

DELEGATE MORGAN: We now come to Committee Recommendation EB-1.

Section 4.01 is the section which states that the executive power of the State shall be vested in the governor, and that he shall faithfully execute the laws.

This section establishes two qualifications necessary for election as governor. The first is that a person shall be 30 years of age at the time of his election. It is substantially the same as the requirement found in Article II, section 5 of the present Constitution and substantially equivalent to provisions found in 35 other state constitutions.

The Committee feels that the 30 year age minimum will serve as a reasonable "rule of thumb" as to when the typical individual attains sufficient maturity to serve as governor.

The second qualification for election as governor is that an individual shall have been a qualified voter in the State for at least five years immediately preceding his election. This requirement differs from Article II, section 5 of the present Constitution which requires that a person have been a citizen of Maryland for ten years and a resident of Maryland for the five years next preceding his election.

The Committee feels that the ten year period is much too long in light of the mobility of today's population and that five years is approximately that length of time necessary to become acquainted with Maryland's people and problems. The five year period is tied to qualification as a voter rather than the establishment of residency or citizenship because of the legal problems in defining these terms. The date of qualification as a voter is the date of registration, which is a matter of public record.

It should be noted that these first two qualifications deal only with eligibility for election to the office of governor. It is possible, albeit unlikely, that an individual might serve as governor without having met these qualifications. For example, under section 4.10 of the draft of the executive article, it is possible for the president of the Senate to succeed to the office of governor. Hence, if the 25 year age minimum for service as a senator is continued in the new constitution, it is at least theoretically possible that an individual under 30 years of age might succeed to the office and serve as governor.

The last qualification for service as governor contained in this section is more

absolute. It provides that no person elected governor for two full consecutive terms shall be eligible to hold that office until one full term has intervened. This limitation is substantially the same as the provision added to the present Constitution by a 1949 amendment.

The Committee gave serious consideration to whether there should be any restriction on the number of successive terms a governor may serve. It recognizes the two term limit may preclude the most qualified candidate from serving as governor, and may deprive the electorate from selecting the candidate of their choice. However, the Committee was swayed in favor of the two term limit by two other arguments.

First, political experience indicates that it is often difficult to defeat an incumbent who is seeking re-election, even though he may not be the most qualified candidate. Second, the Committee feels that most individuals have a limited span of administrative effectiveness and that eight years approximates that span.

It should be noted that the limitation does not restrict the total number of terms an individual may serve as governor, but only the number of full consecutive elective terms. Hence, it is possible for an individual elected governor for two full consecutive terms to return to private life for four years and to then be elected to two more full terms. It is also possible for a lieutenant governor to succeed to the office of governor for all or a part of a four year term, and to then serve two full elective terms as governor.

The language "full term" is intended to mean a four year term. Hence, section 4.02, when read in conjunction with section 4.09, raises the remote possibility that a governor could be elected for three successive "terms." For example, assume that both the governor and lieutenant governor were killed in a common disaster during the first year of their term. Section 4.09 would then require the election of a new governor at the bi-election for a two-year term. The person elected governor in that election could still seek re-election for two more consecutive four year terms.

#### Section 4.03. Lieutenant Governor:

This section creates the office of lieutenant governor. The lieutenant governor will serve as a popularly elected "assistant governor," performing those functions which the governor may delegate to him and which may be prescribed by law. It is the intent of the Committee that the gov-