

THE CHAIRMAN: In the absence of objection, the typographical corrections will be made to change the numeral "5" in line 12 to the numeral "20," and to change the numeral "35" in line 14 to the numeral "40."

Is there any objection?

The amendment will be corrected.

Delegate Sherbow, does that appear anywhere else in the amendment, do you know?

DELEGATE SHERBOW: I am reading this now for the first time.

THE CHAIRMAN: Would you please look at it while the reading clerk is reading?

DELEGATE SHERBOW: Yes, sir.

THE CHAIRMAN: Mr. Clerk, please read the amendment.

READING CLERK: Amendment No. 9 to Committee Recommendation LB-1 by Delegate Sherbow: On pages 1 and 2 of Committee Recommendation LB-1 strike all of Section 3.04, Composition of the Legislature, and insert in lieu thereof the following section:
"Section 3.04. Composition of the Legislature.

The number of members of each house of the legislature shall be as prescribed by law, but the number of votes in the House of Delegates shall not exceed one hundred twenty and the number of members of the Senate shall not exceed forty. Each delegate shall represent one delegate district and each senator shall represent one senate district."

THE CHAIRMAN: For what purpose does Delegate Sherbow arise?

DELEGATE SHERBOW: It requires an amendment at the point the clerk concluded reading. In line 14, instead of "not exceed 40," it should say "not exceed one-third thereof."

THE CHAIRMAN: In the absence of objection, in line 14, strike the numeral "40," which was substituted for the numeral "35," and insert the words "one-third thereof."

For what purpose does Delegate Wheatley rise?

DELEGATE WHEATLEY: Mr. Chairman, in line with the policy we have adopted, would I be correct in assuming that we will divide the issue after the words "one-third thereof"?

THE CHAIRMAN: We will divide the question so that the question of single member district can be presented separately.

DELEGATE WHEATLEY: Thank you, Mr. Chairman.

THE CHAIRMAN: The Clerk will proceed with the reading.

READING CLERK: "Each senator shall have one vote in the Senate. Each delegate shall have one vote in the House of Delegates, except delegates from those counties which are so insufficient in population that they are not entitled to elect at least one delegate completely from within the boundaries of the county. In only these insufficient population counties, one delegate shall be elected from the entire county casting a percentage vote weighted in accordance with the population of the county. If any county entitled to more than one delegate is completely surrounded by counties so insufficient in population that all their delegates cast a percentage vote, that county shall be entitled to its full number of delegates with one vote plus one delegate casting a percentage vote."

THE CHAIRMAN: Is the amendment seconded?

(Whereupon, the amendment was duly seconded.)

THE CHAIRMAN: The Chair recognizes Delegate Sherbow to speak to the amendment.

DELEGATE SHERBOW: Mr. Chairman, I saw this amendment for the first time today and I have offered it because I believe by the democratic processes this assemblage has the right to the opportunity to debate those issues which arise.

In the course of the debate on the subject of the number of delegates and senators in the General Assembly, the point was made that if the General Assembly had one number, there would be an opportunity given to this convention to vote on the subject of fractional voting; if, however, the larger number prevailed, and it did, that they would not then have this amendment before them. I said, and I believe I am right, that it is the kind of development that I would be willing to foster, namely, present such a resolution for its decision to you.

The amendment presented, or drafted originally by Senator James Clark provides in effect that each senator have one vote