

DELEGATE GRUMBACHER: Mr. Chairman, members of the Convention, this little old secret amendment is, I think, of vital importance to the conduct of legislative affairs.

The basic principle which I am advocating here is that electors, whether representatives or direct voters, should be free to choose leaders according to conscience, uninfluenced by considerations of expediency which are unavoidable in open roll call meeting. The open roll call is a meeting in which the candidate knows after his election who was his friend and who was his foe.

We have already said in section 5.17 that the lawyer-members of the nominating commission should be elected by secret ballot for the appellate court nominating commission and for the trial courts nominating commission. In section 5.21, we have said, the Court of Appeals shall prescribe the rule for taking a poll by secret ballot of the lawyers of the area in which the judge is required to stand for election.

I believe that the legislature no less than the lawyers, in fact even more so, should have the right to secret ballot in electing those who lead them. In fact, the leaders of the legislature have far more authority over what happens to a legislator, over every legislator, than does a judge over every lawyer in his area.

We thought it was of constitutional moment to put this in the judicial article. I believe it is also of constitutional moment to put it here.

There is a general rule that if you wish to elect your leaders, or your bosses, or whatever you want to call them, freely, you should do it in secret.

The major change which this would effect for the benefit of the State would be that it would make the legislature more effective, more responsive to its majority, definitely more responsive to its majority and, therefore, more responsive to the majority of the people of our State.

I am ready to answer any questions.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment?

Delegate Bard.

DELEGATE BARD: I would like to ask the sponsor of the amendment whether the party caucus which takes place previous to the election would not in a sense make it more just where each party member stands anywhere.

THE CHAIRMAN: Delegate Grumbacher.

DELEGATE GRUMBACHER: It would if that happened to be by open ballot. I think this would influence the caucus. However, I am not at all sure that every member of a caucus would vote exactly the same way when they got on the floor if they voted by secret ballot.

THE CHAIRMAN: Are there any further questions of the sponsor of the amendment?

*(There was no response.)*

There appear to be none.

Does any delegate desire to speak in opposition?

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, and ladies and gentlemen of the Committee. The Committee on the Legislative Branch considered this amendment and while it met with some favor on the part of some of the members it was rejected by the Committee. I believe the vote was 13 to 5. Under those circumstances, therefore, I respectfully oppose the amendment.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

Sound the quorum bell, please, Mr. Clerk.

The question arises on the adoption of Amendment No. 7.

A vote Aye is a vote in favor of the amendment. A vote No is a vote against.

Cast your votes.

Have all delegates voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

THE CHAIRMAN: There being 55 votes in the affirmative and 55 in the negative, the motion fails for a lack of a majority.

Are there any further amendments to section 3.13?

*(There was no response.)*

The Chair hears none.

Are there any amendments to section 3.14?