

section. Yet on line 32 where the same term might have been used, you used a different term.

I take it there was a deliberate intention to have a different meaning.

THE CHAIRMAN: May I paraphrase the question? Delegate Mudd, I think Delegate Chabot is asking whether the Committee intended to apply a different rule in line 39 of section 5.24, by using the term "elective office" than would be applied elsewhere where the term "office of profit" is used.

DELEGATE MUDD: Yes, I think we did.

THE CHAIRMAN: Are there any further questions, Delegate Chabot?

DELEGATE CHABOT: Yes, sir. With regard to section 5.25, the Court of Appeals is given the power to either remove or to censure, but the Commission on Judicial Disabilities is given the power only to recommend a removal.

Was there some reason why the commission ought not be given the power to recommend merely a censure?

DELEGATE MUDD: We debated that matter quite some time, Delegate Chabot, and had a great deal of difficulty with the power to censure. We ended up with drafting in that manner because we thought it was a rather difficult and impractical result to have a committee on disabilities make no other recommendations to the Court of Appeals than a recommendation of censure.

We thought it was a better accommodation of the over-all situation for the case not to go to the Court of Appeals unless in the opinion of the Committee on Judicial Disability the error was serious enough to warrant retirement or removal. However if the Court of Appeals felt to the contrary, they might censure.

THE CHAIRMAN: Do you have a further question, Delegate Chabot?

DELEGATE CHABOT: Yes, I have one more, sir. With regard to section 5.17, in response to Delegate Sickles, you indicated that by rule those lawyers who would be eligible to be the lawyer members of the nominating commissions might be limited to those engaged in the practice of law as distinguished from those who were presently engaged in other occupations.

Would it also be possible by rule to limit the category of lawyer electors to those

who are members of the Maryland State Bar Association?

DELEGATE MUDD: It would be possible, yes.

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

DELEGATE CHABOT: No.

THE CHAIRMAN: Are there any further questions of the Committee Chairman?

DELEGATE KOSS: Chairman Mudd, with reference to 5.13, you used the word "resident." Was it the Committee's intention that the use of the word resident be interpreted as resident for purposes of voting?

The reason I ask that is that under Suffrage and Elections S&E-2, the General Assembly has the broad mandate to define residence for the purpose of voting. I just wanted to make clear whether the term resident, as applied in that section, would also be used here or what the Committee intention was.

DELEGATE MUDD: All I can say is the Committee did debate the choice of the word "resident", "citizen", and also "domiciliary." We finally decided upon the word "resident" as being most descriptive and most restrictive, I think, in our language.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: May I ask what the restriction was the Committee intended?

DELEGATE MUDD: "Actual residence in." You would be a voter if you said voting resident, you could actually have a voting residence here and live for the greater part of the time elsewhere.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Well, I have great sympathy for Delegate Grant in Garrett County. I wonder if a lawyer for twenty years who maintained a summer home and spent four months a year on Deep Creek Lake would be considered a resident?

THE CHAIRMAN: So do I have sympathy for him. Delegate Rybczynski. 2

DELEGATE RYBCZYNSKI: Mr. Chairman, I have been going over some of the material previously furnished to all of us and specifically I am on this telephone conversation. I am trying to pin down one of your previous statements made earlier today. You said this is the plan basically used in Missouri. Is this correct?