hold a hearing, determine they did something wrong, and have what you call due process hearing, and give them notice, and tell them all those things that you are going to do, and what the possible consequences are. It isn't that big a right. I mean that is a property right that is fully vested and they have some reasonable expectation of being continued in their employment. This is a lesser right but it still had the nature of a property right. Some of the other courts have called them quasi officeholders and that those rights that they have are terminated a couple of different ways. One of them is by having the general election. Somebody wins and somebody loses and then you lose your certificate of election that you had because the other guy got or the other woman got more votes. The second way is to have some proper proceeding and the courts, true to form, don't tell us what a proper proceeding is. Now in this state that could be the Board of Canvassers because they are the ones that give out that certificate, or it could be the Secretary of State. In fact, I think we have had the Secretary of State this year already take back one certificate of election because there was a counting error and they gave a certificate to the wrong person, and they just said, whoops, mail it back in. Now was that valid? Well, I doubt if anybody is going to challenge that one but that shows the mechanism of retrieving or getting back that certificate of election. We now have two people who do not have that process,