

DELEGATE MUDD: Is that under eligibility for appointment as a judge?

DELEGATE SICKLES: I wish you would clarify it with respect to all of these possible applications.

DELEGATE MUDD: Our Committee had before it a proposal on eligibility that is slightly different from that which we adopted. The proposal considered by the Committee was that a lawyer would be eligible for appointment to the Bench within the district or county in which he lived, or in which he had his principal office.

Our majority view rejected the latter classification and for eligibility of appointment it was decided the judge must reside in the area or political subdivision where the vacancy exists.

Now, as to eligibility for election, or appointment to the nominating commission, I think the word "area" is used because it was possible that the nominating commission might be for an area larger than one county, but I would say that it was our thinking that it would mean residence and not practicing area.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: If I may ask a further question, would that also apply to the poll if taken by secret ballot?

DELEGATE MUDD: Of the lawyers residing in the area and not practicing therein? I would say, yes.

DELEGATE SICKLES: Would the Court of Appeals have any authority under its rule-making power to define with further clarity what a lawyer would be under the terms of this article? I am thinking in terms of that person who may have practiced a few years before, but who now is the president of a bank as a full-time occupation, and therefore although he may have his name on the door somewhere is not really in point of fact currently practicing law. I would assume that this is an open question, as I read it now in the article, and there would be the possibility of further employment by either the General Assembly or the Court of Appeals.

DELEGATE MUDD: I think it is obviously implicit in our recommendation, in the last sentence of section 5.17, which states that election procedures and eligibility of lawyer members of nominating commissions and of their electors shall be prescribed by rule. The Court of Appeals

would have within its rule-making power an opportunity to be more definitive in that area.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: In sections 5.15 and 5.16, where the appointment of the nominating commission is provided for, there is no indication as to whether there is an intention that terms be staggered, and no provision for vacancies. Is it possible for an entire commission to be appointed or elected, as the case may be, at one time?

DELEGATE MUDD: It would have to be initially, certainly.

DELEGATE CHABOT: Yes, but after the initial appointment or election, in view of the fact that both sections set forth the length of the term, is it possible that thereafter, with the possible exception of vacancies, that the person who happens to be governor at the time may appoint all those he has an opportunity to appoint at one time?

DELEGATE MUDD: I do not recall that that possibility was discussed in Committee, but it seems to me that we did consider the probability, as well as the possibility, that by retirement or resignation or death, that the term would ultimately become staggered.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: With regard to section 5.18, it is provided that the lay members shall be appointed from the qualified voters of the state; but the qualified voters will not include anyone who is a member of the bar of the State? Is that the intention of the Committee?

DELEGATE MUDD: That would be my interpretation of the intention of the Committee, yes.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: With regard to section 5.20, a non-judicial member of the commission may not hold any public office for profit.

Would this forbid a non-judicial member from holding any federal office, or is this limited to offices of profit in this State?

DELEGATE MUDD: We use public office as a second choice. Delegate Chabot, first having in the draft as I recollect it, state or local public office. We substituted public office as being more inclusive and