

DELEGATE J. CLARK (presiding):
The Chair recognizes Delegate Pascal.

DELEGATE PASCAL: Delegate White, are you familiar with the Attorney General's letter to President Eney on November 10 indicating that this would not be a constitutional issue and it was his opinion it would not violate any constitutional provision?

DELEGATE WHITE: I am familiar with and am aware of the information which indicated that he did not think this was a constitutional question from the standpoint of what the Supreme Court would do.

But I would suggest this is merely an opinion as to what the Supreme Court would do and if we pursue the history of the poll tax, we know that over a long period of years the Supreme Court held that the poll tax was constitutional.

In other words, if you did not pay a certain amount of money, you could not vote. Now finally in recent years, I understand in a Virginia case, the Supreme Court finally took the position that the poll tax is unconstitutional and, of course, we could guess one day they will do the same thing here.

DELEGATE J. CLARK (presiding):
Delegate Pascal.

DELEGATE PASCAL: I recall that the last paragraph of the letter said, in his opinion, this would not be a constitutional problem? Did he not state that in the affirmative?

DELEGATE WHITE: He possibly did, but that should not deter this Convention. I recall one of the greatest judges of the Supreme Court said that the Constitution is what the Supreme Court says it is. We do not know what they are going to say tomorrow or next year. We only know what they have said in the past.

DELEGATE J. CLARK (presiding):
The Chair recognizes Delegate Key.

DELEGATE KEY: Mr. White, I do not know whether you can answer that question or not since I think it does get a bit into law. My question and my concern are with Baltimore City. I realize that our constitution is setting down Baltimore City as a county, which means we no longer will say a state composed of twenty-three counties and Baltimore City, but that we have twenty-four counties, including Baltimore City.

However, I want to know how courts decide matters of usage. Since we do call Baltimore City elections municipal elections and we do have our business carried on in a municipal building, will we some day in the future be considered a municipality because we are having many problems now with absenteeism in our city?

DELEGATE J. CLARK (presiding):
Delegate White.

DELEGATE WHITE: I do not know exactly how to answer that.

DELEGATE J. CLARK (presiding):
Maybe you can answer it, yes or no.

DELEGATE WHITE: Yes.

DELEGATE J. CLARK (presiding):
Does that satisfy you, Mrs. Key? Delegate Cardin.

DELEGATE CARDIN: Delegate White, how many other states have this same extension of vote to non-resident property holders in municipal or local elections?

DELEGATE WHITE: My vague recollection—is of two, Delaware and Georgia.

DELEGATE J. CLARK (presiding):
Delegate Cardin.

DELEGATE CARDIN: I would like to refresh your memory. I believe it is about six. As I understand it, the Supreme Court ruling on one man, one vote was for state and county elections. Is it not true they did not at all decide on municipal elections believing that those should be left to the local municipality?

DELEGATE WHITE: That may be true but that should not deter this Convention from doing its job.

DELEGATE J. CLARK (presiding):
Delegate Cardin.

DELEGATE CARDIN: I agree. But since we followed Georgia last night, is it not possible we may follow them today?

DELEGATE J. CLARK (presiding):
The Chair recognizes Delegate Dukes.

DELEGATE DUKES: Delegate White, do I understand that the sense and thrust of your proposal is to eliminate the last couple of lines of section 2.

DELEGATE WHITE: That is right.

DELEGATE DUKES: Would it not then be possible for any municipality to define residence to include all these people anyway?