

1 THE CHAIRMAN: Section 11.

2 DR. BARD: Any vacancy occurring in the
3 General Assembly shall be filled as provided by law, but
4 if at the time that a vacancy occurs, there is no pro-
5 vision of law for filling same, the governor shall be
6 empowered to appoint a person to fill such vacancy for
7 the unexpired term provided that the person appointed
8 shall be a member of the same political party as the
9 delegate or senator vacating the seat in question.

10 JUDGE ADKINS: Does this indicate that the
11 vacancy could be filled by other than a member from the
12 same party? As I read it, the law could provide that
13 the governor would be given carte blanche to fill the
14 vacancy within or without the same party. The provision
15 relating to the same party, as I read this, applies only
16 in the event there is no provision in law for filling the
17 same. Is that the intention of the Committee?

18 DR. BARD: The Committee felt that the law would
19 be supreme in this regard, that is correct.

20 JUDGE ADKINS: Then I object to that, Mr.
21 Chairman. I think the Constitution should provide that