

ticle, which establishes qualifications for voting in the constitution; secondly, section 2.06 itself, in the constitution, which allows the General Assembly by law to provide for disqualifications from voting and, if so, to provide for the removal of those disqualifications; and, finally, bear in mind on page 15 of the blue papers in front of us, section 3 in the schedule of legislation, which would provide an interim provision for disqualifications from voting, which would take effect on July 1, 1968, and which would terminate one year later on July 1, 1969.

Unless we delete section 5 in the schedule of transitional provisions, which this amendment proposes to do, section 2.06, which gives the General Assembly the authorization to establish disqualifications in derogation of the qualifications established in section 2.01, there is no authority for a disqualification on the basis of conviction of a criminal, or because of mental incapacity.

If we delay the effect of this section, therefore, it is entirely possible, and perhaps probable, that section 3 on page 15, in the schedule of legislation, would itself be unconstitutional, because there would be no constitutional basis for that section to stand in law.

The purpose of section 5 initially was to give the General Assembly the opportunity to provide for these disqualifications. That is done by the language of section 3 in the schedule of legislation, which establishes an interim provision for disqualifications to last just for one year, and which would no longer be effective one year from the date of the adoption of this constitution. But it is necessary, I submit, to delete section 5 so that the authority for that to stand is in the constitution, which we will adopt and which will become effective on July 1, 1968.

I engaged in a colloquy this morning about this provision with Delegate Hardwicke. He agrees with this analysis and has co-sponsored the amendment. I have discussed it also with Chairman Koss of the Suffrage and Elections Committee and with Delegate Rybczynski, who chaired a subcommittee of that committee dealing with the matter of disqualifications from voting.

I respectfully urge that in the interest of constitutionality we adopt the amendment and delete this section.

THE CHAIRMAN: Is there any discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 4 to Committee Recommendation GP-13.

A vote Aye is a vote in favor of Amendment No. 4. A vote No is a vote against.

Cast your votes.

*(Whereupon, a roll call vote was taken.)*

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 109 votes in the affirmative and none in the negative, the motion carries. The amendment is adopted.

Are there any amendments to section 6?

Delegate James.

DELEGATE JAMES: Mr. Chairman, I call to your attention that I have a verbal amendment adopted, that the language now reads "a public local law enacted prior to January 6, 1971." You may not have that on your copy. This was at the suggestion —

THE CHAIRMAN: Modification by Delegate Rybczynski?

DELEGATE JAMES: Yes.

THE CHAIRMAN: Please mark your copy if you have not already done so: On page 3, section 6, line 19, strike out "prior to January 6, 1971," capitalize the "A", and in line 20, after the word "county" insert a comma, and insert the language "enacted prior to January 6, 1971."

Delegate James, there seems to be a dispute on the two copies as to where the language was added.

DELEGATE JAMES: My record shows that the sentence will begin with "A public local law enacted." Then you go back, "prior to January 6, 1971, for any one county," so that you transpose the words "A public local law," add the word "enacted", and just put that at the beginning of the sentence. At least that was my intent. However, any way would be all right.

THE CHAIRMAN: Delegate Penniman, this is purely a stylistic question. Could you resolve it right now so we do not have to change it again?

Delegate James.