

they are to do when they go there. And the only restrictions that can apply are those put in the U.S. Constitution. A state legislature cannot restrict what a federal judge can do, even though the federal judge was a resident of that state, a citizen of that state and sits in a federal court building that is in that state. The Legislature cannot control a federal function. The electoral college and its operation is totally within the purview of the federal government and the U.S. Constitution except insofar as determining how you're going to appoint these electors and where they will meet in such routine procedural matters as that. But when we come to the substantive issues of how these people will discharge their duty there is no way the Legislature can restrict, by a statute, that which the U.S. Constitution empowered them to do. And if they write the name of a person for president and vice president, as the U.S. Constitution says, there is no state law that can say they behaved in a way that is inappropriate because they have acted in accord with the U.S. Constitution. And how in the world is a state going to say that when a person does that which is authorized by the U.S. Constitution with specific reference to that person, how is a state going to say, when you have behaved in accord with the U.S. Constitution you have not done your job properly and the Legislature is going to tell you you didn't do your job properly. I don't believe Senator Withem or anybody else, even though this is a state statute that you're talking about, would for a moment say that a person could go into state court and have a state court overturn what these federal electors had done, but maybe I'm being presumptuous. Let me ask Senator Withem a question.

SENATOR CROSBY: Senator Withem.

SENATOR CHAMBERS: Senator Withem, if this provision is added to this bill and an elector does not vote the way the popular vote went, is it your belief that since this is a state provision that the aggrieved person, whether it's the political party, the candidate or whoever would have standing would go into state court to have this provision enforced?

SPEAKER WITHEM: I had a brief conversation with Senator Kristensen and I believe that that might be a fair representation of what he believes might happen.

SENATOR CHAMBERS: Now,...