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responsibility to determine the constitutionality of the section dealing with contested elections.

Now if I may make just a couple of other comments. I indicate in my comment I didn't believe that a candidate for the Legislature had extraordinary powers or privileges. Obviously, a member of the Legislature of the Constitution has some differences. I cannot -- I quite willingly admit to Senator Chambers comment that members of the committee, or at least myself, are non-lawyers. I can't help but observe that occasionally, as a farmer the thought has occurred to me, the world perhaps would not be any worse off if more lawyers were farmers. That is said in jest. It seems to me that the only question that we can talk about, the law is clear. The requirement is there to file a bond. If it was not done, then it remains the responsibility of the courts to make the determination of whether or not that is a reasonable or an unreasonable requirement. I would hope that Senator Cavanaugh's motion would be rejected.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, members of the Legislature. I had hoped in my presentation earlier to address myself to the record of the Select Committee and the facts as I think that they found them, and the questions that were left unanswered and that remain to be answered by this body. The recommendation of the Select Committee is basically that we do not hear the contest because of the failure of the fulfillment of the statutory requirement of filing of a bond. The question is not, as Senator Warner puts it, is that statute constitutional. The question is what is the duty of this Legislature. What are the power of this Legislature? What are the obligations of this Legislature to fulfill its duty. Certainly every day that we sit here, on every question that we sit on, it is to fulfill the will of the Constitution. I submit, as to the law on the question of this bond, the issue is does it preclude us from hearing this contest. It does not. No one has said that it does. The Attorney General has not said that it does. Mr. Lovell has not said that it does. Mr. Fellman has not said that it does. Yet the committee concluded that it does. Does it abrogate the powers that are repository in this body under the dictates of the Constitution? It does not. The Attorney General says, and he cites a case pertaining to the contest of an election regarding a county attorney in which that case says, Anderson vs. S -- Sutton vs. Anderson and I quote from the case, "The right of an unsuccessful candidate to contest the election of his rival is purely statutory. Courts have no authority to hear and determine an election contest, except to the extent authorized by statute." Courts have no authority here, except as authorized by statute and that is true. That is the law. There is nothing in the Constitution that says, courts shall hear contest of election. It says they have jurisdiction to hear contests of election, except in cases of members of the Legislature. But they shall not hear them. The Constitution does say that the Legislature shall judge the election and returns for members of the Legislature. We shall judge them, the elections and the returns. The Attorney General further says that the Legislature does not have to hear the contest of election. Mr. Carpenter no longer has a right to hear his contest heard. What that means is that we may avoid the issue.