

of section 8 applied. Since we recognized that the legislature might be, as a result of the '66 primary or some similar occasion, tempted to provide for primary elections, we felt it was appropriate to put it in the constitution.

THE CHAIRMAN: Does any other delegate desire to speak in favor?

Delegate Clagett.

DELEGATE CLAGETT: If Delegate Chabot would yield for a question.

THE CHAIRMAN: Will Delegate Chabot yield to a question?

DELEGATE CHABOT: Certainly.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: In reference to line 33 of section 8, by including primary elections, do you not define the word "elections" to include primaries?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: No, sir. We simply are indicating in this provision that the legislature has a wide choice in determining how nominations may be made. It may use primary elections, conventions, or any other procedure it wants.

When it chooses to use the method of a public primary, then this is one condition that the legislature may not impose upon that method of nomination. That is all we intended, and I submit that is all we accomplish by this language.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Byrnes.

DELEGATE BYRNES: I would like to inquire whether or not section 8 applies to general elections for federal, state, county and municipal officials?

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Yes, it does.

THE CHAIRMAN: Is there any further discussion?

Delegate Burdette.

DELEGATE BURDETTE: I should like to ask the Chairman of the Committee, if I may.

THE CHAIRMAN: Will Delegate Koss yield for a question?

DELEGATE KOSS: Yes.

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: Does the Chairman of the Committee also understand that section 8 as the language implies would have such meaning, in the event that primaries are required as a method of elimination? This interpretation is shared by Mr. Chabot.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: We were not in any sense mandating an election for the purpose of nominating candidates. This still is within the framework of the power of the General Assembly, but just if they chose that method, in that even.

THE CHAIRMAN: So there will be no misunderstanding, will the Chairman of the Committee on Style please note that the Committee intends the phrase that is the subject of Amendment No. 17 to mean that in the event the amendment is defeated the General Assembly provides for nomination of candidates by means of primary elections, and candidates shall be selected by plurality.

Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

Delegate Carson.

DELEGATE CARSON: Mr. Chairman, I will be brief and apologize for taking the time of the Committee, but I think Delegate Koss' last statement is not consistent with putting this in here.

If the Committee does not desire that it be mandated that there be primary elections, I suggest it would be very dangerous to include a provision dealing specifically with them in this manner. Regardless of her statement I am not at all sure the courts would follow her one-sentence colloquy.

I urge you to vote in favor of the amendment against this language in the Constitution.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I am going to vote in favor of the amendment. My only problem is I cannot figure out any way to make it retroactive. *(Laughter)*.

THE CHAIRMAN: Are you ready for the question?