

Turning now to section 3.07 on vacancies, I might point out that the method of filling vacancies as provided in 3.07 is different from that provided both in the present Constitution and in the draft of the Constitutional Convention Commission.

The Committee sought to eliminate as far as possible the influence of the governor over the appointment of those who fill vacancies in the General Assembly. This was done after a study was made of the frequency with which vacancies occurred in the General Assembly in any four-year period.

The Committee was quite surprised to learn, and I think the Committee of the Whole will, as well, that it is not unusual in any four-year term to have a 15 to 20 percent turnover or vacancy rate in the General Assembly. The Committee on the Legislative Branch felt that if the governor were given a non-discretionary power to fill these vacancies that by the time the fourth year of any General Assembly would have met, that there would be within the General Assembly too large a percentage of the membership, both in the House or the Senate, who would owe their seats to the governor, and who might possibly be overly responsive in showing their feelings of generosity toward him.

Consequently it was decided that the governor should have no hand whatsoever in appointing those to fill vacancies in the General Assembly.

The Committee has provided that the General Assembly shall prescribe by law for a certain period of time how the vacancies shall be filled. We do provide, however, in our language, that when a party member has vacated a seat that the person chosen to fill the vacancy shall be of the same party, so that we tried to follow that practice insofar as the present procedure is used.

We contemplate to write in our schedule of legislation a provision to the effect that the State Central Committee shall continue until the General Assembly determines otherwise to fill these vacancies.

We did not want to memorialize in the constitution a political party device, that is to say, a State Central Committee, and we determined it would be more profitable simply to allow the General Assembly to determine how these vacancies shall be filled.

The Committee, however, was somewhat determined to see to it that persons ap-

pointed to the Senate and House should not have the right to serve for three years and six months or three years, or two and a half years, and consequently as you will note, our Committee Report requires that anyone appointed to fill a vacancy shall serve only until the next statewide general election held more than ninety days after the vacancy occurs, at which election any remaining portion of the unexpired term shall be filled. So the idea would be, therefore, that by and large there is always a general statewide election every two years, and that when a vacancy occurs in the House or the Senate, that the appointee shall serve only in effect the remainder of a two-year period.

He then, or she then, as the case may be, may decide to run in the next statewide election to succeed himself once he has been appointed, but we have cut down, therefore, the length of time under which it is possible to have an appointee serve in the General Assembly. This is a major departure from the present practice.

I might say here that the Committee considered the idea of having special elections whenever a vacancy occurred, but because of the expense of such a procedure, we decided it would not be a wise move to make, and so we decided to use the statewide election device.

Turning now to section 3.09, appointment of legislators to other offices, this section is not identical, though it is substantially equal to the present section in the Maryland Constitution.

We now provide that no member of the General Assembly shall during the term of office for which he was elected or appointed be appointed to any office which had been created or the compensation increased by the General Assembly during such time, the idea being here the classic one that the legislature ought not to be voting for the creation of office or increase in salary of offices to which they would succeed upon promptly resigning from the General Assembly.

The differences you have in the draft before you in 3.09 and the present Constitution is that the present Constitution does not even allow a member of the General Assembly to be even elected to an office which he voted to create or whose salary he voted to increase.

We deleted the election feature. In other words, the only limitation now is that you cannot be appointed to an office which you