

priate to suggest this amendment which would require that one not play a numbers game, see how he made out running for both senate and house or win both and take your choice, as the case might be.

Consequently, I offer this amendment to restrict a person to running for one office of the General Assembly at one time. The Committee did not take this question up, Mr. Chairman, therefore, I am unable to say what favor it enjoys. You will also note it not only addresses itself to the question of seeking election, but also appointment to more than one seat in the General Assembly. It is a great unlikelihood, if I may use the term, but I am not certain whether the other provision with respect to holding more than one office of profit or trust is coming out of the Committee Recommendation and if so, whether it will be adopted. I, therefore, included both the prohibition against seeking election and appointment to more than one seat in this single amendment.

I would trust it would receive the favorable consideration of the Committee of the Whole.

THE CHAIRMAN: The Chair would like to observe that the Committee on General Provisions has under consideration a constitutional provision similar to that just mentioned by Delegate Gallagher, which would prohibit the holding of more than one office.

I think it is the Committee on—I am not sure whether it is Suffrage and Elections or General Provisions—I would assume that if such a recommendation is made and approved by the Convention, that the Committee on Style could recommend an amendment to the latter part of this section so that it would not either be in conflict or be superfluous.

For what purpose does Delegate Koss rise?

DELEGATE KOSS: Mr. Chairman, I would like to ask Delegate Gallagher a question, if I might?

THE CHAIRMAN: Delegate Gallagher, will you yield for a question?

DELEGATE GALLAGHER: Yes, sir.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I understand and certainly would approve of the general intent of this, that one person could not seek election to more than one office. I assume your Committee has not yet considered the

manner of filling vacancies in the General Assembly. My only question is this: under circumstances when a vacancy would occur in one house, would it be necessary for a person occupying a seat in the other house, in order to be eligible for appointment to the vacancy to resign before he is considered? This turns, of course, on the question of the filling of a vacancy if there is any ratification process involved, that is, appointment by one body subject to approval by another.

This is my question.

THE CHAIRMAN: Delegate Gallagher?

DELEGATE GALLAGHER: I do not think it would be necessary for such person to resign in order to be considered. It is my recollection that the cases that have dealt with holding more than one office of profit or trust have uniformly held that the taking of the oath for the second office constitutes the resignation from the first.

I would not see that this language would require anything more of the would-be recipient of the second office other than merely to take the oath and thereby, in effect, to resign from the earlier position.

THE CHAIRMAN: Does any delegate desire to speak in opposition to the amendment?

Delegate Scanlan.

DELEGATE SCANLAN: I regretfully part company with my Chairman, having supported him the last few days, when he did not even support himself. But nevertheless, I believe that this amendment is at most inopportune at this time and at the worst entirely unnecessary.

It is clear, the General Assembly, has always had and will have under the new Constitution, the power promulgated in the election laws to prohibit what obviously would rarely if ever occur anyway, a person seeking to run for two offices at the same time.

If the voters did not intimidate most people from doing that, common sense would.

I think such occasions in Maryland history are rare. Perhaps they have never occurred at all.

I do not think the constitution is the place to put in language to deal with an evil that probably will never arise and if it did, the General Assembly has ample power to deal with it.