

Now, as to the status of the matter under consideration: There was no request for verification of the vote prior to the time another vote was ordered. Quite obviously, if a delegate observing his vote recorded on the electronic roll call vote takes the floor and says that the machine has improperly recorded his vote, the record can be corrected. I think the record can be corrected at any time upon a proper request therefore by a delegate who says his vote is improperly recorded.

In addition to that, in this particular situation, the motion to reconsider the vote was before the house and was pending, and I do not think it could be delayed by a verification of a prior vote. However, such a verification would serve no useful purpose because the vote by which the motion to reconsider the earlier vote would accomplish everything that could possibly be accomplished by any verification under the procedures laid down by the Rules of this Convention.

As the matter under consideration is somewhat confused, I think the Chair should state again, so that there will be no misconceptions at all as to the status of the matter. Regardless of the outcomes on the vote, you have a Committee Report, not a Committee Recommendation. There is a difference under the Rules. The Report is a report as to what shall not be in the constitution, as distinguished from one as to what shall be in the constitution.

If the Report recommends that something not be in the constitution, and it is approved so that the Committee of the Whole has affirmatively decided that a certain matter shall not be in the constitution, I think it would not be in order at a subsequent sitting of the Committee of the Whole on consideration of the Committee Recommendation for the executive branch to consider an amendment to that article, which would be contrary to the action taken by the Committee of the Whole in approving a Report as to what should not be in the constitution.

On the other hand, if the Report was inconclusive, as it was on a tie vote, it means that you had no recommendation whatsoever. In that situation, quite obviously, an amendment to include a provision in the constitution with respect to the Board of Public Works at the time the Committee Recommendation was under consideration, would obviously be in order.

Similarly, if the action of the Committee of the Whole was to approve a Recommen-

dation that the constitution contain a provision with respect to the Board of Public Works, such an amendment would be in order to be considered, but since there is no way by which the Committee of the Whole can enforce its ruling with respect to such a Recommendation, namely, that the constitution contain a provision, the net effect of these latter two recommendations would be about the same. In other words, if the Committee approved a Recommendation that the Constitution contain a provision for the Board of Public Works, or if the Committee of the Whole failed either to approve or disapprove such a Recommendation, the net effect would be the same: namely, an amendment to put a Board of Public Works in the constitution would be in order in either event, so that you would have, of the three possible actions on Committee Recommendation No. 1, only the first action; that is, an approval of a report that the constitution not contain a provision with respect to the Board of Public Works. Only that action would prevent consideration of such a matter as an amendment of the Committee Recommendation.

Is there any question as to the effect of the amendment? Delegate Schneider.

DELEGATE SCHNEIDER: Mr. Chairman, may I ask a question with respect to the motion that is now on the floor, which will go to the matter of what you have just been discussing?

THE PRESIDENT: State the question?

DELEGATE SCHNEIDER: If we were to defeat the motion of the Committee on Calendar and Agenda, to postpone consideration of the motion to reconsider, then considered the motion to reconsider and defeated that motion, would we not have in effect a postponement of consideration of the matter of whether the Board of Public Works should or should not be in the constitution in the sense that we would defer consideration of that until the Committee Recommendation which is the blue sheet, comes on the floor and then the proponents of the Board of Public Works could offer their amendments there.

THE PRESIDENT: That would be the effect of it, I think.

Is there any further question? Delegate Wheatley?

DELEGATE WHEATLEY: Mr. Chairman, a further parliamentary inquiry to your recent statement. It is rather unusual, I think, that we are taking this by Report