

“Second: We believe that a quorum of 93 members must be present before the General Assembly can conduct the election of a governor. Once the presence of a quorum is established, it is our opinion that a governor must be elected by a majority of all of the votes cast on the question, and not by a mere plurality of the votes cast. We find no authority for the proposition that a constitutional majority is required for such election.

“Third: We believe that the mandate of Section 4 of Article II of the Constitution is clear and unambiguous in requiring that the vote be taken viva voce, and that a secret ballot by the General Assembly is not permitted in electing a governor.”

Read and journalized.

Rules—Appendix B
CONSTITUTION OF MARYLAND
ARTICLE II
Sections 4, 5, 6, 7

Section 4.

If two or more persons shall have the highest and an equal number of votes for Governor, one of them shall be chosen Governor by the Senate and House of Delegates; and all questions in relation to the eligibility of Governor, and to the Returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates; and if the person, or persons, having the highest number of votes, be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor by the General Assembly shall be determined by a joint majority of the Senate and House of Delegates; and the vote shall be taken viva voce. But if two or more persons shall have the highest and an equal number of votes, then, a second vote shall be taken, which shall be confined to the persons having an equal number; and if the vote should again be equal, then the election of Governor shall be determined by lot between those, who shall have the highest and an equal number on the first vote.

Section 5.

A person to be eligible to the office of Governor, must have attained the age of thirty years, and must have been for ten years a citizen of the State of Maryland, and for five years next preceding his election, a resident of the State, and, at the time of his election, a qualified voter therein.

Section 6.

In case of the death, resignation, removal from the State, or other disqualification of the Governor, the General Assembly, if in session with a quorum present, or if not, at its next session with a quorum present, shall elect some other qualified person to be Governor for the residue of the term for which the said Governor had been elected.

Section 7.

In case of any vacancy in the office of Governor, and until the General Assembly meets in session with a quorum present and elects a Governor as