

will retract that first part and leave that 120 in, just as we had it.

THE CHAIRMAN: In the absence of objection, typographical error will be corrected by striking all of lines 1, 2, 3 and 4.

DELEGATE WEIDEMEYER: That is correct.

THE CHAIRMAN: Strike all of lines 1, 2, 3 and 4. Is the amendment seconded?

*(Whereupon, the motion was duly seconded.)*

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

DELEGATE WEIDEMEYER: Mr. President, members of the Convention:

This amendment would then leave in for the House of Delegates the number of 120 as decided this morning. If the delegates will turn to the memorandum accompanying Delegate Proposal No. 224, we will not be dealing in just bare numbers and suppositions as to what can happen under it, because there you will find the population of each county and the population of Baltimore City.

I might say this, that I am more in favor of this way of voting in the Senate than I was in the House, for two reasons: I think that it is more important that every subdivision have at least one senator than that each subdivision have a member in the House, because the function of the Senate is vastly different from that of the House. The senators have to confirm appointments within their counties, unless we vastly change the situation, and another thing, each senator would be running within his own county, and the county boundaries would be fixed. The only boundaries, then, that would have to be fixed under the Constitution would be for the designing of the delegate boundaries, which would be based on full number of population for whole vote.

I want to say this, Mr. President and Members: There has been some doubt cast as to whether a plan of this kind would be Constitutional. It has been my understanding that the matter has only been in two or three courts. Two of the courts were out in the West, and there the legislatures tried to weigh voting plans without changing their own State Constitutions, so that when their plans went to the court for approval, the court necessarily had to find the plans not meeting their present Consti-

tutional provisions, not the Federal Constitution, but their own State's.

Now, in the *Lomenzo* case, which Delegate Henderson read from in New York, the disparity between one delegate and another was 19 votes to one. In working out this plan, as you will notice, the highest vote cast by any senator would be five votes, and every vote would be weighted on population.

With the population of three million, 3,100,689, divided by 173 votes, it would equal 17,923 population per vote.

Now, with a population of a minus 15, the number would come up to 15,235, and if you take a plus 15 from the mean, we come up with 20,611 votes.

I think if you look at this you will find that we could probably go quite a bit without changing the number of votes cast or the number of senators in the Senate. You will also notice that by this amendment, while we are establishing at this time 173 votes with 52 senators, I have based it not on projected figures, but on what the courts say we have to act, and that is the 1960 population.

THE CHAIRMAN: Delegate Weidemeyer, you have one minute.

DELEGATE WEIDEMEYER: Mr. President, I would say that in fairness, so that we get statewide representation, this plan by far offers the best way to satisfy all of our people, all over the State, because in the 120 they will be represented. There will be new delegate districts, but we will not have to redesign our county line, and each senator will be running within his county.

I want to say this, if you will notice we have 12 senators from Baltimore City. It does not change that. I think we now have seven senators from Baltimore County. They remain there. We have five, I think, from Prince Georges and Montgomery, and they will stay there. Each one of those five senators can stay there, with four votes, and as the population increases his voting power, perhaps, will just go to five votes.

THE CHAIRMAN: Your time is up.

DELEGATE WEIDEMEYER: Thank you, Mr. President. I ask for favorable consideration.

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

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chair-