

sembly sets up department A with such and such powers and they set up department B with such and such powers, in order for the governor to put in department B the powers that have been allocated to department A, he would have to come with an executive order back to the General Assembly.

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: He would.

DELEGATE GLEASON: He would.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Marion.

DELEGATE MARION: Chairman Morgan, I might direct your attention to section 4.02. It is my understanding that the Committee has recommended that for eligibility for election as governor, there be the requirement that the person have been a qualified voter rather than reference to his residence prior to election.

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: That is correct.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: Do I understand by the use of the words "qualified voter" what the Committee has in mind is both someone who is eligible to vote and also registered to vote?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: That is correct. To be eligible for governor, the governor will have been a registered voter for five years immediately preceding his election.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: Two situations occur to me, though there may be others which I wonder if the Committee contemplated, and intended in using that language.

I think first of all of a situation where a person's registration within the State may have lapsed temporarily between elections if he has moved, for example, from one county to another; or a time within that five-year period when although he has been a resident of the State, he may not have been a registered voter.

Is it the Committee's intention to make such a person ineligible?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: I believe it is. He must have been a qualified voter or a resident voter for five years immediately preceding an election.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: I think secondly of this situation. It is possible for a person to leave the State or remove himself from the State of Maryland, but still be a qualified voter of this State. If his name appears on the registration books of the particular county in which he resided when he left.

Is it the Committee's intention that such a person who no longer resides in the State might be eligible for election as governor of the State?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: In my opinion, Delegate Marion, a man who has left the State and whose name still appears on the registration books is not a qualified voter, because to be a qualified voter you have to reside or have your domicile, at least, in the State of Maryland.

Simply because your name happens to remain on the books does not make you a qualified voter, if in fact you have moved your domicile elsewhere.

DELEGATE J. CLARK (presiding): For what purpose does Delegate Gallagher rise?

DELEGATE GALLAGHER: Would Chairman Morgan mind if I addressed a reply that might be of some help there?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: I wish you would.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: In the case of *Gallagher v. Dorsey*, the Court of Appeals said squarely that the question of residency for holding public office or for eligibility for public office is determined by intention and mere absence from the State would not of itself rule a man out to be able to run for governor.

It is a very complicated factual situation; I remember in the Court of Appeals