

then each article successively, and then each schedule successively for the purpose of final reading. The third reading will have been completed. The various articles will no longer be open to amendment. You will only have final voting and then debate if anyone desires to debate.

Questions have been asked as to division of the question and as pointed out heretofore, under Convention Rule 51, a division of the question may be called for. A call for a division of the question is not a motion, nor is it submitted to a vote of the Convention. The Chair rules on the question of division, either allows the division or refuses to allow the division. At that time, whichever way the ruling of the Chair is, there may be an appeal from the Chair. I call to your attention that it is not a motion. You do not move for a division. You simply request a division.

Rule 51 is very precise as to the circumstances under which division may be allowed. We have followed that rule in allowing or not allowing divisions throughout the Convention, and we will continue to follow the same practice now.

However, it is important that you have in mind the precise terms of that rule and the basis for any ruling by the Chair on the matter of division. The application of the same principles is one thing in considering an amendment to a section, for instance, and quite another in considering a division called for on the final reading.

Rule 51 provides that any question upon request of any delegate may be divided, provided, but only provided, that each part of the question when divided presents a matter of substance, that is, may stand alone.

To illustrate the application of the rule, let us suppose that Article 1 is under consideration. We have concluded the business of amendment. We are on the stage of final voting and a division is called for by, let us say, a request that section 3.05, any section, be divided from the remainder of the article. The test applied by the Chair and the test which you must apply in determining whether the division will or will not be allowed is simple.

If in the situation which I have supposed, namely, when Article 3 is being voted on finally, a division is called for as to one section, say, section 3.03. The test applied by the Chair in determining whether the division is proper is this: If the question is divided, section 3.03 would be voted on separately and then the entire remainder

of Article 3 would be voted on. One must ask himself what would happen if either failed and if section 3.03 were adopted and the entire remainder of the article were not adopted so that the entire Article 3 would then consist of section 3.03, would it make sense?

If it would not, then the division is not proper. On the other hand, if section 3.03 failed of adoption and the entire remainder of the article were adopted, would it make sense? If not, the division is improper. The important thing to keep in mind is that this is a simultaneous test. You must determine that whichever way the voting, what is left will in the language of the rule present a matter of substance. In other words, it will make sense.

Now, this is relatively simple in the case of one amendment to one section because all you are considering is whether or not a particular section standing alone would make sense with or without the amendment. It is quite a different question now because you are considering the section in the context of the entire article and of the entire constitution.

We no longer have the situation that if any article fails, the corresponding article of the previous constitution would remain in effect because section 10.02 provides that upon the effective date of this constitution, July 1, 1968, the preceding Constitution ceases to have effect and, therefore, we apply the test in the light of this document alone. That would mean, to come back to my illustration, that if we had one section on which a division was called for that provided how members of the General Assembly were to be elected, the Chair would have to rule that it was not divisible. If it alone were adopted and the remaining portions of Article 3 were not, there would be no provision for a General Assembly. However, you would have a provision for election of legislators to a non-existing General Assembly. This would not make sense.

The net result is that on such examination of the entire constitution, as the Chair has been able to give, I do not think it is possible to have a division of any section from any article with the possible exception of some sections in Article 1, possibly some in Article 10, possibly some in the schedule of transitional provisions, and some in the schedule of legislation.

This is important because it means that if you desire to present separately some question as to a particular section, your only real opportunity to do so is when the