which he did not success nor did he succeed in drawing the pay of the office.

There is no possibility that anyone now in an institution anywhere can either run for election or vote in an election.

THE CHAIRMAN: Are you ready for the question?

(Call for the question.)

The question arises on the adoption of Amendment No. 19. You do not have it on your desk. Amendment No. 19 would strike all of section 5, lines 32 to 40, inclusive, on page 2. A vote Aye is a vote in favor of the amendment to strike the entire section. A vote No is a vote against the amendment. Cast your votes. Has every delegate voted? Does any delegate desire to change his vote?

(There was no response.)

The Clerk will record the vote.

There being 46 votes in the affirmative and 81 in the negative, the motion is lost, the amendment fails.

Delegate Bamberger, do you now desire to offer amendment AO?

DELEGATE BAMBERGER: I move adoption of amendment AO.

THE CHAIRMAN: Amendment AO has been distributed and is on your desk. Delegate Bamberger, does the Chair understand you offer —

DELEGATE BAMBERGER: If everyone has that amendment before them, there are two modifications I would like to make.

On line 5, substitute the word "may" for the word "shall" and on line 8, substitute the word "shall" for the word "may".

THE CHAIRMAN: The pages will please distribute the amendment. Delegates who have not received the amendment, please indicate to the pages. Do all delegates now have the amendment? Delegates who do not have the amendment, please so indicate and the pages will bring you one. The amendment AO will be Amendment No. 20. The Clerk will read the amendment.

READING CLERK: Amendment No. 20 to Committee Recommendation S&E-2, by Delegate Bamberger: On page 2, section 5, Disqualification, strike out all of lines 34 through 40, inclusive, and insert in lieu thereof the following:

"The General Assembly may by law establish disqualifications for voting by reason of mental incompetence or conviction of serious crime, and shall provide for the removal of such disqualifications."

THE CHAIRMAN: The amendment is submitted by Delegate Bamberger. Is there a second?

(The motion was duly seconded.)

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, now that everyone has a copy of the amendment, I will repeat those two modifications. On line 5, substitute the word "may" for "shall", and on line 8, substitute "shall" for "may."

First this amendment does not raise again the question of whether or not the General Assembly may provide by law for disqualification for voting for conviction of a serious crime. I think we can put that question aside.

What it is particularly addressed to is the question of disqualification by reason of some mental illness. The committee recommendation did not give the General Assembly any discretion on that point. The committee recommendation said that any person who has been adjudicated non compos mentis is not entitled to vote.

The problem with that is that the committee recommendation adopts an adjudication of a particular fact. An adjudication non compos mentis is now a very rare occurrence in Maryland. It is an almost archaic and very slightly used procedure which is provided for in the statutes. It requires the impaneling of a jury to determine whether a person is competent to handle his affairs or competent to handle his person.

The procedure more often used to determine that a person is so mentally ill that he should be confined to a hospital for treatment is the certification by two physicians that a person is insane. That is provided in another section of the law.

The evil that I see in the Committee Report is that first it says that if you are mentally ill and that happens to have been determined in this judicial proceeding, then you shall not be entitled to vote. But if you are mentally ill and you seek treatment voluntarily or you are committed to an institution on the certification by two physicians, then you are still entitled to vote.