

DELEGATE CHABOT: Mr. Chairman, I understand that statement is completely true if we continue to use the word "adjoining," but if we go to the concept of land territory, then I am afraid that we have this problem.

THE CHAIRMAN: I just questioned the statement that you made, that there may be a river separating two counties.

DELEGATE CHABOT: The rivers form the boundaries of several counties to such an extent that their land masses do not touch.

DELEGATE GALLAGHER: I agree that we cannot use a prohibition about crossing a body of water. I am sure we can work it out. In drawing the congressional district in 1963 or 1964 the League of Women Voters agreed that they could cross the Bay. That caused a lament on their part.

DELEGATE CHABOT: Then perhaps any effort along that line should be limited to the Bay.

You indicated in 3.02 you did not say that the number of persons represented shall be as equal as practicable because you had determined that you could always get more equal. If you go to line 20 and require after that explanation that the boundaries of political subdivisions shall be followed insofar as practicable, have you not automatically stated that the boundaries of political subdivisions will never be possible?

DELEGATE GALLAGHER: No. We used the word "possible" rather than "practicable", but I get less force of persuasion in the word "practicable" than I do in the word "possible."

DELEGATE CHABOT: I pass from that matter to the memorandum on page 3, the last full paragraph on the page. When you came to that point you stated that, "I am specifically disclaiming it." Was this a personal statement or a statement as Chairman of the Committee?

DELEGATE GALLAGHER: It is a Committee disclaimer.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Does that mean that based on the Committee's examination of the 1970 population estimates and the statement that "only in exceptional cases should the variation in population exceed fifteen percent" that the Committee does not feel that the 1970 population estimates that it knows of constituted such an exceptional situation?

DELEGATE GALLAGHER: No. I actually have, but do not care to offer, a redistricting plan for the State of Maryland based upon projected population which will stay within the fifteen percent suggested maximum deviation and meet all the other requirements; but we felt in retrospect, at least, that we ought not to get into the business of what the legislature is ultimately going to do and show any preference of the Constitutional Convention of one plan of redistricting over another, and we certainly did not want to suggest any plan which showed the districts exceeding 60 percent high-low maximum deviation.

DELEGATE CHABOT: There still remains the question of what guidelines you are giving to the legislature. The subcommittee report spoke of "exceptional cases." I still would like to know whether the Committee conceives of the 1970 figures as presenting such an exceptional case.

DELEGATE GALLAGHER: Well, it is rather difficult, since 1970 is not here and all we have are projections at the moment. We felt, I think, when we got into the question of unique cases, that that probably would apply to following political subdivision lines. If you follow the lines and deviate only slightly, you should perhaps continue to follow the lines and have a slight deviation.

DELEGATE CHABOT: The last sentence says, "No member of the Commission shall hold a popularly elected office in the State."

Did you mean by that any governmental office at any level? This language has, I understand, in times in the past, been construed to refer to offices described or authorized in the state constitution.

DELEGATE GALLAGHER: We meant at any level of state government.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Of State government?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Any office within the State of Maryland which was an elected office.

THE CHAIRMAN: Are there any further questions, Delegate Chabot?

DELEGATE CHABOT: Yes, sir.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Under section 3.03a do I take it the effect of this provi-