

THE CHAIRMAN: This prompts a question from the Chair inasmuch as the word would not seem necessarily to mean general election. Is there in another recommendation anything to indicate that the word "election" as used throughout the article means general election? Delegate Koss. In other words, the word election is used numerous times in Committee Recommendation S&E-2. Do you mean to indicate that the reference is always intended to be to a general election and not to a primary election? Delegate Koss.

DELEGATE KOSS: Mr. Chairman, will you grant me a few minutes to look through the Recommendation so I can make sure that I answer it correctly?

THE CHAIRMAN: Surely. Delegate Marvin Smith.

DELEGATE M. SMITH: May I suggest to you, Mr. Chairman, that the language of present section 1, Article 1 of the Constitution is "next preceding the election." And that that has been so interpreted, I think, by courts, certainly by the attorneys general over the years, as meaning the general election.

THE CHAIRMAN: I understood that. The question the Chair is asking is whether the same word used throughout this article is intended to refer only to general elections and has no application to primary elections. Delegate Koss.

DELEGATE KOSS: In one section, 8, there is reference specifically to primary elections. Other than that, it is all in terms of general elections. Interpretation of elections and of the election code has established — if I may read this and then refer you again to authority of the General Assembly under the section on uniform conduct of election — that they have authority to provide the nomination of candidates. Under the election article, 33, in the Maryland Code, I will read the definition they give of election: "Election means the process by which voters of the State, or any county or city thereof, vote for any party or public officer pursuant to laws of this State or the United States, any constitutional amendment, law, public act, or proposition and also, unless otherwise indicated, shall include all elections, primary, general, special, local, congressional, presidential, or statewide. It does not mean any municipal election other than Baltimore City except as otherwise specifically provided for in this Article."

Does that answer your question?

THE CHAIRMAN: No, I am afraid it does not. The question I am addressing to you is whether the provisions of the Committee Recommendation S&E-2, wherever reference is made to election, are intended to refer only to general elections and not to primary elections. For instance, in section 2, there is a reference to state elections. In section 4, there is a reference to election. In section 6 there are several references to elections. In section 7 the reference is to general elections. My question is, did your answer to the previous question as to what the reference to election in section 1 meant, mean that section 2, for instance, and 4, for instance, have no application to primary elections? Is that correct? Delegate Koss.

DELEGATE KOSS: That is correct, Mr. President. The only place where we specifically refer to primaries is in section 8. Otherwise, it is meant to apply only to general elections or to elections.

One of the things, I think, I should point out to you is that primaries in this State require party registration and we do not have anything in here in terms of that as a qualification for voting.

THE CHAIRMAN: I take it that what you are saying is, aside from the reference in section 8 to primary elections, the only provision in this Committee Recommendation with respect to primary elections is the provision in section 6 authorizing the General Assembly by public general law to provide for the nomination of candidates. Is this correct? Delegate Koss?

DELEGATE KOSS: That is correct, Mr. Chairman, except that I would like to bring your attention to the fact that section 8 specifically refers also to primaries.

THE CHAIRMAN: Yes. Very well. Delegate Storm.

DELEGATE STORM: I have one inquiry of the Chairman.

THE CHAIRMAN: Delegate Koss, do you yield to a question?

DELEGATE KOSS: Yes.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: I want to be sure. In other words, section 1, eligibility of voters, only applies to general, federal, state and county elections. Or does it apply to primary elections as well?

THE CHAIRMAN: Delegate Koss.