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recall election, and if there is no intervention by a court to derail that upcoming election, then if the person is voted out the issue is certainly ripe for judicial consideration at that point. If there is no point at which judicial consideration can be given, the standards mean nothing. Since a court would tend to say that the Legislature meant something when it put those words in, there must be evidence to establish that one of those three conditions exists. In order to submit evidence to a court, there has to be a hearing, and the burden of proof would fall on the ones who sought the recall, unless the court were going to say the fact that sufficient votes were cast to recall the person, the recalled person has the burden of proof of showing that no one or more of the standards would be in existence.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I'm going to listen and see if anybody has anything to say, but since no other lights were on, perhaps nobody does. I'm not sure what the bill means now. I know what it says. I know what the intent is. But I don't know what the legal effect of it is. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. There are two lights on. Senator Wehrbein, followed by Senator Beutler.

SENATOR WEHRBEIN: Mr. President, members of the Legislature, I have mixed emotions about getting in this because I'm not really familiar with this area, but it struck me...I don't know who, under...before we'd pass this bill, I don't know who determines who there would be a recall of an official for malfeasance, nonfeasance, and misfeasance. But it struck me that with the...since it's been taken out now, Senator Louden's amendment, but it would look like if the court...I'd like to have somebody answer this that might know. Senator Landis has left, but I...if the court had determined there was malfeasance, misfeasance, and nonfeasance, it's still possible for the public, and that petition went forward and it was turned in and the recall occurred, it would still be very possible, especially in small jurisdictions, that that recall would not be successful. And in theory, you could have people serving in