

figures would be so far out of line and so far removed from reality by 1970 that we did not desire to use the 1960 figures; yet we were not anxious, and, in fact, we generally avoided the idea of waiting until 1975.

Now, we have consulted with the State Planning Department, and we have been told that that department is in a position to advise us and will so advise us by letter that if called upon to do so, it can provide the General Assembly of Maryland with accurate reports of the population of Maryland as it existed on January 1, 1970.

These population figures will, as far as eighty-five percent of the State of Maryland is concerned, be set up on a census tract basis or the substantial equivalent, and this, of course, would cover the urban and the suburban areas with particularity, so that the General Assembly should have in its hands if it so desires this information which we are assured is as accurate as will be available, and will certainly be much more indicative of the true situation than the 1960 figures; consequently, therefore, we have so written section 3.02, as affording redistricting prior to the 1970 statewide general election.

Turning now to a description of the redistricting commission contained at section 3.03, the Committee decided it wanted to approach the question of redistricting to accomplish several things. First of all, the Committee did not want the governor having a paramount hand in redrawing the districts for the General Assembly.

Secondly, however, the Committee felt that there should be a body outside the General Assembly which would have the duty of initiating consideration of a redistricting plan; and

Thirdly, the Committee felt that since redistricting affects the legislature so widely and thoroughly, that the legislature should at some point have the opportunity to pass upon its own districting.

We, therefore, decided to approach the subject matter by providing for a non-partisan, or at least bipartisan commission, and you will note that the language of 3.03 says that six months before the first day of a regular session of the General Assembly in any year in which redistricting is to be affected, the presiding officer and the minority leader of each house of the General Assembly shall each appoint two persons to a commission on legislative redistricting.

It is our intention, therefore, that there will be four Republicans and four Democrats on a nine-man commission. The governor shall appoint an additional member who shall serve as the chairman of the commission. No member of the commission shall hold popularly elected office in the State.

Now, quite admittedly the minute you add the so-called "tie breaker" for the odd numbered vote, you are selecting a person who in all probability will have a political party affiliation. It appeared to us that the choice was between the two other branches of the government, the judiciary and the executive. If we provided that the Chief Judge of the Court of Appeals should provide the tie breaker, we were in reality, or would in reality be selecting someone who in turn would select a person who participated in drawing a plan which the Court of Appeals itself would ultimately be called upon to determine as to its validity. In other words, it seemed quite unwise to involve the judiciary in picking a man who was going to draw a plan which that very same judiciary would have to pass upon.

This, in effect, is what New York did by providing that the judiciary should select that tie breaker, and we decided that it was a better thing to do to provide that the governor provide the ninth man. Depending upon the political party of the governor and the year in which redistricting is to take place, or the year before, you will get either a Democratic or a Republican.

We do not feel, however, that redistricting will necessarily resolve itself in a conflict between the two political parties so much as a conflict which involves other considerations, the classic one being, of course, the fight between the urban and the rural areas.

We do not feel, therefore that the providing of the tie breaker and his natural political affiliation should upset what we feel to be basically a bipartisan approach to the problem of redistricting.

It could so happen, of course, in the light of the realities of today, that the tie breaker for the 1970 redistricting commission would be selected by the incumbent governor. We do not feel that this can in any way be construed to be a partisan action on the part of this Convention; nor will the activity of the General Assembly indicate anything to the contrary.

In another year it may well be a Democratic governor who is selecting the tie breaker.