

SPEAKER WITHEM: I'm going to stand by what I said earlier, my strong stand that I don't know is still going to stand, because I really don't know what exact mechanism...I'm not familiar enough with the statutory provisions and the court system and the powers that people feel aggrieved under this would have to remedy the situation, so I'm just not capable. I'm not avoiding your question, I just am not capable of answering it.

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: Thank you, Senator Withem. I would ask Senator Kristensen the same question.

SENATOR CROSBY: Senator Kristensen.

SENATOR CHAMBERS: Is it your belief that if an elector voted contrary to the way the popular vote went that an aggrieved person, whoever it would be, would go into state court and have that electors vote turned around and the court, in effect, would cast the vote for that elector, a state court?

SENATOR KRISTENSEN: I think two things happen. One is that I think either the political party, a candidate or perhaps even a taxpayer could bring a mandamus action to force the elector to do what the statute requires them to do. That happens in state court. The other thing I think you do is then I suppose the candidate could go to federal court to enjoin the counting of that electoral vote until the state makes a determination and the mandamus action would force the elector to follow the statute.

SENATOR CHAMBERS: Senator Withem...I mean Senator Kristensen,...

SENATOR CROSBY: Time.

SENATOR CHAMBERS: Oh.

SENATOR CROSBY: Before we continue, I'd like to call the senators' attention, we have a guest today of Senator Hall, State Representative Gil Koetzle and Deb Koetzle from Sioux Falls, South Dakota. They're the parents of one of our Pages, Stephanie Koetzle, and they're under the north balcony. Would you please rise and be welcomed by your Legislature. Thank you. Senator Robak, on the Withem motion. Senator Robak,