

effects and see if there aren't some things to do to improve it. Ask for a declaratory judgment on the election question. Why? There was some question. We wanted to find out. We didn't want to put people in a position to rely on the bill and then have this rug pulled out from under them. The severability clause. Why? If, after the declaratory judgment we find that there are solvable problems we don't have to go back to square one. We can solve the problems. We can come in here next year, look at what needs to be done to draw fair election procedures, make them more explicit if the court tells us that they need to be more explicit, draw different rules when there is a division of the election, a division of the district as opposed to when it's a complete district. Whatever instructions the courts give us that we haven't contemplated we've built in, number one, a request for those instructions and, number two, time to implement them so we can keep that election procedure in place and viable. And what response do we get? Wait a second, it's a trap. The seeking of the declaratory judgment to find out whether or not this is constitutional was my idea, not yours, Senator Lamb, or to the opponents or to Senator DeCamp. We were the ones who said let's get the definitive answer from the court. The delay of implementation was my idea, not yours, so that we could take whatever orders the court gave to us and buff this thing up so it would be workable, so that we could honor that request, so people would not go out, merge a district, expecting the rules to be as we had written them and then have a court change them some place along the line and the rug pulled out from under them. And now we hear back, wait a second, the fact that you want to be able to solve the problem without going back to square one, well that's some kind of renegeing, it's not. All it is is a three part process. Number one, we go ask the court, can we do the election procedure as we've written it? If the court tells us, no, something needs to be done, we've built in some time to delay and then make whatever changes need to be done to make the election procedure work. And that justifies the use of the severability clause. Remember that we have the second alternative of the affiliation still in the bill and that is not mentioned by severability so that should there be some difficulties we can address that. Now I will tell you why I think that would be a fair statement to make. If, at the end of next session, the courts have struck down the election procedure and we cannot resurrect it and we cannot make the affiliation mechanism work, you're entitled to stand on the