

THE CHAIRMAN: I understood that but I did not know whether there was some implication that it was prohibited in the light of the last part of the section. Delegate Sollins.

DELEGATE SOLLINS: I understand it is not prohibited but I was curious why the Committee did not put it in as a constitutional revision.

THE CHAIRMAN: So the record will be straight, let me state it more clearly. I think the question really is why did the Committee not consider requiring in the constitution that the election of lawyer members of the commission be by secret ballot. Is that the question, Delegate Sollins?

DELEGATE SOLLINS: That is correct.

DELEGATE MUDD: The answer is it could be prescribed by rule but we did not consider it to the best of my recollection as necessary to be put into the constitution.

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: Delegate Mudd, referring your attention to page 6, line 45, "taking after poll by secret ballot." What is meant by the term "secret ballot," Mr. Mudd? Does that contemplate the ballot will be signed or unsigned?

DELEGATE MUDD: Our Committee intended, Delegate Macdonald, that the ballot would not be identified with the party who voted and that that probably could be accomplished by a ballot being returned in a blank envelope without identifying the sender or the party who exercised the vote. That is the extent to which we discussed it in our Committee, as I recollect.

THE CHAIRMAN: Delegate Macdonald, do you have a further question?

DELEGATE MACDONALD: Thank you.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Referring back to Mr. Sollins' question on residence, how long do you think it might be for an attorney to be able to become familiar with the culture and so on in the county? How long should he reside there? As I understand it, there have been some judges who have moved in order to get an appointment. I think this is a nice idea, but I wondered how long a residence was required.

DELEGATE MUDD: He must be a resident of the state five years prior to appoint-

ment, but a resident of the district or county only at the time of appointment.

THE CHAIRMAN: Delegate Blair.

DELEGATE BLAIR: Mr. Chairman, can you tell me how a lay commission can evaluate the judicial qualifications of a candidate for judge?

DELEGATE MUDD: Well, I feel in answer to that question, Delegate Blair, that it is an extremely difficult matter to evaluate the talents of a lawyer as a judge. In the view of the Committee there are capable laymen who by virtue of knowledge of people in the community or exposure to the court processes could have a very valuable opinion and a worthwhile opinion in evaluating the judicial temperament, community interest, and talents that go to make up a good judge.

THE CHAIRMAN: Delegate Blair.

DELEGATE BLAIR: This is acting on the basis of hearsay, isn't it?

DELEGATE MUDD: What about those who want the right to exercise the vote?

THE CHAIRMAN: Delegate Blair, do you have a further question?

DELEGATE BLAIR: No, sir.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Mr. Chairman, I am sorry but on this nominating committee I just am not quite clear. Let's use a specific example. Charles County, your county, will have a superior court judge when Judge Digges retires. The nominating committee will be set by law, as I understand it. But will the nominating committee be from Charles County or will it be from a district of St. Mary's, Charles, and Talbot or from the State, or is it as it will be set by law?

THE CHAIRMAN: Delegate Raley, proceed.

DELEGATE RALEY: There is nothing that actually precludes there being just one superior court nominating commission for the State, is that correct?

DELEGATE MUDD: It might appear that we drafted this section after some votes on other sections and specifically eliminated any guide lines to the legislature. They have absolute control of the situation.

THE CHAIRMAN: Delegate Raley.