

1 MR. SMOLKA: No, I don't.

2 THE PRESIDENT: Delegate Bamberger.

3 DELEGATE BAMBERGER: Delegate Fox stated he
4 thought other provisions in either the state or federal
5 Constitution would prohibit the General Assembly from
6 requiring ownership of property. There is a case that was
7 decided by the New York Court of Appeals on October 26.

8 I only have an excerpt from it, because the
9 entire opinion was not available. There was a New York
10 law which required the elected office holders of townships
11 to own property, and the New York Court of Appeals held that
12 that violated both the equal protection and the due process
13 clauses of the federal Constitution.

14 I don't know of any other opinion on the subject.
15 I have not been able to get the full text of that opinion.
16 If that is correct, then I think Delegate Fox is quite
17 correct that everything that is attempted to be done
18 by 2.05 is done by either the federal Constitution or
19 by section 2.02, which would permit the municipal corporation
20 to establish qualifications for property ownership by
21 non=resident voters, but not by resident voters.