

recall had some mention of the Chesapeake Bay. Is that correct?

DELEGATE GALLAGHER: I cannot quite remember the events of that hectic evening, but I will rely upon your recollection.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: I recall that they did.

The language you now have in two sentences is: "Each congressional district shall consist of adjoining territory and be compact in form. Due regard shall be given to natural boundaries and boundaries of political subdivisions."

May I ask you, in the light of that language is it the intent of your Committee that so far as the Eastern Shore is concerned a congressional district would have to go the northern route through Harford, or would it be flexible and the General Assembly could also go the southern or middle route if the election district had to be expanded?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: We do not intend to impose any rigid, non-elastic rules by virtue of the language that we have used here with respect to the exact land area. We think this is a situation which is more legislative than constitutional in nature. It would be up to the districting commission and ultimately to the General Assembly which has the last word.

You will note that in the congressional districting section we do not provide that the commission plan would become law in the event that the General Assembly fails to enact a new one.

We believe that the ultimate responsibility must be upon the General Assembly and no commission plan can automatically become law unless it is specifically enacted into law by the legislature itself.

THE CHAIRMAN: Is there any further question, Delegate Carson?

DELEGATE CARSON: No, thank you, Mr. Chairman.

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

Delegate Gallagher, the Chair has one question in the light of your answer to the question asked by Delegate Fox.

You indicated that if section 3.03(b) were deleted, section 3.03(c) could stand alone, although somewhat shakily.

If that should happen, what would determine, under 3.03(c), the year in which congressional redistricting is to be effective? I am reading from lines 8 and 9.

DELEGATE GALLAGHER: I think, Mr. Chairman, that that would depend upon the will of the legislature as expressed in a resolution or some other indication that they plan to take redistricting up. Perhaps it might also be a court order to redistrict.

THE CHAIRMAN: It would not be contemplated in that event that the commission could be a self-starter, so to speak?

DELEGATE GALLAGHER: No, sir. In order to make it a self-starter, we would have to provide additional language in 3.03(c). It is interesting to note that prior to *Westbury v. Sanders*, some states had not redistricted for as long as 40 years. Consequently, I think we would need more than the language in 3.03(c) to make it a self-starter.

THE CHAIRMAN: Delegate Singer.

DELEGATE SINGER: I have one brief question on the last sentence of 3.03(d) where you state that the standard should be established immediately prior to statewide general election in 1972.

I was wondering why immediately and not just prior. It seems to me this possibly could be restrictive.

DELEGATE GALLAGHER: Well, we wanted to catch the federal decennial statistics which will be available in December of 1971. If any earlier figures were used other than the federal decennial census figures, it would be most unfortunate, considering they would be at hand.

THE CHAIRMAN: Delegate Gallagher, I am not sure that you caught the full import of Delegate Singer's question.

What would be meant by "immediately"? Could it be as short as one day?

DELEGATE GALLAGHER: No, sir. It would certainly have to be sufficiently in time to take care of the primary election as well as the general, because the would-be candidates would want to know fairly early where they stood. Since you do not get the final federal figures on a census tract basis until December of 1971, it would seem to me that the commission