

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. Chairman, I have an amendment in the process of preparation which would strike everything after the first sentence, ending with the word "representatives" in line 13. Strike everything after the word "representatives" in line 13.

THE CHAIRMAN: Are there any other amendments to the section 3.03(b) in the course of preparation?

Delegate Gilchrist.

DELEGATE GILCHRIST: Mr. Chairman, I believe Delegate Fox was preparing an amendment, even though he is not here at the moment.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, I would have no objection to doing this orally, because as I understand it—

THE CHAIRMAN: I just want to find out what amendments are to be offered so that we would know the order in which to offer them.

Delegate Weidemeyer, if the proposed amendment to be offered by Delegate Gilchrist were adopted to delete the entire section 3.03(b), would you still want to have an amendment to put back in the first sentence of 3.03(b), or would you stand on the deletion of the entire section?

DELEGATE WEIDEMEYER: If the Gilchrist amendment prevailed, I would withdraw mine.

THE CHAIRMAN: Delegate Fox, do you have an amendment?

DELEGATE FOX: I asked one to be prepared about a half an hour ago.

THE CHAIRMAN: Can you indicate the nature of it?

DELEGATE FOX: It would only be offered if the amendment to strike 3.03(b) passed. If that passed, and 3.03(b) were struck, then I was going to put a date in 3.03(c).

THE CHAIRMAN: No amendment to 3.03(b), then?

DELEGATE FOX: No, sir.

THE CHAIRMAN: Any objection to deleting all of 3.03(b) notwithstanding that it is not yet printed, if it is printed and on your desk during the course of the next half hour?

The Chair hears none. This will be Amendment No. 1 by Delegate Gilchrist, to delete all of the section 3.03(b) comprising lines 8 to 25 on page 1.

Is that your amendment, Delegate Gilchrist?

DELEGATE GILCHRIST: Yes, Mr. Chairman, I should add that this is joined in by Delegates Freedlander, Fox, Adkins, Carson, and others.

THE CHAIRMAN: Very well, the amendment having been submitted by Delegate Gilchrist and seconded by the other sponsors, the Chair recognizes Delegate Gilchrist.

DELEGATE GILCHRIST: Mr. Chairman and ladies and gentlemen of the Convention: It seems to us that the inclusion of such a provision as is proposed by section 3.17(b) is something which is entirely unnecessary, clutters up the proposed Constitution with language which is unneeded and undesirable.

Section 4 of Article 1 of the federal Constitution prescribes that the times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

By that section, the federal government has preempted the field of Congressional elections.

By the section which is proposed to be included in the Constitution, the Convention is being asked to invade a field that has already been preempted. We believe that this section is not necessary. The fact that it is unnecessary is demonstrated by the omission of such a provision from the model state constitution.

If we adopt the section, we may very well find ourselves in a position where the standards and procedures which are prescribed in this proposed section will freeze into our constitution standards and procedures which are inconsistent with the federal constitution, or with law which might be adopted pursuant to the federal constitution.

If we adopt such a thing as the fixed percentage of a ten percent variance permitted under the proposed sections, we may well find ourselves freezing into our constitution a percentage which is inconsistent with that which is to be adopted by the federal constitution, or the laws pursuant to it.