

We toyed with the idea of not having a tie breaker, but we felt that that was generally unsatisfactory; that we would have to have a mechanism for an ultimate decision, and consequently, that explains the choice of a governor who will also, in picking that man, pick the Chairman of the Commission as well.

Turning to 3.03(a), once this commission has been selected, it shall submit a redistricting plan to the governor, who in turn shall transmit it to the General Assembly by the first day of the regular session in any year in which redistricting is to be effected.

In other words, with the mandate of 1970 in the earlier section, it will be incumbent upon the minority and majority leaders of the General Assembly in both houses and upon the governor, to select a commission in 1969 which will have the duty of transmitting to the governor by the third Wednesday of January of 1968, the first day of the session of the Assembly of that year, a redistricting plan. If any other plan has not been provided by law within fifty days after the transmission of the commission plan to the General Assembly, then the commission plan shall become law.

In other words, if the General Assembly fails to act and come up with any new plan within fifty days, then the commission plan automatically becomes law. This has the virtue of forcing the General Assembly either to accept the commission plan or to come up with a plan of its own.

We used fifty days quite intentionally, and the term "by law" in here is significant, because under the executive branch section which you have adopted today it is provided that when a bill is passed while a legislature is in session, it shall be presented to the governor, and if the governor does not veto it within twenty days, it shall become law. This as a practical matter means that if the legislature adopts a plan different from that which the commission submits that it ought to do so by the 29th day of the session to which it is submitted, because then it is presented to the governor, and if he waits until the 20th day to veto it, they have to keep one day in the legislative back pocket to override his veto.

If they do not override the governor's veto by that 50th day, then the commission plan becomes law. If, however, the General Assembly should adopt the plan which does become law within fifty days, then under the terms of 3.02(a) that particular plan

and not that of the commission is the redistricting plan for the State.

We have provided in 3.03(a) to allow any registered voter to challenge the plan of the General Assembly, and the Court of Appeals is given original jurisdiction so that undoubtedly there will be a challenge. If the Court of Appeals should find that the plan adopted by the legislature is illegal, then right behind it will come the commission plan, which will fall in its place in the event that the first plan is considered to be unconstitutional or illegal.

If both the plans devised by the legislature for redistricting and the plan submitted by the commission should be found to be illegal and unconstitutional, the Court of Appeals shall do the redistricting itself, for the conduct of the impending election only. In other words, we do not put the Court of Appeals into the business of permanently drawing redistricting plans, and this would mean that once that election had been disposed of, the same process would be repeated again, gearing up with the commission, and going through the identical process to have either the commission or the General Assembly prepare a plan of redistricting which will ultimately be found legal.

We realize that this is a somewhat involved plan. It is probably different from that which has been adopted anywhere in the United States, but it has certain virtues. It is bipartisan. It puts the initiating responsibility outside the legislature. It does provide, however, that the legislature shall have approximately a minimum of four weeks to come up with a different plan. It provides that the legislature's plan shall have priority if it loses in the courts; then the commission plan will take over, and if that loses, then the Court of Appeals shall draw redistricting for that election only, so as to move the unwanted burden of having the courts in the redistricting category.

Consequently the Committee feels that this redistricting procedure ought to go a long way in avoiding the stalemates that have occurred in prior years.

I might point out just as a matter of passing interest that the General Assembly of Maryland passed three congressional redistricting plans in 1961, 1963 and 1965, and none of the three ever saw the light of day. It was the federal district court which ultimately ended up with the responsibility of redistricting the State of Maryland for congressional redistricting purposes.