

take an appeal no matter when the offense was committed, even though it was committed after July 1, 1968.

If the case is tried in the magistrates' court and not in the new district court, the State can take its appeal in the superior court or the district court, as it will be called. These conditions occur if the offense and the trial took place before January 1, 1970.

DELEGATE JAMES (presiding): Are there any further questions on section 3? If not, we will go to section 4, suffrage and elections. Any questions regarding section 4?

The Chair hearing none, we will go to section 5.

Delegate Marion.

DELEGATE MARION: Delegate Hardwicke, is there any danger in prohibiting the effectiveness of section 2.06 until the deferred date of July 1, 1969, when the legislation designed to accompany this section in section 3.15 expires on that date? As I understand it, that section authorizes the General Assembly to provide disqualification.

DELEGATE JAMES (presiding): There are so many people walking around and talking in here it is almost like Grand Central Station. Really, we would like to have a little more order and not so many people walking around.

Delegate Marion.

DELEGATE MARION: These telegrams seem to be more important than the business at hand.

DELEGATE JAMES (presiding): Go ahead, Delegate Marion.

DELEGATE MARION: My question in short is, is there any need at all in section 5 in the schedule of transitional provisions, and would it not encumber the legislature from acting prior to that time, to provide for such disqualifications to take effect after the legislative provisions, section 3, page 15, expired by its own terms?

DELEGATE HARDWICKE: It seems to me, Delegate Marion, that the two fit together correctly.

Section 2.06 deals with disqualifications, and it provides that the General Assembly can establish by law the disqualifications. Since the General Assembly is not going to be in session on July 1, 1968, we gave them an additional year in which to set up disqualifications.

Then, over in the schedule we continued the present constitutional disqualification provisions for the period of time sufficient to permit them to act. It seems to me that that is the way it should be done. What danger do you see?

DELEGATE MARION: You do not permit them to establish the disqualification prior to July 1, 1969, by the language of section 5. You say that that language of the constitution shall not become effective and, therefore, it seems to me that you are saying that they do not have the power to establish those disqualifications until this section becomes effective in July of 1969.

By that date, section 3 on page 15 in the legislative schedule will have expired.

DELEGATE JAMES (presiding): Would not the General Assembly not have plenary power to act if there were on constitutional provision?

For what purpose does Delegate Chabot rise?

DELEGATE CHABOT: I suggest that the General Assembly would have absolutely no power to act because as this is written, present constitutional power —

DELEGATE JAMES (presiding): Delegate Marion has the floor, Delegate Chabot.

DELEGATE MARION: I think Delegate Chabot was starting to say the same thing I was saying, that unless there is effective constitutional authorization for the legislature to provide that someone who is otherwise qualified to vote may be disqualified for certain reasons, I do not think they have the plenary power to provide those disqualifications in the teeth of the constitution. I am not sure that section 3 on page 15 would be constitutional as legislation during the time in which we say that section 2.06 should not be effective.

My suggestion simply is that section 5 here is unnecessary and that we provide in effect for a one-year period of time for the legislature to act by continuing a disqualification section in the schedule of legislation which expires a year after the constitution takes effect. That will give that year for the legislature to act. It is dangerous to put this deferred effect in section 2.06 in the schedule of transitional provisions.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: I think you are right, Delegate Marion. I think you are