

concurring), That the following be and the same is hereby proposed as an amendment to the Constitution of Maryland, by adding new Section 5A to Article IV - Judiciary Department, the same, if adopted by the legally qualified voters of the State, as herein provided, to become a part of the Constitution of Maryland:

Article IV - Judiciary Department

5A.

(A) A VACANCY IN THE OFFICE OF A JUDGE OF AN APPELLATE COURT, WHETHER OCCASIONED BY THE DEATH, RESIGNATION, REMOVAL, RETIREMENT, DISQUALIFICATION BY REASON OF AGE, OR REJECTION BY THE VOTERS OF AN INCUMBENT, THE CREATION OF THE OFFICE OF A JUDGE, OR OTHERWISE, SHALL BE FILLED AS PROVIDED IN THIS SECTION.

[[ (B) THE APPELLATE JUDICIAL NOMINATING COMMISSION IS CREATED. ITS COMPOSITION AND PROCEDURES, AND THE TERMS OF ITS MEMBERS SHALL BE AS PROVIDED BY LAW. A MEMBER OF THE COMMISSION IS NOT ELIGIBLE FOR APPOINTMENT TO A VACANCY ON AN APPELLATE COURT DURING THE TERM WHICH THE MEMBER WAS CHOSEN. THE COMMISSION SHALL MAKE NOMINATIONS TO THE GOVERNOR FOR THE FILLING OF VACANCIES ON AN APPELLATE COURT.

(C) IF A VACANCY EXISTS OR IS ABOUT TO OCCUR IN AN APPELLATE COURT, THE NOMINATING COMMISSION SHALL SEEK AND REVIEW APPLICATIONS OF PROPOSED NOMINEES FOR THE JUDICIAL OFFICE. THE COMMISSION SHALL EVALUATE EACH PROPOSED NOMINEE, AND SHALL SELECT AND NOMINATE TO THE GOVERNOR THE NAMES OF PERSONS IT FINDS TO BE LEGALLY AND PROFESSIONALLY QUALIFIED TO FILL THE VACANCY.

(D) THE GOVERNOR SHALL APPOINT A PERSON TO FILL THE VACANCY FROM AMONG THE LIST OF NOMINEES MADE BY THE NOMINATING COMMISSION. ]]

(B) UPON THE OCCURRENCE OF A VACANCY THE GOVERNOR SHALL APPOINT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, A PERSON DULY QUALIFIED TO FILL SAID OFFICE WHO SHALL HOLD THE SAME UNTIL THE ELECTION FOR CONTINUANCE IN OFFICE AS PROVIDED IN SUBSECTIONS (C) AND (D).

[[ (E) ]] (C) THE CONTINUANCE IN OFFICE OF A JUDGE OF THE COURT OF APPEALS IS SUBJECT TO APPROVAL OR REJECTION BY THE REGISTERED VOTERS OF THE APPELLATE JUDICIAL CIRCUIT FROM WHICH HE WAS APPOINTED AT THE NEXT GENERAL ELECTION FOLLOWING THE EXPIRATION OF ONE YEAR FROM THE DATE OF THE OCCURRENCE OF THE VACANCY WHICH HE WAS APPOINTED TO FILL, AND AT THE GENERAL ELECTION NEXT OCCURRING EVERY [[FOURTEEN]] TEN YEARS THEREAFTER.