

argument, and perhaps Judge Henderson remembers, too, the judge saying to one of the counsel, "Well, a man could go to the moon as long as he read the *Baltimore Sun* paper and he had enough interest to run for public office in the event he intended to return."

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: I think as to the question that was asked by Delegate Marion that if the governor moved out of the State, and I interpreted that to mean changed his domicile to some other state, to my mind he would not be a qualified voter simply by reason of having his name on the registration books.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: Suppose in that situation he moved away for a two-year period of time in the middle of the five years preceding his election, but his name remained on the books and once he was back again in the State of Maryland he duly exercised his franchise.

Would he be qualified then or eligible to vote under the language of this section?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: I think it would depend to some extent on why he was away. Did he go away just temporarily? Did he move his domicile or what?

To be a qualified voter there has to be something more than mere registration.

DELEGATE J. CLARK (presiding): Delegate Marion, are you satisfied?

DELEGATE MARION: I think what I am getting at is this. As difficult as the concept of residency may be, are we not opening up more doors and perhaps creating more problems by changing the eligibility requirement to the concept of "qualified voter"?

Perhaps this is not the time to debate it, but I just tossed the question out to you and to members of the Committee. Unless you want to comment on that, I have another question.

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: It seems to the Committee that you would have less problem by using the qualified voter concept

than you would if you used a resident or domicile concept.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: On the election of state's attorneys, is the language "shall be elected by the eligible voters of the State who are eligible to vote in the county or district in which he serves," meant to say anything more than that he shall be elected by the qualified voters in the county or district where he serves?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: No difference.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: One final question. Is it the Committee's intention in using the language "county or district", that a district could be created which was smaller than one county, or is it the intention that districts comprise one or more county?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: I suppose it could operate both ways, but our attention was focused on the problem of state's attorneys in counties that really did not have enough business to keep a full-time state's attorney. We wanted to have the legislature at least have the power to say that the state's attorney shall serve perhaps two counties and thus make him full-time.

In other words, we wanted to give the greatest flexibility we could to the General Assembly in setting up the provisions for state's attorneys.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: Would it be a fair statement then to say that the Committee's intention when it used the word "districts" was to think in terms of districts which were larger than one county, rather than districts which were less than an entire county?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: Well, I think that is certainly what our attention was focused on for the most part.

DELEGATE J. CLARK (presiding): Delegate Storm.