

A problem has arisen for which we cannot look to history or tradition for an answer. In this era of reapportionment every ten years, possibly every five years, we must give special attention to what may happen, both to incumbents and would-be legislators as lines are redrawn. Our Committee was very much concerned with the legislator whose district might be drawn from under him. We discussed it at some length and thus we have the majority recommendation which permits a legislator who is districted out of the district where his residence is to run once again in any district which contains 50 per cent of the district which he formerly represented.

The minority maintains that this probably does not go far enough. I would like to cite three cases. First of all, an incumbent who is allowed to run once again and is reelected, then is faced with the problem of moving to keep his seat thereafter.

Secondly, there is a possibility that the incumbent finds his former district was so cut up that no new district contains 50 per cent of his old district. We played a very interesting game in our district; you can take a piece of paper or blackboard and draw a district and then draw lots of lines through it and it is very interesting how you can gerrymander and slice a district so that if you wish to have a district that no longer has 50 per cent of the old district, you can do it.

Thirdly, I would like to cite the person who is not yet elected. A citizen who has considered running for office, planned to run for office, been active politically was about to file, and suddenly his district was drawn from under him. In all cases unfairness has resulted.

These inequities lead us to suggest that the district residency requirement should be completely removed from the article. We feel the result would be a fairer, simpler article as far as the qualification for office is concerned.

The minority is well aware that our recommendation moves Maryland away from a practice that dates from 1851 and away from the practice of all the other states. But we submit this is a new problem which other states will face in due time because reapportionment is fairly new.

We are convinced that the district residence requirement is becoming an anachronism. It is not our intent that representatives should not really live in the district

they represent, obviously we think they should be close to the people and ideally they should live there. But we feel strongly that the time has come when we must let the people have this responsibility totally. We are convinced that with modern means of communication and the increased visibility of public officials which this Convention is trying to achieve, that it will be perfectly safe to leave it to the voters in a district to prevent carpetbagging.

I point out to you at the Congressional level we have never had district residence requirements, and I do not think you can cite many cases of abuse at the Congressional level in this.

We do not feel the Convention should overlook the problem of the officeholder or would-be officeholder who lives on the periphery of a district. With 120 single member districts being redrawn every ten years, we do not want to leave the door open for unfairness or gerrymandering.

Therefore, I urge the adoption of this amendment.

THE CHAIRMAN: Are there any questions of the minority spokesman for the purpose of clarification? Delegate Case.

DELEGATE CASE: Delegate Hopkins, would this proposal not run counter to the theory of single districts which we heard so much about yesterday?

DELEGATE HOPKINS: I do not quite understand why.

DELEGATE CASE: As I understand it, take my county, for example, Baltimore County, under this proposal could you not work up a ticket of people who did not live in a particular district so that you would in effect not have the elected representative from that district? Could you not have the kind of political shenanigans that Delegate Sickles was talking about yesterday?

DELEGATE HOPKINS: Possibly this could happen, but our case rests on the fact that we think with the smaller districts and a shorter ballot, you are less likely to fool the people. This was one of our big arguments for single member districts: that we want smaller districts where the voters will be more informed about those running for office.

The reverse of this is that by political shenanigans when the legislature redraws the line, they could draw in or out for those they either wanted to keep or get