

I do not know what the practice was in the past, whether the specific provision of the election laws now prohibits this type of activity, but I assume there is some statutory prohibition which would make this an impossibility.

I do not think we should now put it in the Constitution. In any event, I think we should wait until we have had the report of the Committee on Suffrage and Elections and perhaps have the report of the Committee on General Provisions to which the Chairman averted and which deals with one aspect of this problem, dual office holding, but of course, not precisely the same.

I hesitate to call it a problem. I think it is more a figment of imagination and conjecture. I do not think this is the type of activity in which we should take up valuable constitutional space by putting in prohibitions that will never be invoked.

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

Does any other delegate desire—

Delegate Koss?

DELEGATE KOSS: I would like, if I might, to respond to Delegate Scanlan. The Committee on Suffrage and Elections has not considered the question of dual office holding. We certainly could be directed to so do.

It has been our assumption that we were dealing with broad qualifications for voting and for holding office. In a sense, I think if we went into this particular problem, we would also be compelled to go into the problem of people seeking one office in one election and holding it and also seeking election in another office as long, as you set up separate elections.

THE CHAIRMAN: Delegate Koss, my recollection is faulty. Is it your Committee to which the proposal with respect to dual office holding has been referred?

DELEGATE KOSS: Not that I am aware of.

THE CHAIRMAN: It must be the Committee on—I shall find out.

Delegate Koss, can you tell us at this time whether your report which is about to come out touches upon the subject of the power of the General Assembly to enact legislation in the general field of elections.

DELEGATE KOSS: It contains such a provision.

THE CHAIRMAN: Is there any other

delegate who desires to speak in favor of the amendment?

Delegate Blair, did you have an inquiry or do you want to speak to the amendment?

DELEGATE BLAIR: I want to say, Mr. Chairman, the Committee on General Provisions took into consideration this dual office situation. There was something in the draft commentary or the draft constitution which covered that of the Legislative Branch.

The General Assembly was mentioned in the draft constitution as being that category which would not hold dual offices of profit and trust.

The rest of it, I think, was covered in our commentary which said it should be left to another section wherein it would be determined whether it would be a conflict of interest to hold an office of profit and trust. I think that is where it was covered.

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

*(There was no response.)*

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

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 16 to Committee Recommendation LB-1. A vote Aye is a vote in favor of the amendment. A vote No is a vote against.

Cast your votes.

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

THE CHAIRMAN: Has every delegate voted?

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 44 votes in the affirmative and 84 votes in the negative, the motion is lost. The amendment is rejected.

Delegate Kiefer?

DELEGATE KIEFER: Mr. Chairman, for a matter of information, Article XXXV of the Declaration of Rights covers the subject that you raised, that no person