

available in late 1970. If the Maryland General Assembly is grossly malapportioned as a result of what you do or you do not do, you can expect a lawsuit promptly, and you will find a court telling you that you have to redistrict on the basis of the 1970 Federal Census figures. It seems to me, therefore, that if you make an honest bona fide effort to redistrict in 1970 on the basis of all available population data at hand, you have made a genuine effort to redistrict the state in a legal fashion, based upon population as you can determine it.

THE CHAIRMAN: Delegate Singer.

DELEGATE SINGER: Chairman Gallagher, in regard to section 3.10, the conflict of interest, why was it limited to only elected officials of the State of Maryland and not those holding appointed offices of profit or trust?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: The Committee felt that the area that it ought to have addressed itself to was the legislative area because it was the Committee on the Legislative Branch. We made a study of the number of conflict of interest bills that had been introduced in the General Assembly in the last three or four years and found that twenty-seven were introduced, and that twenty-four failed. The only three that were passed applied to local subdivisions, and under those circumstances, we thought that we could best initiate proper activity by calling for such legislation for elected officials.

THE CHAIRMAN: Delegate Singer.

DELEGATE SINGER: Were the three pertaining to local subdivisions also only for elected officials? My point is did any go to the state officials who hold appointed office?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Senate Bill 445, which is now Chapter 683, covers Prince George's County public officials and in actuality it was repealed.

Chapter 660, conflict of interest, pertained to the Park and Planning Commission and those members from Montgomery and Prince George's County, so that they are not elected officials as I understand it.

THE CHAIRMAN: Any further questions, Delegate Singer?

DELEGATE SINGER: No.

THE CHAIRMAN: Are there any further questions of the Committee Chairman?

Delegate Byrnes.

DELEGATE BYRNES: Delegate Gallagher, you made a comment before that single member districts were designed in part in any event to encourage minority interests being represented?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: When the decisions are made by the reapportionment group, will it not be true that there will be a great deal of pleasant infighting over which small districts will go to which party?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes. I suspect we will never take politics out of politics and there will always be a political consideration and some people will be pleased and some displeased. The alternative to that is to do nothing.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I do not criticize that. I raise this point. You are taking the governor and, who is the deciding vote on the commission?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: If you presume it is always going to split along party lines, which we felt it would not, but if you assume that for the purpose of argument, then one may assume that everyone will vote in accordance with what his political party wants, and that the governor's appointee, of whatever party he may be, will prevail.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: When the issue is a partisan one, is that not a safe assumption?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: The issue is a partisan one, but it is a bipartisan one to the extent that you can set up effective machinery.

If for example, we had attempted to provide for a commission, which reflected the political party composition of the General Assembly, then quite obviously the minority party would have had a little voice, but