

fication here is one that raises serious questions under the equal protection of the laws clause. However, in order to achieve the objective of a small efficient assembly and in order to achieve the further objective of seeing that each county had some representation, I for one would swallow the Clark amendment, although it goes down hard. However, I will not swallow it, since just a few minutes ago the objective of a small, efficient legislature was repudiated and the arguments made by our able Chairman also were repudiated.

I certainly see no obligation to swallow this constitutional monstrosity at the level of 120, but I will take it at the level of 108 or 105, and I support Senator Clark's amendment to the amendment.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment to the amendment?

DELEGATE RALEY: Mr. Chairman, I wanted to ask Delegate Scanlan a question.

THE CHAIRMAN: Delegate Scanlan, will you yield to a question?

DELEGATE SCANLAN: It is a pleasure, Senator Raley.

DELEGATE RALEY: Delegate Scanlan, you have been through this mill, you are very famous down our way.

DELEGATE SCANLAN: It is nothing.

DELEGATE RALEY: The question that occurs to me in looking at this is that under the one-man, one-vote principle, I assume it embraces everything including legislative representation.

If you have fractional voting, that is, percentage voting it means that the delegate that would be a representative would not be able to participate fully in everything, and would this not violate committees and everything else that goes on? Would this not violate the one-man, one-vote ruling?

DELEGATE SCANLAN: Senator Raley, as I understand it, the representative from the under-populated county, as the phrase appears here, would have all the privileges of membership. He would participate in the debate, and would serve on committees, only his vote in committees or his vote on the floor would count for a fraction, 70 per cent, or 50 per cent, as the case might be.

I think that part does not give rise to constitutional problems. What disturbs me is the classification between the type of

counties that would be entitled to this type of representation, and the class of counties that would be denied the extra fraction that they otherwise would be entitled to by their population.

I do not want to predict how it will come out one way or the other, but it certainly is obviously an invitation to constitutional interpretation, although I have no urge to undertake the same. There is no question there is a cloud about its constitutionality, but in order to achieve other objectives, I for one would run the risk.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment to the amendment?

Delegate Darby?

DELEGATE DARBY: Mr. Chairman, I would like to suggest to the members of the Legislative Branch Committee that they do as their Chairman said they would, be graceful losers and let's get off this 105-35, 120-40 kick and get to the fractional voting.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment to the amendment?

Delegate Sherbow?

DELEGATE SHERBOW: I shall be brief. I urge you to put each of these matters in its right context.

It was necessary and proper that you be given the opportunity to vote on fractional voting. It was offered to you on the basis of what you had debated for two and a half or three hours, 120 in the House of Delegates, 40 in the Senate.

The amendment now before you by Delegate Clark from Howard County puts you back where you were when you left yesterday afternoon. When you vote against it, and I hope you do vote against the amendment to the amendment, you will then have before you for such action as you deem proper the right to vote on 120 and 40 and fractional voting.

I hope you will vote against the amendment to this amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment to the amendment?

Delegate White.

DELEGATE WHITE: I wonder if Delegate Sherbow would yield for a question.

THE CHAIRMAN: Delegate Sherbow, do you yield to a question?