WILLIAM DONALD SCHAEFER, Governor

the County	Vacancy
(a) More than 750	5
(b) 201-750	4
(c) 31-200	3
(d) 30 or less	2

D.   Recommending Less than Minimum Number

(1)   A Commission may recommend fewer than the minimum number of nominees required by Section B.(5) and C.[(5)] (6) under the following conditions:

(a)   If multiple vacancies exist for which recommendations must be made, a Commission may submit a list containing the required minimum number of nominees for one vacancy plus two additional names for each vacancy in excess of one; or

(b)   If it concludes that there are less than the minimum required number of persons willing to accept appointment who are legally and fully professionally qualified. However, a Commission shall obtain the prior approval of the Governor in order to recommend less than four names under Section B.(5) or less than three names under Section C.[(5)] (6)(a) OR (B), or less than two names under Section C.[(5)] (6)(c) or (d).

(2)   If any person recommended for appointment is unwilling to accept appointment, or is disqualified, or is otherwise unavailable for appointment, a Commission may, upon request of the Governor, submit an additional nominee if needed to increase the list to the prescribed minimum number of names.

(3)   If the position to be filled is then held by an incumbent judge who is eligible for and desires reappointment, the Commission, with the prior approval of the Governor, may submit a list with less than the prescribed minimum number of names.

E.   Commission Procedures

(1)   Each Commission shall operate under procedures specified in rules adopted by the Chief Judge of the Court of Appeals consistent with this Executive Order.

(2)   Upon notification by the secretariat that a vacancy exists or is about to occur in a judicial office for which a Commission is to make nominations, the Commission shall seek and review applications of proposed nominees for the Judicial Office. Application shall be made on the form prescribed by the Administrative Office of the Courts. The