

shall hold at the same time more than one office, and so forth. That is being handled either by the Committee on Personal Rights and Preamble or General Provisions.

We are working it out together.

Thank you very much.

DELEGATE BENNETT: May I ask the Chairman of the Committee a question before we leave Section 3.05.

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

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: We have not left Section 3.05 yet.

Delegate Bennett?

DELEGATE BENNETT: As to residence qualification, as you know, Mr. Chairman, there are a great many government employees who live in Montgomery and Prince George's Counties who are residents of another state although domiciled in those states for a long period of time.

Is this word "resident" synonymous with the word "domicile"?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Delegate Bennett, the question of what constitutes residence for voting and for holding public office is one which has received a great deal of different interpretation from the courts. I am quite familiar with the latitude which Maryland extends with respect to the question of domicile and residence, because I believe that basically it is a question of intention.

One can be a resident for the purpose of holding public office and for voting, but without actually, physically residing in the area.

I draw reference to the case, some years ago, involving then Governor McKeldin, who was constitutionally required under the Maryland Constitution to be a resident of the City of Annapolis while he was governor and who was then seeking the office of Mayor of Baltimore City, which required under the charter that you had to be ten years a resident of Baltimore City immediately prior to your seeking the office.

The Court of Appeals held that the facts were such that even though the governor was physically in Annapolis for eight years, he had always had the intention of returning to Baltimore and that, together with other facts constituted sufficient grounds

to render him a resident of Baltimore City for the ten years prior to the election, even though he was eight years in Annapolis, where the Constitution said he should reside.

I think Delegate Sherbow remembers that quite well, since he argued it successfully in the Court of Appeals.

THE CHAIRMAN: Delegate Koss, I believe your Committee had referred to it a proposal that the legislature be empowered to define by law residence for election purposes. Can you tell us whether your Committee will report such a recommendation?

DELEGATE KOSS: The first section of the second Committee recommendation includes a broad mandate to the General Assembly to define "residence."

THE CHAIRMAN: In the report that is already filed?

DELEGATE KOSS: It was not filed when I left this morning. I do not know if it has been filed yet.

THE CHAIRMAN: S&E No. 2?

DELEGATE KOSS: Right.

THE CHAIRMAN: Is there any further debate?

Delegate Boileau, do you have your amendment to offer to section 3.05?

DELEGATE BOILEAU: I will not offer the amendment.

*(Applause.)*

THE CHAIRMAN: Is there any further amendment to section 3.05?

*(There was no response.)*

Is there any amendment to section 3.06?

We will proceed to consideration of Section 3.12.

Delegate Chabot?

DELEGATE CHABOT: I call attention to the letter attached to 3.06.

THE CHAIRMAN: Please distribute the amendment. This will be Amendment No. 17 to Committee Recommendation LB-1.

The Clerk will read the amendment.

READING CLERK: Amendment No. 17 to Committee Recommendation LB-1 by Delegate Chabot: On page 2 in Section 3.06 Election of Legislators, of Committee Recommendation No. LB-1, strike out lines 40,