

history, that the electoral college, those who cast these votes, would be mere rubber stamps of the popular vote?

SPEAKER WITHEM: I do not believe so. I think that expectation has probably evolved over the years. It's my sense, from my recollection, it's been a long time since I've read it, but that it was in fact indirect and these were to be the brighter people in the state who would, in fact, exercise independent judgment.

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Kristensen a question or two, if I may.

SENATOR KRISTENSEN: Yes.

SENATOR CROSBY: Senator Kristensen.

SENATOR CHAMBERS: Senator Kristensen, you had mentioned that other states have done this, is that correct?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: Has any state had this provision challenged in court?

SENATOR KRISTENSEN: Not...

SENATOR CHAMBERS: ...that you know of?

SENATOR KRISTENSEN: ...that I know of, right off the top of my head. I don't even remember reading something about where that challenge occurred or not, but I can't tell you I've done a thorough search of that either. My recollection is no.

SENATOR CHAMBERS: Senator Kristensen, speaking in general constitutional...speaking of general constitutional principals, can a state statute narrow a provision of the U.S. Constitution? Can it restrict it?

SENATOR KRISTENSEN: Well, depending on what circumstance...they can impose tighter restrictions. For example, as you and I both know if we want to put a tighter rein on the police, for example, in the Fourth Amendment, we can do a state statute that is more restrictive than the constitutional amendment or the constitution regards. But I assume you're talking about, in this case, can we have a statute that would...