

The present Constitution requires three per cent, a figure which is lower than 18 of the 21 other states which permit referenda.

Ten states require a five per cent requirement, and six have ten per cent.

The others have six per cent.

Most of these figures are tied to the vote in the preceding general election for a state-wide official though not necessarily the governor.

Committee Recommendation S&E-1 provides that not more than one-half of the required number of signatures can be registered voters of Baltimore City or of any one county.

This is the same provision as is in the present Constitution. The Committee believes it is a reasonable requirement and would prevent the residents of one jurisdiction from attempting to employ the referendum, without regard to the rest of the State.

Under the present Constitution, there is no uncertainty about when an act petitioned to referendum is to be submitted to the voters.

The Committee noted, however, that a number of proposals were introduced in the Legislative Branch Committee which made it possible that the legislature would be meeting at times different from the present.

In order to permit the petitioners a reasonable time in which to present their case to the voters, the Committee has recommended a provision which would provide that the election in which the question is placed on the ballot cannot occur less than four months after the law was enacted.

If the legislature continued meeting as they do now, this of course would have no effect. If the legislative session dates were changed, it would still protect against the possibility of a question appearing on the ballot without sufficient public discussion and debate.

This would also grant the right of referendum in a meaningful manner, on the legislation enacted in a special session that occurs closer to an election.

The present Constitution provides that if one-half of the required number of signatures is submitted before June 1, the legislation stands suspended to give the petitioners another thirty days to secure the

balance of the required signatures. These provisions under the present Constitution could make available as little as twenty-five days to an interested group of citizens to secure the first half of their required signatures.

Committee Recommendation S&E-1 distinguishes between merely referring the law and suspending the effect of the law.

Under the Committee recommendation the petitioners have the full sixty days available during which they may attain signatures. If you will look at S&E-1, you will note that there is no calendar date there. It is all in terms of thirty or sixty days after the date of enactment. They have the sixty days regardless of when the bill becomes effective.

The Committee was unable to anticipate what recommendation would be made by the Legislative Branch Committee, or what the Convention action might be concerning effective dates of law. Therefore, no date can be mentioned in the recommendation, even if the Committee had decided to do so.

I would like to point out that the Committee recommendation has the virtue of being independent of the legislative provision. No group is placed at a disadvantage in obtaining its signatures because the governor delayed signing a bill.

The Committee considered the suspension of a law of greater importance than merely referring the law, and has imposed an additional petition requirement. To suspend the effect of a law, the Committee recommends that one-half of the required number of signatures must be submitted within thirty days after enactment.

If this requirement is met, then the effect of the law is suspended to permit the petitioners the additional thirty days to obtain the balance of the signatures.

The court in *Tyler v. Secretary of State*, cited in the Committee Recommendation, used the following language: "The exercise of the right of referendum is drastic in its effect. The very filing of a petition, valid on its face, suspends the operation of any of a large class of legislative enactments, and provides an interim in which the evil designed to be corrected by the law continue unabated, or in which a need intended to be provided for may continue unsatisfied."

The Committee agreed with the court on the importance of the effect of suspending a law. For this reason, it has imposed a