

be other times when the first runner-up was merely the leader of those whom the people rejected. I suggest that we do not adopt a rule, which will automatically lead to that person becoming the delegate to fill a vacancy, in view of the varying circumstances which may have caused that person to be the first runner-up.

THE PRESIDENT: Delegate Boileau?

DELEGATE BOILEAU: It seems to me the question we are debating is not how we fill the vacancy because that is already determined by the statute, but how we nominate, and I am wondering if that is clear. Even if Delegate White's proposal were to be accepted, a person would simply be nominated and the Convention would still have to pass on it.

THE PRESIDENT: As I understand Delegate White's motion, it was not that the next person or the runner-up would be nominated, but that he would be declared to succeed to the vacancy. I think we had better get the precise language. Delegate White?

DELEGATE WHITE: It may be difficult to explain, but for example, if there were seven delegates elected from a particular district and a candidate ran number eight, he ought to receive consideration by this Convention, and, therefore, would be nominated for consideration automatically by virtue of the expression of the people in his legislative district, unless some reason were found by this Convention to disqualify him. Such a procedure would make it unnecessary for the selection committee to act and would spare it possible trouble and criticism to which it might be subjected, regardless of the wisdom and the honesty of its members, over what caused them to make their particular recommendations. We would be relieved of this if the person who received the next highest vote were automatically allowed consideration because it would be the expression of the people from his district, and a reasonably valid basis for electing him. However, the very fine gentlemen and ladies on the selection committee would be relieved for the other work of this Convention.

THE PRESIDENT: It seems to me it would be very unwise for the Convention to attempt to debate this question without having precise language before it, unless the motion is simply to recommit the rule to the Committee for the purpose of reporting a rule to the effect that the person receiving the next highest number of votes would be the person elected to fill the vacancy.

Now if such motion were adopted, I would take it that the Committee would consider, and then report to the Convention the language of such a rule in proper form, and would also at that time report to the Convention whether, in the opinion of the Committee, the Convention had the power to adopt such a rule.

Delegate White, would you care to amend your motion in the manner suggested by the Chair?

DELEGATE SCANLAN: Mr. President, a parliamentary inquiry. In the interest of saving time since the motion to recommit would be undebatable, and I would not then be able to advise the Convention that the Committee considered very carefully precisely the idea advanced in Delegate White's motion, I would like to include this fact in the record for the information of the Convention.

THE PRESIDENT: I don't think the motion is undebatable.

DELEGATE SCANLAN: It is undebatable and they ought to know that we considered it and rejected it.

DELEGATE WHITE: I would like to ask the parliamentarian.

THE PRESIDENT: The parliamentarian advises me that the motion to recommit would be debatable. The Chair will so rule. Now will you answer the Chair's inquiry?

DELEGATE WHITE: I offer a motion to recommit the proposed amendment to the Rules Committee so that they may report the correct and proper language, following the advice of the President of the Convention.

THE PRESIDENT: If I may restate the motion, as I understand it, you are withdrawing your other motion and moving to recommit the report to the Committee, with the request that the Committee draft a rule providing that the person receiving the next highest number of votes in any given legislative district should be the candidate to be elected to fill the vacancy.

DELEGATE WHITE: Yes, sir.

THE PRESIDENT: And that the committee shall report such a draft, together with the views concerning it. Mrs. Freedlander, do you concur?

DELEGATE FREEDLANDER: Yes, sir.

THE PRESIDENT: I think Delegate Weidemeyer had the floor first.