

this mean that a judicial member of the commission who during that period of time might be appointed to the Court of Appeals to fill out a vacancy would be ineligible?

THE CHAIRMAN: I take it the intent of the Committee of the Whole would be that there would be no judicial members of the commission.

Delegate Sherbow.

DELEGATE SHERBOW: There would be none at all at any time.

THE CHAIRMAN: That was my understanding. I must say that the provisions are not entirely clear to the Chairman to that effect. I suppose a governor could appoint a judge as a lay member, but certainly it was the intent of the Committee of the Whole that there not be a judge as an ex officio member on any nominating commission.

Delegate Sherbow.

DELEGATE SHERBOW: This language certainly would need to be clarified.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I did not think so, Delegate Sherbow, in view of the fact that we have eliminated any possibility of a member of the judiciary being a member of the nominating commission.

Did you advance the vote that a lawyer member of the commission might ultimately be appointed to the bench and then whether this restriction would apply thereafter, I was not quite clear on that part of the question, was that the possibility with which you were concerned?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Yes.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Then I would have to re-read that section in view of the possibility of determining if there would be that kind of restriction.

THE CHAIRMAN: Would you give thought as soon as you can to the two questions involved, namely, whether the language of the previous section needs any amendment to indicate whether or not a member of the judiciary can be appointed as a lay member or can be elected as a lawyer member and secondly, if so, and if it is possible for a member of the judiciary to be appointed a member of the commission?

Would the last sentence beginning on line 19 prevent him from being elevated from one court to another? Would you consider that and then advise the Committee?

THE CHAIRMAN: For what purpose does Delegate E. J. Clarke rise?

DELEGATE E. CLARKE: I have a question.

THE CHAIRMAN: Will Delegate Mudd yield to a question?

DELEGATE MUDD: Yes.

THE CHAIRMAN: Delegate Clarke.

DELEGATE E. CLARKE: Does this language prevent any member from the state central committee from serving?

THE CHAIRMAN: Delegate Mudd?

DELEGATE MUDD: The language in section 5.20?

THE CHAIRMAN: I think it was answered yesterday.

DELEGATE MUDD: Would this prohibit a member of the state central committee? Apparently not.

THE CHAIRMAN: Office in a political party in line 18.

DELEGATE MUDD: I am sorry, I missed that. It would. I so answered it in my presentation.

THE CHAIRMAN: Delegate Wheatley, for what purpose do you rise?

DELEGATE WHEATLEY: For a question.

THE CHAIRMAN: All right.

DELEGATE WHEATLEY: I have a question of the Chairman.

THE CHAIRMAN: Do you yield, Delegate Mudd?

DELEGATE MUDD: Yes.

DELEGATE WHEATLEY: What would be the case if the government should appoint a lawyer as a lay member? Would that be precluded, assuming he might not be in the category established by rule?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Is the question whether the government could appoint a lawyer as a lay member?

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: That is my question.