

same, with one exception: When the article was adopted, 10,000 signatures were required to petition a statewide law to referendum. In 1962 the General Assembly proposed an amendment to set this figure at three percent of the number who had voted in the last gubernatorial election. This amendment was ratified in the election held in November of the same year. At that time 193,840 voted for the amendment, 124,600 voted against. Forty percent of the people who went to the polls on that day voted on the amendment.

The effect of this amendment was to require that at the time of its ratification approximately 23,000 signatures were necessary to petition an act to referendum.

The Committee memorandum includes on page 9 a table indicating all the acts which have been successfully petitioned to referendum, and the results on these issues. Of the 12 questions submitted to a vote of the people, the action of the legislature was upheld on 8 occasions, and on 4 occasions acts were rejected.

The Committee engaged in extensive research on the subject of referendum, not only in Maryland, but also on its use in other states.

The Committee devoted twelve working days to discussion and consideration of this subject, exclusive of the various lengths of time that were spent on research. The Committee heard from representatives who had taken an active part in various petition drives. The technical aspects of the referendum procedure were discussed with representatives of the Attorney General's office. The Committee has made every effort to explore all of the possible ramifications of the various proposals which were referred to us.

The Committee reached its conclusions only after giving full consideration to the experience of Maryland, both from the point of view of the participation of the citizens, and to the impact upon the legislative process.

I would like to quote from our memorandum accompanying S&E-1 at page 2:

"The Committee was concerned that the requirements for the referendum provision be sufficient to prevent frivolous use to frustrate legislative action, but also that the requirements permit use of the tool if a significant number of voters wish to do so."

The Committee was unanimous that the

referendum should continue to be a part of our constitution.

At this point I would like to remind you that our Committee based its recommendations upon two assumptions: (1) that the legislature will pass only public general laws; and (2) that the present procedure that each bill shall embrace but a single subject will be continued.

I might say parenthetically that I reviewed very briefly and superficially, so far, the first recommendation of the Local Government Committee, and I do not think there is anything in that recommendation and report that is done any disservice or any harm by any of our provisions; and I think that the assumptions, until I stand corrected, that the Committee made remain valid.

Section 1 of S&E-1 is a simple declarative statement, similar in language to our present Constitution. The people reserve to themselves the power known as the referendum.

Section 2 discusses, or provides for what legislation is subject to referendum.

The present Constitution exempts from referendum any law making an appropriation for maintaining the state government or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose. In other words, it does permit increases in appropriations to be petitioned.

The present Constitution also exempts legislation licensing, regulating, prohibiting, or submitting to local option the manufacture of malt or spiritus liquors. The Committee recommendation differs from the present Constitution in that it exempts the entire appropriation for maintaining state government or for maintaining or aiding any public institution and would not permit the increase over the previous appropriation to be petitioned.

The present Constitution has been interpreted to mean that certain tax measures are appropriations measures within the meaning of Article XVI. The Committee wishes to be explicit in its intention to exclude tax measures from the referendum process.

The Committee is confident that the new constitution will provide for prompt and equitable apportionment, districting, and Congressional districting. For this reason, the Committee has excepted such legislation from coverage by this article.