

amendment. The problem that exists with requiring a constitutional majority for the passage of a bill is, as Chairman Gallagher explained, that an absence is counted as a no vote.

One of the most recent studies that has been done of legislatures throughout the country, both the federal legislature and the legislatures of fifty states, called the AMERICAN LEGISLATIVE PROCESS, by Professors Keefe and Ogol, reports on the studies that have been done of voting requirements in legislatures. They point out that the number of votes needed for passage of bills varies from state to state, with about two-thirds requiring a majority of the members elected while the rest call for a simple majority of those present and voting.

They say, and I quote, "the requirement of constitutional majority, majority of the members elected, has come to present a convenient and evasive way of killing a bill without going on record against it. An absent or non-voting member becomes in effect an opponent of the bill. If enough members decline to vote, the bill is certain to fail. The individual legislator can, if he chooses, argue that he was meeting with constituents, that he did not hear the bell, or that he was otherwise detained. Legislative devices for evasion, for escaping pressures and avoiding records are numerous. Most of them are maintained by plausible, if not altogether convincing reasons." That is the end of the quotation.

I apologize for quoting from a professor of government, but I think if we want our legislators to be responsible to the electorate, if we want them to be responsible to the house in which they serve, I think we should deprive them of the opportunity simply to be absent, and thereby avoid a vote.

In reference to the comments of the distinguished former President of the Senate, who spoke a few minutes ago, referring to the squirrel in his house, I would say here only that we have no intention that the squirrels vote in either house.

THE CHAIRMAN: You have one-half minute, Delegate Hanson.

DELEGATE HANSON: We would hope that we would have a situation in which all members would be present and vote, but in the event of the illness of a member, in which there was a 60 to 59 vote, it would seem to me, it would seem to the majority of our Committee, that the bill should not die simply because one member happened

to be absent, either for causes he could not prevent, or for causes which he in fact developed himself.

THE CHAIRMAN: Delegate Gilchrist, you have one and a half minutes you may allocate.

DELEGATE GILCHRIST: Mr. Chairman, I believe I would like to use the remaining time to correct one impression left.

I suggest that the research of the majority is a little bit inadequate because if you take the combination of the two publications by the Citizens Conference and by the Council of State Legislatures and combine them you will find that of those states which do not have a constitutional provision requiring the majority of those elected, you will find that all but two of them limit by rule the majority which is required for the passage of the bills and that four of those states which have no constitutional provision respecting passage have a two-thirds quorum requirement fixed in their constitutions, so that the number of states which are using a provision in any way similar to that which is being offered by the majority here, is very much more limited than they would have you suggest.

I might also comment with respect to one thing.

THE CHAIRMAN: You have one-quarter minute.

DELEGATE GILCHRIST: If enough members of a particular house do not wish to have a bill passed, perhaps it should not be passed.

THE CHAIRMAN: Under the debate schedule there is now available a maximum of ten minutes of limited but uncontrolled time. Is there any further discussion?

Are you ready for the question?

Delegate Gill.

DELEGATE GILL: I would like to speak in favor of the majority report.

THE CHAIRMAN: Proceed.

DELEGATE GILL: I think we should write into the constitution something that fits Maryland rather than what the other states are doing. We should only use what the other states are doing as a guide. With that in mind, I would like to differ with Delegate Della in believing that we must be consistent in each of our provisions. I think that is good at times but if at times we