

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER SIXTY-FOUR

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: FURTHER AMENDMENT OF EXECUTIVE ORDER NUMBER FOUR  
ESTABLISHING THE JUDICIAL NOMINATING COMMISSION

WHEREAS, Executive Order Number Four was duly signed by the Governor and attested to by the Secretary of State on February 24, 1977; and

WHEREAS, Executive Order Number Four established the Judicial Nominating Commission; and

WHEREAS, Executive Order Number Four was amended by Executive Order Forty-six which was duly signed by the Governor and attested to by the Secretary of State on January 19, 1978; and

WHEREAS, a further amendment to the said Executive Order Number Four is deemed necessary and proper in order to promote the efficiency of both the judicial nominating process and the administrative functioning of the judicial system.

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware do hereby declare and order that Executive Order Number Four, dated February 24, 1977, as amended by Executive Order Number Forty-Six, dated January 19, 1978, shall be and the same is hereby amended as follows:

1. Amend Section 6 by adding a new paragraph thereto, which said paragraph shall read as follows:

"It is further provided, however, that whenever there is a vacancy in the Office of Chief Justice, Chancellor, President Judge of Superior Court, or Chief Judge of any Statutory Court and the list of nominees submitted by the Judicial Nominating Commission for such vacancy includes the incumbent and the Governor elects to appoint a State Judge of a Constitutional or Statutory Court other than the incumbent to such vacancy, the Governor may also elect, without further submission to the Judicial Nominating Commission, to appoint the incumbent to the derivative vacancy which will be created by the appointment of such other State Judge."

2. Executive Order Number Four as amended by Executive Order Number Forty-six shall be effective as amended by this Executive Order and shall continue in effect until further amended, superceded or terminated by subsequent Executive Order.





APPROVED this *8<sup>th</sup>* day of  
*November*, 1978.

*Richard L. Kahn*  
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Governor

ATTEST:

*Henry C. Kahn*  
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Secretary of State